



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

Diane Hunter
THPO
Miami Tribe of Oklahoma
PO Box 1326
Miami, OK 74355

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

Dear Ms. Hunter:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) for a proposal by Canadian National Railway Company and its affiliate, Illinois Central Railway Company (collectively, CN) that would involve the addition of new railroad tracks within existing rail rights-of-way (ROW) and in rail yards and intermodal facilities in Missouri and Illinois. This letter requests your preliminary comments on the proposed undertaking and OEA's planned Section 106 approach.

Description of the Proposed Undertaking

On June 9, 2022, CN filed an amended "responsive" application in Docket No. FD 36500 (Sub-No. 1) requesting that the Board order the sale of the Kansas City Southern Railway (KCS) rail line between Kansas City, Missouri and Springfield and East St. Louis, Illinois (Springfield Line) to CN (Proposed Divestiture). See attached maps. CN's filing was submitted in response to a primary application filed jointly by KCS and Canadian Pacific Railway (CP) in Docket No. FD 36500, seeking Board authority for CP to acquire KCS.¹ The proposed acquisition of KCS by CP is the subject of a separate ongoing Section 106 review.² Should the Board authorize both

¹ Other responsive applications are pending before the Board in Docket No. FD 36500 (Sub-Nos. 2-4) but are not discussed here because those applications are exempt from Section 106 review under the Board's regulations at 49 C.F.R. § 1105.8(b).

² The Board issued a Draft Environmental Impact Statement (EIS) on the primary application in Docket No. FD 36500 on August 5, 2022, addressing both Section 106 and environmental issues, and requested public comments on the Draft EIS by October 14, 2022. Section 3.9, *Cultural Resources* in the Draft EIS discusses potential effects of the proposed acquisition of KCS by CP on historic properties. More information regarding the Section 106 review of the proposed acquisition can be found on the Board-sponsored project website

the primary application and the Proposed Divestiture, then CP would be ordered to sell the Springfield Line to CN upon completion of CP's acquisition of KCS.

Before deciding whether to authorize the Proposed Divestiture, the Board must first assess the potential effects of CN's proposal on historic properties listed on or eligible for listing on the National Register of Historic Place (National Register) in accordance with Section 106 and the Board's Section 106 regulations at 49 C.F.R. § 1105.8. OEA will conduct the Section 106 review of the Proposed Divestiture separately from, but concurrently with, the ongoing Section 106 review of the proposed acquisition of KCS by CP. Although the Proposed Divestiture could only occur if CP is authorized to acquire KCS, the Section 106 reviews for the two proposals are being conducted separately because they involve different railroad applicants and largely distinct sets of potential effects that would occur in different geographic areas.

The purpose of this letter is to advise you of the Proposed Divestiture and request information from your agency on the cultural resources under your jurisdiction that could be affected by the Proposed Divestiture. The Section 106 review of the Proposed Divestiture will help inform the Board in making its decision about whether to approve CN's proposal and, if so, whether and what mitigation conditions to impose.

Project Description

The Proposed Divestiture proceeding requests that the Board order the sale of approximately 370 miles of KCS's Springfield Line in Missouri and Illinois. In connection with the sale of the Springfield Line, CN also seeks a 50% equity interest in KCS's International Freight Gateway terminal (IFG Terminal) south of Kansas City. See attached maps. CN states that the Proposed Divestiture would preserve and enhance competition between Kansas City and Chicago; introduce new single-line rail automotive and intermodal service between Michigan/Eastern Canada and Kansas City; and establish a more direct route for rail traffic between Canada and the Midwest and East St. Louis. CN estimates that more than 80,000 long-haul trucks would be removed from the highways each year as a result of the Proposed Divestiture and that this would generate public benefits by reducing greenhouse gas emissions, highway congestion and maintenance.

According to CN, the Proposed Divestiture would involve operational changes (e.g., an increase in average trains per day) on certain segments of the Springfield Line, as well as some contiguous segments of rail line owned by CN, and changes in the level of activity at some rail yards and intermodal facilities. To support the projected increases in rail traffic, CN plans to make eleven capital improvements within the existing rail ROW. These would include extending six existing passing sidings, adding one new siding passing, and relocating one passing siding on the Springfield Line. In Missouri, sidings would be added or extended at Grain Valley, Harmony, Mexico West, Bowling Green, and Blackburn. In Illinois, sidings would be added or extended at Pleasant Hill, Roodhouse and Cockrell. In addition, CN plans to make capital improvements at the East St. Louis Yard/Intermodal Terminal in Illinois by constructing

(www.CP-KCSMergerEIS.com) or on the Board's website at www.stb.gov by conducting a search for Docket No. FD 36500.

6,000 feet of track with intermodal pads and accompanying pavement and 5,000 feet of track for loading/unloading and car storage; and developing approximately 25 acres of land for necessary roadways, parking, and truck areas. At IFG Terminal in Missouri, CN proposes to construct 20,000 feet of track with pad, storage and accompanying pavement, and 6,600 feet of track for loading/unloading and storage, roadways and railhead parking and truck areas. At Roodhouse Yard in Illinois, CN would construct 5,000 feet of new yard track.

Consistent with past practice in railroad acquisition cases, OEA will focus the Section 106 review on the eleven capital improvements that CN would undertake if the Board authorizes the Proposed Divestiture because those projects are the only components of the Proposed Divestiture that could have the potential to affect cultural resources.

Area of Potential Effects

The area of potential effects (APE) for historic properties will be defined in accordance with 36 C.F.R. Part 800, 49 C.F.R. § 1105.8, and precedent established in previous railroad acquisition proceedings. OEA expects that the APE for the Proposed Divestiture will comprise eleven discontinuous areas corresponding to the eleven locations set forth above where capital improvements are planned. Each component area of the APE will extend the length of the planned capital improvement and will extend the width of the rail ROW to encompass the entire area within which ground disturbing activities could potentially occur. In addition, OEA proposes to add a 500-foot buffer to each component area of the APE (250 feet on either side of the right-of-way and 250 feet at each end) to account for potential setting, visual, noise, or other impacts from construction activities related to the planned capital improvement. Based on the information available to date, OEA anticipates that all of the construction activity would take place within the existing ROW and may be in previously disturbed areas. The APE will be further refined as additional information about the Proposed Divestiture and its potential to affect cultural resources becomes available.

Request for Comments

We appreciate your assistance in identifying whether any cultural resources of concern to your agency may be affected by the Proposed Divestiture and welcome any additional issues or concerns that you consider appropriate. To submit comments electronically through the Board's website at <https://www.stb.gov>, select "File an Environmental Comment" below the "Need Assistance?" button. Be sure to include the docket number "Docket No. FD 36500 (Sub-No. 1)." Log-in accounts are not needed to file Section 106 comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Alan Tabachnick, Historic Preservation Specialist and Deputy Federal Preservation Officer Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. FD 36500 (Sub-No. 1). You may also submit comments to OEA's third-party consultant Burns & McDonnell at:

Alan Tabachnick
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114

We have also included a Consultation Questionnaire to assist you in participating in the Project and help us with your level of involvement. Please complete and return the questionnaire to us also by December 9, 2022.

If you have any questions, please feel free to contact Alan Tabachnick of my staff, at 202-245-0367 or by email at alan.tabachnick@stb.gov. **Please send your responses by December 9, 2022.**

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Miami Tribe of Oklahoma Tribe

Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill.

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 further comments:

_____ We have no interests in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and further consultation with our Tribe is not necessary.

_____ 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 interest in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and want to participate as a Consulting Party in the Section 106 process.

Name of Miami Tribe of Oklahoma Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

Alan Tabachnick

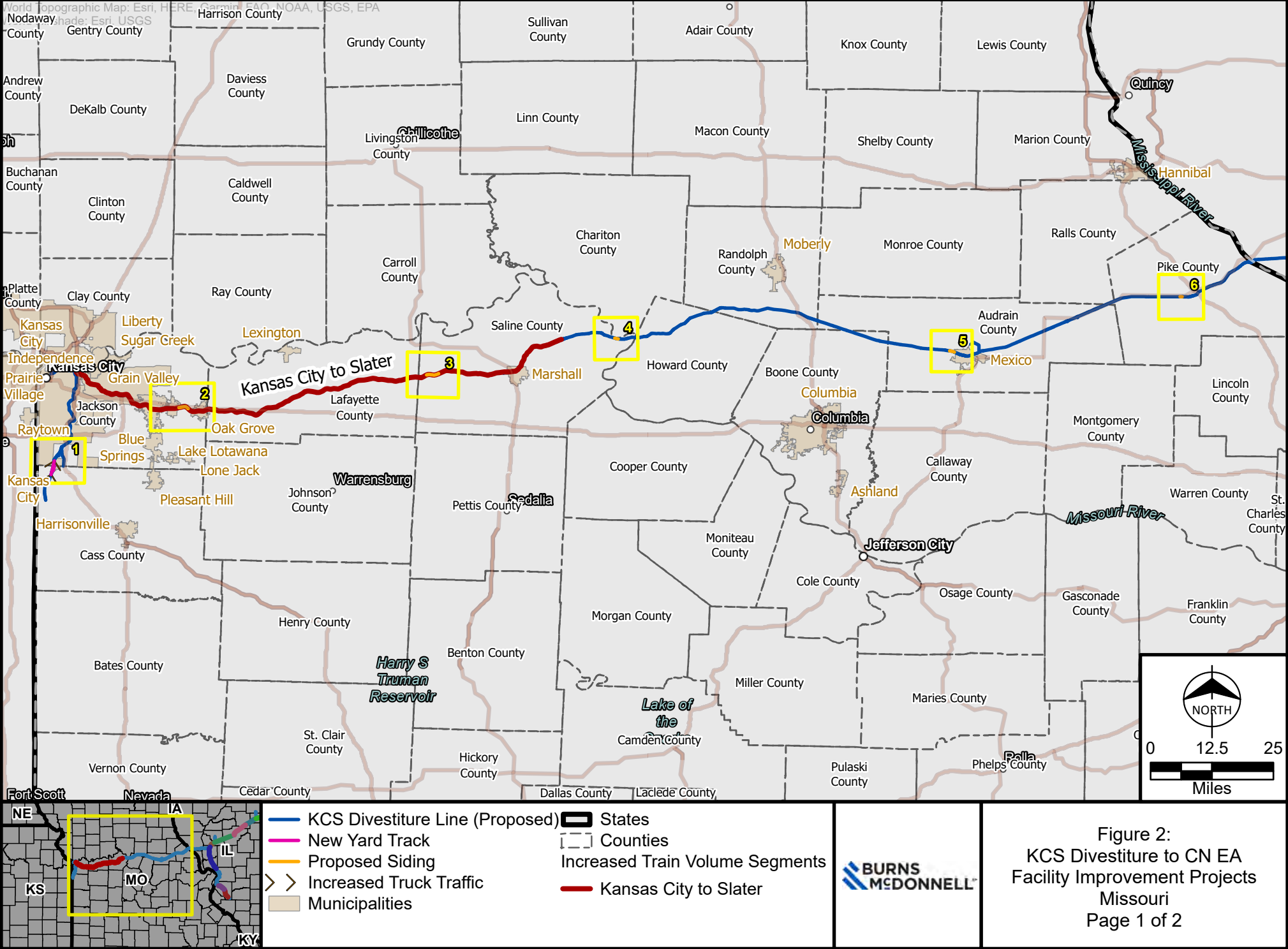
Alan.Tabachnick@stb.gov

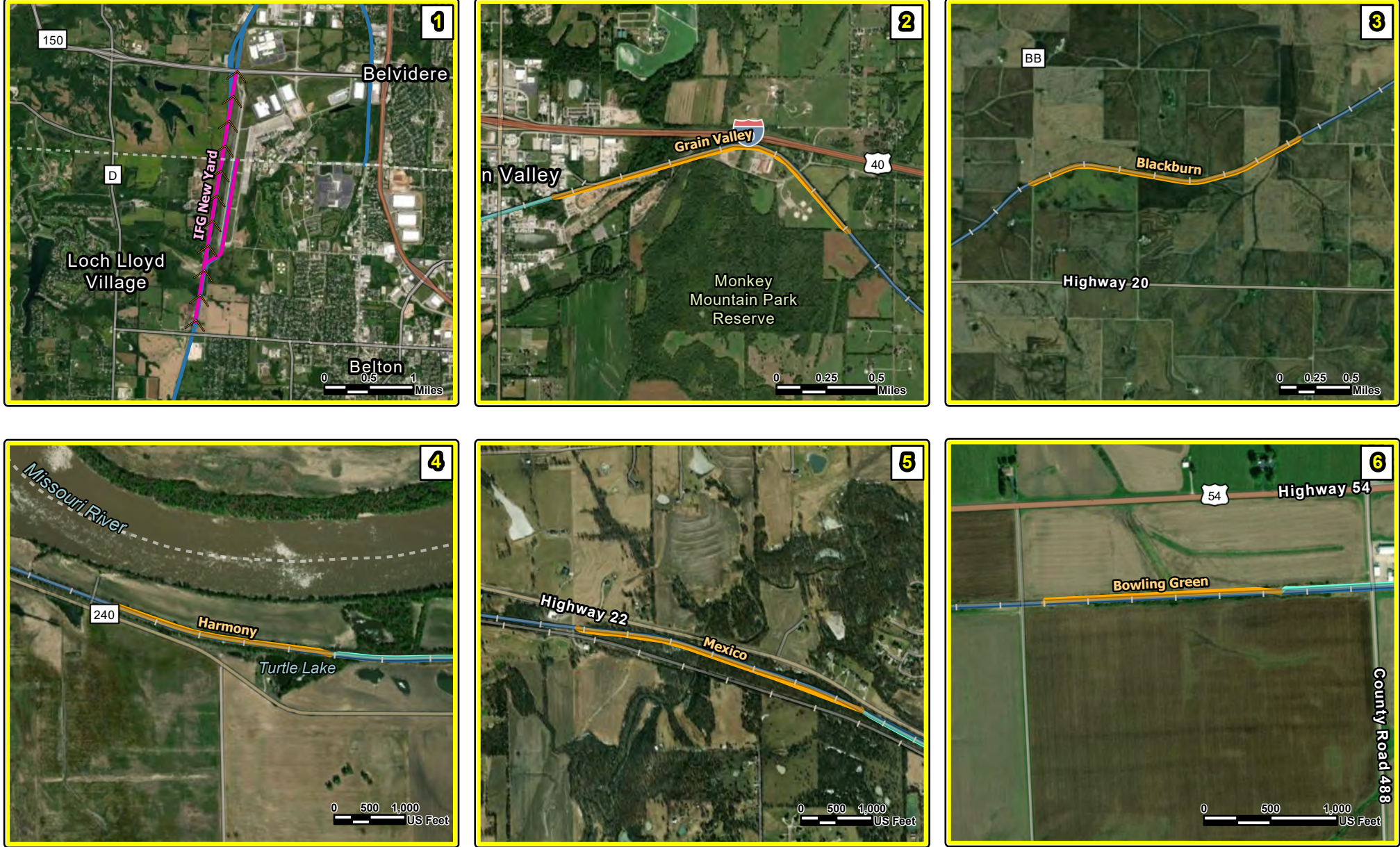
Or mail to:

Alan Tabachnick, Surface Transportation Board
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114



Figure 1:
KCS Divestiture to CN
Line Segments and
Facility Improvement Projects
for EA Evaluation





- KCS Divestiture Line (Proposed)
- Proposed Siding
- Existing Siding
- New Yard Track
- Increased Carload Switching Activities
- > > Increased Truck Traffic



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Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Missouri
Page 2 of 2

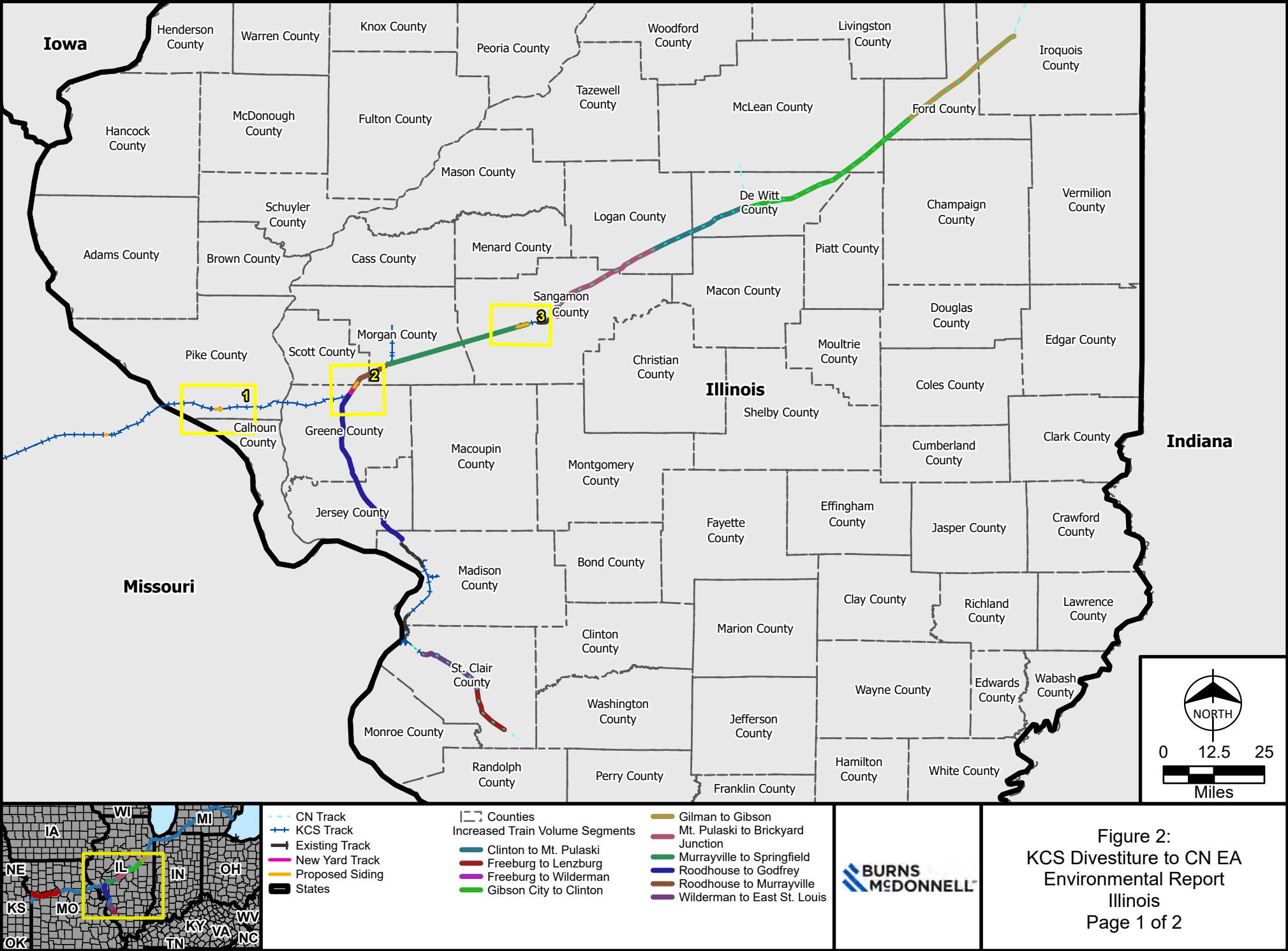
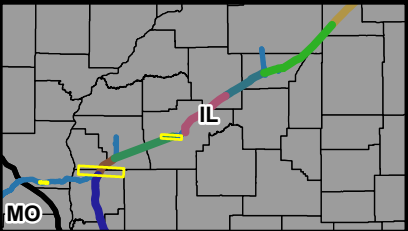
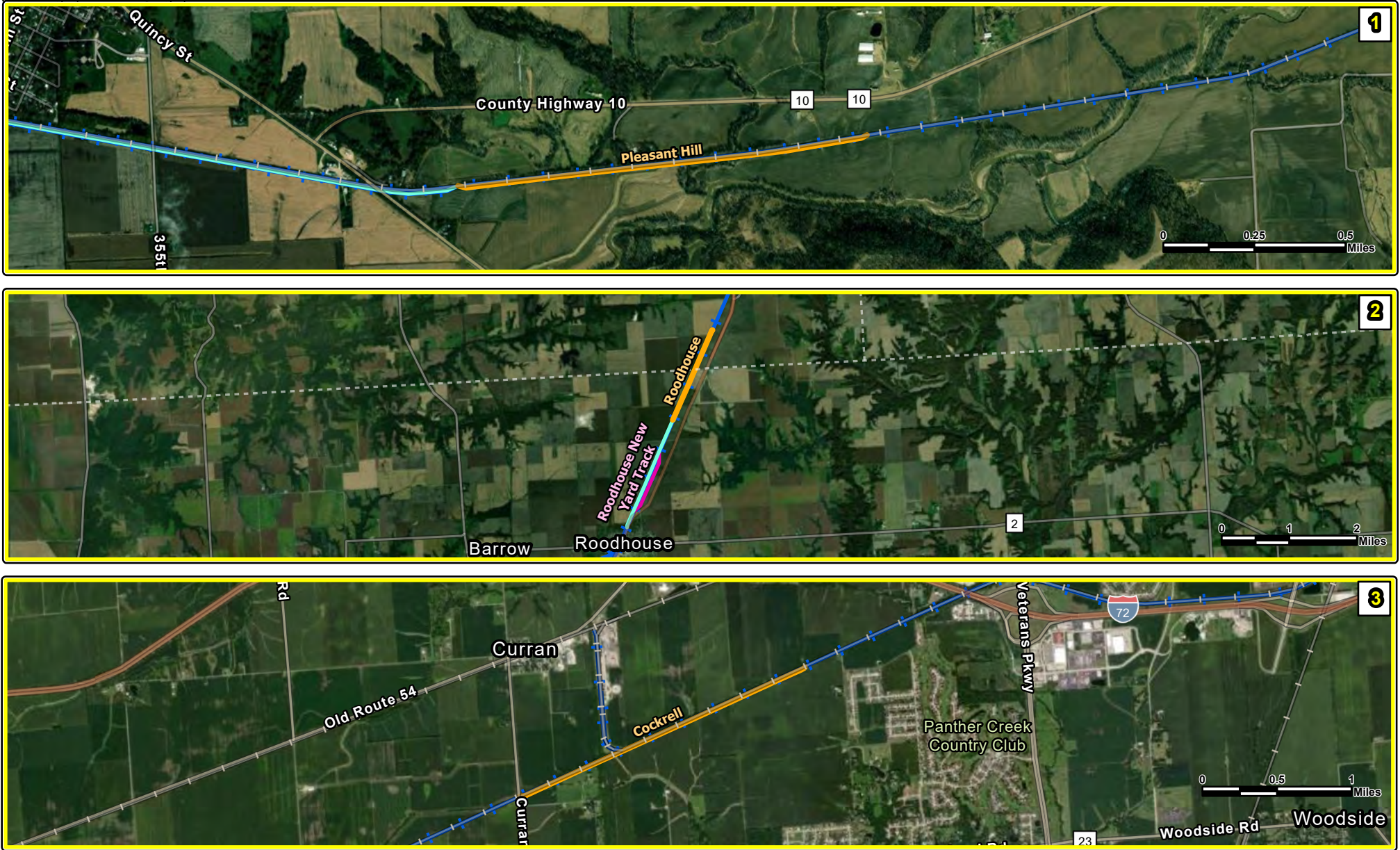


Figure 2:
KCS Divestiture to CN EA
Environmental Report
Illinois
Page 1 of 2



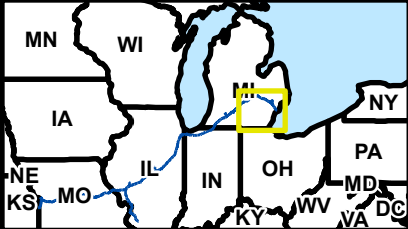
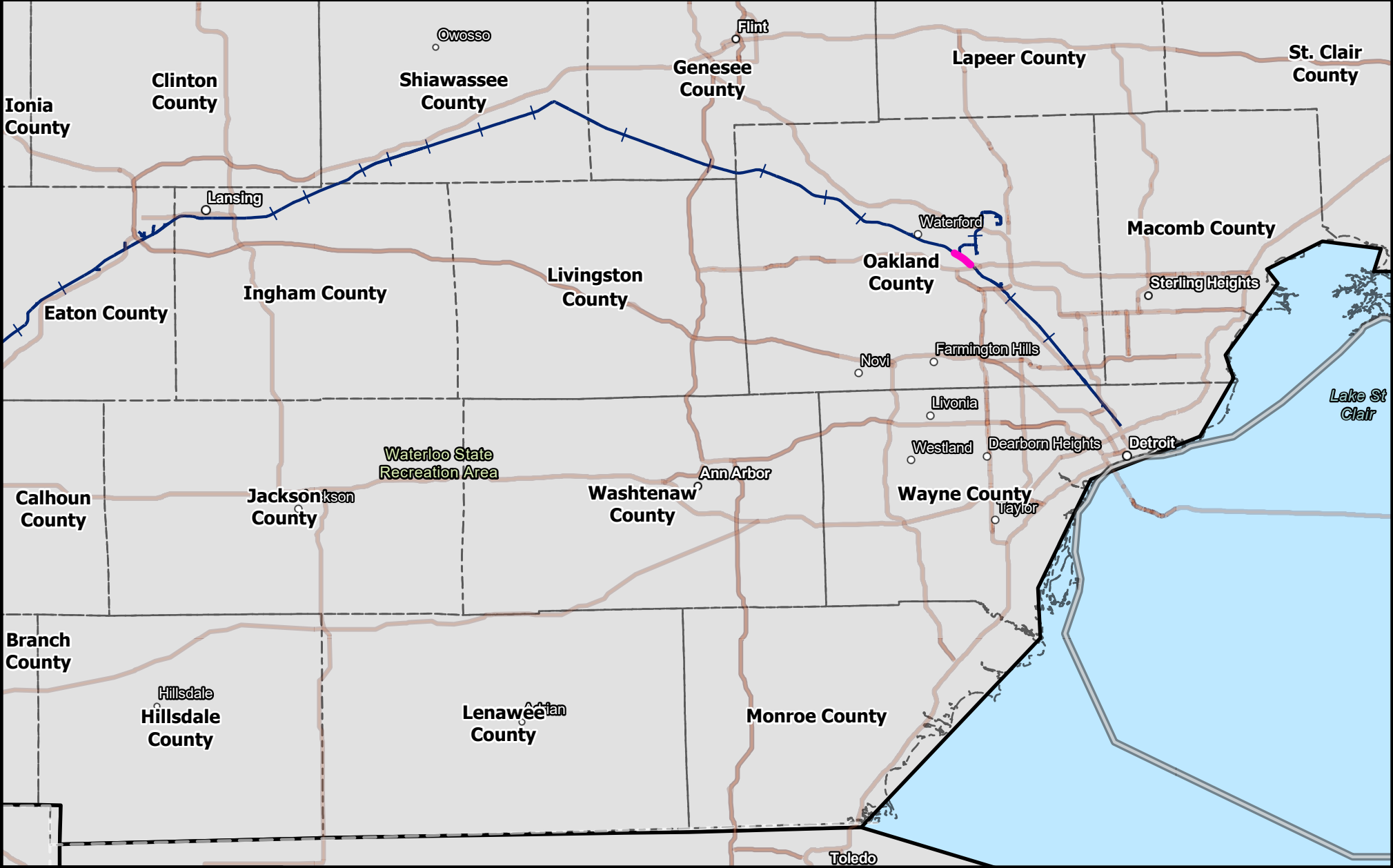


- +— KCS Track
- Proposed Siding
- Existing Siding
- New Yard Track



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Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Illinois
Page 2 of 2



- States
- County
- Yard Tack

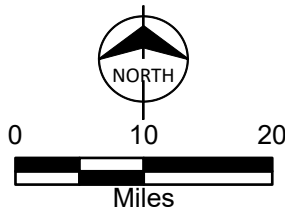
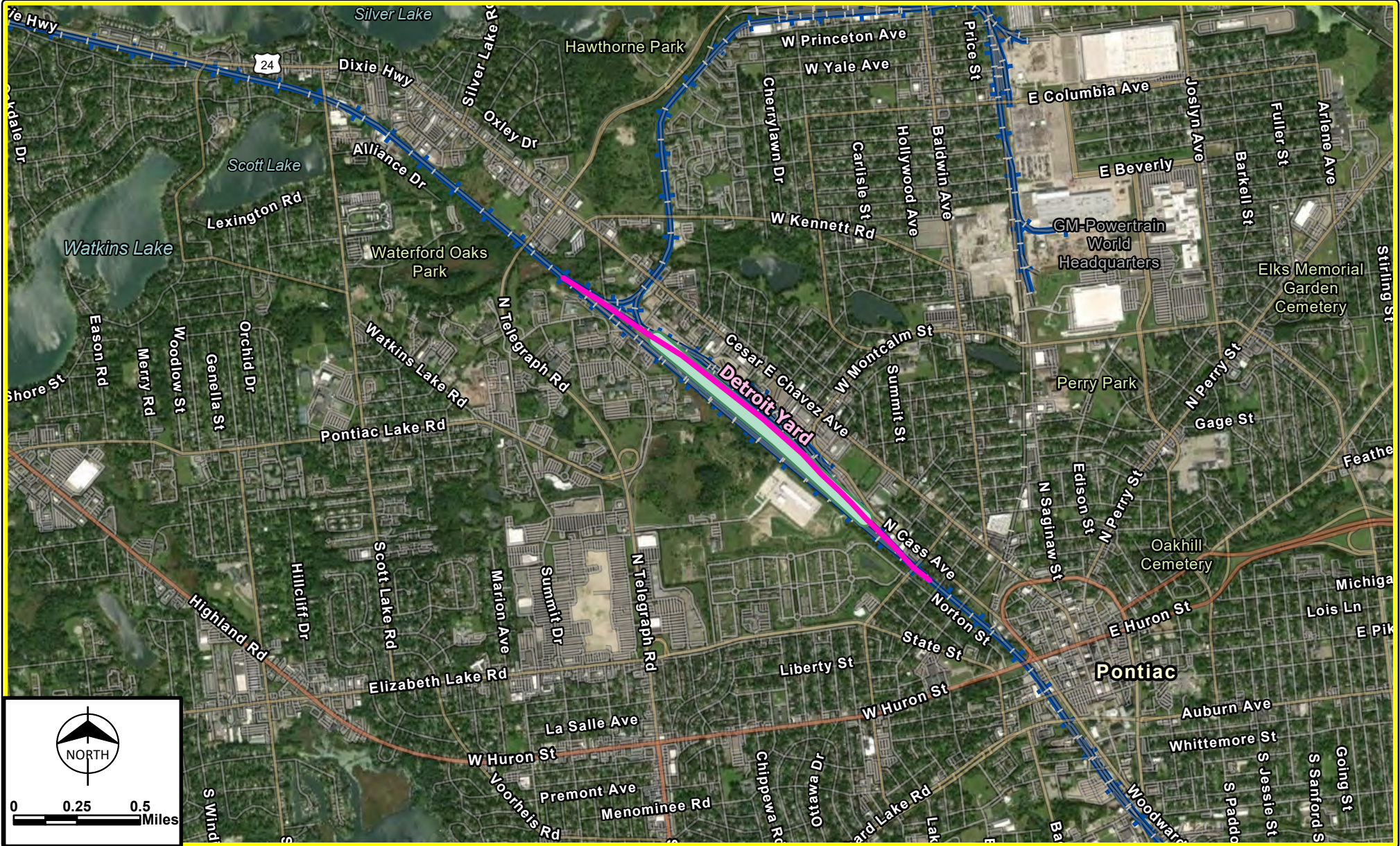


Figure 2:
KCS Divestiture to CN
Facility Improvement Projects
for EA Evaluation
Michigan (Overview)
Page 1 of 2



- + Existing Rail Line
- Rail Yard With Increased Carload Switching Activities
- Yard Tack



Figure 2:
 KCS Divestiture to CN EA
 Facility Improvement Project
 Detroit Intermodal Yard
 Michigan
 Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

Andrea Hunter
Director and THPO
Osage Nation
627 Grandview Ave
Pawhuska, OK 74056

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

Dear Ms. Hunter:

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Sincerely,

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Danielle Gosselin
Director
Office of Environmental Analysis

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Osage Nation Tribe

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Name of Osage Nation Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

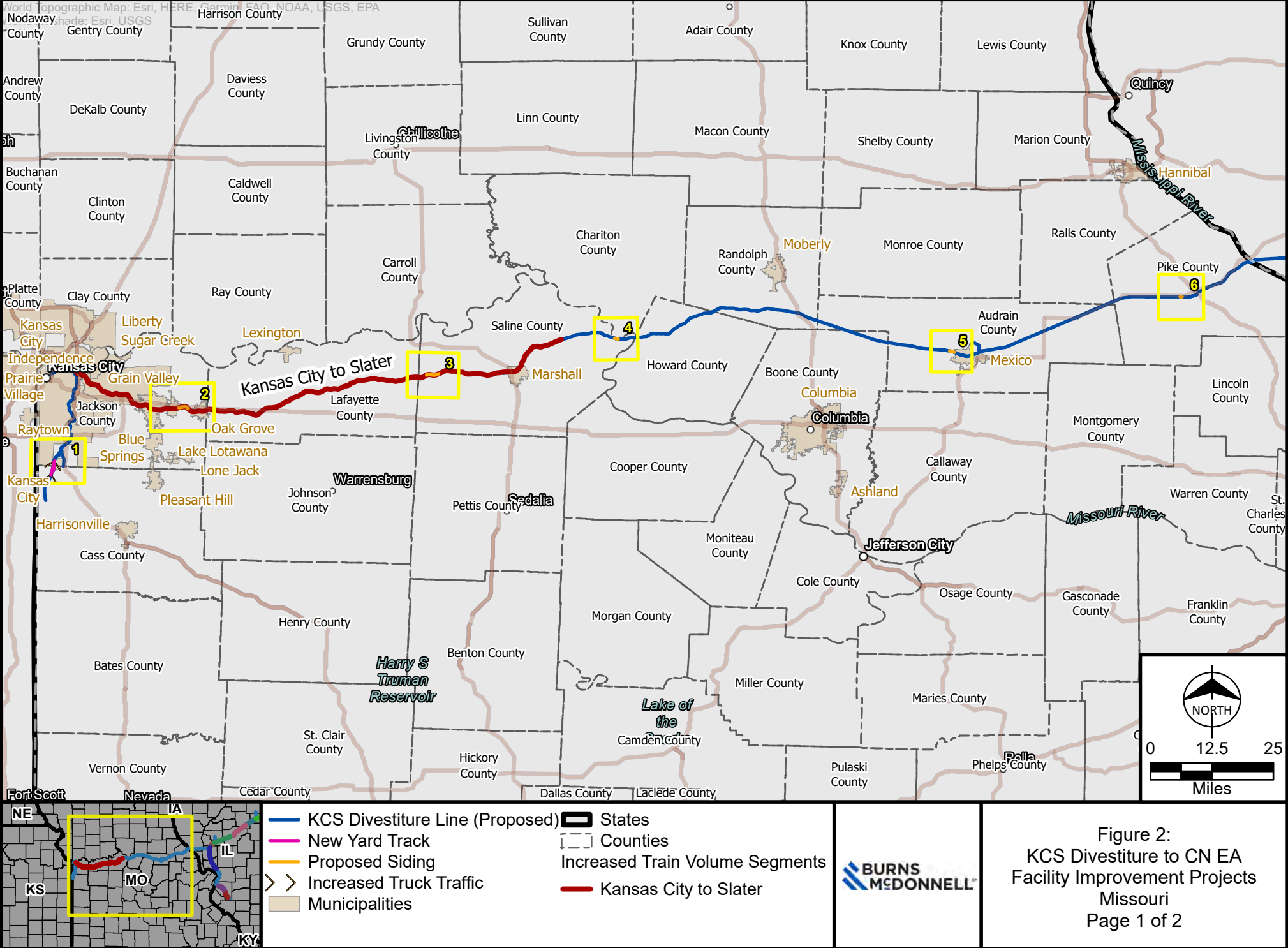
Alan Tabachnick

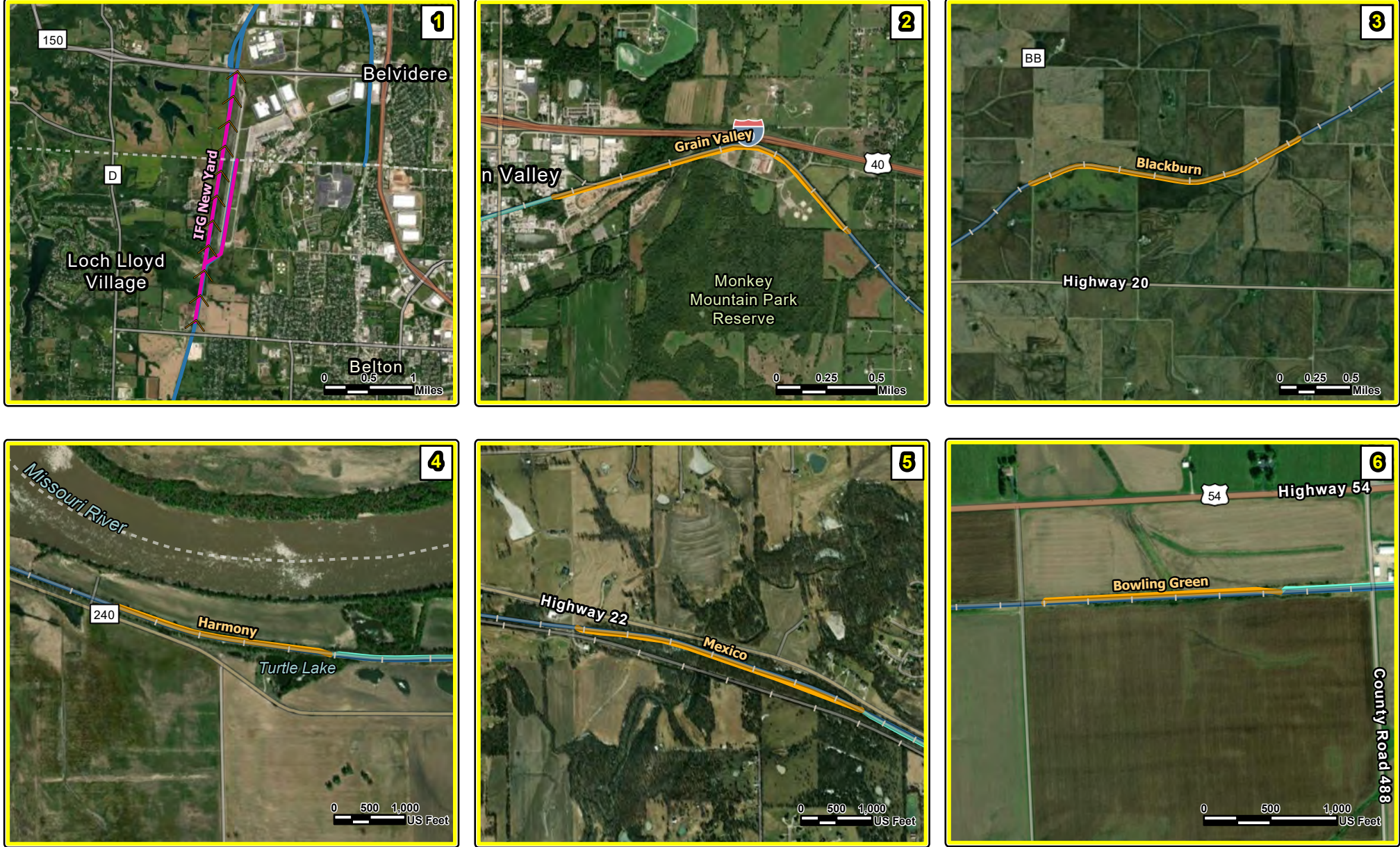
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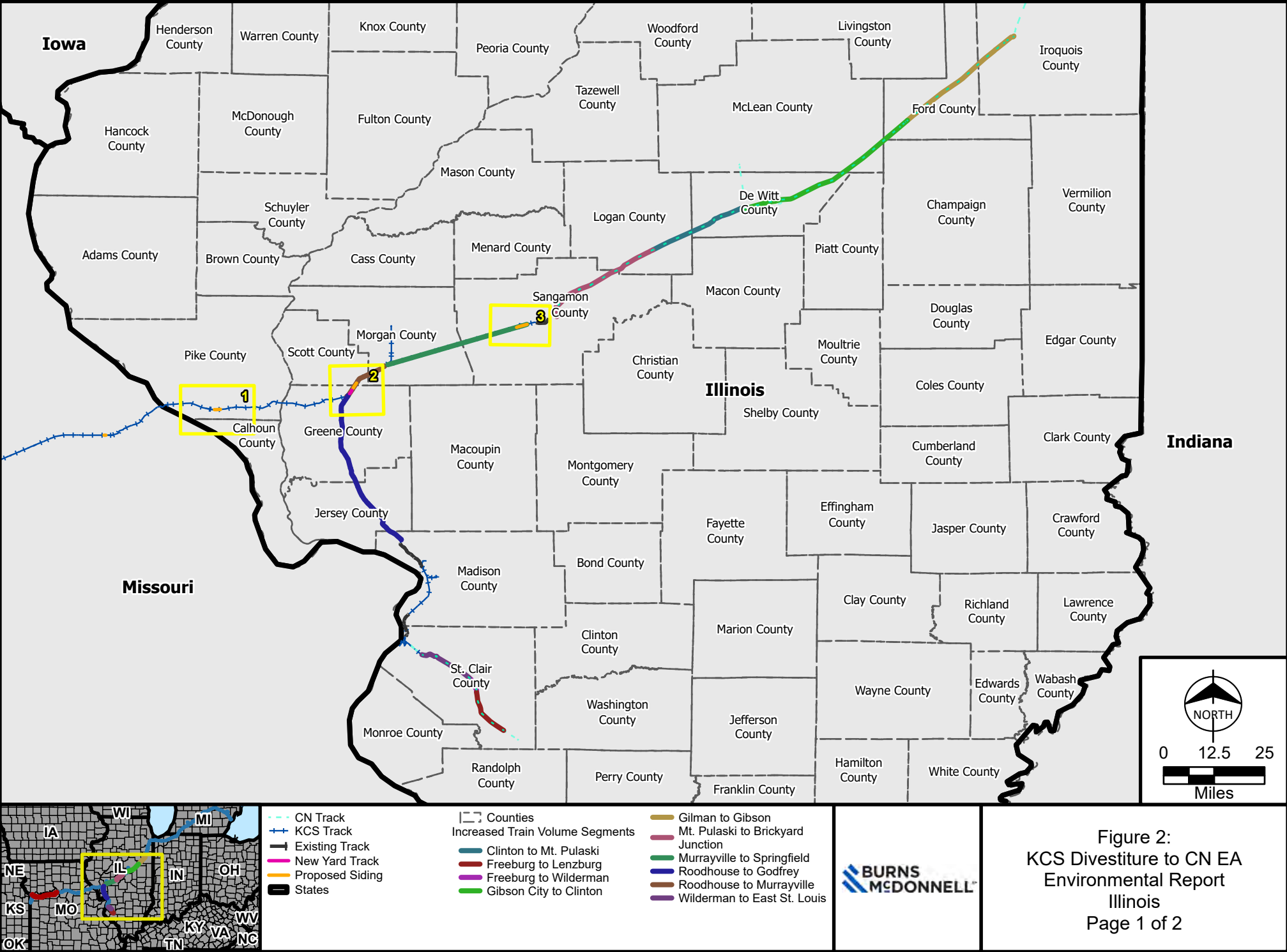


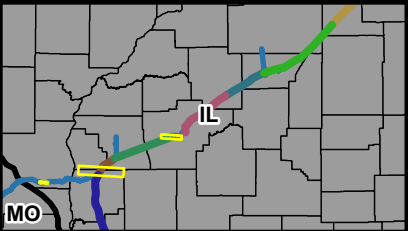
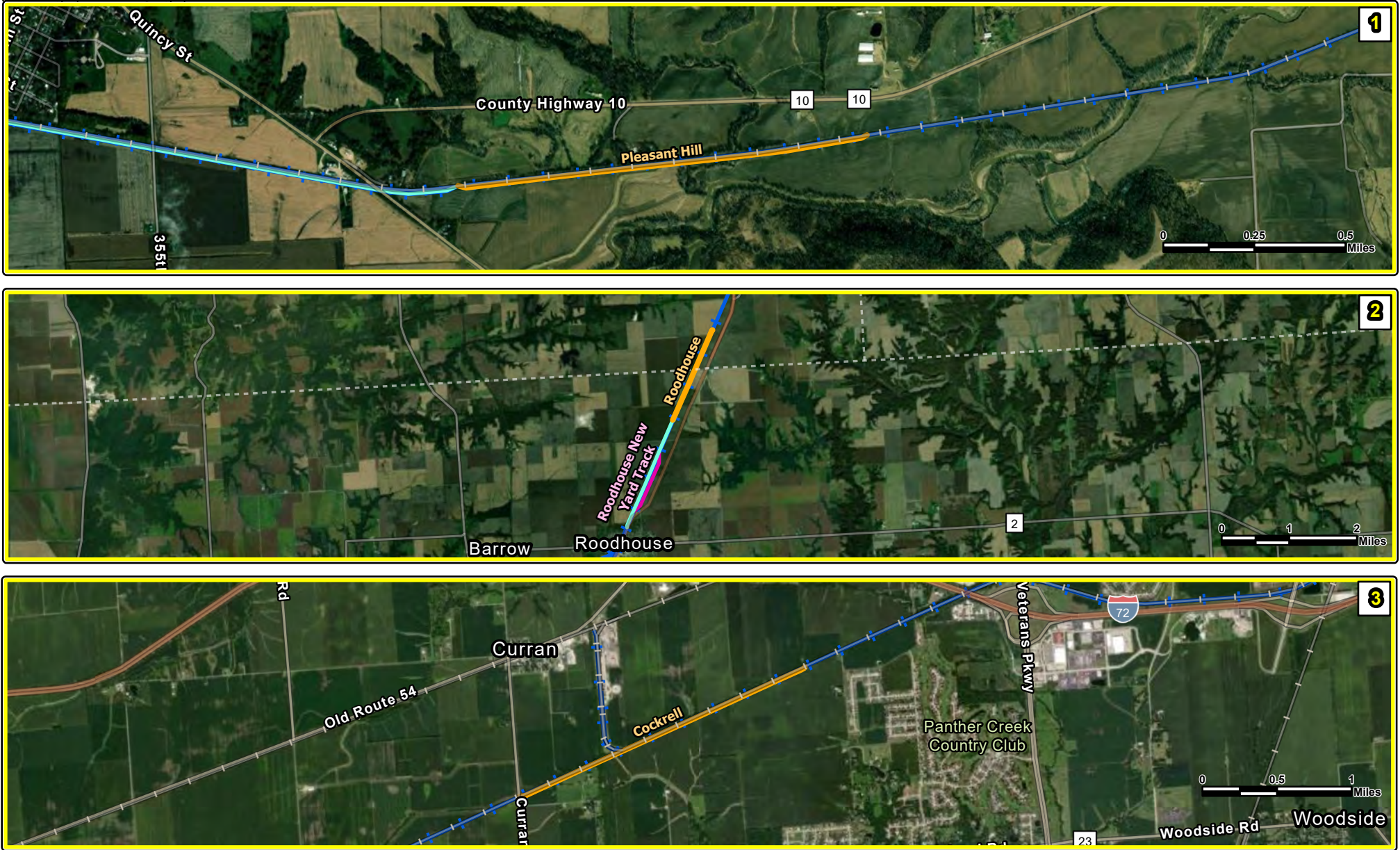
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Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Missouri
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Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Illinois
Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

Sandra Massey
THPO
Sac & Fox Nation, Oklahoma
920883 south highway 99
Building A
Stroud, OK 74079

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

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Alan Tabachnick
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114

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If you have any questions, please feel free to contact Alan Tabachnick of my staff, at 202-245-0367 or by email at alan.tabachnick@stb.gov. **Please send your responses by December 9, 2022.**

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

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Sac & Fox Nation , Oklahoma Tribe

Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill.

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 further comments:

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Name of Sac & Fox Nation , Oklahoma Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

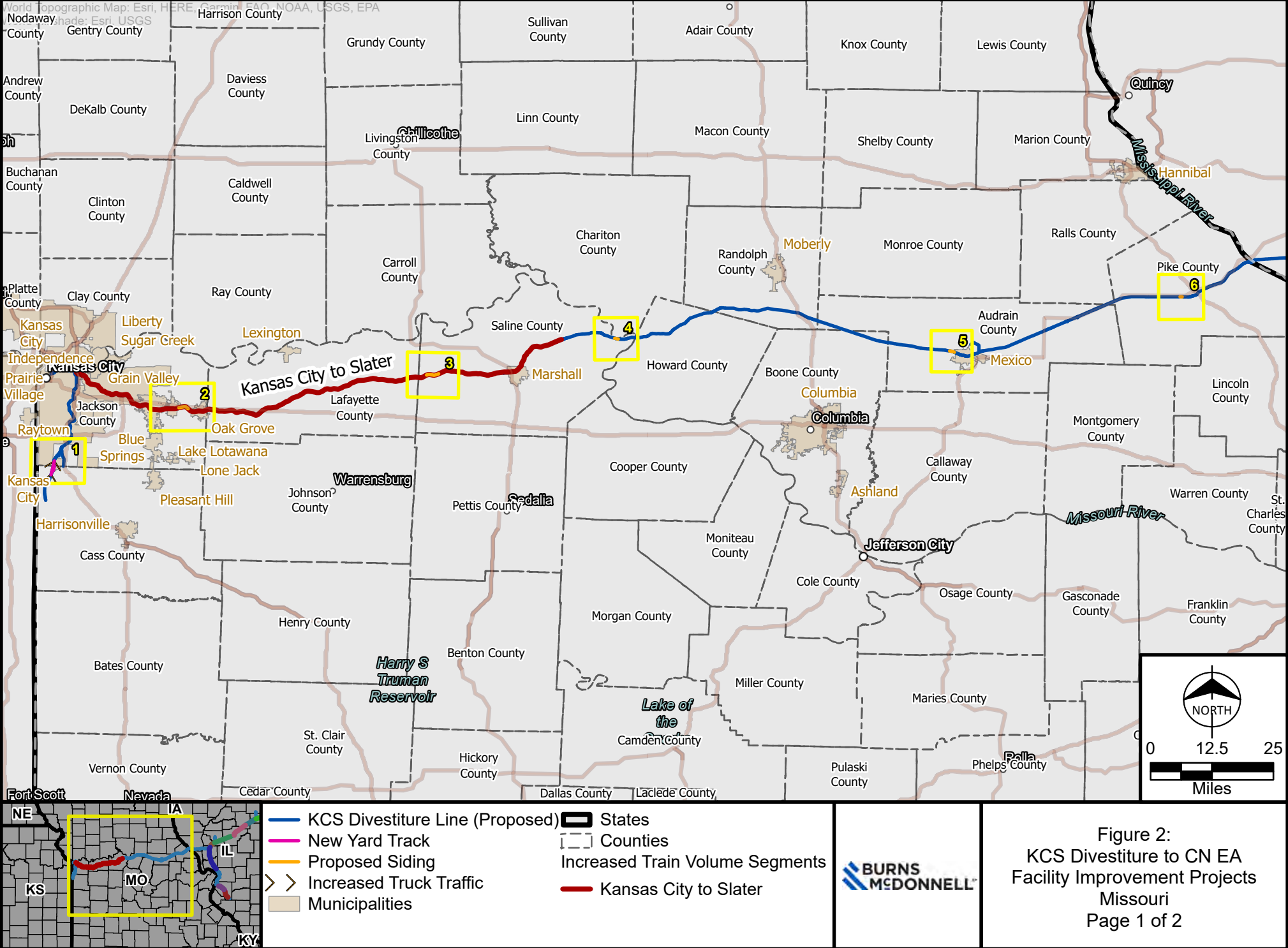
Alan Tabachnick

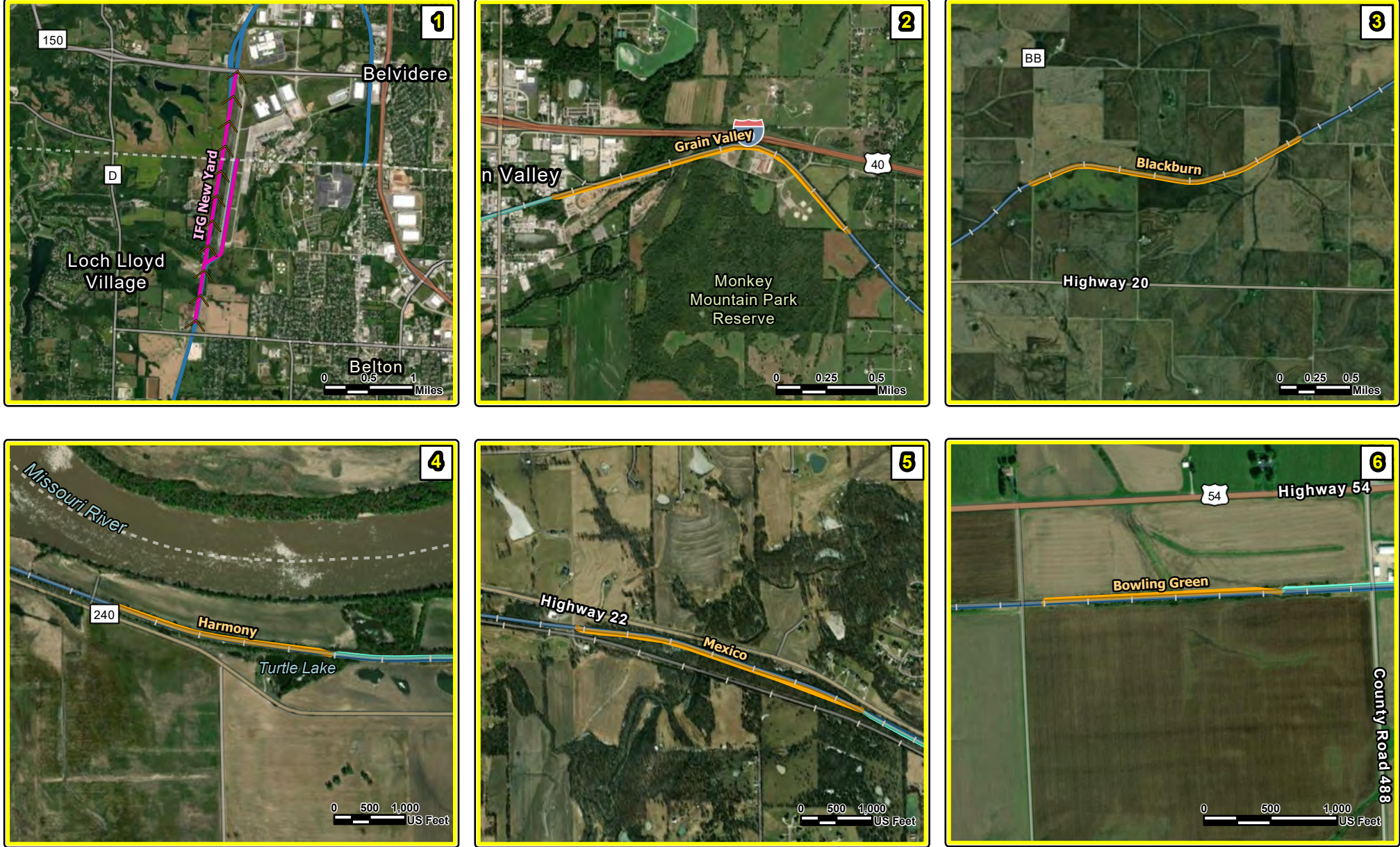
Alan.Tabachnick@stb.gov

Or mail to:

Alan Tabachnick, Surface Transportation Board
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114





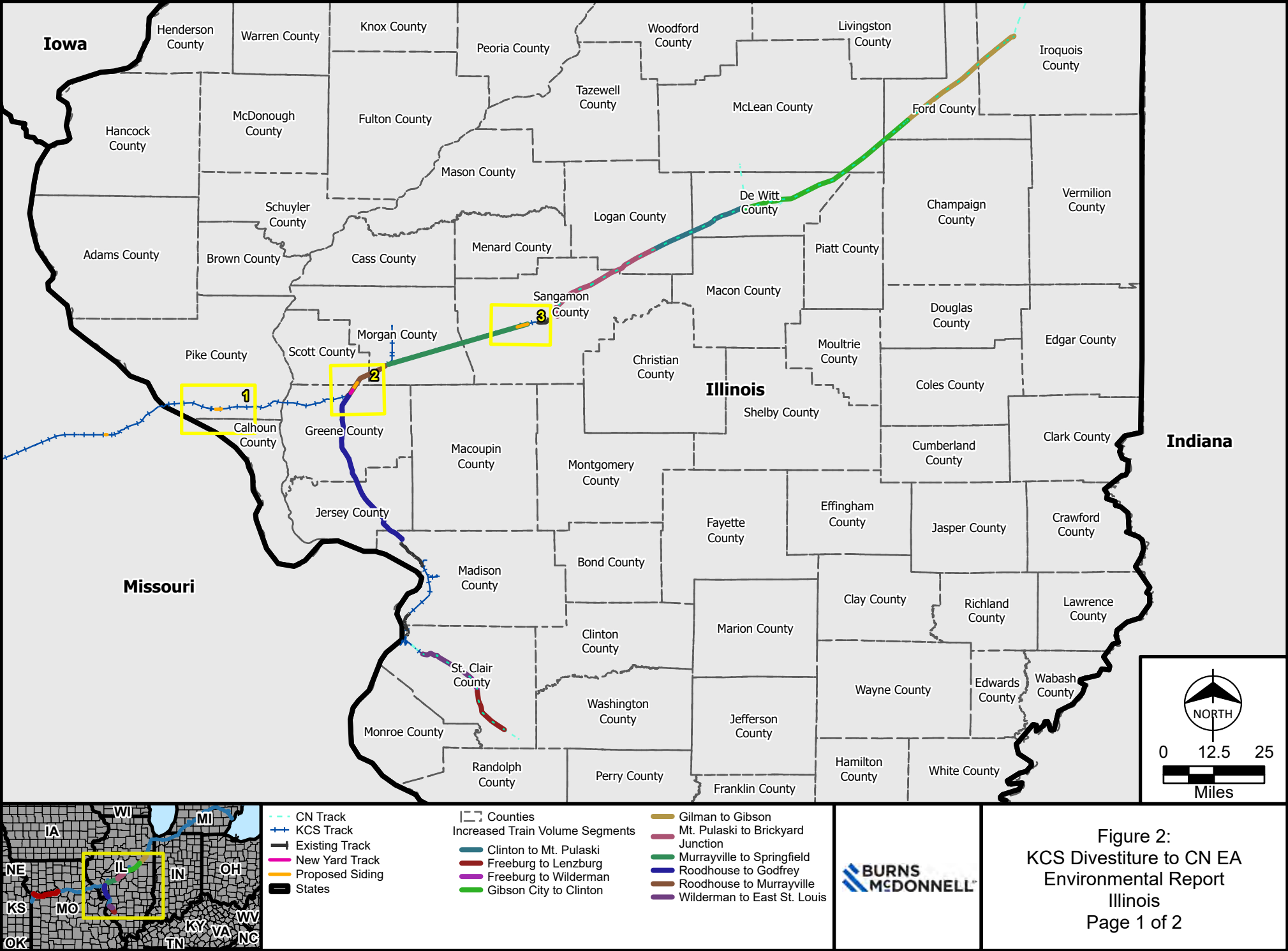


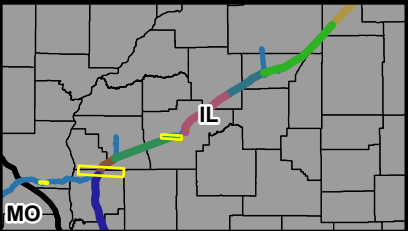
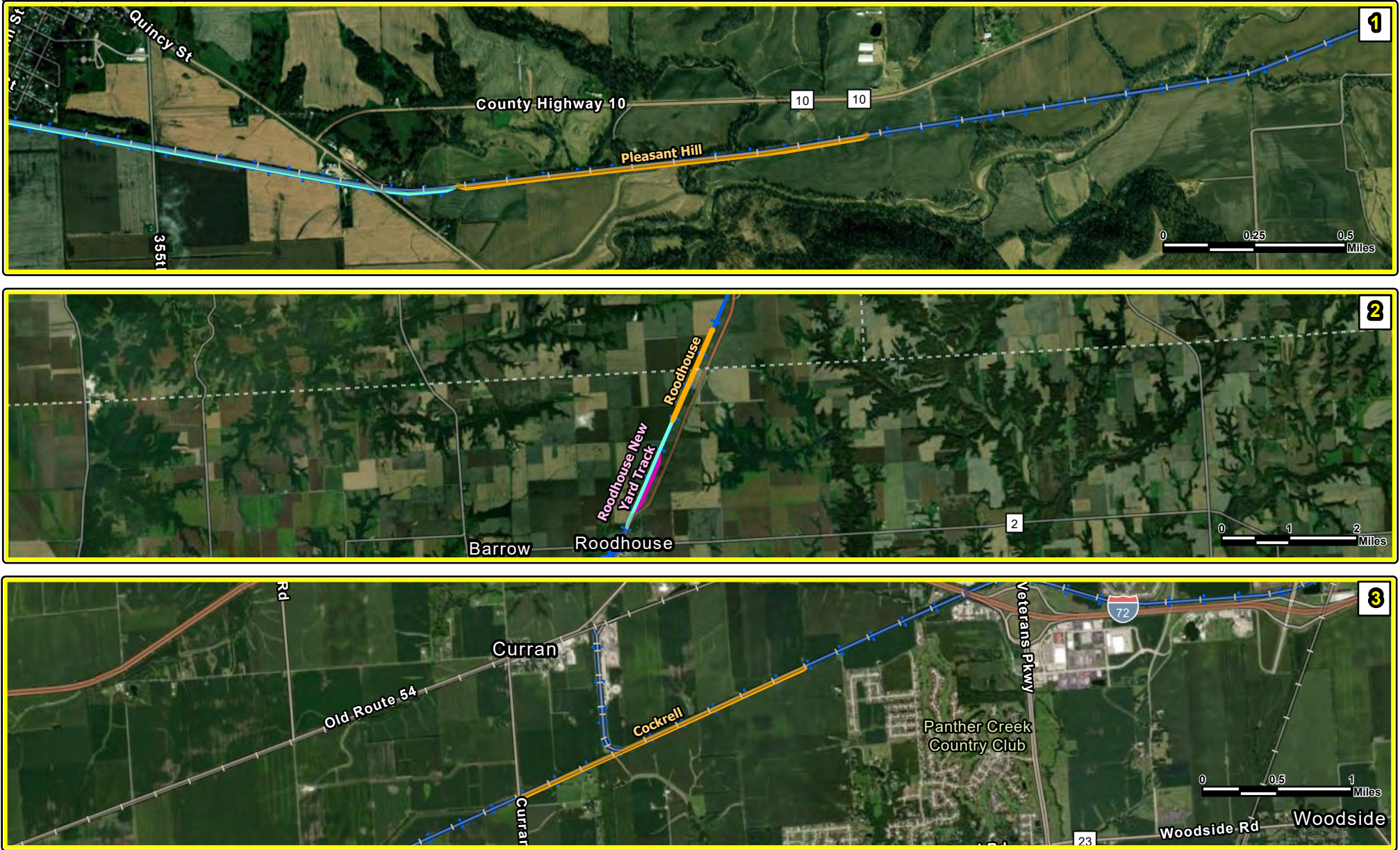
- KCS Divestiture Line (Proposed)
- Proposed Siding
- Existing Siding
- New Yard Track
- Increased Carload Switching Activities
- > > Increased Truck Traffic



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Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Missouri
Page 2 of 2





- + KCS Track
- Proposed Siding
- Existing Siding
- New Yard Track



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Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Illinois
Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

Johnathon Buffalo
Historical Preservation Director
Sac & Fox tribe of the Mississippi in Iowa
349 Meskwaki rd.
Tama, IA 52339

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

Dear Mr. Buffalo:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) for a proposal by Canadian National Railway Company and its affiliate, Illinois Central Railway Company (collectively, CN) that would involve the addition of new railroad tracks within existing rail rights-of-way (ROW) and in rail yards and intermodal facilities in Missouri and Illinois. This letter requests your preliminary comments on the proposed undertaking and OEA's planned Section 106 approach.

