



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

Alice Roberts-Davis
State Historic Preservation Officer
Minnesota Department of Administration
State Historic Preservation Office
203 Administration Building
50 Sherburn Avenue
St. Paul, MN 55155

August 30, 2022

By email to Alice.Roberts-Davis@state.mn.us

Re: Docket No. FD 36500, Canadian Pacific Railway Limited, et al.—Control of—
Kansas City Southern, et al.; Section 106 Consultation

Dear Alice Roberts-Davis:

In our letter to your agency dated November 17, 2021, we notified you of the initiation of the Section 106 process and Environmental Impact Statement (EIS) process for the Proposed Acquisition of Kansas City Southern Railway (KCS) by Canadian Pacific Railway (CP) (collectively, the Applicants). As part of the approval process, the Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is evaluating the potential impacts of the Proposed Acquisition on historic properties, in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), the Section 106 implementing regulations (36 C.F.R. Part 800), and the Board's environmental regulations (49 C.F.R. Part 1105). OEA issued the Draft EIS in this proceeding for public review and comment on August 5, 2022.

Consistent with past practice in railroad merger and acquisition cases, OEA focused the Section 106 review on capital improvements, such as new passing sidings, that the Applicants intend to add within the rail right-of-way if the Board were to authorize the Proposed Acquisition. Those capital improvements are the only outcomes of the Proposed Acquisition that could have the potential to affect cultural resources. Our November 17, 2021 letter indicated that the planned capital improvements included a new siding near Brownsville, Minnesota. However, we subsequently determined that the siding near Brownsville had been previously planned and permitted independent of the Proposed Acquisition. The U.S. Army Corps of Engineers previously assessed the potential effects of the siding on historic properties and executed a Memorandum of Agreement with your office and CP to resolve adverse effects of the undertaking. Therefore, the siding near Brownsville was not included as part of Section 106 review of the Proposed Acquisition. Because the Applicants would not add any new capital improvements in Minnesota as a result of the Proposed Acquisition, OEA has determined that the Proposed Acquisition would have No Potential to Cause Effects to historic properties in Minnesota, pursuant to 36 C.F.R. § 800.3(a)(1).

We appreciate your consultation efforts. If you have any questions, please contact Alan Tabachnick, Historic Preservation Specialist, at 202-245-0367 (e-mail address: Alan.Tabachnick@stb.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin". The signature is fluid and cursive, with the first name "Danielle" written in a larger, more prominent script than the last name "Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis