

## 3.9 Cultural Resources

This section describes OEA’s analysis of potential impacts on cultural resources that could result from the Proposed Acquisition. The Board’s decision whether to grant authority for CP to acquire KCS is a federal action under NEPA and is also a federal undertaking under Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108). The Section 106 regulations at 36 C.F.R. Part 800 require federal agencies to consider the effects of their undertakings on historic properties that are listed in or are eligible for listing in the National Register of Historic Places (National Register). Historic properties can include buildings, prehistoric and historic archaeological sites, districts, objects, and structures, as well as traditional cultural properties and landscapes. The term “historic property” includes properties of religious or cultural significance to tribes. In this case, OEA is coordinating the environmental review process under NEPA with the Section 106 process, and the NEPA term “cultural resources” as used in this section is interchangeable with the Section 106 term “historic properties.”

Pursuant to 36 C.F.R. § 800.3(a), OEA has determined that sales, leases, or transfers of operational rail lines for the purpose of continued rail operation are generally not a type of activity that has the potential to cause effects to historic properties. This determination is reflected in the Board’s environmental regulations at 49 C.F.R. § 1105.8(b)(1), which exempt such sales, leases, and transfers from historic review requirements. However, if the acquisition of one railroad by another would result in constructing new rail lines, abandoning existing rail lines, or causing physical changes within the existing rail ROW, then the acquisition may have the potential to affect historic properties. In this case, if the Board authorizes the Proposed Acquisition, the Applicants intend to build 25 capital improvements within the rail ROW. Those capital improvements would include adding 10 new passing sidings, extending 13 existing sidings, adding a section of facility working track, and adding a section of double track. These 25 planned capital improvements have the potential to alter historic properties, including previously unidentified archaeological sites. Accordingly, OEA’s historic review, as summarized in this section, addresses the potential effects of the 25 planned capital improvements.

~~OEA identified 18 historic properties that are eligible for listing on the National Register, including 16 above-ground resources and two below-ground (archaeological) resources. After detailed analysis, OEA determined that the Proposed Acquisition would have *No Adverse Effect* on those National Register-eligible historic properties.~~

OEA initially identified 18 historic properties as eligible for listing on the National Register, including 16 above-ground resources and two below-ground (archaeological) resources. Following further consultation with appropriate State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), and other consulting parties after issuance of the Draft EIS, OEA revised its findings under Section 106. OEA now finds that 15 historic properties within the Area of Potential Effects (APE) are eligible for listing in the National Register, including 13 above-ground resources and two below-ground resources. Descriptions of the properties removed during the Section 106 process have been removed from the EIS. OEA further finds that the Proposed Acquisition would have *No Adverse Effect* on those

National Register-eligible historic properties. As discussed in detail in **Appendix J, Cultural Resources**, all of the appropriate SHPOs, THPOs, and other consulting parties have concurred with OEA that the Proposed Acquisition would not adversely affect historic properties within the APE. Therefore, the Section 106 process in this proceeding is concluded.

### 3.9.1 Approach

To evaluate the potential for the Proposed Acquisition to affect cultural resources due to the construction of the planned capital improvements, OEA conducted background research using available sources, including state surveys, state archaeological site records, National Register files, state context documents, historic mapping and aerial photography, tribal documentation, and other information, as available. In a letter dated November 17, 2021, OEA initiated consultation with State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), and tribal governments with an interest in the planned capital improvements. OEA also conducted consultation meetings with SHPOs, the Advisory Council on Historic Preservation (ACHP), and THPOs/tribal governments (see **Table 3.9-1**). **Appendix J** provides additional detailed information on all efforts to reach out to potential consulting parties.

**Table 3.9-1. Consultation Meetings**

<b>Meeting</b>	<b>Date</b>	<b>Result</b>
Texas SHPO	12/1/21	The SHPO agreed that there was no APE in state; provided a letter (12/9/21) with a finding of No Effect.
Illinois SHPO	12/3/21	The SHPO agreed with the APE and requested survey of above-ground resources.
Iowa SHPO	12/6/21	The SHPO agreed with APE and requested survey of above-ground and below-ground resources.
Oklahoma SHPO	12/7/21	The SHPO agreed with APE and requested survey of above-ground and below-ground resources; recommended further consultation with tribes for reservation lands (Cherokee Nation, Choctaw Nation).
Missouri SHPO	12/7/21	The SHPO agreed with APE and requested survey of above-ground and below-ground resources.
Louisiana SHPO	12/9/21	The SHPO agreed with APE and requested survey of above-ground resources.
Arkansas SHPO	12/13/21	The SHPO agreed with APE and provided a letter (12/14/21) with a finding of No Effect.
Kansas SHPO	12/16/21	The SHPO stated there was no APE in state; provided a letter (12/16/21) with a finding of No Effect.
ACHP	1/28/22	OEA provided a summary of the Proposed Acquisition and the Section 106 consultation efforts to date and received input from ACHP.
Osage Nation	2/11/22	The THPO agreed with APE and requested survey of below-ground resources.

**Table 3.9-1. Consultation Meetings**

Meeting	Date	Result
Choctaw Nation of Oklahoma	2/24/22	The THPO agreed with APE and supported approach to survey above-ground and below-ground resources, including within reservation lands.

As a result of these efforts, OEA developed an APE. 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. Based on the nature and scope of the undertaking, as well as consultation, the APE consists of noncontiguous areas within the existing rail ROW in the area of the planned capital improvements as well as a buffer on each side of the ROW (and at the ends) to account for potential setting, visual, or other impacts from construction activities. The APE was presented to all of the above-referenced parties at the consultation meetings.

OEA developed the methods for above-ground and below-ground surveys in accordance with 36 C.F.R. § 800, as well as state and tribal guidelines for the identification of historic properties. Additional detailed information on these methods by state can be found within the Section 106 reports that were provided to SHPOs, THPOs, tribal governments, and other consulting parties.

### 3.9.2 Affected Environment

This subsection identifies the existing cultural resources within the APE. The noncontiguous APE is located within six states throughout the central and southern United States. As such, the existing environmental conditions and cultural history vary greatly throughout the APE; however, the construction locations all consist of existing railroad ROW. Railroad construction in the late 19<sup>th</sup> century and subsequent alterations previously disturbed large portions of the APE. The viewshed of the APE varies from dense woods to agricultural fields and farms, to urban/industrial corridors and small towns. OEA will provide further detail regarding the existing environmental conditions and cultural context for each state to consulting parties as part of the Section 106 documentation included with the technical reports.

- In compliance with NEPA and Section 106, OEA conducted surveys within the APE for above-ground and below-ground historic properties between January and June 2022. The purpose of the surveys was to locate, identify, and evaluate the significance of any historic resources within the APE and to determine whether these resources were listed or were eligible for listing, in the National Register.

**Appendix J** provides summary information on properties 50 years old or older identified within the APE, including properties recommended eligible and not eligible for listing in the National Register. [Following issuance of the Draft EIS, OEA completed the documentation of the survey results and provided detailed information on the findings in each state as technical reports to the appropriate SHPOs, THPOs, and other consulting parties, as detailed in Appendix J.](#) ~~OEA is in the process of documenting the survey results, which are expected to be complete in August 2022. Upon completion of survey documentation, OEA will provide~~

~~detailed information on the findings in each state in technical reports that will be distributed to consulting parties as part of the Section 106 process.~~

Eligible historic resources encountered in the APE consisted of transportation properties or sites associated with the railroad, infrastructure associated with the Works Progress Administration (WPA) program, early to mid-20<sup>th</sup> century homes and other buildings, and precontact (such as describing a period before contact was established between American Indians and Europeans) archaeological sites (see **Table 3.9-2**).

**Table 3.9-2. Eligible Historic Resources**

State	Associated Capital Improvement Location	Resource Number	Property Type
<b><i>Above-Ground Resources</i></b>			
<a href="#">Arkansas, Kansas, Missouri</a>	<a href="#">Asbury, Gentry</a>	<a href="#">K-HEAV-01</a>	<a href="#">Railroad</a>
<a href="#">Arkansas</a>	<a href="#">Mena/MP377</a>	<a href="#">K-SHRE-01</a>	<a href="#">Railroad</a>
Iowa	Bellevue/MP 24, Turkey River/MP 71	C-MARQ-03	Railroad
Iowa	Letts, Washington/MP 255	C-OTTU-02	Railroad
Iowa	Ottumwa, Moravia	C-LARE-01	Railroad
Kansas, Missouri	Blue Valley, Grandview/IFG	K-PITT-01	Railroad
Louisiana	Mansfield, Loring	K-BEAU-01	Railroad
Louisiana	Singer	K-BEAU-02	Railroad
Iowa	Camanche	IA-CA-001	Industrial
Louisiana	Mansfield	LA-MA-004	Ranch House
Louisiana	Mansfield	LA-MA-009	Ranch House
Missouri	Goodman	MO-GO-004	Cemetery
<del>Oklahoma</del>	<del>Heavener</del>	<del>OK-HE-020</del>	<del>Historic House</del>
<del>Oklahoma</del>	<del>Heavener</del>	<del>OK-HE-024</del>	<del>Historic House</del>
Oklahoma	Heavener	OK-HE-027	Drainage Structure
<b><i>Below-Ground Resources</i></b>			
Oklahoma	Baron/MP 247	34AD283	Archaic Lithic Scatter
Oklahoma	Baron/MP 247	34AD286	Archaic Lithic Scatter

### 3.9.2.1 Above-Ground Resources

Within the APE, the survey identified the above-ground resources described below. Some of these resources (such as rail line segments) extend beyond the APE; however, all of the resources include portions of the property that could be affected by the planned capital improvements.

### ***K-HEAV-01***

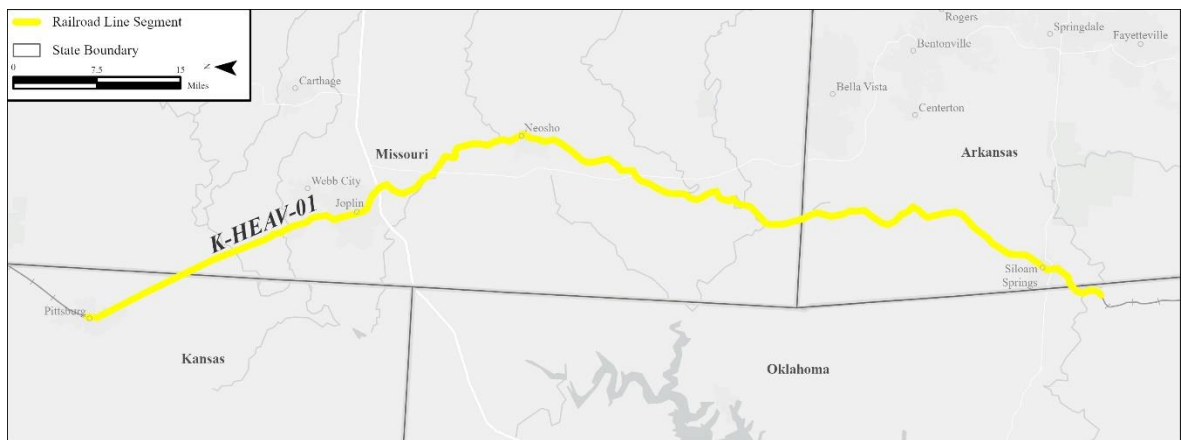
This property is a 107.8-mile rail line segment of KCS that travels south from Pittsburg, Kansas to Watts, Oklahoma. The railroad passes through the communities of Pittsburg, Kansas; Asbury, Joplin, and Kelly Springs, Missouri; Gentry, Arkansas; and Watts, Oklahoma. Portions of this line were built by the Kansas City, Pittsburg, and Gulf Railroad (KCP&G) during the 1890s while other portions consist of existing railroads purchased by Arthur Stilwell, president of KCP&G, and incorporated into the line. The portion of this rail line segment from Joplin, Missouri to Sulphur Springs, Arkansas, was built by the Kansas City, Fort Smith, and Southern Railroad. The remainder of the segment was built by KCP&G. As it progressed south, KCP&G passed through established towns, providing these communities with an outlet for their goods, shipping them to the Gulf Coast or Kansas City. KCP&G, which was reorganized as KCS after 1900, became the primary driver of trade and economic activity in this rural segment of Missouri, Arkansas, and Oklahoma. Built as the second major stretch of KCP&G, this segment connected Kansas City to multiple small agrarian communities in Missouri, Arkansas, and Oklahoma, including Joplin, Missouri, which was a major center of zinc and lead mining. Though Joplin possessed several rail connections by the arrival of the first KCP&G train in 1893, none of these existing connections had the same impact as KCP&G, which enabled the lead and zinc extracted from Joplin to travel the length of the country and overseas. Joplin's population grew during the final decades of the 19<sup>th</sup> century; however, the most marked growth happened between 1890 and 1900, when the population rose from 9,000 to 26,000.

KCP&G was the first railroad to pass through many small towns in Arkansas and Oklahoma, and in some cases, the location of the railroad directly determined where communities first developed. This was particularly true for Benton County in northwestern Arkansas. Between 1880 and 1900 the county's population grew from 20,000 to 31,000; new towns like Gentry were established and existing towns such as Siloam Springs expanded significantly. The railroad's extension through Benton County led to the establishment of significant fruit orchards, stock farms, and the expansion of existing wheat farms. The railroad also directly motivated settlements such as Asbury, Missouri and Watts, Oklahoma which both developed after KCS established the towns as division headquarters in 1912. The construction of rail yards and other infrastructure at Watts led to speculative real estate development within the town and encouraged the development of stock farms in the surrounding countryside. Based on the introduction and expansion of transportation and commerce, this rail segment is eligible [in Arkansas and Missouri](#) for listing in the National Register under Criterion A. Criterion A is applied to properties that are associated with events that have made a significant contribution to the broad patterns of our history. To be eligible to be listed in the National Register, a property must also be able to convey its significance through its integrity, which is evaluated based on seven aspects: location, design, setting, materials, workmanship, feeling, and association.

This rail segment is also eligible [in Arkansas and Missouri](#) under Criterion B due to its association with Arthur Stilwell, founder and driving force behind the expansion of KCP&G. Criterion B is applied to properties that are associated with the lives of persons significant in our past. Arriving in Kansas City in 1888, Arthur Stilwell began to operate his first railroad, the Kansas City Suburban Belt Railway, in 1889. Extending the line south to Pittsburg, Kansas, Stilwell renamed the line KCP&G. Through the 1890s, Stilwell pushed his railroad

further south, consolidating his tracks with other lines and laying new railbeds as he strove to reach the Gulf of Mexico. Stilwell secured financial backing for the railroad by selling railroad stock to Dutch investors, a necessity after the United States was rocked by an economic depression known as the Panic of 1893. To thank his Dutch investors, Stilwell named several towns in Arkansas, Texas, and Louisiana after them and their wives. In 1897, Stilwell's railroad reached the Gulf of Mexico, where he built the City of Port Arthur, named after himself. In total, Stilwell's enterprise laid over 1,200 miles of track through the center of the country and created an alternative shipping corridor that allowed farmers and industrialists in middle America to efficiently export their products and circumvent more distant eastern seaports.