Description of the Proposed Undertaking

On June 9, 2022, CN filed an amended "responsive" application in Docket No. FD 36500 (Sub-No. 1) requesting that the Board order the sale of the Kansas City Southern Railway (KCS) rail line between Kansas City, Missouri and Springfield and East St. Louis, Illinois (Springfield Line) to CN (Proposed Divestiture). See attached maps. CN's filing was submitted in response to a primary application filed jointly by KCS and Canadian Pacific Railway (CP) in Docket No. FD 36500, seeking Board authority for CP to acquire KCS.⁷ The proposed acquisition of KCS by CP is the subject of a separate ongoing Section 106 review.⁸ Should the Board authorize both

⁷ Other responsive applications are pending before the Board in Docket No. FD 36500 (Sub-Nos. 2-4) but are not discussed here because those applications are exempt from Section 106 review under the Board's regulations at 49 C.F.R. § 1105.8(b).

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the primary application and the Proposed Divestiture, then CP would be ordered to sell the Springfield Line to CN upon completion of CP's acquisition of KCS.

Before deciding whether to authorize the Proposed Divestiture, the Board must first assess the potential effects of CN's proposal on historic properties listed on or eligible for listing on the National Register of Historic Place (National Register) in accordance with Section 106 and the Board's Section 106 regulations at 49 C.F.R. § 1105.8. OEA will conduct the Section 106 review of the Proposed Divestiture separately from, but concurrently with, the ongoing Section 106 review of the proposed acquisition of KCS by CP. Although the Proposed Divestiture could only occur if CP is authorized to acquire KCS, the Section 106 reviews for the two proposals are being conducted separately because they involve different railroad applicants and largely distinct sets of potential effects that would occur in different geographic areas.

The purpose of this letter is to advise you of the Proposed Divestiture and request information from your agency on the cultural resources under your jurisdiction that could be affected by the Proposed Divestiture. The Section 106 review of the Proposed Divestiture will help inform the Board in making its decision about whether to approve CN's proposal and, if so, whether and what mitigation conditions to impose.

Project Description

The Proposed Divestiture proceeding requests that the Board order the sale of approximately 370 miles of KCS's Springfield Line in Missouri and Illinois. In connection with the sale of the Springfield Line, CN also seeks a 50% equity interest in KCS's International Freight Gateway terminal (IFG Terminal) south of Kansas City. See attached maps. CN states that the Proposed Divestiture would preserve and enhance competition between Kansas City and Chicago; introduce new single-line rail automotive and intermodal service between Michigan/Eastern Canada and Kansas City; and establish a more direct route for rail traffic between Canada and the Midwest and East St. Louis. CN estimates that more than 80,000 long-haul trucks would be removed from the highways each year as a result of the Proposed Divestiture and that this would generate public benefits by reducing greenhouse gas emissions, highway congestion and maintenance.

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(www.CP-KCSMergerEIS.com) or on the Board's website at www.stb.gov by conducting a search for Docket No. FD 36500.

6,000 feet of track with intermodal pads and accompanying pavement and 5,000 feet of track for loading/unloading and car storage; and developing approximately 25 acres of land for necessary roadways, parking, and truck areas. At IFG Terminal in Missouri, CN proposes to construct 20,000 feet of track with pad, storage and accompanying pavement, and 6,600 feet of track for loading/unloading and storage, roadways and railhead parking and truck areas. At Roodhouse Yard in Illinois, CN would construct 5,000 feet of new yard track.

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Alan Tabachnick
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114

We have also included a Consultation Questionnaire to assist you in participating in the Project and help us with your level of involvement. Please complete and return the questionnaire to us also by December 9, 2022.

If you have any questions, please feel free to contact Alan Tabachnick of my staff, at 202-245-0367 or by email at alan.tabachnick@stb.gov. **Please send your responses by December 9, 2022.**

Sincerely,

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Danielle Gosselin
Director
Office of Environmental Analysis

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Sac & Fox tribe of the Mississippi in Iowa Tribe

Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill.

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 further comments:

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Name of Sac & Fox tribe of the Mississippi in Iowa Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

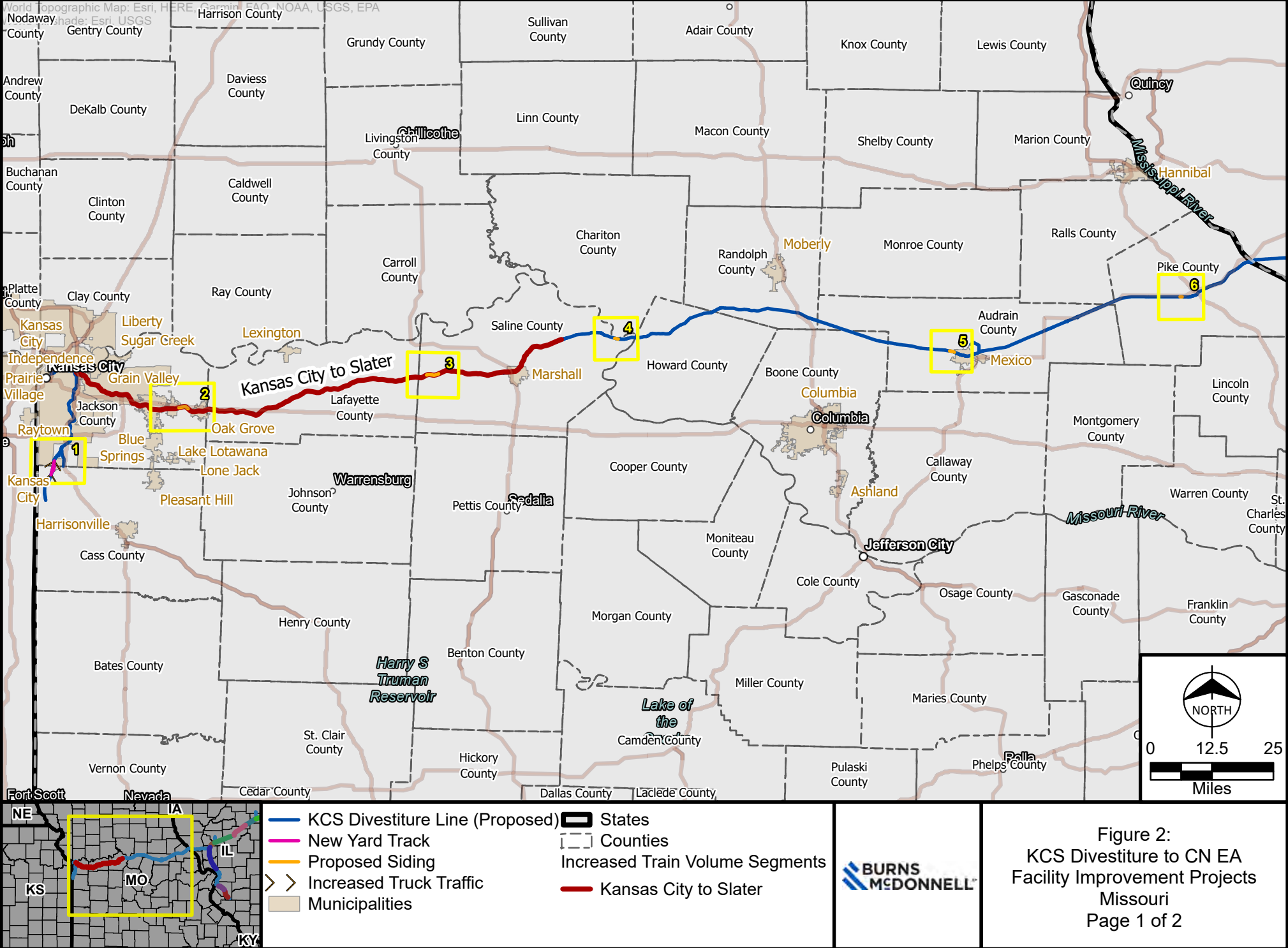
Alan Tabachnick

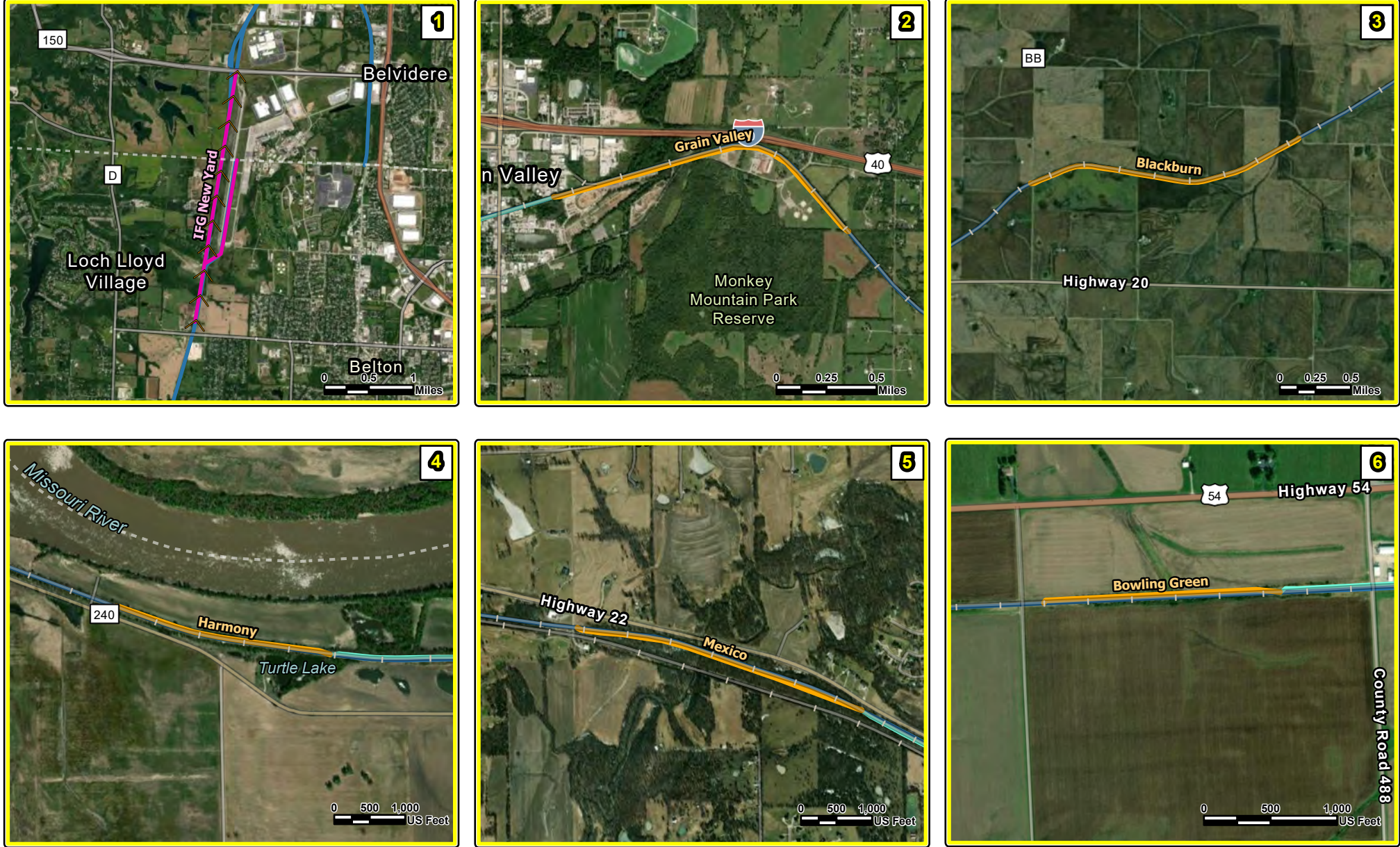
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Kansas City, MO 64114





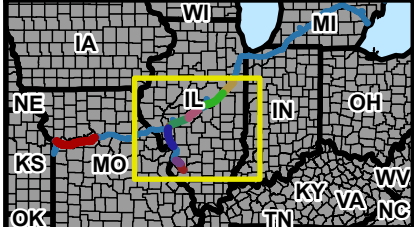


- KCS Divestiture Line (Proposed)
- Proposed Siding
- Existing Siding
- New Yard Track
- Increased Carload Switching Activities
- > > Increased Truck Traffic



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MCDONNELL

Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Missouri
Page 2 of 2

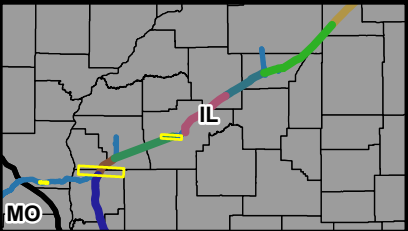
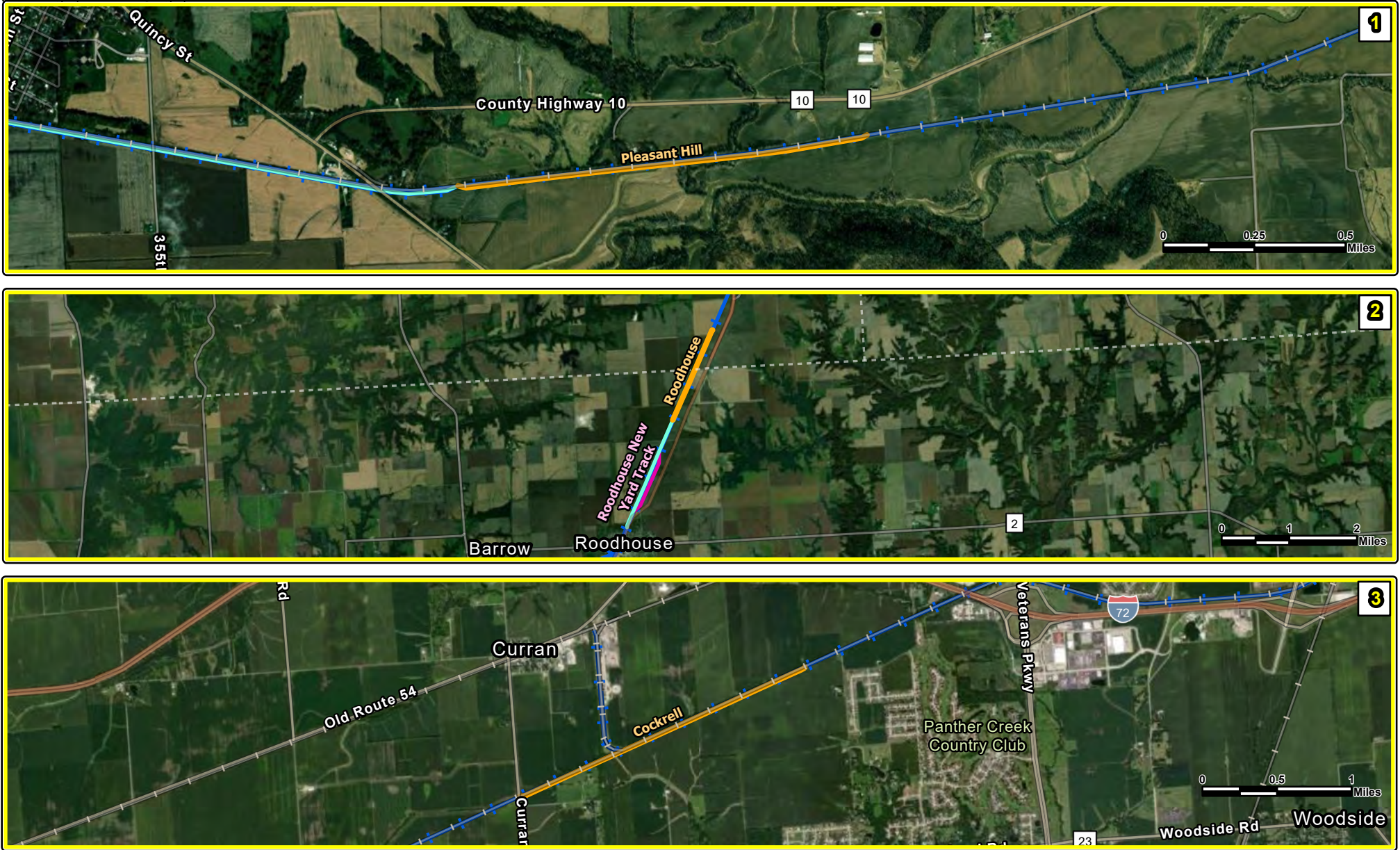


- Clinton to Mt. Pulaski
- Freeburg to Lenzburg
- Freeburg to Wilderman
- Gibson City to Clinton

- Gilman to Gibson
- Mt. Pulaski to Brickyard Junction
- Murrayville to Springfield
- Roodhouse to Godfrey
- Roodhouse to Murrayville
- Wilderman to East St. Louis



Figure 2:
KCS Divestiture to CN EA
Environmental Report
Illinois
Page 1 of 2



- +— KCS Track
- Proposed Siding
- Existing Siding
- New Yard Track



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Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Illinois
Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

William Tarrant
THPO
Seneca-Cayuga Nation
PO Box 453220
Grove, OK 74345-3221

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

Dear Mr. Tarrant:

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Alan Tabachnick
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114

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If you have any questions, please feel free to contact Alan Tabachnick of my staff, at 202-245-0367 or by email at alan.tabachnick@stb.gov. **Please send your responses by December 9, 2022.**

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Seneca-Cayuga Nation Tribe

Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill.

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 further comments:

_____ We have no interests in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and further consultation with our Tribe is not necessary.

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Name of Seneca-Cayuga Nation Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

Alan Tabachnick

Alan.Tabachnick@stb.gov

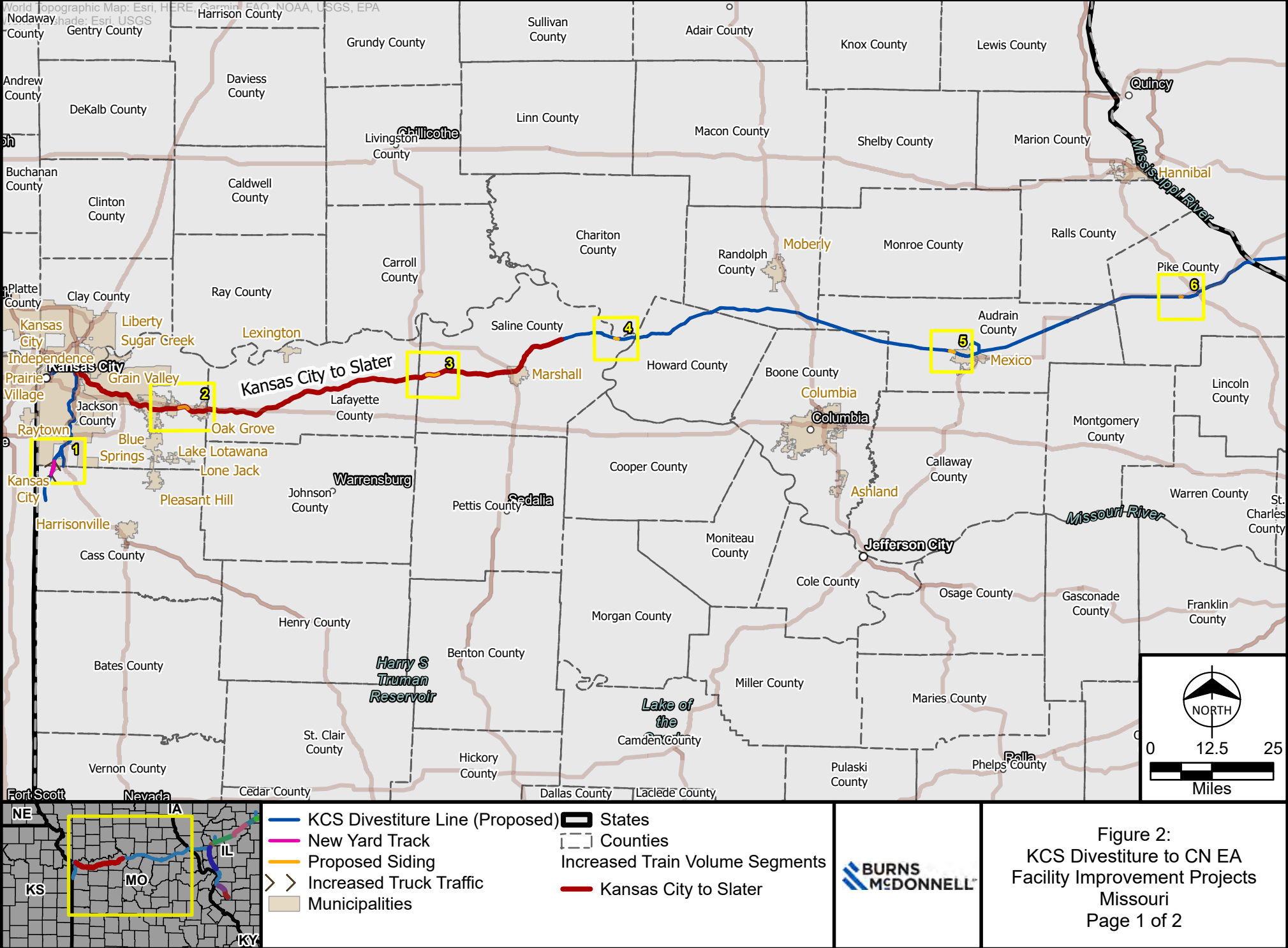
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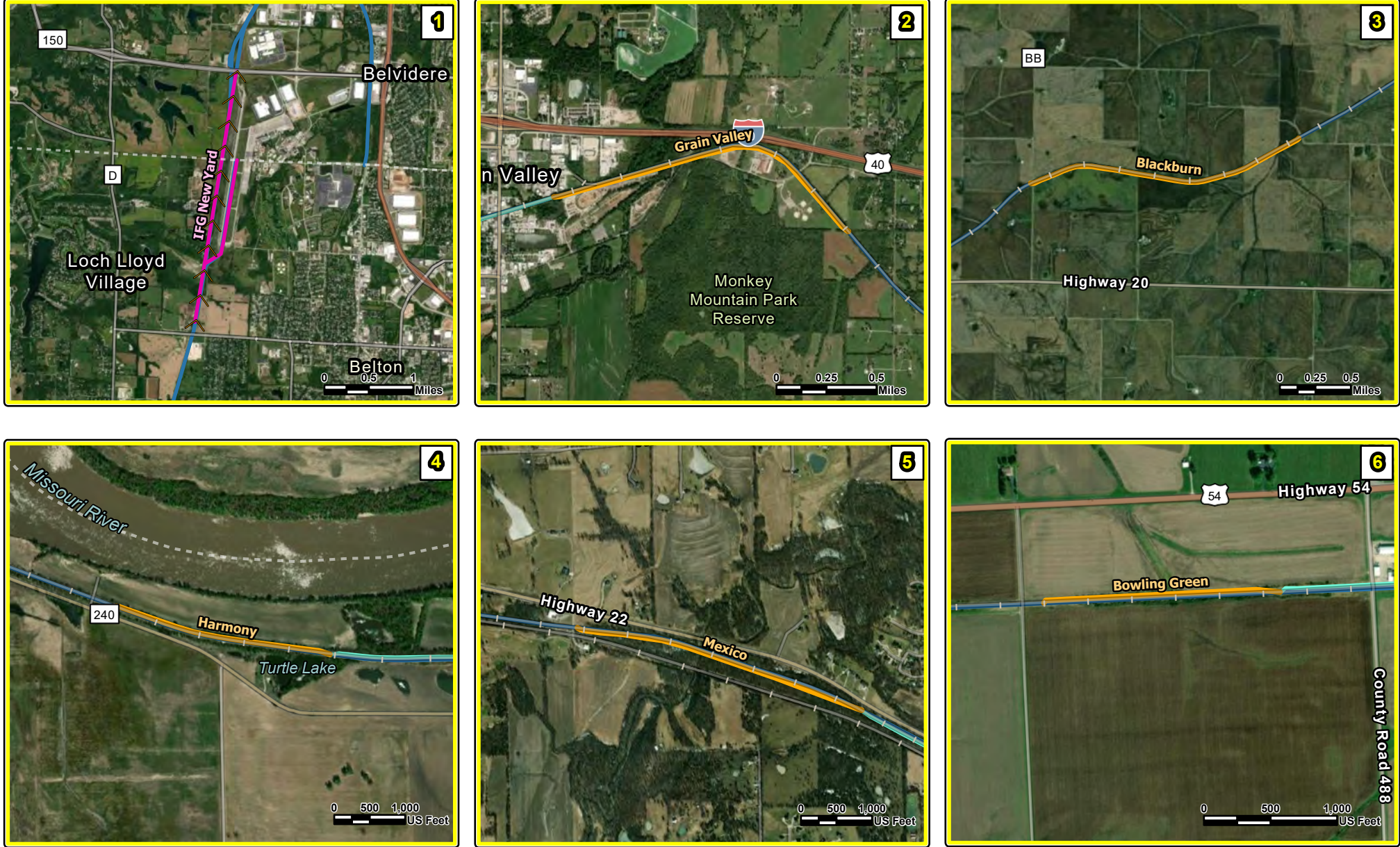
Alan Tabachnick, Surface Transportation Board
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114



Figure 1:
KCS Divestiture to CN
Line Segments and
Facility Improvement Projects
for EA Evaluation



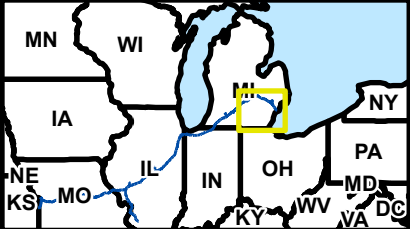
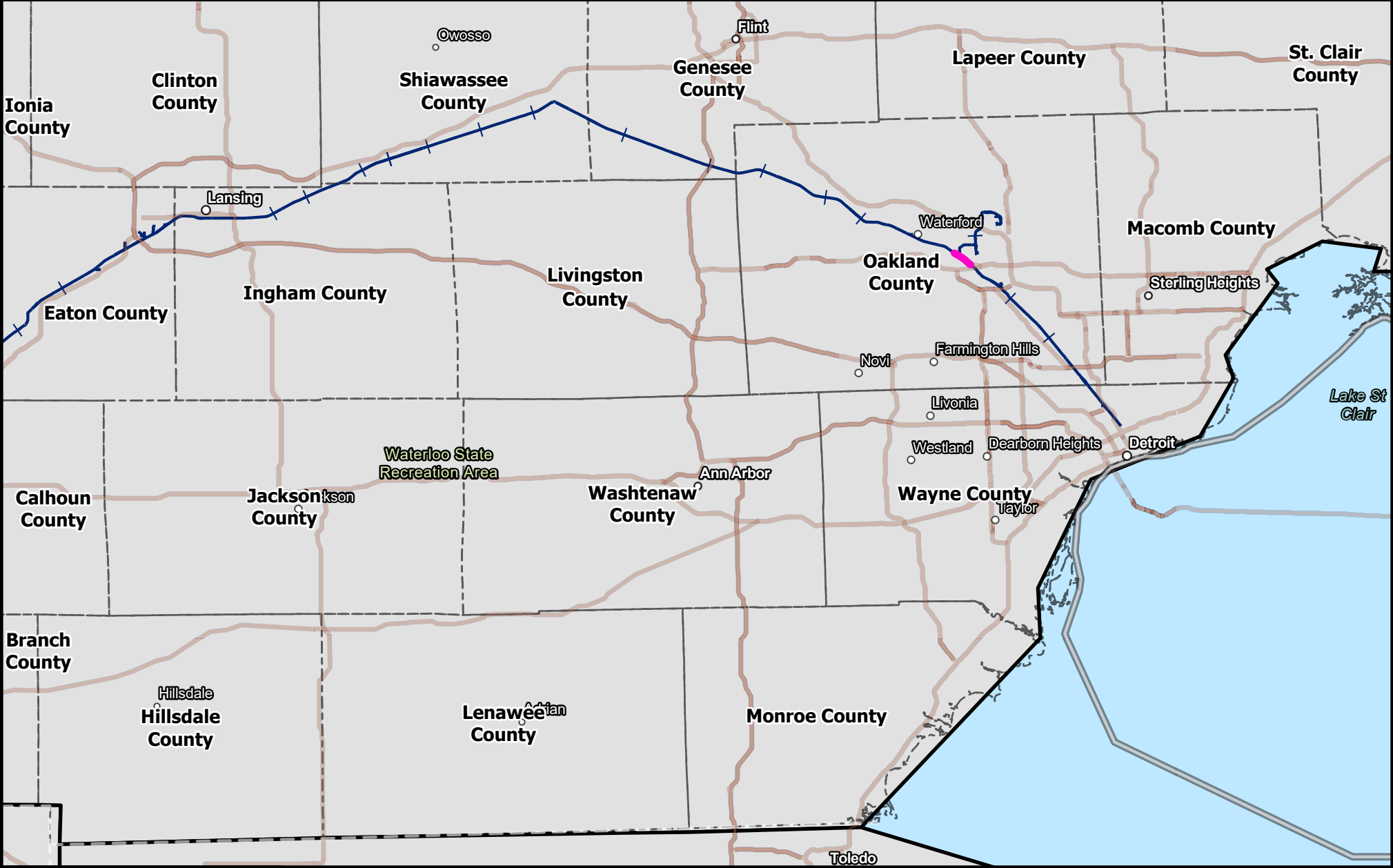




- KCS Divestiture Line (Proposed)
- Proposed Siding
- Existing Siding
- New Yard Track
- Increased Carload Switching Activities
- > > Increased Truck Traffic



Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Missouri
Page 2 of 2



- States
- County
- Yard Tack

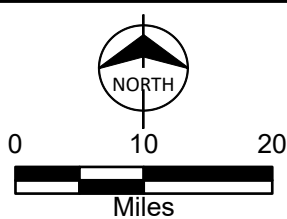
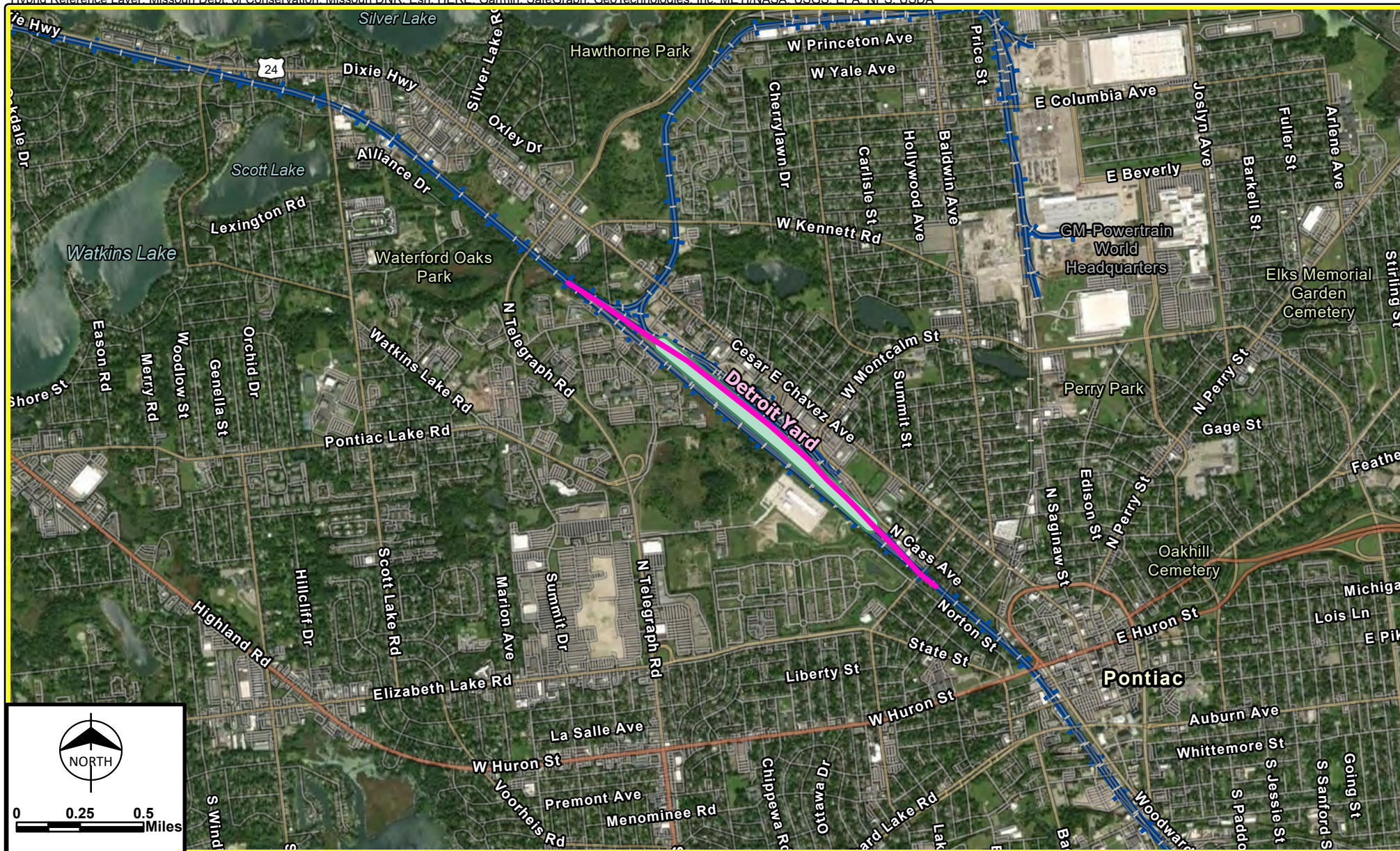


Figure 2:
KCS Divestiture to CN
Facility Improvement Projects
for EA Evaluation
Michigan (Overview)
Page 1 of 2



- + Existing Rail Line
- Rail Yard With Increased Carload Switching Activities
- Yard Tack

**BURNS
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Figure 2:
KCS Divestiture to CN EA
Facility Improvement Project
Detroit Intermodal Yard
Michigan
Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

David Grignon
Tribal Historic Preservation Officer THPO
Menominee Indian Tribe of Wisconsin
PO Box 910
Keshena, WI 54135

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

Dear Mr. Grignon:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) for a proposal by Canadian National Railway Company and its affiliate, Illinois Central Railway Company (collectively, CN) that would involve the addition of new railroad tracks within existing rail rights-of-way (ROW) and in rail yards and intermodal facilities in Missouri and Illinois. This letter requests your preliminary comments on the proposed undertaking and OEA's planned Section 106 approach.

