

**From:** [REDACTED]

**To:** [REDACTED]

**Subject:** BNSF Bismarck Bridge Project Section 106 Consulting Parties Meeting #8

**Start:** Wednesday, October 10, 2018 3:00:00 PM

**End:** Wednesday, October 10, 2018 5:00:00 PM

**Location:** Teleconference - Dial-in information enclosed

**Attachments:** [meeting 7 transcript 2018.09.14.pdf](#)  
[Draft Agenda 08.docx](#)

---

Good afternoon,

In compliance with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 306108), as amended (NHPA), the United States Coast Guard (USCG) invites you to participate in continuing consultation on the above-referenced project. The USCG has designated BNSF's consultant, CH2M/Jacobs, to contact parties on their behalf for the purposes of Section 106. In that role, we are contacting you regarding the proposed undertaking and upcoming Consulting Parties meeting.

As an identified Consulting Party, the USCG invites you to attend a Section 106 consulting parties meeting via teleconference on Tuesday, October 10, 2018 from 2:00 – 4:00 pm Central Time. The date of the meeting was changed at the request of the USCG. If you plan to join the teleconference and would like to submit additional agenda items, please accept this invitation and respond by contacting:

Ms. Aimee Ross Angel, Architectural Historian, CH2M/Jacobs, via telephone: [REDACTED], or email: [REDACTED]  
[REDACTED]

The following meeting materials are attached to this meeting request:

- \* Draft Agenda
- \* Revised Consulting Parties Meeting #6 Transcript

We look forward to your response and to continuing consultation with you on this project. Should you have any questions, please contact Ms. Aimee Angel, CH2M/Jacobs or Mr. Rob McCaskey, USCG, via email at [REDACTED], or by phone at [REDACTED]

Proposed Bridge Replacement at Mile 1315.0 on the Missouri River near Bismarck/Mandan, North  
Dakota (ND SHPO Reference 16-0636)

Section 106 Consulting Parties Meeting Agenda #8

Wednesday, October 10, 2018 at 2:00 pm CST

866-203-7023; PIN 5093-167-060 (meeting will be recorded via conference line)

1. Roll-Call/Introductions
2. Minutes from Meeting #7
3. Old Business
  - a. Responses for additional information
    - i. Fairview Lift Bridge, North Dakota - MOA (Chris Wilson)
    - ii. Grand Forks-East Grand Forks – MOA (Chris Wilson/Susan Quinnell)
    - iii. Update on status of the EA for distribution (Eric Washburn)
4. New Business
  - a. Report: Bush Foundation Grant Meeting(s) Summaries
  - b. Revise upcoming meeting schedule

**Next Scheduled Meetings:**

- October 24
- November 14
- December 5

**CH2M HILL COMPANIES, LTD.**

**Moderator: Lori Price  
October 10, 2018  
2:48 p.m. ET**

OPERATOR: This is conference #: 388595283.

Rob McCaskey: Good afternoon, everybody. This is Rob McCaskey with the Coast Guard. We just got the line activated. Eric Washburn is going to be joining me shortly. We'll give a few minutes for our late arrivals and then we'll get the meeting started about five minutes after.

Lori Price: Hey, Rob. This is Lori. The recording has started.

Rob McCaskey: Hi, Lori.

Joey Roberson-Kitzman: This is Joey Roberson-Kitzman with the Bismarck and Mandan MPO.

Rob McCaskey: Yes, everybody, hold on the check-ins until we get things started so everybody can hear. We'll do that in about five minutes.

Emily Sakariassen: Rob, this is Emily Sakariassen and Susan Dingle from Preservation North Dakota.

Rob McCaskey: Hi, Emily. Hello, Susan.

Susan Dingle: Hi, Rob.

Rob McCaskey: Guys, we're going to start here in a couple of more minutes. We just want to make sure we give everybody, including the late arrivals, a chance to be here before we get started.

Emily Sakariassen: OK.

Carl Hokenstad: This is Carl Hokenstad, City of Bismarck. I just connected.

Rob McCaskey: Hi, Carl. This is Rob with the Coast Guard. We're going to give another couple minutes in case someone else shows up late before we get started.

Carl Hokenstad: OK, thank you.

Amy Sakariassen: Did I sign in? This is Amy Sakariassen with the National Trust.

Rob McCaskey: Hi, Amy. We'll do a full roll call here shortly so that ...

Amy Sakariassen: Oh, OK.

Rob McCaskey: OK. This is Rob McCaskey with the Coast Guard. We're about the two o'clock plus four minutes mark, so I think we're OK to start. Eric Washburn, my supervisor, will be joining us shortly.

And before we get started, let's go and do a roll call. Everybody has already checked in. I apologize, if you could redo that just so that everyone knows who's here and we make sure we have a record. So please identify yourself out loud and who you represent.

Fred Rios: Yes, Rob, Fred Rios, Captain's Landing Township.

Kristina Quaempts: Kristina Quaempts, Northern Cheyenne.

Carl Hokenstad: Carl Hokenstad, City of Bismarck.

Randy Bina: Randy Bina and Dave Mayer, Bismarck Parks and Recreation District.

Amy Sakariassen: Amy Sakariassen, National Trust for Historic Preservation.

Walt Bailey: Walt Bailey, Bismarck Historical Society.

Joey Roberson-Kitzman: Joey Roberson-Kitzman, Bismarck-Mandan MPO.

Dominic Fischer: Dominic Fischer, North Dakota State University.

Jim Neubauer: Jim Neubauer, City of Mandan.

Rob McCaskey: The last person that just checked in, could – can you either speak a little louder or get close to your phone because I could not hear?

Jim Neubauer: Jim Neubauer, City of Mandan.

Rob McCaskey: OK. Sure, Jim.

Carl Hokenstad: And Kim Lee from City of Bismarck will also be joining shortly.

Rob McCaskey: Great, thank you.

Steve Bakken: And this is Mayor Steve Bakken from Bismarck.

Tim Helbling: Mayor Tim Helbling from Mandan.

Cole Higlin: Cole Higlin, Mandan Park District.

Emily Sakariassen: Emily Sakariassen, Preservation North Dakota.

Susan Wefald: Susan Wefald, Friends of the Rail Bridge.

Mark Zimmerman: Mark Zimmerman, Friends of the Rail Bridge.

Susan Dingle: Susan Dingle, Preservation North Dakota.

Erik Sakariassen: Erik Sakariassen, Fort Abraham Lincoln Foundation.

Susan Quinnell: Susan Quinnell, SHPO.

Mike Schaefer: Mike Schaefer with BNSF.

- Rob McCaskey: We got Susan on that one, but who else was trying to speak? And a reminder to anyone who's not speaking, please put your phone on mute.
- Mike Schaefer: Mike Schaefer with BNSF.
- Kris Swanson: Kris Swanson with BNSF.
- Amy McBeth: Amy McBeth, BNSF.
- Kristina Quaempts: Kristina Quaempts, Northern Cheyenne Tribe THPO.
- Mike Herzog: Mike Herzog, BNSF.
- Chris Wilson: Chris Wilson, Advisory Council on Historic Preservation.
- Betsy Merritt: Betsy Merritt, National Trust for Historic Preservation.
- Kathy Spellman: Kathy Spellman, Mandan Historical Society.
- Hans Erickson: Hans Erickson, TKDA.
- Lori Price: This is Lori Price with Jacobs. I'll reiterate what Rob said. We are recording the call, so please mute your phone if you're not speaking. We're getting alot of background feed, and that will impact the recording and the minutes that we can take. So please mute your phone. Thank you.
- Kevin Klipfel: Kevin Klipfel, Bismarck Parks and Recreation.
- Ray Trumpower: Ray Trumpower with Friends of the Fairview Bridge.
- Rob McCaskey: Is there anybody who can make out what's being said on the background there so we can say the name to get them to shut off their phone?
- Male: It sounds like a television.
- Rob McCaskey: OK. It looks like we got it there. Is there anyone that hasn't checked in yet please? Please do so now.
- Rob McCaskey: OK. The persons right back again with the noise.

Rob McCaskey: OK. It looks like they're gone again. OK. It looks like we got everybody called in. This is, like I said, the eighth meeting of the Section 106 Consulting Parties for the Bismarck BNSF Railway Bridge. And we've done roll call.

The second thing on our agenda is the meetings from – the minutes from Meeting 7, so hopefully everybody received that. Does anyone have any comments or corrections that they'd like to express on this meeting regarding the minutes from Meeting Number 7?

OK. Hearing none, we'll move on to number three, old business. The first thing on the list is the Fairview Lift Bridge from North Dakota.

Chris Wilson, I think, has some updates to make to that. Chris?

Chris Wilson: Yes. Thanks, Rob. So I did my homework, and what we are trying to do is find a memorandum of agreement or programmatic agreement related to the Fairview Lift Bridge, which is in North Dakota-Montana. And so as I was going through the archive of the ACHP, I went through about 10 years of North Dakota and Montana MOAs and could not find one. So I was doing some searches on the web and searching for Fairview Bridge and came across Ray Trumpower who was one of the board members of the nonprofit of the Fairview Bridge. And what I'd like him to do is discuss the fact that they have an MOU, not an MOA, an MOU with BNSF and talk a little bit about the length of time it took them to make the transfer from the consortium of municipalities that were a temporary holding company until the nonprofit was able to take it over.

I know it's not identical to the Bismarck Bridge, but it's similar in many ways. So I asked Mr. Trumpower if he could attend after getting Rob's approval. And so, Ray, take it away, if you can just talk to us a little bit about the MOU.

And by the way, for the next meeting, we'll have a copy of it. I have to track down the Rails-to-Trails Conservancy lawyer who is actually working as an independent lawyer who drafted the document. So we'll have that document for the next meeting.

So, Ray, do you want to provide some information about your bridge?

