

Comment Number	Comment scope	Comment text	Author	Comment Response
Whereas Clauses				
1	BNSF name	As of January 2005, this is the official name of the railroad. The LLC is the holding/parent company.	Price, Lori	Text revised.
2	under Criterion B for its association with engineer George Shattuck Morison,	SHPO did not concur with Criterion B, which is incorrectly applied. Should only be Criteria A and C. Significant engineers fall under Criterion C, not B.	Price, Lori	Text revised.
3	under Criterion B for its association with engineer George Shattuck Morison, and under Criterion C for design and construction; and	The bridge is not eligible under Criterion B, the association with Morison falls under Criterion C; the bridge is also eligible under Criterion C for its association with engineer Ralph Modjeski	Meidinger, Lorna B.	Text revised.
4	WHEREAS, the residents of Bismarck, Mandan and surrounding areas regard the Bismarck Bridge to be an iconic landmark to their community identity and a compelling visual feature in the cultural landscape of the Missouri Valley; and	PND strongly agrees with the insertion of this statement as it speaks to values ascribed to this resource not addressed elsewhere.	esakariassen	Text added.
5	it is the most historically significant structure on the Northern Plains	What is this based on? Seems subjective, and it's not in the NRHP listing.	Price, Lori	Text removed.
6	historic properties	Are these are archaeological sites that are listed or have been determined eligible?	Price, Lori	Text edited Site number for Chief Looking's Village added. Request FORB provide correct site number for Crying Hill.
7	APE	No indirect APE has been defined. SHPO concurred with APE as presented. These properties have never been discussed or identified.	Price, Lori	SHPO concurrence text added. No reference to indirect or larger APE added because no nearby historic properties that could experience visual, auditory or atmospheric effects from the Undertaking have been identified adjacent to the project, and the

				SHPO has concurred in writing with the APE as presented.
8	Black Cat's Village	Black Cat's Village is too far away to be listed here per Fern Swenson, NDSHPO	Meidinger, Lorna B.	Black Cat's Village has been removed.
9	areas of the Missouri River bottomlands used to plant corn, beans, and squash	Is this a historic property? Maybe it would be helpful to include site numbers here?	Price, Lori	Text revised.
10	powerful and hard chapter in United States history of military oppression of indigenous peoples; and	This also seems like subjective wording.	Mcbeth, Amy G	Text deleted.
11	is defined as the footprint of the proposed undertaking within which all proposed construction and ground disturbing activity is confined, including the existing and proposed right of way for the replacement of the railroad bridge	<p>NPCA vs. Semonite, clarifies the meaning of "direct effect." An effect is direct if comes from the undertaking at the same time and place regardless of the specific type (e.g., visual, physical, auditory, etc.). This means the visual effects on surrounding earthlodge villages are direct, not indirect. "Indirect effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but at still reasonably foreseeable."</p> <p>ACHP summarizes the court case as follows:</p> <p>"In March 2019, the D.C. circuit court issued an opinion that clarified the meaning of the term "directly" in Section 110(f) of the National Historic Preservation Act as referring to the causality, and not the physicality, of the effect to historic properties. This means that if the effect comes from the undertaking at the same time and place with no intervening cause, it is considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.</p> <p>This clear statement should assist federal agencies not only in determining when Section 110(f) may apply to an undertaking that is subject to review under Section 106 of the NHPA, but also how to characterize the types of effects that may be caused by an undertaking. For many, this will change the approach to defining effects based on physicality and recognize instances when direct effects may be visual, auditory, or atmospheric. This clarification should inform an agency's efforts to determine areas of potential</p>	Microsoft Office User	No change in text. The APE does not include this because no nearby historic properties that could experience visual, auditory or atmospheric effects from the Undertaking have been identified adjacent to the project, and the SHPO has concurred in writing with the APE as presented.