Description of the Proposed Undertaking

On June 9, 2022, CN filed an amended "responsive" application in Docket No. FD 36500 (Sub-No. 1) requesting that the Board order the sale of the Kansas City Southern Railway (KCS) rail line between Kansas City, Missouri and Springfield and East St. Louis, Illinois (Springfield Line) to CN (Proposed Divestiture). See attached maps. CN's filing was submitted in response to a primary application filed jointly by KCS and Canadian Pacific Railway (CP) in Docket No. FD 36500, seeking Board authority for CP to acquire KCS.¹¹ The proposed acquisition of KCS by CP is the subject of a separate ongoing Section 106 review.¹² Should the Board authorize

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both the primary application and the Proposed Divestiture, then CP would be ordered to sell the Springfield Line to CN upon completion of CP's acquisition of KCS.

Before deciding whether to authorize the Proposed Divestiture, the Board must first assess the potential effects of CN's proposal on historic properties listed on or eligible for listing on the National Register of Historic Place (National Register) in accordance with Section 106 and the Board's Section 106 regulations at 49 C.F.R. § 1105.8. OEA will conduct the Section 106 review of the Proposed Divestiture separately from, but concurrently with, the ongoing Section 106 review of the proposed acquisition of KCS by CP. Although the Proposed Divestiture could only occur if CP is authorized to acquire KCS, the Section 106 reviews for the two proposals are being conducted separately because they involve different railroad applicants and largely distinct sets of potential effects that would occur in different geographic areas.

The purpose of this letter is to advise you of the Proposed Divestiture and request information from your agency on the cultural resources under your jurisdiction that could be affected by the Proposed Divestiture. The Section 106 review of the Proposed Divestiture will help inform the Board in making its decision about whether to approve CN's proposal and, if so, whether and what mitigation conditions to impose.

Project Description

The Proposed Divestiture proceeding requests that the Board order the sale of approximately 370 miles of KCS's Springfield Line in Missouri and Illinois. In connection with the sale of the Springfield Line, CN also seeks a 50% equity interest in KCS's International Freight Gateway terminal (IFG Terminal) south of Kansas City. See attached maps. CN states that the Proposed Divestiture would preserve and enhance competition between Kansas City and Chicago; introduce new single-line rail automotive and intermodal service between Michigan/Eastern Canada and Kansas City; and establish a more direct route for rail traffic between Canada and the Midwest and East St. Louis. CN estimates that more than 80,000 long-haul trucks would be removed from the highways each year as a result of the Proposed Divestiture and that this would generate public benefits by reducing greenhouse gas emissions, highway congestion and maintenance.

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6,000 feet of track with intermodal pads and accompanying pavement and 5,000 feet of track for loading/unloading and car storage; and developing approximately 25 acres of land for necessary roadways, parking, and truck areas. At IFG Terminal in Missouri, CN proposes to construct 20,000 feet of track with pad, storage and accompanying pavement, and 6,600 feet of track for loading/unloading and storage, roadways and railhead parking and truck areas. At Roodhouse Yard in Illinois, CN would construct 5,000 feet of new yard track.

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Area of Potential Effects

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Request for Comments

We appreciate your assistance in identifying whether any cultural resources of concern to your agency may be affected by the Proposed Divestiture and welcome any additional issues or concerns that you consider appropriate. To submit comments electronically through the Board's website at <https://www.stb.gov>, select "File an Environmental Comment" below the "Need Assistance?" button. Be sure to include the docket number "Docket No. FD 36500 (Sub-No. 1)." Log-in accounts are not needed to file Section 106 comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Alan Tabachnick, Historic Preservation Specialist and Deputy Federal Preservation Officer Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. FD 36500 (Sub-No. 1). You may also submit comments to OEA's third-party consultant Burns & McDonnell at:

Alan Tabachnick
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114

We have also included a Consultation Questionnaire to assist you in participating in the Project and help us with your level of involvement. Please complete and return the questionnaire to us also by December 9, 2022.

If you have any questions, please feel free to contact Alan Tabachnick of my staff, at 202-245-0367 or by email at alan.tabachnick@stb.gov. **Please send your responses by December 9, 2022.**

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Menominee Indian Tribe of Wisconsin Tribe

Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill.

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 further comments:

_____ We have no interests in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and further consultation with our Tribe is not necessary.

_____ 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 interest in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and want to participate as a Consulting Party in the Section 106 process.

Name of Menominee Indian Tribe of Wisconsin Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

Alan Tabachnick

Alan.Tabachnick@stb.gov

Or mail to:

Alan Tabachnick, Surface Transportation Board
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114



Figure 1:
KCS Divestiture to CN
Line Segments and
Facility Improvement Projects
for EA Evaluation



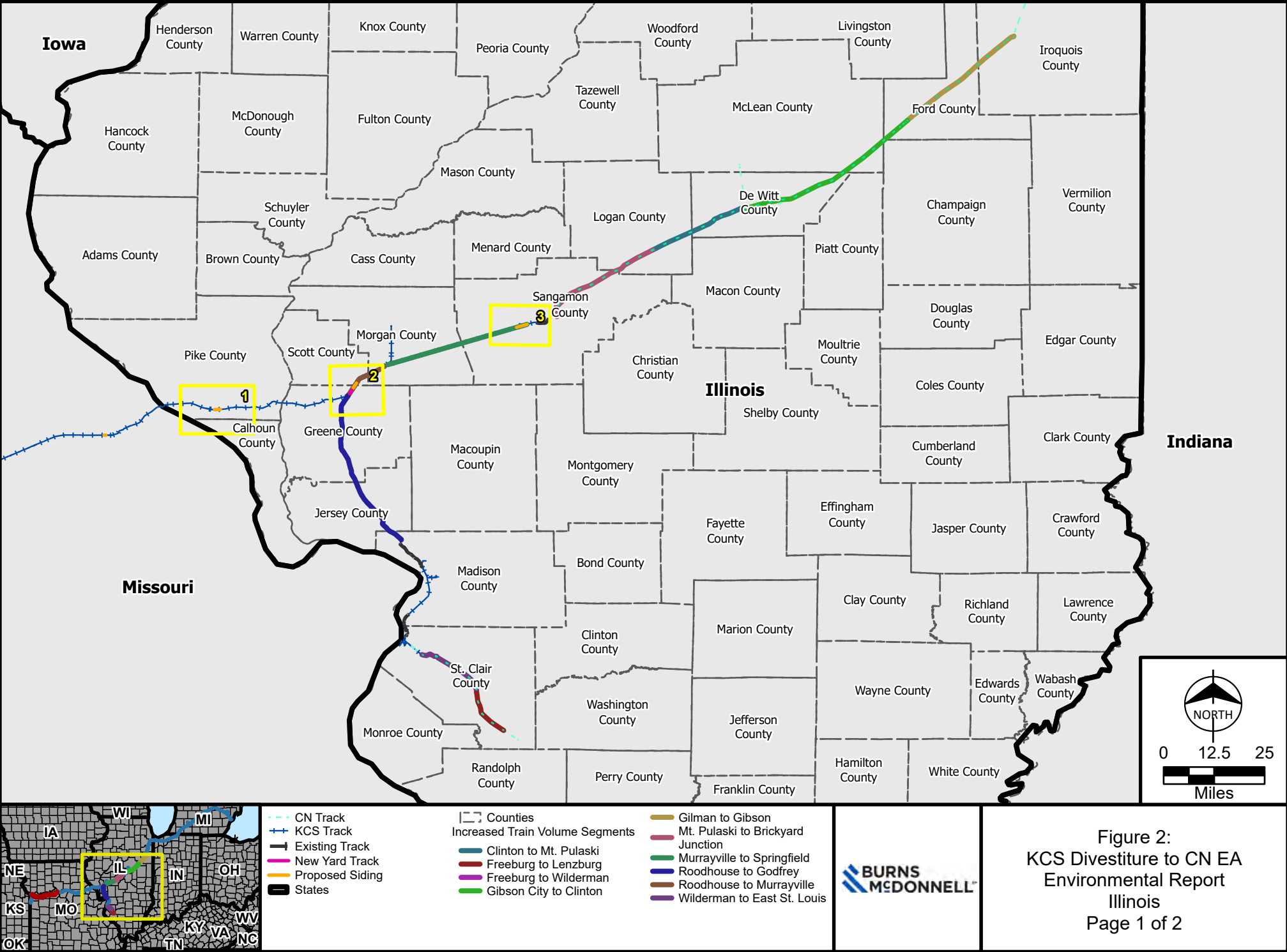
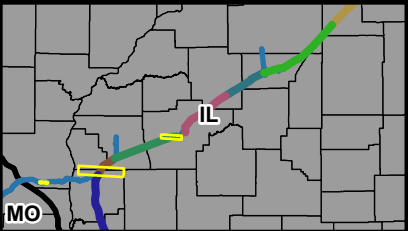
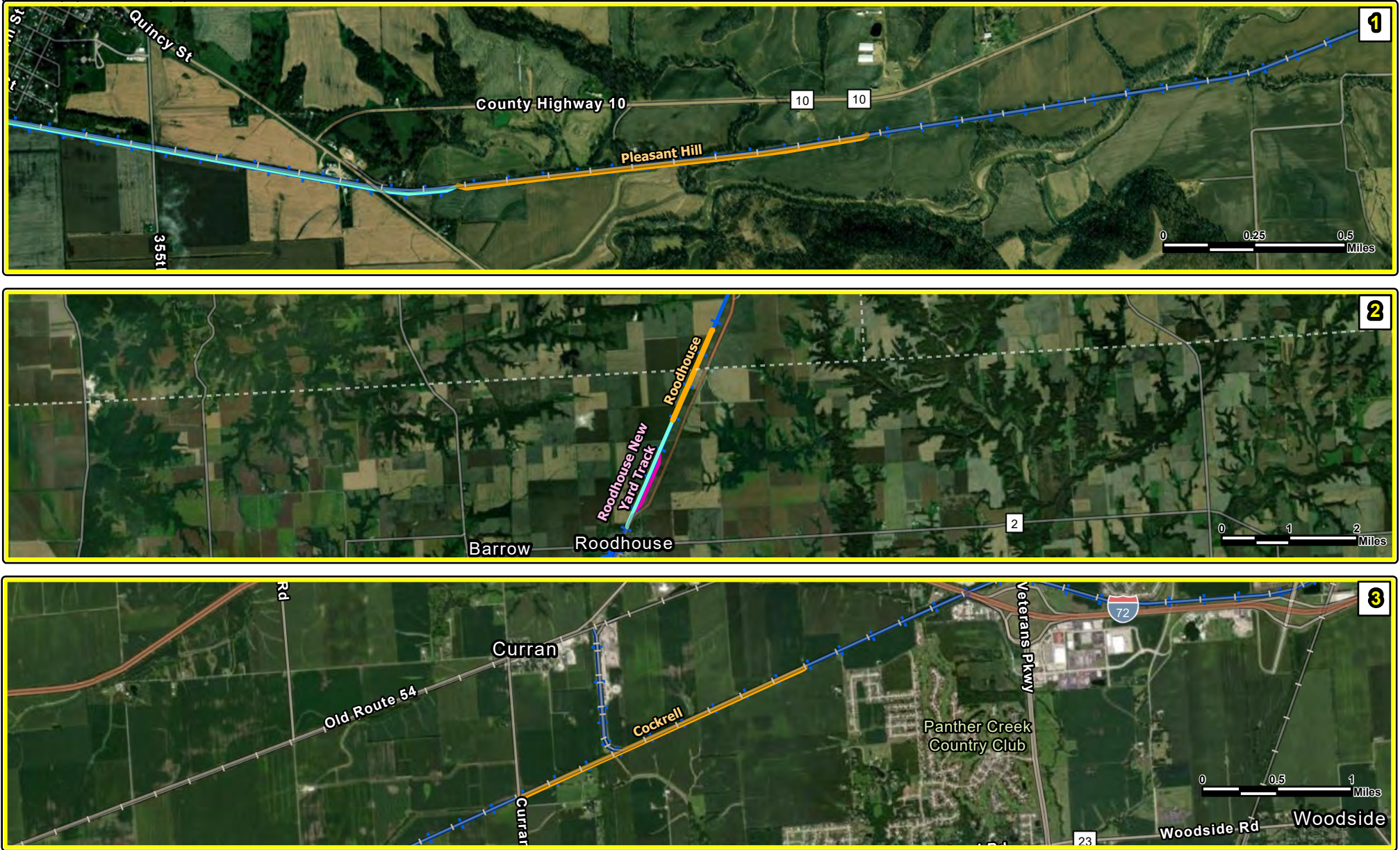


Figure 2:
KCS Divestiture to CN EA
Environmental Report
Illinois
Page 1 of 2

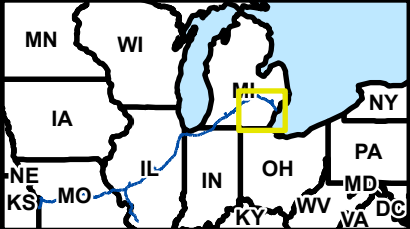
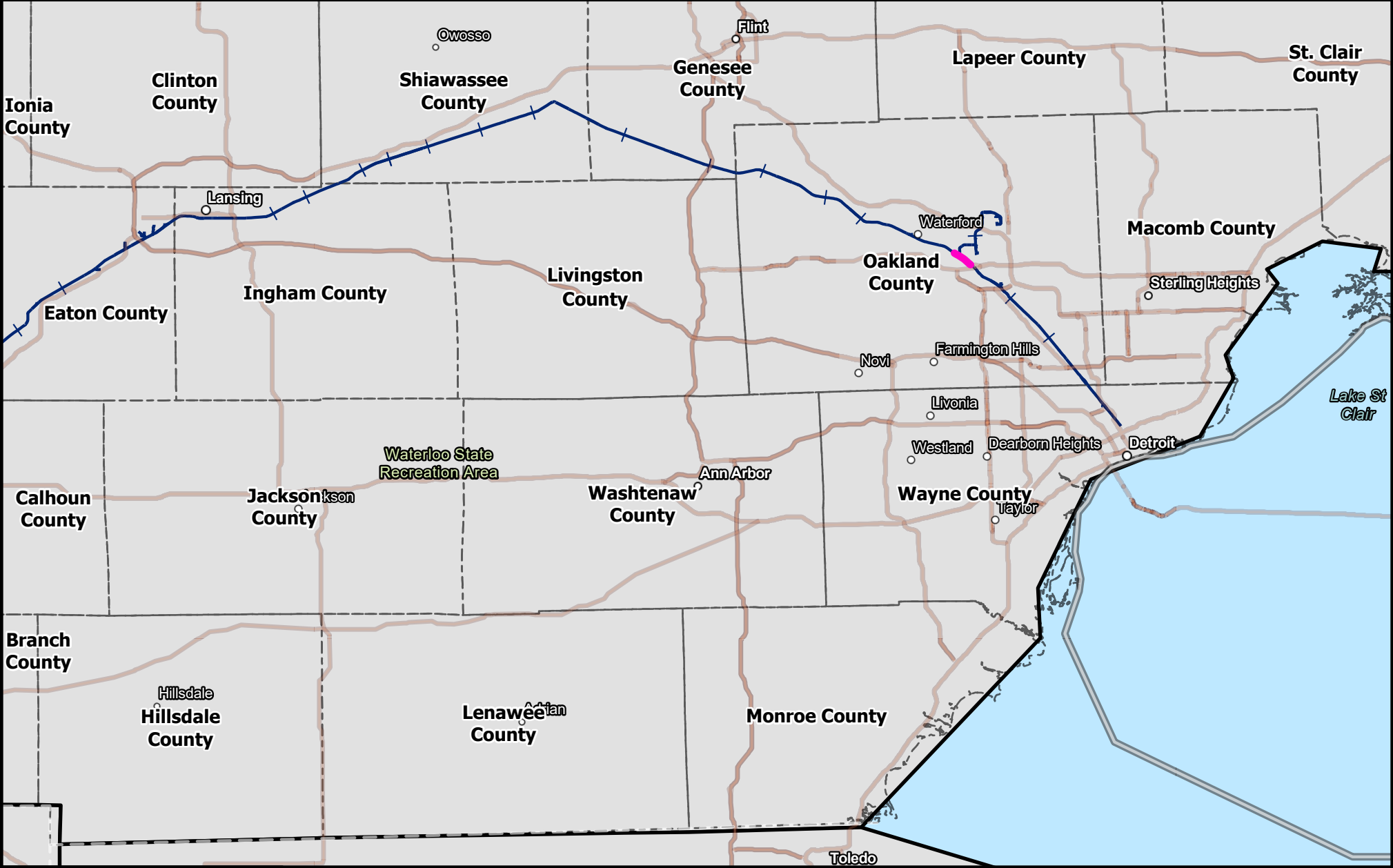


- +— KCS Track
- Proposed Siding
- Existing Siding
- New Yard Track



BURNS
MCDONNELL

Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Illinois
Page 2 of 2



- States
- County
- Yard Tack

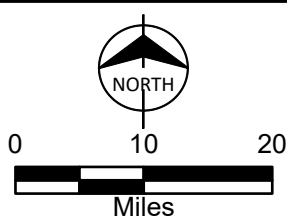
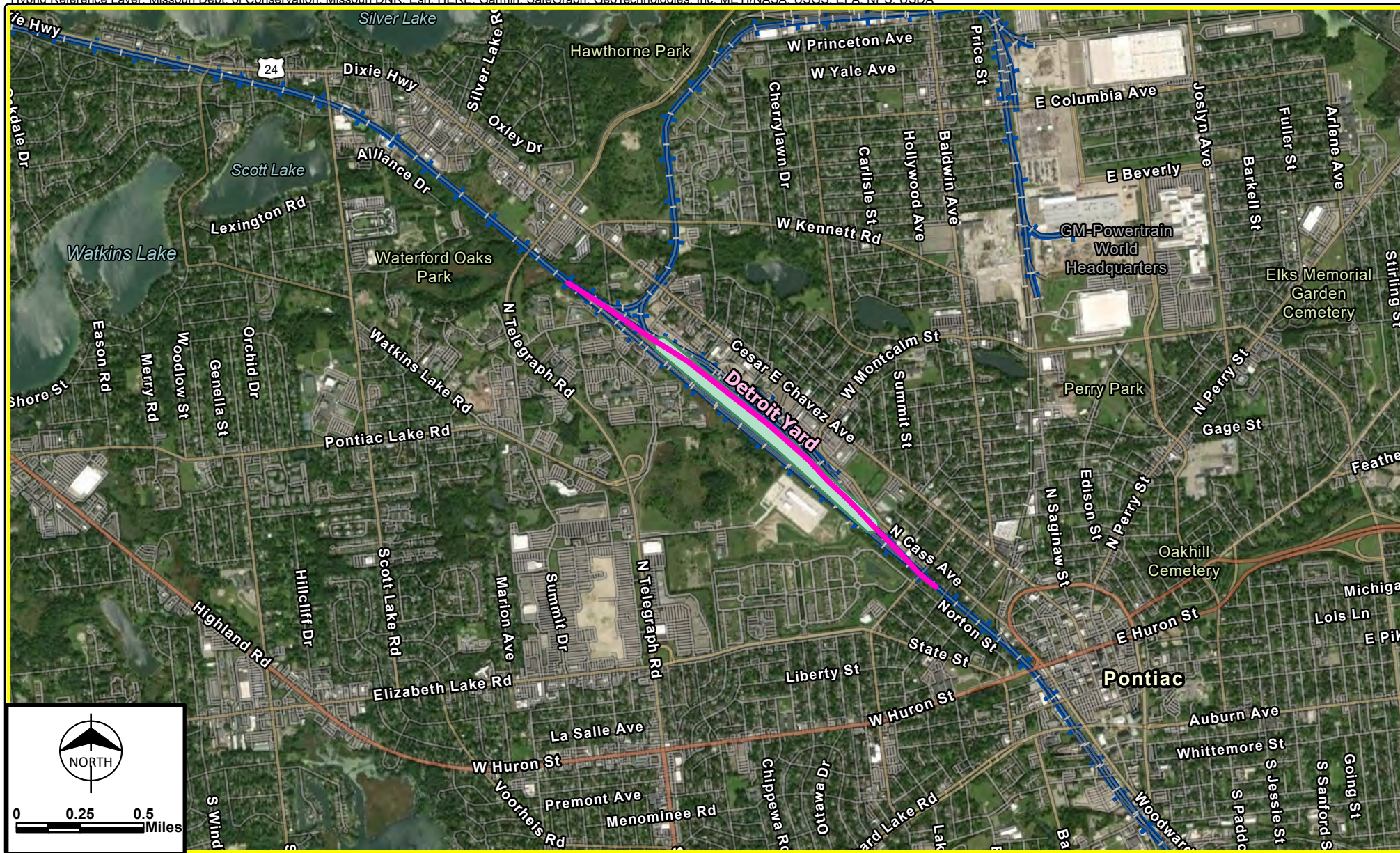


Figure 2:
KCS Divestiture to CN
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Michigan (Overview)
Page 1 of 2



- + Existing Rail Line
- ▬ Rail Yard With Increased Carload Switching Activities
- ▬ Yard Tack



Figure 2:
 KCS Divestiture to CN EA
 Facility Improvement Project
 Detroit Intermodal Yard
 Michigan
 Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

Ben Rhodd
THPO
Forest County Potawatomi Community of Wisconsin
PO Box 340
Crandon, WI 54520

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

Dear Mr. Rhodd:

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Burns & McDonnell
9400 Ward Parkway
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Danielle Gosselin
Director
Office of Environmental Analysis

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Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

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Name of Forest County Potawatomi Community of Wisconsin Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

Alan Tabachnick

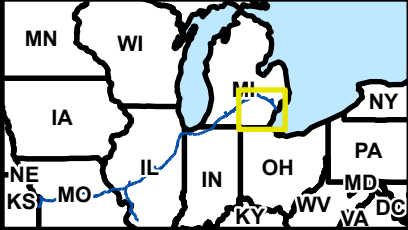
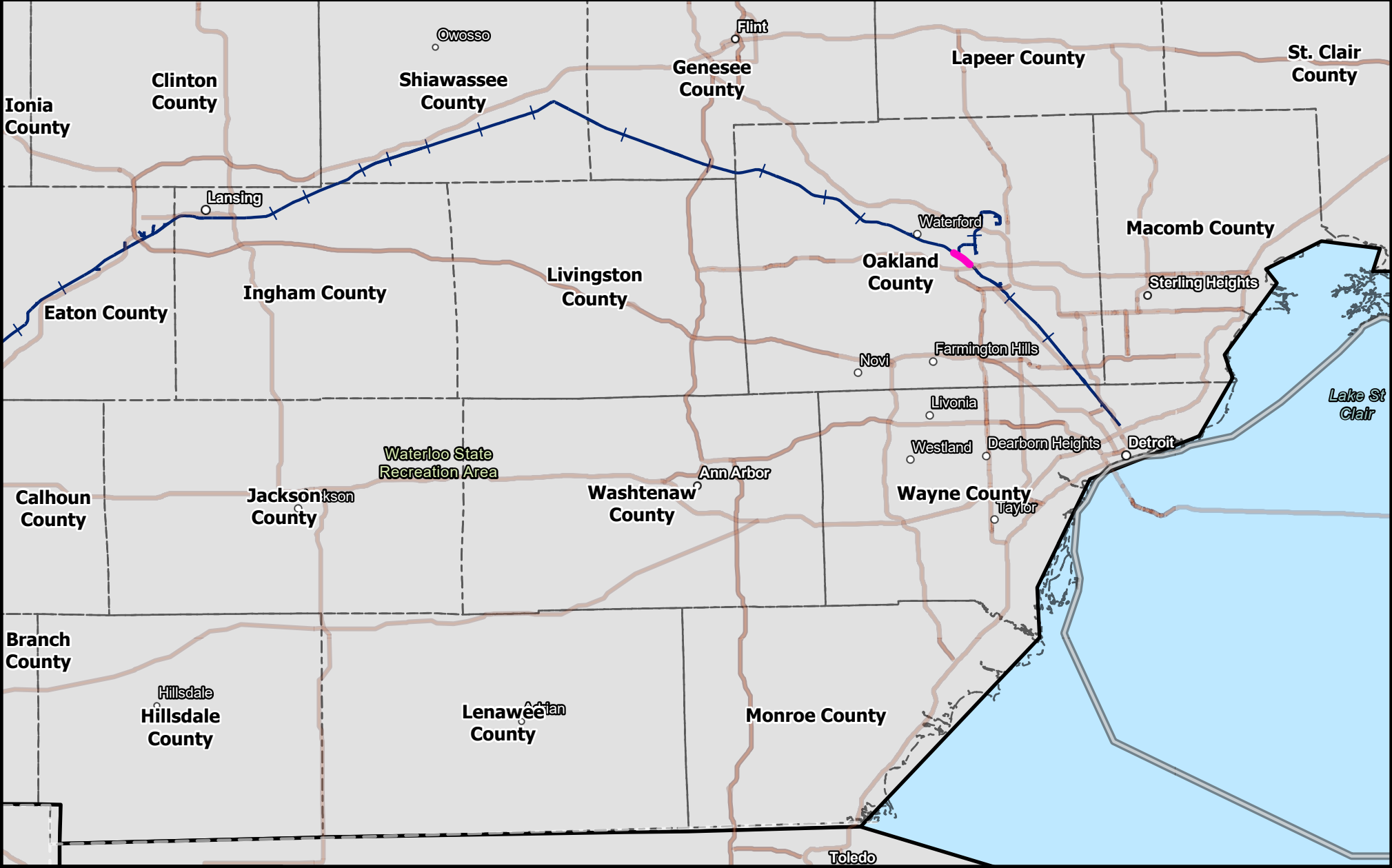
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KCS Divestiture to CN
Line Segments and
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- States
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- Yard Tack

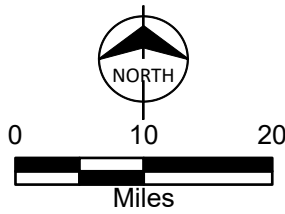
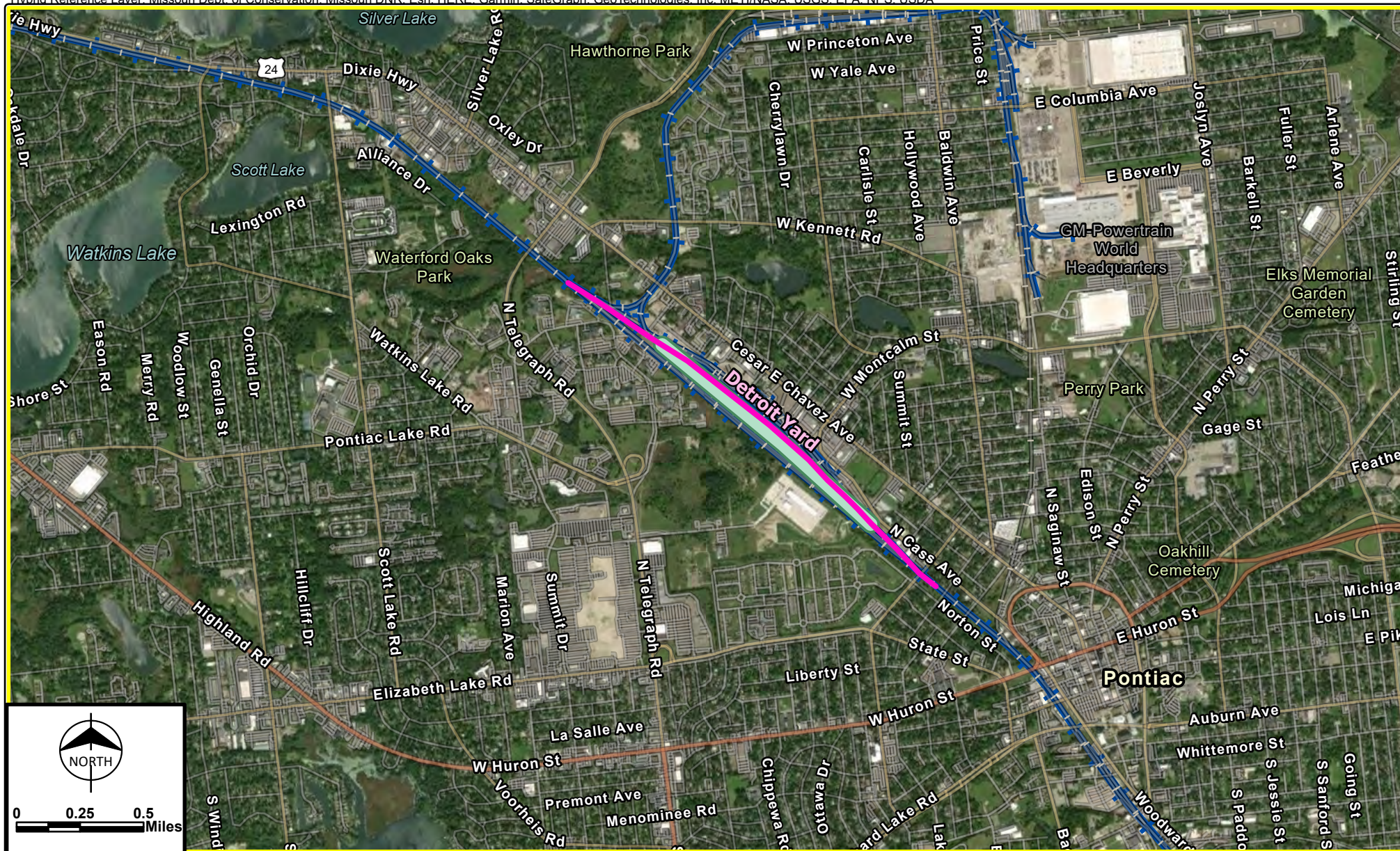


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Michigan (Overview)
Page 1 of 2



- + Existing Rail Line
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**BURNS
MCDONNELL**

Figure 2:
 KCS Divestiture to CN EA
 Facility Improvement Project
 Detroit Intermodal Yard
 Michigan
 Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

Sarah Thompson
Tribal Preservation Officer
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation
of Wisconsin
PO Box 67
Lac du Flambeau, WI 54538

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line
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We have also included a Consultation Questionnaire to assist you in participating in the Project and help us with your level of involvement. Please complete and return the questionnaire to us also by December 9, 2022.

If you have any questions, please feel free to contact Alan Tabachnick of my staff, at 202-245-0367 or by email at alan.tabachnick@stb.gov. **Please send your responses by December 9, 2022.**

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin Tribe

Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill.

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 further comments:

_____ We have no interests in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and further consultation with our Tribe is not necessary.

_____ 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 interest in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and want to participate as a Consulting Party in the Section 106 process.

Name of Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

Alan Tabachnick
Alan.Tabachnick@stb.gov

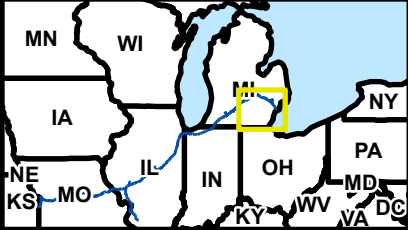
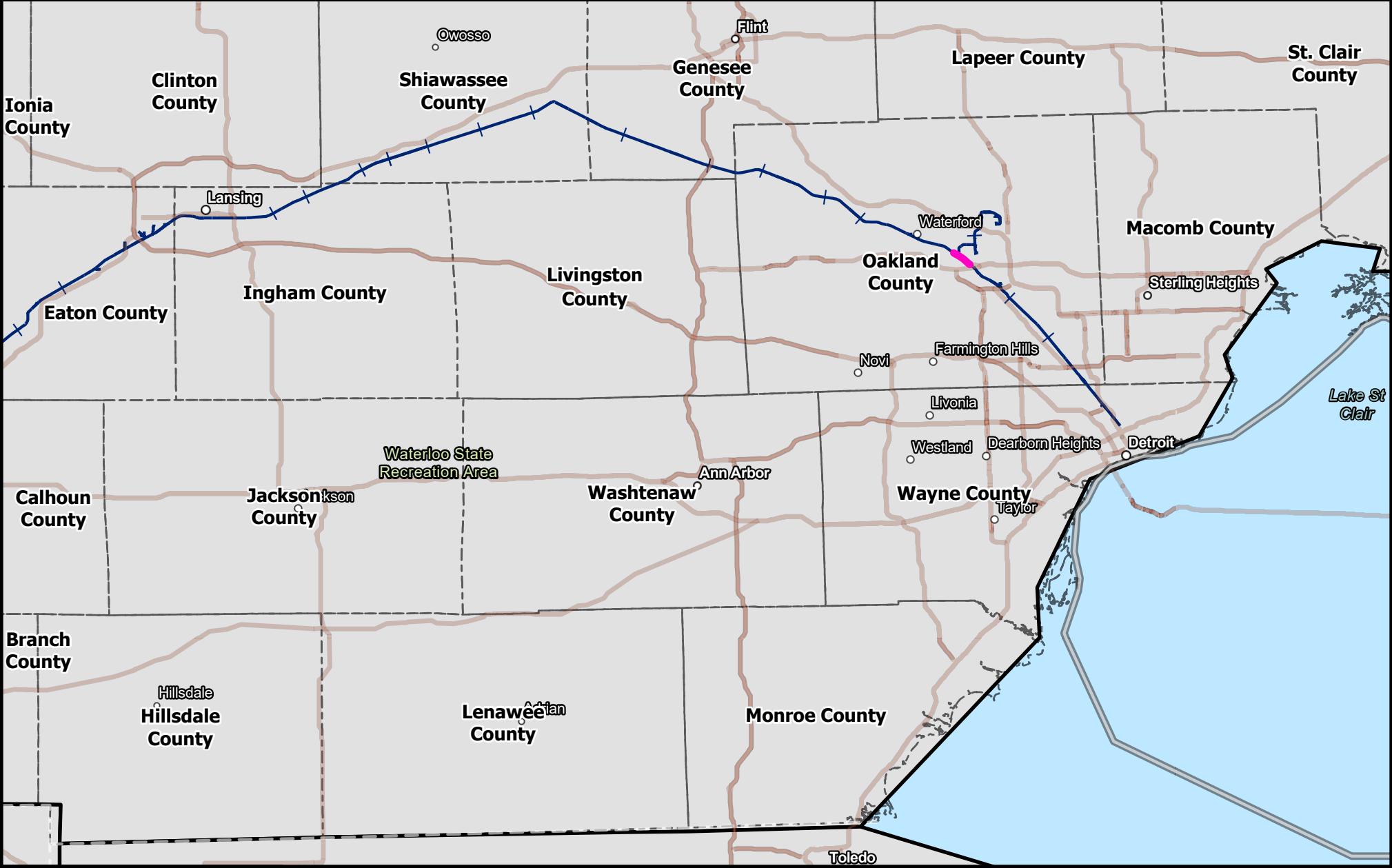
Or mail to:

Alan Tabachnick, Surface Transportation Board
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114



Figure 1:
KCS Divestiture to CN
Line Segments and
Facility Improvement Projects
for EA Evaluation





- States
- County
- Yard Tack

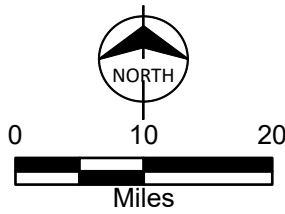
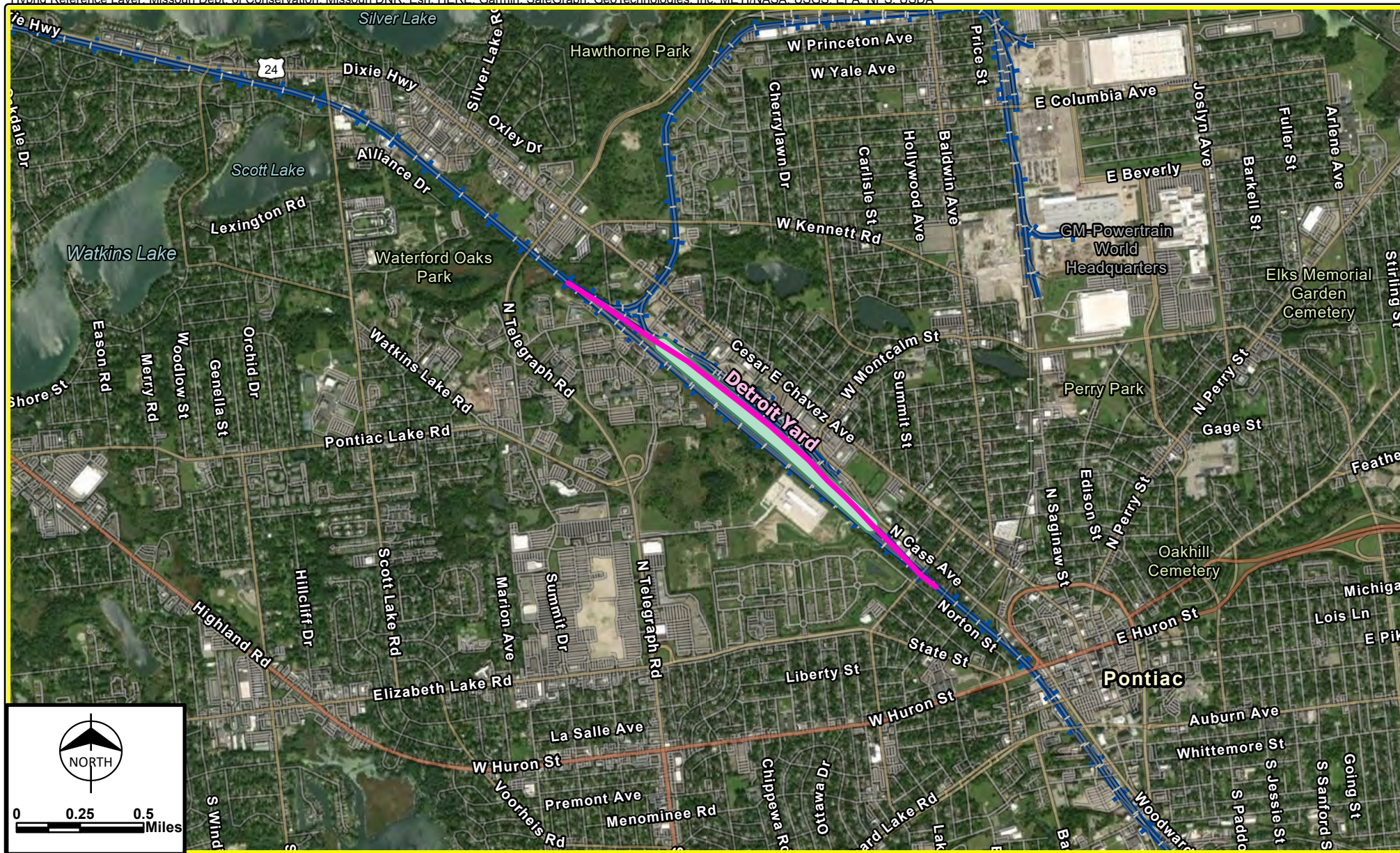


Figure 2:
KCS Divestiture to CN
Facility Improvement Projects
for EA Evaluation
Michigan (Overview)
Page 1 of 2



- + Existing Rail Line
- Rail Yard With Increased Carload Switching Activities
- Yard Tack



Figure 2:
 KCS Divestiture to CN EA
 Facility Improvement Project
 Detroit Intermodal Yard
 Michigan
 Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

Melissa Wiatroluk
THPO
Little Traverse Bay Bands of Odawa Indians - Michigan
7500 Odawa Circle
Harbor Springs, MI 49740

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

Dear Ms. Wiatroluk:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) for a proposal by Canadian National Railway Company and its affiliate, Illinois Central Railway Company (collectively, CN) that would involve the addition of new railroad tracks within existing rail rights-of-way (ROW) and in rail yards and intermodal facilities in Missouri and Illinois. This letter requests your preliminary comments on the proposed undertaking and OEA's planned Section 106 approach.

Description of the Proposed Undertaking

On June 9, 2022, CN filed an amended "responsive" application in Docket No. FD 36500 (Sub-No. 1) requesting that the Board order the sale of the Kansas City Southern Railway (KCS) rail line between Kansas City, Missouri and Springfield and East St. Louis, Illinois (Springfield Line) to CN (Proposed Divestiture). See attached maps. CN's filing was submitted in response to a primary application filed jointly by KCS and Canadian Pacific Railway (CP) in Docket No. FD 36500, seeking Board authority for CP to acquire KCS.¹⁷ The proposed acquisition of KCS by CP is the subject of a separate ongoing Section 106 review.¹⁸ Should the Board authorize

¹⁷ Other responsive applications are pending before the Board in Docket No. FD 36500 (Sub-Nos. 2-4) but are not discussed here because those applications are exempt from Section 106 review under the Board's regulations at 49 C.F.R. § 1105.8(b).

¹⁸ The Board issued a Draft Environmental Impact Statement (EIS) on the primary application in Docket No. FD 36500 on August 5, 2022, addressing both Section 106 and environmental issues, and requested public comments on the Draft EIS by October 14, 2022. Section 3.9, *Cultural Resources* in the Draft EIS discusses potential effects of the proposed acquisition of KCS by CP on historic properties. More information regarding the Section 106 review of the proposed acquisition can be found on the Board-sponsored project website

both the primary application and the Proposed Divestiture, then CP would be ordered to sell the Springfield Line to CN upon completion of CP's acquisition of KCS.

Before deciding whether to authorize the Proposed Divestiture, the Board must first assess the potential effects of CN's proposal on historic properties listed on or eligible for listing on the National Register of Historic Place (National Register) in accordance with Section 106 and the Board's Section 106 regulations at 49 C.F.R. § 1105.8. OEA will conduct the Section 106 review of the Proposed Divestiture separately from, but concurrently with, the ongoing Section 106 review of the proposed acquisition of KCS by CP. Although the Proposed Divestiture could only occur if CP is authorized to acquire KCS, the Section 106 reviews for the two proposals are being conducted separately because they involve different railroad applicants and largely distinct sets of potential effects that would occur in different geographic areas.

The purpose of this letter is to advise you of the Proposed Divestiture and request information from your agency on the cultural resources under your jurisdiction that could be affected by the Proposed Divestiture. The Section 106 review of the Proposed Divestiture will help inform the Board in making its decision about whether to approve CN's proposal and, if so, whether and what mitigation conditions to impose.

Project Description

The Proposed Divestiture proceeding requests that the Board order the sale of approximately 370 miles of KCS's Springfield Line in Missouri and Illinois. In connection with the sale of the Springfield Line, CN also seeks a 50% equity interest in KCS's International Freight Gateway terminal (IFG Terminal) south of Kansas City. See attached maps. CN states that the Proposed Divestiture would preserve and enhance competition between Kansas City and Chicago; introduce new single-line rail automotive and intermodal service between Michigan/Eastern Canada and Kansas City; and establish a more direct route for rail traffic between Canada and the Midwest and East St. Louis. CN estimates that more than 80,000 long-haul trucks would be removed from the highways each year as a result of the Proposed Divestiture and that this would generate public benefits by reducing greenhouse gas emissions, highway congestion and maintenance.

According to CN, the Proposed Divestiture would involve operational changes (e.g., an increase in average trains per day) on certain segments of the Springfield Line, as well as some contiguous segments of rail line owned by CN, and changes in the level of activity at some rail yards and intermodal facilities. To support the projected increases in rail traffic, CN plans to make eleven capital improvements within the existing rail ROW. These would include extending six existing passing sidings, adding one new siding passing, and relocating one passing siding on the Springfield Line. In Missouri, sidings would be added or extended at Grain Valley, Harmony, Mexico West, Bowling Green, and Blackburn. In Illinois, sidings would be added or extended at Pleasant Hill, Roodhouse and Cockrell. In addition, CN plans to make capital improvements at the East St. Louis Yard/Intermodal Terminal in Illinois by constructing

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Consistent with past practice in railroad acquisition cases, OEA will focus the Section 106 review on the eleven capital improvements that CN would undertake if the Board authorizes the Proposed Divestiture because those projects are the only components of the Proposed Divestiture that could have the potential to affect cultural resources.

Area of Potential Effects

The area of potential effects (APE) for historic properties will be defined in accordance with 36 C.F.R. Part 800, 49 C.F.R. § 1105.8, and precedent established in previous railroad acquisition proceedings. OEA expects that the APE for the Proposed Divestiture will comprise eleven discontinuous areas corresponding to the eleven locations set forth above where capital improvements are planned. Each component area of the APE will extend the length of the planned capital improvement and will extend the width of the rail ROW to encompass the entire area within which ground disturbing activities could potentially occur. In addition, OEA proposes to add a 500-foot buffer to each component area of the APE (250 feet on either side of the right-of-way and 250 feet at each end) to account for potential setting, visual, noise, or other impacts from construction activities related to the planned capital improvement. Based on the information available to date, OEA anticipates that all of the construction activity would take place within the existing ROW and may be in previously disturbed areas. The APE will be further refined as additional information about the Proposed Divestiture and its potential to affect cultural resources becomes available.

Request for Comments

We appreciate your assistance in identifying whether any cultural resources of concern to your agency may be affected by the Proposed Divestiture and welcome any additional issues or concerns that you consider appropriate. To submit comments electronically through the Board's website at <https://www.stb.gov>, select "File an Environmental Comment" below the "Need Assistance?" button. Be sure to include the docket number "Docket No. FD 36500 (Sub-No. 1)." Log-in accounts are not needed to file Section 106 comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Alan Tabachnick, Historic Preservation Specialist and Deputy Federal Preservation Officer Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. FD 36500 (Sub-No. 1). You may also submit comments to OEA's third-party consultant Burns & McDonnell at:

Alan Tabachnick
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114

We have also included a Consultation Questionnaire to assist you in participating in the Project and help us with your level of involvement. Please complete and return the questionnaire to us also by December 9, 2022.

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Sincerely,

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Danielle Gosselin
Director
Office of Environmental Analysis

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Little Traverse Bay Bands of Odawa Indians - Michigan Tribe

Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill.

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 further comments:

_____ We have no interests in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and further consultation with our Tribe is not necessary.

_____ 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 interest in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and want to participate as a Consulting Party in the Section 106 process.

Name of Little Traverse Bay Bands of Odawa Indians - Michigan Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

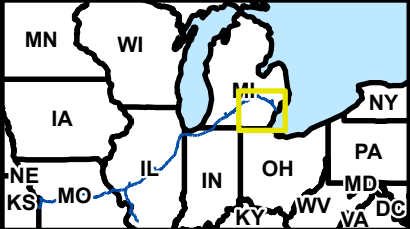
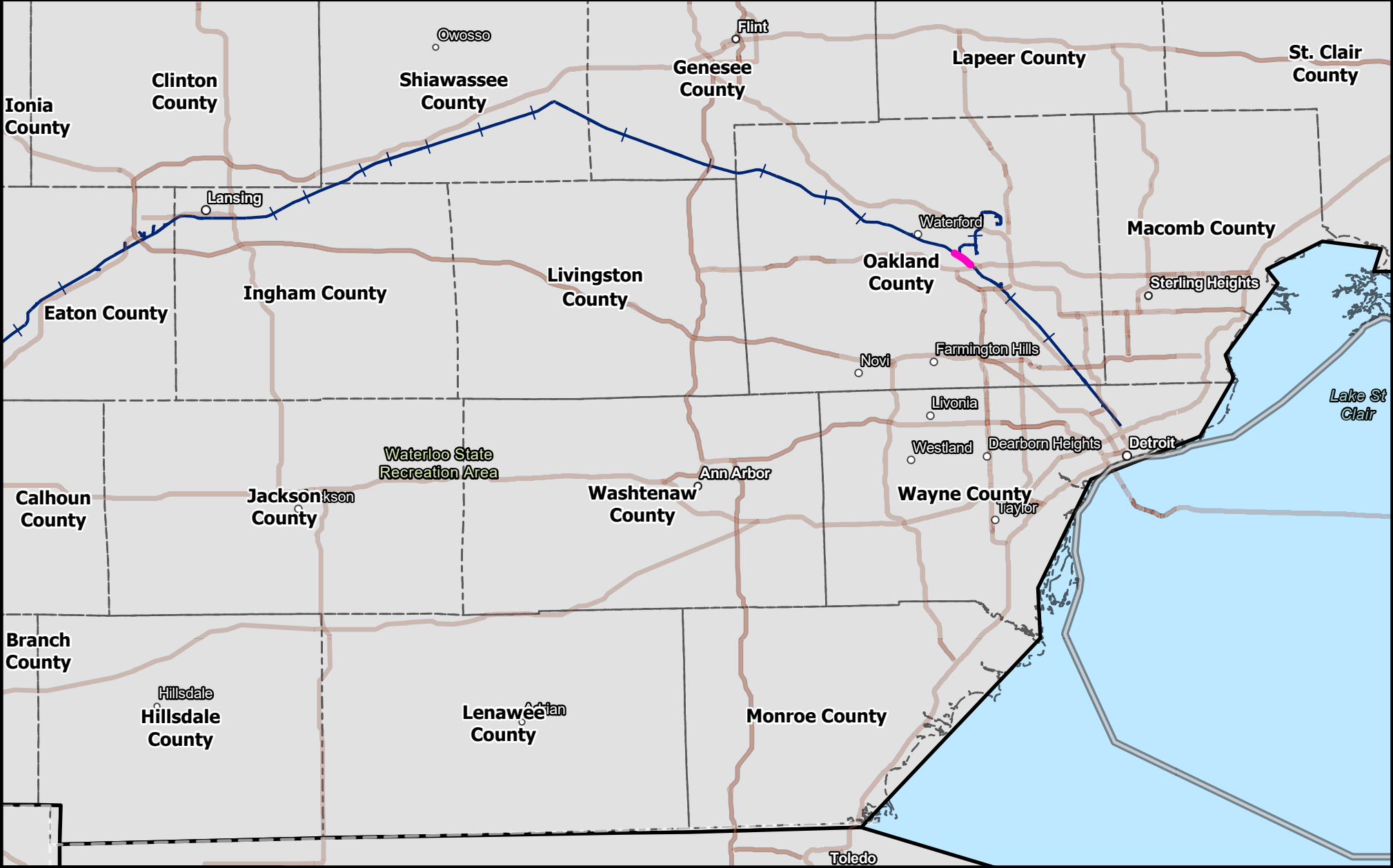
Alan Tabachnick

Alan.Tabachnick@stb.gov

Or mail to:

Alan Tabachnick, Surface Transportation Board
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114





- States
- County
- Yard Tack

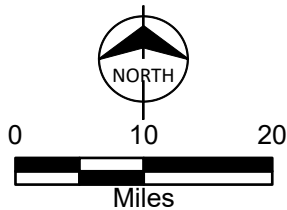
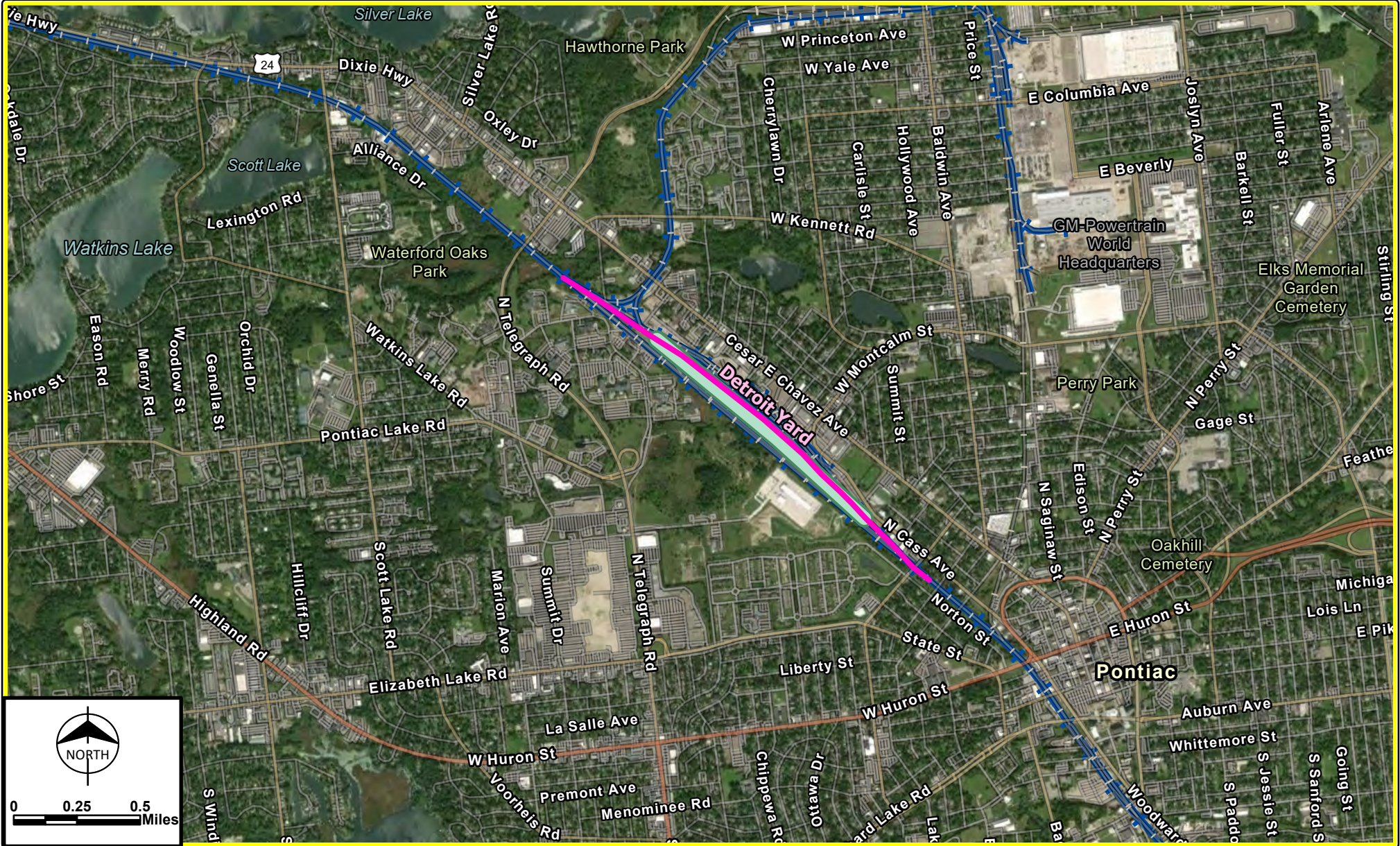


Figure 2:
KCS Divestiture to CN
Facility Improvement Projects
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Michigan (Overview)
Page 1 of 2



- + Existing Rail Line
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- ▬ Yard Tack



Figure 2:
 KCS Divestiture to CN EA
 Facility Improvement Project
 Detroit Intermodal Yard
 Michigan
 Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

Marcella Hadden
THPO
Saginaw Chippewa Indian Tribe of Michigan
6650 E. Broadway
Mt. Pleasant, MI 48858

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

Dear Ms. Hadden:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) for a proposal by Canadian National Railway Company and its affiliate, Illinois Central Railway Company (collectively, CN) that would involve the addition of new railroad tracks within existing rail rights-of-way (ROW) and in rail yards and intermodal facilities in Missouri and Illinois. This letter requests your preliminary comments on the proposed undertaking and OEA's planned Section 106 approach.

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Alan Tabachnick
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
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Sincerely,

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Danielle Gosselin
Director
Office of Environmental Analysis

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Saginaw Chippewa Indian Tribe of Michigan Tribe

Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill.

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Name of Saginaw Chippewa Indian Tribe of Michigan Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

Alan Tabachnick

Alan.Tabachnick@stb.gov

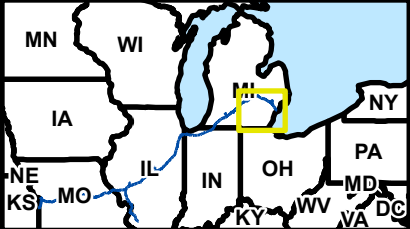
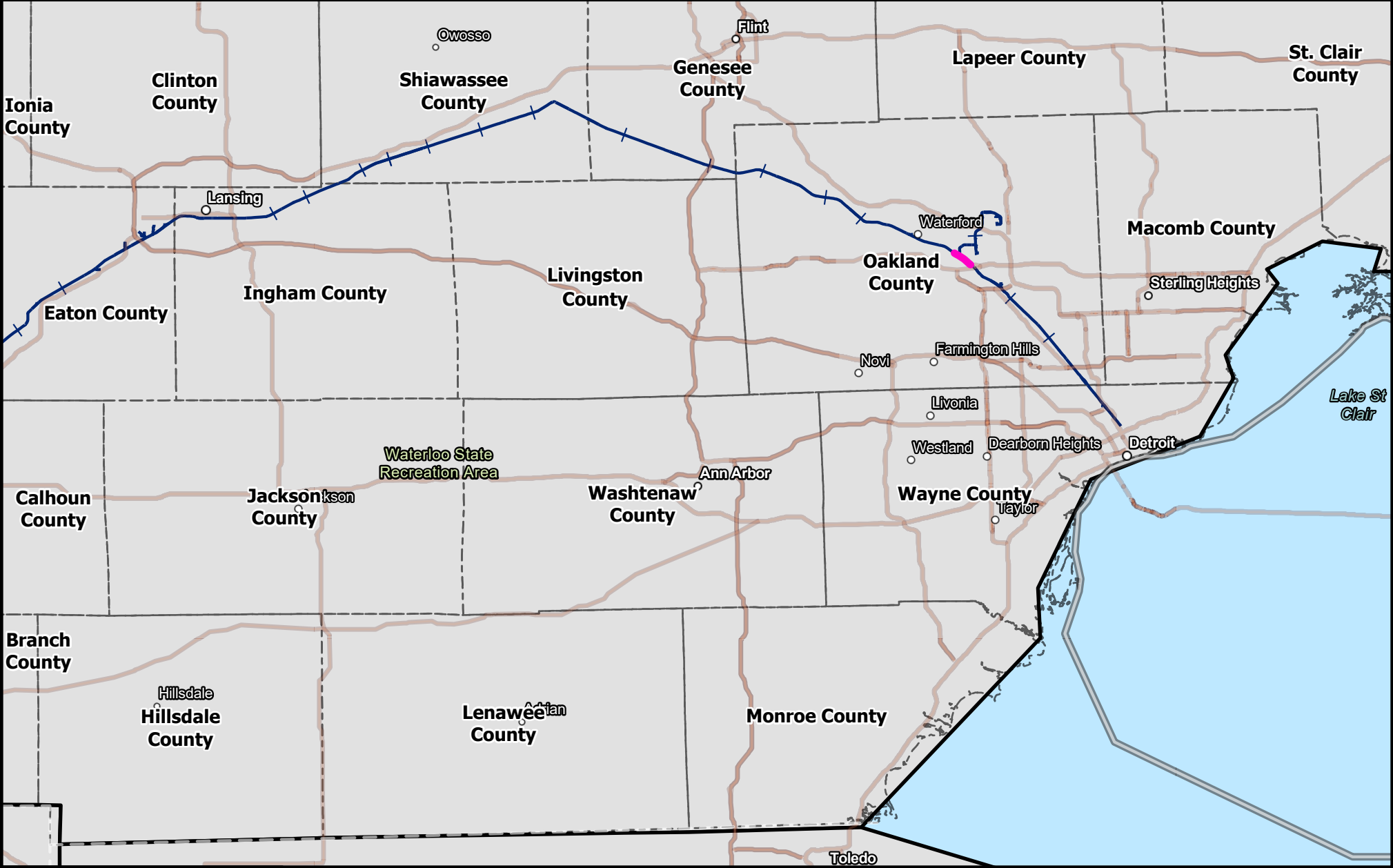
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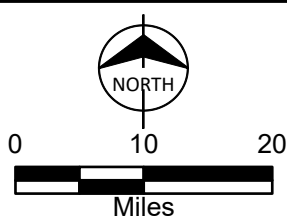
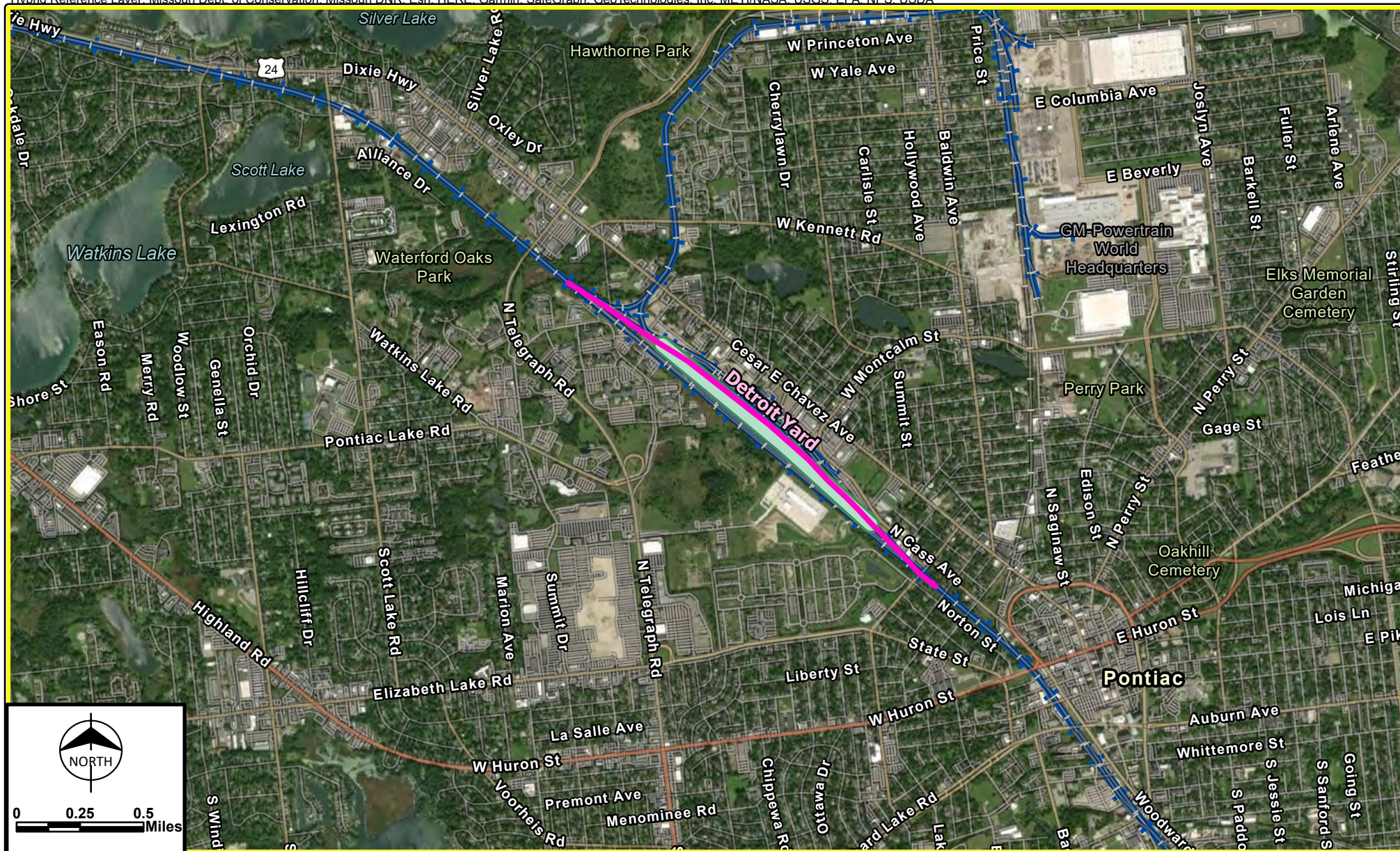


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 Facility Improvement Project
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 Michigan
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

Matthew Bussler
THPO
Pokagon Band of Potawatomi Indians - Michigan and Indiana
PO Box 180
Dowagiac, MI 49047

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

Dear Mr. Bussler:

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6,000 feet of track with intermodal pads and accompanying pavement and 5,000 feet of track for loading/unloading and car storage; and developing approximately 25 acres of land for necessary roadways, parking, and truck areas. At IFG Terminal in Missouri, CN proposes to construct 20,000 feet of track with pad, storage and accompanying pavement, and 6,600 feet of track for loading/unloading and storage, roadways and railhead parking and truck areas. At Roodhouse Yard in Illinois, CN would construct 5,000 feet of new yard track.

