

From: Deseray Helton <deseray.helton@osagenation-nsn.gov>
Sent: Thursday, November 17, 2022 3:07 PM
To: Bartlett, Alex
Cc: Wheaton, Jenna; Tabachnick, Alan
Subject: 2223-911MO-10 (FD36406 Phase I Cultural Resources Report Port Authority of Kansas City - Construction and Operation Exemption - In Jackson and Clay Counties, Missouri)
Attachments: 2223-911MO-10 No Properties Letter_Email.pdf
Importance: High

Good Evening,

Please see the attached formal response letter from the ONHPO regarding FD36406 Phase I Cultural Resources Report Port Authority of Kansas City - Construction and Operation Exemption - In Jackson and Clay Counties, Missouri.

Respectfully,



Deseray Wrynn

Pronouns: She/her/hers

Archaeologist, MA

Osage Nation Historic Preservation Office

627 Grandview Avenue, Pawhuska, OK 74056

Office: 918-287-9719 | Fax: 918-287-5376

deseray.helton@osagenation-nsn.gov

<https://www.osageculture.com/culture/historic-preservation-office>

Starting October 1, 2022 the Osage Nation Historic Preservation Office is changing the project notification process. **All project notifications and reports must be emailed to s106@osagenation-nsn.gov** Include the Lead Agency, Project Name and Number, and TCNS Number (if available) on the subject line.

IMPORTANT: This email message may contain confidential or legally privileged information and is intended only for the use of the intended recipient(s). Any unauthorized disclosure, dissemination, distribution, copying, or the taking of any action in reliance on the information herein is prohibited. Emails are not secure and cannot be guaranteed to be error-free. They can be intercepted, amended, or contain viruses. Anyone who communicates with us by email is deemed to have accepted these risks. Osage Nation is not responsible for errors or omissions in this message and denies any responsibility for any damage arising from the use of email. Any opinion and other statements contained in this message and any attachment are solely those of the author and do not necessarily represent those of the Osage Nation.



Osage Nation Historic Preservation Office

W[A]A[E KOSY KY]EA

Date: November 17, 2022

RE: STB, Docket No. FD 36406, Port Authority of Kansas City - Construction and Operation Exemption, Jackson and Clay Counties, Missouri

ICF
Alex Bartlett
14123 Denver West Parkway, Ste. 100
Golden, CO 80401

Sent via email

Dear Mr. Bartlett,

The Osage Nation Historic Preservation Office has evaluated your submission regarding the proposed STB, Docket No. FD 36406, Port Authority of Kansas City - Construction and Operation Exemption, Jackson and Clay Counties, Missouri and determined that the proposed project **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.

In accordance with the National Historic Preservation Act, (NHPA) [54 U.S.C. § 300101 et seq.] 1966, undertakings subject to the review process are referred to in 54 U.S.C. § 302706 (a), which clarifies that historic properties may have religious and cultural significance to Indian tribes. Additionally, Section 106 of NHPA requires Federal agencies to consider the effects of their actions on historic properties (36 CFR Part 800) as does the National Environmental Policy Act (43 U.S.C. 4321 and 4331-35 and 40 CFR 1501.7(a) of 1969). **The Osage Nation concurs that the Surface Transportation Board fulfilled NHPA compliance by consulting with the Osage Nation Historic Preservation Office in regard to the proposed project referenced as STB, Docket No. FD 36406, Port Authority of Kansas City - Construction and Operation Exemption, Jackson and Clay Counties, Missouri.**

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. **If, however, artifacts or human remains are discovered during project construction, we ask that work cease immediately and the Osage Nation Historic Preservation Office be contacted.**

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.

Andrea A. Hunter, Ph.D.

Deseray Helton

OSAGE NATION HISTORIC PRESERVATION OFFICE

WA[A]E KOSY KY]EA



Director, Tribal Historic Preservation Officer

Archaeologist

Cc: Jenna Wheaton, Senior Environmental Planner, ICF

Alan Tabachnick, Historic Preservation Specialist, Office of Environmental Analysis, STB