Ray Trumpower: Sure, and I'm not sure how long you want me to talk, but I'll kind of start at the beginning. The bridge has been there for a long time, and the community was really invested in it. At one point, a little old lady called me and she said, "We really need to save that bridge."

Now, nobody had talked about doing anything with the bridge. She just come out of the blue and said it needed to be saved. Our particular situation is the bridge actually has one end that sticks in a park. The other end goes in the national grassland.

Now, I started looking into it and we got a hold of Burlington Northern. And as Chris said – as we were negotiating the project, it was eight years that we negotiated for that bridge. And part of that was because the lawyer that Burlington Northern had kept disappearing on me. At one point, she was in Tulsa and then they moved her to Texas. And so I found her there, and then she got married so she changed her name, so I found her again. And then she went on maternity leave. So, it was a long negotiation. But as it finally came to be, we have Charles Montaine as our attorney, dealing with their attorney.

And I got a call in October and said we got a deal. I said, "Great." He said there's a problem. The railroad -- Burlington Northern -- had to -- and I don't know why but they had to have the deal completed before the first of January. And we couldn't possibly form a nonprofit in three months. So what we did was we talked to a 16-county economic development group in Eastern Montana and said, "Would you do this deal for us? And then when we get our 501(c)(3), you can then pass the property to us." And it said fine.

It was Charles Montaine working on the Burlington Northern end and we hired a big shot 501(c)(3) attorney in Washington, D.C. We managed to get the whole thing done in time for Burlington Northern. And in February, we moved the property from Eastern Plains RC&D over to the Friends of the Fairview Bridge. And as it turned out, at the time we did the deed that'll be on file in McKenzie County forever, I was chairman of both. So on the deed in McKenzie County, I sold myself a bridge, which is kind of an odd little coincidence.

But I don't know what else I can tell you. The property itself is about 13 acres because we also have the tunnel, the only tunnel in North Dakota. You walk across the bridge and through the tunnel and then back to the park. The park is actually owned by the McKenzie County Park District.

As we were working on this project, the county commissioners in McKenzie County saw people walking up a little temporary ramp we built in the trestle. And they asked if we'd be interested in a handicapped parking lot. I believe, at that time, the program they used was called IS-TEA, I'm not sure. They change program names all the time, but McKenzie County then bought the property at the end of the bridge and put a handicap-accessible parking lot there.

If you want more information, the best place to go is our Facebook page. It's Friends of the Fairview Bridge, and we have some wonderful pictures, and we're just gearing up for a big fireworks event. Once a year on Veterans Day, we go out. We have chili. We have hot chocolate and coffee. We have large Christmas ornaments. We have a horse-drawn carriage with Santa and Mrs. Santa. And then at seven o'clock we set off fireworks over the bridge. And you can see pictures of all of that on our Facebook page.

I guess, if you have any specific questions ...

Rob McCaskey: Ray, this is Rob with the Coast Guard. Could you talk a little bit about the bridge? Was it in use, and how big is it? And how old? I'll ask more questions when you get done with and if you know the information.

Ray Trumpower: It's over 100 years old. I'd have to – I want to say 1913 was when it was dedicated.

How long is it? If you start at the handicap parking lot, walk clear over the bridge, which is over the Yellowstone, through the tunnel, which ends in national grasslands then turn around and walk back to your car, you walked one mile.

Rob McCaskey: OK. And do you know – was it under use when it was transferred?

Ray Trumpower: No, it wasn't. The – actually that's one thing that got people real excited. That was actually a dual purpose bridge. It was rail and traffic – car traffic. And in the 50s, they stopped using it as dual purpose and built a highway bridge to the north, about a quarter of a mile.

Rob McCaskey: I see.

Ray Trumpower: But it was still used for rail traffic until the middle 80s. And what happened was the – as we were in the process negotiating with Burlington Northern, the highway bridge that they built in the 50s started falling apart. So they contracted another company to build another highway bridge, about a quarter mile north of that. And we were having our meetings in Fairview, and the bridge engineer happened to come to the café. And we have so many people coming to that. She was just – the waitress was just asking, "Are you with the bridge?" And he was but he was with the new highway bridge.

And anyway, he got ushered back to our meeting, and he was nice and he listened. He said, "You need to come out to my work trailer." And in his work trailer he had the brass plaques for the historic mitigation. Part of his contract was to build the new highway bridge, tear out the old highway bridge and tear out the Fairview Bridge and the Cartwright Tunnel. And he had the brass plaques already printed in his trailer, and that got everybody excited and we did manage to get the process stopped, but it went as far as the contract being let to tear those two out.

Rob McCaskey: OK. Hey, what kind of money did it cost you guys to assume that or do you know anything about the monetary machinations that happened?

Ray Trumpower: Boy, I would have to – off the top of my head, we had to pay an attorney for the 501(c)(3) in D.C., which was more expensive than an attorney around here ...

Rob McCaskey: Sure.

Ray Trumpower: ... because we needed it fast. And I believe Montaine took a percentage. I'd have to look at all those figures.

Now, see part of the problem is the nonprofit that actually did the deal with Burlington Northern no longer exists.

Rob McCaskey: I see.

Ray Trumpower: But Charles Montaine took a percentage of the deal for that. Other than that, we didn't have any – we didn't actually pay Burlington Northern.

Rob McCaskey: I see. Do you know what the yearly expenses are for maintaining the bridge and making sure it's safe?

Ray Trumpower: Well, that depends on what we decide to do out there. The first couple of years we put up walkway and handrails. And, of course, there's some yearly maintenance. As far as insurance, we don't have a problem with that because we don't charge to be out there. And North Dakota has a law that if it's a recreational facility and there's no charge, there's no liability. We try to keep it safe, but we don't actually have to carry insurance – liability insurance on the bridge itself.

Rob McCaskey: OK.

Ray Trumpower: Right now we're having an issue on the far east end. We had some run-off that broke part of the tunnel. And we're working on getting a contractor to do that. But as far as the yearly expenses, it just – it depends on what we decide to do.

Rob McCaskey: I see. I can't think of any other questions. Does anyone else have any questions for Mr. Trumpower?

Susan Wefald: Yes, this is Susan Wefald with Friends of the Rail Bridge. Could – Mr. Trumpower, could you please just say one more time about the liability insurance and the recreational law?

Ray Trumpower: Actually, North Dakota has a brochure on that, and I can just send a copy to Chris because I get that kind of question all the time from new board members.

Susan Wefald: That would be great.

Chris Wilson: So, Ray, is it OK if we share your information with Rob and then he can distribute it. Let Rob know how you want people to contact you. I don't want to give everyone your cell number, but if you've got a way for people to contact you, Rob was copied on that email when I first introduced you to him. If you could give him that and then he'll share it with everyone else because there's a lot of similarities, and I think it'd be good for you to be part of the conversation.

Ray Trumpower: Yes.

Rob McCaskey: I'll email here shortly so you have my contact information.

Ray Trumpower: And theoretically you have my email, so you can just put that in the minutes.

Rob McCaskey: Yes, Sir.

Chris Wilson: So, Ray, if you want to stick around for the rest of the meeting, that's fine. But if not ...

Susan Wefald: I have one more question.

Chris Wilson: OK.

Susan Wefald: Hello, this is Susan. I have one more question. When I spoke to someone out at the Fairview Lift Bridge about your program and what you're doing up there, which is wonderful, they mentioned that you had received money from Burlington Northern Santa Fe, BNSF. To assist you, they gave you money. I understand it was something like a couple of hundred thousand dollars, but I'm not sure. Can you tell us how much money they gave you that you then invested that – so that you can use that to take care of maintenance, et cetera?

Ray Trumpower: I couldn't tell you the original amount because I don't have that right off the top of my head. And, of course, with CDs and everything, I can't give you a current accounting right now, but we actually have more money now than Burlington Northern gave us. And we have – oh, I don't know, 250,000.

Erik Sakariassen: Hi, this is Erik Sakariassen from Fort Abraham Lincoln Foundation. I have a question for you. It's similar to the one that Susan asked.

If the bridge has to be torn down some time in the future, maybe 100 years from now, the thing finally can't be supported anymore, do you have plans in place or some kind of a trust where you would be able to take care of those demolition costs?

Ray Trumpower: Well, we have the cash, and CDs and investments. We just have to cross that bridge when we come to it. But what the engineer that was working on the highway told us was that that bridge was built for rail traffic and highway traffic, and he said 100 years from now it'll look exactly like it does now.

Now granted they are the same ones that designed the one in the 50s that fell down, but no ...

Rob McCaskey: I was very confident then you lost me just there, my friend.

Ray Trumpower: What was that?

Rob McCaskey: This is Rob. You had you me feeling very confident and then you ruined it with the other bridge that fell down.

Ray Trumpower: Well, they weren't building things in the 50s like they were building at the turn of the century.

Rob McCaskey: I'm sure.

Ray Trumpower: (Inaudible) We'll see that bridge was built well beyond what it needed to be.

Rob McCaskey: Sure, sure.

Chris Wilson: And so if you can review the MOU, that might have some more specifics for the group. So I'll try to have that for the next meeting if I can track down the right people. And that might talk about any money that was transferred or whatever the agreement is.

Rob McCaskey: Thanks for doing that, Chris.

Ray Trumpower: Yes, you'd have to – like I say, the way things have worked out we're looking for a copy, but the nonprofit that took it is no longer in existence. And so Charles Montaine or Burlington Northern would have a copy. Someday we might find a copy, but I don't have one I can lay my fingers on right now.

Rob McCaskey: OK, good information. Is there anyone else who has any questions for Mr. Trumpower?

Kris Swanson: This is Kris Swanson of BNSF. I don't have any questions, but per previous discussion, we have the quit claim deed for this as of the 20th of December 2001. And I believe Ray Trumpower is the – is one of the parties listed on here. And then the other document that we do have is just more of the quit claim deed as well. So I don't know if maybe these are the MOU, but there's no mention of the plaques or anything like that. It's basically just the transfer of property and looking to validate the money that was given. But I remember – I recall us communicating that it was \$150,000 back in 2001.

