
Subject	Section 106 Consulting Parties Meeting #19
Project	BNSF Bismarck Bridge Replacement Project
Prepared by	Lori Price and Aimee Angel
Location	Conference Call
Date/Time	December 7, 2021 2:00 p.m. CDT

Participants	Organization
Aaron Barth	Northern Plains Heritage Foundation
Aimee Angel	Jacobs
Amy McBeth	BNSF
Amy Munson	SHPO
Amy Sakariassen	NTHP
Austin Hurst	BNSF
Ben Ehreth	City of Bismarck
Betsy Merritt	NTHP
Chris Wilson	ACHP
David Mayer	Bismarck Parks and Recreation District
Emily Sakariassen	Northern Plains Heritage Foundation/Preservation North Dakota
J Signe Snortland	FORB
Jim Neubauer	City of Mandan
Kathy Duttonhefner	North Dakota Parks and Recreation Natural Resources Division
Kitty Henderson	Historic Bridge Foundation
Kathye Spilman	Mandan Historical Society
Lori Price	Jacobs

Lorna Meidinger	ND SHPO
Matt Robertson	USCG
Mike Herzog	BNSF
Rob McCaskey	USCG
Ron Henke	NDDOT
Shelly Sugarman	USCG
Susan Wefald	FORB

Shelly Sugarman opened the meeting and reviewed the agenda.

Lori Price gave a summary of a meeting (teleconference) on October 20, 2021 regarding the visual effects Assessment. During that call, USCG reiterated that SHPO concurred with findings of No Adverse Effect.

Betsy Merritt asked about the role of the ACHP in the disagreement over the findings of visual effects.

Signe Snortland noted that FORB had asked for dispute resolution but had not gotten a response from USCG.

Chris Wilson said that consulting on disagreements and dispute resolution procedures were two separate things.

Shelly Sugarman informed them that the request was still being handled at the USCG level and reiterated that the letter stated if they did not feel that the letter alleviated their dispute that they needed to reach out to us for a consultation meeting to discuss further.

Shelly Sugarman noted that USCG sent an email in response to FORB's dispute resolution request in which the USCG offered to meet with FORB to further discuss the issues but got no response. Next step is for FORB to respond. Can be via email.

Presentations:

- Amy Munson, Grants Administrator for ND SHPO for 18 years, presented on the SHPO Grants Programs. SHPO administers two grant programs:
 - Federal Grant Program – funded at \$750,000
 - State Grant Program – funded at \$500,000 per biennium – for capital improvements, educations, etc.

She discussed how both programs work and how they are administered. Both require matching funds and are funded via reimbursement. They also administer some other grants programs with other federal funds.

Shelly Sugarman – How would you administer this grants program?

Amy Munson - A new grant program would operate similar to the state grant program as there are less strings attached than the federal program. They emphasize sustainability and relevance to ND.

Shelly Sugarman – How would you separate this program from your other programs?

Amy Munson - A committee would be established to develop the application, rules, and procedures. They would determine and communicate what the grant program parameters are. Standing up the committee would probably take a couple of months. Funds could be tied specifically to the bridge. Some of their programs have application deadlines and some are rolling and make grants until the funds are exhausted.

Shelly Sugarman – Is SHPO amenable to taking this on?

Amy Munson – Yes.

Chris Wilson – Can funds be fenced off in perpetuity?

Lorna Meidinger – The concern has been expressed that the legislature could reduce budget for SHPO office because they have grant funds to operate on instead.

Amy Sakariassen – Had an experience where this happened when she worked for the state and USGS.

Kathye Spilman – This would be different. Funds are not being donated to the agency but for others to use.

Lorna Meidinger – SHPO would be the administrator only. It is important to educate the legislature that the funds are for a specific endeavor, not operating costs, so that the legislature does not reduce other funding.

Chris Wilson – But other groups, some represented here today, could also administer the grant. Also suggested that a non-profit be the funds custodian.

- Emily Sakariassen, Project Manager, Northern Plains Heritage Foundation (NPHF). See attached presentation for additional details.
 - Introduced the foundation and explained what a National Heritage Area is.
 - Discussed various themes addressed by the NPHF
 - Gave an overview of the structure of the organization
 - Introduced the NPHF management plan that establishes guidelines the foundation must follow when awarding grants
 - There would be no costs/fees associated with administering the grant
 - They have the capacity and willingness to administer the grant
 - No match would be required

Signe Snortland – What is your overhead charge?

Aaron Barth – No charge.

Amy Munson – SHPO also has no charge for administration.

Lorna Meidinger – Confirmed this. As SHPO already administers grants, there would be no associated costs.

Chris Wilson – What about depositing funds with a non-profit but having a joint effort with SHPO to administer the funds?

Aaron Barth – We are all about partnerships of all kinds. We are open to that and encourage it.

Chris Wilson – This could solve the issue in the MOA.

Lorna Meidinger – If SHPO does not administer the funds, then we want a seat on the committee that does so.

Shelly Sugarman – Would you require matching funds?

Aaron Barth – Match would not alter those funds. Could also use our established 501C3 status.

Lorna Meidinger – Do subgrantees have to meet SOI qualifications in the MOA?

