

From:
To:

[REDACTED]

Subject: Bismarck - BNSF Bridge CP Meeting #9 draft agenda
Date: Thursday, October 18, 2018 11:33:00 AM
Attachments: [Agenda Meeting 9.docx](#)

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 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 30, 2018** from **6:00 – 8:00 pm** Central Time. The date of the meeting has changed due to scheduling conflicts for the USCG. If you plan to join the teleconference, please accept this invitation and respond by contacting:

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

The following meeting materials are attached to this meeting request:

- Draft Agenda

If you would like to submit additional agenda items, please let us know. The Consulting Parties Meeting #8 Transcript will be sent in a subsequent email as soon as it is complete. 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]

[Aimee Ross Angel, MHP | Jacobs](#) | Architectural Historian | Aerospace, Technology, Environmental, & Nuclear | + [REDACTED] | [REDACTED] | www.jacobs.com

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 #9 Agenda

Tuesday, October 30, 2018 at 6:00 pm CST

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

1. Roll-Call/Introductions
2. Minutes from Meeting #8
3. Old Business
 - a. Responses for additional information
 - i. Fairview Lift Bridge, North Dakota – MOU – Chris Wilson
4. New Business
 - a. Update on Feasibility Study

Next Scheduled Meetings:

- November 14
- December 5



U.S. Department
of Transportation
**Federal Highway
Administration**

Minnesota Division

380 Jackson Street
Galtier Plaza, Suite 500
St. Paul, MN 55101-4802

651.291.6100
651.291.6000 fax

www.fhwa.dot.gov/mndiv

March 4, 2008

Mr. Robert J. McFarlin
Acting Commissioner of Transportation
Department of Transportation
MS 100, Transportation Building
St. Paul, Minnesota 55155

Re: Section 106 Programmatic Agreement
Regarding Pre-1956 Historic Bridges in Minnesota

Dear Mr. McFarlin:

It is with great pleasure that we transmit the enclosed fully executed Section 106 Programmatic Agreement (PA) concerning pre-1956 historic bridges in Minnesota. We appreciate the hard work and collaboration of Mn/DOT's Cultural Resources Unit in the development and execution of this PA. Implementation of the PA is effective immediately.

By copy of this letter, we are transmitting the approved PA to all the signatories. If you have any questions or require further information about the PA, please contact me at (651) 291-6120.

Sincerely yours,

Cheryl B. Martin
Environmental Engineer

Enclosure

POWER TO THE
**AMERICAN
ECONOMY**



CBM/seh

cc: 2 Mn/DOT
1 Mn/DOT – Frank Pafko, MS 620
1 Mn/DOT – Joe Hudak, MS 620
1 Mn/SHPO – Dennis Gimmestad
1 USACOE – Brad Johnson
1 USACOE – Tamara Cameron
1 Martin
1 File 514.00
1 RF
DMS – “Historic Bridge Section 106 P.A. to MnDOT”



Preserving America's Heritage

February 15, 2008

Ms. Cheryl B. Martin
Environmental Engineer
Minnesota Division
Federal Highway Administration
380 Jackson Street
Galtier Plaza, Suite 500
St. Paul, MN 55101-4802

Ref: *Section 106 Programmatic Agreement Regarding Pre-1956 Historic Bridges in Minnesota*

Dear Ms. Martin:

The Advisory Council on Historic Preservation (ACHP) has executed the enclosed Programmatic Agreement (PA) concerning pre-1956 historic bridges in the State of Minnesota. This action constitutes the comments of the ACHP required by Section 106 of the National Historic Preservation Act and the ACHP's regulations. We appreciate your hard work in bringing consultation on this agreement to conclusion. We believe the resulting PA would serve well as a model for other Federal Highway Administration divisions working toward improving the identification and management of their historic bridges' program.

We have retained one copy of the PA with original signatures for our files. We are returning to you the four remaining originals for distribution to the other signatory parties. Should you have any questions or require further assistance of the ACHP, please contact Carol Legard, our FHWA Liaison, at [REDACTED]

Sincerely,

For
Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs

Enclosure
Programmatic Agreement (4)

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

**PROGRAMMATIC AGREEMENT
CONCERNING PRE-1956 HISTORIC BRIDGES
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICER,
THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, ST. PAUL DISTRICT
AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION**

WHEREAS the Federal Highway Administration (FHWA) proposes to administer the Federal-Aid Highway Program in Minnesota authorized by 23 USC 101 et seq. through the Minnesota Department of Transportation (Mn/DOT) (23 USC 315), which covers any Federal-Aid Highway Program funded undertaking (including transportation enhancement funds and the National Recreational Trails Program), including those sponsored by local agencies; and

WHEREAS, the FHWA has determined that the Federal-Aid Highway Program may be used to rehabilitate or replace pre-1956 bridges listed in or determined eligible for listing in the National Register of Historic Places (NRHP) (hereafter referred to as "historic bridges"); and

WHEREAS, the FHWA has consulted with the Advisory Council on Historic Preservation (ACHP) and the Minnesota State Historic Preservation Officer (MnSHPO) pursuant to Section 106 of the National Historic Preservation Act (Section 106) (16 U.S.C. 470f) and implementing regulations (36 CFR Part 800.14[b]) to develop this Programmatic Agreement (PA) regarding the treatment of pre-1956 historic bridges in Minnesota; and

WHEREAS, the FHWA wishes to ensure that Mn/DOT will conduct its Federal-Aid Highway Program funded undertakings in a manner consistent with the "Programmatic Agreement among the Federal Highway Administration, the Minnesota State Historic Preservation Office, the Advisory Council on Historic Preservation, the Department of the Army, Corps of Engineers, St. Paul District, and the Minnesota Department of Transportation regarding Implementation of the Federal-Aid Highway Program in Minnesota" executed on June 21, 2005 (2005 Section 106 PA) and the National Environmental Policy Act (NEPA) (36 CFR 800.8); and

WHEREAS, the FHWA intends to integrate its historic and archaeological preservation planning and management decisions with other policy and program requirements to the maximum extent possible consistent with Section 110 of the NHPA; and

WHEREAS, 36 CFR 800 encourages Federal agencies to efficiently fulfill their obligations under Section 106 of the NHPA through the development and implementation of cooperative PAs; Executive Order 13274 states that the development and implementation of transportation infrastructure projects in an efficient and environmentally sound manner is essential to the well-being of the American people and a strong American economy and the executive departments and agencies shall take appropriate actions, to the extent consistent with applicable law and available resources, to promote environmental stewardship in the Nation's transportation system and expedite environmental reviews of high-priority transportation infrastructure projects; Section 1309 of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178 (as amended by the SAFETEA-LU), calls on Federal agencies to expedite the environmental review process, while protecting and enhancing the environment; and the FHWA encourages the development of programmatic agreements between the state FHWA Division Offices and state SHPOs; and

WHEREAS, the FHWA has delegated its responsibilities, to a certain extent, for compliance with Section 106 in accordance with Federal law to the professionally qualified staff (as per 36 CFR 61) in the Cultural Resources Unit (CRU) at Mn/DOT (hereafter referred to as the

Mn/DOT CRU staff), although the FHWA remains legally responsible for all findings and determinations charged to the agency official in 36 CFR 800; and

WHEREAS, consistent with applicable Federal legislation, the MnSHPO reflects the interests of the state and its citizens in the preservation of their cultural heritage, and in accordance with Section 101(b)(3) of the NHPA advises and assists Federal and State agencies in carrying out their historic preservation responsibilities, including Section 106 responsibilities; and

WHEREAS, as per the terms of the 2005 Section 106 PA the Department of the Army, Corps of Engineers, St. Paul District (Corps) recognizes the FHWA as the lead Federal agency for Corps undertakings related to Federal-Aid Highway projects, and has been invited to be a signatory to this Programmatic Agreement (Agreement) pursuant to 36 CFR 800.2(a)(2); and

WHEREAS the Mn/DOT recognizes that historic bridges represent the Department's engineering heritage and that their preservation is important to the Department; therefore, Mn/DOT has participated in the consultation and has been invited to become a signatory to this Agreement; and

WHEREAS, FHWA and Mn/DOT are committed to the design of transportation systems that: (1) achieve a safe and efficient function appropriately placed within the Minnesota context; (2) avoid, minimize and mitigate adverse effects on historic and cultural resources; (3) recognize that investment in these historic, archaeological, and cultural resources is critical to Minnesota's continued growth and prosperity; and (4) respond to the needs of Minnesota communities; and

WHEREAS, the rehabilitation, reuse, and preservation of historic bridges can be facilitated with good information and procedures that encourage consideration of context sensitive solutions and address the public interest in the preservation of historic bridges; and

WHEREAS, it is understood that new bridge construction and routes may ultimately be required to address local and state transportation needs; and

WHEREAS the Mn/DOT CRU, on behalf of the FHWA and in consultation with the MnSHPO, has completed an inventory and evaluation of bridges constructed before 1956 and has identified the list of eligible pre-1956 bridges owned by Mn/DOT or local governments (see Attachment A) (although bridges may be removed from the list [due to loss of integrity or demolition] and added to the list over time [e.g., bridges contributing to an eligible historic district]); and

WHEREAS, the Mn/DOT has committed to preserving and performing a higher level of maintenance on selected state-owned eligible bridges (see Attachment B), and will work to encourage local bridge preservation efforts for bridges controlled by local agencies.

NOW, THEREFORE, the FHWA, the ACHP, the Corps, the MnSHPO, and Mn/DOT agree that Federal-aid Program undertakings involving historic bridges in Minnesota shall be administered in accordance with the following stipulations.

STIPULATIONS

FHWA shall ensure the following stipulations are carried out.

STIPULATION 1. APPLICABILITY AND SCOPE

- A. Applicability. This Agreement applies to any FHWA-funded undertakings conducted on National Register-eligible bridges (see Attachment A) including, but not necessarily limited to bridge maintenance projects, bridge preservation/rehabilitation/restoration/reconstruction projects, bridge relocation projects, bridge replacement projects, and projects containing any or all elements of the above project types.

This Agreement does not apply to projects without FHWA funding. Mn/DOT and local bridge projects without FHWA funds may need to be reviewed under the Minnesota Historic Sites Act (MS 138.665) and the Minnesota Field Archaeology Act of 1963 (MS 138.31-138.42). For non-FHWA funded bridge projects requiring a Corps permit, the Corps is the lead federal agency and shall be responsible for compliance with Section 106. For those projects, Mn/DOT Districts and local agencies must coordinate with the Corps.

- B. Definition of Eligible/Listed Bridge. All pre-1956 bridges that are not listed in Attachment A have been determined to be not eligible for listing in the National Register, and therefore require no further identification or evaluation for the FHWA's compliance under Section 106. The two exceptions to this are railroad bridges located over non-roadway features and bridges that are not individually eligible but may be identified and evaluated as contributing elements to a historic district (neither of which were evaluated during the Mn/DOT CRU-sponsored study). For all reviews, Mn/DOT CRU will determine if any pre-1956 bridges (including those not on the list in Appendix A) are in the APE, will determine if they are potentially contributing elements to a historic district, and will follow the identification and evaluation procedures as defined in 36 CFR 800.4 and the 2005 Section 106 PA. For all reviews, Mn/DOT CRU will identify if railroad bridges are present in the APE that have not been previously evaluated, and will evaluate them as defined in 36 CFR 800.4 and the 2005 Section 106 PA.

- C. Other Federal Agency Involvement. Should Federal agencies other than FHWA or the Corps implement an undertaking (as defined in 36 CFR Part 800.16[y]) in association with a Federal-Aid Highway Program funded bridge project, said Federal agency may satisfy their Section 106 compliance responsibilities according to 36 CFR 800.2(a)(2) by stating in a letter to the FHWA, and copying the MnSHPO, ACHP, and Mn/DOT CRU, that their undertaking will conform to the terms of this Agreement and recognizing FHWA as the lead Federal agency. FHWA and Mn/DOT CRU will review the scope for any expanded undertaking and ensure that a proper area of potential effect is defined, and will determine what additional measures are needed, if any, to fully consider the undertaking's effects on historic properties.

STIPULATION 2: REVIEW PROCESS FOR PRE-1956 BRIDGES

Previously executed, project-specific memoranda of agreement regarding a historic bridge or bridges in Minnesota are not superseded by the provisions and stipulations in this Agreement. The review process will follow the terms of the 2005 Section 106 PA, including any revisions or amendments to the 2005 Section 106 PA.

- A. Effects to Eligible or Listed Bridges. If a proposed undertaking for the type of undertakings listed in the Applicability section of this Agreement includes work on or

demolition of any bridge included in Attachment A, the Mn/DOT CRU staff, will review the undertaking in accordance with the 2005 Section 106 PA, and determine if the undertaking will have an adverse effect on the bridge. Mn/DOT will also complete, as needed, the identification, evaluation and treatment of historic properties other than the affected historic bridge as prescribed in the 2005 Section 106 PA.

Mn/DOT CRU will use the Secretary of the Interior's Standards for the Treatment of Historic Properties in order to determine if the proposed work would constitute an adverse effect. If Mn/DOT CRU staff determines that the project would constitute an adverse effect on the historic bridge and/or other National register eligible properties, they will work with the project sponsor to avoid such effects. If adverse effects cannot be avoided or minimized, Mn/DOT CRU staff and the FHWA will follow the 2005 Section 106 PA Stipulation 3:H.

- B. Long-Range Mitigation Approaches. The FHWA and MnSHPO recognize that long-range approaches to mitigation can be more efficient than project-by-project mitigation items, and will seek to develop such approaches as needs and resources permit.

STIPULATION 3: BRIDGE PRESERVATION AND EDUCATIONAL EFFORTS

- A. Completion of the Minnesota Statewide Historic Bridge Management Plan and Individual Bridge Management Plans for Bridges Selected for Preservation. Mn/DOT completed in June 2006 the Minnesota Statewide Historic Bridge Management Plan and individual management plans for 23 of the 24 state-owned bridges selected for preservation (see Attachment A). This work also included the documentation of 46 of the state's premiere historic bridges to the Minnesota Historic Property Record (MHPR) (on file in the Minnesota Historical Society [MHS] archives). Mn/DOT will complete by December 2008 the management plan for the remaining bridge (the Stillwater Lift Bridge).

As was agreed upon in the 1997 Bridge Management Plan but not yet accomplished, Mn/DOT will formally list on the National Register all of the state-owned pre-1956 eligible bridges. Currently, only four bridges remain for listing: Bridge 6679, Bridge 5557, Bridge 5722, and Bridge 4175. These bridge nominations will be submitted to the MnSHPO no later than one (1) year after the signing of this Agreement. If the Faribault Viaduct is selected for preservation in lieu of Bridge 5557, then Bridge 5557 will not be listed.

- B. Preservation and Maintenance of the 24 Selected Bridges as per the terms of the Individual Bridge Management Plans. Mn/DOT is committed to preserving and maintaining the 24 bridges listed in Attachment B. Recognizing that individual bridge projects will occur on different schedules depending on available funding sources and individual bridge needs, Mn/DOT will begin to actively seek funding for preservation/rehabilitation of the 24 bridges within one (1) year of the signing of this Agreement. Mn/DOT will provide annual updates to FHWA and MnSHPO on the status of the bridge preservation efforts and copies of the annual maintenance checklists developed under the individual bridge plans for each of the 24 bridges (no later than February 15th annually and in conjunction with the annual review of the 2005 Section 106 PA and this Agreement).

If it is determined by all parties involved in a specific preservation project that preservation is not feasible, appropriate additional efforts will be determined by the signatories of this Agreement to assure that a representative group of bridge types is being preserved.

C. Training for Mn/DOT Bridge Maintenance Personnel for the 24 State-Owned Historic Bridges. Within 12 months of the signing of this Agreement and on an on-going basis, Mn/DOT CRU and Bridge Office will provide training to Mn/DOT bridge maintenance workers in order to ensure that appropriate maintenance treatments are being applied to the 24 bridges identified for preservation. The Districts responsible for maintenance on the 24 bridges identified for preservation (Attachment A) will annually send in the maintenance checklist developed under each individual bridge management plan to Mn/DOT CRU no later than January 15th. Mn/DOT CRU will forward copies of the completed maintenance checklist to MnSHPO no later than February 15th.

D. Updating of Minnesota National Register Historic Bridge Web Site and Creation of a Mn/DOT Historic Bridge Web Page. Within 12 months of the signing of this Agreement, Mn/DOT will work with FHWA, MnSHPO, and MHS to update the Minnesota Historic Bridge web site (<http://www.mnhs.org/places/nationalregister/bridges/bridges.html>). The National Register web page will be updated with corrected information on historic bridges.

The following items, at a minimum, will be posted on the Mn/DOT Historic Bridge Web Page: this signed Agreement, the general bridge management plan, the individual bridge management plans, historic bridge contexts, high resolution scanned images of all Minnesota Historic Property Record (MHPR) bridge documentations performed for FHWA funded projects, and high resolution digital images of documented bridges, where available. As future bridge studies or documentations are completed, Mn/DOT will post them to the Historic Bridge Web Page.

E. Historic Bridge Expertise within the Mn/DOT Bridge Office. The Mn/DOT Bridge Office will maintain within its staff a bridge engineer whose job responsibilities include work on historic bridges. The engineer must have either education focused on preserving historic bridges or periodic training on preserving historic bridges (which may include attending workshops, symposia and conferences on the topic).

F. Preservation Efforts for Locally Owned Historic Bridges. Within 6 months of the signing of this Agreement, Mn/DOT CRU and Bridge Office will distribute the general historic bridge management plan to all Mn/DOT District Bridge Offices, County Highway Departments, and municipalities that own historic bridges. Mn/DOT CRU and Bridge Office may also provide training opportunities for local agencies on appropriate treatments for historic bridges.

Mn/DOT CRU and MnSHPO will work with local groups to aid in the preservation of historic bridges under the control of local agencies. The work may include, but not necessarily be limited to, providing technical guidance, GIS data on historic bridge locations, training to maintenance staff, and assistance in completing a local bridge management plan.

STIPULATION 4. USE OF DESIGN EXEMPTIONS AND VARIANCES

Context Sensitive Solutions (CSS) is an integral part of FHWA and Mn/DOT projects. CSS is a collaborative, interdisciplinary approach that involves all stakeholders to develop a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic and environmental resources, while maintaining safety and mobility. CSS is an approach that considers the total context within which a transportation improvement project will exist. CSS principles include the employment of early, continuous and meaningful involvement of the public and all stakeholders throughout the project development process. The implementation of

a CSS approach to navigating the project development process will ensure the best possible outcome to the process. Therefore, FHWA and Mn/DOT strongly encourages the development of historic bridge projects in a context sensitive manner, including the use of design exemptions and variances when practical.

- A. Within one (1) year of the signing of this Agreement, Mn/DOT will develop and distribute guidelines on how to effectively apply and utilize design exemptions and variances on historic bridges. This document will be distributed to all Mn/DOT districts and offices and local agencies within three (3) months of its completion, and will be used in reviewing projects on historic bridges.

STIPULATION 5. FUNDING ALTERNATIVES

- A. HBRRP Funding. For projects that meet the requirements for Highway Bridge Replacement and Rehabilitation Program (HBRRP) funding, FHWA will work with Mn/DOT on a project-by-project basis to maintain the historic integrity of the bridge while keeping it in service using exemptions to the standards when deemed appropriate.
- B. Enhancement Funds. Mn/DOT will apply for, and will encourage local agencies to apply for enhancement funds as appropriate for rehabilitation work on historic bridges.

STIPULATION 6. FUTURE BRIDGE IDENTIFICATION AND EVALUATION EFFORTS

- A. List of Eligible/Listed Bridges. The currently agreed upon list of eligible and listed bridges is based on the identification and evaluation efforts of bridges constructed prior to 1956 and is included as Appendix A. The two exceptions to this are railroad bridges located over non-roadway features and bridges that are not individually eligible but may be identified and evaluated as contributing elements to a historic district (neither of which were evaluated during the Mn/DOT CRU-sponsored study). For all reviews, Mn/DOT CRU will determine if any pre-1956 bridges (including those not on the list in Appendix A) are in the APE, will determine if they are potentially contributing elements to a historic district, and will follow the identification and evaluation procedures as defined in 36 CFR 800.4 and the 2005 Section 106 PA. For all reviews, Mn/DOT CRU will identify if railroad bridges are present in the APE that have not been previously evaluated, and will evaluate them as defined in 36 CFR 800.4 and the 2005 Section 106 PA.
- B. Annual Review Bridge List Status and Updating of Attachment A. The passage of time or changing perceptions of significance may require a reevaluation of properties previously determined eligible or ineligible. On an annual basis (by February 15th) after the signing of this Agreement and at the same time that the 2005 Section 106 PA is reviewed, Mn/DOT CRU will coordinate with the Bridge Office and MnSHPO to remove any bridges from the list that have been demolished or had a substantial loss of integrity and to add bridges that have been found eligible (such as bridges contributing to a historic district). Mn/DOT CRU will send out the updated list within a month of the meeting, and the Bridge Office and MnSHPO will update their respective databases within one month of receiving the annual list.
- C. Bridges Constructed After 1956. As bridges built after 1956 reach the 50-year mark that is generally accepted for National Register-eligibility, the FHWA, Mn/DOT CRU, and MnSHPO will work together to develop appropriate, streamlined identification and evaluation methods for such bridges, and incorporate such measures into this Agreement with an amendment or through a new PA as needed.

STIPULATION 7: POST-REVIEW DISCOVERIES

In the event that one or more historic properties--other than an historic bridge-- are discovered or that unanticipated effects on historic properties are identified for any project qualifying under this Agreement, the FHWA shall follow the procedure specified in the 2005 Section 106 PA.

STIPULATION 8: DISPUTE RESOLUTION

Disagreement and misunderstanding about how this Agreement is or is not being implemented shall be resolved in the following manner:

If any of the signatories to this Agreement should object in writing to the FHWA regarding any action carried out or proposed with respect to any project qualifying under this Agreement or implementation of this Agreement, then the FHWA shall consult with the objecting party to resolve this objection. If after such consultation the FHWA determines that the objection cannot be resolved through consultation, then the FHWA shall forward all documentation relevant to the objection to the ACHP, including the FHWA's proposed response to the objection. Within 45 days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:

- Provide the FHWA with a staff-level recommendation, which the FHWA shall take into account in reaching a final decision regarding its response to the objection; or
- Notify the FHWA that the objection will be referred for formal comment pursuant to 36 CFR 800, and proceed to refer the objection and comment. The FHWA shall take into account the ACHP's comments in reaching a final decision regarding its response to the objection.

The FHWA shall take into account any ACHP comment or recommendations provided in accordance with this stipulation with reference only to the subject of the objection. The FHWA's responsibility to carry out all actions under the Agreement that is not the subject of the objection shall remain unchanged.

STIPULATION 9: AMENDMENT

Any signatory to this Agreement may request that it be amended, whereupon the parties shall consult to consider the proposed amendment. The amendment will be effective on the date a copy is signed by all of the original signatories.

STIPULATION 10: TERMINATION

Any party to this Agreement may terminate it by providing thirty days notice to the other signatories, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FHWA will comply with 36 CFR 800 with regard to individual undertakings covered by this Agreement.

STIPULATION 11: EFFECT ON EXISTING AGREEMENT

The measures contained in this Agreement do not supersede provisions or stipulations contained in previously executed memoranda of agreement regarding the rehabilitation or replacement of historic bridges in Minnesota.

STIPULATION 12: FAILURE TO COMPLY WITH AGREEMENT

In the event the FHWA does not carry out the terms of this Agreement, the FHWA will comply with 36 CFR 800 with regard to individual undertakings covered by this Agreement.

STIPULATION 13: DURATION

This Agreement shall become effective upon execution by FHWA, MnSHPO, the Corps, the Council, and Mn/DOT and shall remain in effect until December 31, 2017.

STIPULATION 14. OPTION TO RENEW

No later than December 31, 2016, FHWA will consult with the signatories to this Agreement to determine interest in renewing this Agreement. The Agreement may be extended for additional terms upon the written agreement of the signatories.

Execution and implementation of this Agreement evidences that the FHWA and the Corps have afforded the Council a reasonable opportunity to comment on the effects of the Federal-aid Highway program on historic bridge properties.

FEDERAL HIGHWAY ADMINISTRATION

BY: Thomas K. Sorel Date: 1/24/08
Thomas K. Sorel, Division Administrator

MINNESOTA STATE HISTORIC PRESERVATION OFFICER

BY: Nina Archabal Date: 12/10/07
Nina Archabal, State Historic Preservation Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY: John M. Fowler Date: 2/15/08
John M. Fowler, Executive Director

Invited Signatories

UNITED STATES ARMY, CORPS OF ENGINEERS, ST. PAUL DISTRICT

BY: Robert Lewicki Date: 1/23/08
for Michael E. Pfenning, Colonel/District Engineer
Jon Christensen

MINNESOTA DEPARTMENT OF TRANSPORTATION

BY: Carol Molnau Date: 12-6-07
The Honorable Carol Molnau, Lt. Governor/Commissioner

ATTACHMENT B: BRIDGES TO PRESERVE

County	Number	Route	Crossing	Date	Significance
Anoka	4380	US 169	Mississippi River	1929	C- Typological; Aesthetics
Crow Wing	5265	US Hwy 169	Dry stream	1938	C - Aesthetics
Dakota	4190	State Hwy 55	Minnesota River, Railroad, street	1926	C - Exceptional Engineering; Typological; Aesthetics
Fillmore	5722	U.S. Hwy 63	Spring Valley Creek	1936	C - Aesthetics
Hennepin	2440	State Hwy 65 (3 rd Avenue Bridge)	Mississippi River, Third Avenue, railroad	1917	Part of St. Anthony Falls Historic District
Hennepin	27004	Stone Arch Bridge (pedestrian)	Mississippi River	1883	Part of St. Anthony Falls Historic District
Houston	6679†	State Hwy 76	South Fork Root River	1949	C- Typological; Aesthetics
Koochiching	5721	State Hwy 65	Little Fork River	1937	C- Typological; Aesthetics
Lake	3589	State Hwy 61	Stewart River	1924	A - State Trunk Highway C-Aesthetics
Lake of the Woods	5557†	State Hwy 11	Rapid River	1950	C - Aesthetics; Significant Engineering
Le Sueur	4930	State Hwy 99	Minnesota River	1931	C - Aesthetics; Exceptional Engineering
Lyon	5083†	State Hwy 19	Redwood River	1931	C - Aesthetics
Lyon	5151	State Hwy 19	Redwood River	1931	C - Aesthetics
Meeker	5388	State Hwy 24	North Fork Crow River	1935	C- Typological
Mille Lacs	3355	US Hwy 169	White Fish Creek	1939	C - Aesthetics
Morrison	4696	State Hwy 115	Mississippi River	1930	A- association with Camp Ripley
Pine	5718	State Hwy 123	Kettle River and stream	1948	C - Exceptional Engineering
Polk	4700	US Hwy 2B	Red River/business route	1929	C- Typological
Ramsey	9036	US Hwy 952A (Robert Street)	Mississippi River, railroad, street	1926	C- Typological and Aesthetics
Rice	8096	State Hwy 19	Spring Creek	1947	C - Aesthetics
St. Louis	5772	State Hwy 61	Lester River	1935	C - Aesthetics
Scott	4175	US Hwy 169	Levee Drive	1927	C- Typological
Wabasha	5827	County Road 60	Stream	1938	C - Aesthetics
Washington	4654	TH 36 (Stillwater Bridge)	St. Croix River	1930	C - Exception Engineering

†The preservation future of these bridges is unclear. Mn/DOT is committed to pursuing the preservation option to the fullest, and if all parties decide that preservation is not feasible, all parties will follow the steps outlined in Stipulation 3.B, paragraph 2."

CH2M HILL COMPANIES, LTD.

**Moderator: Lori Price
October 30th, 2018
6:47 p.m. ET**

OPERATOR: This is Conference # 286376303

Lori Price: Hi. This is Lori. Who joined?

Tim Helbling: Tim Helbling, Mayor of Mandan.