Rob McCaskey: OK, thank you.

Ray Trumpower: That could be right. The plaques would actually be in a contract with – that might actually be in the Highway Department contract because that was the contract that was building the highway bridge.

Rob McCaskey: All right. Any other questions for Mr. Trumpower? OK, hearing none, we'll move on.

Before we do, thank you, Mr. Trumpower, for your time. I sent you an email, and we'll talk offline in whatever way you're comfortable with me passing on your information to others, I'll be glad to do that. And I'll protect your privacy. Thank you for your time.

Ray Trumpower: See you later.

Rob McCaskey: OK. Moving on to the next item, we have Grand Forks, East Grand Forks MOA. And Chris and Susan were going to see if they could dig that up. Were you able to find anything on that, Chris?

Chris Wilson: No, I wasn't. Is Susan on the line, because I couldn't find anything?

Susan Quinnell: Yes, this is Susan. And there was no MOA for the Sorlie Bridge. It was handled under the – this is Minnesota – between Minnesota and North Dakota. And Minnesota has a really good P.A. for that – so we just handled it on a P.A. under their – under Minnesota's historic bridge management plan that they have.

Rob McCaskey: OK, thank you for spending the time to look that up, Susan.

Susan Quinnell: So we do have copies of those things. I'm not quite sure that they would be pertinent.

Rob McCaskey: Right. Is that something that ...

Chris Wilson: Also, this is a statewide P.A. you're saying that basically the Grand Forks Bridge falls under sort of a bridge management P.A.?

Susan Quinnell: Correct.

Chris Wilson: I think that would be useful for the group to look at.

Susan Quinnell: OK.

Betsy Merritt: Which state, Minnesota or which state?

Susan Quinnell: It's Minnesota. We just used their document.

Betsy Merritt: That was Betsy Merritt asking that question, by the way.

Rob McCaskey: OK.

Chris Wilson: So if you could share that, that would be helpful; not that we need to teach everyone the intricacies of Section 106, but just to show how that bridge was dealt with. Under that document, I think that would be helpful.

Susan Quinnell: OK, yes, we've got an email - we can send it.

Rob McCaskey: Thanks, Susan. If you send it to me I'll make sure it gets out to the group.

Susan Quinnell: Thank you.

Kris Swanson: This is Kris Swanson. I'd – we were looking in Grand Forks for a bridge that – but we weren't able to find one. Do we know what waterbody it crosses? Is it one that crosses the Red River?

Susan Quinnell: Yes.

Kris Swanson: OK. Is it in between our line and Highway 2?

Steve Bakken: It's just north – this is Mayor Steve Bakken. It's been removed since the flood in '97, due to ice damming concerns, but the main line that runs to Grand Forks and East Grand Forks ...

Rob McCaskey: Yes.

Steve Bakken: ... as the mainline crosses, so it was actually a line that ran through East Grand Forks – downtown East Grand Forks and then out to the sugarbeet factory along Highway 2. And way back in the day, it acted as a Y for a bypass. So when BNSF decided to vacate that line and dedicate the main line, and then subsequent Y out on the – going to Crookston and service the beet factory from that side, that's when that line was vacated.

Kris Swanson: Right, right. So then that confirms a way to find it on [bridgehunter.com](http://bridgehunter.com). And what our real estate GIS shows is that that used to be an old Northern Pacific line, which ...

Steve Bakken: Correct.

Kris Swanson: ... which was abandoned and then they were consolidated on the B.N. alignment. Do you recall ...

Steve Bakken: Correct.

Kris Swanson: ... what year that was? Is that during the BNSF merger between BNSF and Sante Fe, '95, '96?

Steve Bakken: The line was actually vacated prior to that. So I believe the vacation of that line took place in the late 80s, early – well, I don't know, it would have been in the 80s.

Kris Swanson: OK. Thank you.

Rob McCaskey: Any other questions or discussion of the Grand Forks, East Grand Forks? OK. Hearing none, we'll move on to item number three, which is an update on the status of the EA for distribution. And we just want to reiterate that the distribution of the EA at this point is not appropriate. And whenever we complete the 106 process and move on to the environmental process, everyone will have the opportunity at that time to do that and comment fully. So that's all we have to say about that.

Moving on to number four, new business. The first thing we'd like to do is get a report on the Bush Foundation grant meeting and the summary of those.

Susan Wefald: Yes, this is Susan Wefald with Friends of the Rail Bridge. And we were able to hold three focus group sessions, which were held on September 17th, 18th and 21 at the Bismarck Library in Bismarck. Seventeen individuals participated in these sessions. So these sessions were just to get an idea of concerns that people had - questions, ideas and thoughts about the bridge - and as we're in preparation for the substantive meetings, which we plan to hold in October.

We found that there were very disparate views about the value of the bridge. Some people felt very passionate about the need to spare the bridge from demolition. Others see the bridge in fiscal terms while they appreciate its place in the community and its historic relevance. They view preservation and conversion in terms of dollars, cents and ultimately, responsibility. And, of course, there were residents who live next to the bridge, voiced concerns about property rights, privacy if the bridge should be converted into a pedestrian bridge, worries about changes in river levels, et cetera.

Each group was asked to identify the most immediate long-term challenges facing preservation and maintenance of the bridge. And these challenges were

ranked and informed starting with the greatest challenge, the greatest cost. The greatest challenge at that time was cost and liability.

Second was conversion, maintenance and management of the bridge and related costs. Another concern was the power and influence of Burlington Northern Santa Fe. Another concern was jurisdictional authority among the cities, counties, states and federal parties.

And there was also another challenge. Bismarck residents and – I'll read this the way the facilitator wrote it. He said, "I would add one other challenge, an evident level of stronger support from Bismarck residents than from the Mandan residents who attended."

Discussions from the focus group sessions both touched on possible outcomes for the historic bridge. One of the outcomes that was discussed was the possibility that the bridge could be saved and used as a secondary track by BNSF. Another, the second most frequently mentioned outcome is preserving the bridge and converting it to a pedestrian walkway linking the trail systems of both Bismarck and Mandan.

Now, discussion of these actions seems simply pointless without any consideration of cost. That is why due to justified cost concerns and the reality of needing a government partner for this project, FORB believes that a feasibility study is necessary. And, therefore, scoping work has already begun on such a study, which would examine – which would include the following: project and conversion cost, alternative uses for the bridge, estimated trail cost, trail alignment alternatives, and existing physical and environmental conditions.

The feasibility study will provide essential information to all the involved parties. Most importantly, when considering the possible demolition of a 135-year-old bridge and regional landmark, we believe such a study is not only prudent, it is more than warranted. And so the study in other – in other communities where a feasibility study has occurred, there has been a steering committee that has been appointed as part of that – of the feasibility study and groups that have been involved in those – in the steering committee of a

feasibility study included – include groups such as planning groups for the city, county, et cetera, Department of Transportation, Historic Preservation, city and other city and county groups, and private organizations.

It gives them a chance to be involved so that they can make sure that when the feasibility study is done that they trust the costs that have been presented and are willing to accept those as a – are willing to accept those costs as being realistic. This would – this will be our first step in building partnership, as we've all talked about. And as the man from Fairview mentioned, it took eight years of negotiations and then there was a real quick time when they had to get things organized.

As you know, in January at the first meeting of these consulting meetings, BNSF, at that meeting, said that they – that they needed to have an entity emerge that would take ownership and liability for the bridge in order for them to consider other alternatives. And then in April, Friends of the Rail Bridge was organized in order – because, at that time, we thought that we could serve as that entity. And then in August we learned that, at these consulting party meetings, that we would need to have a government partner. And so now we've only had a month and a half since we learned that in August.

And so the best way that we can involve a government partner and have any chance of doing that in the future is to do a feasibility study at this point and get accurate costs for what it would cost to convert this bridge into a pedestrian walkway and to have an idea of the concerns that could be raised by BNSF about obtaining easement to their property, et cetera.

If there's any questions ...

Rob McCaskey: Yes, Susan, this is Rob. Can you tell me the name of the organization that you're intending to or you're proposing to do this feasibility study please?

Susan Wefald: No, we have an engineer right now who's working on the scoping of that, and then that will be the next decision that we make is who take – undertakes the feasibility study.

Rob McCaskey: And now what time line are you proposing to make this happen?

Susan Wefald: Well, I have never done a feasibility study. And so perhaps there's people on the telephone who have done a feasibility study who can give me a better understanding.

Kitty Henderson told me that she has seen feasibility studies done within several months. I talked to her about it when I was exploring doing a feasibility study and asked her about that. And she said that she thought that a feasibility study could be done within several months.

Rob McCaskey: OK. I'll open the floor for discussion of this issue.

Kris Swanson: This is Kris Swanson with BNSF. I believe from the very beginning BNSF said in January that we need a permanent entity. Now we did not identify a government agency, but a permanent entity that has the ability to take over the bridge. And then in May, which I distinctly remember due to the tone of the meeting, that the ACHP was largely expressing government agency participation, and that lasted through the summer.

So I don't – I guess I apologize for the misinterpretation but, at least from my perspective, the communication of a permanent agency in January and a government agency's involvement since May has been repeated multiple times and is on the transcript. So I just feel like the feasibility study could have already been done if we have this.

And keep in mind that this is a capital improvement project. This is not an abandonment where there isn't years or really months. We've been at this for eight months already, so I'm really curious what a feasibility study is going to tell us that we don't already know.

Susan Wefald: This is – this is Susan from Friends of the Rail Bridge. Actually, we haven't had any time to do a cost study, a feasibility study of what it would cost to make connections to the bridge from either side of the – on either side of the river or to look at what it would cost to convert the bridge to pedestrian use or what it would cost for us to get an easement from Burlington Northern Santa Fe to be able to access the bridge. None of those things.

