

HISTORIC PRESERVATION COMMISSION

MEETING AGENDA

August 18, 2021

Tom Baker Meeting Room	*3:00 p.m.	City-County Office Building
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***Please note: This meeting will start at 3:00 pm instead of the regular scheduled time of 3:30 pm.**

The City of Bismarck is encouraging citizens to provide their comments via email to whutchings@bismarcknd.gov. The comments will be sent to the Historic Preservation Commissioners prior to the meeting and included in the minutes of the meeting. To ensure that comments are compiled and forwarded to the Historic Preservation Commission with enough time to review all comments, please submit your comments no later than 12 noon the day of the meeting. Comments should also include

which agenda item number or topic your comment references and your name (anonymous comments will not be forwarded to the Historic Preservations Commissioners or included in the minutes of the meeting). If you would like to appear via video or audio link for a 3-5-minute comment on a public hearing item, please provide your e-mail address and contact information to whutchings@bismarcknd.gov at least one business day before the meeting.

As always, live meeting coverage is available on Government Access Channels 2 & 602HD, Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org

Item No.	Page No.
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MINUTES

1. Consider approval of the minutes of the July 21, 2021 meeting of the Bismarck Planning & Zoning Commission

PUBLIC COMMENT

2. **Public Comment** (The public comment period is available for residents and other interested parties to address items on the agenda or any general public input for consideration by the Historic Preservation Commission)

REGULAR AGENDA

3. **Section 106 Review**
 - a. Bismarck Expressway - Lighting / Turn Lane Addition 3
 - b. Downtown Bismarck – Street Improvements 10
4. **Highland Acres NHRP Nomination Consultant Selection 42**

OTHER BUSINESS

5. **Other Business**
 - a. Open Discussion on the Historic Preservation Commission's involvement in Sesquicentennial planning

ADJOURNMENT

6. **Adjourn:** The next regular meeting date is scheduled for **September 15, 2021**

Enclosures: Meeting Minutes of July 21, 2021



MEMORANDUM

Section 106 Review Bismarck Expressway – Lighting / Turn Lane Addition

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, AICP, Planner

DATE: August 13, 2021

The City of Bismarck has received a Section 106 Review request from the North Dakota Department of Transportation (NDDOT) for a proposed roadway project in east Bismarck. The proposed project would consist of the construction of a southbound right turn lane into the ND Game & Fish Complex from Bismarck Expressway and provide lighting along the project corridor. According to the attached letter submitted to the North Dakota State Historic Preservation Office (SHPO) for Section 106 consultation, all project effects will be within the existing right-of-way or within any new contiguous right-of-way that might be needed.

The Historic Preservation Commission reviews all Section 106 Review projects submitted to the City for evaluation and comment. The Historic Preservation Commission evaluates the proposed finding provided by the submitting entity and provides a recommendation to the submitting agency and SHPO. During the review, the Historic Preservation Commission may also provide comments regarding the identification of historic properties, effects to historic properties, and ways to mitigate or avoid adverse effects to historic properties and districts.

Results and Proposed Finding:

NDDOT has proposed a finding of 'No Historic Properties Affected' noting that the proposed project will take place within previously excavated and/or disturbed areas and there is very little chance of exposing any intact cultural remains.

Staff Recommended Action:

Review the submitted documentation for Section 106 review of the proposed Bismarck Expressway – Lighting and Turn Lane Addition project referenced as NDDOT Project #: 1-810(030)004 and complete the attached declaration of your findings for the State Historic Preservation Office

Attachments:

- North Dakota Department of Transportation Letter – July 27, 2021
- Declaration



July 27, 2021

Mr. Bill Peterson
ND State Historic Preservation Officer
ND Heritage Center
612 East Boulevard Avenue
Bismarck, ND 58505-0830

Attn: Lisa Steckler, Project Review Coordinator

CONSULTATION ON NDDOT PROJECTS, STATE HIGHWAY SYSTEM

We are initiating consultation on the following project. This letter is intended to give you information on the proposed project and how we intend to proceed to meet our responsibilities under Section 106 of the National Historic Preservation Act of 1966 (as revised 1992). Further, it is intended to solicit your views pursuant to Section 102(2) (D) (IV) of the National Environmental Policy Act of 1969. We would appreciate your comment on the project and our planned cultural resource work, and discussion of any concerns you may have regarding historic properties which may be affected by the project.

NDDOT Project #:1-810(030)004

PCN: 23155

Legal Location: Burleigh County

T138N R80W Section: 1, 2

Project Type: Lighting/Turn Lane Addition

Purpose and Need: The purpose of the proposed Project is to construct a southbound right turn lane into the ND Game & Fish Complex on Bismarck Expressway, as well as provide roadway lighting along the corridor. As identified in the NDDOT Highway Safety Improvement Program, the Project would increase safety and efficiency for southbound traffic and improve nighttime visibility.

Project Description: The proposed Project would construct a southbound right turn lane into the ND Game & Fish Complex as well as provide street lighting along the Project corridor. The turn lane would be a 12 ft driving lane with 2 ft shoulders. Backslope grading and ditch grading in the existing median will be required, and the existing culvert will be extended and reoriented for the new ditch alignment. An estimated 55 x 550 ft temporary grading easement along ND Game & Fish property (City Lands) will be required (Parcel No. 0115-002-007, Block No. 2, Part of NE 1/4 of Sec. 2-T138-R80, Address: 100 N Bismarck Expy, Bismarck ND 58504-5086).

APE: The APE is the footprint of the project with additional ROW mentioned above.

APE Justification: All project effects will be within the existing ROW as well as any new contiguous ROW that might be needed.

Proposed Cultural Resource Work: No further work needed.

Justification: The turn lane and RCP work will take place within the previously excavated median while the lights will be place just beyond the existing shoulder. This area along the shoulder was previously disturbed as well. Hence, there is very little chance of exposing any intact cultural remains.

Other Consulting Parties: The TCC is consulted on all NDDOT projects.

Plan for Public Involvement: SOV letters have been sent to a variety of associated agencies.

We are requesting your concurrence with a finding of *No Historic Properties Affected* for the proposed project. If you need further information regarding the proposed project, please contact me or the other NDDOT cultural resource staff.

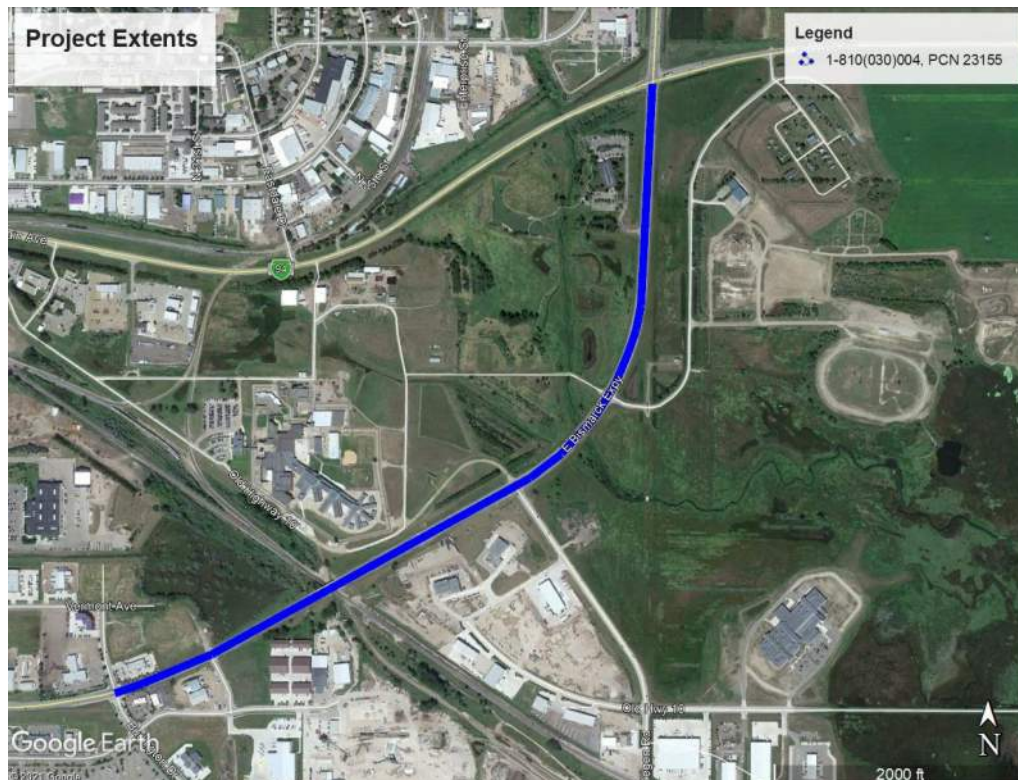
Sincerely,



Paul A. Demers, Ph.D., RPA
Archaeologist II, NDDOT-ETS(CR)

Project Images Attachment

**Field Review Meeting Preliminary Engineering (Phase I) 1-810(030)004, PCN 23155 Lighting, Turn Lane
Bismarck Expressway from Burlington Drive to Main Avenue Bismarck, ND**



Project Start: Burlington Drive; Project End: Main Avenue; Length: 1.341 miles



Reinforced Concrete Pipe (RCP) culvert extension/angled for new ditch alignment





Lighting Plan for the Corridor (large red dots are the centerline and small red dots show the placement of the lighting just beyond the roadway shoulder)



DECLARATION

The City of Bismarck - Historic Preservation Commission has been advised of the proposed **Bismarck Expressway – Lighting and Turn Lane Addition** project referenced as **NDDOT Project #: 1-810(030)004** and hereby (AGREE) (DISAGREE) with NDDOT's determination of 'No Historic Properties Affected' for the proposed project.

Additional Comments:

Amy Sakariassen, Chair
Bismarck Historic Preservation Commission

Dated: _____



MEMORANDUM

Section 106 Review Downtown Bismarck – Street Improvements

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, AICP, Planner

DATE: August 13, 2021

The City of Bismarck has received a Section 106 Review request from the North Dakota Department of Transportation (NDDOT) for a proposed street improvement project in downtown Bismarck. The proposed project is located in the area bounded by North 6th Street from East Rosser Avenue to East Main Avenue; North 5th Street and North 4th Street from East Thayer Avenue to East Main Avenue; along East Thayer Avenue from North 3rd Street to North 6th Street and East Broadway Avenue from North 4th Street to North 6th Street. It would consist of six activities:

1. Concrete Pavement Repair
2. Curb Extensions
3. Parking and Traffic Lanes
4. Landscaping
5. Water Main Replacement
6. Streetlights

Within the attached letter submitted to the North Dakota State Historic Preservation Office (SHPO) for Section 106 consultation, NDDOT further describes the scope and extent of each activity. The letter also outlines possible impacts to historic or cultural resources and if applicable, recommendations to avoid, mitigate and document any discovered historic or cultural resources during the proposed project. The attached Cultural Resource Discovery Plan further clarifies how NDDOT, the City, and any project contractors will proceed in the case of the discovery of burial, and/or cultural features to ensure the proper handling of all discoveries on this project. The City of Bismarck Engineering Department has reviewed the plan and is okay with the provisions identified within the document.

The Historic Preservation Commission reviews all Section 106 Review projects submitted to the City for evaluation and comment. The Historic Preservation Commission evaluates the proposed finding provided by the submitting entity and provides a recommendation to the submitting agency and SHPO. During the review, the Historic Preservation Commission may also provide comments regarding the identification of historic properties, effects to historic properties, and ways to mitigate or avoid adverse effects to historic properties and districts.

Results and Proposed Finding:

NDDOT has proposed a finding of 'No Adverse Effect' noting that the project activities of concrete pavement repairs and water main replacements could expose cultural remains. However, while these project activities could have some effect on those qualities of significance and integrity from which the Bismarck Downtown Historic District derives its National Register of Historic Places eligibility, these potential effects do not meet the Criteria of Adverse Effect as defined in 36 CFR § 800.5(a)(1) (Assessment of Adverse Effects). Hence, NDDOT is advancing a finding of No Adverse Effect [36 CFR § 800.5(b)(1)] for this project with archeological monitoring outlined in the accompanying Discovery Plan.

Staff Recommended Action:

Review the submitted documentation for Section 106 review of the proposed Downtown Bismarck – Street Improvement project referenced as NDDOT Project #: UGP-1-981(120) and UGP-1-981-(122) and the proposed associated Cultural Resource Discovery Plan and complete the attached declaration of your findings for the State Historic Preservation Office

Attachments:

- North Dakota Department of Transportation Letter – August 4, 2021
- Cultural Resource Discovery Plan NDDOT Project UGP-1-981(122) & UGP-1-981(120)



August 4, 2021

Mr. Bill Peterson
ND State Historic Preservation Officer
ND Heritage Center
612 East Boulevard Avenue
Bismarck, ND 58505-0830

Attn: Lisa Steckler, Project Review Coordinator

CONSULTATION ON NDDOT PROJECTS, STATE HIGHWAY SYSTEM

We are initiating consultation on the following project. This letter is intended to give you information on the proposed project and how we intend to proceed to meet our responsibilities under Section 106 of the National Historic Preservation Act of 1966 (as revised 1992). Further, it is intended to solicit your views pursuant to Section 102(2) (D) (IV) of the National Environmental Policy Act of 1969. We would appreciate your comment on the project and our planned cultural resource work, and discussion of any concerns you may have regarding historic properties which may be affected by the project.

Lead Federal Agency: Federal Highway Administration

NDDOT Project #: UGP-1-981(120); UGP-1-981(122) **PCN:** 22512 & 22870 **SHPO File:** 21-5621

Legal Location: Burleigh County T139N R80W Section: 4

Project Type: 1) Concrete Pavement Repair; 2) Curb Extensions; 3) Parking and Traffic Lanes; 4) Landscaping; 5) Water Main Replacement; and 6) Streetlights

Purpose and Need: The purposes are to preserve existing transportation assets, ensure public safety, and support sustainable growth in this urban corridor. Concrete repair and general maintenance have taken place, but there has not been a dedicated rehabilitation project on any of these streets or water mains.

Project Description: The Project consists of the six activities described below. The Project is roughly bounded by 6th St from Rosser Ave to Main Ave; 5th St and 4th St from Thayer Ave to Main Ave; and along Thayer Ave from 4th St to 3rd St (Exhibit 1). The Project is located within the Bismarck Downtown Historic District (hereafter BDHD) (ID:01001188) which was listed in the National Register of Historic Places (hereafter NRHP) in 2001 and amended in 2012.

1) Concrete Pavement Repair (hereafter CPR; for roadway and sidewalks): The work would remove and replace all joint sealant and seal low-severity cracks. When the severity is greater than what sealant can remedy, the concrete will be removed and replaced. All planned work will be in the roadway between the backs of the curbs (Exhibit A). At certain points, there could be excavation of up to 1-ft deep into the subgrade (soil). The Discovery Plan stipulates any excavation into the subgrade requires monitoring.

Another issue involves vibration related to breaking up the concrete to remove it. In the past, the typical practice for removal of concrete pavement was the lift-out method, which required contractors to saw-cut the concrete pavement into manageable sizes. Holes were drilled into the concrete pieces while equipment lifted out the concrete. However, no high-impact methods such as guillotine-style drop hammers will be allowed. At times, the contractor may need to use a jackhammer mounted to a skid steer to pulverize pavement for removal. Concrete sidewalk removal does not utilize the lift-out method due to the potential for damage to adjacent buildings. For this reason, a jackhammer mounted to a skid-steer typically is used for concrete removal. Contractors place a barrier up against the building in order to minimize any debris hitting the building during the jackhammering process. This method has been used in the Bismarck downtown area on previous sidewalk repairs.

In addition, the following *Plan Note* will be inserted into the construction plans: PROTECTION OF BUILDINGS: Exercise care and use appropriate construction means and methods to minimize disturbance or damage to buildings and canopies located along the project limits. Provide a method of pavement and sidewalk removal that will minimize vibration. No high-impact guillotine style drop hammers will be allowed. Restore any damaged items to preexisting conditions at no cost.

It must be noted that if any historic properties (those determined eligible or listed in the NRHP) are damaged through this Project, they must be repaired according to the standards set forth by The Secretary of the Interior's (SOI) Standards for Rehabilitation (36 CFR § 67.7). SOI Standards for the treatment of historic properties are outlined at: <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>

2) Curb Extensions: The proposed Project will install additional curb extensions to select corners along Broadway Ave at 4th, 5th, and 6th St; and along Thayer Ave at 4th, 5th, and 6th St (Exhibit B). Installation of the proposed curb extensions may involve the removal of existing sidewalk within the public right-of-way (hereafter ROW) to install ADA ramps. Curb extensions benefit pedestrian movement through better visibility, decreased exposure to vehicular traffic, and traffic calming.

3) Parking and Traffic: Parking and traffic lanes will stay relatively the same with the exception of 4th St, from Main Ave to Broadway Ave. The existing angled parking on the east side of 4th St will be switched to the west side of 4th St. This will provide better alignment of the north/south traffic lanes at the intersection of 4th St and Broadway Ave. (Exhibit C)

4) Landscaping: The majority of the landscaping will remain relatively the same. The existing raised planters and boulevard trees will remain in place. Several new boulevard trees will be planted along with other minor landscaping improvements. The attached map only shows trees located in the boulevard within individual tree wells, and outside of raised planters (Exhibit D).

5) Water Main Replacement: Based on their age and condition, there is a need to replace the existing cast iron water mains on 4th St from Main Ave to Broadway Ave, and on 5th St from Main Ave to Thayer Ave. The existing water main, currently located under the west curb line on 4th St and in the parking lane west of centerline of the roadway on 5th St, will be abandoned in place (Exhibit E.1-E.4).

The new lines would improve reliability of the City distribution system and provide increased water capacity and fire flow to public hydrants as well as internal building sprinkler systems. The drilling method would be *directional boring*, also known as *horizontal directional drilling* (HDD), which involves excavating down to a certain level and then drilling a tunnel horizontally under a designated area. A pipeline or other utility is then pulled through the drilled underground tunnel. While this method minimizes surface disturbance, it does not provide the opportunity to view subsurface conditions. Hence, the accompanying Discovery Plan for this Project will detail the appropriate archeological monitoring strategy as required by the State Historical Society of North Dakota State Historic Preservation Office (SHSND-SHPO; hereafter SHPO).

This method will be used at two locations to install the new water mains:

- On 4th St, it will connect to the existing water main at a valve 64 ft north of the centerline of Main Ave and reconnect to the existing watermain at the south approach of Broadway Ave.
- On 5th St, it will connect to the existing watermain at a valve 68 ft north of centerline north of Main Ave and reconnect to the existing water main at the south approach of Thayer Ave.

The new water mains will be located near the center line of the roadway on 4th and 5th St. This location should avoid any possible private encroachments into the ROW. The planned depth of the new water mains will be approximately 8 ft below the roadway (Exhibit E.1-E.4).

6) Streetlights: The streetlights will be replaced at the intersections of 5th St and Thayer Ave and at 5th St and Broadway Ave (marked in red in Exhibit F). The traffic signals were removed in 2019, as part of the one-way traffic circulation conversion project. At each intersection, the traffic signal standards were direct-burial steel tubes. The traffic signal standards were a combination of traffic signal heads and luminaires mounted on extensions. After the traffic signals were decommissioned, the poles remained in place to maintain lighting. The steel tubular poles are severely corroded and near failure. The existing poles will be removed and replaced with similar poles matching the existing lighting system in the downtown area. The location of these lights will be in close proximity to the existing lights. This Project also will include retrofitting the existing lighting fixtures from metal halide to LED lighting. The color and brightness of the streetlights will stay relatively the same as the current lighting conditions. Note that current work to install LED lighting west of the Project corridor also is portrayed in Exhibit F.

APE: The area of potential effects is the footprint of the project (Exhibit 1).

Justification: All Project effects will be within the existing ROW and there is no need for additional permanent ROW acquisition. If a small amount of temporary contiguous ROW becomes necessary, all efforts will be made to minimize any temporary effects such as restricted access to the Project corridor which is understandably a safety necessity. Further, other minor temporary effects such as visual, auditory, and olfactory impacts may be encountered.

Horizontally, all roadwork will be conducted between the backs of the curbs with the exception of ADA improvements to pedestrian facilities. As noted, contractors will exercise care and use appropriate construction means and methods to minimize disturbance or damage to buildings and canopies along Project limits. In addition, streetlights are immediately adjacent to the roadway surface in the ROW.

Vertically, concrete repairs necessitating excavation into the subgrade will be monitored. It is unclear whether the HDD 8-ft excavation depth for water main work will contact soil that has not been previously disturbed. However, the Discovery Plan calls for monitoring the soil/slurry effluent produced from the HDD process.

Proposed Cultural Resource Work: No further cultural work is needed except for the archeological monitoring detailed in the Discovery Plan.

Justification: The proposed Project is located within the BDHD which was listed in the NRHP in 2001. As a result, the corridor of the proposed Project had been documented extensively and SHPO agreed that it does not require an additional Class I Literature Search. While the listing would benefit from a district-wide update, these updates would not affect Project impacts and are beyond the scope of this Project.

The curb extensions, parking and traffic lanes, landscaping, and streetlights will not affect those qualities of NRHP significance and integrity for the BDHD (36 CFR § 60.4). Conversely, while the extensive disturbance associated with past construction makes it unlikely that intact archeological remains would be encountered, the CPR and water main replacement activities nevertheless have the potential to impact previously unknown cultural resources within the BDHD.