**Figure 3.9-1. Map of K-HEAV-01 Rail Line Segment**



### ***K-SHRE-01***

This property is a 94.6-mile segment of KCS that travels south from Heavener, Oklahoma to De Queen, Arkansas. The railroad passes through the communities of Heavener, Oklahoma as well as Mena, Hatfield, Cove, and De Queen, Arkansas. Built by KCP&G between 1893 and 1897, this segment of the railroad connected the major hub of Kansas City to multiple small agrarian communities in Oklahoma and Arkansas on its way to Port Arthur on the Gulf of Mexico. The railroad, the first major line to pass through this portion of Oklahoma, opened a major regional shipping corridor from the Gulf Coast to Kansas City in central Missouri that didn't previously exist. The railroad also directly generated commerce, such as in Heavener, Oklahoma, Mena, Arkansas (named for the wife of one of Arthur Stilwell's investors), and De Queen, Arkansas, each of which were made a division headquarters with track yards and repair shops. These three communities and other stops along this rail line segment became important local centers for mining, logging, and agricultural trade. Corn, fruit trees, berries, and cotton were grown while cattle and hogs were raised in stock farms. In Mena, large planing mills were built along the railroad tracks, as were cold storage buildings. Planing mills of a similar size were also built in De Queen. The construction of KCP&G in this area made the extraction and development of these resources viable and created a cost-effective shipping corridor to major markets in Kansas City or international markets which could be accessed from the harbor at Port Arthur. Additionally, because the United States began its acquisition of land in eastern



Oklahoma long after many of the surrounding states, the railroad played a critical role in determining the location of many towns. The rail line segment is ~~regionally~~ significant [within Arkansas](#) under Criterion A in the areas of Transportation, Exploration and Settlement, and Commerce.

**Figure 3.9-2. Map of K-SHRE-01 Rail Line Segment**



This segment of railroad is also eligible [within Arkansas](#) under Criterion B due to its association with Arthur Stilwell, the founder and driving force behind the expansion of KCP&G. Stilwell's importance and contributions supporting the eligibility under Criterion B are elaborated above under *K-HEAV-01* and apply to this segment as well.

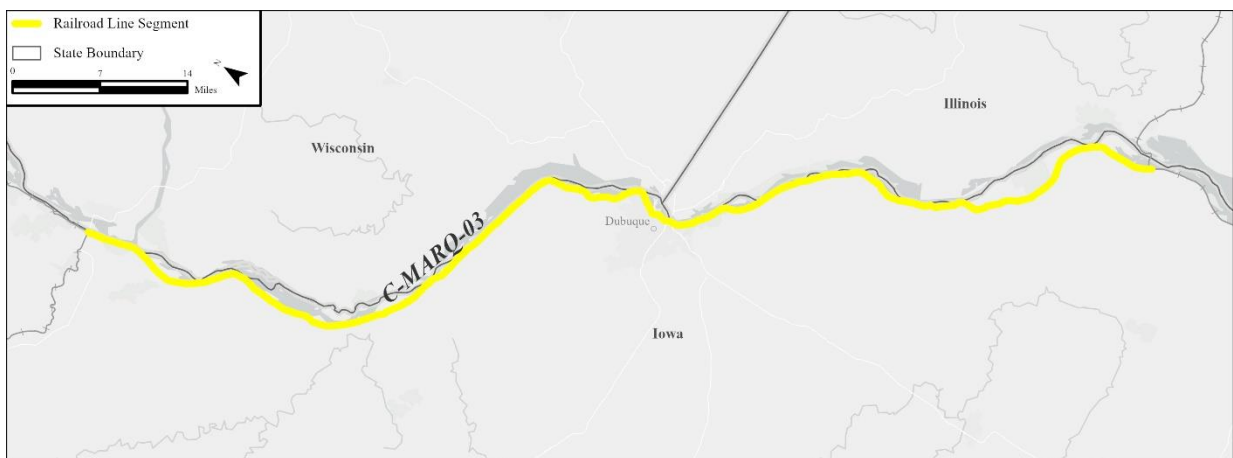
### **C-MARQ-03**

This property is a 98-mile rail line segment which travels in a northerly direction parallel to the Mississippi River and stretches between Sabula and Marquette, Iowa, passing through the communities of Bellevue, Dubuque, and Guttenberg. This segment of railroad was originally constructed circa 1871 as part of the Chicago, Dubuque and Minnesota Railroad (north of Dubuque) and the Clinton and Dubuque Railroad (from Dubuque to Sabula). In 1878, these companies combined to form the Chicago, Clinton, Dubuque and Minnesota Railroad, which the Chicago, Milwaukee & St. Paul Railroad purchased in 1880. Under the ownership of the latter, this line was a secondary trackage connecting riverport towns like Sabula, Bellevue, and Guttenberg to the greater Chicago, Milwaukee, and St. Paul Railroad (CM&StP) network. Sanborn maps (Sanborns) from Bellevue, Guttenberg, and Sabula each show that soon after CM&StP's arrival, industrial buildings were built in each town to take advantage of the railroad. The 1893 Sanborns show a major slaughterhouse in Sabula while Sanborns from 1886 show Guttenberg with major lumber yards and grain elevators all with access to the railroad. By 1914, Bellevue possessed similar agricultural infrastructure as well as lumber mills, machine shops, and a piano factory. Although this segment of railroad travels through towns that were well established prior to the widespread construction of railroads in Iowa, maps from the mid-19<sup>th</sup> century show Guttenberg, Sabula, and Bellevue as highly developed communities with industrial buildings oriented towards the Mississippi River, at that time an important transportation corridor and an important log shipping way. After the arrival of the railroad, river commerce remained an important part of the region's economy; however, by the

late 19<sup>th</sup> century, industrial development in Guttenberg, Bellevue, and Sabula had migrated closer to CM&StP's tracks, highlighting the shift of industry from river-based transportation to rail-based transit. In Guttenberg, stacked lumber lined CM&StP's tracks and while major sawmills such as Zimmerman and Ives maintained their riverfront mills, they used the railroad to ship their products.

In Bellevue, Sanborns show a near identical arrangement of trackside lumber ready for shipment, having been produced at water powered sawmills along the Mississippi and nearby Mill Creek. Bellevue also had a large stockyard, which would have been important for residents of rural Jackson County. For farmers, driving their animals and crops to the railroad stops in Sabula, Guttenberg, Bellevue, and Dubuque was critical to their livelihoods. Without a rail connection, it was impossible for farmers to raise crops or animals on a large scale. To make the change from subsistence farming and local trade to commercial farming, farmers needed a national market; access to that market in Jackson, Dubuque, and Clayton Counties was supplied by CM&StP. Dubuque drew additional benefits from CM&StP when, in 1880, the railroad opened a large repair shop in the city. CM&StP's shops employed over 800 men by 1900, many of them German immigrants and the company's shops covered fifty acres of land within Dubuque. The rail line segment is regionally significant under Criterion A in Commerce and Transportation.