		effects and consideration of how an undertaking may affect historic properties.”		
12	Appendix A	Map of APE	Price, Lori	Map will be added as an Appendix.
13	U.S. Army Corps of Engineers (USACE)	The Corps’ role and jurisdiction should be explained.	Elizabeth S. Merritt	An additional “Whereas” clause has been added to address the role of USACE.
14	List of Federally recognized Indian tribes invited to participate in consultation	Confirm if ND Indian Affairs Commission is included as a consulted party and if not recommend their consideration for inclusion.	City of Bismarck, Board of City Commissioners	North Dakota Indian Affairs Commission has now been invited to be a consulting party. They have been added to the Whereas clause list of consulting parties.
15	MHA Nation via representation by Lakota Consulting	I thought Lakota Consulting stated she was not officially representing any tribe – please confirm. Otherwise, Lakota Consulting should be listed under the non-tribal consulting parties.	Price, Lori	Confirmed that Lakota Consulting is not representing the MHA Nation. Lakota Consulting has been moved from this Whereas clause and added to the list of non-tribal consulting parties.
16	MHA Nation via representation by Lakota Consulting	FORB does not think this is correct.	Microsoft Office User	Confirmed that Lakota Consulting is not representing the MHA Nation. Lakota Consulting has been moved from this Whereas clause and added to the list of non-tribal consulting parties.
17	MHA Nation via representation by Lakota Consulting	it is our understanding that Lakota Consulting was not representing MHA Nation but that could be confirmed by contacting the MHA THPO	Meidinger, Lorna B.	Confirmed that Lakota Consulting is not representing the MHA Nation. Lakota Consulting has been moved from this Whereas clause and added to the list of non-tribal consulting parties.
18	WHEREAS, if in the course of completing the NEPA review for this undertaking, it is determined that	This represents a future commitment by the Coast Guard & should be moved to the stipulations.	Elizabeth S. Merritt	Deleted as a Whereas clause and incorporated into Stipulations.

	retaining the existing bridge and constructing a new adjacent bridge is feasible and reasonable, USCG will follow stipulations related to that alternative as listed in this PA; and			
19	WHEREAS, if in the course of completing the NEPA review for this undertaking, it is determined that retaining the existing bridge and constructing a new adjacent bridge is feasible and reasonable, USCG will follow stipulations related to that alternative as listed in this PA; and	Provide further definition of the terms “feasible” and “reasonable”.	City of Bismarck, Board of City Commissioners	Text has been deleted.
STIPULATIONS		Time frames for this section will be discussed at the next consultation meeting.	Sugarman, Shelly CIV	TBD
20	The USCG shall ensure that the following measures are implemented as a condition of any permit issued:	Change sentence to read, “The USCG shall ensure that the following measures are implemented as a condition of any permit issued:”	City of Bismarck, Board of City Commissioners	No change to text as USCG permit is not conditioned on PA stipulations.
21	FORB (and other interested consulting parties) will conduct an independent floodplain evaluation to determine if there is an alternative that meets the no net rise requirement	Since FORB would be assigned this kind of binding responsibility, they should be an Invited Signatory. 36 CFR § 800.6(c)(2)(iii) says “any party that assumes a responsibility” under an MOA should be accorded status as an Invited Signatory.	Elizabeth S. Merritt	FORB added as an Invited Signatory.
22	Stipulation I	This Stipulation makes this a requirement for FORB. Therefore, FORB should be an invited signatory.	Kitty Henderson, Historic Bridge Foundation	FORB added as an Invited Signatory.
23	If such an alternative is identified, BNSF will submit a flood model evaluation of a new railroad bridge adjacent to the existing bridge that would cause no net rise in the floodplain at least one month prior to the draft environmental impact statement being published for public comment	Is this what is meant? That they must submit the model at least one month prior to EIS being published?	Price, Lori	Text revised to clarify.
24	Effects to historic properties, including how the new bridge will visually affect the existing bridge, will either be addressed in the environmental impact statement or in this programmatic agreement.	Seems like we would need to know that before the PA is executed. Maybe this is meant as placeholder text?	Price, Lori	Text moved to Stipulation III and placeholder added for Stipulation number reference.

25	Each party that identifies an alternative that results in a net rise to the floodplain must document the potential mitigation measures associated with the net rise for those alternatives (in coordination with the floodplain administrators and local government approval process) and submit those mitigation measures to the USCG for incorporation in the draft environmental document.	This is unclear. BNSF has already identified alternatives with net rise to floodplain. That's why they weren't selected. Is this saying BNSF must now get approval for mitigation measures for those alternatives? Or is this only for new, as yet unidentified alternatives?	Price, Lori	Text clarified that this applies only to new alternatives to be carried forward.
26	Each party that identifies an alternative that results in a net rise to the floodplain must document the potential mitigation measures (in coordination with the floodplain administrators) and local government approval process associated with the net rise for those alternatives and submit those to the USCG for incorporation in the NEPA document associated with this project.	Delete this stipulation because it and the previous one as originally proposed are not in accordance with the USCG's new NEPA guidance and both contradict the Council on Environmental Quality's answer in Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations. CEQ says that if a commenter suggests a new alternative, "in such a case, the agency should develop and evaluate the new alternative, if it is reasonable" (Answer 29b.A).	Microsoft Office User	Text clarified. Stipulations not deleted.
27	floodplain administrators	These officials should be identified more specifically – are they local, state, or federal officials, and which agenc(ies) do they represent?	Elizabeth S. Merritt	Text revised to provide more detail.
28	local government approval process associated with the net rise	It would be useful to identify this process in more detail, and to spell out which local government agencies have a role in this approval process.	Elizabeth S. Merritt	Text revised to provide more detail.
29	[insert appropriate amount of time before commencement of construction]	Insert times at a future meeting	Sugarman, Shelly CIV	TBD
30	Stipulation III table	Within the matrix of responsible parties and associated actions add Bismarck Historic Preservation Commission as a responsible party to FORB and SHPO related to the nomination of the BNSF rail bridge to the National Register of Historic Places.	City of Bismarck, Board of City Commissioners	Text revised.
31	[Add those additional steps and timelines here]	Need to add mitigation measures and approval steps here, including timeframes associated with that process	Sugarman, Shelly CIV	TBD
32	reasonable assurance that the following will be obtained: Pedestrian access to rail right of wayROW	What is reasonable assurance? Better to say: Provide timelines and steps in this PA to obtain the following:	Mcbeth, Amy G	Text not altered as documenting steps and timelines in the PA is already included. Steps and

	<p>Maintenance fund for the existing bridge (if applicable)</p> <p>Funding for pedestrian bridge conversion</p> <p>Document steps and timelines in this PA associated with obtaining the above listed items.</p>			<p>timelines will be defined through consultation.</p>
33	<p>Takes ownership of the existing bridge or signs a contract or lease agreement with BNSF</p>	<p>FORB recommends a public/governmental entity would need to be the technical owner but FORB could facilitate the actions necessary for conversion and operation and maintenance. FORB might consider a lease agreement with BNSF if conditions of lease were reasonable as to length and conditions of lease.</p>	<p>Microsoft Office User</p>	<p>Responsibility assigned to Public/Private Partnership. Step added for FORB to establish such a partnership.</p>
34	<p>Pedestrian access to rail ROW</p>	<p>Pedestrian access to the bridge</p>	<p>Meidinger, Lorna B.</p>	<p>Text revised.</p>
35	<p>Establishes restricted endowment fund</p>	<p>Make sure timelines are established for development and establishment of endowment fund.</p>	<p>Microsoft Office User</p>	<p>No change. To be discussed at future CP meeting.</p>
36	<p>Stipulation III</p>	<p>Within the matrix of responsible parties and associated actions modify the second bullet under BNSF’s responsibilities to read, “Protect water intake/water plant, underground reservoir, and piping”.</p>	<p>City of Bismarck, Board of City Commissioners</p>	<p>Text added.</p>
37	<p>Stipulation III</p>	<p>Within the matrix of responsible parties and associated actions add a bullet under BNSF’s responsibilities to read, “Ensure adequate slope stability”.</p>	<p>City of Bismarck, Board of City Commissioners</p>	<p>Text added.</p>
38	<p>If the existing bridge cannot be retained, the following measures will be required.</p>	<p>Add BNSF responsibilities identified in Stipulation III, page 4 of the matrix of responsible parties and associated actions, including the preceding recommendations.</p>	<p>City of Bismarck, Board of City Commissioners</p>	<p>Text added.</p>
39	<p>Develop cost share agreement for additional costs to construct the alternative that retains the existing bridge</p>	<p>What does this mean and have the consulting parties discussed this?</p>	<p>Kitty Henderson, Historic Bridge Foundation</p>	<p>Text revised.</p>
40	<p>Develop cost share agreement for additional costs to construct the alternative that retains the existing bridge</p>	<p>What about the costs that would have been used towards mitigation if the bridge was demolished?</p>	<p>Meidinger, Lorna B.</p>	<p>Mitigation will likely still be needed if bridge is retained. See Stipulation III.</p>

