

From: Deseray Helton <deseray.helton@osagenation-nsn.gov>
Sent: Tuesday, March 14, 2023 12:19 PM
To: Gosselin, Danielle <Danielle.Gosselin@stb.gov>
Cc: Tabachnick, Alan <alan.tabachnick@stb.gov>
Subject: STB, Docket No. AB 1319X, City Utilities of Springfield - Abandonment Exemption, Greene County, Missouri
Importance: High

Good Morning,

I was looking through a number of STB projects including the above abandonment exemption. According to my records the Osage Nation Historic Preservation Office has not received a response to a formal letter we sent on April 1st of last year. A status update on the project as a whole along with a response to our April 1st, 2022 letter would be greatly appreciated.

Thank you,



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 on the subject line.

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Osage Nation Historic Preservation Office

HAZAZA BOSN KNPDA

Date: April 1, 2022

File: 2122-5031MO-1

RE: STB, Docket No. AB 1319X, City Utilities of Springfield - Abandonment Exemption, Greene County, Missouri

Office of Environmental Analysis
Danielle Gosselin
395 E Street SW
Washington, D.C. 20423-0001

Dear Ms. Gosselin,

The Osage Nation Historic Preservation Office has received notification and accompanying information in regards to the Environmental Assessment for the proposed project listed as STB, Docket No. AB 1319X, City Utilities of Springfield - Abandonment Exemption, Greene County, Missouri. In that documentation it is stated that the Surface Transportation Board's (STB) Office of Environmental Analysis (OEA) served a Draft EA for this proceeding on December 10, 2021. According to our records, The Osage Nation did not receive notification in regards to the posting of the Draft EA. The area now known as Springfield, Missouri is of vital importance to the Osage Nation with a number of Osage Ancestral Trails crossing through the area. The Osage Nation requests a hard copy of the current Environmental Assessment for review and comment.

The Osage Nation has attached our inadvertent discovery plan for cultural resources and human remains to be incorporated into STB's plan of action for this project.

In the BACKGROUND section of the accompanying documents received on February 7, 2022 it is stated that it is the intention of the City Utilities' to incorporate the Line's right-of-way into an existing regional multi-use recreational trail. Does this incorporation into the current existing regional multi-use recreation trail involve ground disturbing activities? The Osage Nation requests copies of any previous cultural resource surveys conducted in the area of potential impacts for review and comment.

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 has a vital interest in protecting its historic and ancestral cultural resources. The Osage Nation anticipates reviewing and commenting on the requested information for the proposed STB, Docket No. AB 1319X, City Utilities of Springfield - Abandonment Exemption, Greene County, Missouri.

The Osage Nation Historic Preservation Office S106 Procedures and Survey Standards can be accessed at the web address listed in the footnote of this letter. 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

Deseray Helton
Archaeologist



Osage Nation Historic Preservation Office

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Procedures for Inadvertent Discoveries of Human Remains on Non-Federal Lands

City Utilities of Springfield, Missouri

ONHPO Project #2122-5031MO-1

This procedure, as required and promulgated by state law, applies to Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony as defined in the statute and regulations that are discovered inadvertently on non-Federal or non-Tribal lands.

This procedure should in no way be construed as a substitute for mandated consultation with the Osage Nation, nor is it a justification to excavate any human remains outside the specific and discrete standards of archaeological activity. If the planned activity is also subject to review under Section 106 of the National Historic Preservation Act (16 U.S.C. 470), consultation and any agreement for compliance conducted under that Act should be coordinated with the requirements of the NHPA.

I. CONFIDENTIALITY

City Utilities of Springfield, Missouri (City Utilities) and its contractors will safeguard information about properties of religious and cultural significance to the Osage Nation, including location information, or non-public information provided by the Osage Nation to assist in the identification of such properties, to the extent allowed by the provisions of the Freedom of Information Act, Section 304 of the NHPA (54 USC § 307103), and other applicable laws.

II. POINTS OF CONTACT

A. City Utilities and the Osage Nation will each designate a primary and secondary point of contact during ground disturbing activities. The primary contact is the contact to which all initial and formal correspondence is sent. If the individual designated as the primary point of contact is not available, communications should be directed to the secondary contact.

Dr. Andrea A. Hunter
THPO/Director of ONHPO
ahunter@osagenation-nsn.gov
918-287-5328

Sarah O'Donnell
NAGPRA Coordinator
sodonnell@osagenation-nsn.gov

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III. PROCEDURES FOR INADVERTENT DISCOVERIES

1. Upon a possible inadvertent discovery of human remains or funerary objects items the contractor shall ensure that work shall cease in the immediate vicinity of the discovery and the remains shall be protected *in situ* from any potential disturbance (including vandalism or theft). This includes the establishment of a one hundred (100)-meter buffer area around the burial to ensure avoidance. The remains shall then be covered with canvas and not exposed to public view.
2. Any inadvertent discovery that includes human skeletal material will be treated as a potential crime scene. This means that the site must initially be evaluated by law enforcement. If the remains are determined to be recent human remains and/or associated with a crime, Law Enforcement will assume complete control of the effort.
3. **No Photographs will be taken human remains.** If necessary, only hand-drawn illustrations or plan notes may be used in documentation and other communication. Should unforeseen, unusual circumstances arise, law enforcement may request that photographs be taken. These photographs will, however, be taken only after consultation and concurrence with the Osage Nation.
4. When the contractor determines that the inadvertent discovery of human remains or funerary objects has occurred, immediate telephone notification must be provided to the Osage Nation POC within twenty-four (24) hours. This telephone notification will be followed immediately by written notification that contains any and all information regarding the current status if the remains.
5. When the contractor determines that the inadvertent discovery of human remains or funerary objects has occurred, immediate telephone notification must be provided to the Missouri State Historic Preservation Office (SHPO) within twenty-four (24) hours.
6. The Osage Nation be given the opportunity to visit the location and be provided an on-site orientation of the location where the human remains were discovered prior to any further disturbance or excavation in the location
7. Neither City Utilities staff nor any of its contracted employees will not conduct excavation, handling, or removal of any human remains without the Osage Nation Historic Preservation Office and Missouri SHPO approval.
 - a) According to the Missouri Unmarked Burial Law, RSMo § 194.410, "Any person, corporation, partnership, proprietorship, or organization who knowingly disturbs, destroys, vandalizes, or damages a marked or unmarked human burial site commits a class D felony."

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8. The Missouri SHPO will consult with the Osage Nation regarding any proposed treatment and final disposition of the materials. It is the preference of the Osage Nation that, wherever possible, burials are left in place and any further project activities avoid the burial with an appropriate buffer area.
9. City Utilities and its contractors shall carry out any mitigation plan approved by the Osage Nation and the Missouri SHPO, should the inadvertent discovery require removal.
10. Should the inadvertent discovery require removal, the Osage Nation will consult directly with the Missouri SHPO regarding handling, curation, and repatriation of any human remains and funerary objects.
11. The construction contractor may resume construction activities in the area of the discovery upon receipt of written authorization from Missouri SHPO.