



EI - 32177

Osage Nation Historic Preservation Office

ᏊᏊᏊᏊᏊ ᏊᏊᏊᏊ ᏊᏊᏊᏊᏊ

Date: August 31, 2022

File: 2122-4543MS-11

RE: STB, Docket No. FD 36500, Canadian Pacific Railway Limited, et al. - Control of - Kansas City Southern, et al., Multiple Counties, Multiple States

Joshua Wayland
Surface Transportation Board
Environmental Filing, Docket No. FD 36500
c/o VHB
940 Main Campus Dr., Suite 500
Raleigh, NC 27606

Dear Mr. Wayland,

The Osage Nation Historic Preservation Office has reviewed the cultural resources surveys conducted by VHB and the Draft EIS regarding the Canadian Pacific Railway Limited, et. al. (CP) Acquisition of Kansas City Southern et al. (KCS).

The Osage Nation is in agreement with VHB and the Surface Transportation Board, Office of Environmental Analysis (OEA) that the proposed acquisition would not adversely affect any National Register-eligible above-ground resources.

The Osage Nation is further in agreement with VHB and the Surface Transportation Board OEA regarding the two National Register eligible archaeological sites, 34AD283 and 34AD286, located within the APE for the new passing siding located at MP 247 near Baron, Oklahoma. Sites 34AD283 and 34AD286 will not be adversely impacted per the Applicants added clarification that the planned capital improvements in the MP 247 area will be confined to the permanent footprint and all construction activities confined to the existing disturbed area (railroad berm and ballast) in locations adjacent to any National Register-eligible archaeological sites that OEA identified, specifically 34AD283 and 34AD286.

The Osage Nation is in agreement with the Surface Transportation Board OEA statement in the Draft EIS S.3.9 Cultural Resources pages S-12 through S-13, regarding requiring the Applicants to develop and implement a plan for archaeological monitoring during construction and addressing any unanticipated discoveries of archaeological sites or associated artifacts during construction following Chapter 4.10.2, MM-Cultural-01 of the Draft EIS following the incorporation of the highlighted additions added below:

4.10.2 OEA's Preliminary Recommended Mitigation

As discussed in Section 3.9, Cultural Resources, OEA concludes that the Proposed Acquisition would not adversely affect any historic properties listed in or eligible for listing in the National Register of Historic Places. OEA recommends the following additional mitigation measures to minimize impacts on cultural resources:

MM-Cultural-01. Prior to beginning any construction activities related to the 25 planned capital improvements, the Applicants shall prepare a construction monitoring plan that addresses the following:



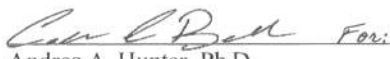
- Training procedures to familiarize construction personnel with the identification and appropriate treatment of historic properties;
- Monitoring of construction activities by a qualified professional archaeologist;
- Provisions for monitoring and coordination for work within tribal reservation boundaries;
- Provisions for the unanticipated discovery of archaeological sites or associated artifacts during construction activities, including procedures for notifying OEA and the appropriate State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), pursuant to 36 C.F.R. § 800.13(b) in the event of an unanticipated discovery; and
- Provisions for complying with the Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001-3013) and other applicable federal, state, and local laws and regulations in the event of **Inadvertent Discoveries** of unmarked human remains during construction activities.

The Applicants shall provide the construction monitoring plan to OEA **and THPO's** for review no later than 30 days prior to the start of any construction activities related to the 25 planned capital improvements and shall abide by the provisions of the plan, including any revisions by OEA **and THPO's**, during construction activities.

The Osage Nation requests a copy of the training materials/guidance that will be provided to individuals before any construction activities related to the 25 planned capital improvements begin for review and comment before any training is started.

The Osage Nation requests all construction monitoring plans and daily monitoring reports be sent to both OEA and the Osage Nation Historic Preservation Office for review and comment no later than 30 days prior to the start of any construction activities related to the 25 planned capital improvements, especially in the areas of Sites 34AD283 and 34AD286.

Should you have any questions or need any additional information please feel free to contact me at the number listed below. Thank you for consulting with the Osage Nation on this matter.


Andrea A. Hunter, Ph.D.
Director, Tribal Historic Preservation Officer


Deseray Helton
Archaeologist

cc. Alan Tabachnick, Historic Preservation Specialist, STB, OEA