**Figure 3.9-3. Map of C-MARQ-03 Rail Line Segment**



### **C-OTTU-02**

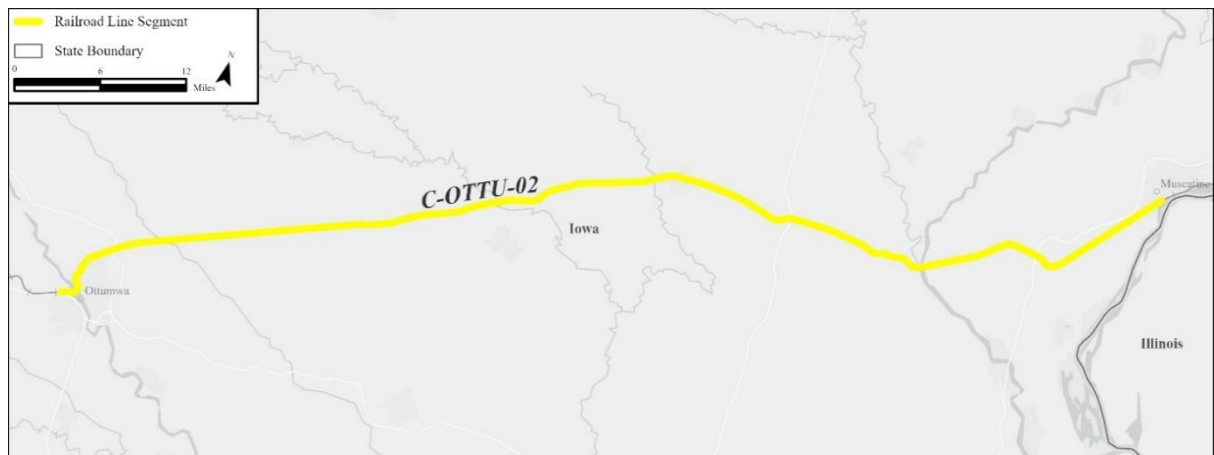
This property is an 82.5-mile segment of CP that stretches from Washington, Iowa to Muscatine, Iowa. Traveling in a general easterly direction, the rail line segment passes through the towns of Washington, Ainsworth, Cotter, Columbus Junction, Fredonia, Letts, and Muscatine. This segment between Washington and Muscatine appears to have been constructed as part of the Mississippi and Missouri Railroad, which was established by the Chicago, Rock Island, and Pacific Railroad (Rock Island Line) and was later incorporated into it. Between 1856 and 1860, the first railroads were developed between Washington and Muscatine. Washington, located on the fertile prairie, immediately became a major collection point for grain and animals raised in the surrounding county. Washington possessed some of the earliest railroad connections in Iowa and by 1875, four railroad lines came together in



Washington. Farmers brought wagonloads of corn or drove their herds to the city and after conducting their business left with finished goods that had been purchased from one of the city's merchants.

The rail line segment is regionally significant under Criterion A in the areas of Transportation and Commerce. This segment of railroad played a critical role in transporting agricultural products from regional hubs like Washington to major distribution centers like Chicago. The number and scale of agricultural buildings developed in the towns during the late 19<sup>th</sup> century are indicative of the commercial and economic opportunities that were a direct result of railroad access. For example, the early establishment of the railroad in Washington enabled the city to grow into a regionally important settlement, where Sanborns from 1897 show major agricultural buildings such as stock yards, corn cribs, coal, and grain elevators along the railroad tracks. Nearby Letts, Iowa was similarly sustained by the passage of the railroad, which permitted foodstuffs from within the township to be gathered and efficiently transported. Established in the 1850s, the relationship between farmers in Washington County and the railroad was formative to the development of agriculture in the region. To the northeast, the City of Muscatine developed into a major settlement in part due to the Rock Island Line, which had run trains through the city since 1855. Sanborns from the 1880s show Muscatine with planing mills, furniture factories, boiler makers, pottery factories, cold storage facilities, and stock yards. The presence of all this industrial activity, aided directly by the railroad's passage, led to Muscatine's population growing by roughly 25 percent in each census from 1870 to 1900.

**Figure 3.9-4. Map of C-OTTU-02 Rail Line Segment**



**C-LARE-01**

This property is a 61.2-mile segment of CP that stretches from Ottumwa, Iowa to the Iowa/Missouri border. Traveling in a general southwesterly direction, this rail line segment passes through the towns of Ottumwa, Blakesburg, Moravia, Rathburn, Mystic, Seymour, and Sewal. This segment was constructed around 1887 as part of CM&StP. At the time, CM&StP was constructing rail lines through this area of Iowa to compete with the Rock Island Line. This rail line segment was strategically positioned to take advantage of the significant

coalfields in Wapello County. Iowa coal was a critical resource to powering many of the railroads crisscrossing the state, and Wapello County was, by the late 19<sup>th</sup> century, among the 10 most productive coal producers in Iowa. Sitting at the heart of the Wapello County coalfields, Ottumwa developed into a major regional rail magnet. This rail line segment is regionally significant under Criterion A in the areas of Transportation and Commerce. As it expanded in the 1880s, CM&StP built tracks, passenger depots, and freight stations along this 61.2-mile stretch of track. For the residents of these towns along the ROW, the presence or absence of the railroad often determined a community's future. With the establishment of a railroad, a small village or town could become a critical hub of local commercial activity. For this rail segment, coal mining became particularly important.

Along the Des Moines River there were significant deposits of bituminous and anthracite coal, and by 1889 there were 15 active mine shafts in Ottumwa, Wapello County's largest community. Similarly, the Town of Mystic in Appanoose County had a number of active coal mines by the 1880s. The coal dug around Ottumwa and Mystic was vital to CM&StP's operation. In general, Iowa coal was a crucial power source to the railroads. Companies like CM&StP built rail lines specifically to capture strategic coalfields. Passing through Ottumwa and Mystic on its way to the Missouri border, this rail segment took advantage of the local coal supply, stopping to refuel trains prior to journeying southwest towards Kansas City. For Ottumwa in particular, the demands of CM&StP and other regionally and nationally important railroads for coal encouraged significant population growth. They also encouraged industrial growth in the city, which developed significant ironworks, machine shops, and foundries. As a result of the mining and manufacturing, aided by the railroad, Ottumwa's population grew from 5,200 in 1870 to 14,000 in 1890. Additionally, grain and animals were brought to stock yards and grain elevators along the railroad's more rural stops such as Moravia. From these gathering points, freight cars sent the animals and grain on to major collection points such as Chicago. As a result, millions of dollars' worth of livestock, grain, coal, iron, and other goods were funneled from the agrarian areas of southwest Iowa to the more industrialized East.

**Figure 3.9-5. Map of C-LARE-01 Rail Line Segment**



**K-PITT-01**

This property is a 124.5-mile segment of KCS that travels south from Kansas City, Missouri to Pittsburg, Kansas. The rail line segment passes through the communities of Kansas City,

Grandview, Cleveland, Amoret, Hume, Richards, and Pittsburg. Built as the first segment of the KCP&G (later KCS), this rail segment was the first link of what would develop into one of the most important north/south transportation routes in the United States. Traveling to Pittsburg, Kansas, the railroad was connected to significant coalfields in Hume, Missouri and Pittsburg. Additionally, as it expanded, KCP&G built tracks, depots, and other rail-related infrastructure across the south, enabling the flow of agricultural products, oil, metals, chemicals, and people through the center of the country. The rail line segment is regionally significant under Criterion A in the areas of Transportation and Commerce. Built by railroad magnate Arthur Stilwell and his financial backers, this stretch of railroad was the first portion of what would become KCS, the first major land transportation corridor to link the Midwest and a port at the Gulf of Mexico. This particular rail segment connected Kansas City to major coal fields in Hume, Missouri and Pittsburg, Kansas, providing the raw materials to run the new rolling stock, as well as providing the multiple small agrarian communities along the Kansas/Missouri border with their first opportunity to develop commercial agricultural instead of subsistence farming. Immediately after the railroad's arrival, the towns of Amoret, Richards, and Cleveland were platted, creating new town centers on the Missouri prairie. Though small, these towns acted as collection points for grain which was shipped in KCS freight cars. The railroad also led to a major population spike in several communities, most notably Pittsburg, Kansas, which grew from 624 residents in 1880 to over 6,600 residents in 1890, and over 10,000 residents by 1900. Already an important local site for zinc mining and smelting by the time of KCP&G's arrival, Pittsburg, Kansas benefitted greatly from a direct connection first to Kansas City, and after 1897, to the harbor of Port Arthur. Though its population growth cannot be exclusively tied to KCS, it is worth noting that between 1880 and 1900 Kansas City's population grew from 55,000 to 163,000 as the city became a major rail nexus.

