



EO-826
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Yellowman:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) recently mailed you an invitation (dated February 29, 2008) to attend a two-day government-to-government Tribal consultation summit to discuss the Dakota, Minnesota & Eastern Railroad Corporation's (DM&E) construction project into the Powder River Basin. The summit will be held on April 1-2, 2008 at the Kings Inn Conference Center in Pierre, South Dakota.

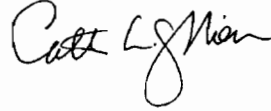
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Sincerely,

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Cathy Glidden
Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Flying-Man, Chairman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Ms. Peterson:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) recently mailed you an invitation (dated February 29, 2008) to attend a two-day government-to-government Tribal consultation summit to discuss the Dakota, Minnesota & Eastern Railroad Corporation's (DM&E) construction project into the Powder River Basin. The summit will be held on April 1-2, 2008 at the Kings Inn Conference Center in Pierre, South Dakota.

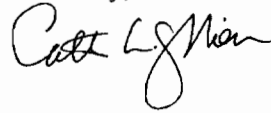
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Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
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Washington, DC 20423-0001
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Cc: Mr. Brings Plenty, Chairman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Ms. Toahy:

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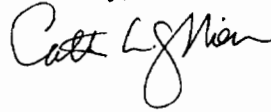
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Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
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Cc: Mr. Coffey, Chairman
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Thompson, Jr.:

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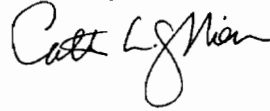
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Cathy Glidden
Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
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Catherine.Glidden@stb.dot.gov

Cc: Mr. Thompson, Jr., Chairman
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

Mr. Dale Old Horn
Tribal Historic Preservation Officer
Crow Nation
P.O. Box 159
Crow Agency, MT 59022

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Old Horn:

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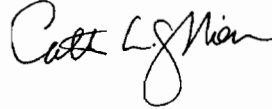
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Cc: Mr. Venne, Chairman
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

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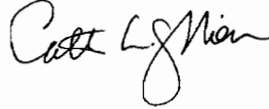
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Cc: Mr. Posey, Chairman
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
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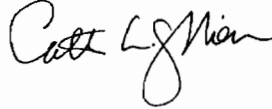
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Cc: Mr. Weston, President
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
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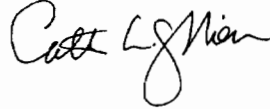
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Cc: Mr. Morales, Chairman
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
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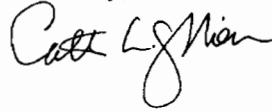
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Cc: Mr. Lewis, President
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

Ms. Dewey Tsonetokoy
NAGPRA Office
Kiowa Tribe of Oklahoma
P.O. Box 369
Carnegie, OK 73015

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
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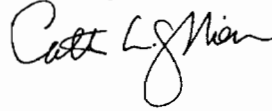
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

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Extension

Dear Mr. Jones:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) recently mailed you an invitation (dated February 29, 2008) to attend a two-day government-to-government Tribal consultation summit to discuss the Dakota, Minnesota & Eastern Railroad Corporation's (DM&E) construction project into the Powder River Basin. The summit will be held on April 1-2, 2008 at the Kings Inn Conference Center in Pierre, South Dakota.

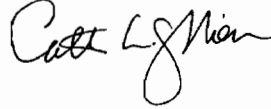
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Sincerely,

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Cathy Glidden
Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Jandreau, Chairman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Ms. Halverson:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) recently mailed you an invitation (dated February 29, 2008) to attend a two-day government-to-government Tribal consultation summit to discuss the Dakota, Minnesota & Eastern Railroad Corporation's (DM&E) construction project into the Powder River Basin. The summit will be held on April 1-2, 2008 at the Kings Inn Conference Center in Pierre, South Dakota.

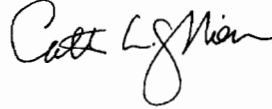
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Cathy Glidden
Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Ms. Tracy, President
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Grignon:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) recently mailed you an invitation (dated February 29, 2008) to attend a two-day government-to-government Tribal consultation summit to discuss the Dakota, Minnesota & Eastern Railroad Corporation's (DM&E) construction project into the Powder River Basin. The summit will be held on April 1-2, 2008 at the Kings Inn Conference Center in Pierre, South Dakota.

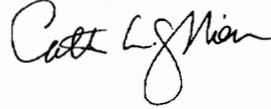
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Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Ms. Waukau, Chairwoman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Ms. White:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) recently mailed you an invitation (dated February 29, 2008) to attend a two-day government-to-government Tribal consultation summit to discuss the Dakota, Minnesota & Eastern Railroad Corporation's (DM&E) construction project into the Powder River Basin. The summit will be held on April 1-2, 2008 at the Kings Inn Conference Center in Pierre, South Dakota.

