



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 31, 2022

Joe Van Humbeck
7550 Ogden Dale Road S.E.
Calgary, AB T2C 4X9
Canada

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

Dear Mr. Van Humbeck,

The Surface Transportation Board's (Board's) Office of Environmental Analysis (OEA) is pleased to electronically submit the linked Cultural Resources Survey Reports in support of the OEA's review of a proposal by Canadian Pacific Railway et al. (CP) and Kansas City Southern Railway et al. (KCS) for CP to acquire KCS (Proposed Acquisition). The Proposed Acquisition is an undertaking subject to the Board's federal jurisdiction. As part of the review process, OEA has prepared a Draft Environmental Impact Statement (EIS) that assesses the potential environmental impacts of the Proposed Acquisition. OEA is also evaluating the potential impacts of the Proposed Acquisition on historic properties, in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), the Section 106 implementing regulations (36 C.F.R. Part 800), and the Board's environmental regulations (49 C.F.R. Part 1105).

Consistent with past practice in merger cases and the Board's regulations at 49 C.F.R. § 1105.8(b)(1), OEA focused the Section 106 review on 25 planned capital improvements that CP and KCS intend to add within the existing rail right-of-way (ROW) if the Board authorizes the Proposed Acquisition. The 25 planned capital improvements would include adding 10 new passing sidings, extending 13 existing sidings, adding a section of double track, and adding a section of facility working track. The planned capital improvements are the only outcomes of the Proposed Acquisition that could have the potential to affect cultural resources.

On behalf of OEA, Vanasse Hangen Brustlin, Inc. (VHB), OEA's third-party contractor, undertook background research, field survey, and documentation of historic properties within the Area of Potential Effects (APE) for the planned capital improvements.

The APE as defined in 36 C.F.R. § 800.16(d), is the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties if any such properties exist. The above-ground APE for the planned capital improvements extends the length of the planned capital improvements within the existing rail ROW as well as a buffer on each side of the ROW to account for potential setting, visual, noise, or other impacts from construction activities. All above-ground resources over 50 years of age present within this broader above-ground APE were surveyed and documented. In some states, resources 45 years of age or older were surveyed in accordance with the State Historic Preservation Officer guidelines in those states. The above-ground APE varies depending upon actual field conditions, incorporating factors such as topography, vegetation, and intervening buildings. The archaeology APE for the Phase I archaeological survey is confined to within the existing rail ROW, where ground disturbing activities could potentially occur.

As per our previous letter dated August 18, 2022, we are transmitting reports to you as a consulting party as they become available. Please see the table below for a status update on all reports. Additional reports will be provided as they become available, and the anticipated dates of transmission are included in the table below for your reference. In addition, the findings of the reports included in this package are summarized below for your information.

State	Report Type	Transmittal Status
Arkansas	Above-Ground Resources	Submitted August 18, 2022
Arkansas	Below-Ground Resources	Provided with this transmittal
Illinois	Combined Above-Ground and Below-Ground Resources	Submitted August 18, 2022
Iowa	Above-Ground Resources	Transmittal in late August
Iowa	Below-Ground Resources	Transmittal in early September
Louisiana	Combined Above-Ground and Below-Ground Resources	Submitted August 18, 2022
Missouri	Combined Above-Ground and Below-Ground Resources	Provided with this transmittal
Oklahoma	Above-Ground Resources	Submitted August 18, 2022
Oklahoma	Below-Ground Resources	Provided with this transmittal

Arkansas

The Phase I archaeological survey documented a single Isolated Find within the APE for the planned Gentry capital improvement, and OEA has determined that it is not eligible for the National Register of Historic Places (National Register). No new archaeological sites were recorded within the planned Gentry capital improvement APE. A single new site (3PL1649) was identified within the APE for the planned MP 377 (Mena) capital improvement, and OEA has determined that the portion of that site located within the APE is not eligible for the National Register.

Missouri

The Phase I archaeological survey revisited a previously recorded archaeological site (23CS102) at the planned Grandview capital improvement; the results of the field survey determined that the previous finding of the site as not eligible for the National Register remained valid. A single Isolated Find was located within the APE for the planned Asbury capital improvement during the archaeological survey, and this Isolated Find has been determined to be not eligible for the National Register.

Oklahoma

The Phase I Archaeological Survey identified 13 new archaeological sites within the APE. Of these sites, 11 were determined to lack integrity and significant data potential under Criterion D of the National Register. Two sites, 34AD283 and 34AD286, both located within the APE for the planned MP 247 (Baron) capital improvement location, were determined eligible for the National Register. These eligible sites are located within the reservation boundaries of the Cherokee Nation.

OEA's determinations are supported by the findings presented in the linked reports, prepared by VHB. If you have any questions about the reports, or require additional information, please do not hesitate to contact Alan Tabachnick, Historic Preservation Specialist, at alan.tabachnick@stb.gov or 202-245-0367.

Sincerely,



Danielle Gosselin
Director
Office of Environmental Analysis
Surface Transportation Board

Linked Reports:

- Arkansas Below-Ground Survey Report
- Missouri Cultural Resources Survey
- Oklahoma Below-Ground Survey