

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Sec. 106 Consulting Parties Meeting (#3) for the Proposed Bridge Replacement at Mile 1315.0 on the Missouri River near Bismarck/Mandan, North Dakota (ND SHPO Reference 16-0636)
Date: Friday, June 15, 2018 4:59:17 PM
Attachments: [1315.0 MOR Bismarck Consulting Parties Mtg Two 051418 Minutes.pdf](#)
[1315.0 MOR Bismarck Consulting Parties Mtg Two 051418 Sign In Sheet.pdf](#)
[\[FEMA Comments\] 60 day email notice for additional data request for Case 17-08-1412R.pdf](#)
[1315.0 MOR Bismarck Consulting Parties Mtg Three 062018 Agenda.pdf](#)

Dear Consulting Party,

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) has initiated consultation with the North Dakota State Historic Preservation Office (ND SHPO) on the above referenced undertaking - BNSF Railway Company's (BNSF) proposed replacement of the single-track railroad bridge across the Missouri River in Bismarck, North Dakota. The USCG is the lead federal agency for Section 106 for this undertaking. Pursuant to 36 Code of Federal Regulations (CFR) 800.2(c)(2)(ii), your Tribe is invited to participate as a Section 106 consulting party.

Following 36 CFR 800.4(a)(4), we ask your assistance in identifying traditional cultural properties, sacred sites, or places that have historic, religious, or cultural significance to your Tribe in the project area. Please direct written correspondence to Mr. Robert McCaskey, Bridge Management Specialist, USCG District Eight Bridge Branch, 1222 Spruce Street, St. Louis, MO 63103-2832. If you have any questions or would like further information on the Section 106 process, please contact Mr. McCaskey via email at [REDACTED], or by phone at [REDACTED].

The USCG has designated BNSF's consultant, CH2M/Jacobs, to contact parties on their behalf for the purposes of Section 106. In that role, we are contacting you regarding the proposed undertaking and upcoming Consulting Parties meeting.

On behalf of the US Coast Guard,

Please find attached the meeting minutes and sign-in sheet for consulting party meeting #2 held on May 14th, 2018. Additionally, the comments from FEMA regarding scour are also attached for your review.

The agenda for consulting party meeting #3, to be held via teleconference on June 20th at 2:00 pm EST is also attached for your review.

Please send any suggested edits or additions to the meeting minutes for meeting number two, and any agenda items you would like added for meeting number three to Ben Roberts at [REDACTED] or [REDACTED].

The teleconference number for consulting party meeting #3 is 866-203-7023; PIN 5093-167-060.

Thank you in advance,

Ben Roberts

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Benjamin A. Roberts, MHP | **Jacobs** | Cultural Resources Planner | Aerospace, Technology,
Environmental, & Nuclear | + [REDACTED] mobile | + [REDACTED] direct |
[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)**

Third Section 106 Consulting Parties Meeting Agenda
Wednesday, June 20, 2018 at 2:00 pm CST
866-203-7023; PIN 5093-167-060

1. Roll-Call/Introductions
 - a. Safety Moment
 - b. Meeting purpose
 - c. The Section 106 Process and Roles Review
2. Continue the discussion of scour
 - a. FEMA requirement of no additional structure impact
 - b. Discussion of FEMA's findings (comments received by Houston and TKDA)
 - c. Abatement Plan: A report from Houston Engineering or from another BNSF contractor on means, such as by use of riprap and other methods, to address riverbed scouring issues which may potentially be caused by construction of a new rail bridge north of the existing historic bridge.
 - d. FORB would like a representative from FEMA to attend the next consulting meeting to answer questions.
3. Eastern part of the Bridge is within City of Bismarck: Clarification that both the eastern part of the proposed BNSF Bridge and the present BNSF Bridge are within the city limits of Bismarck.
4. Proposed schedule for next Consultation Meetings:
 - July 11
 - August 1
 - August 22
 - September 12
 - October 3
 - October 24
 - November 14
 - December 5

Procedural Issues

- The important role of the United States Coast Guard (USCG) at these meetings. While FORB understands that Ben Roberts and Lori Price Jacobs may play a role in setting the meetings, it is

FORB's understanding that the USCG will establish the final agenda for each meeting and will conduct each of the Section 106 Consulting Meetings.

- While conference calls may be held occasionally, it is important that at least three-quarters of the meetings be held in the Bismarck-Mandan area.

From: Stewart, Jenna R. <[REDACTED]>
Sent: Tuesday, January 23, 2018 10:46 AM
To: Adam Nies
Subject: RE: 60 day email notice for additional data request for Case#: 17-08-1412R

Follow Up Flag: Follow up
Flag Status: Flagged

[External Email]

Dear Mr. Nies,

Thank you again for your additional data submission. I have reviewed the data, and I have a couple of follow-up comments and questions.

1. (AD-1) Will you be able to provide a signed "No Take" statement? Without the final permits in place, we will need to have this statement in order to move forward.
2. (AD-2a) It appears that the water surface elevations (WSELs) outside of the revision area do not match the effective WSELs. Please add a note to your post-project conditions model indicating that there were slight changes in WSELs upstream of the revision area, but that these increases were not caused by your project, and the geometry still matches the effective model geometry.
3. (AD-4b) It appears that the background image on the topographic work map might contain colors similar to your revised delineation. Can you redraw the effective and revised delineations as lines rather than filled colors in order to make the delineations clearer?
4. (AD-4c) It appears that the post-project conditions model Cross Sections 131552, 131551, and 131550 are not on the work map. Please add these cross sections.
5. (AD-4di) Please ensure that the contour labels are legible for the entire revision area.
6. (AD-4diii) Please ensure that the reach distances match between the map and the model for Cross Sections 131678 and 131585.
7. (AD-6) Please revise the annotated FIRM so that it is at the same scale as the effective annotated FIRM. Similar to Comment 3 (AD-4b), please redraw the effective and revised delineations as lines rather than filled colors in order to make them clearer.
8. (AD-7c) According to your map titled "Impacted Structures BNSF Bridge, Mandan, ND", dated May 30, 2017, it appears that there are structures located within the floodplain that will be impacted by increases in water surface elevation at Cross Sections 131502 and 131501 from the corrected effective to the post-project conditions model. Unfortunately, we will not be able to issue the case until we confirm that no structures will be impacted. Because the increases at those cross sections are 0.03 ft and 0.02 ft, respectively, there are a couple of options you can use to decrease the WSELs. Can you look into the impacts of changing a contraction/expansion coefficient, manning's n, or removing some of the ground geometry under the bridge? Please use your engineering judgement in those scenarios. In order to issue this case, we will need to ensure that there are no increases at those structures.

Please let me know if you have any questions, or if you would like to set up a conference call.

Thank you,

Jenna Stewart
CDM Smith, a member of **Compass PTS JV**
Telephone: [REDACTED]

Email: [REDACTED]

From: Adam Nies [REDACTED]
Sent: Thursday, January 18, 2018 8:21 AM
To: Stewart, Jenna R. [REDACTED]
Subject: RE: 60 day email notice for additional data request for Case#: 17-08-1412R

Hi Jenna,
I just submitted additional documentation that will help with the additional data request.

There is a pdf Tech Memo that will help describe everything included in this additional submittal "Response Document to Additional Data Request"

Thanks, and please let me know if there are any questions.

Adam Nies
Civil Engineer
Houston Engineering, Inc.
[REDACTED]

From: Stewart, Jenna R. [REDACTED]
Sent: Friday, January 12, 2018 5:01 PM
To: Adam Nies <[REDACTED]>
Subject: 60 day email notice for additional data request for Case#: 17-08-1412R

[External Email]