41	Mitigation suggestions	I think we should include some of the ideas that consulting parties have already provided in writing.	Price, Lori	Other suggestions added.
42	historicity	It might be a good idea to define this concept a bit more specifically.	Elizabeth S. Merritt	Text edited for clarity.
43	historicity	How is “historicity” being used here? To mean historical authenticity? Perhaps there is a better word and this idea should be explained more.	Kitty Henderson, Historic Bridge Foundation	Text edited for clarity.
44	Stipulation IV.B. Possible Mitigation Suggestions for Discussion	<p>I would expect that multiple considerations for mitigation would have to be considered in addition to preserving a remnant of the existing structure. The loss of this bridge would be of a high magnitude and the mitigation would have to commensurate to the loss.</p> <p>Typical mitigation examples are wide ranging: Fund for façade improvements for historic buildings in Bismarck. Interpretation on the banks of the river or somewhere appropriate displaying the history of the former bridge.</p> <p>These are just ideas, but I’m trying to say is the mitigation could be a very creative process for the CG, SHPO, BNSF, Tribes and the consulting parties. Please leave this section open for any future ideas that come from the consultation process.</p>	Chris Wilson	To be discussed at future CP meeting.
45	Stipulation IV.B. Possible Mitigation Suggestions for Discussion	We agree!	Elizabeth S. Merritt	To be discussed at future CP meeting.
46	Stipulation IV.B. Possible Mitigation Suggestions for Discussion	FORB agrees with Chris Wilson ACHP and this topic requires extensive discussion with all of the consulting parties including Tribes and should be kept open until resolved.	Microsoft Office User	To be discussed at future CP meeting.
47	Stipulation IV.B. Possible Mitigation Suggestions for Discussion	Any mitigation for the loss of the bridge should be commensurate to the significance of the bridge and be meaningful to the community. Discussions about mitigation should include all consulting parties.	Kitty Henderson, Historic Bridge Foundation	To be discussed at future CP meeting.
48	Stipulation IV.B. Possible Mitigation Suggestions for Discussion	Preservation North Dakota subscribes to the principle that properties should be preserved in place if possible, through affirmative	esakariassen	To be discussed at future CP meeting.

		treatments including rehabilitation, restoration, and stabilization as per the Secretary of Interior Standards and Guidelines. Preservation North Dakota strongly agrees with ACHP comment that this topic should be discussed at length with all consulting parties.		
49	interpretive signage	Preservation North Dakota would add that interpretive signage must have content that illustrates, as comprehensively as possible, the significance of the bridge as it pertains to all Criteria for which it is eligible, and that acknowledges the varied historical and cultural values ascribed to the bridge by the many interest groups represented in this 106 consultation process.	esakariassen	Text added.
50	Stipulation IV.B. Possible Mitigation Suggestions for Discussion	<ul style="list-style-type: none"> • BNSF would be responsible to deconstruct the granite piers in a way so the individual pieces or portions thereof can be used for public purposes elsewhere in the community. • BNSF would be responsible for a scan of the existing BNSF rail bridge for recreation as a 3-D model. • BNSF would be responsible for recording the demolition of existing bridge structure, such as, through the use of video. 	City of Bismarck, Board of City Commissioners	Suggestion added. Responsible parties for funding will be detailed as the PA evolves and will be discussed at future CP meeting.
51	Stipulation IV.B. Possible Mitigation Suggestions for Discussion	<ul style="list-style-type: none"> • BNSF would be responsible to provide funding to survey this and other historic sites around the communities for possible nomination to the National Register of Historic Places. • BNSF would be responsible to provide funding for the development of a multi-use trail(s) and associated interpretative displays, as well as, public art preserving the memory of the existing BNSF rail bridge. • BNSF would be responsible to provide funding to document the history of the bridge and its impact on the region and nation for presentation as a museum exhibit. As part of this effort a qualified historian should be funded to write a comprehensive history of the bridge. This comprehensive history should include the impact of the railroad and bridge on Native Americans and their descendants. • BNSF in partnership with FORB, SHPO, and the Bismarck Historic Preservation Commission would establish a design review committee to review and provide comment on the design of the new bridge structure. • BNSF would be responsible for developing and updating a project web-site so interested parties can remain informed of the current status of the project. 	City of Bismarck, Board of City Commissioners	Suggestions added. Responsible parties for funding will be detailed as the PA evolves and will be discussed at future CP meeting.

52	DOCUMENTATION	<p>SHPO recommends:</p> <ol style="list-style-type: none"> 1. Are measures needed to insure confidentiality of sensitive information (ownership, invasion of privacy)? 2. Are qualified preservation professionals stipulated? 3. Public involvement and notification in treatment measures for the bridge? Should a web site or periodic news release be stipulated to keep the public informed of bridge progress (news release based on milestones/stages not just time-based)? 4. Anti-deficiency act involved? <p>Stakeholders: Please provide your thoughts regarding the above items.</p>	Sugarman, Shelly CIV for SHPO	No confidentiality measures required. Stipulation for qualified professionals added. Public involvement text added. No anti-deficiency clause needed. In addition, responses from stake holders are shown in the following four rows.
52a	DOCUMENTATION Response	<p>Why would ownership be confidential?</p> <p>See proposed professional qualifications language.</p> <p>Web site & news releases would be useful.</p> <p>An anti-deficiency act provision shouldn't be needed here because the PA commitments do not depend on federally appropriated funds.</p>	Elizabeth S. Merritt	
52b	DOCUMENTATION Response	<p>Added Qualified pres prof stip below. USCG needs to decide on anti-deficiency clause. But since they are not funding the mitigation or the project, it's probably not warranted. In the past, USCG had declined this clause.</p>	Price, Lori	
52c	DOCUMENTATION Response	<p>This is good idea – a website to track the project and to provide the public with updated information is often a tool used by agencies.</p>	Chris Wilson	Text added. Specifics of website to be discussed at future CP meeting.
52d	DOCUMENTATION Response	<p>Website is good idea – need to stipulate who maintains it and for how long. I can provide example stip from another PA where we did a website, if you like.</p>	Price, Lori	Text added. Specifics of website to be discussed at future CP meeting.
53	HISTORIC AMERICAN ENGINEERING RECORD DOCUMENTATION	<p>While HAER documentation could be one aspect of mitigation of National Register of Historic Places Criterion C, it would not mitigate Criterion A or B, which is why additional mitigation measures would be necessary, such as those in the preliminary list above.</p>	Microsoft Office User	Comment noted. Additional mitigation suggestions are included for discussion at future CP meeting.

54	HISTORIC AMERICAN ENGINEERING RECORD DOCUMENTATION	I have contacted our reviewer at the Heritage Documentation Program and will attach the conversation; stipulations need to meet HAER standards	Meidinger, Lorna B.	Level of documentation and respository to be discussed at future CP meeting.
55	HISTORIC AMERICAN ENGINEERING RECORD DOCUMENTATION	<p>Somewhere, this stipulation should make reference to the Rocky Mountain Region Office of HABS/HAER/HALS documentation of George Morison bridges—the findings of which are published under the HAER survey for the Nebraska City Bridge and the associated report entitled "Behemoths: The Great River Bridges of George S. Morison" by Clayton B. Fraser.</p> <p>We feel this is important because the information contained within the documentation of the Nebraska City Bridge is relevant and valuable to the completion of a HAER specific to the bridge in Bismarck, but it is not easily discovered and the LOC should know to cross-reference any HAER document that is produced through this PA. It is worth sharing or even requiring use of that information by with any potential contractor to ensure adequate, thorough documentation occurs with specific regards to the historical narrative of the proposed HAER.</p> <p>Historic American Engineering Record, Creator, George S Morison, E L Corthell, B L Crosby, Union Bridge Company, Baird Brothers, T. Saulpaugh & Company, and Clayton B Fraser. Nebraska City Bridge, Spanning Missouri River near Highway 2 between Nebraska & Iowa, Nebraska City, Otoe County, NE. Fremont County Iowa Nebraska Nebraska City Otoe County Riverton, 1968. Documentation Compiled After. Photograph. https://www.loc.gov/item/ne0042/.</p>	esakariassen	Text edited to utilize language provided by Heritage Documentation Program.
56	Stipulation IV.B.3. Photographs	Photographic documentation should also include color photographs, as well as aerial photographs obtained by drone or similar means.	City of Bismarck, Board of City Commissioners	Text added.
57	Stipulation IV.B. HAER Documentation: Review and Comment	Require that a Level 1 HAER (Historic American Engineering Record) Document be performed.	City of Bismarck, Board of City Commissioners	Level of documentation will be discussed at future CP meeting.

