



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

October 17, 2022

The Honorable Brad Killscrow, Chief
Delaware Tribe of Indians
5100 Tuxedo Blvd.
Bartlesville, OK 74006-2838

**Re: Docket No. FD 36500, Canadian Pacific Railway Limited, et al.—Control of—
Kansas City Southern, et al.; Draft Environmental Impact Statement**

Dear Mr. Killscrow,

The purpose of this letter is to determine your interest in initiating formal government-to-government consultation regarding the above-referenced project. On October 29, 2021, Canadian Pacific Railway Limited, et al. (CP) and Kansas City Southern, et al. (KCS) (collectively, Applicants) filed an application with the Surface Transportation Board (Board) seeking authorization for CP to acquire KCS. This acquisition would create the first railroad to connect Canada, the United States, and Mexico. CP's system runs east to west across Canada, connecting the east and west coast ports. It runs south into the U.S. Midwest and connects with KCS in Kansas City. KCS runs from Kansas City to the Gulf Coast and into Mexico. The combination of these two railroads would be an 'end-to-end' merger because the CP and KCS railroad networks do not overlap (see the interactive map on the Board-sponsored project website here: <https://cp-kcsmergereis.com/maps.htm>).

As part of the approval process, the Board must evaluate the potential impacts of the proposed acquisition on the environment, in accordance with the National Environmental Policy Act (NEPA) and the Board's environmental regulations (49 C.F.R. Part 1105). To comply with NEPA, the Board's Office of Environmental Analysis (OEA) has prepared a Draft Environmental Impact Statement (Draft EIS), which describes the potential environmental impacts of the proposed acquisition and assist the Board with making its decision about whether to approve, approve with conditions, or deny the application. This document is available to view at <https://cp-kcsmergereis.com/draft-eis.htm>.

Consultation Questionnaire

We have been notified by the Department of the Interior that you may have an interest in this project. The Board is interested in knowing your views regarding your tribe's interest in our consulting with you regarding the broad range of impacts assessed under NEPA including those to tribal lands and resources. To assist you in your response, a questionnaire is attached

regarding any future involvement your tribe may want in the overall NEPA process. This comment card can be returned by email to Joshua.Wayland@stb.gov or by mail to:

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

Additional information on this project and the Board's environmental review process is available on the Board-sponsored project website at www.CP-KCSMergerEIS.com. If you have any questions or would like to discuss the proposal in more detail, please contact Joshua Wayland at 202-245-0330 or by e-mail at Joshua.Wayland@stb.gov. We look forward to your participation in the Board's environmental review process.

Sincerely,

A handwritten signature in dark ink, appearing to read "Danielle Gosselin", written in a cursive style.

Danielle Gosselin
Acting Director
Office of Environmental Analysis

CONSULTATION QUESTIONNAIRE

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

Please check all the appropriate response(s) that apply from the list below and use the back of this form or additional sheets if you wish to make comments:

_____ We have no interests associated with CP and KCS's proposed rail line merger and further consultation with our Tribe is not required.

_____ We want to continue to receive project information by mail or email and participate in the public involvement process. Please specify email and/or mailing address

_____ We have an interest in CP and KCS's proposed rail line merger and want to participate in government to-government consultation.

Delaware Tribe of Indians designated contact for CP-KCS's proposed rail line merger:

_____ Phone: _____

Please print e-mail: _____

Signed: _____ Date: _____

Please mail to:

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

Or email to: Joshua.Wayland@stb.gov