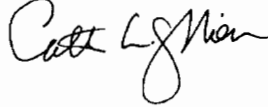
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Cathy Glidden
Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Brannan, Chairman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Fisher:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) recently mailed you an invitation (dated February 29, 2008) to attend a two-day government-to-government Tribal consultation summit to discuss the Dakota, Minnesota & Eastern Railroad Corporation's (DM&E) construction project into the Powder River Basin. The summit will be held on April 1-2, 2008 at the Kings Inn Conference Center in Pierre, South Dakota.

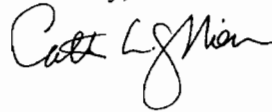
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Cathy Glidden
Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Little Coyote, President
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Ms. Whiting:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) recently mailed you an invitation (dated February 29, 2008) to attend a two-day government-to-government Tribal consultation summit to discuss the Dakota, Minnesota & Eastern Railroad Corporation's (DM&E) construction project into the Powder River Basin. The summit will be held on April 1-2, 2008 at the Kings Inn Conference Center in Pierre, South Dakota.

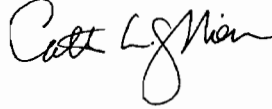
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Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Yellow Bird Steele, President
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Provost:

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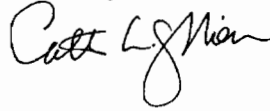
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Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Parker, Chairman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Ms Alexander:

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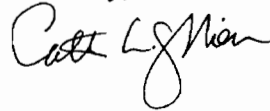
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Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Howell, President
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Robinette:

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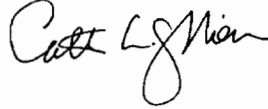
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Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Wright Jr., Chairman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Mogan:

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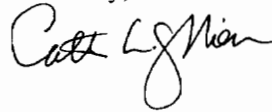
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Section of Environmental Analysis
Surface Transportation Board
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Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Ms. Bennett, President
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Eagle Bear:

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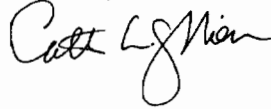
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Sincerely,

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Cathy Glidden
Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherinc.Glidden@stb.dot.gov

Cc: Mr. Bordeaux, President
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Campbell:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) recently mailed you an invitation (dated February 29, 2008) to attend a two-day government-to-government Tribal consultation summit to discuss the Dakota, Minnesota & Eastern Railroad Corporation's (DM&E) construction project into the Powder River Basin. The summit will be held on April 1-2, 2008 at the Kings Inn Conference Center in Pierre, South Dakota.

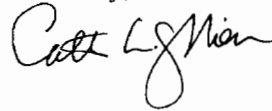
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Cathy Glidden
Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Trudell, Chairman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

Mr. Leonard Wabasha
Cultural Committee
Shakopee Mdewakanton Sioux (Dakota) Community of Minnesota
2330 Sioux Trail NW
Prior Lake, MN 55372

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Wabasha:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) recently mailed you an invitation (dated February 29, 2008) to attend a two-day government-to-government Tribal consultation summit to discuss the Dakota, Minnesota & Eastern Railroad Corporation's (DM&E) construction project into the Powder River Basin. The summit will be held on April 1-2, 2008 at the Kings Inn Conference Center in Pierre, South Dakota.

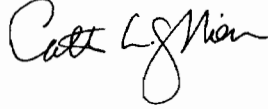
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Cathy Glidden
Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Crooks, Chairman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Ms. Desrosiers:

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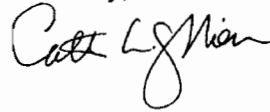
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Cathy Glidden
Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Selvage, Chairman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

Mr. William Ambrose Littleghost
Cultural Committee
Spirit Lake Tribe
P.O. Box 359
Ft. Totten, ND 58335

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Ambrose Littleghost:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) recently mailed you an invitation (dated February 29, 2008) to attend a two-day government-to-government Tribal consultation summit to discuss the Dakota, Minnesota & Eastern Railroad Corporation's (DM&E) construction project into the Powder River Basin. The summit will be held on April 1-2, 2008 at the Kings Inn Conference Center in Pierre, South Dakota.

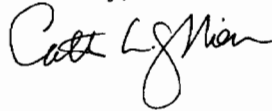
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Cathy Glidden
Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Ms. Pearson, Chairwoman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

Mr. Tim Mentz, Sr.
Tribal Historic Preservation Officer
Standing Rock Sioux Tribe
P.O. Box D
Ft. Yates, ND 58538-0522

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Mentz, Sr.:

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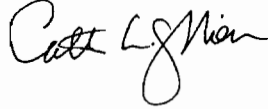
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Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. His-Horse-Is-Thunder, Chairman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

Mr. Perry Brady
Tribal Historic Preservation Officer
Three Affiliated Tribes (MHA Nation)
404 Frontage Road
New Town, ND 58763

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Brady:

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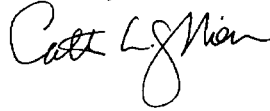
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Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Wells, Jr., Chairman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

Mr. Brady Grant
Tribal Historic Preservation Officer
Turtle Mountain Band of Chippewa
P.O. Box 900
Belcourt, ND 58316

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

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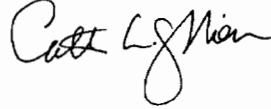
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Cathy Glidden
Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Brien, Chairman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

Mr. Scott Larsen
Board Member
Upper Sioux Indian Community
P.O. Box 147
Granite Falls, MN 56241-0147

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Larsen:

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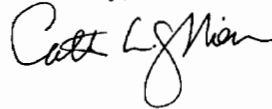
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Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Jensvold, Chairman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

Mr. David Lee Smith
Tribal Historian
Winnebago Tribe of Nebraska
100 Bluff Street, P.O. Box 687
Winnebago, NE 68071

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Smith:

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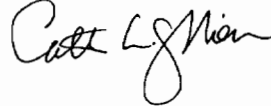
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Section of Environmental Analysis
Surface Transportation Board
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(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Pilcher, Chairman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

Ms. Faith Spotted Eagle
Cultural Committee
Yankton Sioux Tribe
P.O. Box 248
Marty, SD 57361

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Ms. Spotted Eagle:

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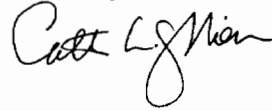
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Sincerely,

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Cathy Glidden
Environmental Protection Specialist
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

Cc: Mr. Cournoyer, Chairman
distribution list
Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Ms. Barnum:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) recently mailed you an invitation (dated February 29, 2008) to attend a two-day government-to-government Tribal consultation summit to discuss the Dakota, Minnesota & Eastern Railroad Corporation's (DM&E) construction project into the Powder River Basin. The summit will be held on April 1-2, 2008 at the Kings Inn Conference Center in Pierre, South Dakota.

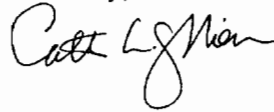
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Section of Environmental Analysis
Surface Transportation Board
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Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Johnson:

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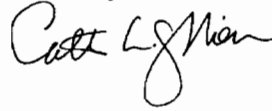
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Section of Environmental Analysis
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Ritchie:

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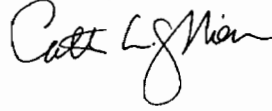
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Section of Environmental Analysis
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Ms. Tratebas:

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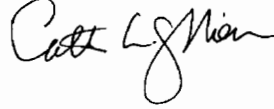
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Cathy Glidden
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Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0293
Catherine.Glidden@stb.dot.gov

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Attachments



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Kangas:

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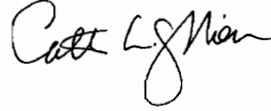
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

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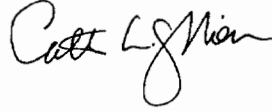
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Mr. Mather:

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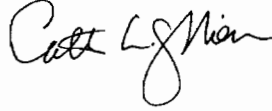
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

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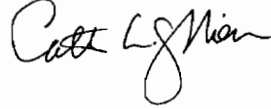
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

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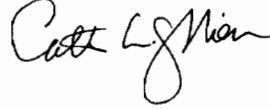
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

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

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Ms. Rutson:

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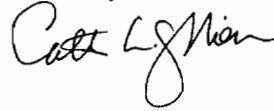
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Sincerely,

A handwritten signature in black ink, appearing to read "Cathy Glidden", with a stylized flourish at the end.

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

March 17, 2008

Ms. Katry Harris
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Washington, DC 20004

Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
Construction into the Powder River Basin; Work Plan for Tribal Involvement and PA
Extension

Dear Ms. Harris:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) recently mailed you an invitation (dated February 29, 2008) to attend a two-day government-to-government Tribal consultation summit to discuss the Dakota, Minnesota & Eastern Railroad Corporation's (DM&E) construction project into the Powder River Basin. The summit will be held on April 1-2, 2008 at the Kings Inn Conference Center in Pierre, South Dakota.