Dear Mr. Nies,

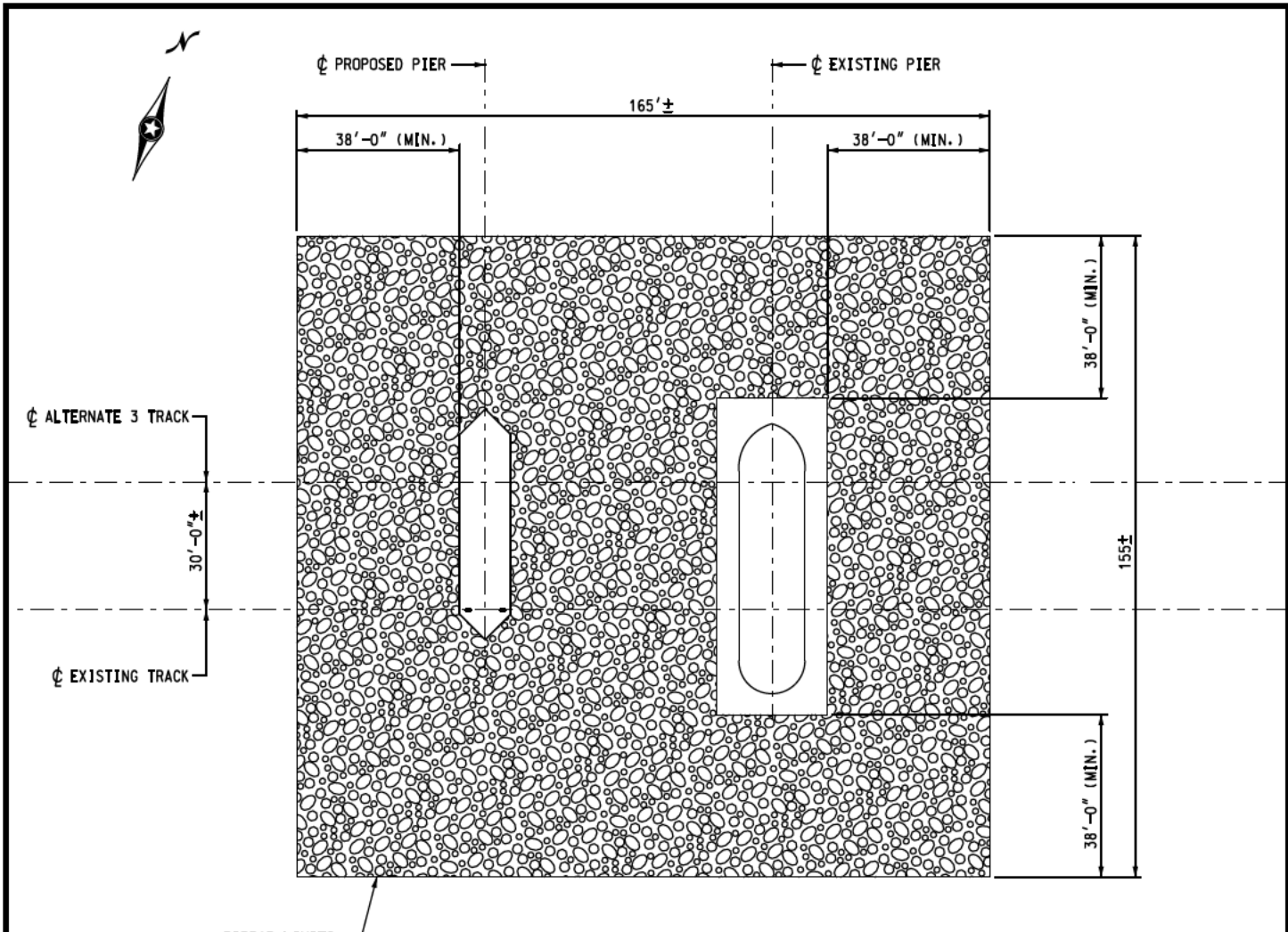
This is just a reminder that on November 13, 2017 a letter was sent requesting additional information for a revision to the flood hazard information on the applicable National Flood Insurance Program (NFIP) map for Burleigh County, North Dakota, and Incorporated Areas, and Morton County, North Dakota, and Incorporated Areas. Please let me know if you have any questions. Please note that additional information must be received by February 11, 2018 and must completely and accurately address all comments from our letter.

Please remember to upload the required data using your account on the online LOMC Web site at <https://hazards.fema.gov/femaportal/onlinelomc/signin>. I would appreciate it if you could email me when you have uploaded the data.

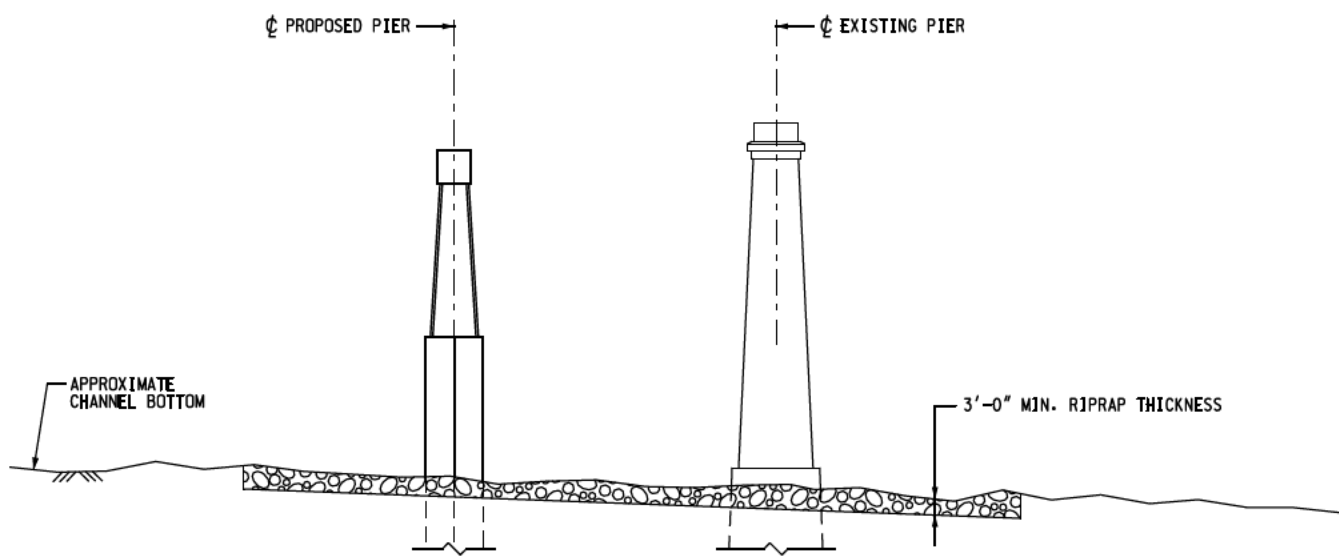
For identification purposes, please include the case number referenced above on all correspondence.

Thank you,

Jenna Stewart
CDM Smith, a member of **Compass PTS JV**
Telephone: [REDACTED]
Email: [REDACTED]




RIPRAP PLAN



ELEVATION

(SUPERSTRUCTURE NOT SHOWN FOR CLARITY.)

File Location: K:\BIS\150550004_Producer\1_CAD\06_3\ripRap\riprap_RIPRAP.dgn


 444 Cedar Street, Suite 1500
 Saint Paul, MN 55101
 651.292.4400
 tkda.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 #3
Minutes**

Wednesday, June 20, 2018 at 2:00 pm CST
866-203-7023; PIN 5093-167-060

List of Attendees:

Rob McCaskey (U.S. Coast Guard)
Kristopher Swanson (BNSF)
Amy McBeth (BNSF)
Lori Price (Jacobs)
Ben Roberts (Jacobs)
Susan Quinnell (North Dakota SHPO)
Hans Erickson (TKDA)
Kathye Spilman (Mandan Historical Society)
Christopher Wilson (Advisory Council on Historic Preservation [ACHP])
Christine Miterko (ACHP)
Walter Bailey (Bismarck Historical Society)
Emily Sakariassen (Preservation North Dakota)
Erik Sakariassen (Fort Abraham Lincoln Foundation)
Mandy Pearson (FORB)
Amy Guthrie Sakariassen (National Trust for Historic Preservation)
Valerie Barbie (FORB)
Nicholas Bradbury (FORB)
Mark Zimmerman (FORB)
Carl Hokenstad (City of Bismarck)
Natalie Pierce (Morton County planning and zoning)
Joey Roberson
Jim Neubauer (City of Mandan)
Jenna Stewart (CDM Smith/FEMA)
Henry Poburka (CDM Smith/FEMA)
Erin Oban (ND State Senate)
Kristina Quaempts (Northern Cheyenne Tribe)
Toni Erhardt (USACE)
Fred Rios (Supervisor Captains Landing Township)
Ronald Knight (Supervisor Captains Landing Township)
Liv Fetterman (Fort Abraham Lincoln Foundation)

2:53 p.m. EST

Operator: This is Conference # 380793171.

Rob McCaskey: Hey, this is Rob McCaskey with the Coast Guard.

Operator: Your conference is being recorded.

Lori Price: Hi, Rob. This is Lori.

Mandy Pearson: You've got Mandy Pearson and Mark Zimmerman with Friends of the Rail Bridge.

Carl Hokenstad: Carl Hokenstad City of Bismarck.

Rob McCaskey: Hold on, guys, we'll do a roll call here in a couple of minutes.

Female: All right.

Rob McCaskey: We'll just do that formally and make sure we get everybody's name and we'll check everybody in.

Male: (Inaudible) ...

Rob McCaskey: Whoever just checked in, we'll do a roll call here and get started in about two minutes.

Female: Hello?

Rob McCaskey: Yes. This is Rob McCaskey with the Coast Guard. We're going to wait another minute before we start. We'll take roll call and make sure we get everybody checked in.

Female: OK.

Rob McCaskey: OK, let's get started. Again, this is Rob McCaskey with the Coast Guard in St. Louis, I'll be leading the meeting today.

So, what we're doing here is the Section 106 process. It's our third consulting parties meeting.

Before we get started, if we could have everyone that's on the line identify who they are and who they represent, I appreciate that. So I've already identified myself, so let's continue.

Before we do that, I just want to let you know that Eric Washburn, my supervisor, the bridge administrator for District 8, is also here with me and he may be talking.

So, if everyone could please identify themselves, I appreciate it.

Mandy Pearson: Mandy Pearson Friends of the Rail Bridge.

Carl Hokenstad: Carl Hokenstad City of Bismarck.

Natalie Pierce: Natalie Pierce Morton County planning and zoning.

Male: (Inaudible) ...

(Reid): ... Morton County building and planning.

Rob McCaskey: Hold on. Did somebody – did Natalie Pierce say something, didn't catch her name?

Natalie Pierce: Yes, I'm on.

Rob McCaskey: Natalie, could you repeat that please? You were pretty quiet.

Natalie Pierce: Oh, sorry. It's Natalie Pierce Morton County, planning and zoning.

Rob McCaskey: Thank you. Let's continue.

Keri Olsen: Keri Olsen ...

Kristina Quaempts: Kristina Quaempts ...

Keri Olsen: ... with Bismarck Mandan MPO.

Jim Neubauer: Jim Neubauer City of Mandan.

Jenna Stewart: This is Jenna Stewart with CDM Smith.

Adam Nies: Adam Nies Houston Engineering.

Henry Poburka: Henry Poburka with Compass CDM Smith.

Kathye Spilman: Kathye Spilman with the Mandan Historical Society.

Susan Wefald: Susan Wefald with Friends of the Rail Bridge Bismarck.

Walt Bailey: Walt Bailey Bismarck Historical Society.

Erin Oban: Erin Oban North Dakota State Senate.

Erik Sakariassen: Erik Sakariassen Fort Abraham Lincoln Foundation.

Susan Quinnell: Susan Quinnell ...

Chris Wilson: Chris Wilson Advisory Council – go ahead – whoever interrupted me, just go ahead.

Susan Quinnell: I'm sorry. This was Susan Quinnell with North Dakota SHPO.

Chris Wilson: Hi, Susan. Chris Wilson Advisory Council on Historic Preservation.

I have with me Christine Miterko, – she's an architecture major and an intern with the Advisory Council this summer.

Hans Erickson: Hans Erickson with TKDA.

Kris Swanson: Kris Swanson BNSF.

Mark Zimmerman: Mark Zimmerman Friends of the Rail Bridge.

Toni Erhardt: Toni Erhardt with the Corps of Engineers.

Amy McBeth: Amy McBeth BNSF Railway.

Lori Price: This is Lori Price with Jacobs Engineering.

Also, I want to let you know that I am recording the call so we can have our minutes. So the conference service is recording the call just so we will be able to capture it for the purposes of producing our minutes.

So I would ask that when you're not speaking, if you could put your phone on mute, that would be really helpful for the recording. I would appreciate it.

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

Ben Roberts: Hi, Ben Roberts with Jacobs Engineering.

Valerie Barbie: Valerie Barbie with Friends of the Rail Bridge.

Male: Fred Rios ...

Lydia Bjorge: Lydia Bjorge with BNSF.

Rob McCaskey: Fred, what – who do you say you're with, sir?

Ronald Knight: Fred Rios supervisor for Captain's Landing Township.

Rob McCaskey: Got it.

Ronald Knight: And also, my name is Ronald Knight, K-N-I-G-H-T. I am another supervisor for Captain's Landing Township.

Rob McCaskey: Thank you.

Rob McCaskey: Is there anyone who hasn't checked in yet? OK, hearing none, we'll continue on.

Just a couple of housekeeping things, we did say make sure to mute your phone when you're not speaking. When you do speak, please identify who you are since we can't see each other's face or tell who's speaking. So when you go to speak, identify yourself.

I'll try and do that too. Apologize ahead of time because I know I'm going to forget at least once.

Let's see. So we're going to do the Section 106 third meeting.

Are there any changes to the agenda that was sent out before we get started?
Hearing no objections, we'll continue with the agenda.

The second item on the agenda was continue the discussion of scour. And first thing on that was FEMA requirement for no additional structure impact, and we're going to talk about that.

This is a good point. We had a request to bring a couple of representatives from FEMA in to answer questions, and we have Jenna Stewart and Henry Poburka who are contractors that work with FEMA on the CLOMR evaluations.

I want to welcome them, give them a chance to say a few words and have anyone that wants to ask any questions, feel free to do that.

So, Jenna or Henry, if you want to speak and tell everybody who you are and what you do, and then answer some questions, I would appreciate it

Henry Poburka: Hi, I'm Henry Poburka. I'm the revisions coordinator for MT-2 so region eight with Compass.

Jenna Stewart: And I am Jenna Stewart and I am also working on MT-2 reviews with Compass. And I'm the primary analyst for the CLOMR that was submitted for this proposed bridge.

Rob McCaskey: Thank you both for calling in on such short notice.

We had a request from some of the consulting parties to ask some questions. So, now is the time for anybody that has any questions to address those.

Chris Wilson: I'll just jump in since I don't hear anyone else champing at the bit. This is Chris Wilson with ACHP.

Can you explain what the MT-2 review process is for those of us who don't work in that – in that realm? Tell me what that means and what your responsibilities are with the CLOMR.

Henry Poburka: So the MT-2 process, if you're familiar with flood insurance rate maps and flood insurance study reports, basically, anytime that any of those documents are amended or people do projects that affect the floodplain within the NFIP and all those FIRM panels, they send the technical engineering data to update the maps and the flooding documentation.

All of those submittals go through our review. We are the technical partner that reviews the data for FEMA. And there's plenty of back and forth process, we provide comments, any inconsistencies that we see between updated maps and models, or we provide comments back on proposed structures and changes.

The end product if MT-2 encompasses both CLOMRs and LOMRs, so Letters of Map Revision, actually make changes to the attachments and documents in the flood insurance study reports or on the FIRM panels.

CLOMRs are conditional cases which, I believe, this bridge falls under, that is – if somebody is proposing to make a change to the structure or floodplain, that we'd go through, we provide our comments on what we believe the effects would be, and we give the OK that, you know, if built as proposed, we accept those changes.

Chris Wilson: Thank you, appreciate it.

Mandy Pearson: I have a question. I – this is Mandy Pearson from Friends of the Rail Bridge. I'm wondering if maybe someone could give me a good definition (inaudible) needs to be no additional impacts to structures in the – I don't know, if it's floodplain or floodway, or maybe it's both, but can you maybe explain what – what's the definition of no additional impact to structures?

Henry Poburka: So – yes. Anything that would raise the Base Flood Elevations or increase the SFHA is considered a negative impact. So, in terms of this CLOMR process,

FEMA and NFIP regulation 65.12 states that any project that occurs within a floodway can have no rise with any other structure.

Previously, it had been termed 'insurable structure,' but we are staying away from the insurable language these days, just because that's more insurance-based, it can be more up to a lender. So, typically, it's not related to hydraulic structures, but it's more dwellings or freestanding structures like that.

So a negative impact if something were not previously in a floodplain or it will be put in to a floodplain, we really – we look at the most up to date conditions before projects and after projects.

So, any letter of map revision, or conditional letter of map revision should submit a pre-project model which may be updated since the effective model, and then a post-project model is also submitted.

So if the pre-project to post-project comparison shows increases, even if a house is already in the floodplain, if the Base Flood Elevation rises that is considered a negative impact.

Mandy Pearson: Right. Thanks. OK. Thank you.

Mark Zimmerman: This is Mark from Friends of the Rail Bridge. My question would be, is your report finalized to this impact of the proposed new bridge? Has that been finalized or is it still in process of finalization?

Jenna Stewart: So this Jenna Stewart and I'm the one that's doing the reviews for this. And we have just received the final proof of notification, and so we are starting to wrap up this case. It is not finalized yet, but it is potentially going to be completed soon.

Mark Zimmerman: Again, this is Mark. Soon, do you have a projected finalization date? And then, my second question would be, is there additional – is there any opportunities for questioning the report or additional comments?

Jenna Stewart: So for this CLOMR, I don't really want to provide a hard date just because we have to go through some final processes, and sometimes the deadline can be

shifted a little bit. But, I would say within the next month is probably a good estimate for this particular case.

And, for this CLOMR process, we essentially issue the case and then it becomes active. So if you do submit a letter of map revision, rather than a conditional case, this would be after a proposed project is built, after that, we do offer a 90-day appeal period. However, for this particular CLOMR case, we will not have that appeal period.

Mandy Pearson: Great. OK. Cool. I don't know what – this is Mandy Pearson from Friends of the Rail Bridge. I don't really have any other questions about the process. I'm more into (inaudible) about the discussion.

So, after that, I guess, is when I would have more questions. But, for now, I don't – I don't really have any. Does that make sense?

Rob McCaskey: Sure. Is there anyone else that might have questions they would like to have answered at this point?

Susan Quinnell: This is Susan Quinnell with North Dakota SHPO.

So, typically, in this area where the bridge is, if there was a buildable spot or if the land conditions were right, could someone build a house on either bank?

Henry Poburka: So, a lot of – I mean, those questions are really not geared towards our specialty, so I'm kind of apprehensive to delve directly into that one.

A lot of it comes into local regulations and permitting, and, probably, more specifically, the actual location. Floodways are typically reserved entirely for passing the flood flow, so chances of building within the floodway are pretty slim.

There are always these conditional cases which would propose what impacts it may have which is the root for going about building something in a flood plain.

But as far as if it's a yes/no, I think, primarily, on our end, we look at it as, are you in a floodplain or not and it's more of the mortgage and insurance type of conversation that we would deal with there.

So, I mean, there still is – there still are plenty of buildings that occur within the floodplain, but a lot of that is dealt with on a – on a local level, on a permit level.

Susan Quinnell: And may I ask – this is Susan again. May I ask which alternative are you reviewing?

May I restate that. What's happening to the bridge under your review, what scenario are you looking at?

Henry Poburka: So, Jenna has been reviewing. I believe the scenario we've been looking at has been a bridge replacement and removal.

Jenna Stewart: Yes. So we are reviewing the information that was provided within this CLOMR application, and that would be for the proposed bridge that is shifted slightly upstream of the existing bridge.

Susan Wefald: OK. And are you – this is Susan Wefald with Friends of the Rail Bridge. Can you hear me?

Henry Poburka: Yes.

Rob McCaskey: Susan, this is ...

Susan Wefald: This is Susan ...

Rob McCaskey: Yes, we lost you, Susan. Could you be close to the phone, please?

Susan Wefald: All right. I think I'm having trouble with my mute button. Now, can you hear me?

Rob McCaskey: Yes, ma'am, we hear you clearly.

Susan Wefald: All right, thank you.

So have you – is the only alternative the one where there would only be one bridge in the river or have you reviewed where there would be a (historic) bridge, plus a new structure in the river?

Jenna Stewart: So when we received these CLOMR applications, it's just one proposed alternative. So, I believe – and, Mr. Nies, you can correct me if I'm wrong with this. But I believe this would be where we are only reviewing the proposed structure without the existing bridge.

Susan Wefald: However, that determination has not been made yet, and so why wouldn't you also review the other alternatives where there would be two structures in the water?

Mandy: Sounds like it wasn't submitted (inaudible). So it is not up to them if they don't get the submission. Is that correct?

Jenna Stewart: Yes, that would be correct. Yes.

Susan Wefald: I didn't hear the question back to my question. I'm sorry, I didn't hear who that was that made those statements.

Mandy: Sorry, Susan, this is Mandy. And what Jenna was saying is that, they reviewed what they were given in the CLOMR, which was just the one alternative with the new bridge.

But they did not receive a CLOMR with an alternative that had – let's say, an old bridge and a new bridge both remaining. So they're unable to provide comments for that because it wasn't submitted as part of the CLOMR.

Susan Wefald: Thank you.

Henry Poburka: This is Henry. I would just like to point out. None of our determinations are final as far as the impacts of their structure and it actually being built. These are strictly our comments on what would happen if it were built.

FEMA is not specifically permitting this structure, it is not saying that it will be done, it's just saying, if done in this way, these are the impacts that we – that we expect.

Mark Zimmerman: This is Mark for Friends of the Rail Bridge. I would ask as a citizen. Could a citizen request a – if I'm pronouncing it right, the CLOMR study for the existing bridge and a new bridge, is there a way to ask for your comments on that scenario?

Henry Poburka: Yes, anybody can submit a proposed structure. It would need to be backed by all the engineering data required for an MT-2 submittal, and it would need to give a proposed floodplain change.

So, we're always open to reviewing these cases. Like I said, it's not – you know, FEMA doesn't decide if this project can be completed or not. It's not responsible for any of the permitting or any of the local regulations. It's strictly related to the floodplain.

So, if you wanted to propose a new project within the floodplain, then, yes, you could submit the engineering data to back up and create a CLOMR application for this.

Mark Zimmerman: Thank you.

Susan Wefald: Henry, this is Susan from Friends of the Rail Bridge. Can we request that Burlington Northern Santa Fe submit another CLOMR for this since that – since several of the scenarios relate to having more than one structure in the water?

Henry Poburka: You know, as long as they were open to that alternative. Yes, multiple CLOMRs can be submitted for any change or any structure.

For example, if the scenario that we're reviewing now by replacing the existing bridge, if that were to fall through and a new scenario were to come up, we would ask and expect a new CLOMR to be opened if the project were to change that drastically.

Susan Wefald: But we don't see ...

Valerie Barbie: Valerie Barbie – yes. I would – I would recommend that all of the alternatives be fully explored, and that is the U.S. Coast Guard obligation to make sure that they are, and so all of these alternatives need to be analyzed equally.

Rob McCaskey: Who was that?

Valerie Barbie: This is Valerie Barbie.

Rob McCaskey: OK. Yes, this is Rob with the Coast Guard. Can we clarify something?

So, now, with FEMA's statement with respect to the no additional structural impact, are they making a prediction, is that what's going to happen, or are they – or are you saying that that is not allowed to happen? Can clarify what exact language we're using, please?

Henry Poburka: So, in order for us to issue a determination on a conditional letter of map change CLOMR, we do need to have it certified that no structure will be negatively impacted, when comparing the pre-project to post-project conditions.

So, if the project is within a floodway, that means no rise at all to the BFE – to the Base Flood Elevation.

Rob McCaskey: And who makes that determination, sir?

Henry Poburka: So that is a statement provided by the engineer typically. That is a signed certified statement saying those structures not impacted.

Rob McCaskey: And so I understand that you evaluate that and determine whether or not you agree before you sign off on it, is that right?

Henry Poburka: Correct. We compare the different analysis for the pre-project and post-project and confirm that statement. And as long as we have the sworn statement, we kind of defer to that as, you know, that's being stood behind.

Rob McCaskey: OK.

Henry Poburka: But we do verify it.

Rob McCaskey: OK.

Chris Wilson: This is Chris Wilson with the ACHP. I want to thank the FEMA representatives for coming, because this is providing a lot more clarification in my mind. This is helpful.

Because I don't – we didn't have the breadth of this information at the last meeting. So, thank you for coming. This is – this is – this is good to know.

And it seems like – in my mind, it seems like it's still inconclusive and there's, maybe, some more work that needs to be done to evaluate multiple alternatives.

But, anyway, I thank you for coming because this is – this is helpful.

Henry Poburka: Sure. We're always glad to help where we can.

Rob McCaskey: Thanks, Chris. Is there anybody else that wanted to ask any questions?

Kris Swanson: This is Kris Swanson with BNSF Railway. Considering a floodway, if there were a rise no matter how minimal, what would be required to mitigate that? Are you able to speak to that?

Henry Poburka: So, that would, usually, require or design an alternative – you know, this is strictly where there are other structures. So, for example, a home that has flood insurance on it ...

Kris Swanson: (Inaudible) ...

Henry Poburka: ... federally backed mortgage. Yes.

So, it would mean some sort of designed alternative, possibly increasing the flow area of the channel.

Yes. I believe based on our review of what has been submitted here, the impacts, the increase has been very minimal. So it wouldn't take many

changes, you know, slight alterations to pier-type, pier-size. And typically, the flow area of the channel is one alternative.

Susan Wefald: Yes. This is Susan Wefald from Friends of the Rail Bridge.

You know, in that particular Missouri River, right now, we're having high discharges from the dam up at Garrison Dam, and that is when most of the flood occurrence would occur in that section of the Missouri River is when they increase the flow – when they increase the flows of water, and it happened six years ago, and this year, again, it's happening again.

And, for example, they said they're going from 44,000 cubic feet up to, I believe, 50,000 cubic feet and the river will rise another foot and a half.

So it's, generally, we have no floods that occur when the river – when they're discharging the normal amount of 20,000 cubic feet per minute.