The Discovery Plan for this Project details archeological monitoring to ameliorate potential impacts to such resources. This monitoring will take place in association with two activities:

- CPR roadwork involving the removal of concrete on 4th, 5th, and 6th St (Exhibit A, G). In particular, the rails of the previously unrecorded trolley tracks that ran along 4th St were reported as being scheduled for removal in 1954 (Exhibit G). However, as recent projects in Grand Forks and Fargo have illustrated, other trolley track remnants such as ties could be uncovered. Hence, archeological monitoring will be required by SHPO.
- Water Main Replacement/HDD work on 4th and 5th St (Exhibit E. 1-4, G). The receiving and bore pits, and the open-cut excavations to reconnect existing service lines need monitoring. Further, the soil/slurry generated from HDD will need to be examined for any cultural remains, and especially human remains.

Simply put, these two Project activities could expose cultural remains. However, while Project activities could have some effect on those qualities of significance and integrity from which the BDHD derives its NRHP eligibility, these potential effects do not meet the Criteria of Adverse Effect as defined in 36 CFR § 800.5(a)(1) (Assessment of Adverse Effects). Hence, NDDOT is advancing a finding of *No Adverse Effect* [36 CFR § 800.5(b)(1)] for this Project with archeological monitoring outlined in the accompanying Discovery Plan.

Other Consulting Parties: The TCC is consulted on all NDDOT projects. In addition, as a Certified Local Government (CLG) stakeholder, the BHPC has been included in this correspondence.

Plan for Public Involvement: A virtual public meeting for this Project was hosted in May 2021. Solicitation of views packages will be sent out in later in 2021. BHPC also will review the Project at a monthly meeting which is open to the public.

Since the Project will not meet the Criteria of Adverse Effect for the Bismarck Downtown Historic District, we are requesting your concurrence with a finding of *No Adverse Effect* for the proposed Project. If you need further information regarding the proposed Project, please contact me or the other NDDOT cultural resource staff.

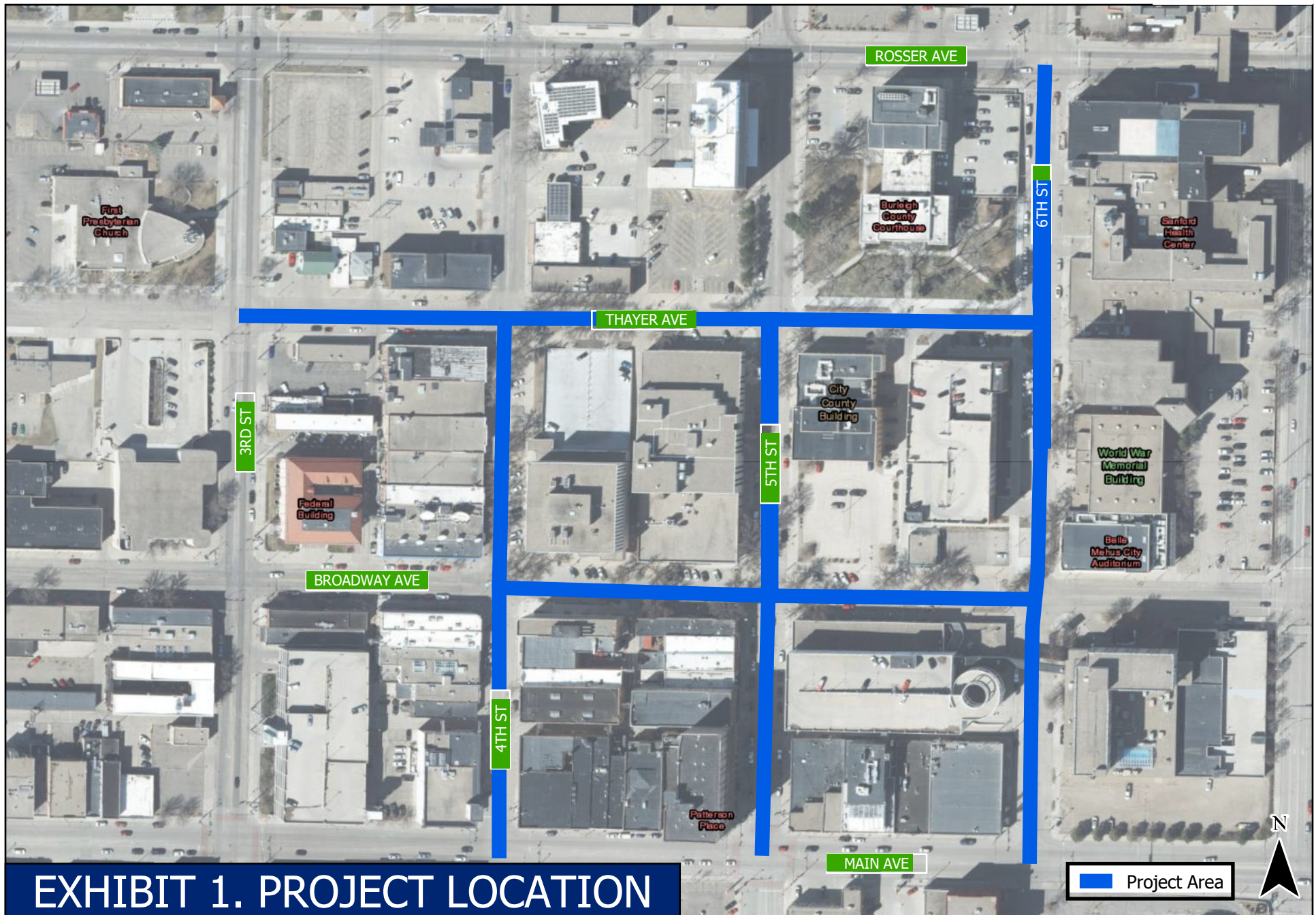
Sincerely,



Paul A. Demers, Ph.D., RPA
Archaeologist II, NDDOT-ETS(CRS)