Lori Price: Hi, Mayor Helbling. How are you?

Tim Helbling: Oh, good. How about yourself?

Lori Price: I'm doing good. I think it's just you and me, so far.

Amy Sakariassen: No. Amy is here.

Emily Sakariassen: And Emily is here.

Joey Roberson-Kitzman: Joey is here.

Lori Price: And we have lots of beeps.

Cole Higlin: Hi, Cole Higlin, Mandan Park District.

Lori Price: Hey, guys. We're just waiting for Rob McCaskey to join us.

Kristopher Swanson: Lori, Kris Swanson is on.

Lori Price: Hey, Kris. We're waiting for Rob.

Mike Herzog: Good evening, Lori. Mike Herzog is on.

Lori Price: Hello, Mr. Herzog.

Rob McCaskey: Good evening, everyone. This is Rob McCaskey with the Coast Guard. How's my sound, is this going to be good for people to hear me?

Lori Price: You sound just fine.

Rob McCaskey: OK. All right. Like I said, it's three minutes to 6 o'clock right now. Let's wait another five minutes or so to make sure everyone gets here that wants to be here.

Lori Price: All right.

Walt Bailey: Hello. This is Walt, Bismarck Historical Society.

Rob McCaskey: Hello, everyone. We'll do a roll call here in just a few minutes if you would stand by. Again, everyone, this is Rob McCaskey with the Coast Guard looking to start here in about two or three minutes to make sure everyone is here. So, please stand by for a couple of more minutes.

Rob McCaskey: OK, everyone, it's 6:05. So, let's go ahead and get started. Again, this is Rob McCaskey. Well, guys this is meeting number nine, Section 106 Consulting Parties for the Bismarck BNSF Railway Bridge. Let's go into a roll call, first. Please, everyone, who's on the call, please identify yourself.

Kitty Henderson: This is Kitty Henderson with Historic Bridge Foundation.

Randy Bina: Randy Bina, Bismarck Parks and Recreation.

Walt Bailey: Walt Bailey, Bismarck Historical Society.

Emily Sakariassen: Emily Sakariassen, Preservation North Dakota.

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

Susan Quinnell: Susan Quinnell, North Dakota SHPO.

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

Erik Sakariassen: Erik Sakariassen, Fort Abraham Lincoln Foundation.

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

Betsy Merritt: Betsy Merritt, National Trust for Historic Preservation.

Susan Dingle: Susan Dingle, Preservation North Dakota.

Rob McCaskey: I have Betsy, I did hear, but someone else was stepped on. Could you please repeat who the last person was?

Susan Dingle: Susan Dingle from Preservation North Dakota.

Rob McCaskey: Thanks, Susan.

Tim Helbling: Tim Helbling, Mayor of Mandan.

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

Joey Roberson-Kitzman: Joey Roberson Kitman, Bismarck-Mandan Metropolitan Planning Organization.

Cole Higlin: Cole Higlin, Mandan Park District.

Kevin Klipfel: Kevin Klipfel, Bismarck Parks and Recreation District.

Mark Schaefer: Mark Schaefer, BNSF.

Kristopher Swanson: Kris Swanson, BNSF.

Aimee Angel: Aimee Angel, Jacobs.

Mike Herzog: Mike Herzog, BNSF Railway.

Lori Price: Lori Price of Jacobs and just a reminder that we are recording the call today and the recording has started.

Hans Erickson: Hans Erickson, TKDA.

Rob McCaskey: OK. Is there anyone else that hasn't checked in?

Chris Wilson: Chris Wilson, ACHP.

Rob McCaskey: Anyone else? There was a Mr. Shafer from BNSF. I don't recognize that name. Are you still on, sir?

Mike Shafer: Yes.

Rob McCaskey: What's your role, Mr. Shafer? I just wanted to make sure we're recording who you were.

Mike Shafer: I've been on the call since day one. I'm with BNSF in the Heavy Bridge Construction Department.

Rob McCaskey: OK. All right.

Dave Mayer: This is Dave Mayer with Bismarck Parks. I don't know if I came through earlier.

Rob McCaskey: OK. Thank you, sir. Anyone else? OK. That completes the roll call and introductions. We have a short agenda today. So, let's go ahead and get started. We have the meeting minutes from meeting number eight that came out a little bit late. That was my fault. I didn't get them back to the contractor to get them out. That's my – but does anybody have any comments or corrections to the meeting minutes from meeting number eight?

OK, hearing none, we'll move on from that. Number three is old business and it says, responses for additional information from the Fairview Lift Bridge, North Dakota MOU. OK. Would it ...

Chris Wilson: Chris is on. Yes. So, I did follow up and sent e-mails and called the Rails-to-Trails Headquarters in D.C. and followed up on the lead that was provided by Mr. Trumpower at the last call to try to contact Charles Montagne who was the attorney for Rails-to-Trails, and they had the copy of the MOU.

So, I just yesterday got his e-mail account and asked him that maybe for the next meeting, he could attend and prior to the meeting provide the MOU. And I think the date, the General Counsel of the Rails-to-Trails group said was that it would be early '90s, and that's why we've had a hard time tracking down that MOU.

But I also thought that it would be interesting to hear from him as to how that actually occurred. Also, I had another conversation with the Rails-to-Trails General Counsel - Angela Ferster - who many of us have known in D.C. for many, many years.

She's a prominent attorney and working on preservation issues for many, many cases and asked her to sort of look at the difference between Fairview Lift Bridge and Bismarck, and she was going to look into some of the differences because I mean, obviously, there is a trail adjacent, and anyway, she was looking into that and I don't know if she'll be able to join us next month or not.

But anyway, so I'm chasing Charles Montagne, if anyone else has any information about him. I do have his e-mail account and I hope to have him contact Rob before the next meeting and see if he can join us.

Rob McCaskey: Thanks, Chris. Any questions for Chris and on the work that he's done since the last meeting to round up those two things? OK, hearing none, let's move on to new business. The first thing I have on my agenda is update on the feasibility study.

Mayor Steve Bakken: And FYI, I apologize but it's Mayor Bakken, I chimed in a little late, so.

Rob McCaskey: No, problem, Mayor. Thank you for letting us know.

Mayor Steve Bakken: Yes.

Rob McCaskey: Again, we are on item number four, new business update on feasibility study. Mrs. Wefald or someone there – would someone like to update us on how things have been going?

Mark Zimmerman: Thank you. This is Mark Zimmerman for Friends of the Rail Bridge and I would like to provide several points of update and certainly be available for questions from any of the other consulting parties.

Rob McCaskey: Thank you, sir

Mark Zimmerman: We have initiated several meetings concerning a feasibility study for FORB and Susan Wefald and myself, this was engineering firm Kadrmas, Lee & Jackson here – headquartered at Bismarck. They have expressed an interest in considering to conduct a feasibility study.

I received a letter from KLJ dated October 29, and I would like to read it, so all the consulting parties are aware of our efforts. Addressed to me as President of Friends of the Rail Bridge regarding Feasibility Study Scope of Services.

Dear Mark. Thank you – thank you for contacting us regarding the feasibility study for the potential repurposing of the BNSF Railroad Bridge across the Missouri River. One of the main factors in defining the level of effort for the feasibility study is related to the amount of information available for the existing bridge.

In order for us, KLJ, to accurately scope the study and provide meaningful study results, we request the following: One, as-built plans for the existing bridge, both approach and main spans, including bearing details.

Two, permission to conduct a walking track level inspection of the bridge by KLJ staff. Three, recent inspection reports for the bridge or correspondence related to the condition of the bridge. Essentially, what aspects of the bridge condition are driving the need to replace it?

Items one and two are mandatory to allow for a meaningful evaluation of the feasibility of converting the bridge to use as a trail crossing. If plans are not available, and/or access is not granted, we will be unable to complete the study. Please forward this request as appropriate. Signed, Wade Frank, Professional Engineer, Senior Bridge Engineer for Kadrmas, Lee & Jackson.

That letter was one of our initial efforts that we received that's dated October 29th from KLJ. One of their other staff or members is a landscape architect who had worked on other projects involved with the North Dakota State Parks and that they all are looking at other aspects of the feasibility study.

They are feeling confident they can handle those aspects of a feasibility study as well. Our opinion, where you've moved along well on this effort, to move forward with the feasibility study, I also will have – we've also reached out to a group of people to consider a steering committee to finalize our scope of work for the feasibility study.

Again, Susan Wefald has been very active with our Friends of the Rail Bridge Group as she is reaching out to those individuals to see if they will serve on this steering committee in conjunction with information requested by Kadrmass, Lee & Jackson to formulate that – the scope of work for the feasibility study.

Now, I know in the past, we've also discussed the efforts or concerns on being able to finance or fund the feasibility study. We here have undertaken several contacts and have received some favorable agreements or indication of interest in helping fund the study. We do not have a figure for the study, yet, again, Kadrmass, Lee & Jackson wishes to obtain the information from BNSF to help them formulate what they can accomplish and then figure a cost to that.

So, that's our update on the feasibility study. We stand ready to answer any questions or further discussion. Thank you.

Rob McCaskey: I could – this is Rob from the Coast Guard. Can I get a copy of that letter just as soon as you have a moment to send, please?

Mark Zimmerman: Yes, we will, Rob. Certainly, we will.

Rob McCaskey: Thank you.

Mark Zimmerman: I will send it to you and that will make a copy available through Rob.

Rob McCaskey: Mr. Swanson or Mr. Herzog. I'm sorry. Go ahead.

Susan Wefald: Mr. McCaskey, do you want the letter now sent to you?

Rob McCaskey: No, no. I just want to make sure it's entered into the record and I get a copy of it and get a copy over to BNSF as well. Mr. Herzog or Mr. Swanson, do you have any response to the contents of the letter that has been presented?

Mike Herzog: So, this is Mike.

Kristopher Swanson: Hi, this is Kris Swanson. Go ahead, Mike. I'll let you go.

Mike Herzog: No. Go ahead, Kris.

Kristopher Swanson: The only thing I had is I understand that KLJ will not be able to scope out their entire feasibility study, but I feel that there are items, some initial items that they would be able to scope out for pricing, and so I would like to request that that be done.

I'd imagine that they're going to want to do essentially an evaluation, a structural analysis of the existing bridge which I believe that they would have the scope, ability to price that out. So, that is my request to have that as well. Mike, I'll let you speak to what we're able to provide.

Mike Herzog: OK. So, similar to the way we've talked before on requested information on inspections, this is proprietary information that BNSF does not distribute externally. I do find that their request is somewhat surprising that they feel the need for this level of information on a bridge that's currently an active rail line and they're trying to determine whether or not it's structurally sound for pedestrian traffic.

So, we might be able to accommodate some form of walking inspection. However, as-built drawings and inspection records, nothing beyond what we have already provided will be distributed.

Susan Wefald: I'm going to – this is Susan Wefald, Friends of the Rail Bridge. What have you provided already – as far as as-built plans for the existing bridge, both

approach and main spans, including bearing details. What has already been provided?

Mike Herzog: BNSF has provided response to the inspection request that was submitted to the FRA.

Susan Wefald: I'm not talking about any inspection report. I think they're talking about as-built plans for the existing bridge, that they would like.

Mike Herzog: OK. Right. I thought I had heard that there was a request also for inspection records as well. We have not provided any copies of as-built drawings. That sort of information, should we be able to come to terms of an agreement, would be passed on to the entity that enters into that agreement.

Susan Wefald: OK. Thank you.

Mike Herzog: But as of today we have not distributed as-built drawings.

Susan Wefald: OK. And then – but, you would be willing to if there's an agreement with Kadrmas, Lee & Jackson, you'd be able to provide them with as-built plans for the existing bridge, both approach and main spans, including bearing details?

Mike Herzog: I was referring to an agreement with the entity that would be taking on ownership of the bridge. If we are able to ...

Susan Wefald: However ...

Mike Herzog: ... reach and execute an agreement on that, then that entity would be able to receive information on as-built inspections.

Susan Wefald: However, in order for us to reach that point, we need to have a feasibility study, and so we're asking for that information just to be given to the engineering firm. We would not need to see that. You could do it strictly with the engineering firm and have them hold it in some way confidential. Would that work out for you?

Mike Herzog: As I mentioned before, this is proprietary information we do not distribute externally, and I do understand what you're saying about we'd like to get a better look or understanding on the condition of the bridge, and what I would say is we're talking about a bridge that is 130 plus years old.

So, I would make the comparison to when you're buying an old car that's very high in mileage, buyer beware.

Susan Wefald: However – this is Mrs. Wefald, again. We're not talking about the bridge inspection report now. We're talking about as-built plans – it's a plan for what the bridge looks like. They just want as-built plans for what the existing bridge looks like.

It has nothing to do with condition. These are just plans for what the bridge looks like - both approach and main spans including bearing details. So, we want to know where the bearing details are within the bridge. They wanted drawings – accurate drawings of the bridge.

Mike Herzog: Yes, ma'am. I am fully aware of what as-built drawings are. And as I mentioned, these are documents we do not distribute externally.

Susan Wefald: OK. So, then on number two, permission to conduct a walking, track-level inspection of the bridge by KLJ staff?

Mike Herzog: I would say if we can get a better understanding of what they're looking for, that possibly could be something we might be able to facilitate.

Nick Bradbury: Hi. This is Nick Bradbury from Friends of the Rail Bridge. Can you hear me?

Rob McCaskey: Yes, Nick. I can hear you fine.

Nick Bradbury: OK. Thanks. Just checking in. So ...

Rob McCaskey: Yes.

Nick Bradbury: Mike, are you saying that there are things that KLJ could ask for that would make you reticent to let them perform that inspection walking on the bridge? And what would those things be that would put up the roadblock?

Mike Herzog: So, what I'm saying is I would want a better understanding of exactly what they're wanting to do and exactly what they're wanting access to.

Mark Zimmerman: This is Mark for Friends of the Rail Bridge. That's exactly – that's what we're saying. We would certainly encourage BNSF to correspond or communicate directly with KLJ in this early-on discussion of a feasibility study and seemed to be the agreement was to bring in these professional folks that could help us determine the feasibility of the repurposing of the bridge.

And that is certainly FORB's intent here - to work with the professional engineering firm and not a group of folks around the table wishing to save a bridge. We hear constantly or often that you need to get some opinions, get the professionals involved here. So, absolutely we would be much appreciative if BNSF would reach out to KLJ and visit with Wade and Brett as to what they want.

I do find it, this is a personal statement, I find it a little disappointing to have BNSF say, "This is proprietary information," when I had hoped we would work together on this effort of repurposing to look at the feasibility of repurposing it, and now I experience this pushback to say, "No, proprietary information, you can't have it."

That kind of leaves us in the dark here as well. I would hope we could come to some agreement, to share it professionally, with professional engineers, so they can help all of us in moving forward in this 106 process. Thank you.

Mike Herzog: So, Mr. Zimmerman, as I stated before, this is an active rail line carrying locomotives and loaded freight cars, and if they really feel they – I am very surprised they are making the claim that they need access to as-built drawings, including bearing details to determine the ability of the bridge to carry pedestrian traffic.

Chris Wilson: This is Chris of the ACHP. I think just sort of reading between the lines here, I think we mentioned this in the last meeting, and in order to stay duplication of effort, there is – there are some things we’re going to have to take on the face from BNSF, and remember we talked about how one, we know that they have to replace this bridge, we know they want to build a new bridge.

So, trying to substantiate their decision to you to build a new bridge, I think it’s a waste of everyone's time and money, and I think Mr. Herzog has said a couple times, that pedestrian access is minimal compared to current freight use. So, he’s trying to say that a pedestrian use would be pretty easily accommodated, and I think if you got on your list of steering committee members, BNSF, that you can work those details out.

Also, I think possibly legal staff at BNSF, maybe the city perhaps can help with this, too, to provide some kind of nondisclosure agreement, that the engineering firm under contract by FORB would sign. So, any proprietary information that they did want to have, would not be able to be disclosed.

I mean, I think there will be controls that could be put in place if there’s information that just has to be obtained in order to complete the feasibility study, that there could be an agreement drafted. Hopefully, that BNSF would see that the information will be protected.

And so, one last thing I wanted to say is that in 106 consultation, especially between agencies and tribes, there’s a lot of confidential information that’s discussed and that information is not disclosed to anyone, if the tribe says that it’s confidential. So, the 106 process does allow for information to flow to specific parties where it cannot be shared.

Rob McCaskey: Thanks, Chris. So, what I’m hearing is it sounds like we need to get BNSF with this consulting firm to discuss more details and maybe ways that we can get the information that everybody needs to make intelligent decisions. Does that sound like what we’re talking about here?

Mike Herzog: So, to me ...

Kristopher Swanson: Right, Rob.

Mike Herzog: ... it sounds as though – go ahead, Kris.

Kristopher Swanson: Well, I was just going to say that there are some items that we are working on that are, aside from the bridge capabilities itself, and I'd like to have you, Mike, speak to the details.

Mike Herzog: OK. We do need Friends of the Rail Bridge to secure a better understanding of what their engineer is proposing for a walking inspection, what they're wanting to look at and what a walking inspection would be comprised of.

So, we do need to put that on the action items for Friends of the Rail Bridge to collect. Now, what Mr. Swanson was talking about, since the last call, we have engaged with TKDA on looking at the option two alternative that essentially pushes the new rail bridge further to the north where one track is at an 80-foot offset and that would put the second bridge at a 105-foot offset.

We are producing drawings and exhibits to show the implications associated with going with this option, number two, as far as how much more existing land we get into on the east end when you look at the northeast embankment, in addition to the implications when that offset is looked at on the west side of the bridge and the need for retaining walls and getting off into the Wildlife Preserve.

So, we will be producing drawings such as that in addition to the related concepts that must – that go along with this added scope to be incorporated into the feasibility study. Anybody have any questions? I'd be happy to try to answer them.

Rob McCaskey: Anyone have questions? We're going on the new look at option two by BNSF.

Susan Wefald: So, Rob ...

Chris Wilson: So, this is Chris of ACHP. I don't have a question, but I just wanted to say that the feasibility study is important – again, to make sure we don't duplicate our effort. It sounds like BNSF is already going to be providing some

information to prepare that feasibility study. I think not only should there be a meeting between the engineering firm that's working with FORB and BNSF, but there needs to be – just trying to move this process along. I think – and this is to FORB, you need to convene a steering committee, so you can look at what you expect from the feasibility study and the different characteristics of it and that will influence the cost.

So, as soon as you could get the cost of the study and I know BNSF has expressed agreement to contributing some to the cost, I want to make sure that that money is spent wisely, that they're not going through the information that's already been obtained, that you focus solely on how could this bridge be converted to pedestrian use.

But in addition to the engineering study, think about how exactly that would happen. Because the feasibility study is not just engineering but what about providing assurances that the existing bridge would be kept in good condition, having a bond kept in escrow for the cost of demolition, in case, in 20 years, the bridge has to be demolished.

Those kinds of strategies or elements that are tied to engineering but also tied to how would an existing bridge be left in place to satisfy everybody, to satisfy the city, both cities, county, state, FORB, BNSF.

Fred Rios: Rob, this is ...

Susan Wefald: Thank you, Chris.

Fred Rios: ... Fred Rios.

Rob McCaskey: It was ...

Fred Rios: Rob, this is Fred Rios. Have we got a conclusion on what's going to happen on the west side of the bridge? Is there any drawing from where it's going to end up and where is going to go – where the trails are going to go and so forth?

Rob McCaskey: Mr. Rios ...

Fred Rios: Any answer on this?

Rob McCaskey: ... no. I'd say we are a long time from that type of final result yet, sir.

Fred Rios: OK. Sorry that I came in late to the meeting. I'm just listening right now.
Thank you, Rob.

Rob McCaskey: OK. There was someone else speaking also.

Lori Price: Yes, this is – this is Lori. This is Lori Price. Just to go a little further with what Chris was saying. I think that part of the issue is that we do not have a defined scope of work for what the feasibility study should be covering. So, as Chris was saying, it's not just 'can the bridge be a pedestrian bridge?'

But what happens to the trail on the west side, how do you access the bridge for pedestrians when you have an active rail? How that – how are we physically going to accomplish that?

So, there are several items that need to be looked at and I think without their scope of work to start with, it's very difficult to know what information we should all be collecting and it's very difficult - as a person who does this for a living - it's very difficult to price something if you don't know what the scope of work is. So, I feel like ...

Susan Wefald: OK.

Lori Price: ... we're a little bit putting the cart before the horse, because we don't actually have a defined scope of work for the feasibility study, and I think that would really be helpful.

Susan Wefald: Hello. This is Susan Wefald in Bismarck with Friends of the Rail Bridge. Actually, we did put together a scope – a proposed scope. We had an engineer draw it up and we had other people review it and that's what Mr. Zimmerman has been discussing with the Kadrmas, Lee & Jackson.

So, we realized we needed that before we even started talking to an engineering company, and yes, we are focusing on the purpose. I'll just read what the purpose says. The purpose of the study is to determine the

feasibility, the cost estimates and conceptual improvements necessary to repurpose the existing railroad bridge as a pedestrian/bicycle facility.

And we did not think that these meetings we're going to be the steering committee for this project. We thought that we would have a steering committee, as we've discussed at the last meeting, and as we've discussed today, that would be taking responsibility for coordinating this project and giving information directly to the engineering company and help to them. And so that's why we did not bring the scope to this – to this group.

Lori Price: That would be great. I just think it'd be helpful if we had it, because at least we know that there is a scope of work being developed that will be shared with the steering committee because that actually hasn't been stated until just now. So, I appreciate that, but that would make the conversation much easier. So, if that has been distributed to the steering committee, that would be a great first step.

Susan Wefald: Yes. That has not yet been distributed to the steering committee. We've only used it with Kadrmas, Lee & Jackson.

Rob McCaskey: Yes. This is Rob with the Coast Guard. I'd be interested to know who specifically participated in the steering committee. I think it's important that BNSF participate in that process, so they can be fully aware. I definitely think they should be, going into the future. Chris, do you have any comments?
Chris Wilson?

Chris Wilson: Yes, in order to keep the process transparent, and I think everyone is in agreement about this, is that it's OK for groups to meet in between consultation meetings, but there's got to be – and I think you've demonstrated that today, you've already done it, but we need to continue to report back to the group as to know what's occurred.

Also, I'd like to have an additional conversation before the next meeting about the contents of the scope. Lori is right about that. I'm just trying to think about ways to save time and money and not to duplicate efforts but also to pick the brain of Kitty Henderson and Betsy Merritt. They have been involved in many, many projects like this.

Not just the engineering of it and how a pedestrian bridge would link up to trails, but how does that actually work, that's why we want Charles Montagne to talk about the Fairview Lift bridge, how does it work as it relates to use and the need – the satisfaction of all the parties that might – that might use it including the city, BNSF, FORB, and everyone else.

Susan Wefald: All right. Excuse me, Mr. McCaskey, so it's helpful to have this meeting today, so we understand and try to understand what everyone is wanting from us. However, when we first – we drew up the scope to give you kind of an idea of our – of our thought process here.

First, we thought we needed to have an idea of how much this might cost, all right? So we drew up a draft scope to take to an engineering firm because we heard so clearly on the line last time that you did not want us to use, let's say, an amateur group of engineers, whoever that could be.

So we went to an engineering firm with the draft scope to say what could this cost because we're just trying to be fiscally responsible here and we wanted to have an idea of how much money we would have to raise. So, we were asking them for a quote, all right?

And so, in talking to them, they came back to us with these questions that we've shared with you today at the beginning of the call. They could not give us the quote, they said, until they we are able to get this information to Kadrmas, Lee & Jackson.

Also, what we have done is we have approached some people about serving on the steering committee. We approached BNSF. As I said, we asked Amy Macbeth. I'm not sure she's the right person, but we started with her thinking that if she wasn't the right person, she could get us the right person from BNSF and she's in the process of doing that.

We also approached the Parks Board in Bismarck. We approached quite a number of community groups and I can read the numbers – the names of those people that we have approached already about this if you wish and need me to tell you who we've already approached about serving on a steering committee.

And we're using the concept of the steering committee that was used successfully in New York State. We have read the report and what they did there using their steering committee. And so, we're trying to do our very best.

As I said, we didn't realize that the consulting parties would be a committee as a whole on this and – but we want to do what's needed in order to find out the potential if it's possible even to have this turned into a pedestrian bridge. And we think we're on the right track. We're pretty confident here.

Rob McCaskey: Yes, Mrs. Wefald, this is Rob. I guess I should have asked, have you contacted somebody, before assuming that you hadn't. They just found it a surprise, BNSF did. So, I didn't know that you guys are working with them, certainly we want them involved. It sounds like you're meeting the intent there.

If I could get a – you could – you don't need to list everybody that you're working with right here. If I could get a summary in writing or something, so that I can be aware of what's going on, it would certainly help and it would reduce my jumping to conclusions on what's going on and criticizing the process I might not be fully aware of.

Susan Wefald: OK.

Kitty Henderson: This is Kitty – somebody else wants to speak, that's OK.

Rob McCaskey: Go ahead, Susan.

Susan Wefald: This is Susan, go ahead Kitty and then I'll go next.

Kitty Henderson: I'm just responding somewhat to what Chris Wilson asks. I have been in touch with Susan. I have provided her with some examples of documents that other projects have sent out requesting for engineers and I can provide her with even more examples of what engineering firms have asked for or said they needed to be able to fulfill a project.

I've also talked with her about a range of prices and we certainly know that, obviously, the more difficult it's going to be for the engineering firm to access

the bridge and the size of the bridge will increase the cost for any type of cost analysis or feasibility study.

So, Chris, I am trying to provide some consultation with Susan and her group. I'm certainly open for them to talk with me about other aspects. So – but I will also say that an engineering firm is going to need some help to get some information on the structure itself because they can't make assumptions and put their PE stamp on something.

They have to make sure that they're dealing with facts. So, I think there is just going to be some places where it would be helpful if they had some original drawings or had access to look at them, perhaps even go into a BNSF office or something and look at them there rather than them being sent those drawings, but they're going to need some information on the structure.

And because it is an active rail line, it seems like to me that they may be able to get some of that information from – information BNSF has in terms of drawings or other information that they need.

Rob McCaskey: Amy from BNSF, I think you're about to speak.

Susan Wefald: Mr. McCaskey, this is Susan again.

Rob McCaskey: Yes, ma'am.

Susan Wefald: ... from Friends of the Rail Bridge and I will send you an e-mail after this meeting telling you who we have already contacted regarding serving on the steering committee. I haven't gotten responses back from everyone yet and that's why I was waiting to share this because I thought I would wait until we knew who was willing to serve. But, I will send you who we have invited. And then, I will send you a draft of the scope as well to you.

Rob McCaskey: Thank you. I appreciate it.

Kristopher Swanson: Rob, this is Kris Swanson of BNSF. As part of our permitting applications, did we not submit plans as part of that application package?

Rob McCaskey: We don't have a formal application package, but we do have plans that were submitted, yes.

Kristopher Swanson: Right and that's available via FOIA, correct?

Rob McCaskey: In absence of our legal department looking at that, that is a way to ask for it and then our legal department will decide what is releasable or not.

Kristopher Swanson: Right.

Rob McCaskey: I just don't want to talk....

Kristopher Swanson: Right, right. I don't mean to be putting you on the spot. But, assuming that it is, I believe this project has already had multiple requests via the Freedom of Information Act, and so if those were obtained as part of that request, those plans have some basic dimensions that KLJ could use for any of their analysis.

But, as far as – that would be the only information that we'd be willing to give from a nonproprietary stance. And I don't want to make any assumptions, but I imagine that there have been FOIA requests and that those have been fulfilled. So, I think that's one way to get some information that's being requested.

Rob McCaskey: So, Kris, instead of putting people through the task of an additional FOIA request, is it – it just sounds like you're fine with us releasing those drawings that have been submitted for the process, can we – are you OK with us doing that?

Kristopher Swanson: I mean if it's eligible to be presented for FOIA request, I would say yes.

Rob McCaskey: OK. Then, I'll – I'll reach out to my legal people tomorrow to make a decision and see if we can get that information, so we can move the process along. I don't see the value in delaying things any more than we need to do.