58	Stipulation IV.C. Post Review Discoveries	Include language that, in addition to SHPO and BNSF, the City of Bismarck through the Historic Preservation Commission will have the opportunity to review findings.	City of Bismarck, Board of City Commissioners	Text added
59	no more than 20	Why?	Meidinger, Lorna B.	It is always good to be specific regarding deliverables. Number of photos required to be discussed at future CP meeting.
60	ten (10)	Request 15 calendar days	Meidinger, Lorna B.	Text changed to 15 days.
61	comments to the BNSF within ten (10) calendar days of receipt of the photo documentation	This seems like an awfully short period of time. Is this realistic and acceptable to SHPO?	Elizabeth S. Merritt	Text changed to 15 days.
62	Stipulation III.A	Fix cite	Elizabeth S. Merritt	Corrected, but these will change as PA is revised. Final citations will be corrected prior to finalization of the PA.
63	10-day comment	Request 15 calendar days	Meidinger, Lorna B.	Text changed to 15 days.
64	Stipulation IV.E.	?	Meidinger, Lorna B.	Comment not clear. No change made.
65	at least one context photo	Preservation North Dakota suggests a minimum of four context photographs, showing both the north and south aspects of the bridge, from both east and west sides of the Missouri River to provide a more comprehensive site context, especially considering how this structure relates to the landscape and associated infrastructure on both east and west banks, and in consideration of its contributing status within the NRHP-eligible Northern Pacific Railroad Historic Corridor, as per Railroads in North Dakota, 1872-1956 National Register of Historic Places Multiple Property Documentation Form (Schmidt and Vermeer 2009).	esakariassen	Text changed to four context photos.
66	BNSF shall submit one copy of the documentation	This should also go to the HAER program so NDSHPO will need two copies if we are the ones forwarding it	Meidinger, Lorna B.	To be discussed at future CP meeting.
67	However, the parties acknowledge that, if the bridge is determined by the BNSF to be subject to	It's not clear why this huge loophole is buried in the HAER stipulation. Taken literally, it would allow BNSF to make a unilateral decision to	Elizabeth S. Merritt	Moved to separate stipulation and revised.

	imminent failure, derailment, or other physical breakdown, the BNSF would notify the USCG, the USACE, and the North Dakota SHPO, and commence the bridge removal and replacement immediately	demolish the bridge, without any opportunity to verify the claims of imminent danger, and without any notice to the local governments or the public. Safeguards need to be added to this provision.		
68	coordination with the USCG and the USACE	What would be involved in this “coordination”?	Elizabeth S. Merritt	Text revised.
69	The BNSF shall bear the cost for compliance with Stipulations I–IV.	This commitment is too buried. As drafted, it requires BNSF to fund the cost of FORB’s independent floodplain evaluation in Stipulation I. That would be great, but presumably that’s not what BNSF intended.	Elizabeth S. Merritt	Text deleted.
70	Attachment B	Preservation North Dakota would like an opportunity for us and other consulting parties to see, and provide comment on any discovery plan developed in preparation for or as a result of this agreement.	esakariassen	Consulting parties will be able to review and comment on all attachments to this PA.
71	If an emergency is declared by the President or Governor in the project area, any deadlines written into this PA are automatically extended 60 days.	Recommended by SHPO	Sugarman, Shelly CIV	Text accepted.
72	within 6 years	Update if needed depending on Stipulations. Bridge permit will likely be 5 years to complete construction. Depends on if we have stipulations that extend beyond the new bridge being built.	Sugarman, Shelly CIV	Revised to 10 years.
73	6 years	Six years is inadequate timeframe for completion of an EIS, construction, and implementation. Ten years seems more realistic.	Microsoft Office User	Revised to 10 years.
74	signatories	This consultation should not be limited to the signatories.	Elizabeth S. Merritt	Specific agencies replaced by “any signatory.” Whereas clause added to clarify roles of signatories and invited signatories, and that any time signatory is used in this PA, that includes invited signatories.
75	REPORTING	SHPO asks: How will we provide information transfer to local cities and involved federal agencies about the status of the terms?	Sugarman, Shelly CIV for SHPO	Information transfer will be accomplished via website and monthly/quarterly summaries to all CPs. To be discussed in more detail at future CP meeting.