Map Exhibit attachments

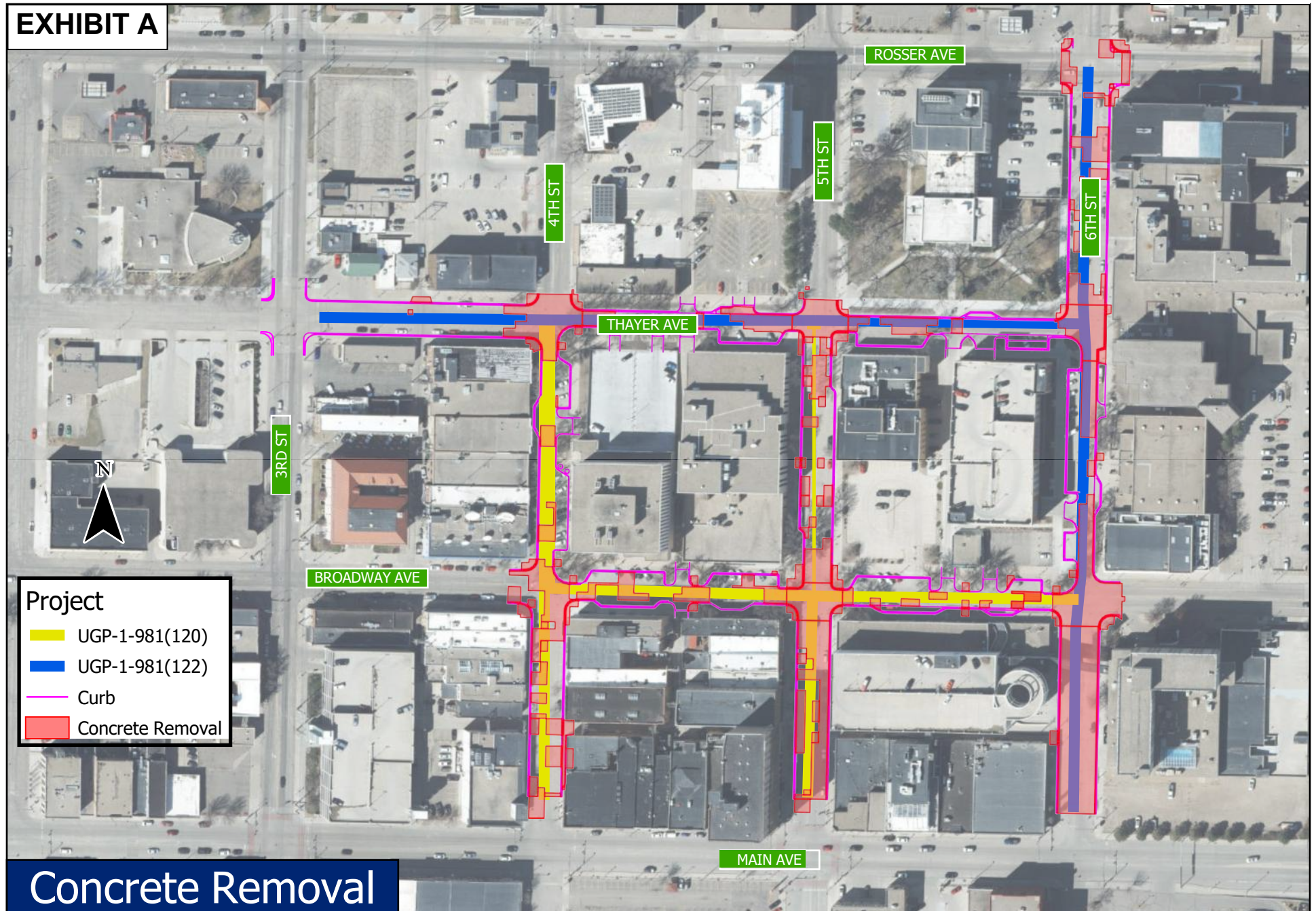
DOWNTOWN BISMARCK CPR PROJECT



HC 128 - DOWNTOWN BISMARCK CPR PROJECT



EXHIBIT A



HC 128 - DOWNTOWN BISMARCK CPR PROJECT



EXHIBIT B

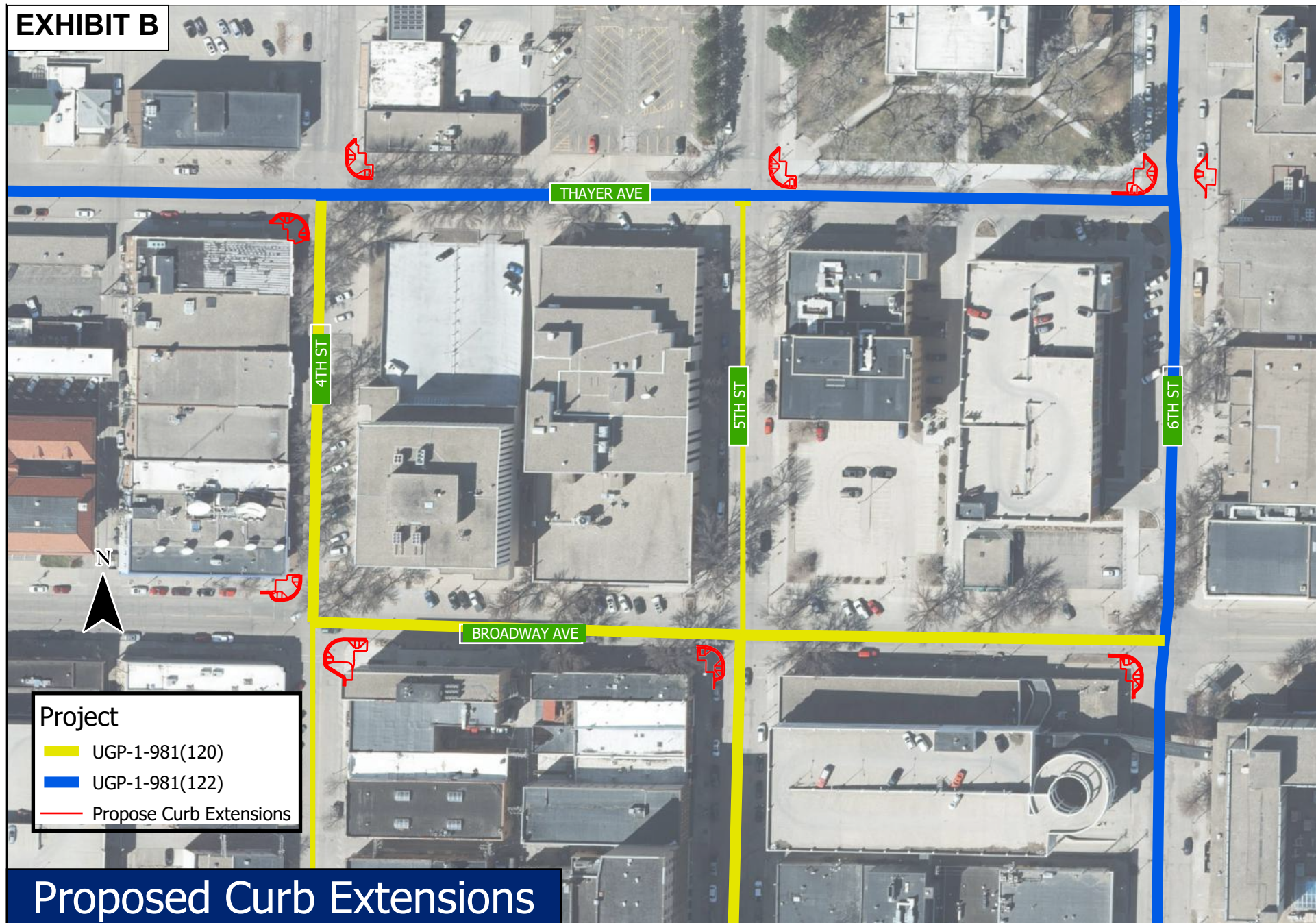


EXHIBIT C

BROADWAY AVENUE

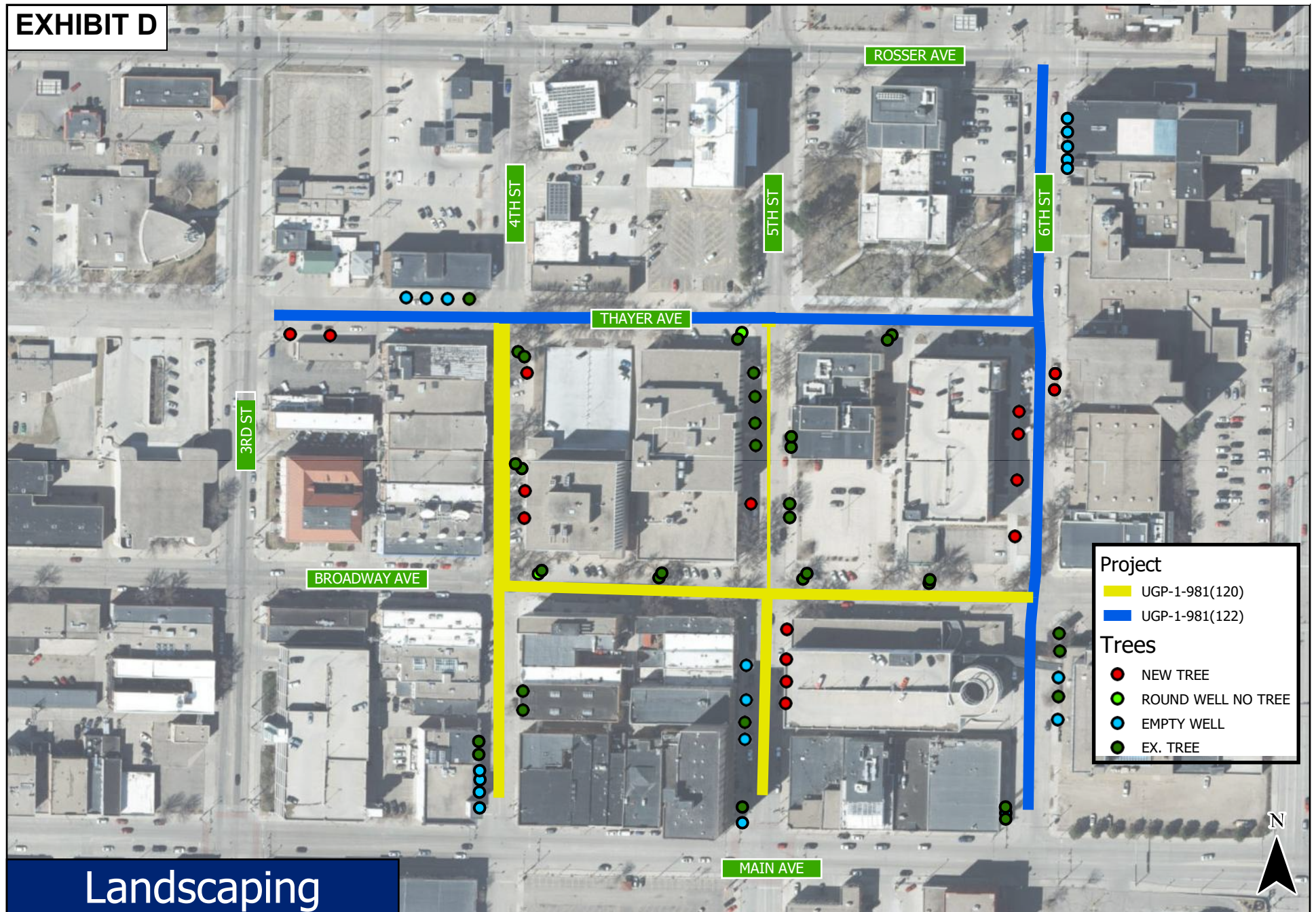
Proposed Curb Extensions

4TH STREET

HC 128 - DOWNTOWN BISMARCK CPR PROJECT



EXHIBIT D



HC 128 - DOWNTOWN BISMARCK CPR PROJECT



EXHIBIT E.1

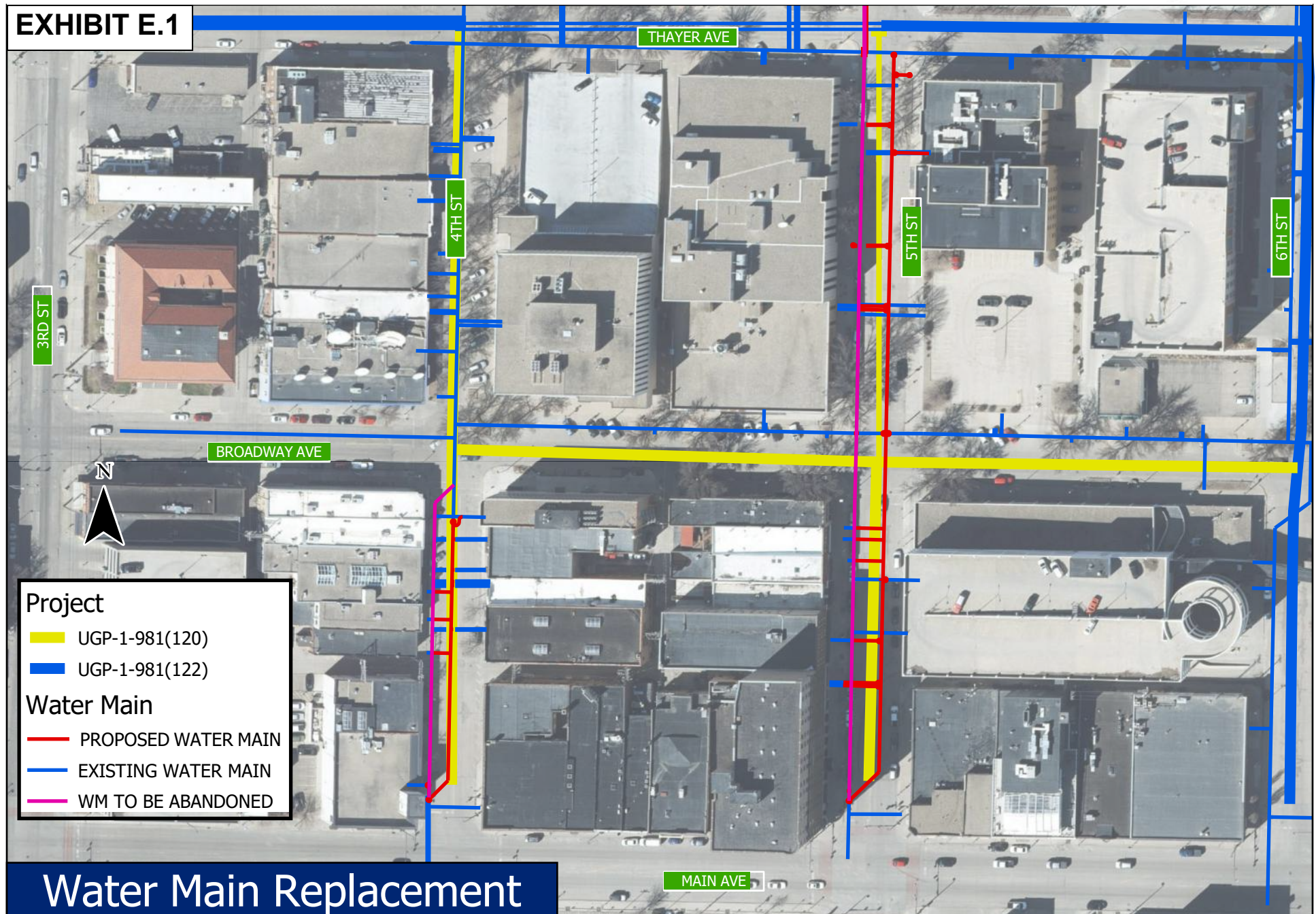
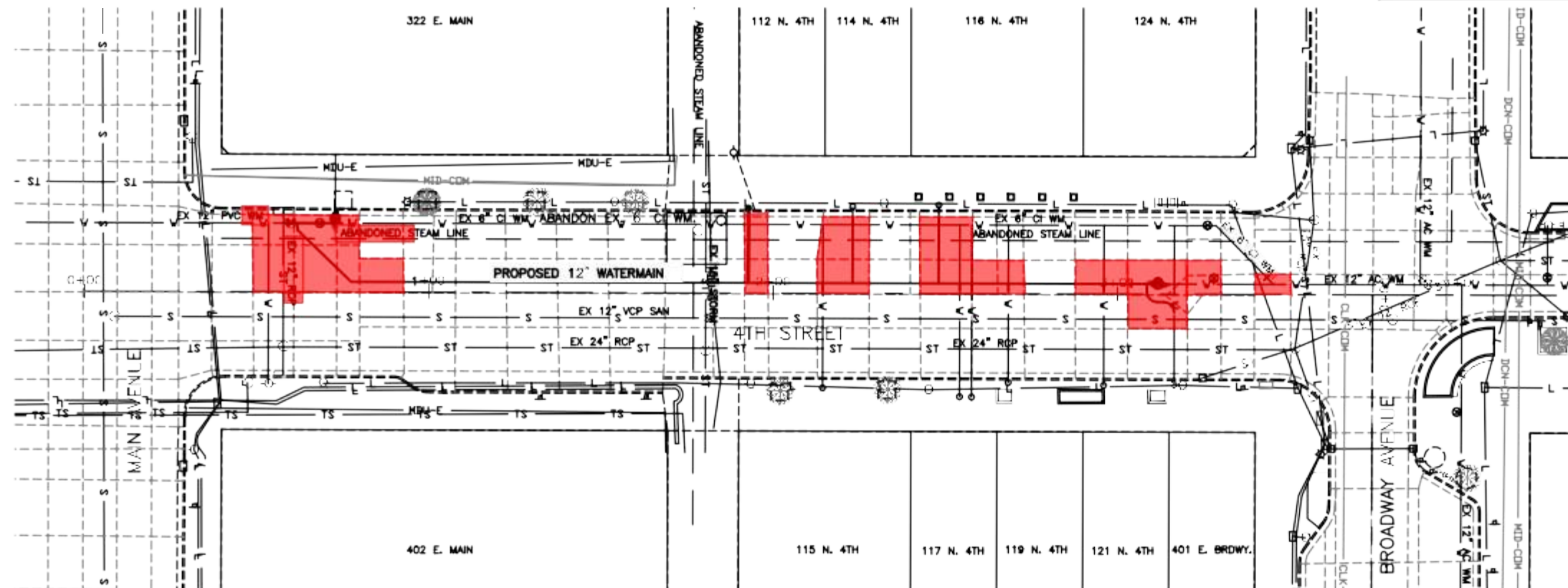


