

**Subject** Section 106 Consulting Parties Meeting # 17

**Project** BNSF Bismarck Bridge Replacement Project

**Prepared by** Abby Korte, Aimee Angel, Lori Price

**Location** GoToRemote Meeting **Date/Time** June 10, 2021 2:00 pm CDT

Participants	Organization	Time Joined (EDT)	Time Left (EDT)
Abby Korte	Jacobs	2:56	3:59
Aimee Angel	Jacobs	2:55	4:13
Alexis Clark	ACHP	2:52	4:13
Amy McBeth	BNSF	3:13	4:13
Amy and Erik Sakariassen	NTHP	2:59	4:13
Austin Hurst	BNSF	2:53	4:13
Ben Ehreth	City of Bismarck	2:58	4:13
Betsy Merritt	NTHP	3:05	4:50
Bill Peterson	ND SHPO	3:00	4:13
Brian Dunn	USCG	2:53	4:13
Chris Wilson	ACHP	2:59	4:13
David Mayer	Bismarck Parks and Recreation District	3:00	4:13
Emily Sakariassen	Preservation North Dakota	2:54	4:13
J Signe Snortland	FORB	2:52	4:13

Jim Neubauer	City of Mandan	2:52	3:36
Kathy Duttonhefner	Mandan Historical Society	2:52	4:13
Kitty Henderson	Historic Bridge Foundation	2:58	4:13
Kyle Sumsion	BNSF	3:00	4:13
Lori Price	Jacobs	2:59	4:13
Lorna Meidinger	ND SHPO	3:00	4:13
Mark Zimmerman	FORB	3:09	4:13
Matt Robertson	USCG	3:06	4:13
Mike Herzog	BNSF	2:57	4:13
Mitch Flanagan	Burleigh County	2:59	4:13
Rob McCaskey	USCG	2:52	4:13
Shelly Sugarman	USCG		
Toni Erhardt	USACE	3:04	3:08
██████████	Unknown caller	2:59	4:13
██████████	Unknown caller	3:04	3:48

Notes:

Rob McCaskey opened the meeting, laying ground rules and taking roll call.

Brian Dunn: Following the last consulting parties meeting, the Governor of North Dakota made comments regarding keeping the bridge. Accordingly, the USCG delayed their request to move to Stipulation VI of the PA. Mr. Dunn spoke with the NDDOT last week and they confirmed that there is no plan forthcoming regarding maintaining the existing bridge. Accordingly, on Monday (6/7/2021), the USCG requested concurrence to move to Stipulation VI as there is not a technically and economically feasible alternative coming from the state. The DEIS will be published on 6/12/2021 with a virtual public comment meeting

on 6/30/2021 and the public comment period will end on 7/26/2021. Mr. Dunn acknowledges that it may be disappointing for some to move to Stipulation VI but ask that the group focus on mitigation moving forward. Asked if SHPO or ACHP had anything to add?

Bill Peterson had nothing to add. Chris Wilson was shocked by the Governor's article and more shocked that there is no plan from the state. Mr. Wilson agrees to move to Stipulation VI as there is no other choice.

Brian Dunn discussed how the USCG would like the development of the MOA to proceed using three lines of action:

1. Documentation – HAER Level 1 documentation of the existing bridge
2. Salvage/disposition of parts of the existing bridge – The State of North Dakota (likely NDDOT) would have first right of refusal for portions of the existing bridge. Prior to final contract for demolition of the bridge, ND with BNSF would conduct a survey of the existing bridge to identify portions of the bridge to be salvaged for historic preservation projects and coordinate transfer to storage or a planned display location.
3. SHPO Fund for Historic Preservation Grants– Funds would be provided from BNSF to the ND State Historic Society to be distributed by SHPO for historic preservation projects through grants. Grants could include projects that have already been proposed or other historic preservation projects as determined by SHPO. This would allow more time for mitigation proposals to be developed and coordinated through the State Historic Society.

Also need to look at where the recommendations regarding the design aspects of the bridge from the BAC will fit into the MOA.

Kitty Henderson has seen money sent to SHPOs to distribute as grant on previous projects.

Betsy Merritt: Ms. Merritt supports creation of a mitigation fund managed by the SHPO. This creates a permanent source of funds for mitigation. Ms. Merritt can provide examples of other similar mitigation efforts.

Emily Sakariassen has many opinions on how funds should be distributed and would like to provide input into grant decision making. She would like to see a focus on ethnographies and storytelling as opposed to just brick and mortar projects.