Mark Zimmerman: Rob, this is Mark Zimmerman with Friends of the Rail Bridge. I would like to ask, would it be appropriate that we ask that Kadrmas, Lee & Jackson contact BNSF directly and those two parties discuss what KLJ wants, why

they want it, and what BNSF is willing to and can provide? If BNSF could provide it either now or in an e-mail? Who is that individual that Kadrmas, Lee & Jackson should reach out to?

I think that seems to me – let the professionals discuss this and not go around and around here on what is available and what isn't. I don't know why KLJ wants this. That's why we reached out to an engineering firm. I trust them. They're very well respected across the upper Midwest.

They serve on many projects. I would hope and ask that we look at having the two parties, BNSF's professional crew and Kadrmas, Lee & Jackson, discuss what can in fact be shared; what information they can discuss and share.

Rob McCaskey: This is Rob. I have no objection to that. My only caveat would be that I want to be privy to the conversation and what is said from both sides so that I can be aware of it. What's your reaction to that Kris or Mr. Herzog?

Mike Herzog: That is something we can accommodate. I would be the primary contact for the engineering side.

Rob McCaskey: OK. Then, we'll make that happen.

Mark Zimmerman: Rob and Mr. Herzog, this is Zimmerman again at Friends of the Rail Bridge. Would you be willing to give us your contact information, I don't know that we have your contact phone number, if you would provide that? I know that Rob has Susan Wefald's contact information if we want to route it through Rob to Susan. We would certainly pass that on to KLJ and they could visit ...

Mike Herzog: OK.

Mark Zimmerman: ... about a time appropriate but thank you Mr. Herzog for offering your time and expertise to visit with KLJ.

Rob McCaskey: I'll coordinate that contact. No problem, yes, whatever Mr. Herzog is comfortable with. OK, where were we after that – did – was – Amy from BNSF, were you trying to speak and did I step on you?

Lori Price: I don't believe Amy is on the call this evening.

Rob McCaskey: OK. I thought she said, this is Amy. OK. So, update on the feasibility study, is there anything else regarding the feasibility study that BNSF wanted to ask or any other updates from FORB with respect to the feasibility study?

Susan Wefald: One more thing and this is Mrs. Wefald again with Friends of the Rail Bridge. The person who signed the letter was Wade Frank, Senior Bridge Engineer and a phone number at the top of the page is (701) 355-8400.

Rob McCaskey: Great. Thank you.

Chris Wilson: Rob, this is Chris at the ACHP. I want to find out, if we have enough time during this meeting since we're a little ahead of schedule, for FORB to bring to the attention of the group the community meetings that you've held and what has the response been like. Do you have any others scheduled as part of that initial grant you obtained? Do you want to do that today or do you want to push that off to the next meeting?

Susan Wefald: We would like to push that off to the next meeting. We're holding two more meetings in the next two weeks, and so we would like to delay that report until the next meeting.

Chris Wilson: Thank you.

Rob McCaskey: Chris, anything else?

Chris Wilson: No, I – again, the interesting thing about 106 is it takes a lot of twists and turns, and I'm really impressed with the way this consultation is moving forward. Certainly, FORB is standing up and raising money and awareness and working with a whole host of people.

But, I think by the same token BNSF is being very cooperative and trying to – with that other option they mentioned, look at – look at other ways to deal with their bridge replacement project and I'm very pleased with the way the consultation is moving and I just want to thank everyone for – for calling in every month and participating.

Rob McCaskey: I'll second that Chris. OK, before we move on from the feasibility study discussion, is there anything that anyone else wanted to discuss or bring up?

Mike Herzog: Rob, this is Mike Herzog.

Rob McCaskey: Yes, go ahead, Mr. Herzog.

Mike Herzog: Yes, I'd like to have a little discussion on here talking about the feasibility study about what we are considering a reasonable timeline for completing this. I know I have my own thoughts based on our last meeting when it was communicated what the – the expected time was needed to complete it, but I just want to bring that up for a little bit of discussion here.

Susan Wefald: That will help – we will have more information about that when we get our quote. This is Susan with the Friends of the Rail Bridge.

Rob McCaskey: That occurred to me as well that it would be easier to have a discussion about that once the contractor has been or the engineer has been contracted to do the job. I am open to your input Mr. Herzog if there was something you specifically wanted to say about the timeline.

Mike Herzog: Yes, certainly. So, on our last call where we agreed to do a feasibility study, the timeline that was communicated by FORB was a few months to complete the feasibility study which would put us towards the end of the 2018 year and that is the desire, that is, from the BNSF side, that we are still aiming to have it complete by that point.

Susan Wefald: Yes. That's still our goal as well and of course we can move this along as quickly as possible by having BNSF and the engineering firm talk together and get that information.

Rob McCaskey: That sounds like a reasonable goal and plan from both sides. Mr. Herzog was there anything else you wanted to present?

Mike Herzog: Nope. That's all I have Rob. I just want to make sure we're all still aiming for the same target.

Rob McCaskey: You bet.

Kristopher Swanson: Rob, this is ...

Rob McCaskey: Thank you.

Kristopher Swanson: Rob, this is Kris Swanson. I just want to say one thing, not to make any accusations or anything like that, but I just want to put it out there that Mike and I, Herzog and I, do bidding and proposals for a living as far as our capital projects. So, we know that a ballpark estimate can be obtained ahead of time with certain assumptions.

And I think that's something too that will help— to see if a feasibility study is even feasible from a funding standpoint from FORB or whoever else is going to participate on the funding. So, I think, from now, it's like we don't even know what funding FORB has or – or anyone else for that matter, much less know what that feasibility study is, if they're going to do a full analysis.

So, this is going to be hundreds of thousands of dollars not to mention the time on top of it aside from what BNSF is already providing from the additional scope, so I just – I don't want the progress to be held hostage based on BNSF providing information.

Rob McCaskey: Well, Kris I understand your concern. I guess this is kind of my job to make sure that nobody holds anything hostage and if we get to the point where it's clear that it's unfeasible due to cost, then we can certainly cross that bridge when we get there. In the meantime, I think we're moving towards that information ...

Kristopher Swanson: Again, and I know how – yes, and I know I used some strong language, but I guess the main point I was saying is that there are things like keeping moving in parallel so this is in a linear process.

Rob McCaskey: What would you like to be moving in parallel?

Kristopher Swanson: That KLJ makes some assumptions on the hours needed in order to complete it and they can get a ballpark in to submit. It would give a pretty good idea of where we're at as far as an ask and funding need.

Rob McCaskey: OK. Well, that seems reasonable. I hope that Mr. Herzog and those people can have a discussion here in the next couple of weeks and maybe get that type of thing moving forward. Then, we can get as accurate information as possible, so we can make a decision on that. Anyone else?

Fred Rios: Yes, Rob, Fred Rios again. Have we got any drawings on what it is going to look like, any new drawings or anything from the east and the west? Where in the heck is it going to be coming in on the east side by Bismarck and on the west side? And then, not by Captains Landing Township, are there any drawings prepared yet that we can look at? It would be nice to see what's happening in that also. Thank you.

Rob McCaskey: Mr. Rios, I promise you that as soon as I obtain more details regarding this information, I'll provide it to the group as soon as I can, but I have not had it as of yet.

Fred Rios: Thank you.

Kristopher Swanson: Rob, if I may, this is Kris Swanson of BNSF. I believe that's going to be in the scope item as part of the feasibility study. I would imagine that would have to be an assumption made as far as the cost associated ...

Rob McCaskey: Right, right. I agree. Yes, I expect to see that with the feasibility study. OK, any other discussion of feasibility study? All right, hearing none moving on to Number 4b, examples of programmatic agreements from Chris Wilson and so where is this, Chris?

Chris Wilson: Yes. And I do not have any additional PAs. I'm trying to wrangle that MOU from the group I mentioned earlier, but I don't have any other PAs to distribute at this time. I'll try to have that done for the next meeting.

Betsy Merritt: Hey, Chris, I think that the – are there any particular ones that you're looking for?

Chris Wilson: So, I'm – I think it's more useful to have – I mean, there's a lot of FHWA examples, but I'm looking for an FRA or BNSF example. That's why the Fairview Lift bridge, I'm sort of obsessed with that.

Betsy Merritt: OK.

Chris Wilson: I could also get access to that Park Service bridge at the Appalachian Trail because they do have – they do have existing pedestrian access and the – and the rail line is in active use. I'm trying to find examples that are as close to this as possible.

And mainly what I'm trying to get at is to show all the consulting parties that these PAs not only provide flexibility, but what I mentioned earlier, they provide a path for how these bridges are going to be used in a collective manner.

And I don't know if that's something the engineering firm can provide. That's why the Trust, ACHP, SHPO, the city – the city – city planners, someone needs to also be on that steering committee to provide examples and provide examples to the group on how it actually works. How do these bridges function once they're up and running?

And then, I think I've said this at the last meeting, as it relates to BNSF, it's not an abandonment. So, they need to have assurances that this existing bridge is not going to impact their – their new structure. So, I'm trying to find PAs that are rail conversions. I don't know if we're going to find any on the existing rails outside of the Appalachian Trail, but there may be others, so that's the kind of thing I'm looking for.

Betsy Merritt: OK. Thanks for clarifying.

Rob McCaskey: OK. That was the last ...

Lori Price: This is Lori. Just ...

Rob McCaskey: Go ahead, Lori. I'm sorry.

