



EI - 32706

Osage Nation Historic Preservation Office

W[A]T[E KOSY KY]EA

Date: December 1, 2022

File: 2223-1442MO-10

RE: STB, Docket No. FD 36500, Canadian Pacific Railway Limited, et al. - Control of - Kansas City Southern, et al., Multiple Counties, Multiple States

Surface Transportation Board, c/o VHB
Joshua Wayland and Alan Tabachnick
940 Main Campus Dr., Suite 500
Raleigh, NC 27606

Sent via email

Dear Mr. Tabachnick,

The Osage Nation Historic Preservation Office has evaluated your submission regarding the proposed STB, Docket No. FD 36500, Canadian Pacific Railway Limited, et al. - Control of - Kansas City Southern, et al., Multiple Counties, Multiple States and determined that the portions of the proposed project within Clayton, Clinton, Jackson, Louisa, Monroe, Wapello, and Washington counties in Iowa **most likely will not adversely affect any sacred properties and/or properties of cultural significance to the Osage Nation.** For direct effect, the finding of this NHPA Section 106 review is a determination of “No Properties” eligible or potentially eligible for the National Register of Historic Places for the portions of the proposed project within Clayton, Clinton, Jackson, Louisa, Monroe, Wapello, and Washington counties in Iowa.

In a letter sent on August 31, 2022, the Osage Nation Historic Preservation Office concurred with VHB and the Surface Transportation Board, Office of Environmental Analysis (OEA) that the proposed acquisition would not adversely affect any National Register-eligible above ground resources. The Osage Nation agreed further with VHB and the Surface Transportation Board OEA regarding the two National Register eligible archaeological sites 34AD283 and 34AD286 located within the APE for the new passing siding located at MP 247 near Baron, Oklahoma in that sites 34AD283 and 34AD286 will not be adversely impacted per the Applicants added clarification that the planned capital improvements in the MP 247 area will be confined to the permanent footprint and all construction activities confined to the existing disturbed area (railroad berm and ballast) in locations adjacent to any National Register-eligible archaeological sites that OEA identified, specifically 34AD283 and 34AD286. The Osage Nation remains in agreement the Surface Transportation Board OEA statement in the Draft EIS S.3.9 Cultural Resources pages S-12 through S-13, regarding requiring the Applicants to develop and implement a plan for archaeological monitoring during construction and addressing any unanticipated discoveries of archaeological sites or associated artifacts during construction following Chapter 4.10.2, MM-Cultural-01 of the Draft EIS per the highlighted additions being added as requested by the Osage Nation.

The Osage Nation’s requests for a copy of the training materials/guidance that will be provided to individuals before construction activities related to the 25 planned capital improvements begins for review and comment before any training is started and the Osage Nation’s requests to receive all construction monitoring plans and daily monitoring reports be sent to both OEA the Osage Nation Historic Preservation Office for review and comment no later than 30



days prior to the state of any construction activities related to the 25 planned capital improvements, especially in the areas of Sites 34AD283 and 34AD286 still remain.

The Osage Nation has vital interests in protecting its historic and ancestral cultural resources. We do not anticipate that this project will adversely impact any cultural resources or human remains protected under the NHPA, NEPA, the Native American Graves Protection and Repatriation Act, or Osage law.

The Osage Nation looks forward to continue working with VHB and the Surface Transportation Board in regards to **STB, Docket No. FD 36500, Canadian Pacific Railway Limited, et al. - Control of - Kansas City Southern, et al., Multiple Counties, Multiple States.**

Should you have any questions or need any additional information please feel free to contact me at the number listed below. Thank you for consulting with the Osage Nation on this matter.

Deseray Helton
Archaeologist