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CHEROKEE NATION®

P.O. Box 948 • Tahlequah, OK 74465-0948
918-453-5000 • www.cherokee.org

Chuck Hoskin Jr.
Principal Chief
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Bryan Warner
Deputy Principal Chief
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March 4, 2022

Alan Tabachnick
Surface Transportation Board
395 East Street SW
Washington, D.C. 20423

Re: Canadian Pacific Railway Acquisition of Kansas City Southern, FC 36500

Mr. Alan Tabachnick:

The Cherokee Nation (Nation) is in receipt of your correspondence about the proposed **Canadian Pacific Railway Acquisition of Kansas City Southern, FC 36500**, and appreciates the opportunity to provide comment upon this project. Please allow this letter to serve as the Nation's interest in acting as a consulting party to this proposed project.

The Nation maintains databases and records of cultural, historic, and pre-historic resources in this area. Our Historic Preservation Office reviewed this project, cross referenced the project's legal description against our information, and found no instances where this project intersects or adjoins such resources for the following defined locations: MP 247 in Adair County; Spiro; Heavener; and Gentry, Arkansas. Thus, the Nation does not foresee this project imparting impacts to Cherokee cultural resources at this time for these aforementioned locations. However, the Nation requests that the Surface Transportation Board (STB) halt all project activities immediately and re-contact our Offices for further consultation if items of cultural significance are discovered during the course of this project.

However, this Office reviewed this project for Cave Springs and found instances where this project is within close proximity to land held by the Nation and culturally sensitive resources. Thus, the Nation recommends that a cultural resources survey is conducted for the Cave Springs location, and requests a copy of the related report. The Nation requires that cultural resources survey personnel and reports meet the Secretary of Interior's standards and guidelines. The Nation respectfully requests that STB halt all survey activities immediately and re-contact our Offices for further consultation if items of cultural significance are discovered during the course of this survey.

Additionally, the Nation requests that the STB conduct appropriate inquiries with other pertinent Historic Preservation Offices regarding historic and prehistoric resources not included in the Nation's databases or records.

Canadian Pacific Railway Acquisition of Kansas City Southern, FC 36500

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If you require additional information or have any questions, please contact me at your convenience.
Thank you for your time and attention to this matter.

Wado,

A handwritten signature in blue ink that reads "Elizabeth Toombs". The signature is fluid and cursive, with the first name "Elizabeth" and last name "Toombs" clearly distinguishable.

Elizabeth Toombs, Tribal Historic Preservation Officer

Cherokee Nation Tribal Historic Preservation Office

elizabeth-toombs@cherokee.org

918.453.5389