76	POC	FORB requested that we add that we will have consulting party meetings to update them on the status of these terms.	Sugarman, Shelly CIV	To be discussed at future CP meeting. Placeholder text added: Periodic (quarterly or annual) consulting party meetings may be held, depending on timelines developed in this PA.
76a	POC response	It is common for a Section 106 PA to require periodic meetings or conference calls as part of the monitoring & reporting process. It certainly does not have to be every month, but we recommend adding that, perhaps quarterly at first, then shifting to an annual meeting. We would be happy to provide model language.	Elizabeth S. Merritt	
77	Under Termination in both a. and b. USCG, SHPO or ACHP	Question for ACHP: Is it permissible to take away the rights of an invited signatory (BNSF) that are spelled out in the Section 106 regulations? 36 CFR 800.6(c)(2)(i) says: "Any [invited signatory] that signs the [MOA] shall have the same rights with regard to seeking amendment or termination of the [MOA] as other signatories."	Elizabeth S. Merritt	Specific agencies replaced by "any signatory." Whereas clause added to clarify roles of signatories and invited signatories, and that any time signatory is used in this PA, that includes invited signatories.
78	POC	It might be useful to include email addresses in addition to phone numbers.	Elizabeth S. Merritt	Phone numbers tend to be more consistent and stay with an office even after a person has left the job, especially since this is a 10-year PA. For discussion at future CP meeting.
79	POC	██████████	Meidinger, Lorna B.	added.
80	SIGNATORY	"Consulting Parties" includes Signatories, Invited Signatories, and Concurring Parties, and "Signatories" as defined in 36 CFR 800(c)(1) have the sole authority to execute, amend, or terminate this PA, and "Invited Signatories" as defined in 36 CFR 800(c)(2) have the same rights with regard to seeking amendment or termination of this PA as the Signatories. A Concurring Party is one who is asked to concur in the PA, indicating acceptance of the process leading to the PA and a desire and willingness to participate in future consultations as needed, but cannot prevent the PA from being executed, amended,	Sugarman, Shelly CIV	"Whereas" clauses have been added that define the roles of the various types of consulting parties.

		or terminated. We need to figure out responsibilities of each party and determine the appropriate signatory pages for each.		
80a	SIGNATORY response	I often include a whereas clause to define these terms – helps with confusion.	Price, Lori	“Whereas” clauses have been added that define the roles of the various types of consulting parties.
81	ADVISORY COUNCIL ON HISTORIC PRESERVATION	Need a signature page for ACHP	Sugarman, Shelly CIV	Signature page added.
82	Proposed Mitigation	<ol style="list-style-type: none"> 1. The USCG shall ensure that if the existing historic bridge is to be destroyed, demolished, or removed by any method as a result of, or in support of, the bridge replacement undertaking cited above, the destruction, demolition, and/or other means of removal shall be thoroughly recorded by videography, film and/or digital motion color-media; by sound recording; and by digital and film, color, still photography. The resultant sound recordings and images shall be delivered without charge to as many of the signatories and consulting parties as may want them. 2. The USCG shall ensure that the site of Camp Frazier, a World War I era military camp located on the flatland immediately south of the east end of the bridge and established to protect the bridge from possible sabotage, shall receive an archeological and historic study to determine the site’s cultural resource value, i.e. National Register eligibility. 3. The BNSF shall ensure that funds are made available to the Bismarck Historical Society and to the Mandan Historical Society sufficient to allow these local history repositories and interpreters opportunities to conduct necessary additional research (if any) to prepare interpretive presentations (written, audible and/or visual) to accompany bridge related exhibits (static and/or mobile) if they choose to design, equip, construct and maintain such exhibits by agency staff or by contract. 	Walt Bailey for Bismarck Historical Society	Suggestions added. Responsible parties for funding will be detailed as the PA evolves and will be discussed at future CP meeting.

83	Concurring Party signature page	Consider including the City of Bismarck as a "Concurring Party" signatory.	City of Bismarck, Board of City Commissioners	City of Bismarck is defined in Whereas clause as a concurring party. Signature page added.
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