This segment of railroad is also eligible under Criterion B due to its association with Arthur Stilwell, the founder and driving force behind the expansion of KCP&G. Stilwell's importance and contributions supporting the eligibility under Criterion B are elaborated upon under *K-HEAV-01* and apply to this segment as well.

**Figure 3.9-6. Map of K-PITT-01 Rail Line Segment**



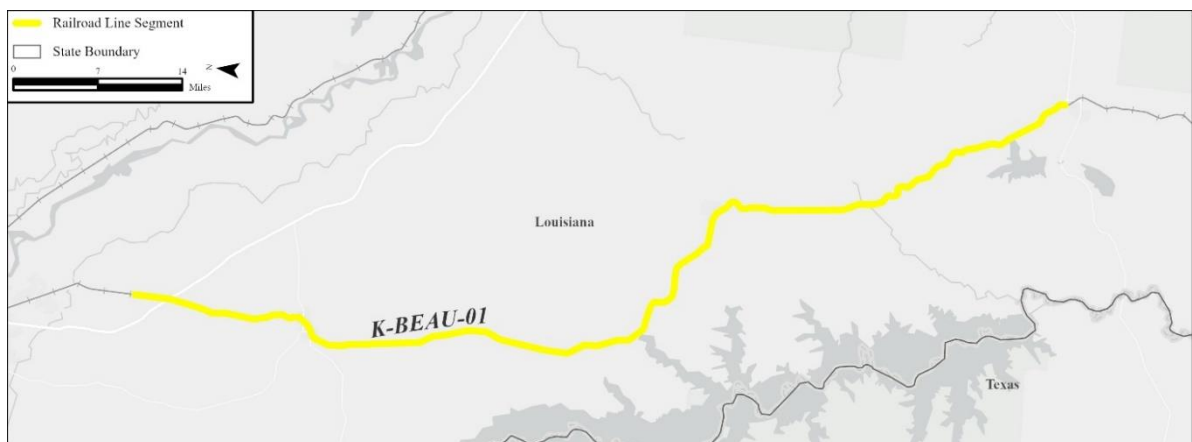
***K-BEAU-01***

This property is a 91.4-mile segment of KCS that extends south from Frierson, Louisiana to Leesville, Louisiana. The rail line segment travels through the towns of Frierson, Mansfield, Converse, Noble, Zwolle (named for one of Arthur Stilwell's investor's wives), Loring, Many, Hornbeck, and Leesville. Originally built in 1897, this portion of the railroad was originally part of KCP&G. The railroad reached Shreveport, Louisiana in March 1897 and by September of that same year the line had reached the Gulf Coast. After the Civil War, companies like KCP&G which began to build track in Louisiana and rural towns throughout the state relocated to take advantage of the developing railroad infrastructure. Louisiana railroads typically handled passengers, foodstuffs, and lumber, much of which was directed to major Gulf Coast ports like New Orleans and Port Arthur, Texas.

This rail line segment is regionally significant under Criterion A in the areas of Transportation and Commerce. Built as one of the final portions of KCP&G, this segment of the railroad played a major role in the ultimate fulfillment of the vision of a link between the Midwest and the Gulf of Mexico. KCP&G, as the first major rail line to pass through this section of Louisiana, enabled capitalists and investors to develop large scale farms and timber operations in rural Louisiana. In Sabine, Vernon, and Calcasieu Parishes, short and long leaf pine were harvested for the first time on an industrial scale. Prior to the arrival of KCP&G, the nearest railroad to these parishes had been 100 miles away. The development of Louisiana's timber industry coincided with the decline of the stands of timber in Michigan, Minnesota, and Wisconsin, all of which had been timbered for decades. Louisiana, with its extremely warm climate, also produced sugar and tropical fruits such as oranges, resources that KCP&G and later KCS could quickly ship to domestic and international markets. The railroad also led to direct commercial investment in Hornbeck, where the railroad built repair shops.

This segment of railroad is also eligible under Criterion B due to its association with Arthur Stilwell, the founder and driving force behind the expansion of KCP&G. Stilwell's importance and contributions supporting the eligibility under Criterion B are elaborated upon under *K-HEAV-01* and apply to this segment as well.

***Figure 3.9-7. Map of K-BEAU-01 Rail Line Segment***



### ***K-BEAU-02***

This property is a 50.6-mile segment of KCS that travels south from Leesville, Louisiana to De Quincy, Louisiana. The rail line segment travels through the towns of Leesville, Rosepine, Deridder, Singer, and De Quincy. Originally built in 1897, this portion of the railroad was part of KCP&G. The railroad reached Shreveport, Louisiana in March 1897 and by September of that same year the line had reached the Gulf Coast. After the Civil War, companies like KCP&G began to build track in Louisiana and rural towns throughout the state relocated to take advantage of the developing railroad infrastructure. Louisiana railroads typically handled passengers, foodstuffs, and lumber, much of which was directed to major Gulf Coast ports like New Orleans and Port Arthur, Texas.

The rail line segment is regionally significant under Criterion A in the areas of Transportation and Commerce. Built as one of the final portions of KCP&G, this segment of the railroad played a major role in the ultimate fulfillment of the vision of a link between the Midwest and the Gulf of Mexico. KCP&G, as the first major line to pass through this section of Louisiana, enabled capitalists and investors to develop large scale farms and timber operations in rural Louisiana. In Sabine, Vernon, and Calcasieu Parishes, short and long leaf pine were harvested for the first time on an industrial scale. Prior to KCP&G's arrival, the nearest railroad to these parishes had been 100 miles away. The development of Louisiana's timber industry coincided with the decline of the stands of timber in Michigan, Minnesota, and Wisconsin, all of which had been timbered for decades. Rosepine and DeRidder, Louisiana are representative examples of the economic transformation brought about by the arrival of KCP&G. In 1897, the railroad came though both towns soon after there were four lumber companies in Rosepine, which was incorporated in 1902. In nearby DeRidder, two lumber companies were organized after the railroad's arrival, while the town was formally incorporated in 1903.

This segment of railroad is also eligible under Criterion B due to its association with Arthur Stilwell, the founder and driving force behind the expansion of KCP&G. Stilwell's importance and contributions supporting the eligibility under Criterion B are elaborated upon under *K-HEAV-01* and apply to this segment as well.

***Figure 3.9-8. Map of K-BEAU-02 Rail Line Segment***

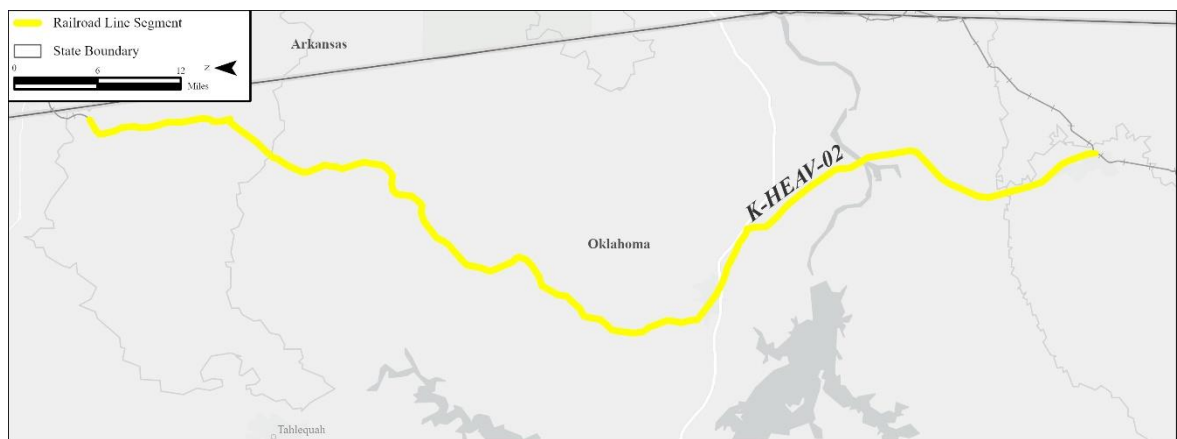




### ***K-HEAV-02***

This property is a 90.4-mile segment of KCS that travels south from Watts, Oklahoma to Poteau, Oklahoma. The railroad passes through the towns of Watts, Westville, Stilwell, Sallisaw, Spiro, Panama, and Poteau. Built by KCP&G, this segment of the railroad connected Kansas City to multiple small agrarian communities in Oklahoma as well as regions rich in coal, fruit trees, and metals. In 1912, KCS' Immigration Department documented some of the resources and opportunities that had developed in Oklahoma along its trackage in a booklet entitled "Eastern Oklahoma Along the Kansas City Southern Railway." Similar books were produced to promote the Ozark Mountain region and coastal Louisiana. KCS highlighted how its Oklahoma trackage acted as magnets for farm products such as wheat and cotton, timber, coal, and metals. At Poteau, gas and oil wells were developed, while at Sallisaw, Spiro, and Panama, anthracite coal seams were developed. The local climate also permitted the growth of hay, making stock farms another viable undertaking. The extraction and development of these resources was made viable by the arrival of KCP&G, which created a cost-effective shipping corridor to major markets in Kansas City or international markets which could be accessed from the harbor at Port Arthur. KCP&G was, for many of these towns, the first railroad to pass through the area and the railroad was the critical factor in determining the location of many new towns. The presence of KCP&G and later KCS can be directly tied to the establishment and initial growth of multiple settlements including Westville, Stilwell, Spiro, and Panama, all of which were established in the 1890s on formerly Indigenous territory throughout eastern Oklahoma; for this reason, this segment is eligible for the National Register under Criterion A.

***Figure 3.9-9. Map of K-HEAV-02 Rail Line Segment***



This segment of railroad is also eligible under Criterion B due to its association with Arthur Stilwell, the founder and driving force behind the expansion of KCP&G. Stilwell's importance and contributions supporting the eligibility under Criterion B are elaborated on above under K-HEAV-01 and apply to this segment as well.

### ***IA-CA-001***

This property is the former City of Clinton Water Pollution Control Plant, constructed in 1958 and subsequently expanded over the next 60 years. The property consists of a Central

Administration Building, a variety of support buildings, and circular and rectangular holding tanks. The property meets National Register Criterion A, local significance, as a critical public utility that allowed residential, commercial, and industrial development to grow and prosper in this area. The property also meets National Register Criterion C, as a good example of an International Style industrial complex, featuring character defining features in the Central Administration Building including banks of floor-to-ceiling casement windows with spandrels, as well as brick veneer, supporting the architectural style. The design aesthetic carries over to other buildings in the complex. The property retains integrity and is eligible for listing in the National Register.

**Figure 3.9-10.** **Figure 3.9-9.** **IA-CA-001**



#### **LA-MA-004**

This residential property consists of a 1960s brick Ranch house on Holley Hill Road, in Mansfield, Louisiana. It is set back from Holley Hill Road within a wooded setting and is approximately 175 feet west of the rail ROW. The property meets National Register Criterion C, as a good example of a mid-to-late 20<sup>th</sup> century Ranch house, retaining its one-story form, which is horizontality emphasized by the wide, overhanging eaves and other character defining elements. Within the context of similar period Ranch houses in the area, this property retains integrity and is eligible for listing in the National Register.

**Figure 3.9-11.** [Figure 3.9-10.](#) **LA-MA-004**



### **LA-MA-009**

This residential property consists of a 1960s brick Ranch house on Louisiana Highway 75, in Mansfield, Louisiana. It is located approximately 250 feet west of the rail ROW. The property meets National Register Criterion C, as a good example of a mid-to-late 20<sup>th</sup> century Ranch house, retaining an asymmetrical plan, integrated carport, and long, horizontal massing with a shallow roof slope and deep overhanging eaves. Within the context of similar Ranch houses in the area, this property retains integrity and is eligible for listing in the National Register.

**Figure 3.9-12.** [Figure 3.9-11.](#) **LA-MA-009**



### **MO-GO-004**

This property is the Mitchell Cemetery, located on Blackstock Lane, in Goodman, Missouri. The 0.85-acre cemetery is located 195 feet west of the rail ROW, with burial markers dating from 1864 to the 1980s. Headstones of various materials exhibit designs incorporating burial and organizational symbols and appear to be in their original configuration. The setting consists of a gently rolling landscape and a partial border of black walnut and oak trees. The cemetery meets National Register Criterion A for its association with the 19<sup>th</sup> century settlement and community development in the region, specifically the town of Goodman.



Grave markers exhibit various forms and materials, including tables and flush markers of marble, granite, and bronze, and are arranged in a linear fashion with occasional family plots set off by curbing. Under Criterion D, burials in the cemetery are associated with some of the earliest European settlers of the area and are locally significant as part of the early settlement of Goodman. Criterion D is applied to properties that have yielded, or may be likely to yield, information important in prehistory or history. The Mitchell Cemetery retains integrity and is eligible for listing in the National Register.

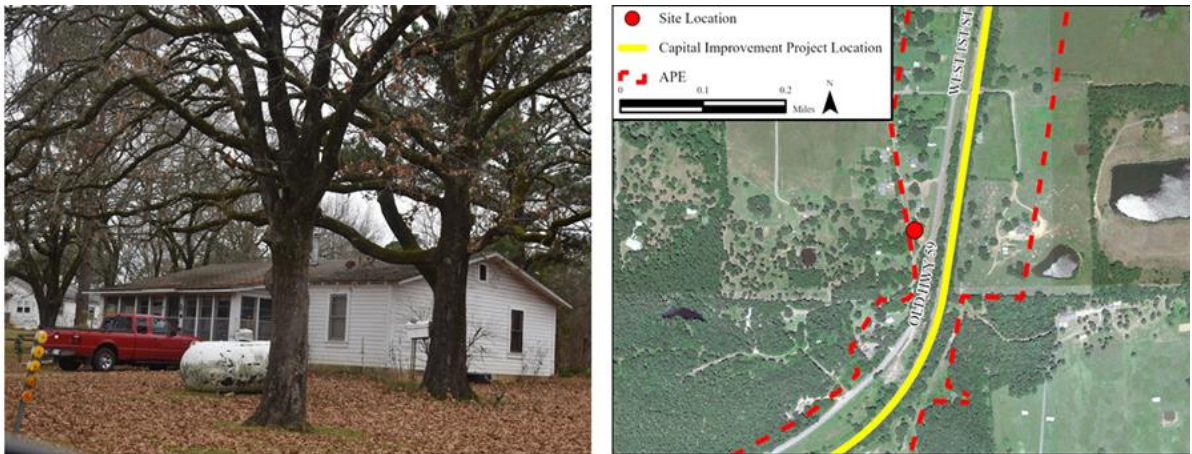
**Figure 3.9-13. Figure 3.9-12. MO-GO-004**



**~~OK-HE-020~~**

~~This residential property consists of a one-story, wood-framed, 1940s bungalow, located on Norvell Road, in Heavener, Oklahoma. It is located approximately 215 feet west of the rail ROW and is set on a tree-covered lot. The property meets National Register Criterion C as a good example of a 1940s era bungalow with its character defining features intact. Bungalow elements include side gable roof, exposed rafter tails, wood shiplap siding, and original wood-sash windows and trim. Enclosed porches extending across the façade and south elevation also appear to be original. Within the context of similar bungalows in the area, this property retains integrity and is eligible for listing in the National Register.~~

**Figure 3.9-14. OK-HE-020**



**OK-HE-024**

This residential property consists of a 1960s brick Ranch house as well as three outbuildings, located on Stand Pipe Road, in Heavener, Oklahoma. It is located west of the rail ROW, across Stand Pipe Road. An approximately 50-foot tree line buffer on the property separates the house itself from the road and the rail ROW. The property meets National Register Criterion C as a good example of a mid-to-late 20<sup>th</sup>-century Ranch house, retaining its original form, plan, windows, and cladding materials, including wood clapboard, brick veneer, and original windows. Within the context of similar Ranch houses in the area, this property retains integrity and is eligible for the National Register.

**Figure 3.9-15. OK-HE-024**



**OK-HE-027**

This property is an approximately 0.9-mile stone-lined drainage channel that carries the Oil Branch through downtown Heavener, Oklahoma. At the south end of downtown, the channel



runs adjacent to the rail ROW at the bottom of the slope on the east side, ending approximately 260 feet south of Avenue I. Constructed in 1939, the Oil Branch Channel was a WPA project meant to reduce flooding and community impacts related to the Oil Branch. The property meets National Register Criterion A for its association with the WPA and the New Deal era infrastructure improvement projects completed in the region, and the impact that program had on the communities in the area. The property also meets National Register Criterion C as a good example of its type, period, and method of construction. Its walls are constructed of wet laid native Oklahoma sandstone cut into long, rough-hewn blocks, ranging from four to eight feet in height. Sandstone pavers also line the bottom of the channel. The WPA constructed stone-lined drainage channel carrying Oil Branch retains integrity and is eligible for listing in the National Register.

**Figure 3.9-16.** [Figure 3.9-13.](#) **OK-HE-027**



### 3.9.2.2 Below-Ground Resources

#### **34AD283**

Site 34AD283 is an archaeological resource that consists of a below-ground scatter of manufactured stone (such as lithic) artifacts. The archaeological site is located west of the existing KCS railroad track and berm at the location of the planned new siding at MP 247 near Baron, Oklahoma. OEA identified the site through the excavation of 14 shovel tests, which contained 80 undifferentiated lithic artifacts and three Projectile Point Knife (PP/K) fragments. Site 34AD283 is located on an elevated terrace that rises approximately 1.5 meters above the existing railroad bed. Current conditions suggest the construction of the railroad during the late 19<sup>th</sup> century cut directly through the landform. The site measures approximately 162 meters in length northeast to southwest and is approximately nine meters wide northwest to southeast.

OEA recovered three dateable, or diagnostic, PP/Ks at 34AD283. Two of the PP/Ks are similar to the Standlee tradition which dates from the Late Archaic to Early Woodland transitional period (circa 200 B.C.- 400 AD). The other PP/K fragment is probably a Kings or Patterson Springs form which dates from the Late Archaic period (circa 2000-1000 B.C.).

Site 34AD283 retains good integrity of location, materials, design, and association. The artifacts recovered suggest that the site was occupied in the Late Archaic to Early Woodland

transitional periods and that it was used as a lithic processing and manufacturing location. The site could potentially yield valuable data regarding our understanding of how stone tools were manufactured, and how precontact people both procured resources and seasonally exploited the environment. The large size of the site also suggests that the occupation may not have been small and short-lived. Therefore, within the APE, 34AD283 has significant data potential under Criterion D and is eligible for listing in the National Register.

### **34AD286**

Site 34AD286 is an archaeological resource that consists of a moderately-dense, below-ground scatter of lithic artifacts. The archaeological site is located west of the existing KCS railroad track and berm at the location of the planned new siding at MP 247 near Baron, Oklahoma. OEA identified the site through the excavation of eight shovel tests which contained 108 undifferentiated artifacts. Site 34AD286 is located atop a flat terrace located 65 meters west of a creek. The site, on a flat 229 meters above mean sea level landform, measures 52 meters in length northeast to southwest and 14 meters in width, northwest to southeast. The APE is bounded by an existing fence line to the northwest.

OEA recovered artifacts consisting of lithic flakes from the early to late stages of tool manufacturing. Some of the flakes show evidence for being heated prior to modification. While no dateable artifacts were recovered, 34AD286 has the strong potential to date to the Paleoindian or Early Archaic periods (circa 12000 B.C.-3050 B.C.) based upon the depths of the artifacts recovered. The site may evidence very early human activity in the region. The deeply buried nature of the deposits may have been the result of flooding episodes, preserving the materials and potentially offering important information. Site 34AD286 retains good integrity of location, design, and association and has significant data potential related to our understanding of how precontact people interacted with their environment possibly during the Paleoindian and Early Archaic periods. Therefore, within the APE, 34AD286 is eligible for listing in the National Register under Criterion D.

## **3.9.3 Environmental Consequences**

### **3.9.3.1 Proposed Acquisition**

This subsection discusses the anticipated impacts of the planned capital improvements on cultural resources. As discussed above, the federal undertaking in this case is the Proposed Acquisition of KCS by CP. Pursuant to 36 C.F.R. § 800.3(a), OEA has determined that sales, leases, or transfers of operational rail lines for the purpose of continued rail operation are generally not a type of activity that has the potential to cause effects to historic properties. This determination is reflected in the Board's environmental regulations at 49 C.F.R. § 1105.8(b)(1), which exempt such sales, leases, and transfers from historic review requirements. However, if the acquisition of one railroad by another would result in constructing new rail lines, abandoning existing rail lines, or causing physical changes within the existing rail ROW, then the acquisition may have the potential to affect historic properties. In this case, if the Board authorizes the Proposed Acquisition, the Applicants intend to build 25 capital improvements within the rail ROW. Therefore, OEA evaluated the potential effects of adding the planned

capital improvements on National Register-eligible properties within the APE. **Table 3.9-3** summarizes OEA’s findings.

**Table 3.9-3. Historic Property Impacts**

Resource	Primary Potential Impact Type	Finding
<b><i>Above-Ground Resources</i></b>		
K-HEAV-01	Physical	No Adverse Effect
K-SHRE-01	Physical	No Adverse Effect
C-MARQ-03	Physical	No Adverse Effect
C-OTTU-02	Physical	No Adverse Effect
C-LARE-01	Physical	No Adverse Effect
K-PITT-01	Physical	No Adverse Effect
K-BEAU-01	Physical	No Adverse Effect
K-BEAU-02	Physical	No Adverse Effect
<del>K-HEAV-02</del>	<del>Physical</del>	<del>No Adverse Effect</del>
IA-CA-001	Visual	No Adverse Effect
LA-MA-004	Visual	No Adverse Effect
LA-MA-009	Visual	No Adverse Effect
MO-GO-004	Visual	No Adverse Effect
<del>OK-HE-020</del>	<del>Visual</del>	<del>No Adverse Effect</del>
<del>OK-HE-024</del>	<del>Visual</del>	<del>No Adverse Effect</del>
OK-HE-027	Visual	No Adverse Effect
<b><i>Below-Ground Resources</i></b>		
34AD283	Physical	No Adverse Effect
34AD286	Physical	No Adverse Effect

[OEA provided Section 106 consultation materials to all SHPOs prior to issuance of the Final EIS. Table 3.9-4 summarizes the outcomes of 106 consultation with each state.](#)

**Table 3.9-4. SHPO Concurrence**

<u>SHPO</u>	<u>Concurrence Date</u>	<u>Finding</u>
<a href="#">Arkansas</a>	<a href="#">8/16/2022</a>	<a href="#">No Adverse Effect</a>
<a href="#">Illinois</a>	<a href="#">9/7/2022</a>	<a href="#">No Adverse Effect</a>
<a href="#">Iowa</a>	<a href="#">11/18/22</a>	<a href="#">No Adverse Effect</a>
<a href="#">Louisiana</a>	<a href="#">9/13/2022</a>	<a href="#">No Adverse Effect</a>