EXHIBIT E.2

STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	UGP-1-981(120)	60	1

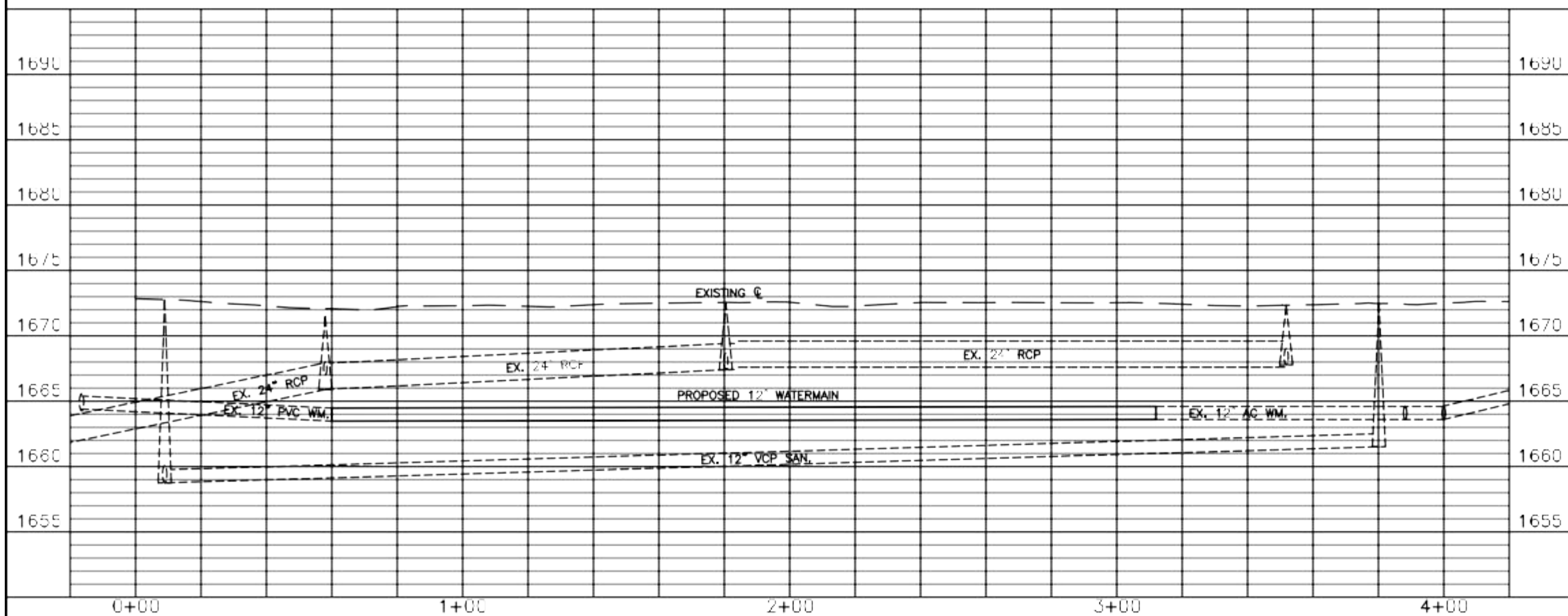


HORIZONTAL DATUM IS NAD 83 (86 ADJUSTMENT) BASED
ON CITY OF BISMARCK MONUMENTS AND ADJUSTED TO
GROUND DISTANCE. VERTICAL DATUM IS NGVD 29.
DRAWING UNITS ARE IN INTERNATIONAL FEET.

CAUTION

THE LOCATIONS OF EXISTING UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. NOT ALL EXISTING UTILITIES ARE SHOWN. CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES OR REPAIRING ANY DAMAGE WHICH OCCURS DUE TO THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

 Open-Cut excavation for receiving and boring pits and reconnection of existing service lines



PRELIMINARY
NOT FOR
CONSTRUCTION

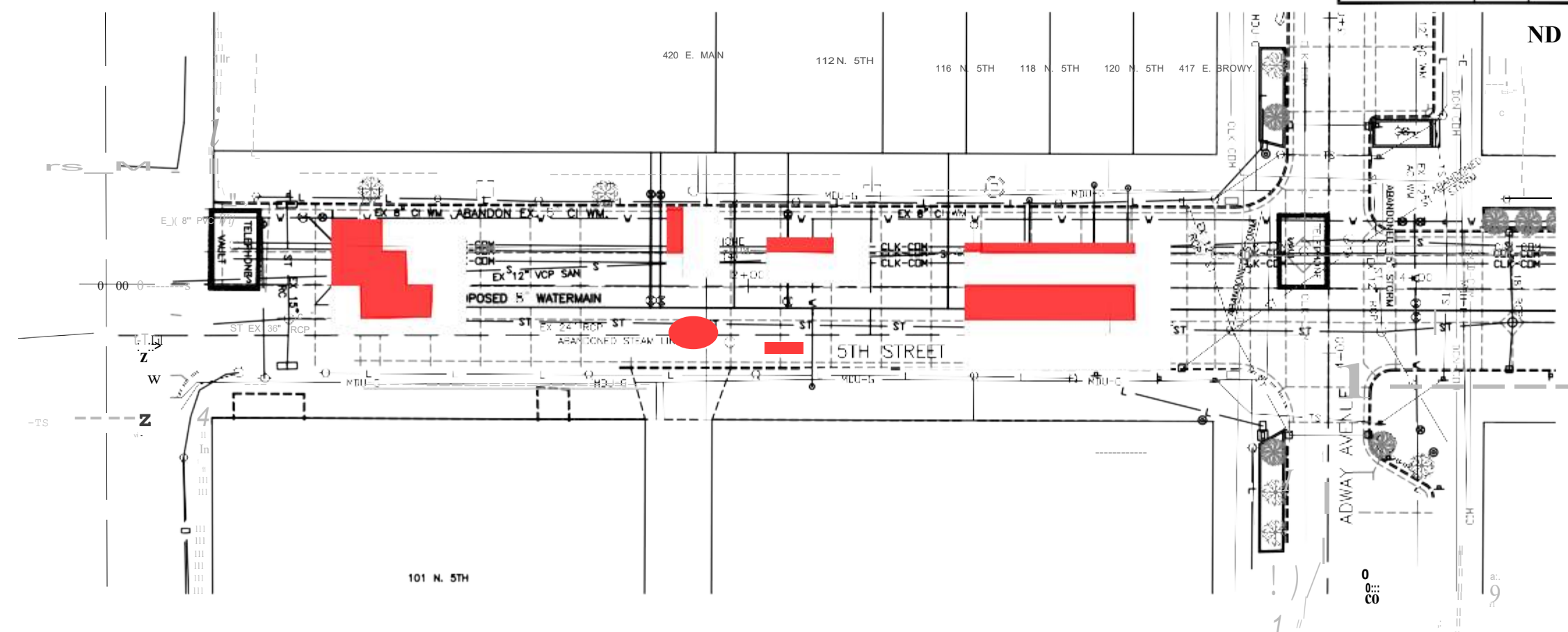
Bismarck  Engineering Department

WATERMAIN

4TH STREET
MAIN AVENUE TO BROADWAY AVENUE
STA 0+60 TO STA 3+44

/ EXHIBIT E.3 /

STATE	PROJECT NO.	SECTION	SHEET
ND	UGP-1-981(120)	60	2

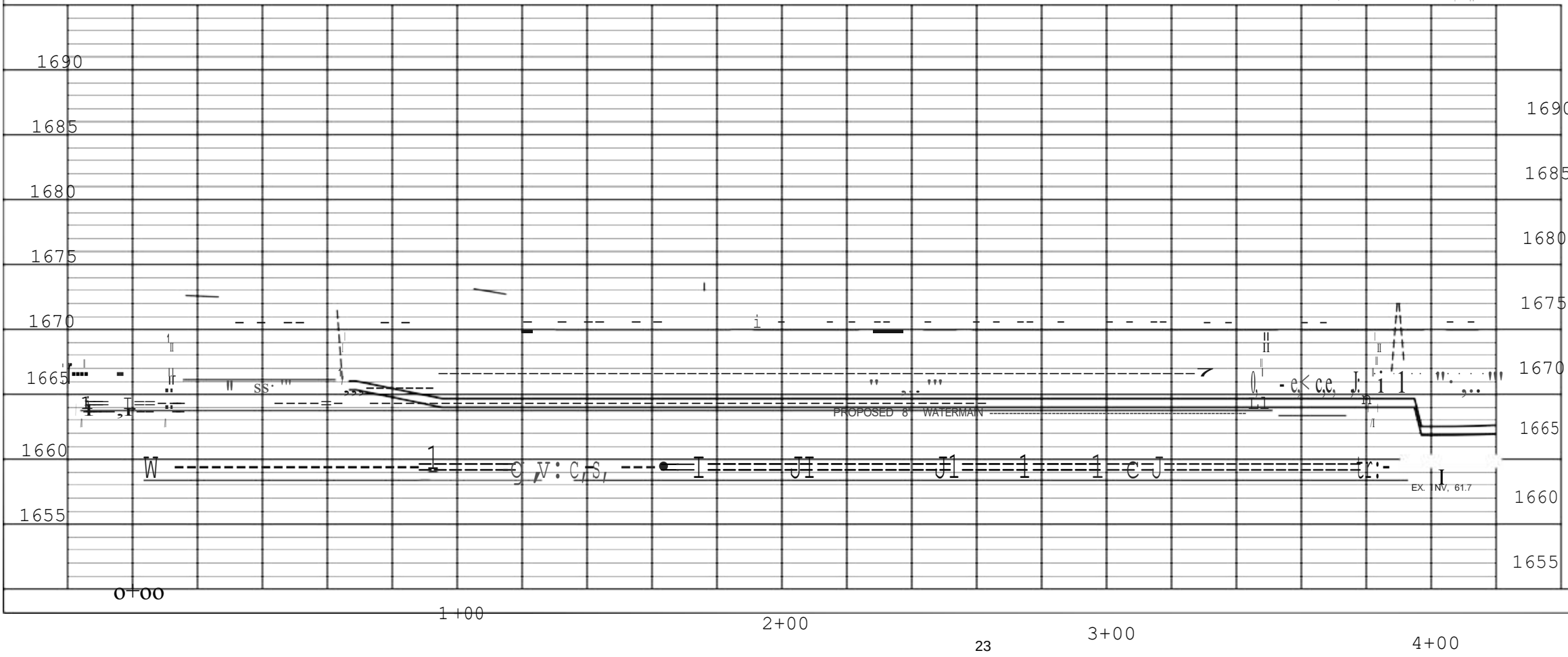


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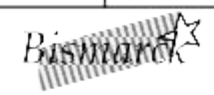
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Open-Cut excavation for receiving and boring pits and reconnection of existing service lines



**PRELIMINARY
NOT FOR
CONSTRUCTION**



Engineering Department

WATER MAIN

5TH STREET
MAIN AVENUE TO BROADWAY AVENUE
STA 0+67 TO STA 3+80

HC 128 - DOWNTOWN BISMARCK CPR PROJECT

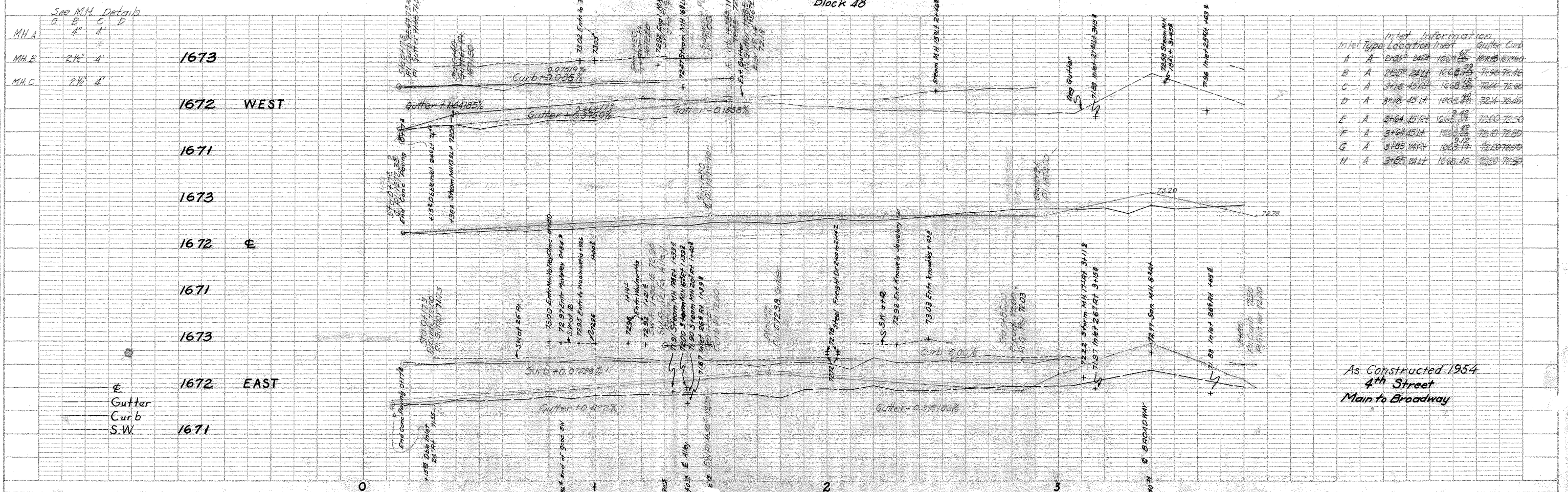
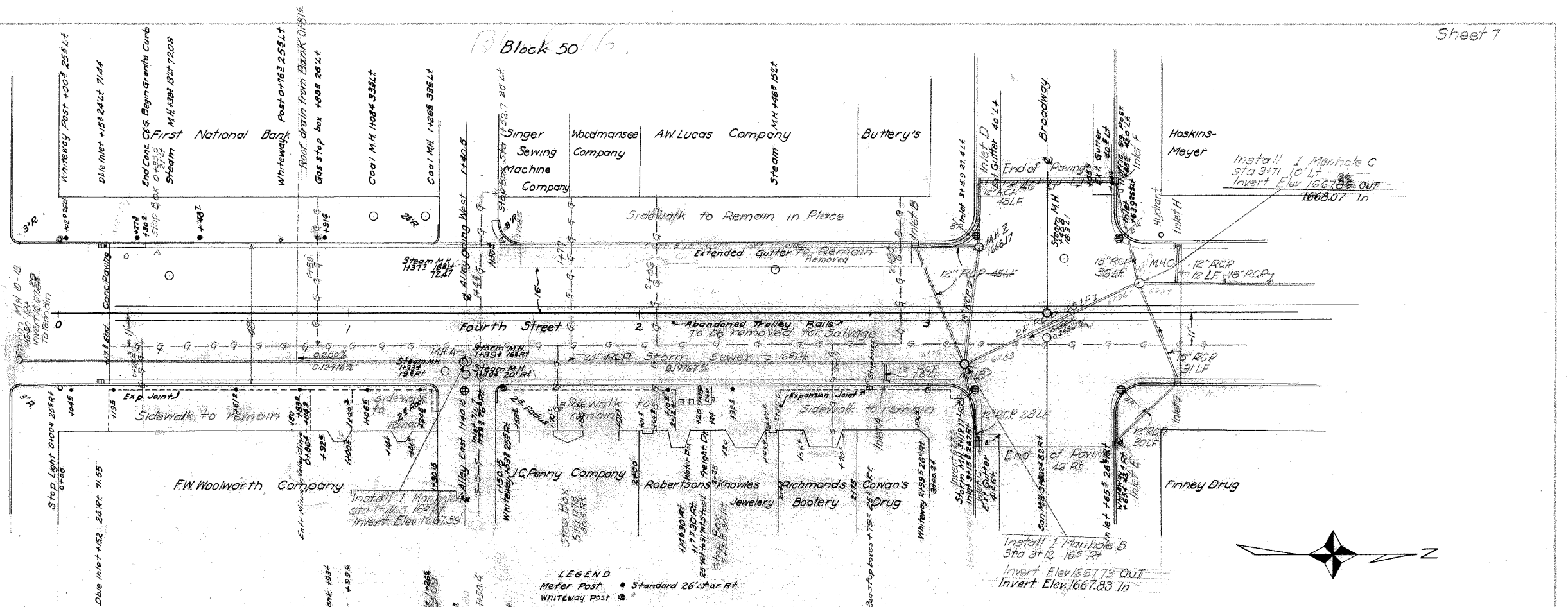


EXHIBIT G

Sheet 7

Estimated Summary of Quantities

8" P.C.C. Pavement	2072.0 SY	
Variable Stra Curb & Gutter	535.9 LF	
Variable Curved Curb & Gutter	504 LF	
3" Sand Subbase	180.5 CY	
4" Concrete Sidewalk	3747 SY	
Pavement Removal	2072.0 SY	
Curb & Gutter Removal	515.2 LF	
4" Concrete Sidewalk Removal	3747 SY	
Unclassified Excavation	357 CY	
4" Expansion Joint M41	886.0 LF	
Water for Compaction	58 Mgal.	
Curb Inlets Type A	8 Ea.	
Manholes	3 Ea.	
24" R.C.P. Sewer	390 LF	
15" R.C.P. Sewer	67 LF	
12" RCP Sewer	170.5 LF	



As Constructed 1954
4th Street
Main to Broadway

Cultural Resource Discovery Plan
NDDOT Project Number: UGP-1-981(122) & UGP-1-981(120); PCN: 22870, 22512

Introduction

This document is intended to clarify for consulting Tribes, interested city, state, and federal agencies, North Dakota Department of Transportation (NDDOT) personnel, and Project contractors how the NDDOT will proceed in case of the discovery of a burial and/or other cultural features such as the 4th St trolley track remains to ensure the proper handling of all discoveries on this Project.

Background

The City of Bismarck is utilizing Urban Grant Program (UGP) funds to make improvements in an area of downtown Bismarck, roughly bounded by 6th St from Rosser Ave to Main Ave; 5th St and 4th St from Thayer Ave to Main Ave, and along Thayer Ave from 4th St to 3rd St (Exhibit 1). As such, the Project will take place within the Bismarck Downtown Historic District (hereafter BDHD). NDDOT is consulting with the State Historical Society of North Dakota State Historic Preservation Office (hereafter SHPO) and the Bismarck Historic Preservation Commission (hereafter BHPC) to obtain a *No Adverse Effect* determination for the Project. The Project consists of six activities: 1) Concrete Pavement Repair (hereafter CPR); Curb Extensions; 3) Parking and Traffic Lanes; 4) Landscaping; 5) Water Main Replacement and Horizontal Directional Drilling (hereafter HDD); and 6) Streetlight updates.

Archeological Monitoring and Reporting

CPR and Water Main Replacement are the two activities that have the potential to uncover cultural remains. Therefore, archeological monitoring by qualified personnel will take place during these activities. The archaeological monitor and the point of contact for the construction crew will communicate to facilitate the monitoring process during construction activities. Most of the monitoring will be done visually during construction activities. However, the monitor can halt excavation briefly to inspect excavated material when a concentration of materials indicates the possibility of intact features, structural ruins, or human remains. For specific policies on human remains, see the **Burial Discoveries** section below. The monitor will also prepare a Monitoring Report for submission to NDDOT and SHPO that details the work and findings.

CPR Roadwork: Monitoring will take place during the removal of concrete on 4th, 5th, and 6th St (Exhibit A, G) at any location where there is excavation below the concrete into the subgrade. Monitoring will be done visually, but the monitor can halt excavation briefly to inspect excavated material when a concentration of materials indicates the possibility of intact features, structural ruins, or human remains. The monitor should coordinate with the point of contact for the construction crew and exercise professional judgement in determining the level of recordation needed based on the types of cultural resources defined below.