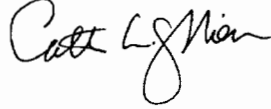
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Section of Environmental Analysis

March 17, 2008

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Government Affairs Director
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Sioux Falls, SD 57101

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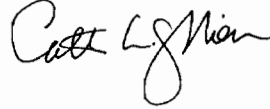
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March 17, 2008

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Re: Finance Docket No. 33407, Dakota, Minnesota & Eastern Railroad Corporation
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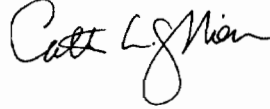
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99 23rd Avenue, West
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Work Plan for Tribal Involvement

Prepared by

The Surface Transportation Board's Section of Environmental Analysis

March 17, 2008

A. INTRODUCTION

During the Tribal Summit meeting held in Rapid City, October 9–11, 2007, participating Tribal Historic Preservation Officers and Cultural Committee Representatives (Tribes) provided the Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) with a draft work plan for identifying and evaluating properties of traditional religious (spiritual) and cultural significance which may be affected by the Dakota, Minnesota, & Eastern Railroad Corporation's (DM&E) Powder River Basin Expansion Project (Project). The proposed draft work plan addressed two primary goals:

- 1) Completion of a **Field Inventory** of Traditional Cultural Properties (TCPs) located within the Project's Area of Potential Effect (APE);
- 2) Development of a **Tribal Study** that would assess the traditional importance/value of the overall project area.

In this work plan, SEA has developed a process that blends the two above goals with STB regulatory requirements for the identification, assessment and treatment of historic properties, including TCPs. This process outlines procedures for:

- 1) Consulting Tribes in the identification of properties listed in or eligible for listing in the National Register of Historic Places (National Register);¹
- 2) Developing an Office of Tribal Involvement;
- 3) Performing a Tribal Study of the project area.

This work plan also includes provisions for the development of treatment plans; Tribal monitoring during construction; providing training for project participants (including cross-cultural sensitivity

¹ Criteria for National Register Evaluation: The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and: (a) that are associated with events that have made a significant contribution to the broad patterns of our history; or (b) that are associated with the lives of persons significant in our past; or (c) that embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or (d) that have yielded, or may be likely to yield, information important in prehistory or history.
(<http://www.nps.gov/history/nr/about.htm>)

DM&E Powder River Basin Expansion Project

training, railroad safety training, and procedural orientation regarding administrative matters such as contracting and payment plans); resolving disputes; establishing a confidentiality policy; clarifying participant roles and responsibilities; and improving overall project communication.

B. STB CONDITIONS AND REQUIREMENTS

On February 13, 2006, STB issued its Decision in Finance Docket No. 33407 for the Project. STB's approval of the Project stipulated that DM&E comply with 147 environmental conditions. Four of these conditions (Conditions 105-108) were developed to mitigate the project's potential impacts to cultural resources. This work plan primarily addresses compliance with the provisions of Conditions 106 and 107.

Condition 106 stipulates that DM&E comply with a Programmatic Agreement (PA) and associated Identification Plan (ID Plan) developed under Section 106 of the National Historic Preservation Act (NHPA) to consider the undertaking's effects on historic properties listed in or eligible for listing in the National Register. The regulations which implement Section 106 (36 CFR Part 800) require that: STB provide Tribes a reasonable opportunity to identify their concerns about historic properties; advise on the identification and evaluation of historic properties, including those of traditional religious (spiritual) and cultural importance; articulate their views on the undertaking's effects on such properties; and participate in the resolution of adverse effects [see 36 CFR 800.2(c)(2)].

Condition 107 stipulates that DM&E implement the mitigation measures included in the Memorandum of Agreement (MOA) drafted in 2001 and included in the Final EIS (see attached copies of PA and MOA).²

In order to satisfy the terms of the PA and the MOA, STB and DM&E will, among other things, meet the following key objectives for **Tribal involvement** including:

- Identification, planning, and treatment of historic properties including, but not limited to, TCPs, sacred sites and properties of traditional religious (spiritual) and cultural importance to Tribes;
- Assessment of the Project's effects on National Register-eligible, or listed properties of traditional religious (spiritual) and cultural importance to affected Tribes;
- Consultation with Tribes to determine areas outside the newly acquired right-of-way (ROW) where there is potential for the undertaking to have an adverse effect on historic properties (including TCPs);
- Development of an ethno-historic record/report of the proposed rail corridor (Stipulation 10 of the MOA);

² DM&E will consult with all interested tribes on implementation of the MOA stipulations regardless of their status as signatories to the MOA; however, DM&E assumes no obligation for fulfilling those stipulations included in the MOA which do not assign a particular role to DM&E. This exclusion includes those stipulations already fulfilled prior to the date that STB issued its Decision (February 15, 2006) and those specifically assigned to other parties.