I was hoping it would be wonderful to discuss those, let's say some of that, about what it would cost to get an easement from Burlington Northern Santa Fe at one of these consulting meetings. But quite frankly, at the meeting, all we have heard is why the bridge must be destroyed. We have not heard anything about possibilities of even if there were a permanent owner of the bridge found, how could this be worked out? And so I'm hoping in the next meetings that we have that we can hear from Burlington Northern Santa Fe about how they're willing to work with another – with a permanent party about conversion to a pedestrian bridge.

Kris Swanson: This is Kris Swanson. We have – we have Alternative 2, which is the 80-foot alignment. And all the other information that we've elaborated on over the past eight months has been due to direct inquiries from the consulting parties.

Chris Wilson: So this is the other Chris Wilson of the ACHP. Just to be clear, and I think Betsy should weigh on this. And if Kitty was here, she would too.

In previous projects, the standard operating procedure is collaboration, and that's why it was important for Ray to talk about the economic development entity that was an intermediary before their nonprofit was set-up. And I guess what I was trying to say is that there needs to be a collaboration between a nonprofit that's been identified already, and a municipal, state or other government entities.

So it's typically a collaboration. It's something that a municipality wants to have happen. They work with a nonprofit that raises funds. And there's – there are responsibilities doled out to multiple parties. So I don't think it's either-or. I think it's – I think it's a collaboration between nonprofits and government entities with the cooperation of BNSF.

Another thing that was interesting from my standpoint was that I know they're not the same. The bridge that Ray discussed and the Bismarck Bridge are not – they're not the same, but there was – there was an MOU which we'll find and there was a level of cooperation between BNSF and that nonprofit. So that's what we're looking for. And that's why Rob has made it – was happy to have municipal representatives.

I know there's some people from parks and there were some state entities in the – in the past. So this bridge is a resource for the community to reuse or not reuse, and so that's the whole point of the consultation is to not kind of go after each other, but to try to figure out a way if this can happen. So I'd like to hear from other entities outside of FORB, other groups that are interested in looking at this as a community asset.

Susan Quinnell: This is Susan Quinnell with SHPO. I just want to say that I am very impressed with all the work that FORB has done and, in my opinion, they've done a lot of the work and that maybe better cooperation would have been good. I mean, if there's – if there's a reason for things seeming to take long, I mean, honestly compared to other negotiations on big projects like this, this is going very, very quickly. Thank you.

Amy Sakariassen: This is Amy Sakariassen, adviser for the National Trust. And I had a question that has occurred to me when we were talking just now about a permanent institution to take over the bridge. Yet, if I recall the Fairview Lift Bridge was taken over by a nonprofit that does not exist any longer. So was that not – it wasn't necessary for them to have a permanent holder there? How does that transfer happen, do we know?

Kris Swanson: So this is Kris Swanson again with BNSF. And that's – so allow me to elaborate. I was not an employee in BNSF in 2001, so I don't know the details of that, but that's what we've been trying to emphasize with the difference between an abandonment and a capital improvement program.

The thing is that with an abandonment, you're selling, vacating a right of away. We no longer own that anymore. And we need the Surface Transportation Board approval in order to do that. So circumstances are different, right? And that we no longer have assets or service to provide in that area that can potentially be threatened due to the failure of that bridge. Thus, a permanent entity is not necessary because we no longer have the liability of that structure nor the liability of it potentially threatening any of our other operations or assets.

Here it's completely different. We own our right of way, we own our assets and we maintain them, whether it be bridge, tracks, yards, buildings, you name it. BNSF owns that. That's what makes this a unique industry as compared to trucking, airlines, you name it. So thus we have a vested interest in order to protect that.

What makes it different here at Bismarck is that, with this bridge going into someone else's hands, whatever the entity would be, if they close up shop sometime in the future, call it a couple of years, 10 years, a few decades or if that bridge needs to be taken down due to whatever condition – hypothetically speaking – and there's no funds in order to do that, who is at risk?

With that bridge falling down and the bridge we want to put on our own right of way for several reasons, if that bridge collapses, it could threaten our service and it can threaten assets and life and property. So, that is the big difference here. It's not so much that the railroad is trying to be difficult in this situation, it's just that the situation is different, the interests are different, the risks are a lot different. And that's why looking at abandonments really, regardless of the size of the bridge or the waterbody it crosses, is a completely different ballgame than when you have a line that is going to remain in service.

Does that make sense?

Erik Sakariassen: Hi, this is Erik Sakariassen from Fort Abraham Lincoln Foundation. And I think Kris Swanson's concerns are exactly the sorts of things that would be addressed by a feasibility study. And I think that – I think that that's the right track to go on here. I think it's asking too much of the municipal entities and state entities to, without any kind of an idea of what the cost for this conversion, for the decking on the bridge, for hooking up trails on both sides, without knowing that, without knowing what kind of a lease structure the easement would be under and what all that would be, without actually knowing the dollars and cents, everybody would be hesitant to commit to say, yes, we'll go ahead and take ownership of it. But I think a feasibility study could answer a lot of those questions. And I think that maybe then the municipalities, some kind of partnership might be willing to engage in that,

look at a way to take on the ownership of this bridge, but it's not something that anybody can just rush into. So I think we need a little bit of time to answer those questions.

Chris Wilson: This is Chris from the ACHP.

Emily Sakariassen: This is Emily Sakariassen.

Chris Wilson: Go ahead – go ahead, Emily. I'll go after you.

Emily Sakariassen: I was just going to chime in with some support of that same sentiment. On behalf of Preservation North Dakota and just considering the concerns and the interests of our membership, which is statewide, by the way, we are a statewide nonprofit with members all over North Dakota. With the concerns expressed, questions that people have asked and the interest that they've shown on this bridge, I think that our membership would be very supportive of a feasibility study and we'll be excited to have some of those questions answered so that they can – they can continue to consider the impact of this project on our historic resource that matters to everybody. I just think that that's a – that's a great idea and I'd like to see that happen.

Chris Wilson: This is Chris from the ACHP. So, I appreciate the clarification from Kris Swanson from BNSF because this is a unique situation. And it does seem like you need some data, right? You need to know some actual costs. So since there's a general consensus among the nonprofits at least, would some of these entities, the municipal entities, some of the nonprofit entities, the statewide, is there interest in providing funding so this feasibility study can take place? In other words, as many groups as possible donate funds for the feasibility study to commence. And that's my first question.

My second – my second thing I want to say is MOAs and/or PAs can put the kind of constraints in – they are a way for those concerns from BNSF to be dealt with. So there is a way to put time frames and milestones in these documents that would provide a level of certainty for BNSF and hold them accountable in 50 years or 100 years. Another option could be – I know there's discussion about how, in the distant future, BNSF may be interested in another line coming the other direction and may want to use that right of way.

So there's also a possibility to lease this and not give it away to an entity and then readdress it or reassess it in 50 years or 30 years or whatever.

So everything is on the table here is what I want to stress. I think all parties need to have a level of certainty. I think there needs to be accountability in these documents. So I just want everyone to understand there's a way to deal with this to possibly retain the bridge and provide BNSF with some certainty and accountability.

Rob McCaskey: Any other comments? Anyone who want to speak up on this idea of a feasibility study?

Kris Swanson: This is Kris Swanson. I guess, just for an idea of ballpark figures, and I don't know if anyone from -- sorry, Kitty, is she on at all? She can speak to this too, and we mentioned this example before.

But one of our MOAs that we did was on a bridge in Washington state with several bridges where we donated, if I recall correctly, between \$120,000 and \$130,000 to the Washington Historic Trust. If I'm misquoting that, I apologize. But that amount in itself was to essentially provide a feasibility study for retaining a separate bridge that was not owned by BNSF that crossed the Columbia to convert it to a trail use connecting trails on both the Washington and the Oregon side. Large waterbody, large bridge, that's relatively the scale of the cost that we're looking at a minimum, I would think, or at least ballpark. Let's just call it that, plus or minus.

The thing is about time line, BNSF has already moved tens of millions of dollars out of our budget this year. And we -- due to the short construction season in that region of the country in North Dakota, you can't start construction until about May if you're lucky due to rain. And then usually by October 31st, you have your first snow. And so there's not a whole lot of time in order to get stuff done from a construction standpoint.

Susan Wefald: This is Susan.

Kris Swanson: And with the feasibility study, we're talking several months just to get an idea of what we need to happen going forward. And then there's going to be

engineering on top of that, and then there's going to be implementation. If this were to play out enough to where a decision can be made, I'm not seeing this being a matter of months. In reality, I'm seeing it being a matter of years. And that's something ...

Susan Wefald: This is ...

Kris Swanson: ... BNSF has to address this – the condition that's initiating this project from the get-go doesn't have years. I'm done.

Susan Wefald: This is Susan in – with Friends of the Rail Bridge. One way that BNSF could really speed this up then would be to fund the feasibility study. It would be just great if you wanted to give us the money so that we could proceed with the feasibility study in a very timely manner. And that would be a great help and we would certainly appreciate that and see that as a sign of really, really great assistance to us.

The other thing I'd like to mention is that we don't – we're not talking about implementation here. We're talking about just getting costs and also for you to put a cost on the table about another bridge in another state with another engineering company isn't fair because we are doing our own scope of what they should cover and then we'll take it to local firms and find out what we can – the best we could – we would put it out for bids.

And so we haven't done that yet. This is our project. This isn't BNSF. And so for them to put a cost on this right now at the beginning and say it would cost this much money is not – is not fair.

Amy McBeth: Well, this is Amy at BNSF. I mean, I think we have to – we have to just stop for a second. I think we're criticized, on the one hand, for not providing information and then Kris tries to provide what he knows that might be comparable, and then he's criticized for that. I mean, just – let's just take a step back and recognize that we're trying to provide the information that is as relevant as we know for what we know and just proceed with the idea that people have the best of intentions.

