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**Moderator: Lori Price  
July 12, 2019  
9:56 a.m. EST**

OPERATOR: This is Conference # 290400193

Rob McCaskey: This is Rob with the Coast Guard.

Mark Zimmerman: OK. Yes. Rob, this is Mark Zimmerman. I had the call for 9:00 a.m., so I may not be able to stay on for the entire call.

Rob McCaskey: OK.

Mark Zimmerman: Well, hopefully, we can move through the agenda here.

Rob McCaskey: Sounds good.

Lori Price: Hey, Rob. This is Lori. And just so you know, I have started the recording.

Rob McCaskey: OK. Yes. I heard that it was recording. OK. Let's do a roll call. Before we get started, I guess my electronic request said at 9:30 and then, the itinerary that I sent said nine. So, that's my fault. I apologize to everyone who was inconvenienced by that.

So, let's quickly get started since we are on a timeline here. We are here today – the group of us – to discuss the process to obtain approval in the rise caused by any type of construction in the river. And we want to talk to FEMA and we want to see what we have here.

So, before we get going any further, let's go ahead and have everybody introduce themselves. We'll start off with the Coast Guard. My name is Rob

McCaskey, and I'm the project lead on this project. And anybody else who is with the Coast Guard can speak up now, please. OK. Hearing none, let's move on and see who else we have checked in. Go ahead.

Susan Wefald: This is Susan Wefald, and I'm with the Friends of the Rail Bridge. And I'm located in Bismarck.

Mark Zimmerman: This is Mark Zimmerman.

Mandy Persson: (Inaudible). I'm also with Friends of the Rail Bridge. Did we get that? It's overlapped.

Rob McCaskey: I got Mark Zimmerman and then someone else. Who was that?

Mandy Persson: Mandy Persson.

Rob McCaskey: OK. Got it.

Nick Bradbury: I'm Nick Bradbury with Friends of the Rail Bridge from Bismarck.

Rob McCaskey: Anyone else on the call?

Erik Sakariassen: This is Erik Sakariassen with Fort Abraham Lincoln Foundation.

Rob McCaskey: OK.

Amy Sakariassen: Yes. This is Amy Sakariassen with the National Trust for Historic Preservation.

Mike Herzog: Mike Herzog with BNSF Railway.

Lori Price: Lori Price with Jacobs Engineering.

Rob McCaskey: I've got Lori there. Who else was speaking?

Hans Erickson: Yes. Sorry. Hans Erickson with TKDA.

Greg Dilman: Greg Dilman with Houston Engineering.

Adam Nies: Adam Nies, Houston Engineering.

Rob McCaskey: Anyone else?

Ryan Pietramali: This is Ryan Pietramali with FEMA Region VIII.

Rob McCaskey: Anyone else?

Richard Myers: Good morning.

Rob McCaskey: Yes. Who just checked in?

Richard Myers: This is Rick Myers with FEMA. I apologize for being late.

Rob McCaskey: No. Thanks, Rick. There was some confusion this morning about the call.

Richard Myers: OK. Do we have others? Is this Rob?

Rob McCaskey: Yes, Rick. It's Rob. We're still doing the check in. We just got started and we are seeing who else is on. So, you're fine.

Richard Myers: OK. Good. Thank you.

Rob McCaskey: Yes. Anybody else on the line?

Mark Zimmerman: Hello.

Rob McCaskey: Yes. Who is this?

Mark Zimmerman: Hello. This is Mark. I just – it's been dead silence on the phone here.

Rob McCaskey: Yes, Mark. Yes. I'm trying to communicate with the people that aren't on here yet to see if I can get them on. I've got some crucial players that aren't here from the Coast Guard and also from FEMA. So, I'm not going to start until they get on. And if that delays us by another 14 minutes, then that's what we're going to have to do.

Brian Dunn: Hey, this is Brian.

Rob McCaskey: Yes, Brian. We've got a little over three-quarters of the people on the call. We're still waiting for Shelly and a couple of others.

Shelly Sugarman: Hi. I'm here.

Rob McCaskey: OK. Thanks, Shelly.

Shelly Sugarman: Yes.

Rob McCaskey: Waiting on Chris Wilson. And we probably can get started after that. Let me ping him. Who just checked in?

Dava Kaitala: I apologize. This is Dava Kaitala. The call was on my calendar at 9:30 for some reason.

Rob McCaskey: Well, the electronic – the electronic invitation I sent out said 9:30 and then the itinerary I sent out said nine, so that's my fault. I'll take the hit for that.

Dava Kaitala: No. It's no problem. I'm just – I'm sorry I'm late.

Rob McCaskey: OK. Who checked in?

Aimee Angel: Hi. It's Aimee Angel with Jacobs Engineering.

Rob McCaskey: I'm sorry. Please say it again. You're unintelligible.

Aimee Angel: This is Aimee Angel with Jacobs Engineering.

Rob McCaskey: OK. Thanks, Aimee. We are waiting on Chris. If we could ...

Susan Wefald: Could you go through the ground rules while we are waiting?

Rob McCaskey: Yes, I can sure do. Let's do something else, too. Brian and Shelly, if you can introduce yourselves and explain your role – I think you're new to the group and people will be interested in hearing who you are.

Brian Dunn: Sure. Good morning. I'm Brian Dunn. I'm the chief of the Office of Bridge Program for the Coast Guard. And Shelly and I will be reviewing the documents and everything for the project.

Rob McCaskey: Great. Thanks. And, so, just to clarify, their office resides in Washington, D.C., and they are my supervisor's supervisor. So, that's a new member to the group.

Let's go through the ground rules. We're going to have one person speak at a time, as you see on the agenda. And make sure we're not talking over the top of each other. If you want to speak, make sure that you say your name before you do that. This call is being recorded and it will aid in the creation of the transcript if you do that.

Let's keep on topic. We're not going to get into a bunch of different topics today. We're mainly just talking about the FEMA no-rise requirement and how we approach that. But let's not get into anything outside of those two topics.

And then, after this call, you can expect to hear from the Coast Guard on our path forward that we have been discussing with ACHP and a couple of other parties. But, what we want to do is get together today to make sure that everyone is hearing the same information at the same time and we're all on the same page and everyone knows what is being discussed.

I think there has been some confusion or at least some understanding of the facts a little bit differently – depending on who is listening. And the idea today is to get everybody together and hear the same information so that we all are under the same understanding of the facts, what's required, what's not required and how we can go forward. So, that's the purpose of today's call.

Shelly and Brian Dunn, did you have anything that you wanted to say before we get started? And I think it's pretty important that we wait for Chris. And, then, I think there's a couple more people from FEMA that might be calling in.

Brian Dunn: No. This is Brian. I don't have anything right now. Shelly, do you?

Shelly Sugarman: No, I don't.

Rob McCaskey: OK.

Susan Wefald: What is Shelly's last name, please?

Rob McCaskey: Shelly's last name is Sugarman.

Shelly Sugarman: Sugarman.

Brian Dunn: Actually, Rob, while we are waiting for Chris, can we go through and have the folks on the phone introduce themselves so that we know who else is there?

Rob McCaskey: You bet. Let's go ahead and do a roll call. The Coast Guard has already been identified. So, everyone else, please identify yourself again and who you represent.

Female: (Inaudible).

Female: (Inaudible).

Rob McCaskey: OK. Let's try that again. Two people were talking at the same time.

Dava Kaitala: Hey, Rob. How about – Rob, how about you go by kind of group like – and we'll let you kind of decide.

Rob McCaskey: OK. Great. All right. Let's start off with FORB. Susan?

Susan Wefald: Yes. This is Susan Wefald in Bismarck. And I'm a member of Friends of the Rail Bridge.

Rob McCaskey: Erik?

Mandy Persson: This is Mandy Persson.

Female: You go ahead.

Rob McCaskey: You're right. You guys go ahead and – you guys go ahead and do that on your own. So, go ahead.

Mandy Persson: OK. This is Mandy Persson. And I'm also from Friends of the Rail Bridge in Bismarck.

Mark Zimmerman: This is Mark Zimmerman, Friends of the Rail Bridge in Bismarck.

Nick Bradbury: I'm Nick Bradbury with Friends of the Rail Bridge from Bismarck.

Erik Sakariassen: I'm Erik Sakariassen. I'm with the Fort Abraham Lincoln Foundation.

Rob McCaskey: OK. Do we have anybody else from Bismarck, either from Bismarck either from Fort Abraham or from FORB. OK.

Amy Sakariassen: This is Amy Sakariassen with National Trust for Historic Preservation. I am in Bismarck.

Rob McCaskey: OK. Thanks, Amy.

Rob McCaskey: All right. Representatives from BNSF, please introduce yourselves.

Dava Kaitala: Dava Kaitala in Fort Worth.

Mike Herzog: Mike Herzog with BNSF Railway.

Rob McCaskey: OK. And we also have Lori and Aimee Angel. Go ahead, ladies.

Lori Price: Lori Price with Jacobs Engineering.

Aimee Angel: And Aimee Angel with Jacobs Engineering.

Rob McCaskey: OK. Anybody else? We are now looking at any FEMA personnel who may be on the line. Ryan Pietramali, are you still there?

Ryan Pietramali: This is Ryan Pietramali, FEMA Region VIII.

Rob McCaskey: And Mr. Myers? Rick? I thought I had heard Richard check in earlier.

Ryan Pietramali: I did too. And I think, Matt Buddie is joining as well.

Rob McCaskey: OK. Mr. Myers, are you still there, sir?

Richard Myers: Sorry. I'm here, but I was on mute.

Rob McCaskey: OK. Figured that much. Thank you. All right. What about Susan Quinnell? Have we – has Susan checked in yet? OK. Is there anybody that has not checked in or introduced themselves at least that we still need to cover?

Hans Erickson: Yes, Rob. There's a couple of members of BNSF's consultant design team on the line. So, Hans Erickson with TKDA.

Rob McCaskey: OK. Anyone else?

Adam Nies: Adam Nies, Houston Engineering.

Greg Dilman: And Greg Dilman, Houston Engineering.

Rob McCaskey: OK. Thank you. OK. From my list, that means Chris and Susan Quinnell were the only two primaries that I don't see have checked in. Let's give them about one more minute then we'll go ahead and start. And who just checked in?

Amy McBeth: Hi. It's Amy McBeth at BNSF.

Rob McCaskey: OK.

Susan Wefald: Rob, were any people on from FEMA? I didn't catch their names and titles. If – I don't know.

Rob McCaskey: We got three people on from FEMA. We've got Ryan Pietramali and Richard Myers and Matt Buddie. And I apologize if I ruined those names. Did someone just check in?

Tom Birney: Yes. Good morning. This is Tom Birney with FEMA Region VIII.

Rob McCaskey: OK. Thanks, Tom. OK. And, so, Chris just texted me. He said he is calling in directly. So, let's go ahead and get started since we have had everybody waiting for a little. Let's let FEMA explain how from their perspective two bridges could be allowed to exist at the location in question. Who just called – who just checked in, please?



Jeff Herd: Hi. This is Jeff Herd from FEMA.

Chris Wilson: Chris Wilson, ACHP.

Rob McCaskey: OK. Say that – say that again, please.

Jeff Herd: Hi. Jeff Herd from FEMA.

Chris Wilson: Chris Wilson from ACHP.

Rob McCaskey: OK. I got Chris Wilson. The two people, please identify yourself. Chris Wilson and who else called in just now?

Jeff Herd: Jeff Herd from FEMA is on.

Rob McCaskey: Thanks, Jeff. Anyone else just check in?

Susan Quinnell: Susan Quinnell with North Dakota SHPO.

Rob McCaskey: Great. Thanks, Susan. OK. That's good. We've got everybody now. We were just moving on to number three on the list, FEMA explain how from their perspective two bridges could be allowed to exist at the location in question. And the specific questions we have are - how long does this approval process take and what are the costs associated with this process.

Matt Buddie: Good morning. This is Matt Buddie with FEMA Region VIII on the line.

Rob McCaskey: Thanks, Matt. So, I guess what we are looking for is from – is – in a – in this setting where everyone is listening, just a quick summary from a representative from FEMA to talk about under what circumstances would two bridges be allowed to exist at the same location, how long would the approval for a rise take and what that type of process would cost someone. So, if someone wanted to – our FEMA representatives could discuss that, that would be very helpful.

Ryan Pietramali: Good morning, everybody. This is Ryan Pietramali with FEMA Region VIII. There's about six of us now on the line, all in six different locations. So,

FEMA team, do you want me to start this and others can jump in? Or somebody more familiar with the issue, would you like to take it?

Matt Buddie: Hey, Ryan. This is Matt. I can maybe jump in here a little bit and maybe just give some general background on the whole no-rise process and CLOMR requirements and, then, we'll go from there. So, basically, any development that occurs in a mapped floodway has to go through an encroachment analysis to determine what the impacts are.

And if there are no impacts – and we call this a no-rise situation – the community can then permit that activity and move forward. However, when the analysis does show a rise, we – the community is required to go through this conditional letter or CLOMR process, which is kind of what we are going to talk about today.

Basically, what that does is it's an opportunity for FEMA to provide comment on the proposed project to ensure that that project is going to not put the community in violation or in jeopardy of not being in compliance with the program standards of the National Flood Insurance Program.

There is kind of a whole process that's laid out in the Code of Federal Regulations. It's also pretty well spelled out in the MTQ instructions for CLOMRs and LOMRs. But, basically, the project gets submitted, there is a requirement to look at other alternatives. There is a notification process to let property owners and others in the community know about the rise. And then, we look at impacts to structures. Basically, we will go through the process and will end up approving the CLOMR if there are no potential impacts to structures as a result of the rise.

In terms of timeline, when we get a full application and begin the review process, FEMA has 90 days to provide comments or approve the CLOMR. I can tell you in over a decade of doing this I've seen very few get approved on the very first submittal. Typically, there is a little bit of back and forth that goes on between our reviewers and the requester.

I think we've done a much better job of kind of cutting down on the formal letter process and kind of going informally through phone calls and emails to

get any sort of questions answered and required documentation. But we will send a formal letter back to the requester, basically a request for information of what's missing or what we still need to complete the review.

Then it goes back to the requester, who has 90 days to submit the information. Once they gather the information and submit it to us, the clock starts over again and we have another 90 days. So, you can probably imagine when – if we get a couple rounds of back and forth, these things can start to take a little bit of time.

And I would say garden variety, we're probably looking at nine months to a year in order to get an approval. But, it just – it depends on our case load at that time and how quickly the requester can get us the information back that we need to continue moving forward. But these – I have seen these things get drawn out when we just have to do this kind of formal back and forth. And these things can take a little bit of time.

As far as fees for reviews, it's – depending on how we get the application submitted, whether it's online or whether it comes in paper application, it can be \$6,500 or I think \$6,750 if it comes in paper format. So, between \$6,500 and \$7,000 is what the review fee is.

And then any cost associated with the engineering on your part or the requester's part would obviously be part of that process. But – yes. That's kind of, I guess, the 30,000-foot overview of the process. But we can definitely talk more specifics and kind of clarify what exactly we would need.

Rob McCaskey: This is Rob McCaskey again.

Dava Kaitala: Matt ...

Rob McCaskey: Hold on just a minute. Was that you, Shelly?

Dava Kaitala: No. It's Dava.

Rob McCaskey: OK. Dava, let me just – I'll ask a question here, if you don't mind and, then, we'll go to you next. If we could go down to 20,000 feet, do you know what

the associated cost would be to the individual person that was applying for that CLOMR?

Matt Buddie: I wouldn't want to speculate on what the engineering cost would be. Basically, there are some modeling scenarios that would need to be completed. Basically, we would say take the effective model for that reach and create a corrected, effective model – so, adding in any additional cross sections and changes that have occurred since the effective modeling.

Rob McCaskey: I understand.

Matt Buddie: And then you would have to develop a proposed conditions model and then compare the two. So depending on what the costs are associated with building those different models would dictate what the price would be.

Rob McCaskey: Sure. Does anyone on the line have a total, let's say, spend, to do their submission for this project so far?

Male: Rob, I'm not....

Rob McCaskey: Yes. That was a question to anyone that's on the line from BNSF. Do they have that number?

Mike Herzog: No, Rob, we don't.

Rob McCaskey: OK. Dava, what is the ...

Mike Herzog: That's part of our ...

Rob McCaskey: Go ahead.

Mike Herzog: ... overall design. That's part of our overall design and just one component of the engineering services that we are having TKDA and Houston perform on this project.

Rob McCaskey: OK.

Mike Herzog: So it's not broken out individually.

Rob McCaskey: I see. Dava, you had a question?

Dava Kaitala: Yes. And Matt mentioned that if there were no impacts to structures then it could be kind of approved by FEMA. What if there are impacts to structures?

Matt Buddie: Well, if there are impacts to structures, then we wouldn't approve it. We would basically say, "OK. Well, you need to go back and mitigate the rise or – either mitigate the rise or mitigate the impacts to the structures."

So, we have had situations in the past where the community would – or the developer or whoever is submitting it will actually do an acquisition-type project to the impacted structure and turn that area into open space. So, we would look for some sort of mitigation.

Lori Price: Hi. This is Lori. Can I just ask for everyone to make sure that their phone is mute if they are not speaking? We are getting quite a bit of feedback. So, if you are not speaking, please mute your phone. Thank you.

Susan Wefald: This is Susan.

Rob McCaskey: Yes, ma'am. Go ahead.

Susan Wefald: Yes. We – I have a document in front of me dated July 16, 2018 from the – from the FEMA. And it says "We're providing our comments with the enclosed conditional letter of map revision and a proposed project within your community." All right.

And, so, is that a part of the process for or is that one of the final steps that FEMA has taken in approving what BNSF has already submitted? In other words, where are we in the process with BNSF with their application to FEMA at this time?

Matt Buddie: Yes. So, it's my understanding that a CLOMR was submitted just based on the new bridge, not necessarily leaving both bridges into the equation. So, that's what I think we would be looking for is a – is a new submission looking at the impacts of both bridges.

Susan Wefald: Thank you.

Nick Bradbury: Hi. This is Nick Bradbury from Friends of the Rail Bridge. And I just want to touch on that point a little bit. Matt, a moment ago, you said that at some point through the application process related to the CLOMR, you said that a project is submitted and that there is a requirement to look at other alternatives. Could you expand on that part of what requirement is it to look at other alternatives for FEMA in this application process?

Matt Buddie: Yes. I mean I think that it's kind of a standard thing for any review that we end up doing on various projects. If you are proposing something that's going to cause an increase in risk – it's the way we look at this – what are some other alternatives, for example?

Typically, one of the options that's looked at is, well, what if we do nothing? Are there – are there other ways – is there channelization that can be done to basically create compensatory storage and soak up that increase in water surface elevation? What are just the various alternatives that could happen?

And I don't know based on this being on the Missouri River – we have a pretty substantial channel in this area. So, I'm not sure exactly what all that would entail in terms of alternatives.

But I would certainly – if any of my other FEMA colleagues want to jump in and offer any thoughts or insight. But we would probably leave that to the project engineer or the application or requester to basically look at those alternatives.

Rob McCaskey: OK. Speaking of alternatives – this is Rob – unless there's someone that has a burning question that can't wait right now, let's move to number four, which is an alternative that was previously looked at. Does anyone object to moving to number four? And we can come back if there are any additional questions for what we covered so far.

OK. Hearing no objections, let's go to number four - BNSF discuss the assessment they previously did for leaving the existing bridge and adding a new structure approximately 30 feet away from the existing structure. If

someone from BNSF can discuss what was found during that investigation and tell us what they came up with, I'd appreciate it, please.

Mike Herzog: All right. Rob, this is Mike Herzog. I am going to hand this off to the subject matter experts that actually performed the modeling from Houston Engineering. So, Greg, Adam, if you could give us that overview, please?

Greg Dilman: Sure. So, the CLOMR that was approved, as we discussed, was based on the new bridge scenario. We had also done modeling for a scenario where the new bridge will be constructed adjacent to the existing bridge. And that showed – it varied by – there's a couple of alternatives that were looked at.

But, the stage increase was between 0.02 and 0.03 feet, depending on the alternative. And those impacts did extend a considerable distance upstream and there were structures located within that impact area that would be impacted.

So, that was not submitted as part of the CLOMR. The CLOMR only looked at the – was for the new bridge scenario. But because of the rise associated with the other, that analysis was done. And I don't know, Adam – if I missed anything on that, feel free to jump in.

Adam Nies: That was good, Greg.

Rob McCaskey: This is Rob from the Coast Guard. Could you estimate or do you know how many structures were impacted and where those were located?

Greg Dilman: Adam, do you have that number?

Adam Nies: Yes. This is Adam Nies with Houston. From what we looked at and based on the effective flood plain, there were approximately 500 structures – 500 to 550 structures that were impacted between the two alternatives.

And those impacts did extend, as Greg suggested, a significant distance that was approximately about 8 to 10 miles based on what our modeling is showing. And that's 8 to 10 miles upstream from the bridge.

Rob McCaskey: OK.

Nick Bradbury: May I – may I ask a question?

Rob McCaskey: Please.

Nick Bradbury: This is Nick Bradbury from Friends of the Rail Bridge. Adam, in the analysis, did you perform an analysis in which the historic bridge remains standing and the new bridge was built with piers in exact alignment with the existing bridge?

Adam Nies: Yes. This is Adam again. Yes, we did. We ran both the 30-foot offset and 80-foot offset options. And with the 80-foot offset option, the proposed piers are – some of them are in line with the existing piers.

And that does minimize the impact a little bit because you have effectively a pier in a shadow of another pier and we can kind of hydraulically model that situation.

Nick Bradbury: But was that analysis done with – essentially currently, the current bridge has two piers in the water. Was that model done with two piers in the water or with additional piers in the water – more than two?

Adam Nies: That modeling would have been done with more than two piers in the water to represent the proposed bridge alternative design, which has – I can't remember off the top of my head, but there are several piers in the water on that one.

Nick Bradbury: So, I'm not an engineer. I'm actually a physician by profession. But I have been – well, Friends of the Rail Bridge have been looking around. In the spring, the Coast Guard received an application for a new bridge project at Sibley, Missouri for a new bridge which would be built at a 60-foot offset from a historic bridge which was built in 1888-1889.

And in that project, the historic bridge has 400-foot spans in between piers, and the new bridge proposed would also have 400-foot spans with the piers in alignment with the existing bridge.



And just based on my look at this public notice that was given, it looks like this does not – as far as it regards to the flood plain elevation of the – of the public notice here, it just says that the – it’s, well, the – let’s see – no excavated material, no permanent fill material will be placed below the 100-year flood elevation.

In your opinion, is it possible that if an analysis were done where the new bridge was built with the same number of piers in alignment with the historic bridge’s piers, that it might be compatible with a situation where there was no rise in the flood plain elevation at this alternative?

Dava Kaitala: This is Dava. That’s a – hang on. That’s a whole lot of ifs. And my understanding – and I’ll let the engineers discuss this. But, I don’t think it’s possible ...

Male: (inaudible)

Rob McCaskey: Hold on, guys. Let’s listen. One person at a time. So, it’s Dava from BNSF that’s talking now.

Dava Kaitala: Yes. So, I – but, I don’t think that we can build with the same number of piers. So, if you guys can kind of start your explanation with whether or not that’s a possibility to do the same thing that we were doing at Sibley – and, then, we can see whether or not we need to answer the question of whether we could only have that number piers and have it in that alignment.

Mike Herzog: This is Mike Herzog. I can answer that from an engineering perspective. There are primary differences between what you are talking about at Sibley and what we have here at Bismarck. It’s looking at the type of shape of substructures we have in the water right now.

As you are aware, the piers at the Bismarck bridge have a significant-sized icebreaker on the upstream side which extends down and further out as you move down, which, in order to put piers in alignment, pushes a new bridge much further north, which gets into the issue of pushing that bridge off our right of way, which creates problems on the west end with the Missouri

Nature Preserve and then creates even more problems on the east end by pushing us into the embankment that supports the Bismarck water reservoir.

So, maybe conceptually from a hydraulic perspective, that would work. It's not a simple yes or no question when you look at the other related engineering to make it work with the actual bridge we have in Bismarck.

Rob McCaskey: So, as for FEMA and the no-rise requirement, it would be – like that – in that scenario, the math would work out to where there was no rise.

Mike Herzog: Possibly.

Dava Kaitala: Well, this is speculative. We haven't done that. We don't know.

Rob McCaskey: OK. So, this is Rob. I don't want us to veer too far off of the purpose of this meeting, which is to discuss the CLOMR process specifically without going into detail with specific proposals or conceptual things that we haven't looked at yet. So, let's try and keep it to that.

I understand the question and that thing was important. But, I think we've covered as much as we need to of that. Does anybody disagree with that? Shelly, Brian, are you guys OK with moving on?

Brian Dunn: Yes. I'm fine with moving on. I think that's one of the things that, as we move forward, we just need – we need to be able to look at those things and explain them for why they will or will not work.

Rob McCaskey: OK. Great. OK. So, we have the summary on number four. Was anyone from BNSF – have we completed that discussion or was there anything else you wanted to wrap up before we move on to number five?

Male: I think that pretty much summarizes that question.

Rob McCaskey: OK. Moving on to number five, it says, "Can we go immediately to the community approval process for additional rise, or does FORB or someone else need to submit their own CLOMR before we get feedback on the rise from the community? And I guess that would be directed to someone from FEMA to discuss exactly how this works.

Matt Buddie: Yes. This is just Matt again. So – yes. I mean, obviously, the community is the key player in this whole process. Any sort of CLOMR that we would approve would require a community acknowledgment form. So, basically, they would – they would have to accept the rise.

So, I think it definitely is appropriate to have the sort of conversation that needs to happen with the local flood plain administrator and anyone else that's involved in that process from the community level because, ultimately, they sign off on it.

Rob McCaskey: Does anyone on the call know who the local flood plain administrator is or who the members of the community that would be making these decisions might be?

Matt Buddie: This is Matt again. I am – we don't – I don't have that information right now. But, we certainly can provide that. And I don't know if Tom – if you're on the line, if you can look that up.

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

Rob McCaskey: Yes. We can hear you, Susan. Go ahead.

Susan Wefald: Yes. There is apparently a flood community or a person who is in charge of this. It's in both Bismarck and in Mandan. There is one from each – the city of Bismarck – and there is from the city of Mandan.

Rob McCaskey: OK. Great.

Tom Birney: So, this is Tom ...

Susan Wefald: So, that should come from both.

Rob McCaskey: Go ahead, Tom.

Tom Birney: This is Tom Birney with FEMA. So, the individual from Bismarck is Brady Blaskowski. So, he would be the flood plain administrator that Matt was talking about. And for Mandan, I would have to look that one up.

Rob McCaskey: Could you spell that last name of the gentlemen from Bismarck, please?

Tom Birney: Yes. Let me pull it out and spell that one real quick as well. I don't know that one off the top of my head.

Rob McCaskey: I didn't mean to put you on the spot. Sorry about that.

Tom Birney: No worries. And so, typically, when we have a project that – where there's multiple communities involved, we would want coordination to happen, obviously, with all of those folks that are impacted.

Rob McCaskey: Sure.

Tom Birney: So, Brady Blaskowski. Last name is B-L-A-S-K-O-W-S-K-I.

Rob McCaskey: OK.

Tom Birney: And do you need a phone number?

Rob McCaskey: Sure.

Tom Birney: 701 355 1465.

Rob McCaskey: Great. Thank you.

Tom Birney: And let me look up Mandan for you real quick. For Mandan, the contact that we have is Shawn. Last name is O-U-R-A-D-N-I-K. Phone number is 701 667 3230.

Rob McCaskey: Great. Thank you for that information.

Tom Birney: Yes.

Rob McCaskey: OK. So, I do understand these are really just two people that make up the entire decision board. Or are there other members or these are just the two folks that we should be talking to?

Matt Buddie: I think this is where the conversation needs to start. Whatever their internal processes are for approving that, I can't speak to that. But, I think that's where the conversation needs to start.

Rob McCaskey: OK.

Susan Wefald: OK.

Rob McCaskey: Go ahead. Go ahead.

Susan Wefald: Mr. McCaskey, can – this is Susan. Can we please go back to number five?

Rob McCaskey: Sure.

Susan Wefald: Because you jumped to number six and we haven't fully discussed number five yet.

Rob McCaskey: Sure. What would you like to know about number five, ma'am?

Susan Wefald: Well, there is a question there. Can we go immediately to the community approval process for additional rise or does FORB needs to submit its own CLOMR before we get feedback on rise from the community? I would like to have – entertain some discussion on that question. I think it's a very important one.

Rob McCaskey: OK. Would someone from FEMA have an opinion on that?

Matt Buddie: Well, I – again, I – and I'll – this is Matt. I'll let others from FEMA jump in. But, the project – the CLOMR would have to be approved prior to the shovels going in the ground or the project starting. I guess I don't – maybe I don't fully understand what you are referring to in terms of community approval.

They can – they are going to have to issue a flood plain development permit for any sort of new bridge that is going to impact the floodplain area. So they can approve that. But until we get an approved CLOMR, the project can't really start. And Tom or Ryan, if you have anything else to add to that, feel free.

Tom Birney: This is Tom. What I would just add to what Matt said is even though if a community approves the rise to the base flood elevation, within the Code of Federal Regulations, the federal requirements require them to come in for that conditional letter of map revision. There is no way to bypass that process by just getting a community saying, "Yes, we are OK with it." They would still have to come in for the CLOMR process.

Susan Wefald: This is Susan. I have a question. So, what about the second part? Or does FORB needs its own CLOMR before we get feedback on rise from the community? Can you give some advice on that option?

Male: Matt, do you want to handle that one?

Matt Buddie: Yes. Sorry. I was trying to get off mute. Yes. I certainly think that these conversations can happen at the same time. I don't – I don't think that they have to happen separately.

But, certainly, based on the timeline of what it takes in order to get an approved CLOMR, I think that if that's the route you choose to go, that it – that it probably makes sense to get going on that and get that paper (inaudible) - we need a community acknowledge form.

So they are a key partner in this whole process. And we definitely don't want to be hung up at the last minute and the community decides, well, we are not going to accept this additional rise.

Susan Wefald: I understand that. So, what about – what if we wanted to get started on a – to submit our own CLOMR. And do we even have a right a submit a CLOMR, or does BNSF have to submit a CLOMR?

That's question one – number one. Do – with our CLOMR, before we get into this process, only go to the community administrators – would they be the only one who would see it if we followed through the approved CLOMR process? How does that work? We need more help on the process to do a – our own CLOMR.

Matt Buddie: So, I would say we – FEMA does not – would not say it has to be the railroad that submits it. It doesn't have to be the community that submits it.

We are just – we are looking for – typically, it's the project sponsor would go through that process of collecting the data and working with an engineering firm to do all of the modeling. So, who submits the CLOMR itself is somewhat I guess maybe not necessarily part of the equation.

Susan Wefald: This is Susan again. The reason I'm asking the question is because I understand that there are different models that can be used when preparing a CLOMR and that if certain things are adjusted that the results might come out differently.

And, so, BNSF has already done its model of a CLOMR and they have also prepared a CLOMR for the alternative situation where they would keep both bridges in the water.

But, it's my understanding that using other – another way of modeling this possibly using some other factors that – in an engineering study that you could get a zero-increase result from this if it was submitted by – if a new CLOMR was presented by someone else.

So, then, what if we did find – if we did do an engineering study – if – I'm saying a lot of ifs – and if it did show that there was zero increase, who would we submit that to and what – how would we get that into the body of information that's being considered by FEMA because we certainly don't want to spend all that money and then, say, "Well, you can't submit this because you are Friends of the Rail Bridge who hired this study and you're not BNSF."

Matt Buddie: Right. OK. I appreciate you clarifying. So, basically, if what you just described were the situation, you could submit that directly to the communities as, "Hey, this is – this is a no-rise situation" and you get – you get an engineer to stamp and certify that the project causes no rise.

It's really then up to the community to approve. They would have to review that analysis and make sure that they agree with it and, then, issue the permit.

They can still require the project to go for FEMA review through the CLOMR process. But, at that point, it would be up to the community to determine what the next steps are.

Chris Wilson: Rob, I've got a question or two. It's Chris at the ACHP.

Rob McCaskey: Yes, Chris.

Chris Wilson: Well, this is to any of the FEMA members. By the way, thank you for attending this meeting. This is very helpful. I really appreciate it. So, my question is for as long as I have been involved in this case, it's been pretty contentious. That's all – that is part of the record.

And, so, as it relates to Susan's question, if they were to submit a CLOMR, how do they do that without having access to the information that BNSF has already provided to FEMA? In other words, is that publicly held? How does a nonprofit address a rise in the water there in the river if they don't have the specifics of the other application?

Would you make that information available to FORB so they can hire an engineer and deliver an accurate assessment? Because I think there's a lot of apples and oranges that have been going on over the last year where there is a disconnect between the two entities. So, how does that work?

Matt Buddie: Tom or Ryan, do you – yes. This is Matt. Tom or Ryan, do you – one of you want to field this one?

Male: Tom, it's my understand that once a CLOMR is approved, it's part of the public record. Is this not the case?

Matt Buddie: That's correct. But, until it's approved, it is not part of the public record because the information will be going back and forth. But, once it's approved, it becomes public.

Male: Yes. And I – it's my understanding this was approved – I've got the case number here. And, so, we could make that available.

Male: (Inaudible).



Male: (Inaudible).

Rob McCaskey: Hold on just a second. Does FEMA not review their CLOMR submissions and test the data and decide if they find that it's accurate or not? Do they just accept the information provided by whoever submits it?

Male: That's exactly what we do. It's - we review it per our mapping standards because, essentially, what we are saying - it's our conditional approval of the project and it's providing some assurance that, one, you are compliant with the locally-adopted flood plain management plan and, two, you are compliant with our mapping standards.

So, should the project be built, when the project is complete, we typically follow those projects up with a letter of map revision so we're showing what was created on our flood insurance rate map and it's some assurance at the back end of the project that we can update a flood plain map and do so with science and information that meets our mapping standards.

Rob McCaskey: OK. Thank you. Chris, I didn't mean to interrupt you. Did you have additional questions?

Chris Wilson: No. That was it. Again, this has been very productive.

Dava Kaitala: Rob, this is Dava. Can I ask a quick follow-on question on the question you just asked?

Rob McCaskey: Go ahead, please.

Dava Kaitala: OK. So, my understanding is that there is kind of a FEMA - I guess FEMA-approved model that you can run. I'm - my understanding was that we were running a FEMA-approved model to ensure that our numbers were, number one, going to be accepted by FEMA but, number two, we are - we are right.

Male: So, a couple of elements on that. So, we are typically doing a comparison against the models that are on our current effective flood insurance rate map. That's typically what we have as sort of an existing condition model.

And typically, we see individuals take that model and do essentially some corrections to it or modernization and, then, they are comparing that against the 'with and without' project scenario.

And we typically see those picked up because, one, their models sort of meet – they are on our approved models list. But, it's also because they are already completed. So, as an example when you have these really, really large mainstem rivers, the modeling that is done on those rivers to produce flood plain maps and other things are very, very expensive.

So, we typically see these projects coming for CLOMRs and LOMRs and they are revising off of those large models that have already been approved. And in some cases, the science on those models, particularly on the Missouri River – I mean they take dozens of years in certain cases to sort of adjudicate.

Susan Wefald: So – but, I understand – this is Susan – that you didn't say there is just one model. You said there's models in the plural. Is that correct?

Male: We maintain an approved models list. And submitters can definitely look at that. But, again, we are going back and looking at does this project on the flood insurance rate map – is it causing a rise? So, while we could look at – there's a scenario – it just is a lot of what ifs.

I mean I think one of the best things that we can do is we do provide technical assistance on viable projects to get through the CLOMR.

We are trying to make sure that you are causing no rise on insurable structures up or downstream from the proposed project on the flood insurance rate map and the model that is supporting that flood insurance rate map. So, while there are a list of approved models, remodeling the Missouri River could be a little bit challenging.

Susan Wefald: Thank you.

Mike Herzog: Rob, this is Mike. Just a couple of points ...

Rob McCaskey: Yes. Go ahead, Mike.

Mike Herzog: So, just a couple of points to clarify on some of the questions here. So, from my recollection, BNSF has already provided all of our hydraulic analysis information. So, that – they should have that already. And the second point, during the course of discussion, there was a comment made about BNSF preparing a CLOMR for these multiple scenarios.

I just want to clarify. We prepared and submitted our CLOMR for our preferred design that had the bridge 30-foot offset to the north with the existing bridge being removed. The other information we are talking about is simply the hydraulic modeling results that we came up with, not a CLOMR.

Rob McCaskey: This is Rob. And I want to also clarify that BNSF is not required to submit multiple CLOMRs. They submitted the one that they want. And, so, that's a completely normal process – what you just described, Mike.

Susan Wefald: I have one – this is Susan. I have one question. One page two of this conditional letter of map revision, it says that the proposed project description – and this might be a typo, but I'm just interested – if the proposed project – if the new bridge is approximately 2,000 feet downstream of Interstate 94 and the bridge removal project is approximately 2,040 feet downstream of Interstate 94 – so, it seems to me that that's 40 feet offset, not 30 feet. And was that just a typo in the FEMA application or is it actually – was the study done at 40 feet rather than 30 feet?

Mike Herzog: So, I really can't speak in reference to the alignment of our new bridge. I can only speak from the offset from our existing bridge.

Chris Wilson: Rob, this is Chris again. Another follow-up question.

Rob McCaskey: Yes, Chris. Go ahead.

Chris Wilson: So, I think – I think you answered one of the questions I had. And that was who would pay for the CLOMR. So, basically, when you look at Coast Guard protocol and procedures, they're responsible for only the CLOMR that relates to their project. Any other CLOMR would have to – could potentially be done by another group. Is that accurate?

I mean – so, I know this is an unusual case. But, basically, the owner of the bridge, wanting to remove it and build a new bridge, even if it's their structure that they own, if another entity or community is interested in its retention, BNSF is not responsible to provide any assistance as it – as it relates to an analysis to leave it in place. Is that correct?

Rob McCaskey: That's my understanding. And I'll defer to Brian or Shelly to correct me if I'm wrong.

Chris Wilson: And if you guys want to get back to me later, that's fine because this is unusual, I realize.

Brian Dunn: This is Brian. I think – one of the things that we would need to look at for moving forward, basically, is what they are looking at is to modify BNSF's proposal for the new bridge to say that they want to have the new bridge and retain the old bridge.

So, I would think that they would need to look at – looking at the flood plain rise, maintaining the bridge and what the impacts of that are and whether it leads to a CLOMR for their proposed alternative for the project which would retain the bridge.

Then, they would need to go through that process and, then, we would need to factor that into the overall discussion with – during the 106 consultation to see how that impacts the overall project. Does that sound reasonable, (Chris)?

Chris Wilson: Yes, it does. But the thing about this that is unusual is if FORB is going to propose something – if they were going to propose a modified CLOMR or their own CLOMR – and this is all Greek to me – they are doing it in sort of isolation because they are looking at the BNSF proposal as it stands with no modifications whatsoever and retaining the bridge.

So, without the two groups working together, which is what I would like to see happen, I don't see how we can come up with a definitive answer because if FORB is providing a CLOMR in isolation without the cooperation of BNSF looking at any kind of modification whatsoever, it just seems like you're going to – it seems like you're – the answer is a foregone conclusion.

Brian Dunn: Absolutely. I think there needs to be some coordination between the two of them to look at what alternatives have been looked at, what potential alternatives may or may not be available and move forward from there.

It should not be two CLOMRs in isolation that they – if we are going to look at retaining the bridge, then it needs to have all the available information to look at what the impacts are going to be.

Chris Wilson: Yes. And is there any way that we can get the two parties together with someone mediating, someone – I don't know who it could be. Maybe it's someone from the Coast Guard, from (inaudible) Foundation, which you have access to.

But, basically, bring a mediator in and work with both sides to develop another CLOMR because, again, without BNSF's input – and it's their bridge – without their analysis to look at potential modifications, it seems like a dead end. And, again, I know you're not going to solve those problems at this meeting. That's just something I want to throw out there.

Dava Kaitala: Brian and Chris, this is Dava again with BNSF. We have provided all the information, including the different scenarios that we ran, to FORB already. In fact, that was a number of months ago that we provided that information. So – I think that the question on the table is that FORB doesn't trust the model.

FORB wants to run their own model. I'm not sure how a mediator helps that. I mean we brought in a professional engineer who is willing to put their license on the line to say this is the right model to run and these are the right answers. I mean - kind of, the math is what the math is. And while we are ...

Rob McCaskey: Go ahead and finish, Dava.

Dava Kaitala: So, I mean I'm just struggling to see what a mediator would do.

Rob McCaskey: OK. Who was it that was speaking after Dava?

Nick Bradbury: Hi. This was Nick Bradbury with Friends of the Rail Bridge. One of the things I could see positively coming out of this process – as Brian was saying, it looks like that as people are going through this approval process with FEMA, that FEMA actually can offer some technical assistance with the modeling and calculations.

And, so, if there were a collaboration of groups, I would expect that it would also include FEMA with the assistance that they have stated that they provide to groups who work, who are going through this process.

And I guess, with that, I would ask BNSF if, through this process, if they contacted FEMA for any of their assistance and working with the models, to make adjustments to see if they could get to a no-rise situation in the alternative where the historic bridge remains standing.

Dava Kaitala: This is Dava. No. Because generally, the technical assistance option is not done for private rail bridge projects. And I'll let FEMA explain more about what the technical assistance program is all about. But, it's – my understanding is it's basically for those people who don't have access to professional engineers and folks who can help them figure out whether or not they can get to a no net rise.

We got to a no net rise using our own folks. So, we didn't – we didn't need technical assistance. We also came to the conclusion using our folks that there was no way to get to a no net rise with leaving the old bridge in place.

Rob McCaskey: Can I get to the next comments from FEMA on that, please?

Ryan Pietramali: Yes. This is Ryan Pietramali with FEMA. Exactly. So, we don't often provide technical assistance on the science piece. We anticipate that the submitter will procure or retain or have on staff an engineer that's licensed to perform this kind of work in their state.

What our technical assistance often is is about the process. And then, oftentimes, we provide technical assistance on some of the – some of the more complicated large-scale structural flood control projects and items like that.

We do not typically get involved with the development of hydrology or hydraulics.

But, we do comment to those engineering firms or provide technical assistance on whether or not those models, methods, whatnot are applicable or meet our mapping standards. But, one thing that we don't do is get in and essentially develop for a submitter the modeling required to support a conditional letter of map revision.

Rob McCaskey: Thanks for that clarification. Are there any other questions regarding that from either FORB or BNSF or anyone else on the call?

Female: So ...

Mike Herzog: Rob, this is Mike. This – so, one – a couple of comments related to that.

Rob McCaskey: OK. We'll get to the next person after Mike finishes. Go ahead, Mike.

Mike Herzog: OK. So, we performed the modeling with our new bridge, and the existing bridge gone. We've also ran that same model with the existing bridge remaining in place. We have found that has a rise in the base flood elevation. We have identified the number of – approximate number of structures impacted from this rise.

Are we talking about rerunning that – someone else wanting to rerun that model because they question the results from the existing bridge remaining? Or is this a matter of FORB trying to develop that mitigation plan so the 550 structures that we found impacted by this rise – to mitigate from it.

I'm a little unclear as to what this collaboration is. Is it a matter of trying to validate the hydraulic results or develop a mitigation plan around those impacted structures because ...

Rob McCaskey: OK. That seems like a fair question. Would someone from FORB care to characterize what they see this discussion of a – of a new CLOMR as? How would – what would you say it is?

Susan Wefald: Well, I would say, first of all, it would be to validate – because you haven't ever submitted that information to FEMA – with both bridges in the water.

You have not yet had to submit that to FEMA because you just prepared it and then you decided not to use that approach and go with just a single bridge. Is that correct, that those numbers that – with both bridges in the water – have they ever been submitted to FEMA?

Male: That is correct because we would not submit a model or a CLOMR to FEMA that showed a rise because we know that we need to achieve a no net rise.

Susan Wefald: So, I think that what we are talking about is that we would want to validate the numbers and validate the process and the model that was used.

And in order for us to be able to sit down and to talk with you, like Chris Wilson suggested, we would – we would need to have an engineer – water engineer who could certify that they had done some of this work and that they had found a different approach that could perhaps show a zero increase rise with both structures in the water. I can't see how we would be able to have a mediation unless we had engineers certify the results.

Dava Kaitala: So, you are talking – this is Dava. Sorry. So, you are talking about having your own engineer get the results or are you expecting us to get an engineer to get the results?

Susan Wefald: Well, BNSF has already done this. I haven't heard – I would love it if BNSF had to try several different other models. But, I don't know that that's going to work. Let me just give you an example.

When I was on the Public Service Commission and MDU would come in for a rate case, let's say, for their gas customers – natural gas customers - and they would do their modeling and they would come in and they'd say, "We need a 20 percent increase from residential customers in natural gas." And they would have done an approved model and everyone would say, "Yes, you did an approved model."



And, then, consumers would come in with their modeling of those numbers. And they would find a case where consumers did not need an increase. They needed a 3 percent decrease and business customers needed more of the increase.

All right? So, I'm familiar with models and how they can be used to show different things. You just input different numbers. You do them. And, so, I have talked to water engineers and they said, yes, there are different models and different factors that can be included.

So, I'm not sure what FORB will decide to do on this – I mean what Friends of the Rail Bridge will decide to do about this. But, I think it's to validate the numbers of the – with the two bridges in the water is very important and just so that people have another perspective, a full picture perhaps before they make decisions.

Dava Kaitala: OK. This is Dava. Financial models and hydraulic models are pretty different. I mean we can – if you guys can find a professional engineer who can run the modeling, I mean you have all the information. You have – you have everything that we have done. I mean, I realize it's been two years. So, if we need to send it again, we can. But...

Susan Wefald: Actually, we (inaudible). So, I think your – I think there were some statistics sent perhaps last June when this – when we were discussing this in general. FORB at that time did not move forward with those numbers.

Brian Dunn: This is Brian. So, I think that's kind of the – what I would envision as the next step. It's to – if FORB wants to use the numbers that BNSF has provided or can provide again to go through and look at and determine whether there is any differences that they can find and using those numbers and then move forward with looking at whether or not there is a net rise or what might need to be done based on that new modeling.

Chris Wilson: Rob, this is Chris again. A couple of other comments.

Rob McCaskey: Hold on just a minute, Chris. Let me clarify with Brian. So, Brian, what I hear you saying is that we need to get the numbers and information for FORB

and then FORB can choose to go forward with this initial analysis or not. Is that what I hear you saying, sir?

Brian Dunn: I think that sounds like the reasonable next step.

Rob McCaskey: Yes. Right. Chris, what was it you were going to say?

Chris Wilson: So, I agree with Brian. I think providing some of that information to FORB so they can hire an engineer to do some additional analysis is a good step.

But I'm having a hard time understanding how we can resolve this – and I said this about 20 minutes ago – unless BNSF, FORB, Coast Guard, ACHP, SHPO – all of us try to find a way to explore avoiding an adverse effect. And that's why we are here because this is a Section 106 case that has to be completed before the NEPA final document is published.

So, 106 does not have the leverage to force good faith. But I think having a mediator to bring everyone together to look at not just ways to do another analysis of the data that's been submitted by BNSF but look for a collaboration where there could be modifications made for a new bridge to be built and leave the one in place.

Again, we can't enforce good faith. But we have to show from a 106 perspective that we've tried to avoid the adverse effect. And if we can't show that we've looked avoidance, what that does is it sets this whole process up for litigation where another entity would review the administrative record.

So, I would like us to get to the point of collaboration. And in my opinion, the only way to do that is to have a mediator. I think you can hear the tenor of this discussion from all sides. And it doesn't seem very cooperative from my standpoint. And I think a mediator to look at some sort of a collaboration would get us through this hurdle.

FORB members have told me – and I think they've said this in public – all they want to do is explore avoidance. If it's impossible to leave this bridge in place, if it's just impossible to do so, they will look towards other means. They will look at mitigation.

But, we are not at the point where we can show that, all right, it just can't be done. And if this weren't a nationally significant bridge, we wouldn't even be here today. So, my suggestion is we get some sort of mediator in place to look at a collaboration so we can get through this process.

Dava Kaitala: Well, Chris, this is Dava. First of all, I'm resentful of the fact that you are trying to claim that BNSF is not acting in good faith. So, let's just get that out there, first of all. Secondly, this process has already been going on for two years – in fact, over two years.

So, I would have a hard time seeing how anyone would say that we have not had a consultation. We've been consulting for two – for over two years. So, I mean we can bring someone else in. But, we need to – we need to figure out how to wrap this up at some point. I mean the 106 process isn't supposed to be a multi-year process.

Brian Dunn: This is Brian. (Inaudible).

Chris Wilson: So, I really think we're on the same page here. We're on the same page. In order to move the process forward, I'm making some suggestions.

And I think it's – I think if – I think if BNSF had anticipated that there would be opposition to removal of this bridge in the preplanning process, the 106 process might have gone a little bit more smoothly. I think it was a surprise that there was opposition.

We are where we are. And I've been involved in 106 for 25 years. And I really think there are some cases – and I'm involved in one right now in another part of the country – where a mediator really does help because the tenor of the conversation is not telling me that there is any collaboration that's going to happen here in the future. And it's a procedural law. And we are stuck in the procedural aspect of avoidance.

Rob McCaskey: Brian, I think you had something you wanted to say.

Brian Dunn: Yes. I think we are getting ahead of ourselves. The fundamental question that I think that we really need to look at right now is what the impacts of both bridges existing at the same time are. Once we get through that, then we can make a determination of how do we deal with what the impacts of that are.

At this point, I really think the next step is to look at whatever evaluation needs to be done or is desired to be done in order to look at what the flood plain impacts are of building a new bridge and leaving the existing bridge there. If there are discussions about what alternatives have been looked at for designs and everything, those are discussions that can take place as part of the overall look of the flood plain.

But, until we answer that question, then there really is a big question about what mitigation, what historic impacts are and all that. So, we really need to address the flood plain rise issue first. And, then, we can determine how we move forward with what the impacts of that are. So, that's ...

Mike Herzog: And I do have a suggestion. This is – this is Mike. So, we talked about the modeling we performed to date with and without the existing bridge, with the existing bridge showing the largest rise in base flood plain elevation.

FORB questions that or wants some validation of those results is what I think I'm hearing. I can say from the modeling we performed, we used the same thought process and logic that helped us achieve the no net rise.

Would there be any opportunity to provide this modeling information to FEMA to – what I would expect to see is basically a nod saying, yes, that they used a solid thought process and logic around this modeling, it's – they didn't essentially fabricate the rise in base flood elevation when you have the two bridges. This is what you get.

Would there be any opportunity to get some validation around this modeling from FEMA? That would be essentially a third party saying – looking at it going, “Yes, that passes the sniff test and they've used a solid thought process.”

Rob McCaskey: Can someone from FEMA comment on whether that's something they would be willing and capable of doing?

Ryan Pietramali: That's actually a good question. This is Ryan. I don't know. So, we typically receive these from the submitter through the community or with the community's concurrence.

And we – they come in with the appropriate fees. And we do a review against our mapping standards. That would be, as is most of today's discussion, a typical use of the CLOMR process.

So, I don't know if, absent the CLOMR process and supporting fees – if we could do sort of a pre-review – I don't know what I would call that – but, a pre-look prior to a CLOMR being submitted. That's something I can look at. Tom, have you ever seen us do this?

Tom Birney: The only time I've seen something like that was when we knew that there was a CLOMR that was inbound and it was just to try to provide general technical guidance on that plan in the approach.

I think what is being proposed I have not seen. And I would – I'm not – I would not be aware how it can be done without an actual case and the fees tracked, and to submit and to pay for it.

Susan Wefald: And this is Susan. And of course, if you did that for BNSF, we would also want you to do that if FORB moved ahead with its own CLOMR.

Mike Herzog: So, Susan, what I'm saying is we performed the model that shows a rise and we are attempting to hand it to essentially a third party to get some validation around those modeling results saying, "Yes, they used an approved FEMA model and these are the results that come out of that model."

Susan Wefald: I understand that. And, then, I said that if you – if they did that for you, we – and if we moved ahead with an engineering study and it showed a no – a zero increase rise with two bridges in the water and we submitted ours, would FEMA also do that same thing for Friends of the Rail Bridge's model?

Ryan Pietramali: And just to be clear – sorry. Hold on. They decided to start vacuuming in my office as I was about to speak. I apologize. FEMA has not traditionally, through our CLOMR process, been in the business of adjudicating differences in models or differences in engineering judgment.

So, I would be really reticent to turn our CLOMR process into deciding whose science is right. I know that the model that was – or the CLOMR that we have approved meets our mapping standards and met our requirements and was submitted in a form that keeps the local communities in compliance with their locally adopted flood plain management standards.

Chris Wilson: So, that's a very bureaucratic response. This is Chris at the ACHP, also a federal bureaucrat. But this is an unusual case. So, in talking to FEMA several months ago, I pretty much got the same answer, that basically they weren't going to red light or green light this.

They are not in a position to be go/no go. There are local considerations. You have the flood plain administrators that have to make a decision. I still don't – so, you are trying to say that FORB cannot submit another CLOMR and you won't review it or accept it or evaluate it?

Ryan Pietramali: That's not what I'm saying. What I'm saying is if BNSF provides a model showing the rise with both bridges in place and then that model is taken and looked at by another third-party engineer and both models are submitted to us that we are going to get into the business of which one is righter and which one is showing a rise or not and adjudicating the work between two engineering firms.

We review those things for do or do they not meet our mapping standards? And that's – we've never done this before. I mean we look at – there's a number of things that we are contractually set up to do and there's a number of things that we are – we are unable to do through legislation and whatnot.

And that is a viable project comes in through a local community and the project sponsor and they are asking – the CLOMR process is designed to sort of do kind of two things. It's our comment on the project and to make sure that that project meets the requirements in the CFR.

We have never kind of gone into this what-if scenarios or two models of something that aren't even required in the CLOMR process and adjudicating between the two.

Chris Wilson: So, do you think that if the project applicant submitted a modified CLOMR in collaboration with the local community, that you would look at that?

Mike Herzog: So, here's the thing. Let me clarify because that's kind of what I am saying with our hydraulic modeling that shows the rise. And hearing Susan talk, FORB would still want to submit their own model looking at keeping both bridges in place. I think that adds more to the process than needs to be there.

If FORB wants to produce their own model or model the scenario with the new bridge and the existing bridge in place, that's all that needs to be done then. Then, we need to hear a timeline from FORB to hire an engineer, work through the model, and produce the results with both bridges in place. Does that produce a rise or a no net rise?

And forget everything I said about submitting our hydraulic model to get some validation around it. I just proposed that as a collaborative effort to get a third party look at this model to say, "Yes. You know what, these guys are operating in good faith. Their model is good because they are using an approved FEMA model. They didn't doctor it up any to generate this rise."

So, if FORB would still want to produce their own model to see whether or not there is a rise, then take my suggestion off the table and the path forward in my mind is to hear from FORB on the timeline to get that engineer hired, produce the model, and generate the results with both bridges in place.

Susan Wefald: We can't get ...

Chris Wilson: So, Mike – one of the issues, Mike, is that we don't really have a third party to review that because FEMA is not in the business of doing that. This is not their – part of their protocol. So, then, who would review ...

Mike Herzog: No, Chris, you are not understanding.

Chris Wilson: Who would review it?

Mike Herzog: There is nothing to review right now – there is nothing to review because FORB has not moved forward from this comment we made at least a year ago about addressing this rise. To address the rise, you need the modeling to show how you can achieve a no net rise.

Before you can even talk about any collaborative meeting, FORB has said they want their own model. They want their own results, their analysis of both bridges in place. Fine. Let's do it. What's the timeline?

Susan Wefald: This is Susan.

Mike Herzog: Yes, Susan.

Rob McCaskey: Let's let Susan respond.

Susan Wefald: This is Susan. I cannot give you a timeline today on the phone because we needed to hear this whole discussion before we could make a more firm plan here. However, if you give us a date that you need to have a timeline, we'll get back to you by that date.

Brian Dunn: This is Brian. I think that sounds like a way forward. And I think there are a lot of issues that we were getting into that are getting ahead of ourselves. But I think that sounds like probably the best thing right now is to move forward with FORB looking at their own evaluation. So, let them get a PE and look at the data and move forward from there.

Dava Kaitala: Can we put a timeline on that? I mean can we say seven days to get a timeline?

Rob McCaskey: Let them look at it first and we will get back with them and, then, we will try to negotiate a timeline. But, right now, it's not fair to ask them on the phone right now to get that information. So, let's have them look at it and we will regroup on it and get a timeline moving forward.



Dava Kaitala: OK. But, Susan had asked if we could give them a date by which we really need to know. Can we say like a week, two weeks? Just to get an idea of schedule.

Mike Herzog: Not to know the results.

Dava Kaitala: Yes.

Rob McCaskey: Right. Are we OK with giving them a response time on a timeline or is that something that we want to table until we have some time to talk offline?

Brian Dunn: If Susan has an idea how long it will take them to look at it, to get an engineer and everything – but, I don't think it's fair to put them on the spot right now to nail down something like that.

Rob McCaskey: I agree, Brian. I agree. Susan, are you comfortable making a response right now or this is something you want to get back to us on?

Susan Wefald: No. It's something we need to get back to you on. Thank you very much.

Rob McCaskey: Fair enough. Sure. I'm OK with that. All right. Brian, if you didn't have any other comments, we really – you're right. We have gone a little bit outside the scope of the meeting. We really have just a couple of things left. Is it OK if we continue forward with the agenda?