DM&E Powder River Basin Expansion Project

- Identification of project segments where construction activities must be monitored by Tribes to ensure that unanticipated late discoveries of human remains or properties of traditional religious (spiritual) and cultural importance are properly reviewed and treated;
- Any monitoring program developed will include a training component pursuant to Stipulation 8 of the MOA;
- The development of a notification procedure to alert Participating Tribes in the event of unanticipated discoveries of human remains or artifacts, during the life of the railroad (Stipulation 15 of the MOA);
- The development of procedures, in consultation with Tribes regarding the disposition of human remains or funerary items as provided in the discovery clause of the PA (Provision H) and Stipulation 7 of the MOA;
- Consultation with Tribes regarding the curation of materials, particularly those collected on State or Federal lands;
- Providing Tribes with opportunities to participate in the development of any studies that may be performed of plants/ethnobotany, animals/aquatic plants and animals of the area of the proposed route (Stipulation 9 of the MOA);
- Compliance with the Endangered Species Act (Stipulation 12 of the MOA);
- Completion of sufficient testing, as determined by the DM&E's project archaeologist, THPO/State Historic Preservation Office (SHPO), Federal agency managing the land, and the Native American monitor on those sites suspected to be National Register-eligible, in order to develop treatment plans or other methods to address adverse effects;
- DM&E and the participating Tribes will work together to develop an active recruitment and training program for the employment of American Indian people outside the monitoring program in carrying out construction activities in the building of the railroad. DM&E will identify and recruit qualified personnel from participating Tribes for long-term employment, and contract opportunities for qualified American Indian contractors (Stipulation 13 of the MOA);
- Participating Tribes will establish a Tribal mediation component (group, task force) for consensus building. This component would be included in the Management Plan and would provide oversight (both short and long term), and would be a long-term on-going liaison between the Tribes and the project, responsible for inter-tribal conflict resolution and internal Tribal disagreements, as they pertain to the Project (Stipulation 16 of the MOA);
- Compliance with the confidentiality provisions of Section 304 of the NHPA, as amended, and Section 9 of the Archaeological Resources Protection Act and Executive Order on Sacred Sites 13007 FR 61-04 dated May 24, 1996 (PA Provision I).

C. PROCESS FOR COMBINING TRIBAL GOALS AND STB REQUIREMENTS

1. Establishment of the Office of Tribal Involvement (Draft Outline)

The Office of Tribal Involvement (OTI) will coordinate tribal participation and assist Tribes in carrying out their roles and obligations as specified in this Work Plan. OTI will be established and operated by participating Tribes and will act in an advisory capacity to Tribes participating in the DM&E Project. The Office will be led by an Office Director who will develop its organizational structure and operating policies, and procedures. The following list of key office features and functions were developed by Tribal representatives in committee. **Final details regarding the establishment of the OTI and its role in the Project are provided as part of a separate OTI Proposal developed by DM&E.**

a. Potential Office Location

Potential OTI locations may include: Wakpa Sica in Fort Pierre; Great Plains Chairman's Association/Health Board Center in Rapid City; and Intertribal Bison Cooperative in Rapid City. Wakpa Sica is preferred, based on its centralized geographic location and availability of office space.

b. Staffing

The Office of Tribal Involvement will be staffed by the following personnel:

- *Office Director* – The OTI Director will have primary responsibility for directing office operations, preparing and controlling office budgets, recruiting and hiring staff, and developing office policies.
- *Historic Preservation Specialist* – The HPS will review DM&E reports, makes personnel assignments and assign field duties, as needed. The HPS must meet the minimum qualifications outlined in the Secretary of Interior's Qualifications Standards.
- *Administrator* – The Administrator will be responsible for answering phones, processing mail, completing correspondence and perform general office functions, as directed.

c. Primary Office Functions

- *Archaeological Report Reviews.* - OTI will oversee the review of DM&E archaeological reports and will coordinate with participating Tribes regarding the National Register eligibility of archaeological sites as Traditional Cultural Properties. The Office will prepare comments on archaeological reports for consideration by Tribes regarding archaeological survey findings and recommendations based on input from participating

DM&E Powder River Basin Expansion Project

Tribes and elders. The Office will coordinate Tribal responses to ensure that confidential information is not released.

- *Field Investigations of Traditional Cultural Properties* - OTI will contract for completion of field investigations as part of the process for report reviews (see Section C2 below) and will also contract for completion of the Tribal Study (Section C3). OTI will coordinate with participating Tribes to provide appropriate field staff including elders to inspect site areas.
- *Construction Monitoring*. - OTI will provide Tribal cultural specialists to monitor DM&E project construction for the purposes of reporting unanticipated discoveries as well as safeguarding and protecting sites of traditional and cultural significance that may be identified for avoidance during construction.
- *Contracting* - OTI will develop a unified budget process for contracting Tribal cultural specialists and construction monitors as well as other related functions for the DM&E Project.
- *Register of Sacred Sites* - OTI will gather and retain information about sacred sites identified within the DM&E Project area and will be responsible for ensuring that confidential information is not released.
- *Training* - OTI will coordinate with DM&E personnel to provide the training as listed in Section C.7 of this work plan.
- *Project Tracking* - The Office Director will develop an information management system for tracking project activities, budgets and invoicing, project planning, and office administration.
- *Communications* - OTI will serve to coordinate communications between participating Tribes, DM&E, STB and other parties, as appropriate.