Betsy Merritt asked, "What is the appropriate level of funding?"

Brian Dunn stated that it is not within the authority of the USCG to determine the appropriate level of funding.

Bill Peterson stated that the level of funding needs to be commensurate with the importance of the bridge. Mitigation should be significant.

Chris Wilson suggested that the state of North Dakota needs to determine what the need for mitigation is. This is an important legacy, supporting mitigation throughout the state.

Erik Sakariassen described his considerable experience managing large endowments. He discussed how endowments work and their potential as an investment. He stated that an endowment can draw approximately 4% annually and that the group should “think BIG. A \$1M endowment = \$40k in grants per year.”

Mr. Zimmerman agrees with Mr. Sakariassen. He discussed the importance of the mitigation paid to SHPO not affecting their operating budget from the State and asked about the specific timeline for approval of the MOA.

Betsy Merritt suggested that we look at the overall project budget and assign a certain percent of the total budget as mitigation. For example, 10%.

Chris Wilson discussed how executing the PA and developing the MOA allowed Section 106 to proceed without slowing the NEPA process. The MOA can stipulate how funds will be used and where they will go. Bill Peterson, Kitty Henderson, and Chris Wilson will provide examples of other mitigation funds that have been established.

Erik Sakariassen asked about the deadline for the MOA for accountability.

Brian Dunn stated that the USCG has a preference for the MOA to be done before the Record of Decision and that BNSF needs to account for deconstruction of some parts of the bridge versus demolition.

Amy Sakariassen asked who is responsible for determining where mitigation dollars can be held without affecting operating budgets?

Erik Sakariassen asked if it has to be SHPO or can it be a non-governmental organization and will environmental effects from demolition be considered in the DEIS?

Brian Dunn responded by stating that typically demolition has more environmental consequences than controlled dismantling.

Chris Wilson will check with the ACHP regarding protecting state budgets from mitigation. The fund can be set up somewhere other than SHPO.

Mark Zimmerman would like FORB to have large involvement in mitigation funding as FORB receives no support from local agencies and communities.

Betsy Merritt asked if the MOA will be attached to the permit as a permit condition?

Brian Dunn said that attaching it to the permit is not typical.

Discussion about the methods for enforcement of the MOA ensued.

Signe Snortland stated that the Department of the Interior attaches all mitigation measures to the permit application.

Brian Dunn stated that the MOA is a part of the ROD but generally not a part of the permit. He will ask USCG general counsel about it - they have never had enforcement issues with a MOA.

Shelly Sugarman responded that the environmental impacts from demolition will be in the FEIS so the MOA needs to move before the FEIS.

Mike Herzog stated that BNSF fully understands the need for historic mitigation and countered “going BIG” with “being reasonable.” He stated that all old bridges are significant and that millions of dollars is not reasonable.

There was a discussion about what is considered “reasonable”

Mike Herzog asked SHPO about what kind of mitigation was performed by the state of North Dakota for the removal of the Memorial Bridge.

Lorna Meidinger replied that she would investigate and find out.

Emily Sakariassen offered to look into comparable examples of bridge mitigation that are similar in their level of significance as opposed to the Memorial Bridge which is not significant to the community as the BNSF Bismarck Bridge.

Amy Sakariassen brought up the BAC and the work they conducted to provide design recommendations.

Rob McCaskey Any additional comments should be submitted to the USCG by COB June 18, 2021. Comments will be used to formulate a draft MOA.

Chris Wilson suggested that stakeholders think about recipients and storage for any bridge salvage. There has been interest expressed in salvage from both sides of the bridge including the North Dakota Railroad Museum in Mandan.

Signe Snortland asked about the expanded APE and whether there will be a Class III survey in that area and if the approach spans have been documented or research conducted to determine if there is anything underneath the berm on the west side.

Lori Price replied that there has been no further discussion regarding the expanded APE.

Shelly stated that USCG was about to submit a Determination of Eligibility to SHPO. There are places in the DEIS to address these issues.

Brian then thanked everyone for their feedback and for being on the call. He stated that if they have any other comments or questions, please send them to Rob by next Thursday, June 17. He also stated that there will be an email tomorrow detailing where to find the N OA and Draft EIS, and information about the virtual public meeting. If you do not receive an email, please be in touch with Rob and he will forward the information to you.

Meeting adjourned at 4:13.