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**CHEROKEE NATION®**  
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**Chuck Hoskin Jr.**  
*Principal Chief*  
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**Bryan Warner**  
*Deputy Principal Chief*  
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September 14, 2022

Alan Tabachnick  
 Surface Transportation Board  
 Office of Environmental Analysis  
 395 E Street SW  
 Washington, DC 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 and related reports for **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 continued interest in acting as a consulting party to this proposed project for the following locations: Baron, Cave Springs, Gentry, Heavener, and Spiro.

The Nation maintains databases and records of cultural, historic, and pre-historic resources in this area. Our Historic Preservation Office (Office) reviewed this project, cross referenced the project's legal description against our information, and found instances where the Cave Springs portion of the project is within close proximity to such resources. These resources, however, are outside the Area of Potential Effects (APE) according to the related report. Thus, this Office does not object to the project proceeding as long as the following stipulations are observed:

- 1) The Nation concurs with the report's recommendations that portions of the planned capital improvements will be confined to the existing railroad berm and ballast with no expansion within identified Sites 34AD283 and 34AD286;
- 2) The Nation requests that Surface Transportation Board (STB) re-contact this Office if there are any changes to the scope of or activities within the APE;
- 3) The Nation requests that STB halt all project activities immediately and re-contact our Office for further consultation if items of cultural significance are discovered during the course of this project; and
- 4) The Nation requests that 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 and last name clearly distinguishable.

Elizabeth Toombs, Tribal Historic Preservation Officer  
Cherokee Nation Tribal Historic Preservation Office  
elizabeth-toombs@cherokee.org  
918.453.5389