



September 26, 2022

Brian L. Dunn  
Chief  
Office of Bridge Programs Commandant (CG-BRG)  
U.S. Coast Guard STOP 7509  
2703 Martin Luther King Jr. Ave., SE  
Washington, DC 20593

Ref: Memorandum of Agreement among the United States Coast Guard, the North Dakota State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Proposed Bridge Project at Mile 1315.0 on the Missouri River  
Bismarck and Mandan, Burleigh County, North Dakota  
ACHP Project Number: 012241

Dear Mr. Dunn

Enclosed is your copy of the fully executed Memorandum of Agreement (MOA). By carrying out the terms of the Agreement, the United States Coast Guard (USCG) will fulfill its responsibilities under Section 106 of the National Historic Preservation Act for the referenced undertaking and Stipulation XVI.B.1 of the Programmatic Agreement among the United States Coast Guard, the North Dakota State Historic Preservation Officer, and the Advisory Council on Historic Preservation regarding the Proposed Bridge Project at Mile 1315.0 on the Missouri River near Bismarck and Mandan, Burleigh County, North Dakota. Please ensure that all consulting parties are provided a copy of the executed MOA.

We commend the USCG for the thorough and lengthy process it undertook since 2016 to consider the impact of the permitting process on the National Register eligible Bismarck-Mandan Rail Bridge over the Missouri River in North Dakota. As a participant and signatory in this case, the ACHP appreciates the efforts made by all the consulting parties to try to reach a preservation outcome in this review.

We note that questions remain over the ownership of the bridge, as expressed in letters to the ACHP from Friends of the Rail Bridge (FORB), dated August 27, 2022, and the National Trust for Historic Preservation (NTHP), dated September 16, 2022. In its letter to the ACHP, the NTHP requested that USCG conduct additional consultation and include an additional whereas clause and stipulations in the MOA that would condition the USCG's permit to require BNSF to apply and receive a Sovereign Lands Permit Authorization from the North Dakota Department of

Water Resources. While the ACHP shares FORB's and NTHP's interest in preserving this historic bridge, the ACHP also recognizes the USCG's ability to determine the scope of its permitting authority and whether all applicable requirements necessary to issue a permit have been met. In this case, the USCG stated, in a letter addressed to FORB and BNSF, dated May 3, 2022, that "BNSF is the proper party to submit an application for a replacement bridge." As such, USCG determined that the question regarding ownership did not interfere with its ability to consider and make a decision on the permit application to move forward with the proposed undertaking. Further, it is the ACHP's understanding from the USCG that it does not condition its permit on the outcome of a state application process, as was requested by the NTHP.

If the question of bridge ownership were to be determined by the State at a later date such that a change to the proposed undertaking were required, or other circumstances arise that warrant revisiting the terms of this MOA, the ACHP is prepared to assist in further consultation or in amending the MOA as needed.

If we may be of further assistance as the Agreement is implemented, please contact Christopher Wilson at (202) 517-0229 or by e-mail at [cwilson@achp.gov](mailto:cwilson@achp.gov) and reference the ACHP Project Number.

Sincerely,

A handwritten signature in black ink, appearing to read "Reid J. Nelson", written in a cursive style.

Reid J. Nelson  
Director  
Office of Federal Agency Programs