Susan, I really would appreciate that.

Rob McCaskey: Chris, I'm interested in your experience on this type of thing. Is this something that you see a lot of - feasibility studies? What's the time lines as you've seen based on – based on your experience in the past? Chris Wilson that is.

Chris Wilson: Yes. So this is – I have to tell you this is kind of a unique situation and the kind of time constraints that are placed on this because it's an active rail line is something that's new to me. Abandonment for highway structures or rail structures is more of a norm. I really think Kitty Henderson is probably a better person to answer that question.

But I just – I guess I have a question for FORB. The meetings that you have in October that you're going to schedule, it seems like this is the time also to look for funding for a feasibility study and not just ask that one occur, but that you look for some funding for this. I'm just trying to find a way that we can keep this moving.

And I wonder if it's not the time – and this is for Betsy to answer. I wonder if it's not the time for us to start drafting some kind of programmatic agreement which would address a feasibility study, which would embed that into a P.A. and then provide next steps based on results, based on what occurs, or is this premature. If – we're not ready to start drafting anything.

Betsy, what's your experience with that?

Betsy Merritt: Well, you could do it either way. I think if people are anxious to have – to complete a step, anxious to have a work product to point to, that's one function of a P.A. You still have to implement the P.A. obviously, but that would be one way to approach it. I mean, I don't have ...

Chris Wilson: I think that ...

Betsy Merritt: ... like you, Chris, I don't have a feel for how long as a practical matter this kind of study takes or how much it costs. But a P.A., you're right, would be one way to put in writing a framework with time deadlines for accomplishing that.

Chris Wilson: Yes, and again I did promise the group a P.A., which I did not do. I'll provide it for the next meeting.

What I – my intention was to show you a very complex document that has not just things that need to occur, but a timeframe. If A occurs, then you have timeframe one. If B occurs, you have timeframe two, which would move us along in this process. So as we start drafting this P.A., we'll either end up with a feasibility study that shows general involvement and some kind of consensus or a feasibility study that says, well, this – there just isn't enough support and you move towards mitigation. I mean, I think when we start putting something down on paper, it might help just move the process along a little bit.

The ACHP is not a nonprofit. I can't dedicate money to the feasibility study because we're a government agency. I can't do that, but there's certainly lots of groups. Rails-to-Trails Conservancy is a group that the attorney was working with that helped Ray with the Fairview Lift Bridge, the statewide nonprofit on the line, the city, county, state entities, and then the option of BNSF also contributing to a feasibility study. And the – and I think the incentive for BNSF would be to move this along and to show good faith. And I think they are showing good faith. I really do.

I feel like they had a very difficult regulatory environment to maneuver through and possibly didn't expect the support that greater Bismarck had for this bridge. So, some way to fund that feasibility study, start drafting the P.A., putting milestones in it and then showing a path forward depending on the results of not only the feasibility study, but the results of whether this bridge can be retained. I just feel like if we're forced to put ideas on paper and circulate it and start looking at drafts, it would help to just move the process.

Amy Sakariassen: This is Amy Sakariassen, adviser for the National Trust. I have kind of a question. I think maybe Randy Bina is on the line, maybe he could address this for me. Is – some of the information that would be – that we'd be looking for in a feasibility study which would say perhaps come – Randy's office could find some comparable figures for how you would – how much it costs

to attach trails within the system, in general, if there's any of that sort of material that perhaps we could procure through one of the local government people that's listening. Just a thought.

Randy Bina: Amy, this is Randy. We don't have anything available that we've recently done. We'd have to give some thought to that to see if there's anything we have that would be helpful to you. And if we had anything, we could certainly share that with you.

Amy Sakariassen: Thank you.

Rob McCaskey: Any reaction from BNSF over what we've just been talking about and what you're given?

Mike Herzog: Yes, Rob, this is Mike Herzog.

Male: Hey, Mike.

Mike Herzog: Rob, this is Mike Herzog with the BNSF Railway. As Chris noted, we are committed to being good partners here and working through this challenge we have on this project. And I would say we are willing to participate some portion towards a feasibility study. I will stress the word "portion." It does give me some concern that we're talking about issues with even funding a feasibility study, let alone the work to upgrade a bridge to a hike and bike trail.

And the other comment that I will make on that topic is when one does look at a feasibility study and all the costs and liabilities associated with it, I would say the added cost for implementing an alternate design that would allow the bridge to stay in place, those costs far outweigh what the cost would be, in my opinion, to turn the existing bridge into a hike and bike trail.

So ultimately, I close with, yes, we are willing to be good partners and contribute some portion and certainly would be looking to the rest of the consulting parties to participate as well.

Susan Wefald: Thank you very, very much. Thank you.

Chris Wilson: This is Chris ...

Rob McCaskey: Chris ...

Chris Wilson: ... with ACHP. I think that what FORB was saying initially about the feasibility study getting buy-in, that's really critical. And you're getting it, you're getting it now from BNSF and I think you've gotten it. You've gotten a lot of data from them already.

If you could develop a study together that everyone agreed with, that you felt like it was accurate, that would certainly help to expedite the environmental – the regulatory environment. So I really think that's a step in the right direction.

Mike Herzog: So to carry on that though, time is a critical piece. As Kris Swanson noted, this is a condition-based replacement. So sitting here for extended periods of time is not reasonable to expect. And that point I mentioned about the added cost with going to an alternate design that would allow that bridge to stay in place, those costs are I'd say somewhat easy to come up with and incorporate into a feasibility study. And the remaining components where that would come from implementing walks on the existing bridge. Those are such small dollar amounts in comparison to the other costs. I feel this should be able to be completed in extremely short order.

Chris Wilson: Another thing you could look at, too, is phasing in the conversion of the bridge because obviously BNSF has a serious timeframe that they have to meet whereas converting it to pedestrian doesn't have to happen in a month or six months. That can happen over time before it's available for the public to use. So that should be factored in as well.

I really think that the Coast Guard, and the SHPO and ACHP will provide assistance and examples, should start drafting the P.A. at this point and see where it goes, and include a feasibility study concept and add some timeframes and get moving on this.

Mark Zimmerman: Rob, this is Mark Zimmerman for Friends of the Rail Bridge.

Rob McCaskey: Yes, Sir.

Mark Zimmerman: I hesitated to speak. I was not sure if Mayor Bakken or Carl is on from the City of Bismarck, but I wanted to add some support to the request for a feasibility study.

Last evening, Friends of the Rail Bridge and BNSF had a, I thought, lengthy as well as thorough presentation to the Bismarck City Commission. And as my notes show, most of the commissioners, if not every one of them, perhaps one commissioner didn't ask questions, but the mayor and three commissioners asked questions about the possible costs of repurposing the bridge. There were certainly questions of what taxpayers might be expected to pay, concerns of any costs in this effort. And I – again I would hope that the mayor or others from the city would address that.

But I think again this feasibility study would provide that information at some point that we could go back to the city. I mean, there was no guarantee from the city commission last night that they would fund any part of this project, but for the city commission to continue as a consulting party and be involved, to me, that would be a perfect party in a feasibility study to say what costs would be there as we would continue to have the city as a partner.

So I mean, I was pleased with BNSF's comments and information last night at the City Commission meeting. As I say, we had a number of questions. There seemed to be an interest among the City Commission for the bridge and what the possibilities are. So I would advocate, too, that we move forward with the feasibility study and look at a timeframe that we could get this moving.

I do ask a question if I might of Kris Swanson. If I could have clarification on – I'm not sure again how you phrase it - the conditional necessity that – or this time line to go ahead with the new bridge. And what is the time line? Is – under your proposed alternative, what is the time line for starting construction or can you elaborate on that a little bit please?

Kris Swanson: I'll defer to Mike Herzog as he's the director of the program. Mike, if you're OK with that.

Mike Herzog: Yes, not a problem, Kris. So the way I termed this a condition-based replacement, boil it down, it's a 130 some year-old bridge that is approaching the end of its useful life. When we talk about planned timeline for construction, this project was slated to start construction in 2018. And with the time that this process has taken, we have moved that start date out to 2019 because, as everybody can appreciate, I hope when you have an existing asset that's being used, that's approaching the end of its useful life, it's much better to be ahead of that timeline in making that replacement as opposed to trying to squeeze out every last minute before – every last minute out of the asset's life because we want to maintain a safe and reliable bridge.

Mark Zimmerman: This is Mark again. I thank you, Mr. Herzog, for those comments. And I don't mean to be confrontational here, but I do have a follow-up question. The last public bridge inspection report says the bridge is good. It's in good shape. It's in safe condition to continue using. And I'm sure again at 135 years there's some concerns to it. But personally, I want to say, well, it's a conditional consideration here, but yet the public safety report says, well, the bridge is in good shape. So are we talking one year, two years, five years to, as you said, squeeze out this last – I mean, I – to me it's somewhat of a contradiction here in those terms. Perhaps you can clarify that for me.

Mike Herzog: Not a problem, I'd be happy to give this a shot. So if I could tell you the exact day and minute that that bridge would fail – a bridge would fail, I can make a lot of money. BNSF is dedicated to making investments in our major river crossings on these old structure to ...

Rob McCaskey: Uh-oh. Did everybody just lose Mr. Herzog just now?

Mike Herzog: ... to replace these in a systematic approach. The report that you (inaudible) train traffic, it is. And it just continues to age (inaudible). And basically we have that in our program to replace before it ages further and becomes more difficult to be able to maintain.

Mark Zimmerman: This is Mark. Mr. Herzog, I appreciate the comments. I will say you seem to cut out several times on that, and I would hope we could get some – maybe you can provide some notes or an email about your comments because

it cut out at least on my phone three, four times here. But thank you for that explanation. Thank you.