So, what I'm wondering is whether your projections of that, this cannot change more than 0.03 feet and 0.02 feet respectively. What difference does that make when we have major increases that are caused by the Corps of Engineers, and when they have to discharge more water due to high flows from the Rocky Mountains?

Henry Poburka: So, we're largely concerned with the 1 percent annual chance event. So, direct releases from the dam may not be directly related. So it's kind of hard for me to speak to that exactly – you know, we expect that the hydrologic analysis that has been done for this has already been FEMA approved and reviewed.

So, we – we don't question that as much on a case by case basis. You know, there is always the alternative to provide a new hydrologic analysis of the – of the entire system, which would be a larger scale undertaking I believe.

But as far as localized events of just releases from the dam, that's less related to what we consider the 1 percent annual chance.

I think if that addresses your question at all, I think I understand what you – where you're coming from.

Susan Wefald: Yes. I'm coming from that there's huge changes in the river that are caused by the releases. Versus, these looked like they're very tiny changes, am I correct, from 0.03 feet to 0.02 feet

Henry Poburka: Yes. So this is, assuming the same amount of flow is always going through the river at the 1 percent chance event. We're just saying strictly the changes to the structure and any changes to the channel are causing that 0.02 or 0.03 increase.

Susan Wefald: Well, thank you.

Kris Swanson: This is Kris Swanson from BNSF Railway.

I think the difference between 0.02 feet and 0.03 feet versus flood releases, is that you also have to consider the point of reference, and the point of reference is the flood elevation level for the 1 percent storm event.

So although the dam is releasing and river may rise several feet, it still may not be at the 1 percent elevation. And so, that's what our analysis is showing per FEMA's requirement, is the 0.02 feet, which is only a couple inches.

Which, from our perspective, is minimal and we believe – you know, we have a hard time believing that we even have to apply to FEMA for that, but nevertheless, it's what's required.

Again, according to the reference point, the dam release might increase the river elevation as it currently is by several feet. But then, again, what is – in relation to the hundred-year elevation, it might still be under it for all we know.

Rob McCaskey: This is Rob McCaskey ...

Kris Swanson: ... I just wanted to provide that – I just wanted to provide that context.

Rob McCaskey: Yes. I think if we could further quote – clarify with FEMA. This is Rob from the Coast Guard.

So when we talk about short-term flood events from snow melt and large rain events like we had six years ago, and when we talk about, maybe, large flow release from the dam, that's not the same thing as a permanent 0.1 percent change in the flood level, isn't that right? Are we talking about, really, kind of two different things?

Henry Poburka: Correct. You know, depending on the community and what the main basis of flood concern is, I mean, there is the option of ice melt being related, but I'm unaware of that in this case.

But, yes, generally, those are separate concerns. Flood releases don't typically play into the 1 percent annual chance rain event. Depending on the hydrologic analysis that's been completed on a community by community basis and how the watershed is controlled, it may have been taken into account when the 1 percent event was calculated and determined.

But, for the most part, they are separate conditions.

Rob McCaskey: OK. Thank you. Anyone else please?

Kris Swanson: Rob, if I may apply one more bit of context as well, is that, even though we did not submit it into the application, we do have the hydrology to support that leaving the additional bridge would result in an overall increase.

And I – I'm not sure if that was submitted along with the comments or exchange between us and FEMA or their contractor. But, I guess I'm getting the impression that other parties are trying to make it seem that BNSF is trying to sneak something by and that's not the case. I just want to make that known.

Kathye Spilman: This is Kathye Spilman with the Mandan Historical Society. And so, I just need a point of clarification.

The minor increase in overall river level that Mrs. Wefald was referring to, was that applying to the alternative three, only one bridge remains scenario, or was that the calculation associated with the two-bridge scenario?

Jenna Stewart: So this is Jenna Stuart again, and that would be applying to the one bridge scenario.

Kathye Spilman: OK. So, it's reasonable to assume that the two-bridge scenario is going to be a greater increase than that? Is that a fair assumption?

And I guess, to clarify further, does the BNSF representative know off the top of his head what their in-house hydrologic analysis came back with, with a ballpark figure for impact to the river level during the 1 percent or the hundred-year flood event for the – for the two-bridge scenario.

Kris Swanson: Hans or Adam, do you all happen to have that information or do we need to provide that?

Adam Nies: Yes. This is – this is Adam Nies with Houston Engineering. I was the one directly involved with the modeling of the alternative.

And, off the top of my head, I don't recall, but there was a slight increase with the existing bridge remaining. And, yes, your assumption would be correct that with more piers in the water if the existing bridge remains, there is a slight increase to the water surface, higher than the 0.02 and 0.03.

So, I can – I'm at my desk here and throughout the call if we – if we want, I can check back to the modeling and see what it was and I can get back to you in just a few minutes.

Kathye Spilman: This is Kathye Spilman with the Mandan Historical Society again.

I believe that Toni from Corps of Engineers is on the phone. So my question is directed at her.

Has the Corps of Engineers seen the modeling result that Houston Engineering did for the two-bridge scenario?

Toni Erhardt: OK. So this is Toni with the Corps of Engineers.

The Coast Guard is the lead for permitting the bridge, OK? So, they will be the ones that do all of that and under Section 9 of the Rivers and Harbors Act. It is – it is their call to make.

The Corps will only be doing analysis in everything on the approaches, any causeways, things like that, which aren't covered under the Coast Guard permit.

Kathye Spilman: OK. But have you guys seen the scenario with the two bridges? I know, again, it's not your call, but have you guys reviewed the data?

Toni Erhardt: Not in-depth.

Kathye Spilman: OK. Thank you.

Valerie Barbie: What permit comes from – this is Valerie Barbie. What permit comes from the Corps of Engineers, is that a 404 permit?

Toni Erhardt: Right. So the – Rob can jump in if he needs to. But, when there's a bridge over or above a waterway, the Coast Guard is the lead under the Rivers and Harbors Act, OK, so Section 9.

The permit that's going to be issued for the bridge, bridges, whatever the Coast Guard determines is the appropriate type of authorization, Section 404 of the Clean Water Act permitting will be covered with a nationwide permit. It is – yes, it's one of those things as I say, as long as – as long as the Coast Guard is done all of the review the – from the 404 aspect, a nationwide permit covers that.

Now, that is for the bridge structure only. It's not the approaches or if there's any other attendant features associated with it. Those – we are going to ask if we could review those separately.

Rob McCaskey: Thanks for clarifying that. Are there any other questions about that?

It got awful quiet. Did I lose my line or I'm still here?

Female: No, we're still just thinking about everything you said.

Rob McCaskey: OK. OK.

Nick Bradbury: I'd like to report in. My name is Nick Bradbury with Friends of the Rail Bridge.

Rob McCaskey: Thanks for reporting in, Nick.

Any other questions for the Army Corps of Engineers or for FEMA representatives with respect to what we've been talking about?

OK, hearing no other questions, I'll continue down the agenda then.

We discussed FEMA's requirement, no additional structural impact for the bridge. We've – let's see ...

Mandy Pearson: It's Mandy Pearson from Friends of the Rail Bridge. Can anyone hear me? I cannot hear you.

Rob McCaskey: Yes. Who's this again?

Mandy Pearson: Hello?

Male: Oh, I hear you, Mandy. It's very quiet.

Mandy Pearson: OK. I'm not sure what happened. This is Mandy Pearson from Friends of the Rail Bridge. Can everyone hear me?

Rob McCaskey: Yes. Rob McCaskey, Coast Guard.

Mandy Pearson: OK. I don't know what – I might have been talking over people. I couldn't hear anything. Sorry about that.

So, am I talking over someone currently or do I have the floor?

Rob McCaskey: You have the floor. Please continue.

Mandy Pearson: OK. I'm wondering if now would be an OK time to talk about... There was this e-mail thread that was sent out in a document to consulting parties. And I think it was a discussion between Jenna from FEMA and maybe some BNSF representative talking about the potential of two bridges being in the water.

Would now be maybe an OK time for that to kind of be explained a bit?

Rob McCaskey: Sure. This is Rob, go ahead.

Mandy Pearson: OK.

Rob McCaskey: What are your questions about that e-mail? I'm not sure I understand what you're asking.

Mandy Pearson: Well, I think the – you know, there was some discussion about this CLOMR only including the scenario in which there's a new bridge that's placed a bit north of the existing bridge.

And I think what BSNF was, maybe, trying to say is that they had done some exploration of two alternatives, and it seemed like that e-mail thread was kind of part of that discussion. So I'm just wondering if they have any comments that go along with the e-mail thread that they provided us.

Jenna Stewart: So this is ...

Rob McCaskey: Kris ...