Lori Price – I don't think so – that was not the intention of the PA/MOA. That was for persons doing things stipulated in the MOA, like HAER documentation. But I will check the text to make sure that's clear.

- Ron Henke, North Dakota DOT. See attached handout for specifics on alternatives.
 - Reviewed and summarized meetings with interested parties
 - 6 alternatives were decided upon
 - Mike Herzog/BNSF provided some pricing estimates and explained how he solicited the estimates from contractors. These estimates are likely to change. (see attached handout)

Ben Ehreth – For #6, the City was trying to work with others; it wasn't for the City itself. Lack of interest from one of the "right of first refusal" parties. So #6 is off the table. Also stated that the City has no intention of funding the salvage move, only plans to provide storage for the parts.

Susan Wefald – Option of leaving piers 1 and 4 in place was turned down by BNSF because the piers are too tall. When asked if they could be shortened, BNSF said no, they don't want them left on their property. She sent proposal to Brian Dunn, as he instructed.

Shelly Sugarman – I'll look for that.

- Betsy Merritt, National trust for Historic Preservation. See attached presentation for details.
 - Provided examples of 2 additional MOAs that provided for grant funding.
 - Madison Milton Bridge
 - Provided a \$405,000 grant fund broken into three categories
 - Heritage tourism and Promotion
 - Historic Preservation Officer for local municipality

- Main Street Program
 - Additional mitigation not included in the grant funding included documentation, a film, a study for a historic district, etc.
- Amelia Earhart Bridge
 - Provided a \$500,000 preservation fund
 - Additional mitigation included demolition funds for the relocation of the bridge, documentation, historic bridge speaker, SHPO review of project plans
 - Provides good ideas for grant parameters. See text provided.
 - Noted that these bridges do not have the level of significance that Bismarck Bridge has.

Amy McBeth – These are public bridges. Do you have a privately owned example?

Betsy Merritt – Could not find a privately owned bridge MOA. Dominion has an \$86 million mitigation project on James River.

Chris Wilson – Madison Milton Bridge was featured as ACHP success story. (He sent a link to article.) Believes capping certain categories with an amount is a good idea, like capping the amount spent on salvage.

Betsy Merritt – Maybe if one entity wants salvage, then they fund cost of it and take that cost out of the mitigation fund amount.

Chris Wilson – What about the timing?

Mike Herzog – Tied to permitting timing. Bidding happens before permit is issued. Likes the physical salvage idea because the community gets a physical, tangible piece of history to preserve, but has no creative ideas for financing.

Chris Wilson – City or State?

Ben Ehreth – City put together a list of items they might be interested in but is not willing to fund it with City money. But did agree to store items at wastewater plant or landfill.

Betsy Merritt – What is the cost differential between demolition and salvage?

Mike Herzog – Explained how he presented it to contractors when asking for estimates. Base bid is demolition only, no salvage. Premium costs are those provided earlier on handout.

Chris Wilson – Need a deadline for salvage. Cautioned that he does not want to see a situation in which salvage material is sitting in a boneyard for 10 years deteriorating. Having a realistic plan for any salvage operation is important.

Amy McBeth – What is the plan? Concerned about future disposal costs for BNSF. BNSF doesn't want to be held responsible later for disposing of salvage items that never get used.

Lorna Meidinger – Since demolition isn't until after construction, is salvage a side option? Then we could cancel it if it doesn't work?

Mike Herzog – Salvage is an alternative bid item. Will be awarded at time of award, not at time of demolition. This is a complex demolition project due to size and height of bridge. Work on the demolition plan will have to start well ahead of the actual demolition.

Chris Wilson – How much time is there before contract is awarded? What is the drop dead date?

Shelly Sugarman – We are targeting an April 2022 permit decision. MOA must be done before that and be included in the FEIS, which is anticipated in January 2022. MOA has text for what happens if salvage doesn't happen.

Signe Snortland – Documentation costs were separate from grant funds in Betsy's example. Can we discuss that?

Shelly Sugarman – Consulting Parties need to decide how to divvy up the funds.

Susan Wefald – Only BNSF has approved the \$500,000 amount.

Signe Snortland – Right. We were waiting for other NTHP examples.

Shelly Sugarman – This is a privately owned bridge, which is different from federally funded. We can't compel the applicant to spend more money.

Chris Wilson – ACHP cannot compel an amount. That is reached through the process of negotiation. We want to see a public benefit. That negotiation is what we're doing now. Local interests need to step up now for salvage if that's what they want. USCG consults, proves adequate consultation, leads to negotiated consensus, ends in signed MOA.

Susan Wefald – Can SHPO say we won't sign MOA unless BNSF gives more money?

Chris Wilson – once consultation concludes, MOA is completed and signed. There's no further negotiating at that point.

Shelly Sugarman – The best we can do is get relevant parties to the table to help consulting parties make an informed decision about the division of funds for mitigation. We will be reaching out to the grant administrators for language to include in the MOA. We will also be sending the consulting parties a revised draft of the MOA with tentative amounts for each mitigation bucket for review and comment.

Chris Wilson – For dispute resolution, need email from Signe/FORB.

Next Steps

The USCG will be revising the MOA and sending out for comment based on the information received today. Still working on the FEIS.

Meeting concluded at 4:08 pm CDT.