Rob McCaskey: Mr. Herzog, it's Rob McCaskey. You cut out from my standpoint, too. I think you were dropping in and out.

Kris Swanson: This is Kris Swanson. If I may, what Mike was trying to say and we've mentioned, I think, back in January was the original time. We have 13,000 bridges in our system. Not all of them are major river crossings, but we divide up our capital programs from a bridge maintenance standpoint for smaller bridges that are a couple 100 feet or so, maybe not even a whole lot of ground clearance to what we call our heavy bridge program. And that's where this bridge fits in. These are your Missouri River, your Mississippi River, your Columbia River, major rivers like that. Red River in Texas, I can go on, right? So those are bridges that will cost millions of dollars versus a few 100,000 et cetera.

And so what he was saying is that we, through our inspection reports, identify certain risks and rank them accordingly on what they – on how we're going to approach the maintenance or replacement of such. Sometimes it's just the approach spans and sometimes it's the whole bridge. Sometimes it's just a portion of it. In this case, it's the whole bridge due to the foundations that we identified throughout consultation.

And I believe what Mike was saying when he said he can make a lot of money is that if you can figure out about how long you have, then you've got the magic – the magic formula and he won't be working for BNSF if that's the case. He'd start his own company. It's a lot like health, right? If you got high cholesterol, you're going to be doing something about it. And then there comes a point where maybe doing something about it isn't enough and now you need to go have surgery.

Well, same thing with this bridge. We've been monitoring it for the foundations for the past several years. I don't know the exact length of time, but it's part of our annual inspections. And it's to the point where, OK, in the

near future, probably less than 10 years or so, we're going to have to address that at some point.

Now for a long-term solution as well as everything else that we have to look at from an environmental standpoint, safety of our employees, impact to operations, you name it, through our alternatives analysis, we identified everything that we've looked at since 2014. And we've tried to elaborate that. We essentially did our own feasibility study from a railroad perspective, so I believe that's what Mike was trying to say as far as identifying how much longer the bridge has. It's really a question mark, but we know that it needs to be addressed sooner rather than later, and from a BNSF standpoint, a full replacement helps justify our purpose and need for the project.

Susan Wefald: This is Susan with Friends of the Rail Bridge. I just want to assure you that our intention is to move ahead with the feasibility just as quickly as possible and to complete it within a few months. But we need to – and I – we do plan – I think Chris Wilson said – to use our next meetings to – and the support for funding for the feasibility study as well as to share other pertinent information that we've learned about the bridge. And so I just want to assure you that our intent is not to drag this out, and we understand that it is important to Burlington Northern Santa Fe to build a new bridge, and we've always been in support of that.

Steve Bakken: This is Mayor Bakken. Mr. Zimmerman used the term "partnership," which I'm a little remiss to identify is that I am confident in the fact that the city of Bismarck's staff will remain engaged in this process from an informational perspective. We are very interested in what happens.

Now, whether or not there is a scenario where that bridge remains in its current location, is re-located, re-tasked in some other manner, I'm not comfortable saying that we're going to take a partnership role in any of that. Whatever the outcome of this is, at that point, the city would address what the scenarios are. That I am confident in saying, so I just wanted to clarify that a little bit. But in the meantime, our staff is going to remain involved in this process in both an advisory and a – an observatory position.

Emily Sakariassen: Mayor Bakken, this is Emily Sakariassen with Preservation North Dakota. And just because our organization is really interested and you're having the feasibility study conducted, I just want to thank you for that support of awaiting the results of the feasibility study and participating. Thank you.

Steve Bakken: Yes.

Chris Wilson: This is Chris Wilson with ACHP. I do think that the access to staff for the municipality is significant, so that is a great gesture and their expertise will help.

Mark Zimmerman: This is Mark, Friends of the Rail Bridge. I'm driving down the road, so I'll be brief. For – to Mayor Bakken, yes, I hesitated to speak, but I did not mean in using of the term “partnership” that that would commit the city. I am very appreciative of your and the commission's willingness to have staff continue in the consulting meetings and as Chris Wilson just said provide that expertise. So much appreciated for me as well. And again, thank you for allowing us to make the presentation last evening.

Steve Bakken: You're welcome, and I think it was beneficial on both sides, both for an informational perspective from Friends of the Rail Bridge and an informational perspective from BNSF. So I appreciate both the parties being there last night at our city commission meeting.

Amy McBeth: This is Amy McBeth from BNSF. Thanks, Mayor. Likewise, we appreciate the opportunity to address the commission and you. And honestly, we'll continue to answer questions you might have in that advisory and observing role with the city then.

Tim Helbling: This is Mayor Helbling from the city of Mandan. I guess, I have a question for Burlington Northern. We've listened to all these different scenarios and whether the bridge will stay in place, what will happen to it. Is the Burlington Northern willing to let the current bridge be converted to a pedestrian bridge and take on the additional liability of placing a new bridge right north of it? Are you even willing to let that happen? You're going to be 30, 60 feet away from a pedestrian bridge. Are you willing to let that happen and take on that extra liability?

Kris Swanson: I don't know if that can really be determined right now. I think we're very skeptical of that possibility due to the research we've done and have no illusions. In order for that bridge to stand with changing of design is what we talked about with the east embankment and trying to avoid as much impact as possible to the water reservoir, as well as avoiding the natural area on the north side, is on a scale of millions of dollars based off of preliminary estimates. Due to the good faith effort with the feasibility study, we'll work to refine those to some extent to the ability that we can. But that is not a number BNSF reached out of the sky to throw up to scare people. There's legitimate analysis behind that. And that's why we have gone to the proposal that we do have.

So there is an option - that alternative two at the 80-foot alignment. That is feasible to allow that to happen, but there's a lot of concerns that we have from a risk standpoint with the embankment, avoiding that natural area like we said, floodway impacts we've elaborated on and how those are going to be mitigated. We don't know how that's going to be mitigated. We took a shot at it, and I'll just leave it there.

And then we don't know if the Coast Guard is going to be OK with the additional obstacles. I don't want to speak for them. So let's just put it that way. BNSF is very skeptical that something is going to be able to take that route due to the scale of the endeavor. And that's we've been trying to state is that not as a scare tactic, not as an avoidance, but a reality check that, OK, you want – you want a feasibility study, thanks to Mister Herzog's goodwill, I guess, we're going to participate in a little bit with that, which is great, but have no illusion that the end result is going to be millions of dollars in order to allow BNSF to begin construction from the standpoint of excavation of the east embankment and avoiding the natural area on the West Bank, whether that's a retaining wall or what have you.

I did want to make one proposal before the call ends if that's OK.

Susan Wefald: This is Mrs. – this is Susan with Friends of the Rail Bridge. But we just want to remind you because it seemed to be forgotten last night at the City

Commission meeting that we would be saving BNSF \$4 million at least of demolition costs if this could occur. So if there are, as you're saying, millions of dollars which I trust you that that was – would be the right answers, it could be still less money than demolishing the bridge.

Nick Bradbury: And – hi, this is Nick Bradbury from Friends of the Rail Bridge. I joined the call a little bit late. I just wanted to add a little bit to what Susan Wefald just said. When we were speaking of costs last night at the City Commission meeting, it was mentioned something of land acquisition cost for building a new bridge at the 80-foot offset was mentioned.

And one of our – is everybody still here? I just heard a beep. One of our – one of – one of our endeavors is to see if, for instance, if the land acquisition on the west side of the river could be had in a zero cost land swap and also talking with the city of Bismarck to see if the city would be willing to grant BNSF the additional right of way necessary to make that 80-foot offset bridge feasible.

And if the old bridge comes down, there is the demolition cost, and then there's also the mitigation cost that would be – that would be associated with that. And unfortunately, we don't have and we won't have access to the environmental assessment during this consultation process, but if we did, then we'd also have an idea of additional costs associated with the environmental impact of a bridge project. So it's not – it's not just demolition costs, they're not just pure demolition costs we're talking about as far as potential costs of the bridge project. And I just wanted to mention that.

Kris Swanson: This is Kris Swanson. We're well aware of the potential savings. I can state with 100 percent confidence that that would not – that would not break even on the scope of what we're talking about.

And as far as real estate costs, I don't think that is the concern. The concern is with the risk of addressing the embankment on the East side. I don't know exactly how high that slope is, but if we disturb an existing slip plain, that's – there is a history of that slope from the construction of the bridge through at least the 50s or 60s - slope stability issues and there were pipes and stuff like

that that have been drilled vertically and horizontally in that hill to try to reduce the hydrostatic pressure, just serving that as the unknown.

We can come with a cost for excavation within itself, just removing the soil is in millions of dollars. And I believe it very well could be north of 4 million but don't quote me on that. That is the – that is the main concern.

Right of way, great, if we can get it for free, awesome, but that's really not the main concern. Of course, we try to avoid that whenever possible especially if it's private property because no one wants to go through condemnation.

That in itself is a very pricey process, but I'll just – my point is not to avoid us from going down the feasibility stage, but make us realize that the results are going to be substantial as far as the scope and the cost. And I don't want anyone to have an illusion of that. And then, again, before the call ends, I'd like to make one proposal.

Rob McCaskey: OK, go ahead.

Kris Swanson: So, if there's no more discussion about the feasibility study and in the spirit of good faith and consulting or consultation with each other, collaboration, given the concerns BNSF has about the feasibility of everything, I would like to propose that we have a parallel timeline whereas the study is being done and consultants are being procured and so forth that we talk about potential mitigation.

I'm not saying that that's the way we're going to go, but if it comes down to that no one is able to step up and sponsor the bridge and the additional work, that we would have already discussed that and don't have to go down that additional timeline. I'm proposing to do it in parallel.

Chris Wilson: So, this is the other Chris with the ACHP. That would be the utility of drafting a P.A. because the P.A. can look at all of those eventualities whether it's leaving in place or not leaving in place. And we can embed that in the programmatic agreement.