Consistent with past practice in railroad acquisition cases, OEA will focus the Section 106 review on the eleven capital improvements that CN would undertake if the Board authorizes the Proposed Divestiture because those projects are the only components of the Proposed Divestiture that could have the potential to affect cultural resources.

Area of Potential Effects

The area of potential effects (APE) for historic properties will be defined in accordance with 36 C.F.R. Part 800, 49 C.F.R. § 1105.8, and precedent established in previous railroad acquisition proceedings. OEA expects that the APE for the Proposed Divestiture will comprise eleven discontinuous areas corresponding to the eleven locations set forth above where capital improvements are planned. Each component area of the APE will extend the length of the planned capital improvement and will extend the width of the rail ROW to encompass the entire area within which ground disturbing activities could potentially occur. In addition, OEA proposes to add a 500-foot buffer to each component area of the APE (250 feet on either side of the right-of-way and 250 feet at each end) to account for potential setting, visual, noise, or other impacts from construction activities related to the planned capital improvement. Based on the information available to date, OEA anticipates that all of the construction activity would take place within the existing ROW and may be in previously disturbed areas. The APE will be further refined as additional information about the Proposed Divestiture and its potential to affect cultural resources becomes available.

Request for Comments

We appreciate your assistance in identifying whether any cultural resources of concern to your agency may be affected by the Proposed Divestiture and welcome any additional issues or concerns that you consider appropriate. To submit comments electronically through the Board's website at <https://www.stb.gov>, select "File an Environmental Comment" below the "Need Assistance?" button. Be sure to include the docket number "Docket No. FD 36500 (Sub-No. 1)." Log-in accounts are not needed to file Section 106 comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

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Alan Tabachnick
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114

We have also included a Consultation Questionnaire to assist you in participating in the Project and help us with your level of involvement. Please complete and return the questionnaire to us also by December 9, 2022.

If you have any questions, please feel free to contact Alan Tabachnick of my staff, at 202-245-0367 or by email at alan.tabachnick@stb.gov. **Please send your responses by December 9, 2022.**

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Pokagon Band of Potawatomi Indians - Michigan and Indiana Tribe

Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill.

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 further comments:

_____ We have no interests in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and further consultation with our Tribe is not necessary.

_____ 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 interest in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and want to participate as a Consulting Party in the Section 106 process.

Name of Pokagon Band of Potawatomi Indians - Michigan and Indiana Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

Alan Tabachnick

Alan.Tabachnick@stb.gov

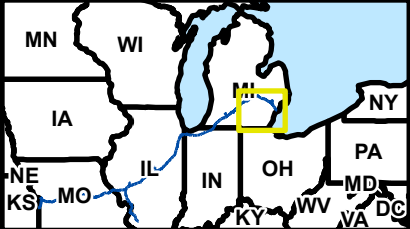
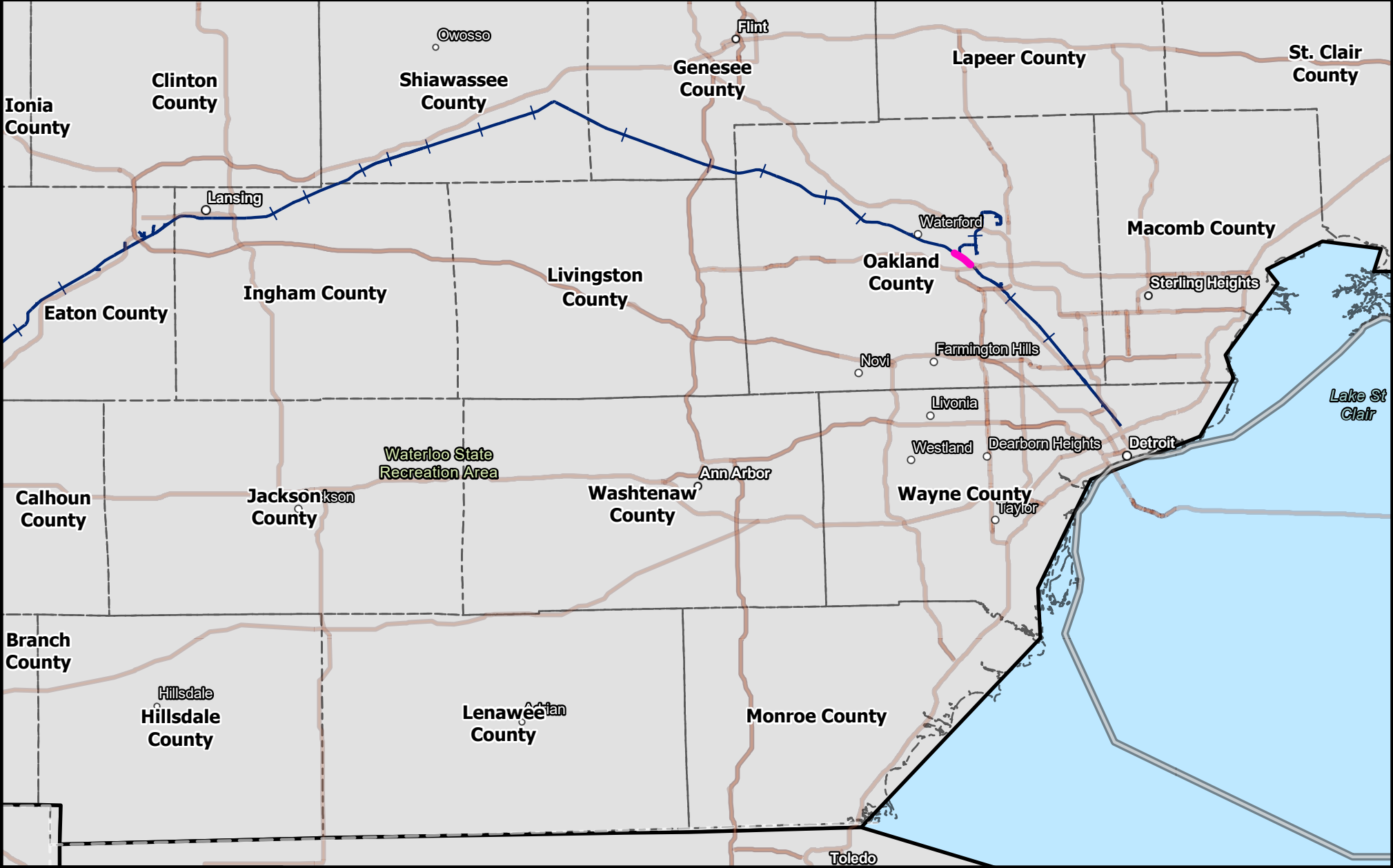
Or mail to:

Alan Tabachnick, Surface Transportation Board
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114



Figure 1:
KCS Divestiture to CN
Line Segments and
Facility Improvement Projects
for EA Evaluation





- States
- County
- Yard Tack

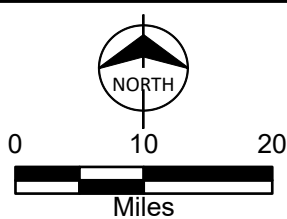
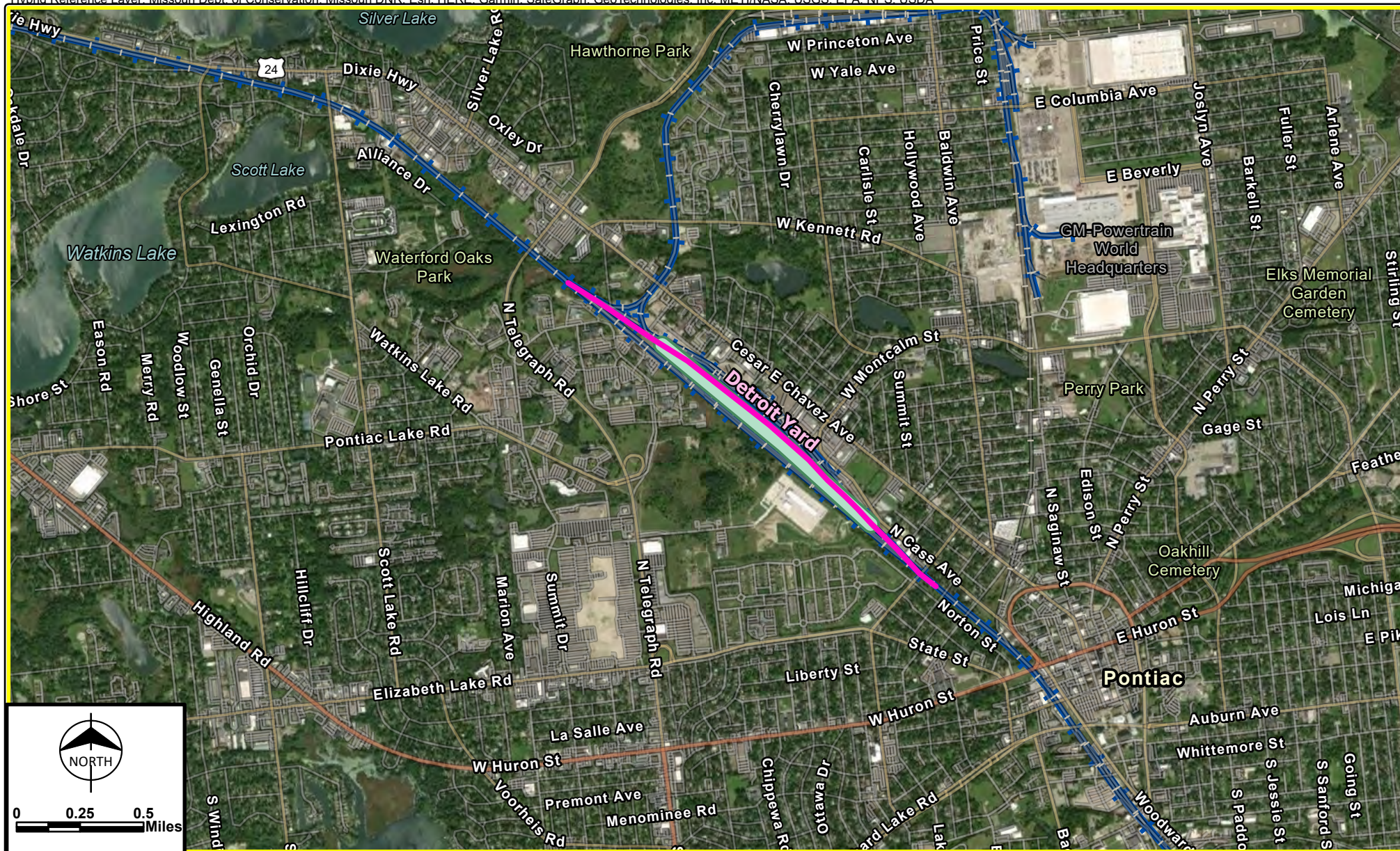


Figure 2:
KCS Divestiture to CN
Facility Improvement Projects
for EA Evaluation
Michigan (Overview)
Page 1 of 2



- + Existing Rail Line
- Rail Yard With Increased Carload Switching Activities
- Yard Tack

**BURNS
MCDONNELL**

Figure 2:
KCS Divestiture to CN EA
Facility Improvement Project
Detroit Intermodal Yard
Michigan
Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

Tiauna Carnes
Chairperson
Sac & Fox Nation of Missouri in Kansas and Nebraska
305 N. Main St.
Reserve, KS 66434

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

Dear Ms. Carnes:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) for a proposal by Canadian National Railway Company and its affiliate, Illinois Central Railway Company (collectively, CN) that would involve the addition of new railroad tracks within existing rail rights-of-way (ROW) and in rail yards and intermodal facilities in Missouri and Illinois. This letter requests your preliminary comments on the proposed undertaking and OEA's planned Section 106 approach.

Description of the Proposed Undertaking

On June 9, 2022, CN filed an amended "responsive" application in Docket No. FD 36500 (Sub-No. 1) requesting that the Board order the sale of the Kansas City Southern Railway (KCS) rail line between Kansas City, Missouri and Springfield and East St. Louis, Illinois (Springfield Line) to CN (Proposed Divestiture). See attached maps. CN's filing was submitted in response to a primary application filed jointly by KCS and Canadian Pacific Railway (CP) in Docket No. FD 36500, seeking Board authority for CP to acquire KCS.²³ The proposed acquisition of KCS by CP is the subject of a separate ongoing Section 106 review.²⁴ Should the Board authorize

²³ Other responsive applications are pending before the Board in Docket No. FD 36500 (Sub-Nos. 2-4) but are not discussed here because those applications are exempt from Section 106 review under the Board's regulations at 49 C.F.R. § 1105.8(b).

²⁴ The Board issued a Draft Environmental Impact Statement (EIS) on the primary application in Docket No. FD 36500 on August 5, 2022, addressing both Section 106 and environmental issues, and requested public comments on the Draft EIS by October 14, 2022. Section 3.9, *Cultural Resources* in the Draft EIS discusses potential effects of the proposed acquisition of KCS by CP on historic properties. More information regarding the Section 106 review of the proposed acquisition can be found on the Board-sponsored project website

both the primary application and the Proposed Divestiture, then CP would be ordered to sell the Springfield Line to CN upon completion of CP's acquisition of KCS.

Before deciding whether to authorize the Proposed Divestiture, the Board must first assess the potential effects of CN's proposal on historic properties listed on or eligible for listing on the National Register of Historic Place (National Register) in accordance with Section 106 and the Board's Section 106 regulations at 49 C.F.R. § 1105.8. OEA will conduct the Section 106 review of the Proposed Divestiture separately from, but concurrently with, the ongoing Section 106 review of the proposed acquisition of KCS by CP. Although the Proposed Divestiture could only occur if CP is authorized to acquire KCS, the Section 106 reviews for the two proposals are being conducted separately because they involve different railroad applicants and largely distinct sets of potential effects that would occur in different geographic areas.

The purpose of this letter is to advise you of the Proposed Divestiture and request information from your agency on the cultural resources under your jurisdiction that could be affected by the Proposed Divestiture. The Section 106 review of the Proposed Divestiture will help inform the Board in making its decision about whether to approve CN's proposal and, if so, whether and what mitigation conditions to impose.

Project Description

The Proposed Divestiture proceeding requests that the Board order the sale of approximately 370 miles of KCS's Springfield Line in Missouri and Illinois. In connection with the sale of the Springfield Line, CN also seeks a 50% equity interest in KCS's International Freight Gateway terminal (IFG Terminal) south of Kansas City. See attached maps. CN states that the Proposed Divestiture would preserve and enhance competition between Kansas City and Chicago; introduce new single-line rail automotive and intermodal service between Michigan/Eastern Canada and Kansas City; and establish a more direct route for rail traffic between Canada and the Midwest and East St. Louis. CN estimates that more than 80,000 long-haul trucks would be removed from the highways each year as a result of the Proposed Divestiture and that this would generate public benefits by reducing greenhouse gas emissions, highway congestion and maintenance.

According to CN, the Proposed Divestiture would involve operational changes (e.g., an increase in average trains per day) on certain segments of the Springfield Line, as well as some contiguous segments of rail line owned by CN, and changes in the level of activity at some rail yards and intermodal facilities. To support the projected increases in rail traffic, CN plans to make eleven capital improvements within the existing rail ROW. These would include extending six existing passing sidings, adding one new siding passing, and relocating one passing siding on the Springfield Line. In Missouri, sidings would be added or extended at Grain Valley, Harmony, Mexico West, Bowling Green, and Blackburn. In Illinois, sidings would be added or extended at Pleasant Hill, Roodhouse and Cockrell. In addition, CN plans to make capital improvements at the East St. Louis Yard/Intermodal Terminal in Illinois by constructing

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Alan Tabachnick
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114

We have also included a Consultation Questionnaire to assist you in participating in the Project and help us with your level of involvement. Please complete and return the questionnaire to us also by December 9, 2022.

If you have any questions, please feel free to contact Alan Tabachnick of my staff, at 202-245-0367 or by email at alan.tabachnick@stb.gov. **Please send your responses by December 9, 2022.**

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Sac & Fox Nation of Missouri in Kansas and Nebraska Tribe

Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill.

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 further comments:

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Name of Sac & Fox Nation of Missouri in Kansas and Nebraska Tribe designated contact:

Name: _____ Email: _____

Phone: _____

Signed: _____ Date: _____

Please email to:

Alan Tabachnick
Alan.Tabachnick@stb.gov

Or mail to:

Alan Tabachnick, Surface Transportation Board
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114

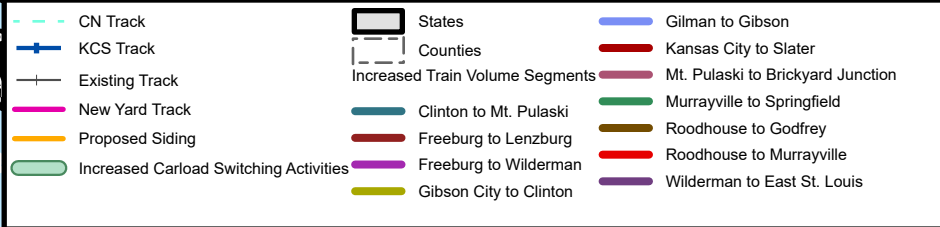
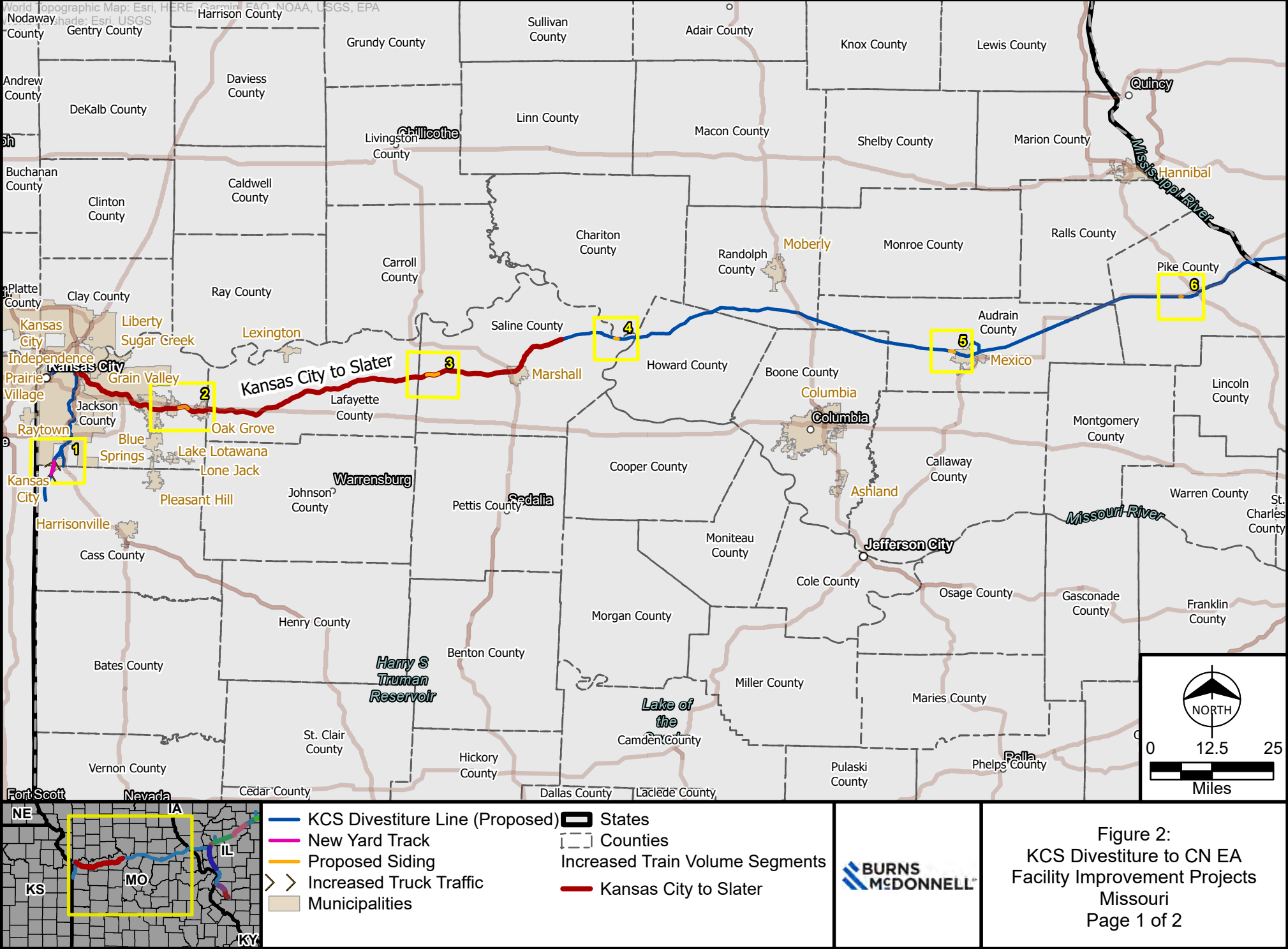
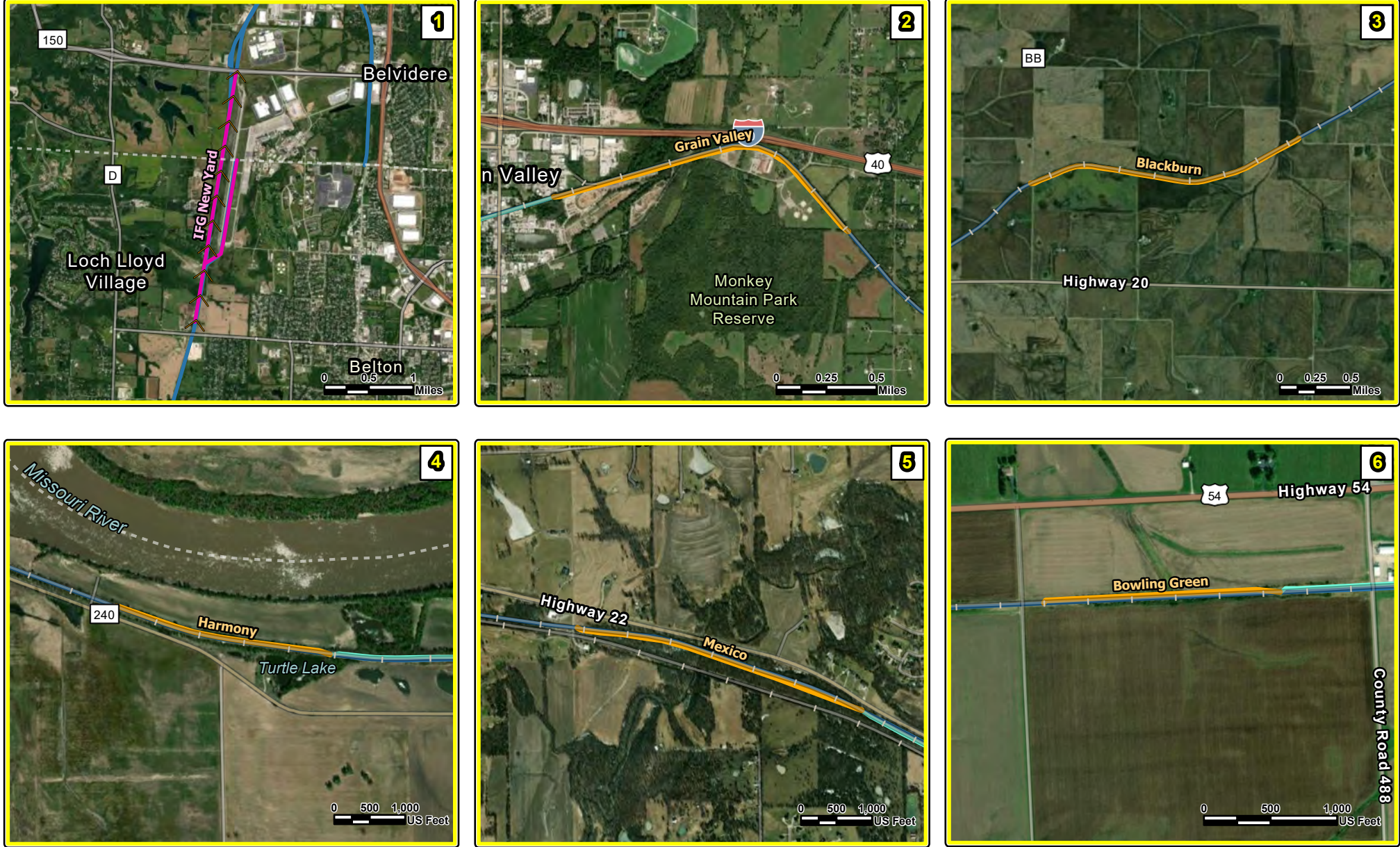


Figure 1:
KCS Divestiture to CN
Line Segments and
Facility Improvement Projects
for EA Evaluation



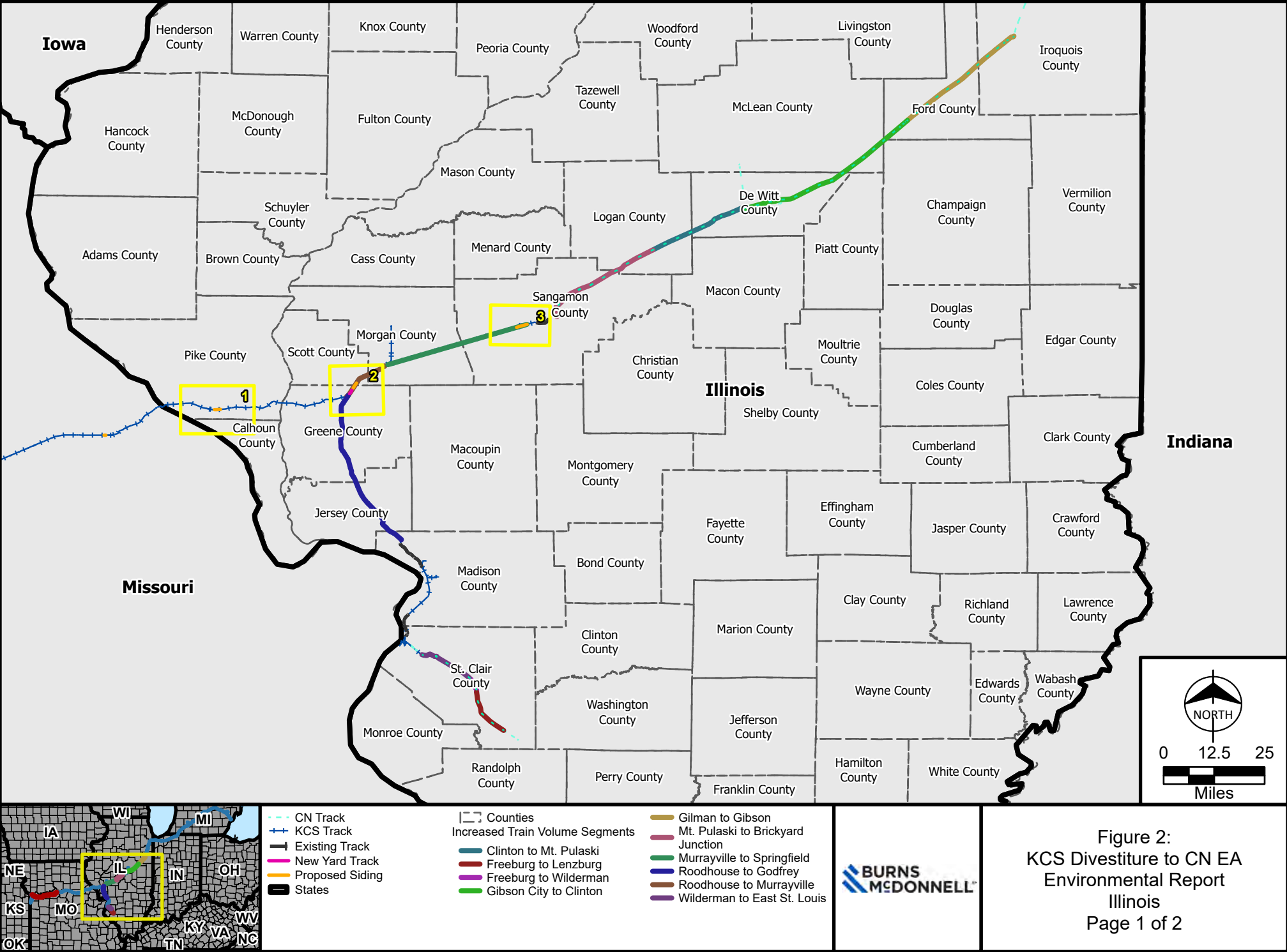


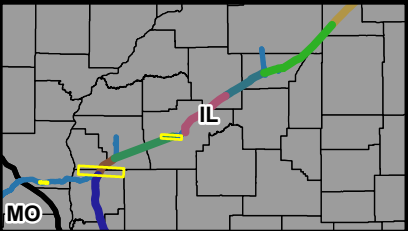
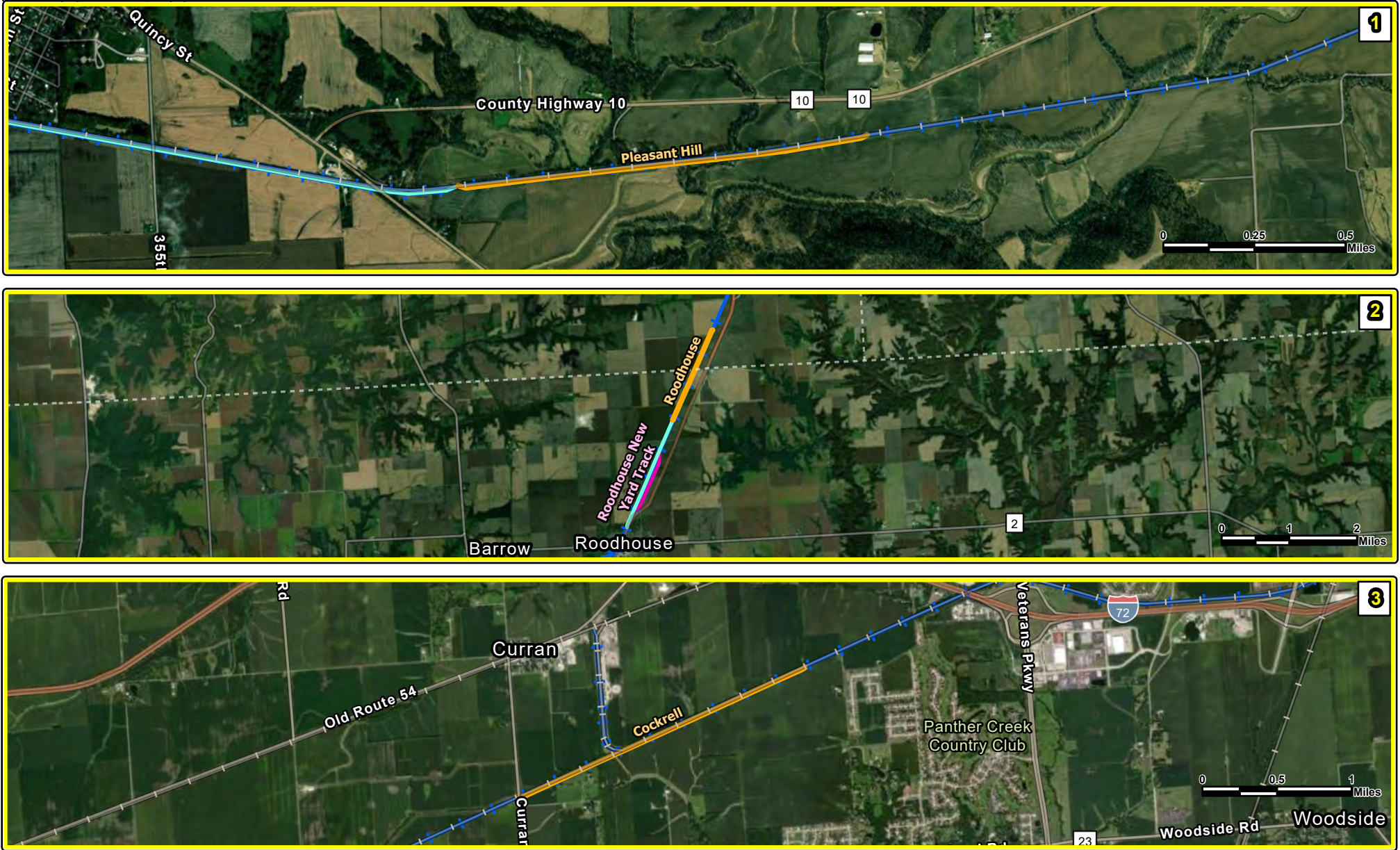
- KCS Divestiture Line (Proposed)
- Proposed Siding
- Existing Siding
- New Yard Track
- Increased Carload Switching Activities
- > > Increased Truck Traffic



BURNS
MCDONNELL

Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Missouri
Page 2 of 2





- +— KCS Track
- Proposed Siding
- Existing Siding
- New Yard Track



BURNS
MCDONNELL

Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Illinois
Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

Bobby Komardley
Chairman
Apache Tribe of Oklahoma
PO Box 1330
Anadarko, OK 73005

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

Dear Mr. Komardley:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) for a proposal by Canadian National Railway Company and its affiliate, Illinois Central Railway Company (collectively, CN) that would involve the addition of new railroad tracks within existing rail rights-of-way (ROW) and in rail yards and intermodal facilities in Missouri and Illinois. This letter requests your preliminary comments on the proposed undertaking and OEA's planned Section 106 approach.