Lori Price: This is Lori. Just a point of clarification, we did receive a Statewide Programmatic Agreement from FHWA. It's an FHWA Statewide Programmatic Agreement for one of the bridges that we had discussed last time, and we did distribute that just before the meeting with the minutes. It's – it is an FHWA Statewide Programmatic Agreement but we did get that and sent it out with the minutes today.

Rob McCaskey: Thanks, Lori. OK. Go ahead. Go ahead.

Chris Wilson: I know the two Chris's need to talk about the FRA program comment, so Kris, give me a call and I'll put you in touch with the staff member that can unpack that whole thing for you. Or anyone at BNSF that's interested, I'll – I'd like to have a – I'd like to make sure you guys understand how that's applicable to other projects around the country.

Kris Swanson: I appreciate that, Chris. I talked to my supervisor, Dava Kaitala, who was working with AAR when that was developed so, I think – I think you can probably scratch that action item. I appreciate the offer though.

Rob McCaskey: All right, good. Anything else? Chris, I keep stepping on you. Any other questions for Chris on the PA? OK, I have no other items on the agenda. Let's move on to the discussion of the next scheduled meeting, any objections to that?

I have on the agenda, November 14th as the next meeting. I envision that as an in-person meeting in Bismarck. I would say November 14th at 6:00 p.m. You can certainly expect more information about that. Any discussion of that or complaints?

Lori Price: Are you suggesting November 14th as an in-person meeting in Bismarck, Rob? I missed the first part of that, I'm sorry.

Rob McCaskey: That's affirmative.

Lori Price: OK. I cannot personally attend that, but I will be happy to call-in.

Rob McCaskey: OK.

Emily Sakariassen: This is Emily Sakariassen with Preservation North Dakota and neither one of the Preservation North Dakota Representatives, neither Susan Dingle nor I can make that meeting.

I'm actually going to be at the National Trust for Historic Preservation Conference as well as Amy Sakariassen and Eric Sakariassen who has been representing Fort Abraham Lincoln Foundation and the National Trust as an advisor. So, at least four of us won't be able to attend that date in person, maybe not even in a phone call.

Betsy Merritt: This is Betsy Merritt and I have the same issue in that I'll be in San Francisco at the National Trust Conference. I don't know whether there is an opportunity for all of us who are out in San Francisco to get together and call in together, but it's possible but we could call in. I just, I don't know yet the specifics of the conference program.

Rob McCaskey: OK, good feedback. Anyone else? I can tell you that I've got some personal things going on the second half of November and I don't know that we will be able to meet then. I don't know if I'll be able to fly probably until December. I've got a medical thing that's going on, so that would push the meeting off, if I was going to be flying, until December.

Susan Wefald: Mr. McCaskey, are you thinking, afternoon or evening for the in-person meeting in Bismarck?

Rob McCaskey: I'm open to either one. The last time we did it in the evening and it seemed to work fine. What's your opinion – what's your input, ma'am?

Susan Wefald: Either, I guess what's – it would be helpful now to know because that time period is getting very busy for everyone and so if you could announce today whether it's going to be in the evening or the afternoon, I think that would be helpful.

Rob McCaskey: I think the evening is the best time. That way, for people that this isn't their – people that are working, it just won't take away from their work. I don't – with so many people missing on the 14th, I don't know if that's the right time

to have it. We may just push off until December. Let me take a look at my schedule and see if I can fit something else in.

Betsy Merritt: This is Betsy Merritt. If we do push it off to December for an in-person meeting, we could still do our monthly conference call.

Rob McCaskey: I like that. Yes, you're right. Is anybody – and I know I heard there's a couple people – is there anybody that can't make it in-person that will be able to call in? Did that help anyone at all?

Emily Sakariassen: That helps the Sakariassen three.

Rob McCaskey: OK.

Betsy Merritt: Yes, same here, Betsy Merritt. I can call in.

Lori Price: Yes, this is Lori. I may be able to call in also.

Rob McCaskey: OK.

Chris Wilson: I am going to be out at the conference too and I can ask her to maybe do – help do some logistics as well. I mean it is a possibility ...

Betsy Merritt: Chris, who is that that's going to be out at the National Trust Conference?

Chris Wilson: (inaudible) is teaching our basics course.

Betsy Merritt: OK.

Chris Wilson: I think it's Saturday and she could actually probably help you with your logistics.

Betsy Merritt: Yes.

Chris Wilson: And maybe even participate because she's been in the field a long time. But, I mean it's not as if the conference isn't related to what we're doing.

Betsy Merritt: Absolutely.

- Chris Wilson: But, anyway, I'll volunteer (inaudible) services, maybe she can figure out a space – a quiet space where everyone can call.
- Betsy Merritt: OK.
- Rob McCaskey: Appreciate that Chris, thank you. While we're here and while we have a few minutes, what the – what is everyone's schedule look like on December 5th for an in-person meeting, is that feasible or is that going to work for everyone, December 5th, 6:00 p.m. in Bismarck?
- Lori Price: Yes, December 5th, I can do it as long as it's an evening meeting so we can get up there during the day.
- Rob McCaskey: Right. Sakariassens?
- Emily Sakariassen: Yes.
- Rob McCaskey: Mrs. Wefald?
- Susan Wefald: I'll try to make it work. I have another conflict, but I'll try to make that work.
- Rob McCaskey: We can talk more at the November meeting too. How's BNSF for that week, December 5th?
- Mike Herzog: The date of the 5th is challenging for me. I have an early meeting the next morning that I need to attend in Kansas City.
- Rob McCaskey: So, earlier that week would be more useful?
- Mike Herzog: Yes.
- Rob McCaskey: December 5th is a Wednesday, does the 4th help?
- Mike Herzog: Just a second. I'm switching back to my calendar.
- Rob McCaskey: I understand. I'm playing those calendar games too.
- Fred Rios: Rob, this is Fred. Do you need me to attend?

Rob McCaskey: Fred, you're certainly welcome to attend every meeting that we have and your input is always welcome, sir.

Fred Rios: Well, I'll try to be there.

Mike Herzog: Rob, this is Mike ...

Fred Rios: I don't know if I'm – I don't know if I'm going to be in Colorado next month and December, I'll try to be there.

Rob McCaskey: OK. Thank you, sir. Mr. Herzog?

Mike Herzog: Yes, the 4th works.

Rob McCaskey: OK. We can certainly discuss this more in detail as we get closer to that date. OK. Then, let me switch back to there. So, I've got us listed at November 14th, but let's do an evening meeting again. Does anyone object to that? Let's do it at 6 o'clock in the evening.

And I want to mirror something Chris said, that I think there's flexibility on both sides. I've seen that today and especially over the last meeting, I really appreciate it. I like the way things are going and I'm optimistic that this process is working. So, thank you everyone for your – for your input and for everything is going on.

Walt Bailey: This is Walt Bailey, Bismarck Historical Society, what is the status of the meeting for November 14th, is that on or not?

Rob McCaskey: November 14th is on at 6:00 p.m. It will be a call-in. I'm sorry, go ahead. I didn't mean to step on everybody.

Mike Herzog: This is Mike Herzog. If we are changing the November 14th call or November 14th meeting to a call-in, I would propose that we adhere to our frequency of doing that daytime versus nighttime calls. So, I would propose that one being in the afternoon as we have been doing in the past.

Lori Price: Yes, this is Lori. I actually cannot make an evening call on the 14th, but I can make an afternoon call on the 14th of November.

Rob McCaskey: Any other comments on switching it from evening to 2 o'clock in the afternoon Central Time?

Walt Bailey: This is Walt Bailey again. I can handle an afternoon meeting, but I am committed for the evening. I couldn't do that.

Emily Sakariassen: This is – this is Emily Sakariassen. If we could do it later afternoon like at 3 o'clock that would work for the three groups that are ...

Betsy Merritt: In California.

Emily Sakariassen: ... in California, yes, yes.

Chris Wilson: Yes. Because, I mean the only way I can ask my colleague to coordinate it is if it's later, after our course is over.

Rob McCaskey: Is that Chris?

Chris Wilson: Later in the afternoon on the 14th would help us coordinate logistics for everybody out there.

Rob McCaskey: 1500 Central Time, does that work, 3 o'clock?

Chris Wilson: Of course, in west coast time, that would be noon, right?

Betsy Merritt: No, it would be 1:00 – 1 o'clock.

Chris Wilson: Well, we'll see what we can do. I mean maybe if I can make the arrangements the night before, but we'll figure it out. And then, also for the 4th, I have a meeting at Manassas Battlefield the third, so it would help me to get up to Bismarck if that meeting was an evening meeting on the 4th because I'll be at – I'll be at Manassas late.

Rob McCaskey: OK. Yes, yes. I think the evening meeting is what I envision for the 4th.

Betsy Merritt: Chris, are you – are you saying December 3rd you have a meeting?

Chris Wilson: Yes. There's a December 3rd meeting at Manassas Battlefield which is part of the discovery of the ...

Betsy Merritt: Oh, OK. Right, right, right. OK.

Rob McCaskey: OK. So, what I'm hearing, I believe we've agreed to, is November 14th at 3:00 – at 3 o'clock Central, is that what I understand ...

Betsy Merritt: And it would – it would be scheduled for two hours, right?

Rob McCaskey: Yes, ma'am.

Betsy Merritt: ... from 3:00 to 5:00? OK.

Rob McCaskey: OK. Hearing no other comments, I'm prepared to close the meeting. Does anyone object?

Betsy Merritt: No.

Rob McCaskey: OK. Then, this is Rob McCaskey signing off and see you guys in a couple of weeks.

END