So, I do think that's a good idea to sort of put all the possibilities on paper and start drafting the document and looking at all the potential outcomes right now, and that will save some time. So, I think that's a good idea.

Susan Quinnell: This is Susan Quinnell at SHPO. Oh, yes, I agree with Chris Wilson that a P.A. wouldn't be putting the cart before the horse and assuming that mitigation is the way we need to go, which would be not a good thing procedurally.

Kris Swanson: So, by P.A., you mean programmatic agreement, correct?

Chris Wilson: Yes, and I can send some links and some discussions about what it means, but it's essentially a document similar to a memorandum of agreement but it's more complex and it looks at multiple outcomes. And, again, that's one of my homework assignments, is to provide some draft PAs for people to look at.

Kris Swanson: Understood. So, in layman's terms, if I'm understanding correctly, that it would essentially be a roadmap that BNSF will allow for a timeline to conduct the feasibility study. At the end of which, if there is no – if there's no viable path in order to allow the bridge to remain then X, Y, and Z will happen as far as mitigation and we're done, essentially. That has ...

Chris Wilson: So, it will be under the Coast Guard's authority but with inputs from all stakeholders. But it would put down possible reuse, timeframes, phasing out conversions, and/or mitigation. So, those concepts would be done on paper depending on where the project ends up.

So, I mean that's the whole point. The whole point of 106 in the Historic Preservation Act is for historic properties to be first avoided if at all possible and then minimization on those resources or mitigation.

So, a P.A. would allow us to really put everything down on paper and I think it would be – add some clarity and under the auspices of the Coast Guard since they're the permitting agency, start circulating some draft documents and then start populating elements of it simultaneously as the feasibility study is being developed.

And so, I just want to say one last thing, and that is, I think there's general agreement. Certainly, I fully understand now that BNSF is going to put a new bridge in. They are – they are going to transfer use from one bridge and build a new one. That's understood. And I think – I think you've made a – I think your justification and all of the money you've spent so far to replace the bridge is something we don't need to talk about anymore because that wastes a lot of time. I think we need to take that off the table. We know the Burlington Northern is no longer going to use this bridge and they're going to build a new one. I think we should focus on what I talked about on the P.A., potential reuse and/or mitigation.

Kris Swanson: Chris, does this P.A. has the potential to be used for the state of North Dakota on future projects the way with the recent – what's the recent guidance that was proposed between ACHP and FRA about 106 and how it pertains to railroads?

Chris Wilson: Yes, so that would be – so, what you're talking about, and I don't want to divert the whole meeting, but there is a program comment that deals with FRA and maintenance of railway within the right of way.

So, that's going to – that's in place across the country, that's nationwide. But what we're looking at is really a complex – it's a specific P.A. for this project, but that program comment is being used by FRA right now in every state. And again, I can put you in touch with the staff person who worked on that and they can talk to you about that if you want.

Kris Swanson: Right, right. I guess what I'm referring to, leave the door open for programmatic where only a select number of properties are identified for – to actually go through the 106 process where all others are just done. They've already been pre-consulted upon.

Chris Wilson: Yes. I mean it basically is looking at maintenance of the – of the facility, so they can keep – they can operate their rail, but that's really a nationwide document that is a program comment that applies to every state.

What we're looking at here, this P.A., is specifically for the bridge, and that program comment wouldn't apply because this is a significant – nationally significant bridge. So, it will apply for this undertaking and this project only.

Kris Swanson: Right. Yes, I understand, thank you, sir. Thank you for answering the question.

Mark Zimmerman: And Rob, this is Mark for Friends of the Rail Bridge.

Rob McCaskey: Yes, Mark?

Mark Zimmerman: A question for Kris Swanson if I may. I like the idea of doing these in parallel timelines, but to clarify to me, the understanding would be, it's still that the Coast Guard would still make the final decision on the 106 permitting process. These factors would all play into it, but again, the final decision would come from the Coast Guard and their permitting, correct?

Kris Swanson: Yes, that's right.

Mark Zimmerman: Thank you.

Chris Wilson: And to make it – give you a little bit more complex answer is Coast Guard is the lead agency, the 106 responsibilities are theirs, but a programmatic agreement would require signatures from the Coast Guard, the State Historic Preservation Office and the ACHP since we've elected to participate.

So, that means that in order for that P.A. to move forward, those three signatories have to agree and sign and then they offer an opportunity for consulting parties to sign too. In this case, since the applicant owns the resource, they would be an invited signatory because they are – they own the facility.

And so, they – their signature would be required as well and then all the other consulting parties would be concurring parties. So, to get through the 106 process, that's what needs to be done. And I mean I've seen – I've been involved in more difficult projects than this. I believe that we're going to get

through this and we're going to develop a programmatic agreement of some sort and the process will move forward.

Mark Zimmerman: This is Zimmerman again. Thank you for that, I'll call it clarification but good information. Thank you so much.

Rob McCaskey: OK, this is Rob. I have to say that I heard, I think, consensus on the feasibility study. I haven't heard anybody say that they're opposed to it and that includes BNSF. And I think it sounds like the next step. And Chris, I'm sure – Chris Wilson, well, correct me if I'm wrong, in this -- start the draft of this P.A. and get this feasibility study moving. Does that sound like the next thing we need to do, Chris?

Chris Wilson: Yes. And I think the simultaneous actions are appropriate. There's no reason for us to focus on just one thing. We can look at all of them at the same time.

Rob McCaskey: OK. And so, by simultaneous actions, you're referring to the mitigation?

Chris Wilson: Right. So, look at everything under the sun, start on the feasibility, obtain funding and also start drafting the P.A. at the same time and referencing the feasibility study in the P.A. and looking at retention and/or mitigation.

That way, so whenever – when we get to the point where this process is concluded, we'll have the information we need to go one way or the other, and not have to continue consulting to come up with other concepts.

Rob McCaskey: True.

Mark Zimmerman: Rob, this is Mark from Friends of the Bridge asking you or Chris Wilson who then has the responsibility to initiate this feasibility study to look for requests for proposal? Is that the Friends of the Rail Bridge or to – what group would take that or has that responsibility now to get that going?

Susan Wefald: Mark, this is Susan. That would be our responsibility.

Mark Zimmerman: OK. I don't – and Susan, I would agree with you, but I wanted some clarification or input from BNSF if that's OK with them or Coast Guard or ACHP?

Susan Wefald: Yes, excuse me, but this is Susan. My understanding is that we would solicit the funds for the – to be able to have adequate funds in order to conduct a feasibility study. We might have a steering committee for that of the types of people I indicated earlier on the phone, solicit bids if necessary for that feasibility study and to get that in place and to get people moving on it. I haven't heard that anyone else ...

Chris Wilson: And Susan, this is Chris at – this is Chris at the ACHP.

Susan Wefald: Yes.

Chris Wilson: You mentioned earlier that the fact that a steering committee of multiple parties would ensure a document that everyone can buy in to. So, I think the makeup ...

Susan Wefald: Yes.

Chris Wilson: ... of the steering committee is really important because you want everyone to sign on the bottom line and say, “Yes, we believe that these numbers are accurate. We believe that the consultants have provided good information, and we stand behind the feasibility study.”

So, I think the makeup of the steering committee is a very important first step. I guess not the first step, but while you're raising funds to initiate the study because you don't want to develop a study where there is disagreement, you want something where there's general consensus and that can be an attachment. As part of the P.A., you can attach that as part of the programmatic agreement and refer to it as we move forward.

Susan Wefald: And I agree with that statement completely, a steering committee will be a very important part of this.

Mark Zimmerman: Well, this is Mark. Thank you to Susan and Chris. That's exactly what I wanted to hear, was just this clarification of how we move forward. This seems to me to be something certainly to put on – put on a timeline and even thinking for our next consulting party meeting that we've got at least steering

committee members, something we can discuss, Susan, but again, I thank you for the clarification from you and Chris Wilson.

Chris Wilson: And I think the BNSF needs to be on the steering committee. I mean they're willing to provide some funding. They've got to be on the committee too. You just want total transparency and you want everyone to buy in, plus they're going to provide some data and I think you need to – you want to do this once, right, you want to do it one time and have everyone buy in to the results, not the results but the conclusions of the report.

Rob McCaskey: I concur with you on that one, Chris. This is Rob.

Mark Zimmerman: I think – this is Mark, I think that's exactly ...

Susan Wefald: That sounds – that sounds just fine.

Mark Zimmerman: I would second that from the Friends of the Rail Bridge. It sounds exactly what we're looking for. Thank you.

Fred Rios: Rob, this is Fred Rios from Captain's Landing Township.

Rob McCaskey: Yes, Mr. Rios?

Fred Rios: Are you there?

Rob McCaskey: Yes, I'm here.

Fred Rios: OK. Susan and Mark, I have questions on this thing. Have we decided -- we say that trail is going to go on the west site of the bridge. Is this going to be going through our township or is it going North of the rail road bridge – the old rail road bridge there?

Susan Wefald: Hello. This is Susan, and thank you for your question. That would be the type of thing that would be addressed through the feasibility study.

Rob McCaskey: So, I think what they're saying is that they haven't made a decision on that issue yet, Mr. Rios.

Fred Rios: OK, thank you. And I will be listening and listen through the whole thing and thank you very much for what you guys are doing and stuff and what we can do. And thank you, Rob, and thank you.

Rob McCaskey: I'm thinking the township, these are representatives that are on the steering committee as well.

Kris Swanson: Rob, this is Kris Swanson. May I clarify a few things?

Rob McCaskey: Sure.