2. Identification of Traditional Cultural Properties

STB recommends that Tribes begin the TCP identification process by first reviewing background information and survey findings presented in the archaeological survey reports completed by DM&E. These reports will provide Tribes with baseline data to identify potential TCPs. Following Tribal review of reports, if needed, Tribes will have an opportunity to perform field reviews at areas identified within the reports by Tribes as potential TCPs. Tribal representatives would also have opportunities to complete on-the-ground site inspections within the project area as part of the Report Review Process outlined below.

a. Process for Report Review without Field Checks:

STB will distribute draft archaeological survey reports to Tribes for a 30-day review period in accordance with the terms of the PA. Each THPO, or the cultural resources representative designated by the Tribe, will submit any comments they may have regarding each report directly to STB within 30 days of receipt, including recommendations regarding the National Register eligibility of identified sites.³ THPOs, or the cultural resources representative designated by the Tribe, may coordinate their reviews and responses with OTI. OTI will compile responses and assist reviewers to ensure thoroughness, accuracy and timely completion.

b. Process for Report Review with Field Checks:

Tribes will be provided an extra 30-day period when field visits are needed and requested to better assess the National Register eligibility of sites identified by Tribes as potential properties of traditional religious (spiritual) and cultural significance. DM&E will make arrangements to initiate field visits within one week following expiration of the normal 30-day review period for archaeological survey reports. Tribal representatives will accompany DM&E personnel to investigate site areas in order to provide more definitive recommendations regarding the National Register eligibility of potential TCPs. Each THPO or the cultural resources representative designated by each Tribe, will submit formal comments directly to the STB including recommendations regarding the National Register eligibility and TCP status of examined sites. All comments and recommendations provided by Tribe(s) will be treated in accordance with the Confidentiality clauses included in the PA (Stipulation I), ID Plan and MOA. OTI will help coordinate field visits and tribal comments to ensure timely completion.

c. Process for Tribal Participation in New and On-going Archaeological Fieldwork

As part of its planning procedure to initiate or resume new or on-going archaeological fieldwork, DM&E will provide advance notice to Tribes, and offer opportunities for designated Tribal representatives to join survey crews for the purpose of identifying and/or evaluating historic properties and TCPs. Tribal representatives will conduct investigations and will provide appropriate recommendations to their respective THPO or the cultural resources representative designated by the Tribe. As part of the archaeological survey, the Tribal representatives will consult with the THPOs and Tribally designated cultural resource representatives to assess the potential TCP status of identified resources. Based on this consultation, THPOs and Tribally designated representatives will provide recommendations

³ The attached form was developed to facilitate the review of archaeological survey reports. The form will be provided to participating Tribes along with each survey report distributed for review. The form should be completed by the THPO or a similarly designated Tribal government representative authorized to respond on behalf of the Tribe with regard to determinations of National Register eligibility and traditional cultural significance.

DM&E Powder River Basin Expansion Project

regarding National Register eligibility of potential TCPs directly to STB. OTI will help coordinate tribal representation on survey crews and assist THPOs in their review of information obtained from Tribal representatives.

3. Tribal Study (Alternative Mitigation Measure)

This work plan provides for the completion of a stand-alone study, directed by the Tribes, to assess the traditional cultural values of the project area as a whole (pursuant to Stipulations 6, 9, and 10 of the MOA). The Tribal Study would be conducted by an independent contractor(s) acceptable to the participating Tribes. The Tribal Study will rely on ethnographic studies, ethno-historic sources, archival research, and interviews with Tribal elders as well as a TCP pedestrian survey of the project area. It is anticipated that the Tribal Study will provide comprehensive information about affected traditional cultural values which will be combined with the site specific evaluations of the report review procedures. This combination of information will help the parties negotiate alternative mitigation measures responsive to the nature and scope of impacts to the belief systems of traditional communities. OTI will serve a critical role in the administration and implementation of this effort, and will assist in developing a final report that meets this need in a timely fashion.

4. Tribal Monitoring During Construction

Tribes will provide field staff to monitor construction activities for discovery situations pursuant to Stipulation B.2.e, Stipulation H-J and other applicable provisions of the PA.⁴ Representatives will monitor for discoveries of previously unrecorded properties, and for previously recorded properties affected in an unanticipated manner. Representatives will be contracted directly to DM&E for this effort, and will be assigned specific notification and recordation responsibilities to ensure that:

- 1) Appropriate Tribal authorities are promptly notified;
- 2) Appropriate treatment options are identified and implemented; and
- 3) Discoveries are appropriately recorded.