Jenna Stewart: ... Jenna Stewart with – oh, sorry.

Rob McCaskey: I was just going to say, Kris Swanson, do you have any comments on that?

Kris Swanson: I guess I'm still kind of confused on what the question was. I assume it was directed to FEMA.

But as far as an exploration, yes, we have explored the impacts of both, but we only submitted the application for the preferred alternative as identified in our application to the Coast Guard.

Mandy Pearson: OK. I don't really have any comments. I was just trying – I'm trying to open it up for any discussion that you guys had. But, it sounds like you probably don't, so that's fine – that's fine. I don't – I don't really have any comments in regards to that.

Henry Poburka: Hi, this is Henry Poburka. I just want to add kind of a little bit of a side note just because we have quite an extended audience.

I just want to clarify that Compass is a contractor for FEMA. We are not strictly FEMA representatives. In this case, just to make sure that that's totally clear that nobody starts quoting FEMA at the end of this.

We are very knowledgeable in this MT-2 role and we do handle all of the engineering. But I just want to make that just a hundred percent clear since we have a large audience so that this doesn't get taken out of context or FEMA said something directly.

Kris Swanson: Heard and understood, sir. Thank you.

Mandy Pearson: OK. Can you say that again? Because I think I might be misunderstanding something too.

Henry Poburka: Yes. So, Compass is the contractor that handles the letters of change for FEMA. So, we are here to answer questions related to that process. But I just wanted to make it totally clear that we are not with FEMA and we are not direct FEMA representatives.

So, just so that we're not misquoted or anything there as FEMA said this, FEMA said that. I just wanted to put that on the table and make sure that is clear. So thank you.

Mandy Pearson: We did. I thought we had an understanding of that when we started this. But, as we continued our conversations, I was confused. So thank you.

Kris Swanson: Just to clarify, BNSF is not funding CDM Smith or paying any fees, except for the application fees just to make sure that is clear as well.

Male: OK.

Amy Sackerson: This is Amy Sackerson, the National Trust advisor. Who actually reached out to you for this conversation?

Ben Roberts: This is Ben Roberts. Can I clarify one thing?

So the e-mail that, I believe, that they're referencing is what we provided as a request from the previous meeting. There was some FEMA discussions that were discussed at the last meeting.

And the e-mail between Adam Nies Houston Engineering, BSNF consultant, and the FEMA-CDM Smith contractor Jenna Stewart, is the e-mail that, I believe, that is being referred to, that was provided for informational purposes because of discussions we had at the second consultant party meeting.

It was not sent out to confuse anyone – so, hopefully, that clarifies if you're asking why that was sent out. It was a direct response to questions that were raised during the second meeting about the letter of – or, I'm sorry, not the letter, but the discussion of no rise.

And so, if anyone is wondering why the FEMA representatives are on the phone – I'm sorry, FEMA consultants on the phone, that is why.

Does that help clarify?

Female: Sort of.

Male: OK.

Female: I think that makes sense. Yes, that's helpful.

Rob McCaskey: Any other questions? OK, hearing none, we'll continue on to number two. Letter C, talks about the abatement plan and the report from Houston Engineering or from another BNSF contractor on means, such as by use of riprap or other methods, to address the riverbed scouring issues which may potentially be caused by construction of a new rail bridge north of the existing historical bridge.

Could someone from BNSF address that please?

Hans Erickson: Yes. This is Hans Erickson with TKDA. I think I can start that conversation. I'll probably lean on Adam Nies here to help out with the response as well.

We have put together an exhibit that shows a proposed conceptual abatement plan using riprap. I'm not sure if that has made it to the group or not, but I can describe the configuration here to the folks on the call.

Essentially, use of riprap mat or blanket that would need to be placed down, excuse me, on the existing riverbed. The size of riprap and for folks that are – I assume that's clear to everybody, but, essentially, arrangement of stones of a certain size.

So, in this case, it would be stones ranging in size from three feet in diameter down to about six inches in diameter, that would be placed in a mat that would be – need to be, at least, 36 inches or three feet thick in an area around the piers.

The figure that's been developed shows the scenario for alternative three from the EA with both proposed and existing bridge piers in place.

And for that scenario, we'd be looking at a – at an area in an east to west sense or along the bridge alignment of about 165 feet in length, or in round numbers about 40 feet outside the limits of each pier.

And then, in a north to south sense, in an upstream and downstream sense, we'd be looking at a mat or dimension that's about 155 feet in overall length. So, essentially, creating a mat of riprap or stone protection with plan dimensions of about 165 feet by 155 feet square surrounding the two piers as they project out of the riverbed.

Does that paint a picture? Does everybody have – can visualize that?

Toni Erhardt: This is Toni with the Corps of Engineers. Would that be sunk so that the top of that would be at – on midlevel or lower?

Hans Erickson: I believe – maybe, Adam, can you help me out on that? But I believe it would need to be.

Adam Nies: Yes. The best way to install it would be at-grade with the riverbed.

Susan Wefald: This is Susan. Can you hear me?

Female: Yes.

Susan Wefald: My question is, on the diagram you provided and with the 165 feet, will you clarify for me please whether that is with the two piers, 80 feet – with the two bridges 80 feet apart or 30 feet apart?

Hans Erickson: So this would be with the alternative three. So the two bridges 30 feet apart and this would be a scenario with both piers in the water ...

Susan Wefald: Thank you.

Rob McCaskey: Are there any other questions then with respect to the abatement plan and what we just discussed?

Mark Zimmerman: Yes. This is Mark ...

Chris Wilson: Go ahead. You go ahead first.

Nick Bradbury: This is Nick Bradbury.

What would – if this riprap and abatement plan were put in place, what would the maintenance requirements be for something like that?

Hans Erickson: Sure. This is Hans again. I would expect it to be an inspection requirement to verify that the riprap remains in place and is providing the intended scour protection. The maintenance required with that would be – excuse me, additional or supplemental riprap added if there were to be any sort of deterioration.

So, if it were to wash away for example is what I would expect.

Nick Bradbury: And to clarify, would this riprap be placed down – because we have – we have different terminology when discussing what's at the bottom of the Missouri River here.

We don't have bedrock deep down. We have a – we have sediment or we have a thick layer of clay and stone that's not technically a bedrock but it's equally impenetrable, which is where the piers are actually sunk into that bedrock at the bottom of the river.

Is – or, not bedrock, amargosian – amargosian clay is that the word for it, maybe somebody could help me? I think that's what people have called it is amargosian clay or something like that. But that's the ...

Kris Swanson: Clay stone – clay stone is the common nomenclature. Yes.

Nick Bradbury: That's like, if I were to dive down to the bottom of the river, I would not hit that stone, I would hit something else.

So, would this riprap layer be at the – would it be interfacing constantly with water in the river or would it be down lower underneath the riverbed against this clay amargosian?

Hans Erickson: Right. So, no. This is Hans again. And this would be placed at the channel bottom at the time of installation.

Nick Bradbury: Would it be dropped from the surface to the bottom until water quit bringing them down?

Hans Erickson: Correct. Yes, stated differently. Correct. That is – that is ...

Nick Bradbury: OK. Just to – just to get a sense of ...

Hans Erickson: Yes.

Nick Bradbury: ... what kind of project we're talking about. Thank you.

Mark Zimmerman: This is Mark for the Friends of the Rail Bridge. In consideration of such a riprap project, are you aware of other projects across the country that have

utilized a similar abatement effort and knowledge of their success or failure with such an abatement effort?

Hans Erickson: I guess – this is Hans again. From my perspective, I would say that the riprap armoring is a typical scour countermeasure that would be utilized.

I guess, I don't have any specific projects that come to mind. And I don't know – maybe, Adam, if you have any in your background where riprap has been added, maybe, to an existing bridge for supplemental countermeasure?

Adam Nies: Yes, this is Adam Nies again.

As Hans suggested this riprap is kind of the most common scour countermeasure. I guess I don't have – off the top of my head, I don't have another bridge project that used a similar method.

But, it – on every proposed bridge that I've worked on, riprap has been recommended as the standard for scour prevention.

Mark Zimmerman: Thank you. This is Mark again from Friends of the Rail Bridge. Any tentative or projected cost of such a project?

Adam Nies: This is Adam Nies. I do not have any estimated cost of this at this time.

Mark Zimmerman: Thank you.

Hans Erickson: So, yes, this is Hans with TKDA. I guess, using the dimensions proposed, so the 165 – 155 feet square with a three-foot thickness – I did a quick calculation using North Dakota DOT average bid prices.

So for folks that aren't familiar on DOT projects, they have common pay items that are used or common prices that are used for components of bridge and other projects, of which this riprap is one.