Kris Swanson: So, just to clarify path forward, I mean I don't want to beat a dead horse but I just want to make sure that (text) fools like me understand. So, pursuing multiple things in parallel, one of them is the PA agreement, which that would be at our next meeting - we'll be drafting that until the next meeting. I would hope that we get some ideas of what it will look like. If I can volunteer Chris Wilson to provide that or maybe Lori, maybe you've seen one. We can get that.

The other one is that at the next meeting, we can talk in detail about potential mitigation. And then I think another topic would be, whether BNSF contributes via a monetary donation or identifying scope items that we can have our own consultants there, whether that's ... (inaudible). So, I think things – there are multiple options where BNSF can contribute either writing a check and letting FORB find their own path or if there are things that we need more detailed engineering on like the east embankment or what have you, we can do more than preliminary stuff or if there's other scope items, we'd be willing to contribute that way as well to where we can get real engineering behind it rather than conceptual ideas.

So, I think that's something that we can determine either maybe even before the next meeting and then FORB will continue down their path of scoping and what have you. So, I see that as relatively three items as far as mitigation, how BNSF can contribute and then FORB continuing their scoping item as well. And then may I propose that we meet more frequently and that it's a little bit more of a collaborative environment and that meeting more frequently, we might get information faster.

Mark Zimmerman: Rob, this is Mark from Friends of the Rail Bridge. I don't – I could – my personal thought is we're meeting in two weeks, so we could certainly do more meetings. I would ask then we have different considerations for times, where a lot of us are volunteers and it's very difficult to take time from work to participate.

And I know those of you that – you work 9:00 to 5:00, this is your job, but I think if we're serious or really want more input and more participation, I would ask if we're going to do more meetings that we look at some different timeframes.

I would also ask that some consideration be given to bringing that meeting to Bismarck to have an in-person meeting where we have an opportunity to have more of the consultant folks in the same room.

I also have a question to Kris Swanson. You had mentioned by the next meeting to have mitigation factors already laid out. Again, if we're looking at the regular scheduled meeting in two weeks, that's not much time for consideration of mitigation in two weeks. That seems a pretty short timeframe to me. Is that – did I understand that correct?

Kris Swanson: I guess what I was proposing is that we discuss that and narrow it down - essentially that we brainstorm until then. I know that BNSF has received several requests already from various parties on what they believe proper mitigation would be. Some was received from the very first meeting we had in January, another I believe at the one in May. And so, we had ...

Susan Quinell: This is Susan. Excuse me, excuse me, Kris, excuse me, but you are getting ahead of the game. I think procedurally, we are way off court, and I'm going to ask Chris Wilson to interrupt, please.

Rob McCaskey: So, this is Rob. This is my meeting. I don't think anybody should be interrupting actually. And if we can let Kris finish his statement, and if you disagree, we can certainly talk about that afterwards. But I'd ask everyone stop interrupting and be polite and conduct this meeting with order or it's

going to be of no value. So, Kris, why don't you finish what you were saying and then we can talk about that afterwards, please?

Kris Swanson: Right. Again, I was proposing that we brainstorm on what would potential mitigation items be in the case that the feasibility study comes out unfavorable. I don't want to spend all next meeting just thinking of ideas. I think we come prepared and start having discussions on what we'd be willing to do.

Now, realistically, are we going to have that lined out and documented in the P.A. at the next meeting? No, but we need to be prepared to have a productive meeting just like BNSF has been willing to provide information throughout the consultation and being prepared to chase down items of questions. That's all I'm asking. And in my perspective, I don't think that's putting the cart in front of the horse at all. We've already agreed to do parallel paths.

Rob McCaskey: All right. This is Rob. Let me go back. As far as switching the meeting time, I'm certainly open to that. We talked about this one and moved it to two this time. The next meeting can certainly be earlier. And then I'm all for an in-person meeting soon as well, either the next one or the one in November.

So, I'm certainly open to those things and I appreciate you bringing those up and I respect your position as far as this not being – this is not your full-time job and you have other things to do. I get that. I just wanted to respond to that.

Is there any other discussion on what we've been talking about with respect to the timelines or other parallel process that Chris Wilson and I are going to come up with a plan to implement?

Kris Swanson: Rob, I've got one more thing. Since we all have private lives and whether it's in the middle of the day or the evening, one thing that we could think about and chew on until the next meeting is subcommittees, if you will, as far as whether it's the feasibility study or any of the other options that can meet independently outside of the periodic consultation call. Is that – is that way out of left field? Where the consultation meetings will be more of an update

on progress and what the group has found, where each committee could have members of FORB and BNSF and anyone from a regulatory agency if deemed necessary? Is that out of left field?

Rob McCaskey: Chris, I'm going to ask you if that's normal or that – it sounds like – I'll just let you comment before I do.

Chris Wilson: Yes, so I think as it relates to the feasibility study and the work that they have to do, they can't wait for these regularly scheduled consultation meetings. So, because time is an issue, I think the mapping out and forming the steering committee that represents the community, that could be done and then report back to the consultation meetings.

The reason I brought up the programmatic agreement is because ultimately, this project is going – probably will end up having some kind of P.A., whether it's retention and leaving the resource in place or whether it's removed.

So, just because mitigation is being discussed, it doesn't mean it's going to be implemented. That decision will be made later on. So, I don't think it's a cart before the horse situation because no one is talking about implementation of the P.A. yet.

My idea, and that's why I asked Betsy Merritt a couple of hours ago was, I thought it was a good idea to start drafting a document of some sort. It would certainly help in my mind to clarify the issues and to move the process forward.

ACHP does not get involved in cases that will languish. Our – the whole point of our participation is to move the process along. So, I think I answered the questions.

Rob McCaskey: OK. Yes, Chris, I'm happy with that. Any other questions for him regarding that?

Kristina Quaempts: Rob?

Rob McCaskey: Yes, I heard someone else speaking.

Kristina Quaempts: This is Kristina Quaempts from the Northern Cheyenne Tribe. Am I the only tribe that's consulting on this project?

Rob McCaskey: Ma'am, we've reached out to in excess of 20 different tribes. I don't know if anyone else is participating in the calls, but we're certainly advising all of them writing of what goes on with respect to the minutes and all the written information. Is that what you wanted to know or was that – did that answer that?

Kristina Quaempts: Yes, because I've been listening and the going back and forth, I understand what we all want to cover. I guess, let me see, how can I say this? With regard to our ancestral waterways and this PA, I heard that all other parties will be a concurring party and then there is only going to be a certain number as far as signing.

So, with our position when it comes to these ancestral migration routes, which includes these waterways, are we just going to be, will we just be a concurring party or one of the signatories?

Chris Wilson: So, Rob, I can weigh in on this. So, that is a discussion that needs to occur between the Coast Guard and the tribes. So, the tribe is a sovereign nation, federally recognized.

Kristina Quaempts: Right.

Chris Wilson: And that's a discussion that really occurs between government to government. There are different – there are many different options that can be proposed and it's really up to the lead agency to make that decision, but a tribe can be listed as a signatory or a concurring party. And that's something really that the Coast Guard needs to negotiate with the tribe. And I can talk to – I can talk through more about it later, but that's my – that's my short answer.

Kristina Quaempts: Right, because I do have questions and I know that there are some concerns that our office has that haven't really been discussed here and we're not trying to throw another monkey wrench into this, but there are some questions that, we, as a tribe, cannot discuss. Like I said, there is a lot of going back and forth about things that I'm not saying don't really affect us as far as

us having a voice in this area is important. So, we also want to assert our place, as far as we are concerned, with the things that are being talked about. So, yes, if you can get back to me on that, I'd appreciate it.

Rob McCaskey: Yes, this is Rob. I definitely will be giving you a call here in the next probably 24 hours. Are you available to speak tomorrow?

Kristina Quaempts: Yes.

Rob McCaskey: OK, thank you.

Susan Quinnell: This is Susan Quinnell at the SHPO, and I'd like to remind the group that Dr. Erich Longie from Spirit Lake Nation was at the last meeting where we met in a group at Bismarck. Thank you.

Rob McCaskey: Thanks, Susan, I appreciate that.

Nick Bradbury: Hi, this is Nick Bradbury from Friends of the Rail Bridge. I would – this is the first time the ancestral migration routes and ancestral waterways have been brought up in these consultation meetings.

I agree that it sounds very important. I wonder if anyone else would be interested as I am in putting that on as an agenda item and having a presentation from one or multiple tribes about those aspects in consideration of the process here?

Emily Sakariassen: This is Emily with Preservation North Dakota. That sounds like it might be of interest to us as well. Thank you.

Kris Swanson: This is Kris Swanson with BNSF. I think it's more than interest, I think it's necessary, whether it's in consultation or in government to government conversations, whatever the tribe prefers.

Rob McCaskey: And as a lead federal agency, I can tell you that if there is another entity that wishes to speak today and hasn't had the chance to, I can guarantee they'll be given that chance. So, when I speak to her tomorrow, I'll make sure that that's clear and we'll make that happen one way or the other.

Kris Swanson: Thank you.

Chris Wilson: And also, Kris Swanson, we need to talk about that nationwide program comment. I'll put you in touch with my colleagues that have worked on that so you could have a conversation and then relay everything back to your company, but that was literally approved just a few weeks ago.

Kris Swanson: Right, right. We'll have a sidebar. Thank you.

Rob McCaskey: OK, this is Rob again. Is there – I think we covered everything on the agenda and added some things here actually. Is there anything anyone else wanted to discuss briefly before we close the meeting and start talking about our next scheduled meeting?

OK, good progress. The next scheduled meeting is for October 24th. I'm going to consult with a couple of people and decide what the exact format and time of that will be, keeping into consideration the requests that I received today. So on that, I'm prepared to close the meeting. Any other comments?

Female: Thanks, Mark.

Fred Rios: Thank you very much, Rob, for the meeting. This is Fred Rios.

Rob McCaskey: OK.

Mark Zimmerman: Mark Zimmerman thanking everybody for I think a very civil and good meeting. Thank you, all.

END