**Table 3.9-4. SHPO Concurrence**

<u>SHPO</u>	<u>Concurrence Date</u>	<u>Finding</u>
<u>Missouri</u>	<u>11/10/2022</u>	<u>No Adverse Effect</u>
<u>Oklahoma</u>	<u>9/28/22 (OK Arch Survey), 10/18/22 (OK SHPO), 11/23/22 (OK SHPO)</u>	<u>No Adverse Effect; response letter included a commitment from Applicants to avoid impacts to the Oil Branch Drainage Channel (OK-HE-027)</u>

### ***Physical***

The planned capital improvements would have a physical effect on the eligible rail line segments within the APE. However, this effect would not be adverse. Sidings and second tracks are already part of the character of the rail line segments, and the addition of new sidings, the addition of new double tracking or facility working track, or the extension of existing sidings would therefore be consistent with the existing characteristic of these properties. Some individual historic features of the rail line segments may be impacted, for example, stone culverts or small timber trestles. However, the overarching character of the property would be unaffected due to the large number of similar contributing features throughout the extensive rail line segments. The planned capital improvements would not alter the physical features of the properties that make them eligible for the National Register in the areas of transportation. OEA expects that such changes would have *No Adverse Effect* on the historic rail line segments because they would support the continued use of the corridor for rail transportation and would therefore not diminish the characteristics of the properties that make them eligible for inclusion in the National Register under Criterion A and/or B.

The capital improvements would not have a physical impact on any of the other historic properties identified within the APE. Although two National Register-eligible archaeological sites, 34AD283 and 34AD286, are located within the APE at one planned capital improvement location, the Applicants have clarified that the planned siding would be located within the current limits of the rail line footprint (railroad ballast and berm) in the areas adjacent to 34AD283 and 34AD286 and that no construction activities would take place within the limits of the sites. Therefore, the planned capital improvement siding would not physically affect any eligible below-ground (archaeological) resources. ~~None of the other historic properties are located within the limits of any potential construction activity associated with the planned capital improvements and all are outside of the ROW (within which all planned construction would occur).~~

A portion of the Oil Branch Drainage Channel is located within the rail ROW near the location of the planned new siding at Heavener. However, the Applicants have committed to designing and engineering the new siding so as to avoid physical effects on the Oil Branch Drainage Channel. None of the other historic properties that OEA identified are located within the expected limits of any potential construction activities associated with the planned capital improvements.

### ***Use***

OEA does not expect the Proposed Acquisition to result in a change to the character or the use of any of the historic properties identified within the APE. The Applicants plan to add new sidings, extend existing sidings, or add a second track within the existing, active railroad ROW. These planned capital improvements would support the continued transportation use of the historic rail line segments. Because the Applicants would build the planned capital improvements within existing railroad ROW, OEA does not anticipate impacts to the continued use of surrounding historic properties within the APE, which are already characterized by their close association with the existing railroad.

### ***Setting***

OEA does not expect that the Proposed Acquisition would result in a change in the character of the setting of any of the historic properties. Although the existing settings of the historic properties vary, they are all characterized by their relationship to the existing railroad. As the planned capital improvements would consist of an addition to the existing railroad facility within the existing ROW, there would be no alteration to the existing setting.

### ***Audible***

OEA does not expect that the Proposed Acquisition would result in audible effects that could diminish the integrity of significant historic characteristics or features of any National Register-eligible properties. Because the historic properties within the APE are all located near an active rail line that has been operational for many years, rail-related noise, such as intermittent wayside or horn noise from passing trains, is and has long been part of the historic character of those properties. Although the completion of the 25 planned capital improvements would result in noise from construction equipment, this would be temporary and would be consistent with the industrial nature of the active rail corridor in which it would take place. Aside from this temporary construction-related noise, the Proposed Acquisition would not introduce any new auditory elements within the APE.

### ***Visual***

The Proposed Acquisition would not result in the introduction of visual elements that could diminish the integrity of the properties' significant historic characteristics or features. The railroad is already part of the visual character of the non-railroad properties, and the addition of a new siding, extension of an existing siding, or addition of a second track would merely expand the existing facility within its current ROW. These planned capital improvements would be compatible with the existing rail-related infrastructure and would not alter views from the properties.

## **3.9.3.2 No-Action Alternative**

Under the No-Action Alternative, the Board would not authorize the Proposed Acquisition, and CP would not acquire KCS. Therefore, the Applicants would not add the 25 planned capital improvements as a result of the Proposed Acquisition and the physical effects to historic properties from the capital improvements would not occur. However, CP and KCS could make



capital improvements along their respective rail lines in the future without seeking Board authority if needed to support rail operations.

### 3.9.4 Conclusion

The Proposed Acquisition would have *No Adverse Effect* on the historic properties identified within the APE. The Proposed Acquisition would not adversely affect the 136 above-ground National Register-eligible historic properties that OEA identified because it would not result in any physical impacts to the properties; change the character of the properties' use or physical features within the properties' setting that contribute to their historic significance; or introduce visual, atmospheric, or audible elements that would diminish the integrity of the properties' significant historic features. [The Applicants also have committed to avoiding physical effects on the Oil Branch Drainage Channel, a portion of which is located within the railroad ROW near the planned new siding at Heavener.](#) Although two National Register-eligible archaeological sites, 34AD283 and 34AD286, are located within the APE at the planned new siding at MP 247 near Baron, the Applicants have clarified that the planned siding would be located within the current limits of the rail line footprint in the areas adjacent to National Register-eligible archaeological sites and that no construction activities would take place within the limits of the sites. Therefore, the planned capital improvement siding would not physically affect any eligible below-ground resources. ~~The Applicants have proposed voluntary mitigation for cultural resources, which includes a commitment to abide by the terms of any negotiated agreement pursuant to Section 106 of the NHPA (see Chapter 4, Mitigation, Voluntary Mitigation Measure [VM]-Cultural-01).~~ In addition, OEA is recommending that the Board impose mitigation requiring the Applicants to develop and implement an unanticipated discoveries plan and an archaeological monitoring plan for the planned capital improvements, in consultation with consulting parties. [The Applicants shall provide the construction monitoring plan to OEA and appropriate THPOs for review no later than 30 days prior to the start of any construction activities related to the 25 planned capital improvements and shall abide by the provisions of the plan, including any revisions by OEA and appropriate THPOs, during construction activities](#) (Mitigation Measure [MM]-Cultural-01).

[Prior to issuance of the Draft EIS, the Applicants voluntarily proposed mitigation referencing a potential agreement document that could be negotiated pursuant to Section 106 \(Voluntary Mitigation Measure \[VM\]-Cultural-01\). Following consultation with appropriate Section 106 consulting parties, however, OEA now finds that the Proposed Acquisition would not adversely affect any historic properties that are listed on or eligible for listing on the National Register. Therefore, no Section 106 agreement document \(such as a Memorandum of Agreement or Programmatic Agreement\) would be needed to resolve adverse effects on historic properties. Accordingly, the Applicants' voluntary mitigation measure VM-Cultural-01 is not necessary and OEA is no longer recommending that the Board impose that condition in any decision authorizing the Proposed Acquisition. OEA is recommending that the Board impose mitigation requiring the Applicants to abide by their commitments to design and engineer the 25 planned capital improvements to remain within the existing rail ROW, to maintain the existing rail footprint in locations immediately adjacent to archaeological sites that OEA has identified as eligible for listing on the National Register, and to not perform any construction activities](#)

[related to the 25 planned capital improvements within the boundaries of National Register-eligible archeological sites identified by OEA \(MM-Cultural-02\).](#)