Monitors will consult with, and act on behalf of, their Tribal governments and will record and report observations and actions. The THPO or the cultural resources representative designated by each Tribe will inform DM&E of progress and concerns, provided that Tribes will not be required to divulge sensitive information that may compromise confidential traditional knowledge. To the extent possible, individual Tribal monitors should represent as many interested Tribes as allowable in order to retain a manageable number of monitors. OTI will provide a coordinating role for cooperating Tribes, and assist Tribes and THPOs to ensure efficient completion of tasks.

⁴ STB will request a letter from each THPO or the cultural resources representative designated by the Tribe, identifying those individuals whom the Tribe recognizes as qualified to serve as monitors on their government's behalf.

5. Treatment Plans

STB will develop treatment plans in cooperation with DM&E, appropriate Federal agencies and SHPO/THPO or officially designated tribal representatives to outline agreed upon procedures to avoid, minimize, or mitigate adverse effects to National Register eligible or listed historic properties identified within the project's APE(s). Treatment plans will be developed following the identification and assessment of historic properties (to include both sites identified in archaeological reports and those sites identified by Tribes as significant).

6. Management Plan

A Management Plan will be developed by DM&E, in consultation and coordination with STB, SHPOs/THPOs or Tribally designated cultural resources representatives, to ensure that Tribes are informed of activities and situations which may be of interest to them beyond the life of the Project. The Management Plan will include a notification procedure designed to ensure Tribes are contacted in the event DM&E identifies unanticipated discoveries of human remains or artifacts during the life of the railroad.

7. Project Training

Upon adoption of this work plan, DM&E will host training sessions including, but not limited to, the following:

a. Procedural Orientation

An orientation session will be organized to provide THPOs and Tribal representatives with information about contractual arrangements, expectations for pay and reimbursement issues, archaeological field methodologies, liability and legal issues and performance expectations, including explanations of various field forms and recording and reporting procedures. Training will also include a review of private property rights and fieldwork protocols required under certain legal agreements held by DM&E regarding access to non-DM&E property.

b. Cross-Cultural Sensitivity Training

Sessions will also be organized to provide cultural sensitivity training for cultural resource contractors and tribal monitors. The purpose of this training will be to inform field participants of behavioral protocols and practices to be followed when working in the vicinity of traditional cultural properties, spiritual places, and sacred sites. These training

DM&E Powder River Basin Expansion Project

sessions will be conducted jointly by Tribal officials and DM&E personnel with assistance from OTI.

c. *Railroad Safety Training*

Railroad safety training will be provided by DM&E to all personnel working on or near existing rail lines.

8.. Dispute Resolution

Parties participating in this work plan may seek resolution of any objections or disputes through the Dispute Resolution clause, stipulation M, of the PA. In addition, consistent with Stipulation 16 of the MOA, the Tribes may establish a mediation group to address inter-tribal and intra-tribal disagreements as they may pertain to the Project. Provided that Tribes agree to the establishment of this group, OTI will be made available to facilitate meetings and discussions, and coordinate with DM&E to bring about resolutions.

9. Improving Communication and Access to Project Information

In response to requests from Tribal representatives for improved communication and access to project information, STB and DM&E will ensure that:

- Monthly group consultation meetings will continue, as necessary, to support completion of project tasks;
- A project website is established for posting meeting information, correspondence, survey reports, and other project information needed by project participants. Access is restricted to PA consulting parties and participating Tribal governments in order to safeguard confidential information. A mechanism is included for participants to provide comments and request additional information.

Powder River Basin Expansion Project

Report Review & Comment Form

Powder River Basin Expansion Project

Report Information

Report Title:	
Author(s):	
Project Segment:	
Date Submitted for Review:	
Please Return By:	

List of Identified Resources

Site #	Site Type	Report Recommends	Tribe Recommends		
			Eligible	Not Eligible	Further Study

*If Tribe recommends eligibility, please specify which criteria apply.

DM&E Powder River Basin Expansion Project

Additional Comments (attach separate documentation if needed)

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Return Completed Form to:

Catherine Glidden
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

DM&E Powder River Basin Expansion Project

Report Review & Comment Form

Report Information

Report Title:	
Author(s):	
Project Segment:	
Date Submitted for Review:	
Please Return By:	

List of Unidentified Resources

[illegible]

DM&E Powder River Basin Expansion Project

Instructions for Completing the Report Review & Comment Form

List of Identified Resources: This table lists each of the recorded cultural resources described in the report. Based on your review of the report, please indicate whether you agree with the National Register of Historic Places (NRHP) eligibility recommendation provided in the report for each resource by checking one of the three choices provided in the adjacent column titled “Tribe Recommends”.