Water Main Replacement/HDD Work: This activity will take place on 4th and 5th St (Exhibit E. 1-4, G). The specific method for HDD is not known at this time. It will likely depend on the method selected by the contractor. Nevertheless, all phases of the HDD need to be monitored including any combination of receiving and bore pits, vertical launch and receive pits, and open-cut excavations to reconnect existing service lines. Excavated soil can be inspected visually on-site during construction if there is a safe place

for the monitor to observe. If effluent comes out as slurry, it can be inspected visually provided it is relatively stationary or moving very slowly. Regardless of the specific method, the monitor must be afforded a reasonable opportunity to examine these materials.

Types of Cultural Resource Finds

It is possible that previously unknown, undocumented, or under-documented cultural resources including prehistoric and historic burials could be encountered. This document defines three (3) types of possible finds: 1) Historic Discoveries; 2) Inadvertent Discoveries; and 3) Burials and Associated Materials. Further, this document outlines the procedures to be followed by contractors and agency staff from the City of Bismarck and NDDOT. Project personnel may consult with SHPO and NDDOT cultural resources staff to determine the level of finds and the appropriate level of action.

1) Historic Discoveries

Historic Discoveries are those cultural remains that are previously documented or otherwise referenced. Follow the steps below. An example is the trolley line that ran along 4th St connecting Main Ave with the Capitol Grounds. While there is information on this line, it does not have a SITS number or documented physical remains. A 1954 “As Constructed” map of a section of 4th St (Exhibit G) stated “Abandoned trolley rails to be removed for salvage.” However, recent construction projects in Grand Forks have uncovered dislodged rail, and other track remnants such as ties that have remained in-place. Monitors should document these discoveries, either dislodged or in place, according to the standards below.

1. Notify NDDOT cultural resources staff (begin with Paul Demers: 701-328-4539; pdemers@nd.gov).
2. Document each find with GPS points for later generation of shapefiles and CAD data.
3. Depict spatial relationships to buildings, property lines, and other landmarks.
4. Take color photographs detailing each find and its relationship to the streetscape.
5. Take measurements of finds such as the length, height, and width.
6. List any thoughts, observations, or interpretations by Project staff on the nature of finds.
7. NDDOT cultural resources staff will instruct personnel on the disposition of the remains. Given the size and weight of trolley track remains, these can be set aside while disposition details are finalized.

*Note that common features found in the roadway such as curbs and gutters; access points (manholes) and covers; abandoned water, sewer, or steam lines; or utility posts or boxes do not need formal recording as sites or isolated finds. However, inadvertent discoveries should be documented (see below).

2) Inadvertent Discoveries

Inadvertent discoveries are subsurface structural remains or other encroachments that intrude into the Project footprint. They are usually attached or immediately adjacent to structures. Examples include tunnels, basements extending towards the roadway, or coal chutes leading into basements. Typically, these structural features have not been recorded as part of, or in relation to a structure. Since these discoveries can pose safety hazards, monitors should consult with Project engineers and the construction crew on a course of action. Exercise caution. If it is safe to do so, record these finds as stated above and consult with NDDOT and SHPO staff.

3) Burial Discoveries

If human remains or evidence of a burial is encountered, all work in the immediate vicinity shall stop. The immediate vicinity is defined as a 100 ft radius around the discovery. The following will take place in accordance with ND Century Code:

"Any person who knows or has reasonable grounds to believe that a human burial site, human remains or burial goods, found in or on any land, shall refrain from any activity which might disturb or immediately cease any continued activity which might cause further disturbance of such burial, remains, or goods and shall, as soon as practicable, report the presence or discovery of the burial, remains, or good to the local law enforcement agency with jurisdiction in the area in which the burial, remains or goods are located. A person is guilty of a class B Misdemeanor who is required to make such report and willfully as defined, in section 12.1-02-02 fails to make the same. The requirement imposed in this subsection do not apply to any person engaged in the salvaging excavation or other disinterment of a human burial under authority of law{23-06-27.5}.

*Intentional disturbance of human burial sites under North Dakota State Law, without the authority of law, is a Class C Felony. In accordance with ND Century Code 23-06-27.4, 23-06-27.5, and Administrative Code 40-02-03, the following procedure will be followed in the case of identification of burial, remains, or goods during construction of the Project:

1. The Contractor immediately will inform Law Enforcement (Burleigh County Sheriff's Office: 701-222-6651) and NDDOT through the Cultural Resource Section (see below).
2. Law Enforcement will inform SHSND and North Dakota Department of Health and Human Services (NDDOHHS).
3. SHSND will notify the North Dakota Intertribal Reinternment Committee (NDIRC). SHSND and NDDOHHS will determine as soon as possible if the remains are Native American. If the remains are determined or presumed to be Native American, NDIRC will become actively involved. NDIRC involvement will take place within 24 hours of the discovery or as soon as practicable after that time. Human remains will be studied within the scope allowed in the Administrative Rules (40-02-03-01).
 - a. If the remains can be restored, the NDDOT archaeologist and NDIRC member will complete visual observation of the remains and burial goods.
 - b. If the burial and goods must be disinterred, study will occur at the burial site and include visual observation, written description, and documentation of the remains and goods including limited photography agreed to by the NDDOT archaeologist and NDIRC member. Written documentation of the burial will be provided to IRC members and documentation acceptable to them will be forwarded to SHSND. Results will be reported to the NDDOT Tribal Consultation Committee at the next scheduled meeting. An NDDOT archaeologist, SHSND representative and/or a recognized physical anthropologist will complete study of the remains.
4. If possible, leave the burial in-place and backfill, stabilize, and protect the area.
5. If disinterment is the only feasible option, the NDIRC shall as soon as possible after study is completed, re-enter the disinterred remains and all burial goods either at a nearby location (with the consent of the landowner), or on Indian lands within the boundaries of the appropriate reservation.
6. Disinterment will take place under the supervision of a NDDOT archaeologist, using standard archaeological procedures and contextual analysis.

NDDOT Cultural Resource Section Contact Information

Paul Demers 701-328-4539 pdemers@nd.gov
Jeani Borchert 701-328-4378 jborcher@nd.gov
Valerie Barbie 701-328-2152 vbarbie@nd.gov

DOWNTOWN BISMARCK CPR PROJECT

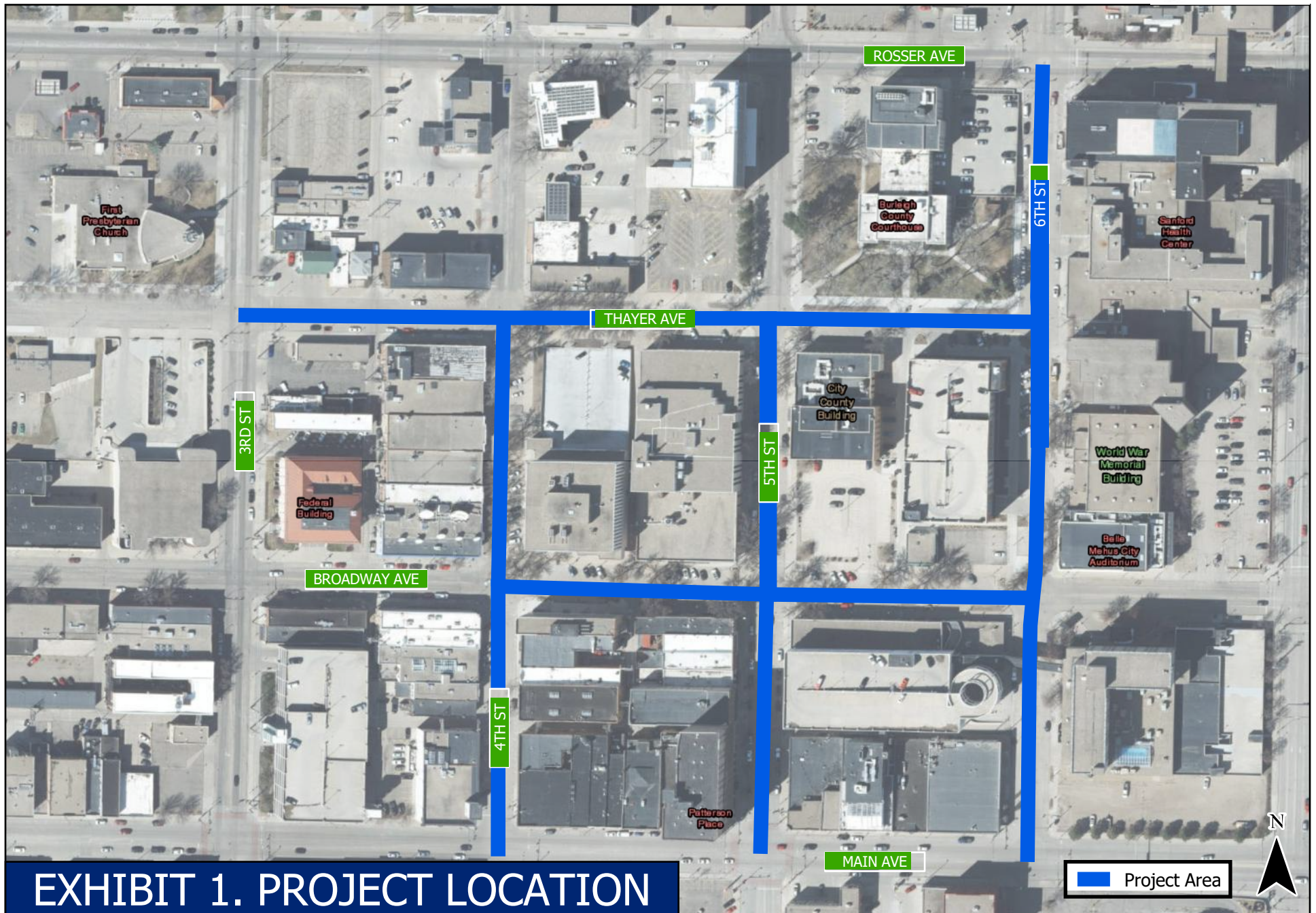
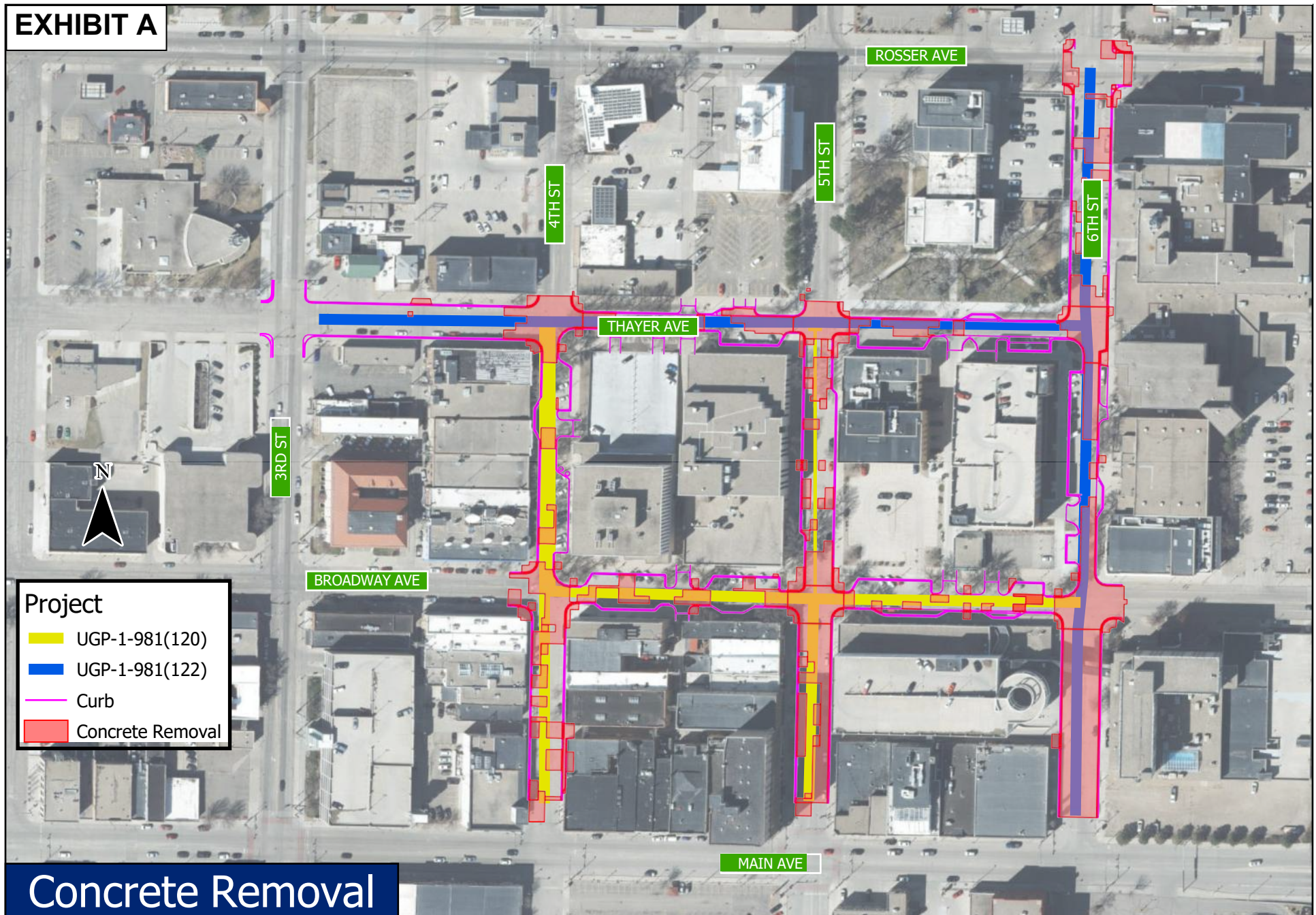