Brian Dunn: It's fine with me if everybody else is good with it.

Rob McCaskey: Any other comments before we move on?

Dava Kaitala: I have a hard stop in about two minutes. But ...

Rob McCaskey: OK.

Dava Kaitala: ... I guess other people from BNSF are on the line. So ...

Rob McCaskey: OK. I don't think we have a whole lot more to discuss. That's fine. All right. So, the next item I have was number seven. And I think we've already discussed a way that we can find out this information.

It's discussing how the committee gets feedback from the community on the net rise. I think the people to discuss that with are probably the representatives from Mandan and Bismarck that we have already identified. Does anyone object to that conclusion?

Ryan Pietramali: This is Ryan with FEMA. I agree that in most states that's a pretty straightforward thing. In North Dakota, they have also got some requirements around rise on not just insurable structures but property. And, so, you may want to engage somebody from the North Dakota Water Commission.

Rob McCaskey: North Dakota Water Commission. OK.

Ryan Pietramali: Aaron Carranza is probably the person that I would start with.

Rob McCaskey: Would you spell that last name, please?

Ryan Pietramali: I knew you're going to ask that. You're going to have to give me a few seconds to find that. So, if you continue on ...

Rob McCaskey: That's fine. Or you can just email it to me later. That's fine.

Ryan Pietramali: OK.

Rob McCaskey: We are – it's – so, that's – I think we covered seven adequately there. Brian or Shelly, do you object to moving on past seven – or anyone else actually?

Tom Birney: This is Tom with FEMA. I've got the spelling of the last name.

Rob McCaskey: (Inaudible).

Tom Birney: C-A-R-R-A-N-Z-A.

Rob McCaskey: Thank you.

Tom Birney: Yes.

Rob McCaskey: Soliciting comments on the closure of number seven. Anyone?

Susan Wefald: This is Susan.

Rob McCaskey: Yes, ma'am.

Susan Wefald: It's my understanding then, though, that we won't be moving forward with a public meeting or encouraging them to do these public meetings until we have some more information.

Rob McCaskey: Yes. We don't have any plans to announce any more public meetings at this point as, obviously, as discussions need to happen at the Coast Guard and the ACHP level and then we're also going to be looking for responses from FORB – that's how I see the next step. So, no, we don't have any plans for the next public meeting yet. We will announce that later. Was that what your question was, Susan?

Susan Wefald: OK. It was actually about this community approval process. You are not – you are not working to encourage that to move forward at this time?

Rob McCaskey: No. Not making any steps now. Just gathering information on how we do that when the appropriate moment comes.

Susan Wefald: Thank you.

Dava Kaitala: And BNSF has already been approved anyway.

Rob McCaskey: Who was that? And could you clarify what you said? I'm sorry.

Dava Kaitala: It was Dava. Our CLOMR has been approved. Everything has been approved for Bismarck and Mandan.

Rob McCaskey: Sure. Understood. OK. Any other comments before we move on to number eight? Hearing none, we have questions for participants as listed. I think we allowed questions throughout the process. Are there anything – is there anything else that needs to be clarified or questions in the short amount of time that we have left?

Shelly Sugarman: Mike, it's Shelly Sugarman. I was just wondering, since you have run the models before, how long does it take once you start running that model to get the data out?

Mike Herzog: So, I'll have to kick that question over to Houston as they actually ran the model and could speak much better to that. Greg, Adam?

Adam Nies: Yes. This is Adam. Actually, physically running the model is very fast. Once you hit compute, it only takes a few seconds to run all the calculations. Is that what you are asking – the actual model run time?

Shelly Sugarman: Well, like, from inputting all the data, which I would assume would be the same whether you're running your model or some other model – that all the input data would be the same.

Adam Nies: Yes. There is – the input data is there. And, then, it's – I guess I'm not quite 100 percent sure what the question is you're asking. But if you are modifying a proposed alternative, depending on the level of detail that you include, it – I mean it's hours, days, weeks depending on how much you put into the model.

Shelly Sugarman: OK.

Mike Herzog: And, Adam, is it fair to say the more time-consuming piece is the input showing the various components that would be in the waterway that the model – what it takes to model that condition?

Adam Nies: That would be correct.

Shelly Sugarman: OK. Thank you.

Rob McCaskey: OK.

Brian Dunn: Rob, this is Brian.

Rob McCaskey: Yes, Brian. Go ahead, sir.

Brian Dunn: Can I ask while we've got everybody on the phone – can you and Susan get together in the next week or so to kind of figure out a timeline for them to look at their review of the flood plain data?

Rob McCaskey: Absolutely.

- Brian Dunn: Susan, does that work? Does that give you all enough time to kind of figure out a timeline?
- Susan Wefald: Please tell me that again.
- Rob McCaskey: Mrs. – go ahead, Brian.
- Brian Dunn: Go ahead, Rob.
- Rob McCaskey: Mrs. Wefald, I think what he is asking is if you and I could get together in the next week and decide on the timeline for your process of reviewing the submission and the numbers for the future.
- Susan Wefald: I think we are going to need – the next two weeks.
- Rob McCaskey: That sounds reasonable to me, Brian.
- Brian Dunn: Yes. OK.
- Susan Wefald: Right. And then, I have another question.
- Rob McCaskey: Yes. Go ahead, ma'am.
- Susan Wefald: BNSF just stated that Bismarck and Mandan have already approved their CLOMR. And so, apparently, there is no process to go through in the community. So, if we come up with numbers, then to whom would we be submitting these numbers – this validation study?
- Rob McCaskey: That's a valid question. That's what I was trying to get at. FEMA – this is an unusual case and this is not something they have been asked to do. Would the Coast Guard take on that role? Who takes on the role of looking at another analysis just to validate?
- Mike Herzog: I believe – if I remember from the beginning of the conversation, it would go through the flood plain administrators first. Is that correct, FEMA?
- Ryan Pietramali: That's correct. The flood plain administrator would be the one to sign off as part of the conditional letter of map revision process, the CLOMR process.

Susan Wefald: However, they have already – in North Dakota, here in Bismarck – Bismarck and Mandan have already signed off on the FEMA plan that was submitted to them last summer. That’s what BNSF just said.

Mike Herzog: That’s correct.

Ryan Pietramali: Yes. So, they do have an approved conditional letter of map revision.

Susan Wefald: Right.

Male: But my understanding is that does not preclude a subsequent one, using different information. That’s two completely different things. Am I right?

Male: Yes.

Susan Wefald: OK.

Ryan Pietramali: I just – I keep kind of going back to our process is much more truncated than a lot of the stuff that’s going on here. I mean we’re kind of like a permitter – we’re one of many permitters in this.

We’re often kind of one of the permitters that comes in at the latter end of things. And we do something very simple. We look at, is this project compliant with our mapping standards and does it or does it not cause a rise?

I mean we are – we are an aid to a local flood plain administrator and we permit it – the project that is submitted to us is what we review. We don’t look at alternatives. We don’t look at what-if scenarios.

We – the flood plain manager says, “This is what we are looking at doing. Here is the modeling. Take a look at it.” Like that’s sort of our process. It’s fairly simple and it’s pretty binary. It spits out a “Yes” or an “I need additional data.”

Rob McCaskey: OK. Understood. Shelly, I think you initiated that discussion. Was there anything else you needed clarified?

Shelly Sugarman: No. Thank you.

Rob McCaskey: OK. My agenda shows nothing else listed. Is there anything else before we close this meeting that someone wanted discussed?

Male: Rob, I just want to say thank you for having the meeting. And thank you, FEMA, for attending. This was very instructive and I really appreciate your attendance.

Male: Thank you. I do (inaudible).

Male: That's fine. I'll echo that. I was certainly great to have FEMA on to explain the process because I think this is one of the keys moving forward.

Nick Bradbury: This is Nick Bradbury from Friends of the Rail Bridge. Could we discuss like a schedule for consulting parties' meetings going forward, like when will the next meeting be?

Rob McCaskey: No. We are not prepared to talk about that right now. There's a lot of stuff that we are going to discuss at the Coast Guard level and elsewhere. I'm not sure when the next meeting will be.

But I promise you we'll let you know as soon as we do. Thanks for bringing that up, though. Any other questions? OK. Hearing none, I'm going to go ahead and close the meeting. Thank you, everyone, for your participation. And we'll be in touch to let you know what the next steps are. Good day.

END