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²⁶ The Board issued a Draft Environmental Impact Statement (EIS) on the primary application in Docket No. FD 36500 on August 5, 2022, addressing both Section 106 and environmental issues, and requested public comments on the Draft EIS by October 14, 2022. Section 3.9, *Cultural Resources* in the Draft EIS discusses potential effects of the proposed acquisition of KCS by CP on historic properties. More information regarding the Section 106 review of the proposed acquisition can be found on the Board-sponsored project website

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6,000 feet of track with intermodal pads and accompanying pavement and 5,000 feet of track for loading/unloading and car storage; and developing approximately 25 acres of land for necessary roadways, parking, and truck areas. At IFG Terminal in Missouri, CN proposes to construct 20,000 feet of track with pad, storage and accompanying pavement, and 6,600 feet of track for loading/unloading and storage, roadways and railhead parking and truck areas. At Roodhouse Yard in Illinois, CN would construct 5,000 feet of new yard track.

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Request for Comments

We appreciate your assistance in identifying whether any cultural resources of concern to your agency may be affected by the Proposed Divestiture and welcome any additional issues or concerns that you consider appropriate. To submit comments electronically through the Board's website at <https://www.stb.gov>, select "File an Environmental Comment" below the "Need Assistance?" button. Be sure to include the docket number "Docket No. FD 36500 (Sub-No. 1)." Log-in accounts are not needed to file Section 106 comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

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Alan Tabachnick
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114

We have also included a Consultation Questionnaire to assist you in participating in the Project and help us with your level of involvement. Please complete and return the questionnaire to us also by December 9, 2022.

If you have any questions, please feel free to contact Alan Tabachnick of my staff, at 202-245-0367 or by email at alan.tabachnick@stb.gov. **Please send your responses by December 9, 2022.**

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Apache Tribe of Oklahoma Tribe

Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill.

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 further comments:

_____ We have no interests in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and further consultation with our Tribe is not necessary.

_____ 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 interest in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and want to participate as a Consulting Party in the Section 106 process.

Name of Apache Tribe of Oklahoma Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

Alan Tabachnick

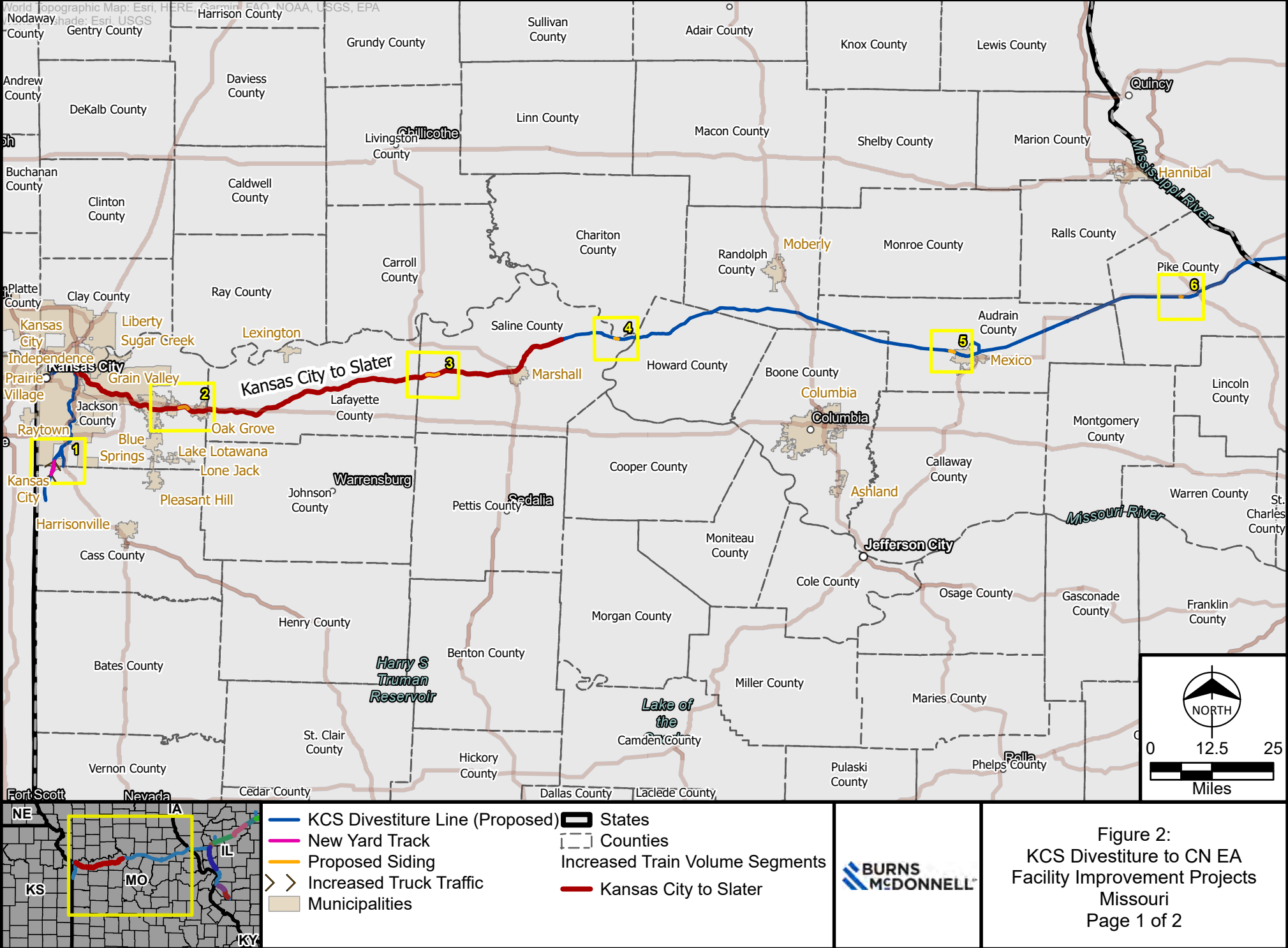
Alan.Tabachnick@stb.gov

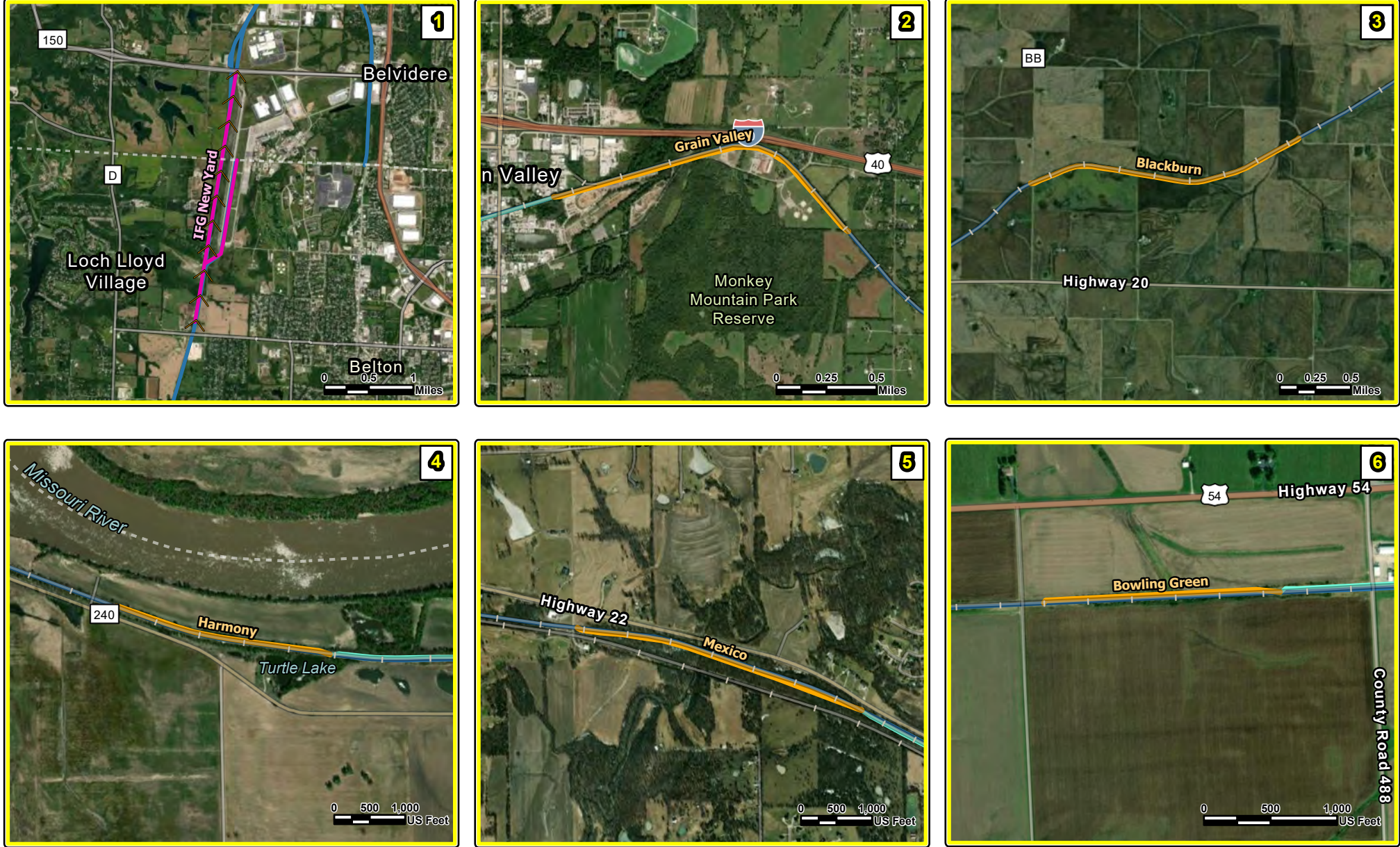
Or mail to:

Alan Tabachnick, Surface Transportation Board
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114



Figure 1:
KCS Divestiture to CN
Line Segments and
Facility Improvement Projects
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- KCS Divestiture Line (Proposed)
- Proposed Siding
- Existing Siding
- New Yard Track
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BURNS
MCDONNELL

Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Missouri
Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

Lester Randall
Chairman
Kickapoo Tribe of Indians of the Kickapoo Reservation Kansas
824 111th dr.
Horton, KS 66439

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

Dear Mr. Randall:

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Project Description

The Proposed Divestiture proceeding requests that the Board order the sale of approximately 370 miles of KCS's Springfield Line in Missouri and Illinois. In connection with the sale of the Springfield Line, CN also seeks a 50% equity interest in KCS's International Freight Gateway terminal (IFG Terminal) south of Kansas City. See attached maps. CN states that the Proposed Divestiture would preserve and enhance competition between Kansas City and Chicago; introduce new single-line rail automotive and intermodal service between Michigan/Eastern Canada and Kansas City; and establish a more direct route for rail traffic between Canada and the Midwest and East St. Louis. CN estimates that more than 80,000 long-haul trucks would be removed from the highways each year as a result of the Proposed Divestiture and that this would generate public benefits by reducing greenhouse gas emissions, highway congestion and maintenance.

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Request for Comments

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Alternatively, comments submitted by mail should be addressed to: Alan Tabachnick, Historic Preservation Specialist and Deputy Federal Preservation Officer Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. FD 36500 (Sub-No. 1). You may also submit comments to OEA's third-party consultant Burns & McDonnell at:

Alan Tabachnick
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114

We have also included a Consultation Questionnaire to assist you in participating in the Project and help us with your level of involvement. Please complete and return the questionnaire to us also by December 9, 2022.

If you have any questions, please feel free to contact Alan Tabachnick of my staff, at 202-245-0367 or by email at alan.tabachnick@stb.gov. **Please send your responses by December 9, 2022.**

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Kickapoo Tribe of Indians of the Kickapoo Reservation Kansas Tribe

Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill.

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 further comments:

_____ We have no interests in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and further consultation with our Tribe is not necessary.

_____ 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

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Name of Kickapoo Tribe of Indians of the Kickapoo Reservation Kansas Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

Alan Tabachnick

Alan.Tabachnick@stb.gov

Or mail to:

Alan Tabachnick, Surface Transportation Board
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114



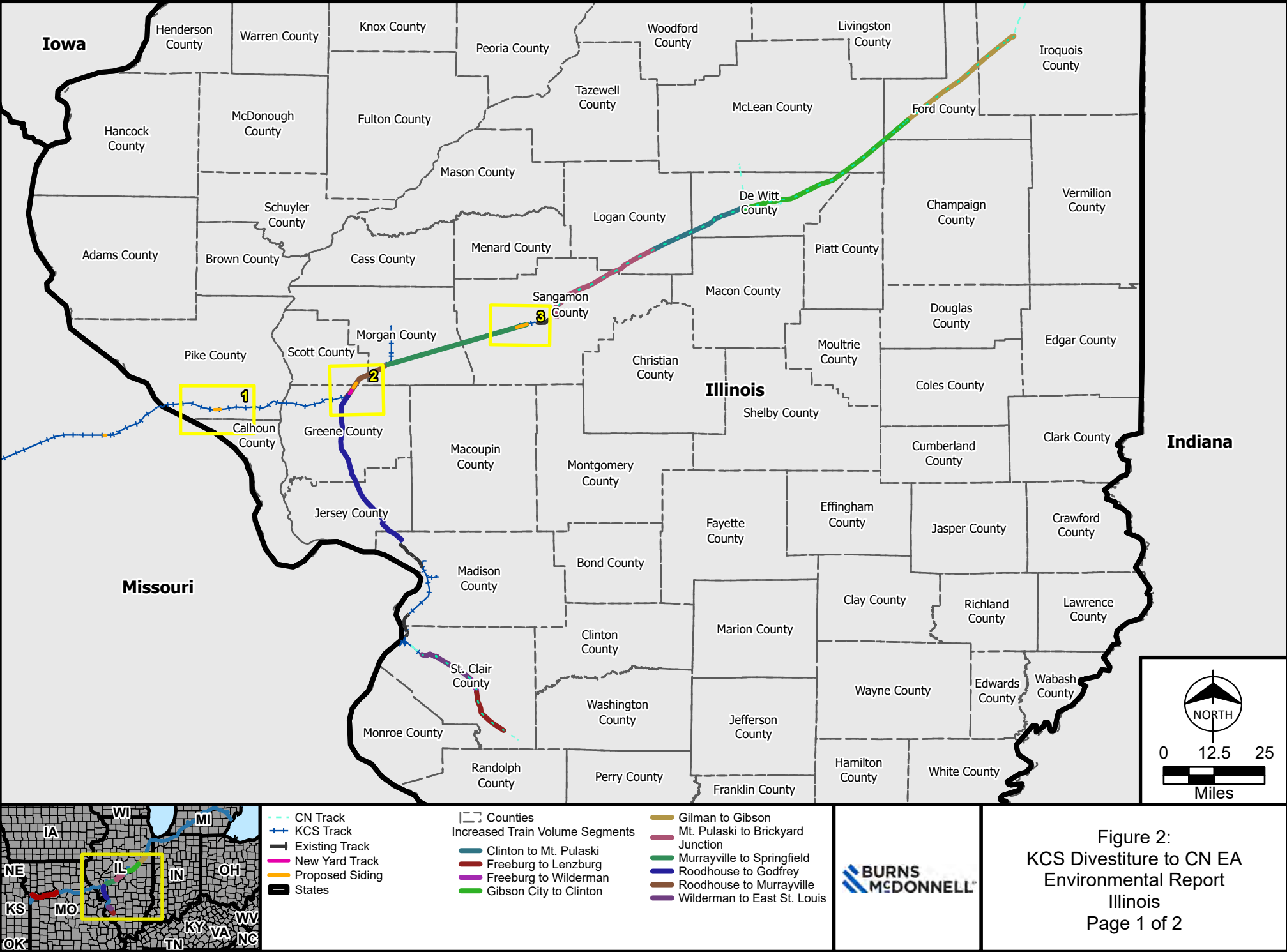
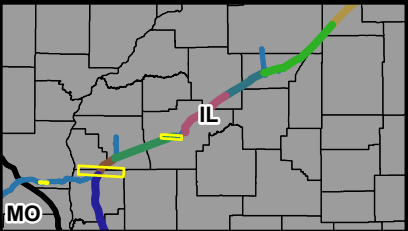
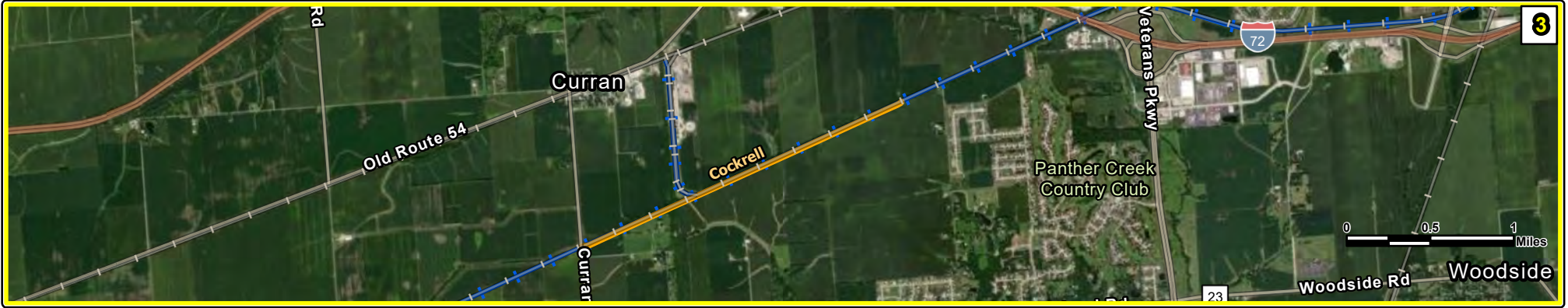


Figure 2:
KCS Divestiture to CN EA
Environmental Report
Illinois
Page 1 of 2





- + KCS Track
- Proposed Siding
- Existing Siding
- New Yard Track



BURNS
MCDONNELL

Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Illinois
Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

John Froman
Chief
Peoria Tribe of Indians of Oklahoma
PO Box 1527
Miami, OK 74355

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

Dear Mr. Froman:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) for a proposal by Canadian National Railway Company and its affiliate, Illinois Central Railway Company (collectively, CN) that would involve the addition of new railroad tracks within existing rail rights-of-way (ROW) and in rail yards and intermodal facilities in Missouri and Illinois. This letter requests your preliminary comments on the proposed undertaking and OEA's planned Section 106 approach.

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9400 Ward Parkway
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Danielle Gosselin
Director
Office of Environmental Analysis

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Peoria Tribe of Indians of Oklahoma Tribe

Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill.

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Name of Peoria Tribe of Indians of Oklahoma Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

Alan Tabachnick

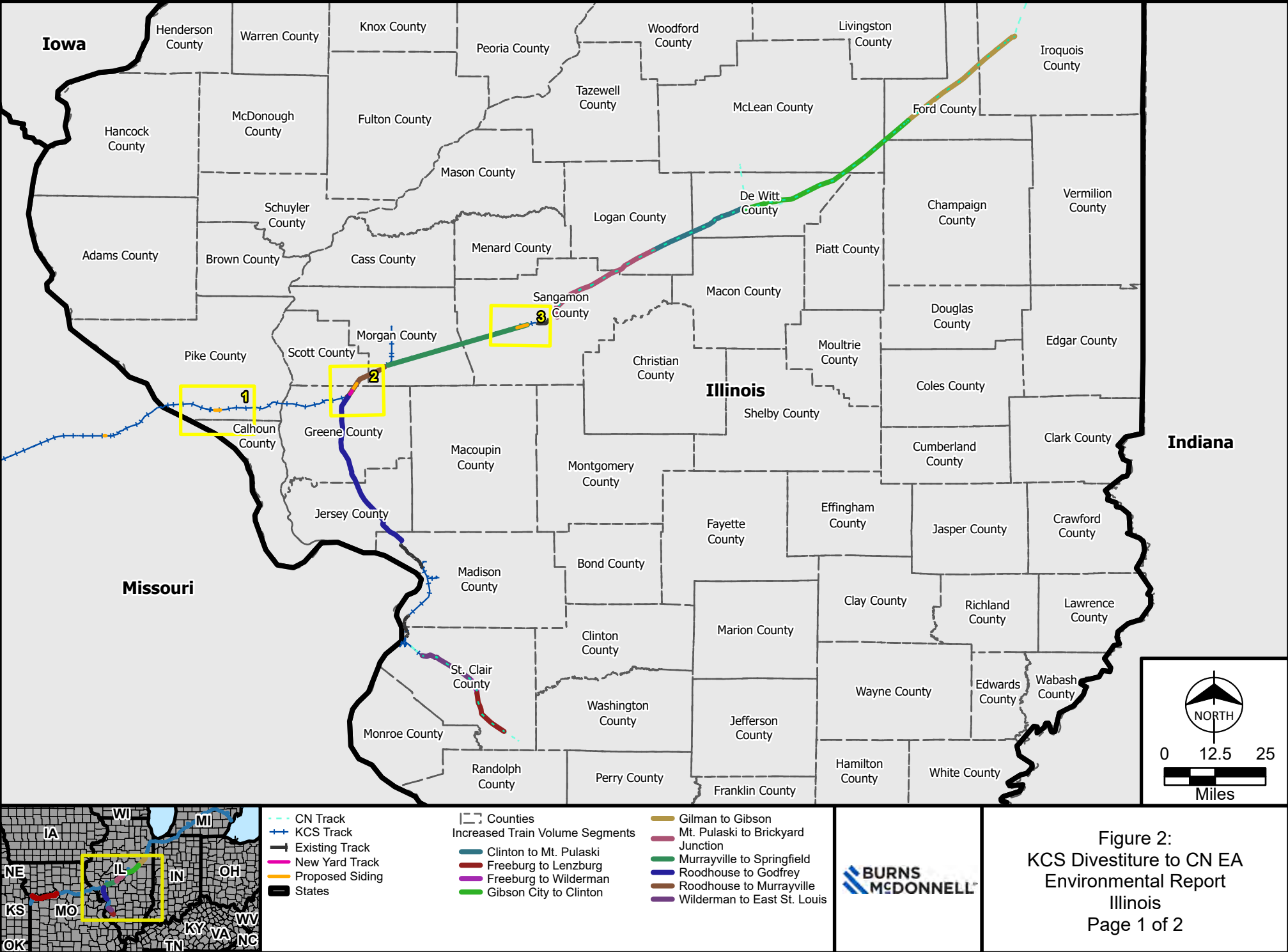
Alan.Tabachnick@stb.gov

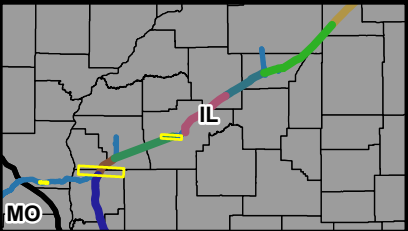
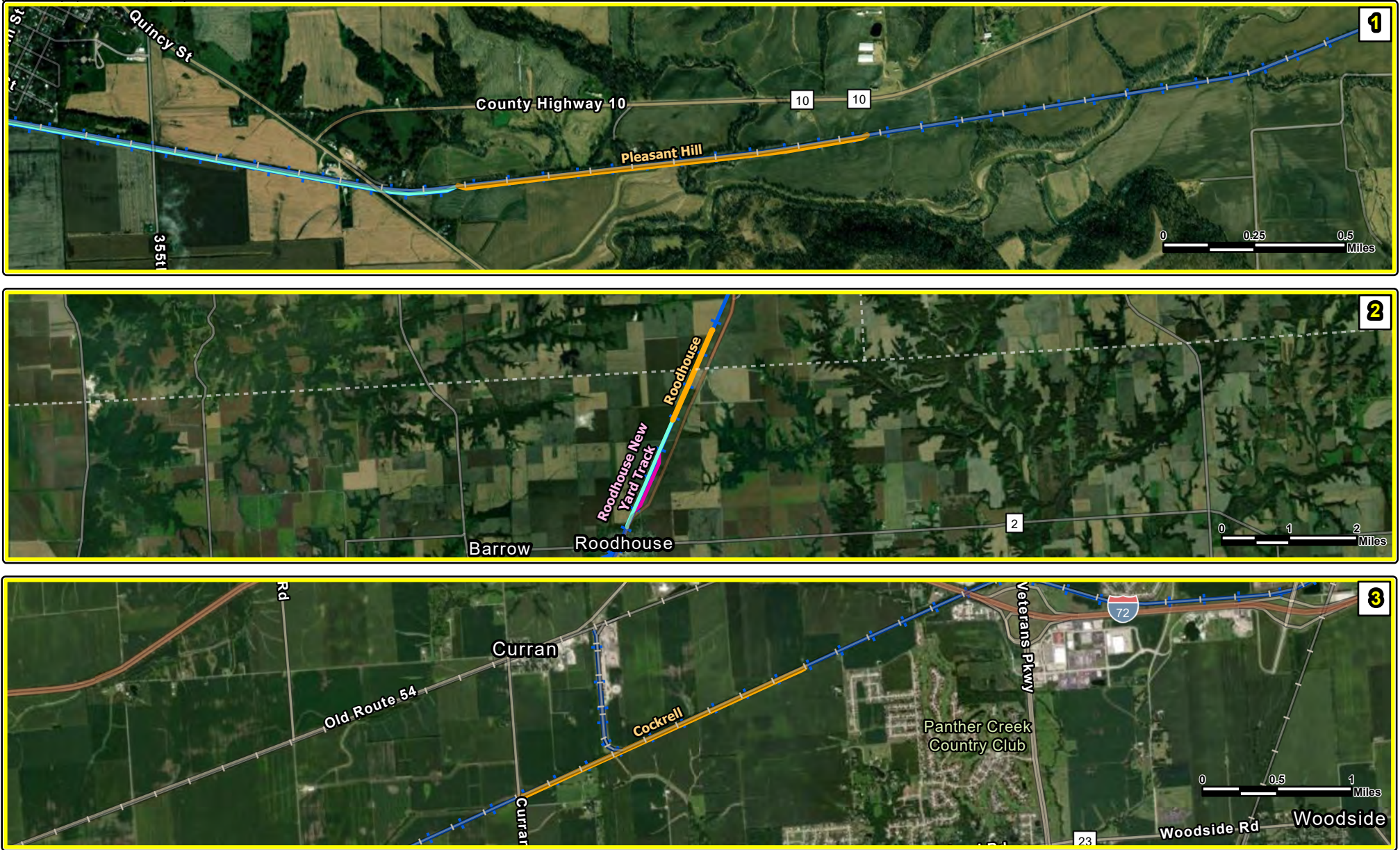
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Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114



Figure 1:
KCS Divestiture to CN
Line Segments and
Facility Improvement Projects
for EA Evaluation





- + KCS Track
- Proposed Siding
- Existing Siding
- New Yard Track



BURNS
MCDONNELL

Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Illinois
Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

Kent Collier
NAGPRA
Kickapoo Tribe of Oklahoma
PO Box 70
McLoud, OK 74851

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

Dear Mr. Collier:

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Danielle Gosselin
Director
Office of Environmental Analysis

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Kickapoo Tribe of Oklahoma Tribe

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Name of Kickapoo Tribe of Oklahoma Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