And at the end of each year, they published the average prices that were paid for those common items. And so far in 2018, the DOT is reporting about \$75 cubic yard for this type of material.

I would expect that number to be a little light just in recognition of our installation location within the – within the river, within the confines of the river.

But if you run the math on the volume and using a \$75 cubic yard number, you're at about \$185,000 for one location. So, there would be two – at least, two locations where this would be required to be installed. So I would – I would probably estimate around \$400,000 for that installation ballpark number.

Mark Zimmerman: Thank you.

Rob McCaskey: Anyone else have questions regarding the abatement plan?

Susan Wefald: Yes. This is Susan with Friends of the Rail Bridge. Is – are you anticipating – I can't remember how many piers there are in the river. Are you anticipating that this would be in more than one location?

You mentioned we would need it in at least two places. So I'm assuming there would be two piers that it would need to go around?

Hans Erickson: Yes, that's correct.

Susan Wefald: How wide is the river at present in the location of the rail bridge?

Kris Swanson: Between the two existing piers, those are 400-foot spans. So, you're at a minimum 400-foot, if not, more. But I don't think we have an exact number on that. And that would also vary during different elevations with the water level.

Male: Right.

Susan Wefald: OK. So if you put in two of these, it would cover around 300 feet across that 400 feet of river?

Male: Correct.

Susan Wefald: OK. I just wanted to make sure I understood the dimensions with the project.

Rob McCaskey: Anyone else with respect to the abatement plan?

Nick Bradbury: This is Nick Bradbury again Friends of the Rail Bridge.

So, the way – I'm looking at the schematic that was prepared by TKDA. According to this schematic, it doesn't look – like, the way that it is drawn, the riprap installation does not raise the bottom of the river. Is that correct?

Hans Erickson: Yes, that's correct.

Nick Bradbury: OK. So, we wouldn't expect this to have any impact on the flood levels?

Kris Swanson: That would have to be determined, because, you're going from a smooth silty surface to a rough and jagged rocky surface.

Nick Bradbury: OK. So ...

Kris Swanson: So, your friction – yes, your friction coefficient and turbulence could be altered. I'm not saying there will be, but there could be impacts.

This is Kris Swanson with BNSF Railway.

Nick Bradbury: OK, very well. I guess can we remember to have that question – have somebody try to answer that question for our next meeting.

Rob McCaskey: Could you clarify the question – this is Rob from the Coast Guard. To clarify, the question you want answered is - will the installation of riprap change the hydrology of the river such that it will increase the river levels or make an impact in some way?

Nick Bradbury: Correct.

Rob McCaskey: OK. Any other questions with respect to abatement plan?

Kris Swanson: Did Chris Wilson have a comment or question earlier? I know he kind of submitted the floor to someone else. I don't know if he had a question around abatement or one of the previous topics.

Chris Wilson: Thanks for bringing that up. Actually, my question was already asked, so thanks.

Kris Swanson: Just looking out for you, sir.

Rob McCaskey: OK. And one last call for item 2C questions on the abatement plan.

OK, hearing none. 2D on our agenda was a request by FORB to have a representative from FEMA to answer questions. Since we've already covered that, we'll go to item three.

The eastern part of the bridge is within the City of Bismarck, clarification that both the eastern part of the proposed BNSF bridge and the present BNSF bridge were within the city limits of Bismarck.

I'm not sure – so, is that what we're trying to determine, is that true?

Carl Hokenstad: Yes. This is Carl Hokenstad City of Bismarck. The current bridge and the – yes, the eastern part of the bridge is within the city limits of Bismarck. And we consider the corporate limits to extend to the center of the – of the river. So that's where our city limit line is.

Rob McCaskey: Thank you, sir, appreciate it. Good to have you here by the way.

Carl Hokenstad: Yes. Thank you.

Rob McCaskey: Are there any questions from the group about that clarification?

Chris Wilson: I just want to echo what Rob said. I'm really happy that someone from the city is at this meeting. And I hope that municipal representatives will continue to stay with us on these – on these calls. So, glad you're here.

Carl Hokenstad: Yes. And I do – I do intend to attend as many meetings as I can. Thank you.

Rob McCaskey: OK, hearing no questions for number three, we'll go onto number four which would be the proposed schedule for the next consultation meeting.

I don't want to step forward to that until I give everyone the opportunity to clarify anything that came up earlier that you want to re-discuss or ask questions about it. I don't want to rush this and make you feel like you're not getting a chance to say what you want to say.

Is there anything that we haven't brought up on the previous subjects or anything that anyone wants to ask a question about or comment on, please?

Valerie Barbie: This is Valerie Barbie. I have a question. Has the railroad or the Coast Guard done any consultation yet with the North Dakota DOT about the land to the north of the bridge?

Kris Swanson: This is Kris Swanson. I can speak to that.

We did have our real estate reach out and confirm the restrictions to no development on that. I believe the original agreement was with FHWA and – looking at my notes here on who actually administers the agreement. I wanted to say it was State Parks, but I'm missing that information at the moment.

But we have not had any direct conversation as it took a while to actually confirm who the proper owner was.

But due to federal regulations, that easement is reserved for natural preservation and has prohibited development.

Valerie Barbie: Can you clarify what those federal regulations are?

Kris Swanson: I do not know the exact federal regulation.

Valerie Barbie: Will you look into it?

Kris Swanson: I'll do my best.

Rob McCaskey: Are there any other questions from the group or things that we haven't covered?

Chris Wilson: This is Chris with ACHP again. It might be helpful to, unless we're already on the call it could be, but try to have someone from Parks and/or FHWA if they can be at one or two of these meetings.

And I want to add on the agenda for the next meeting, I know we're out of time here, but examples of other cases around the country and I can provide some. And I was hoping that BNSF could, but also Kitty Henderson could, of other examples where bridges have been left in place and new bridges have been built.

I mean, I know many of them are outside the realm of BNSF. So many of them are highway bridges and there are other examples. But, if we could just put some of those examples on the table and discuss them, I think that might – that might be helpful.

Rob McCaskey: Thank you, Chris. I'll make sure I get that on the agenda.

Susan Wefald: This is Susan with Friends of the Rail Bridge. We're also interested in that topic. How have other historic bridges adjacent to rail lines in use worked out public access and other issues?

Natalie Pierce: This is Natalie Pierce with Morton County. Can everybody hear me?

Rob McCaskey: Rob with Coast Guard hears you.

Susan Wefald: Yes.

Natalie Pierce: OK. So I was just going to mention, I was talking to our parks director and I believe he said that that property is owned by Game and Fish in case that points you in a direction.

Kris Swanson: Yes. I believe from the information I gathered, that whole area – there's two different owners, there's the area that's kind of backwater and there's the area with the trees. And I believe the area you're talking about is that backwater area.

Where the one with the trees I believe is the Parks area, or where the State Parks I believe ...

Natalie Pierce: On my parcel map, it shows all one parcel, but that may not be accurate. But I show it is all one parcel, but it doesn't show the owner.

Kris Swanson: And who is this again?

Natalie Pierce: Natalie Pierce with Morton County, planning and zoning.

Kris Swanson: OK. Thank you, Natalie, for the information.

Susan Quinnell: Hi, this is Susan Quinnell with North Dakota SHPO. And may I make a request that if we're going to discuss other bridges at our next meeting, would it be possible to have some kind of visuals, either ahead of time or some sort of PowerPoint or something during the meeting, either before or during. Thank you.

Nick Bradbury: Hi, it's Nick Bradbury from Friends of the Rail Bridge.

Susan Quinnell, I'd like to kind of echo your sentiment that that could be very valuable.

Also, that I'd like to request that that meeting be held in-person so that we could discuss that in that manner.

I'm sorry, I came into the meeting late. I don't know – I don't know if that was already committed to. But I would strongly appreciate being able to have that meeting in-person if we were to discuss things, especially, such as visual things.

For instance, today with the riprap discussion it's kind of – it's hard for people to conceptualize in their mind, a verbal description of pier placement with riprap. I do have the document in front of me. But, for someone in the audience, they may not have that document, so it might be hard to envision.

Rob McCaskey: And what was your name again, sir?

Nick Bradbury: Nick Bradbury.

Rob McCaskey: Nick, this is Rob, thanks for bringing that up. That was actually something I want to discuss.

And let's hold off and discuss the next meeting and how it's going to work until I make sure that I gave everybody a chance to discuss anything else that we've covered before.

Any other further comments before we get into scheduling and logistics for the next meeting?

OK, hearing none. I'd like to get your opinions with respect to how valuable this meeting was and if you would prefer an in-person meeting, how do well did you think this worked, comments.

