
From: noreply@salesforce.com <noreply@salesforce.com> **On Behalf Of** Daniel Higginbottom
Sent: Wednesday, October 12, 2022 3:49 PM
To: Kaitlin O'Shea <KOShea@VHB.com>; alan.tabachink@stb.gov; shpo106@iowa.gov; sara.andre@iowa.gov; heather.gibb@iowa.gov; derek@bearcreekarcheology.com; branden.scott@iowa.gov
Subject: [External] RE: 211100058-STB-Multiple Counties-Canadian Pacific Railway Limited, et al. (CP) and Kansas City Southern, -Acquisition

October 12, 2022

211100058-STB-Multiple Counties-Docket #FD-36500-Proposed Acquisition of the Kansas City Southern Railway by the Canadian Pacific Railway-Capital Improvement Locations-

?Mr. Tabachnick-

This is to inform you that we have received your September 2022 submission including Historical Architectural Survey Reports prepared by VHB for the Capital Improvement sites located in Clayton (MP 71), Clinton (Deer Creek) and Comanche, Jackson (MP24), Louisa (Letts), Monroe (Moravia), Wapello (Ottumwa), and Washington (MP 255) Counties and your October 7, 2022 submission including a copy of the report *Phase I Archeological Investigation for the Proposed Acquisition of the Kansas City Southern Railway by the Canadian Pacific Railway, in Clayton, Clinton, Jackson, Louisa, Monroe, Wapello, and Washington Counties, Iowa [BCA 3033-3040]* prepared by Bear Creek Archeology. As the project documentation was not submitted together as a complete package, the September submission was incomplete and on its own could not fully support the agency's determination of effect. Consequently, the Iowa SHPO's mandatory 30-day comment period did not go into effect until the receipt of the second document submission on October ?11, which sets the close of our review on or before November 10, 2022.

STB's October 7, 2022 cover letter also notifies our office that a Draft Environmental Impact Statement (EIS) has been opened to public review and that the Public Comment period will close this week. Our records show that on February 18, 2022 a STB submitted a Notice informing of the availability of a draft EIS Scoping document was submitted for our review via Iowa's ESHPO portal. However, the actual draft EIS was never submitted to ESHPO for review and it was only upon receipt of STB's October 7, 2022 cover letter that we became aware of the close of the extended EIS comment period this week. In view of this, we offer the following observations based upon our very cursory review of the documentation within our case file:

1. Both the archaeological and architectural surveys and reports appear to be comprehensive, well crafted, and within the best practices set forth in Iowa's professional archaeological and architectural guidelines. Our first impression is that they have provided adequate coverage for

historic properties identification within the eight proposed Capital Improvement sites.

2. During the December 6, 2021 coordination call, we were given to understand that the Area of Potential Effects (APE) included not only the Capital Improvement sites, but also the entire infrastructure property subject to the acquisition. Given the suggested increase in rail traffic brought about by the acquisition - not only at the eight capital improvement locations but along the line in general, this seems a logical and appropriate definition of the APE. However, it appears that the agency-defined APE is confined only to those locations bounded by the proposed capital improvement projects. Given the reasonably foreseeable effects (see 3 below) caused by increased rail traffic, the omission of the rail corridor from consideration does not seem appropriate.

3. In our November 22, 2021 email response and during a December 6, 2021 coordination call, Iowa SHPO staff expressed concerns regarding historic properties located outside of the Capital Improvement areas and effects to them that might result from increased rail traffic following the proposed acquisition. Of particular concern were (and are) the introduction of atmospheric and audible elements that would diminish the integrity of significant historic properties including the Mines of Spain and Effigy Mounds National Historic Landmarks, the Turkey River Mounds historic district, listed and eligible urban historic districts, local historic landscapes, and other traditional cultural properties located in or adjacent to the subject rail line in Iowa. It does not appear that the archaeological and architectural surveys addressed these concerns, and there is nothing to suggest that STB took them into account in their effort to identify historic properties, or in their assessment of effects, or in the preparation of the draft EIS. Consequently, in our consulting opinion, the documentation does not support an agency determination of 'no adverse effects' or a finding of no significant impact.

We will issue additional comments upon the completion of our formal 30-day review of the archaeological and architectural survey documents. In the meantime, we ask that you provide clarification on the APE for the acquisition as it applies to Iowa, and, that this communication be added to the Public Comment file for STB Docket #FD-36500.

Sincerely,
Daniel K. Higginbottom, Archaeologist
and
Sara Andre', Architectural Historian
Iowa State Historic Preservation Office

----- Original Message -----

From: Daniel Higginbottom [daniel.higginbottom@iowa.gov]

Sent: 11/22/2021 11:22 AM

To: shpo106@iowa.gov; koshea@vhb.com; alan.tabachink@stb.gov

Subject: 211100058-STB-Multiple Counties-Canadian Pacific Railway Limited, et al. (CP) and Kansas City Southern, -Acquisition

November 22, 2021

211100058-STB-Multiple Counties-Canadian Pacific Railway Limited, et al. (CP) and Kansas City Southern, -Acquisition

Mr. Tabachnick-

We have received your November 18, 2021 notice of undertaking regarding the Canadian Pacific and Kansas City Southern acquisition.

The capital improvement communities indicated in your cover letter all have numerous listed and unlisted individual historic properties and districts. Locations along the Mississippi and Des Moines Rivers also have numerous documented and undocumented sites and areas of sensitivity that may be adversely affected by the proposed undertaking (eg. Effigy Mounds National Monument).

Feel free to contact Sara Andre', the Iowa SHPO's Architectural Historian at sara.andre@iowa.gov for any questions you may have regarding above-ground historic resources and Dan Higginbottom at daniel.higginbottom@iowa.gov for any archaeology-related questions.

We look forward to receiving the results of your agency's inventory of historic properties within the area of potential effects and assessment of the undertaking's effects upon them.

Daniel K. Higginbottom, Archaeologist
Iowa State Historic Preservation Office