

To: The Bismarck City Commission

From: Friends of the Rail Bridge

April 27, 2021

Important:

While Friends of the Rail Bridge (FORB) is actively working to preserve the historic 1882 rail bridge and supports BNSF building a new rail bridge, the Programmatic Agreement requires Consulting Parties to look at all options concerning the historic bridge.

We are appearing before you today, not to ask you to be a partner in preserving the bridge, but to explain some mitigation measures that could be beneficial to the City of Bismarck.

The United States Coast Guard has asked Consulting Parties (the city of Bismarck is a Consulting Party) for ideas for mitigation if BNSF destroys the existing, historic rail bridge (loss of a significant historic resource). Consulting Parties have suggested around 20 mitigation ideas from putting information signs where the bridge used to stand to the proposals which are attached. USCG has not agreed to any of these ideas for mitigation at this time. All ideas are in the development stage, and will likely change as discussions progress. The final mitigation decisions will be contained in a Section 106 document called a Memorandum of Agreement (MOA).

Thank you for inviting FORB to this meeting to provide more information about the mitigation option below. It is our understanding that the Bismarck City Commission is not making any decisions on this matter tonight, and FORB looks forward to continued discussions with the city in the coming months.

Mitigation for Adverse Effects – Destruction of the Rail Bridge

There must be a connection between the mitigation measure and a legitimate governmental interest. Measures must be roughly proportional to the impacts of the project. Mitigation projects can also establish funding for future preservation projects.

Alternative Mitigation Proposals being Developed for the United States Coast Guard

Original Proposal made by Friends of the Rail Bridge: Endowment to the City of Bismarck and City of Mandan, in the amount of one million dollars for each city, earmarked for preservation improvements of sites eligible for or listed in the National Register of Historic Places. (This alternative is in preliminary discussions)

Who is the point of contact and responsible party?

The City Administrator of Bismarck and the City Administrator of Mandan are the points of contact and they would be the responsible parties to do the paperwork to establish the endowment in their respective city. The United States Coast Guard would be responsible for ensuring that BNSF pays the money into the respective endowments.

How much time is needed to do all of these action items?

Four months.

What is the process for establishing an endowment?

The City of Bismarck and the City of Mandan have the means for accepting funds for these endowments. BNSF would send one million dollars to each city, if this mitigation measure is selected by the USCG. The offices of the City Administrator of Bismarck and the City Administrator of Mandan would do the paperwork to establish the endowment in their respective city.

What is the start and finish date for this mitigation?

BNSF must fund the endowments before the existing, historic rail bridge is destroyed. The endowment is in place for perpetuity.

What is the estimated cost to Bismarck and Mandan?

An administrative fee may be included, from endowment earnings, to manage each city's endowment.

Who is responsible for these costs?

BNSF is responsible for these costs, through the endowment, as mitigation for the loss of a significant historic resource.

How the endowments could be administered?

Bismarck has an Historic Preservation Commission. Mandan would need to establish an advisory committee. These groups would provide guidance to City Commissions on the following matters:

- Establishment of an Endowment Fund earmarked for preservation improvements of sites **eligible for inclusion in or listed on** the National Register of Historic Places.
- Recommend how much money should be allocated each year/ or every other year for grants. For example, 4% of a \$1million dollar investment = \$40,000 in one year; \$80,000 every two years. Or, only interest from the principal would be made available for the grant program. This process would be determined by each community.
- Establish grant guidelines for fund distribution. SHPO staff at the SHSND are willing to assist with this. Also, they are the most knowledgeable entity in reviewing the National Register proposals submitted for funding. There are specific guidelines in National Register opportunities that must be observed.

Alternative Proposal: \$2 million dollar Endowment to the State Historical Society of North Dakota, which has a program established to fund improvements to properties eligible for or listed on the National Register of Historic Places. These mitigation funds would only be used for grants for sites in Bismarck and Mandan. (This alternative is in preliminary discussions.)

Who is the point of contact and the responsible party?

State Historical Society of North Dakota (SHSND) is the point of contact and SHSND is the responsible party to do the paperwork to establish the endowment. The United States Coast Guard is responsible for ensuring that BNSF pays the money into the endowment.

How much time is needed to do all of these action items?

Four months.

What is the process for establishing an endowment?

SHSND is capable of accepting this endowment. BNSF would send two million dollars to the SHSND, if this mitigation measure is selected by the USCG. The SHSND would do the paperwork to establish this endowment for sites in the cities of Bismarck and Mandan, use similar application procedures they already have in place and distribute grant funds yearly or every other year to those projects that meet application guidelines.

What is the start and finish date for this mitigation?

BNSF must fund the endowment before the existing, historic rail bridge is destroyed. The endowment is in place for perpetuity.

What is the estimated cost to SHSND?

An administrative fee may be included, from endowment earnings, to operate the endowment program.

Who is responsible for these costs?

BNSF is responsible for these costs, through the endowment, as mitigation for the loss of a significant historic resource.

Background Information

What is the National Register of Historic Places?

The National Park Service's National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Nominations are submitted by States, Tribes, other federal agencies, or the public. The State Historic Preservation Office, at SHSND administers the National Register Program for North Dakota. Almost every county in ND and the US has at least one place listed on the National Register.

Eligible or Listed Properties in the Bismarck Mandan area: (See attached Excel list)

Definitions used in Excel workbook:

True on the NRHP districts sheet means contributed to the district. False means non-contributing. If non-contributing due to age at the time the district was listed, it will need to be evaluated now for eligibility.

NRHP Individually Eligible means the structure is individually eligible for inclusion in the NRHP. May have a few both listed here and on the districts page.

NRHP in the works are current buildings, structures, districts, sites, or objects in the process of being nominated.

Consensus Determinations are buildings, structures, districts, sites, or objects a federal agency and SHPO have agreed are eligible for inclusion on the NRHP at some point in time.

Note: If the property is not already listed or determined eligible individually or as contributing to a district, a grant applicant would need a letter from SHPO saying the property is eligible.

Improvements that could be funded:

Structural improvements, facades, structural evaluations, etc. These activities must meet the Secretary of Interior's Standards for Rehabilitation. Expenses related to the National Register nomination process are also eligible.