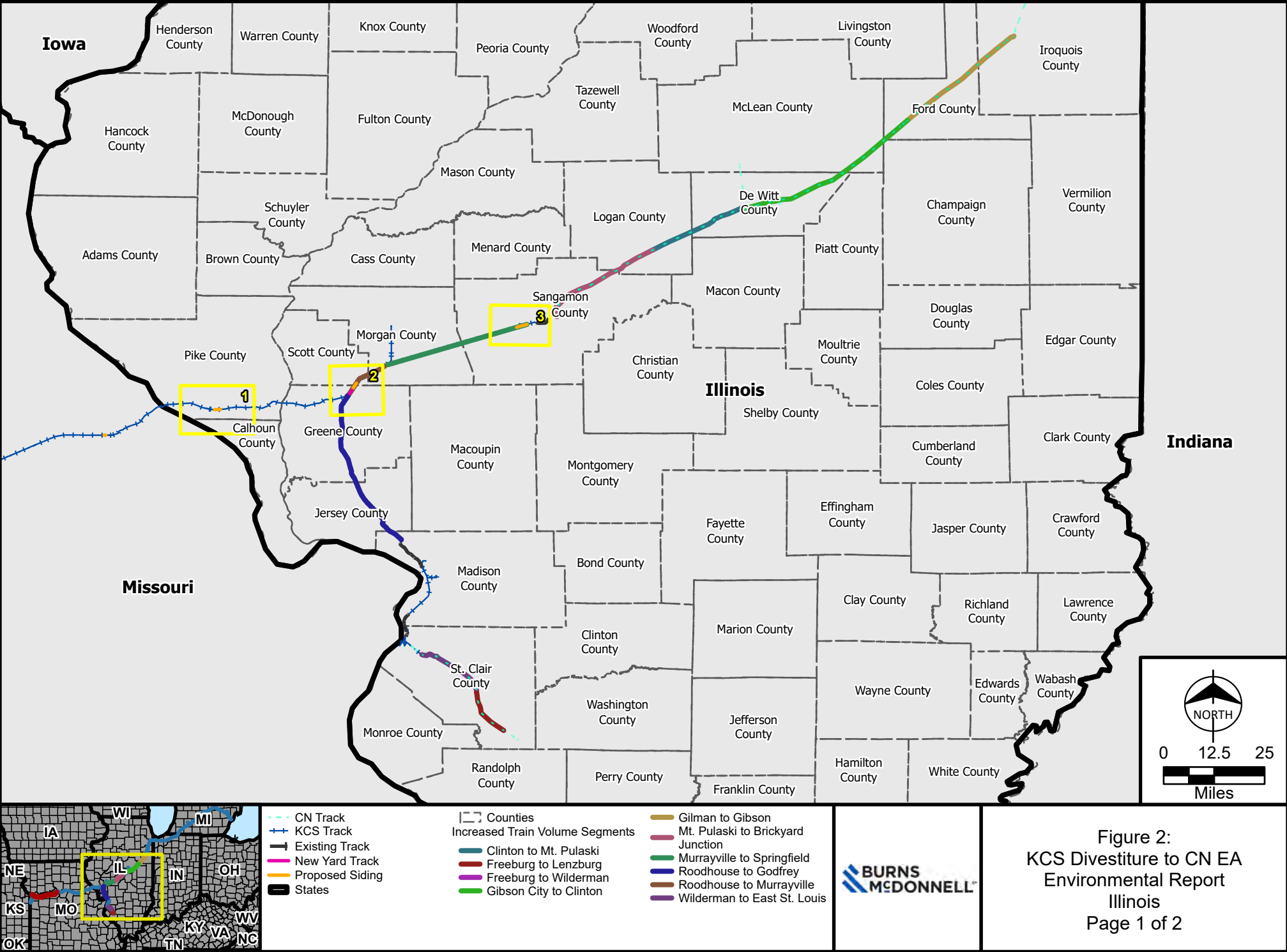
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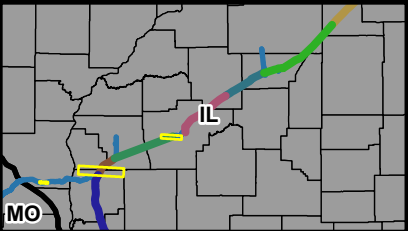
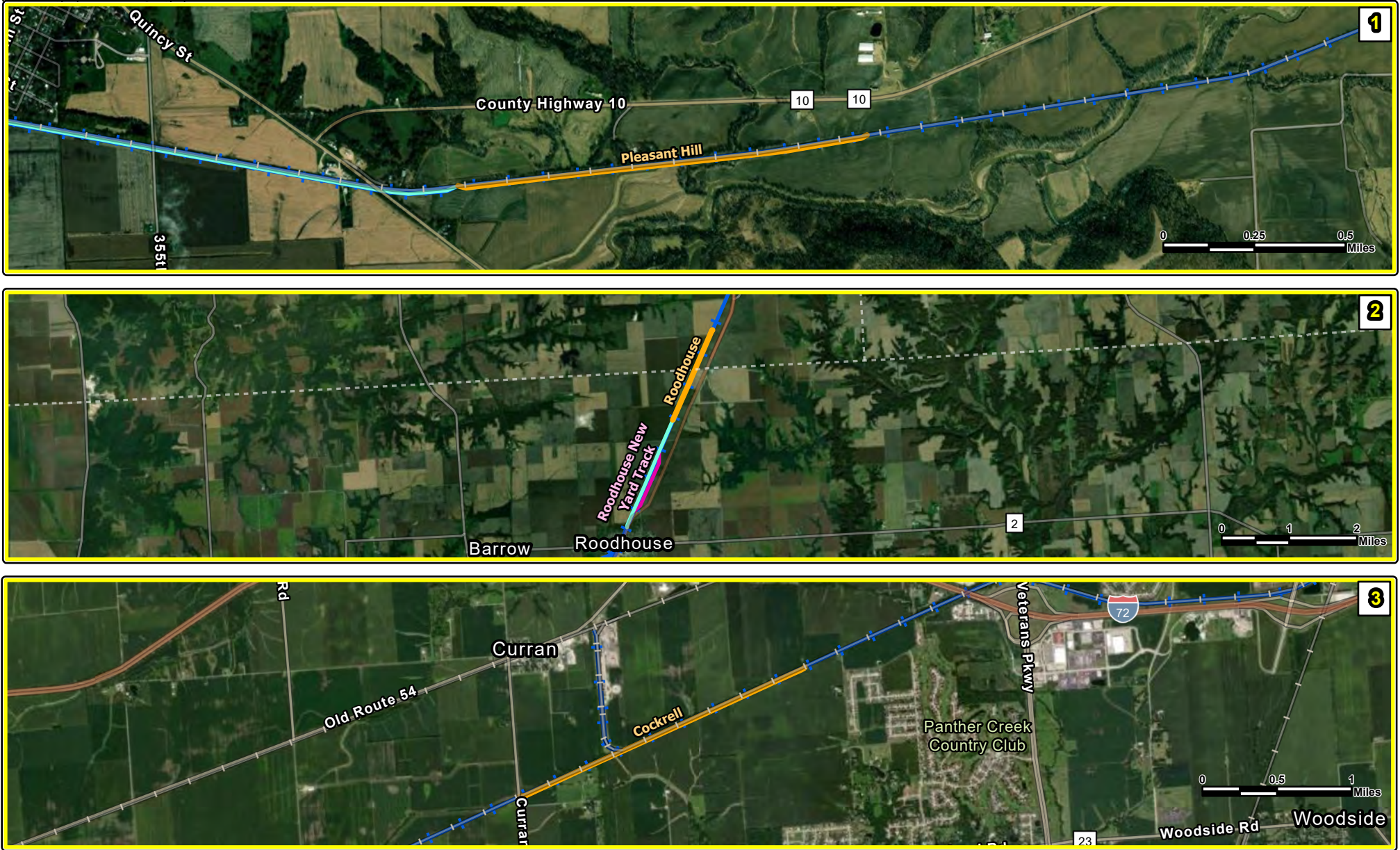
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Alan Tabachnick, Surface Transportation Board
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114







- +— KCS Track
- Proposed Siding
- Existing Siding
- New Yard Track



BURNS
MCDONNELL

Figure 2:
KCS Divestiture to CN EA
Facility Improvement Projects
Illinois
Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

Kenneth Meshigaud
Chairperson
Hannahville Indian Community - Michigan
N 14911 Hannahville B1 Road
Wilson, MI 49896

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

Dear Mr. Meshigaud:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is initiating consultation under Section 106 of the National Historic Preservation Act (NHPA) for a proposal by Canadian National Railway Company and its affiliate, Illinois Central Railway Company (collectively, CN) that would involve the addition of new railroad tracks within existing rail rights-of-way (ROW) and in rail yards and intermodal facilities in Missouri and Illinois. This letter requests your preliminary comments on the proposed undertaking and OEA's planned Section 106 approach.

Description of the Proposed Undertaking

On June 9, 2022, CN filed an amended "responsive" application in Docket No. FD 36500 (Sub-No. 1) requesting that the Board order the sale of the Kansas City Southern Railway (KCS) rail line between Kansas City, Missouri and Springfield and East St. Louis, Illinois (Springfield Line) to CN (Proposed Divestiture). See attached maps. CN's filing was submitted in response to a primary application filed jointly by KCS and Canadian Pacific Railway (CP) in Docket No. FD 36500, seeking Board authority for CP to acquire KCS.³³ The proposed acquisition of KCS by CP is the subject of a separate ongoing Section 106 review.³⁴ Should the Board authorize

³³ Other responsive applications are pending before the Board in Docket No. FD 36500 (Sub-Nos. 2-4) but are not discussed here because those applications are exempt from Section 106 review under the Board's regulations at 49 C.F.R. § 1105.8(b).

³⁴ The Board issued a Draft Environmental Impact Statement (EIS) on the primary application in Docket No. FD 36500 on August 5, 2022, addressing both Section 106 and environmental issues, and requested public comments on the Draft EIS by October 14, 2022. Section 3.9, *Cultural Resources* in the Draft EIS discusses potential effects of the proposed acquisition of KCS by CP on historic properties. More information regarding the Section 106 review of the proposed acquisition can be found on the Board-sponsored project website

both the primary application and the Proposed Divestiture, then CP would be ordered to sell the Springfield Line to CN upon completion of CP's acquisition of KCS.

Before deciding whether to authorize the Proposed Divestiture, the Board must first assess the potential effects of CN's proposal on historic properties listed on or eligible for listing on the National Register of Historic Place (National Register) in accordance with Section 106 and the Board's Section 106 regulations at 49 C.F.R. § 1105.8. OEA will conduct the Section 106 review of the Proposed Divestiture separately from, but concurrently with, the ongoing Section 106 review of the proposed acquisition of KCS by CP. Although the Proposed Divestiture could only occur if CP is authorized to acquire KCS, the Section 106 reviews for the two proposals are being conducted separately because they involve different railroad applicants and largely distinct sets of potential effects that would occur in different geographic areas.

The purpose of this letter is to advise you of the Proposed Divestiture and request information from your agency on the cultural resources under your jurisdiction that could be affected by the Proposed Divestiture. The Section 106 review of the Proposed Divestiture will help inform the Board in making its decision about whether to approve CN's proposal and, if so, whether and what mitigation conditions to impose.

Project Description

The Proposed Divestiture proceeding requests that the Board order the sale of approximately 370 miles of KCS's Springfield Line in Missouri and Illinois. In connection with the sale of the Springfield Line, CN also seeks a 50% equity interest in KCS's International Freight Gateway terminal (IFG Terminal) south of Kansas City. See attached maps. CN states that the Proposed Divestiture would preserve and enhance competition between Kansas City and Chicago; introduce new single-line rail automotive and intermodal service between Michigan/Eastern Canada and Kansas City; and establish a more direct route for rail traffic between Canada and the Midwest and East St. Louis. CN estimates that more than 80,000 long-haul trucks would be removed from the highways each year as a result of the Proposed Divestiture and that this would generate public benefits by reducing greenhouse gas emissions, highway congestion and maintenance.

According to CN, the Proposed Divestiture would involve operational changes (e.g., an increase in average trains per day) on certain segments of the Springfield Line, as well as some contiguous segments of rail line owned by CN, and changes in the level of activity at some rail yards and intermodal facilities. To support the projected increases in rail traffic, CN plans to make eleven capital improvements within the existing rail ROW. These would include extending six existing passing sidings, adding one new siding passing, and relocating one passing siding on the Springfield Line. In Missouri, sidings would be added or extended at Grain Valley, Harmony, Mexico West, Bowling Green, and Blackburn. In Illinois, sidings would be added or extended at Pleasant Hill, Roodhouse and Cockrell. In addition, CN plans to make capital improvements at the East St. Louis Yard/Intermodal Terminal in Illinois by constructing

(www.CP-KCSMergerEIS.com) or on the Board's website at www.stb.gov by conducting a search for Docket No. FD 36500.

6,000 feet of track with intermodal pads and accompanying pavement and 5,000 feet of track for loading/unloading and car storage; and developing approximately 25 acres of land for necessary roadways, parking, and truck areas. At IFG Terminal in Missouri, CN proposes to construct 20,000 feet of track with pad, storage and accompanying pavement, and 6,600 feet of track for loading/unloading and storage, roadways and railhead parking and truck areas. At Roodhouse Yard in Illinois, CN would construct 5,000 feet of new yard track.

Consistent with past practice in railroad acquisition cases, OEA will focus the Section 106 review on the eleven capital improvements that CN would undertake if the Board authorizes the Proposed Divestiture because those projects are the only components of the Proposed Divestiture that could have the potential to affect cultural resources.

Area of Potential Effects

The area of potential effects (APE) for historic properties will be defined in accordance with 36 C.F.R. Part 800, 49 C.F.R. § 1105.8, and precedent established in previous railroad acquisition proceedings. OEA expects that the APE for the Proposed Divestiture will comprise eleven discontinuous areas corresponding to the eleven locations set forth above where capital improvements are planned. Each component area of the APE will extend the length of the planned capital improvement and will extend the width of the rail ROW to encompass the entire area within which ground disturbing activities could potentially occur. In addition, OEA proposes to add a 500-foot buffer to each component area of the APE (250 feet on either side of the right-of-way and 250 feet at each end) to account for potential setting, visual, noise, or other impacts from construction activities related to the planned capital improvement. Based on the information available to date, OEA anticipates that all of the construction activity would take place within the existing ROW and may be in previously disturbed areas. The APE will be further refined as additional information about the Proposed Divestiture and its potential to affect cultural resources becomes available.

Request for Comments

We appreciate your assistance in identifying whether any cultural resources of concern to your agency may be affected by the Proposed Divestiture and welcome any additional issues or concerns that you consider appropriate. To submit comments electronically through the Board's website at <https://www.stb.gov>, select "File an Environmental Comment" below the "Need Assistance?" button. Be sure to include the docket number "Docket No. FD 36500 (Sub-No. 1)." Log-in accounts are not needed to file Section 106 comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Alan Tabachnick, Historic Preservation Specialist and Deputy Federal Preservation Officer Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. FD 36500 (Sub-No. 1). You may also submit comments to OEA's third-party consultant Burns & McDonnell at:

Alan Tabachnick
c/o Stephen Thornhill
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114

We have also included a Consultation Questionnaire to assist you in participating in the Project and help us with your level of involvement. Please complete and return the questionnaire to us also by December 9, 2022.

If you have any questions, please feel free to contact Alan Tabachnick of my staff, at 202-245-0367 or by email at alan.tabachnick@stb.gov. **Please send your responses by December 9, 2022.**

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis

Map Attachments
Consultation Questionnaire

CONSULTATION QUESTIONNAIRE

Hannahville Indian Community - Michigan Tribe

Docket No. FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill.

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 further comments:

_____ We have no interests in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and further consultation with our Tribe is not necessary.

_____ 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 interest in the proposed divestiture of the Kansas City Southern rail line between Kansas City, Missouri and East St. Louis, Illinois and want to participate as a Consulting Party in the Section 106 process.

Name of Hannahville Indian Community - Michigan Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

Alan Tabachnick

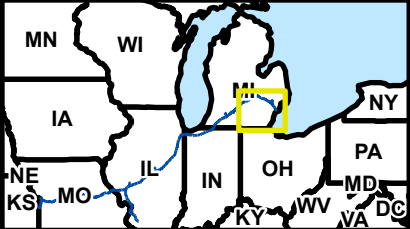
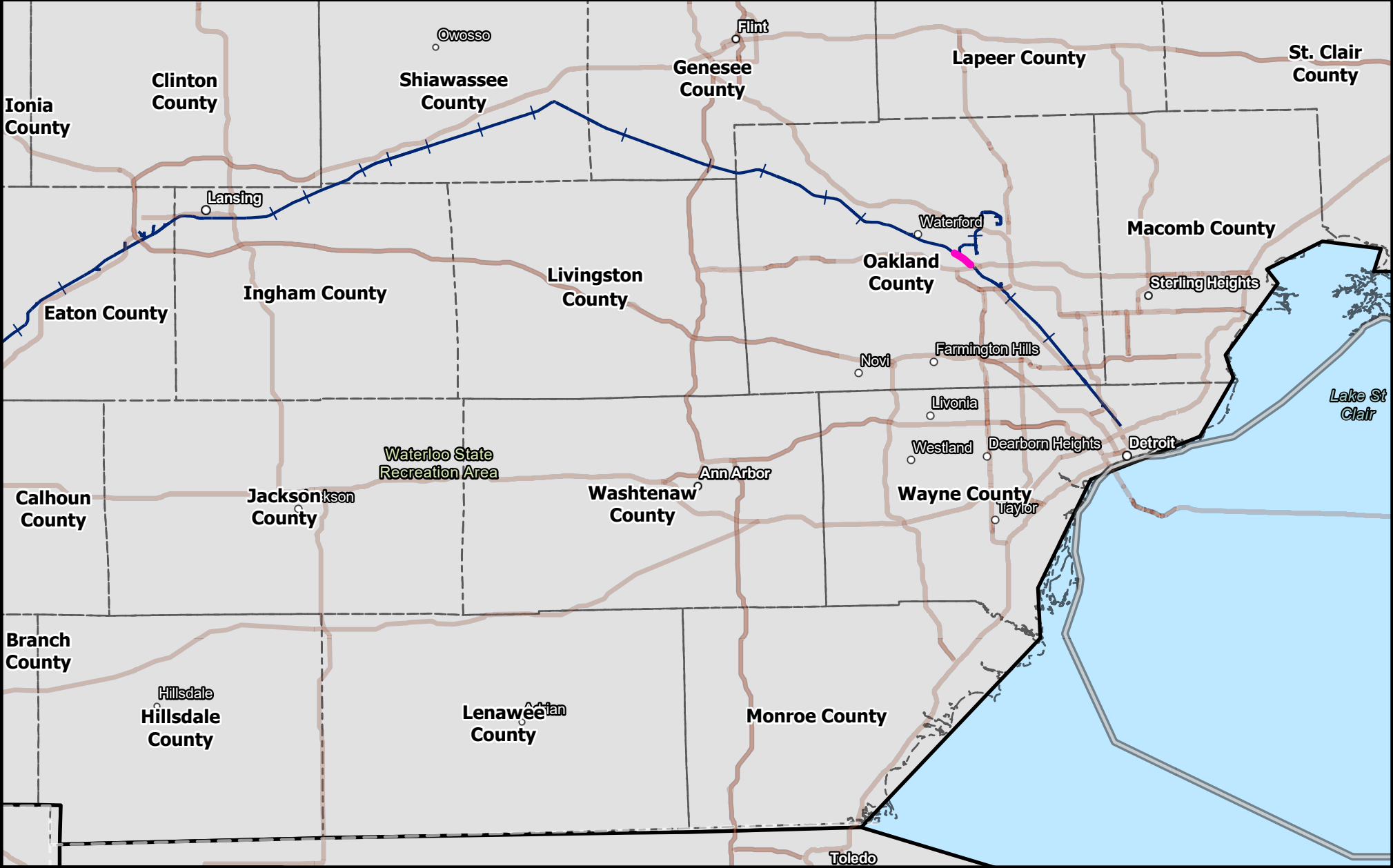
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Figure 1:
KCS Divestiture to CN
Line Segments and
Facility Improvement Projects
for EA Evaluation



- States
- County
- Yard Tack

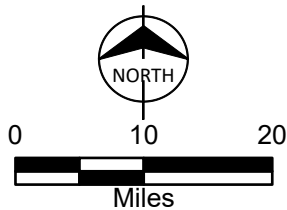
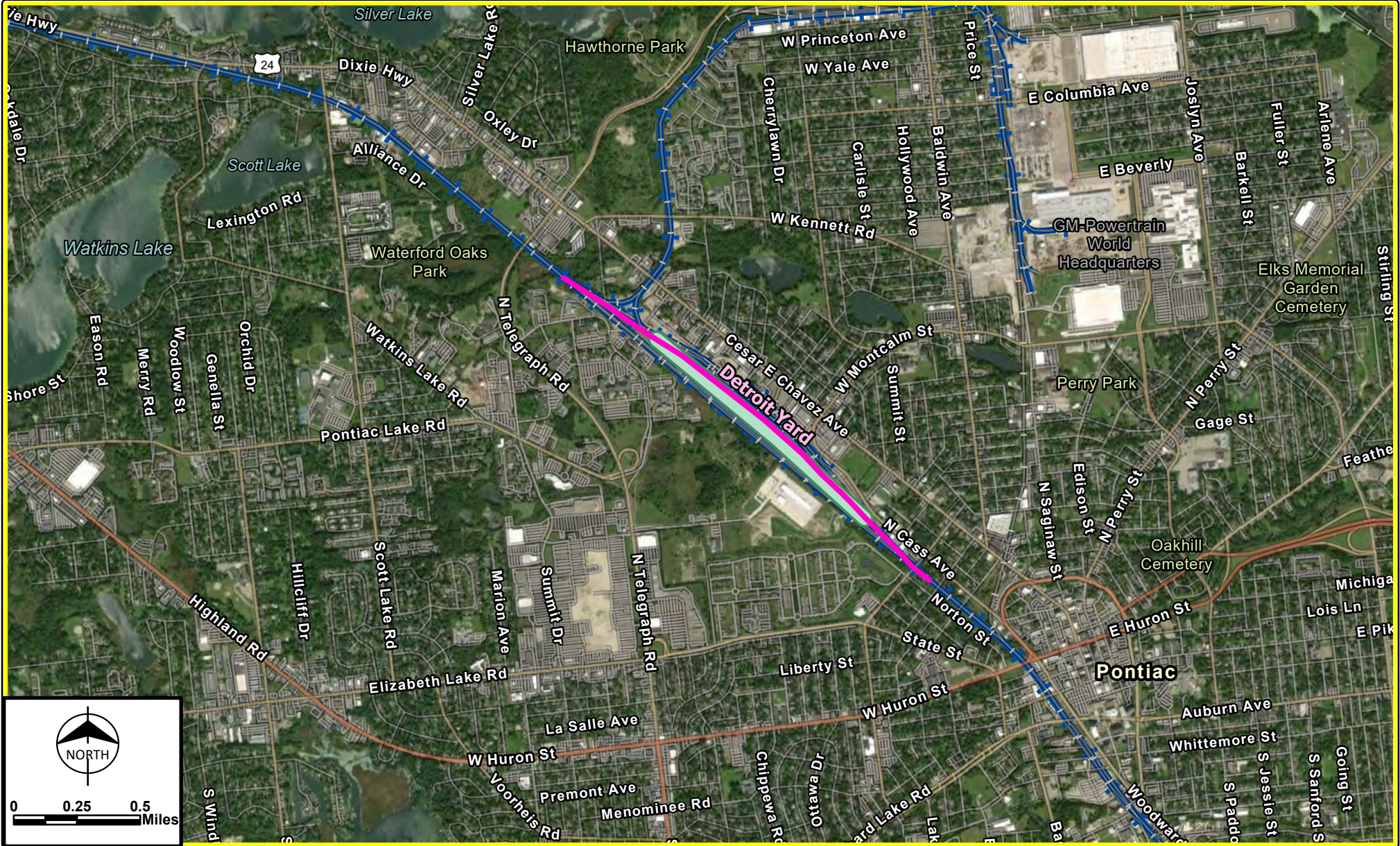


Figure 2:
KCS Divestiture to CN
Facility Improvement Projects
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Michigan (Overview)
Page 1 of 2



- + Existing Rail Line
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 KCS Divestiture to CN EA
 Facility Improvement Project
 Detroit Intermodal Yard
 Michigan
 Page 2 of 2



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 3, 2022

Marie Richards
Cultural Repatriation Specialist
Sault Ste. Marie Tribe of Chippewa Indians - Michigan
523 Ashmun st.
Sault Ste. Marie, MI 49783

Re: FD 36500 (Sub-No. 1), Illinois Central Railroad Company – Acquisition of a Line of Railroad Between Kansas City, Mo., and Springfield and East St. Louis, Ill. – Kansas City Southern Railway Company; **Request for Comments**

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Office of Environmental Analysis

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CONSULTATION QUESTIONNAIRE

Sault Ste. Marie Tribe of Chippewa Indians - Michigan Tribe

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Name of Sault Ste. Marie Tribe of Chippewa Indians - Michigan Tribe designated contact:

Name: _____

Email: _____

Phone: _____

Signed: _____

Date: _____

Please email to:

Alan Tabachnick

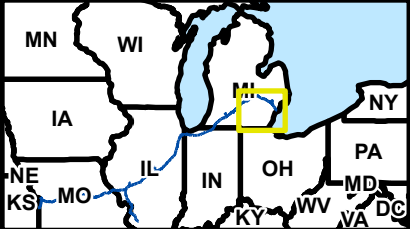
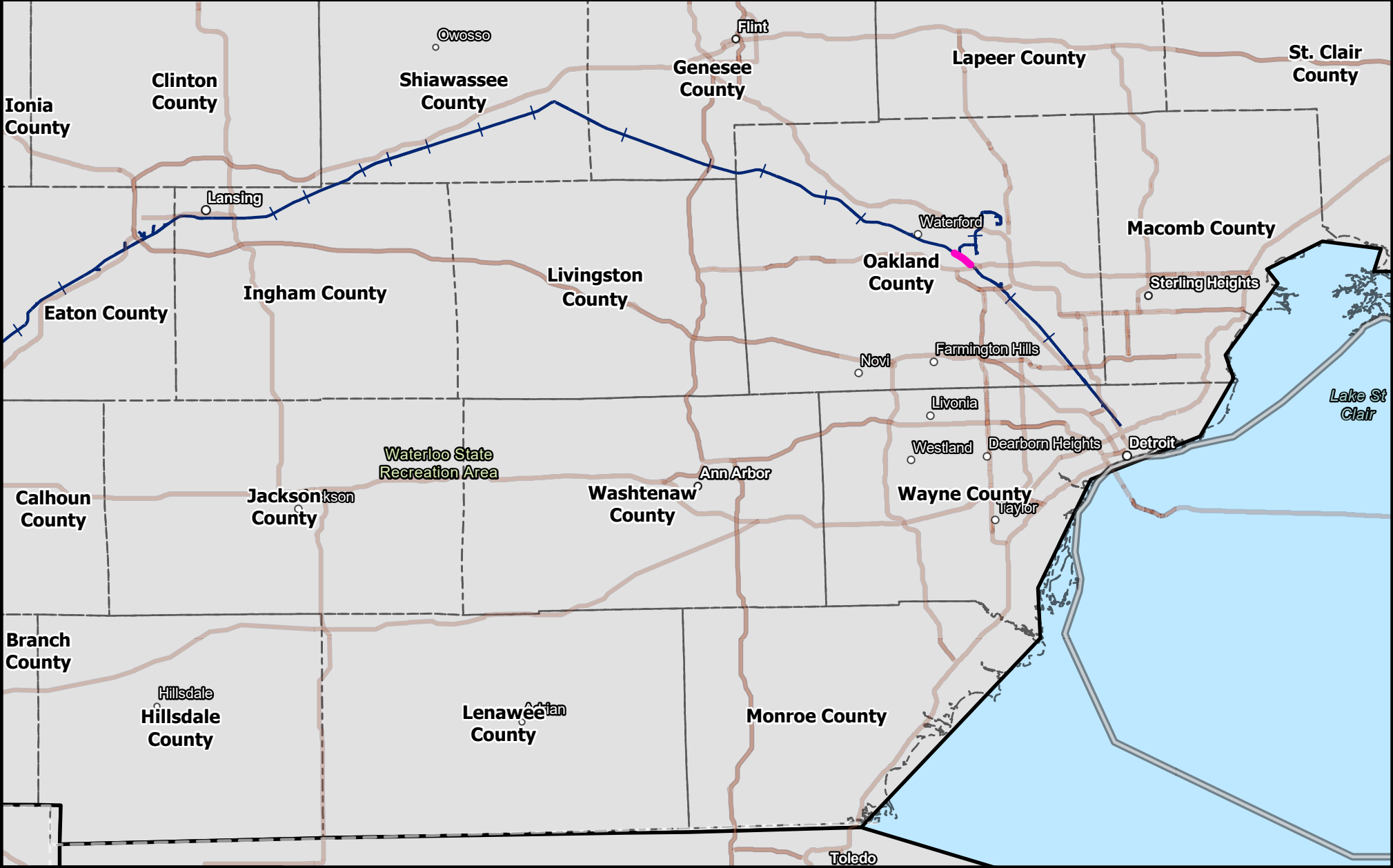
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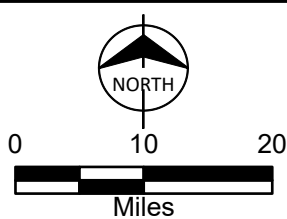
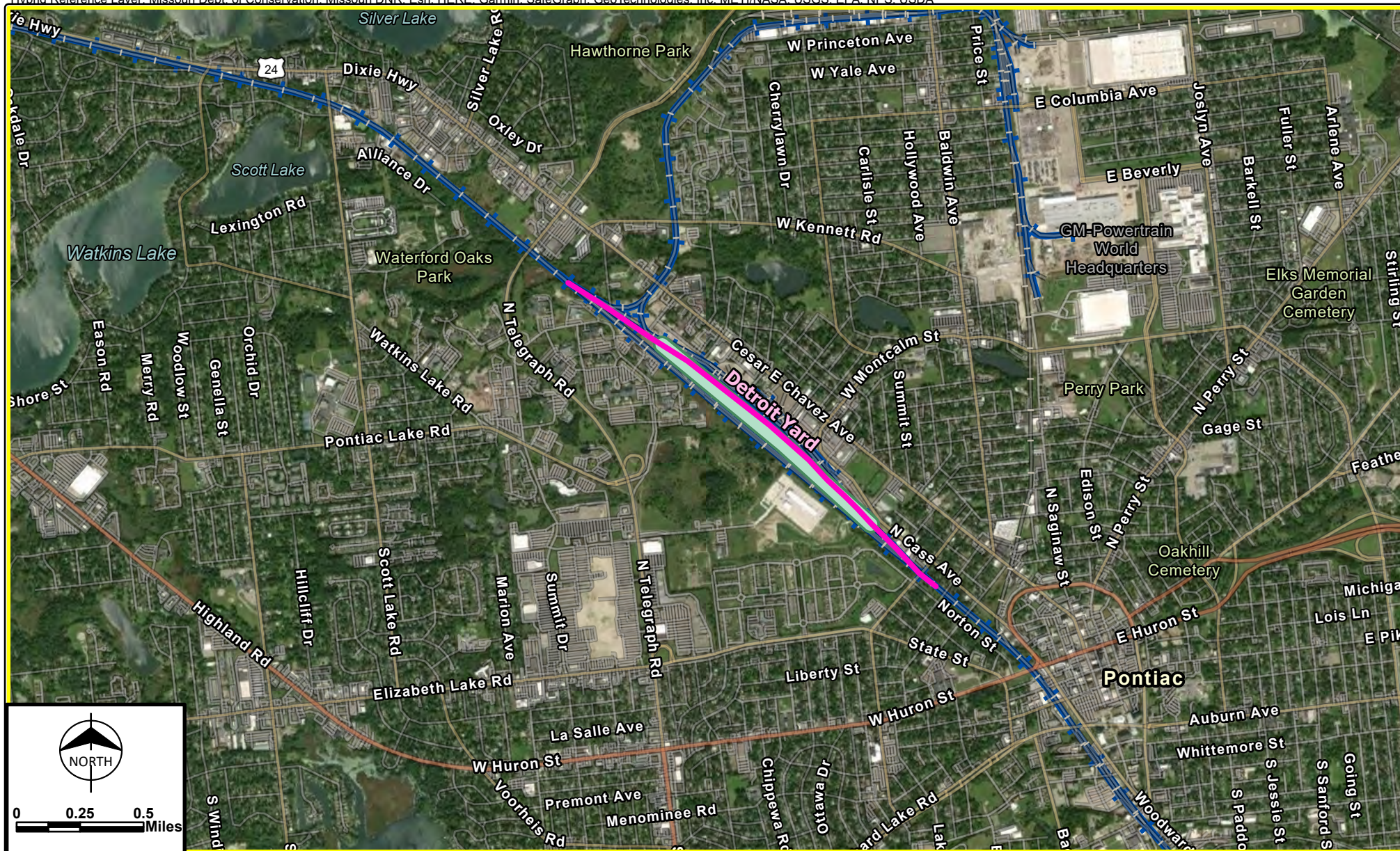


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