- Check “**Eligible**” if you consider the site eligible for listing in the NRHP. Be sure to specify which eligibility criteria apply in the Additional Comments section (use a separate sheet of paper if needed):
 - Criterion A: has association with significant events
 - Criterion B: has association with significant persons
 - Criterion C: embodies distinctive characteristics
 - Criterion D: has potential to yield significant information
- Check “**Not Eligible**” if you consider the site not eligible for listing in the NRHP
- Check “**Further Study**” if you feel that additional study or investigations are needed in order to evaluate the site’s NRHP eligibility. Please specify the type of additional study required in the Additional Comments section (for example, site visit, consultation with Tribal elders, additional testing, research as possible Traditional Cultural Property, etc.)

Additional Comments: Use this section of the form:

- To provide clarification regarding recommendations in the Resource list;
- To provide additional information regarding specific resources described in the report;
- To offer other observations or review comments on the adequacy and/or accuracy of the information provided in the report.

(Please attach additional documentation to this form as desired)

Signature: Please note that this form should be completed and signed by the Tribal Historic Preservation Officer or the principal cultural representative designated by the Tribe.

Additional Unidentified Resources: Please use page two of this form to provide STB with information regarding the location of any additional cultural resources (including TCPs) you believe may be present within this project segment, but were not discussed in the archaeological survey report. Please provide approximate milepost location by referring to your project mapbook and indicate what action you feel needs to be taken to confirm its location and/or assess significance.

Extension of the Programmatic Agreement Regarding the Powder River Basin Expansion Project, Finance Docket No. 33407

WHEREAS, the Programmatic Agreement (PA) Regarding the Powder River Basin Expansion Project (Project), Finance Docket No. 33407, was executed on May 15, 2003; and

WHEREAS, the PA is scheduled to expire on May 15, 2008, after a term of five years from its date of execution; and

WHEREAS, the Signatories to the PA desire to extend its terms for the life of the Project;

NOW, THEREFORE, the Signatories to the PA agree that the PA will remain in effect for the life of the Project to ensure completion of all tasks and products required under its terms, provided that any Signatory may exercise his or her right to amend or terminate it in accordance with Stipulations N and O of the PA.

Signatories

The Surface Transportation Board
Ms. Victoria Rutson, Chief, Section of Environmental Analysis

Signature: _____ Date: _____

The Advisory Council on Historic Preservation
Mr. John Fowler, Executive Director

Signature: _____ Date: _____

The U.S.D.A. Forest Service, Region 2
Mr. Rick Cables, Regional Forester

Signature: _____ Date: _____

The U.S.D.I. Bureau of Land Management Montana/Dakotas State Office
Mr. Gene Terland, State Director

Signature: _____ Date: _____

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

Signature: _____ Date: _____

Dakota, Minnesota & Eastern Railroad Corporation
Mr. Kevin Schieffer, President

Signature: _____ Date: _____

Invited Signatories

Winnebago Tribe of Nebraska
Mr. Matthew Pilcher, Chairman

Signature: _____ Date: _____

Lower Brule Sioux Tribe
Mr. Michael Jandreau, Chairman

Signature: _____ Date: _____

Pawnee Nation of Oklahoma
Mr. George Elton Howell, President

Signature: _____ Date: _____

Cheyenne and Arapaho Tribes of Oklahoma
Mr. Darrell Flying-Man, Chairman

Signature: _____ Date: _____

Crow Creek Lakota Tribe
Mr. Lester Thompson, Jr.

Signature:_____ Date:_____

Flandreau Santee Sioux
Mr. Joshua Weston, President

Signature:_____ Date:_____

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

Signature:_____ Date:_____

Crow Nation
Mr. Carl Venne, Chairman

Signature:_____ Date:_____

Ft. Peck Assiniboine and Sioux Tribes
Mr. John Morales, Chairman

Signature:_____ Date:_____

Northern Arapaho Tribe
Mr. Richard Brannan, Chairman

Signature:_____ Date:_____

Omaha Tribe of Nebraska
Mr. Mitchell Parker, Chairman

Signature:_____ Date:_____

Prairie Island Indian Community
Ms. Audrey Bennett, President

Signature:_____ Date:_____

Shakopee Mdewakanton Sioux (Dakota)
Mr. Stanley Crooks, Chairman

Signature:_____ Date:_____

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Mr. Ron His-Horse-Is-Thunder, Chairman

Signature:_____ Date:_____

Upper Sioux Indian Community
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Signature:_____ Date:_____

Comanche Tribe of Oklahoma
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Ms. Shannon Blue, Chairperson

Signature:_____ Date:_____

Northern Cheyenne Tribe
Mr. Eugene Little Coyote, President

Signature:_____ Date:_____

Rosebud Lakota Tribe
Mr. Rodney Bordeaux

Signature:_____ Date:_____

Sisseton-Wahpeton Dakota Nation
Mr. Michael Selvage, Chairman

Signature:_____ Date:_____

Three Affiliated Tribes (MHA Nation)
Mr. Marcus Wells, Chairman

Signature:_____ Date:_____

Yankton Sioux Tribe
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Signature:_____ Date:_____

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