Mark Zimmerman: This is Mark Zimmerman, Friends of the Rail Bridge. My comment would be I very much appreciated it. I believe the meeting was very worthwhile, especially, to the scouring issue to have the consultants there for FEMA. I understand they are not FEMA representatives.

I thank you for your attendance and input. I think it was good that we had some, I think, preliminary discussion on the whole scour issue and abatement. I appreciate that very much. I think the meeting was worthwhile for this one via conference call.

That would be my comment on this meeting. Thank you.

Rob McCaskey: Does anyone have a preference to do the meetings in-person versus conference call or – conference call instead of in-person?

Mark Zimmerman: This is Mark again for Friends of the Rail Bridge. I would echo the previous two comments that the next meeting or the next several be in-person if we are going to anticipate visuals about the projects, it will be difficult, I know for me, to visualize those projects. So I would hope we would look at in-person.

I mean the project's here in Bismarck, North Dakota. Most of us as consulting parties are volunteers and we're taking time from our work or other efforts to participate.

And I would hope that those – from the governmental agencies, BNSF and their consultants that, you know, I don't mean to be smart here, but that's your job to work with us on this, and I would hope that we – and I know we will. I feel confident we're going to work have more of those meetings in-person here in Bismarck.

I would like to add while I have the opportunity. I have made an effort with... Kitty Henderson has provided me some information on similar projects. And it's somewhat difficult to make those immediate contacts because most of those folks, as well, are volunteers.

I say that, Rob, and that to look at – today is June 20th, to look at the July 11th meeting with the 4th of July in there in the middle of the week. I would ask that we can certainly discuss similar projects on the July 11th meeting.

But I'm almost thinking that might be a good topic for a later meeting to give us a chance, us and others, to secure documentation, visuals, you know, we're less than, like you say, three weeks out and the 4th of July is, I believe, on Wednesday this year, that puts a lot of folks out, say, to get that information.

You're almost a week of – it could be very difficult to contact people. Just my comments.

But, I would hope we would have the majority of the meetings here onsite in Bismarck and Mandan. Thank you.

Rob McCaskey: Anyone else?

Natalie Pierce: This is Natalie Pierce from Morton County. I think the conference calls can work just fine, as long as we have whatever materials we're referencing in advance of the meeting.

Rob McCaskey: Thank you. Anyone else?

Kristina Quaempts: Kristina Quaempts checking in. I didn't get a chance to check-in at the beginning. I'm from Northern Cheyenne.

I agree. I'm OK with the conference call as long as I get the information beforehand.

Rob McCaskey: Thank you. Regardless of whether we have them in person or not, we will provide an option to do a conference call for those of you that don't have the resources or the time to attend in-person.

I know that all the federal agencies certainly won't be there every time. But I, certainly, hope I can be, but we never know what's going to happen with the budget. Regardless, we'll provide a call-in option for everyone in case that's not practical.

Anyone else have comments about that?

Mandy Pearson: This is Mandy Pearson from Friends of the Rail Bridge. I think today worked really well. And I know last consulting parties meeting there was discussion of doing biweekly.

You know, when we have these pretty focused topics, for instance, today, where it just mostly was about scour and abatement and – you know, I'm sure we'll kind of revisit the issue, but it was nice.

It wouldn't necessarily have to be every three weeks – I think if we have conference calls – I think – well, OK, let me start over.

If we have an agenda and then we decide what kind of location maybe best suits the agenda item, maybe that might be a good way to go. Make sure the ball stays under whatever topic, kind of, is catered best to the location?

Rob McCaskey: OK. That's a – it's a good point. Also, that brings up a good subject with respect to topics of discussion.

Any consulting party can submit to me a topic of discussion for the agenda, and I'll make sure that gets addressed or you find out a good reason why it hasn't been specifically.

I think we've covered everything that everybody wanted to cover today. And we even got a couple of people from FEMA contracting pretty quick, I thought that worked pretty well.

So we'll do what we can to get everything addressed as soon as possible and feel free to work through me to get these things taken care of.

Do we have any other comments with respect to in-person versus telephone conferencing?

OK, hearing none. The next proposed schedule for consultation meeting we have on my list is July 11th. I'm going to say that I'm going to recommend this be in-person in Bismarck with an option to conference call. What are your thoughts about that?

Susan Wefald: I think that sounds good. This is Susan. And I'm also – can you hear me?

Rob McCaskey: Yes, ma'am.

Susan Wefald: Yes. And I'm also hoping that we can have the minutes within one week of this meeting. I think that would be very helpful for everyone.

Rob McCaskey: Anyone else with comments with respect to July 11th in-person in Bismarck?

Nick Bradbury: This is Nick Bradbury from Friends of the Rail Bridge. My – I work fulltime. It's hard for me to find time in the middle of a work date, July 11th particularly.

But, so, I favor meetings that are in the evening for in-person or on the phone, but, particularly, in-person. Currently, I'm sitting in my office at work.

But, I would prefer a meeting that was in the evening if we're going to meet in-person.

Rob McCaskey: Understood ...

Lori Price: This is Lori Price. We did send out an e-mail and – can you hear me?

Rob McCaskey: Yes, go head, Lori.

Lori Price: We did send an e-mail and ask for input on meeting date, as well as meeting time. Just to let you know that the majority of people did ask for a daytime meeting, as opposed to an evening meeting.

So that's why we tried to do an afternoon meeting this time. Suggestion was that, perhaps, we could alternate and do some evening and some daytime. But we're trying to accommodate everyone's schedule, and most people did request a daytime meeting, just so you know.

Female: Yes.

Rob McCaskey: Thanks, Lori. Anyone else?

Liv Fetterman: This is Liv Fetterman. I didn't get to check-in before. The July 11th date works very well for me, and I prefer in-person meeting, so I will make it work regardless of my work schedule. Thank you.

Rob McCaskey: And tell me who that was again, please?

Kristina Quaempts: This is Christina with ...

Rob McCaskey: Hold on, Christina.

Kristina Quaempts: OK.

Rob McCaskey: Hold on, Christina, I'm sorry, I need to clarify who the last comment was from. I'm sorry.

Liv Fetterman: That was from Liv, L-I-V as in Victor, Fetterman. I actually am new to this project. I had not been aware of it until recently.

Rob McCaskey: And, Liv, could you tell me who you represent, please?

Liv Fetterman: Myself.

Rob McCaskey: OK.

Erik Ackerson: This is Erik Ackerson from the Fort Abraham Lincoln Foundation. Liv can represent us. She's on our board of directors.

Rob McCaskey: OK, that's good ...

Liv Fetterman: OK. I represent the Fort Abraham Lincoln Foundation.

Rob McCaskey: ... thanks for clarifying that. Thank you.

And who was the next lady that was wanting to speak?

Kristina Quaempts: Yes. This is Kristina Quaempts. Would there be Skyping abilities available at this meeting?

Rob McCaskey: We haven't been able to make that work before. I'm envisioning the next meeting being at the same place we did the last time and that video conference was not available there.

Kristina Quaempts: Oh, I see. OK. Thank you.

Rob McCaskey: ... absolutely, no, but didn't happen before.

Kristina Quaempts: Sure. OK. Thanks.

Rob McCaskey: OK. Well, I think – one thing I do want to say – let's go ahead and table this exact date. I'm thinking the 11th in the evening, but we can do that – I'll finish it up via e-mail and get that out to you all as soon as possible.

I do want to say something about the consulting parties. This is a consulting parties meeting, so anyone that is not associated with a particular governmental or private agency is not a consulting party, we don't generally allow private citizens, and I'm not talking about the lady that just checked in because, obviously, she's not that person.

If – I've become aware of someone who's attending who's not associated with either FORB or one of the other government or private agencies, I'll ask them not to attend. We just – we can't have everyone doing that, unless they're associated.

I'll ask those members of the board of this group not to encourage others that aren't part of a group to attend, unless it's appropriate. So, I just want to make you aware that's going to be happening in the next couple of weeks if I become aware of somebody that's not a member of one of those groups.

Chris Wilson: This is Chris with ACHP. I just want to back up Rob. He's exactly right on that. That's very specific in our regulations. It's up to the lead agency, the Coast Guard, to see what group or individual meets the consulting party status.

So, they have the authority to grant the status of consulting party.

Rob McCaskey: Thanks, Chris. OK. So in absence of any other comments, I'm going to bring this meeting to an end. Is there anything else we need to discuss before we close?

Mark Zimmerman: This is Mark for Friends of the Rail Bridge. Rob, not a point of discussion, but just a sincere thank you to all of the participants, much appreciated.

Rob McCaskey: Thank you, sir. OK, hearing no other comments, I'll go ahead and call the call to a close and I look forward to hearing from you all next month. Good evening.

Operator: The leader has disconnected. The conference will be terminated in five minutes.

END