EXHIBIT 1. PROJECT LOCATION

HC 128 - DOWNTOWN BISMARCK CPR PROJECT



EXHIBIT A



HC 128 - DOWNTOWN BISMARCK CPR PROJECT



EXHIBIT B

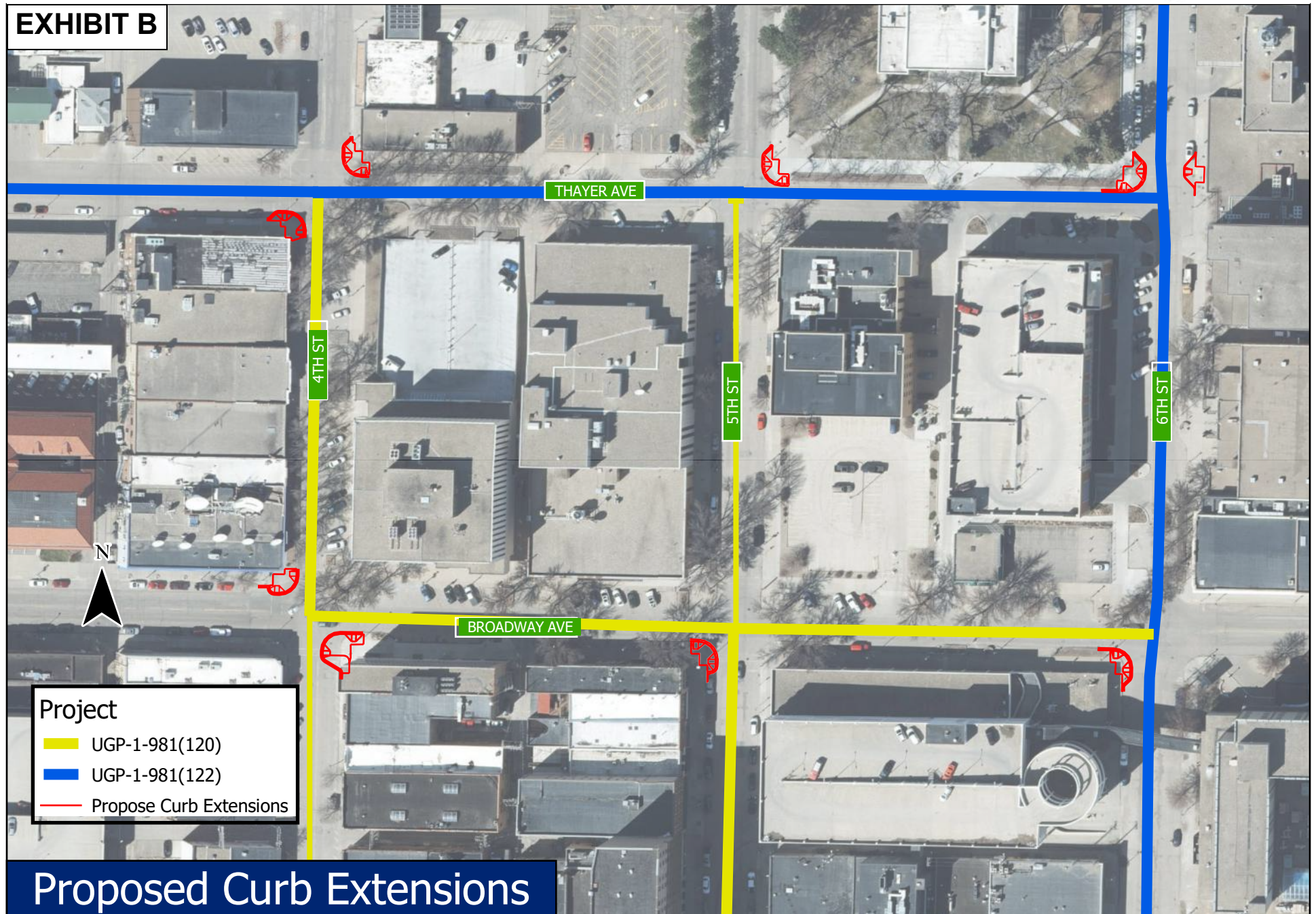
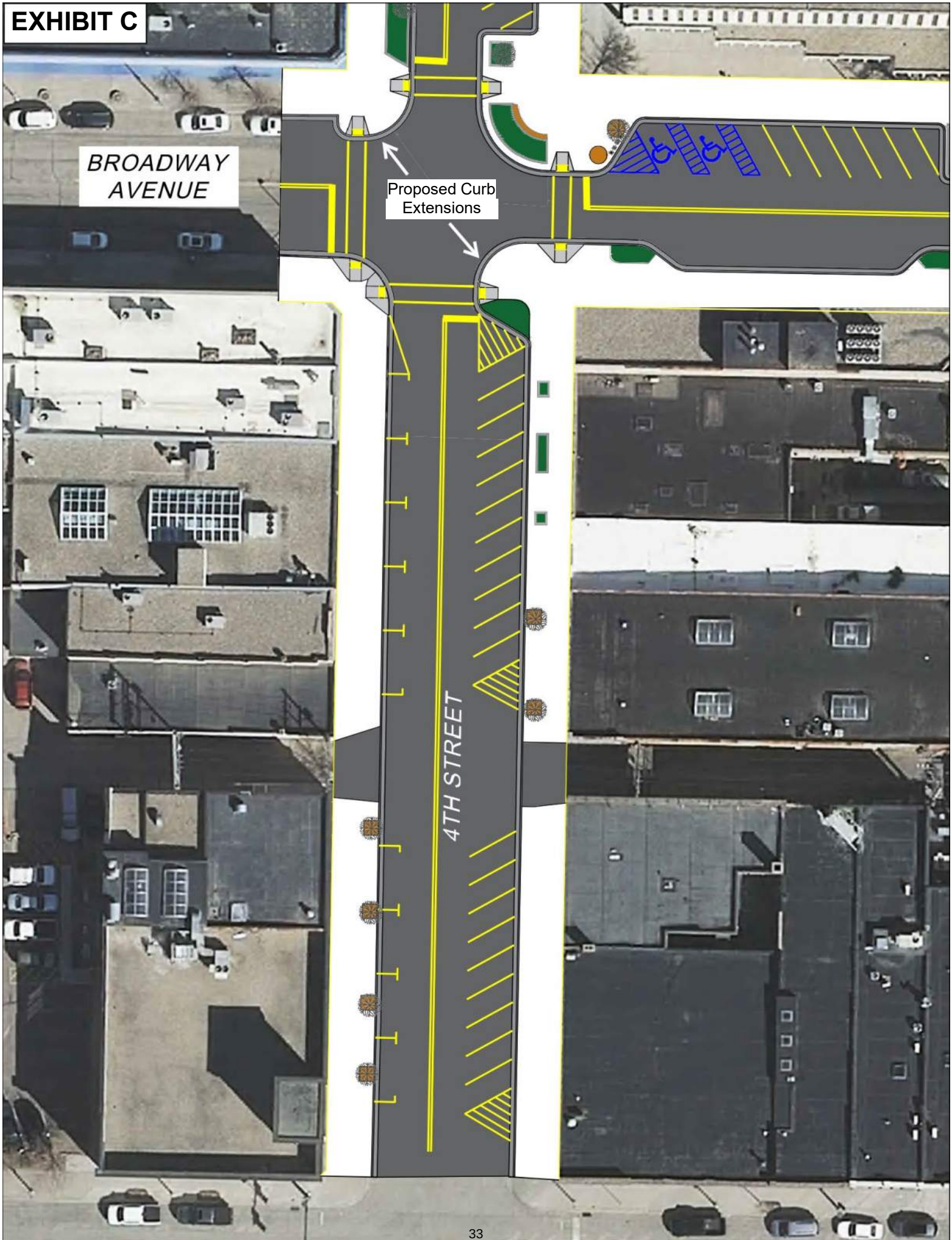


EXHIBIT C

BROADWAY AVENUE

Proposed Curb Extensions

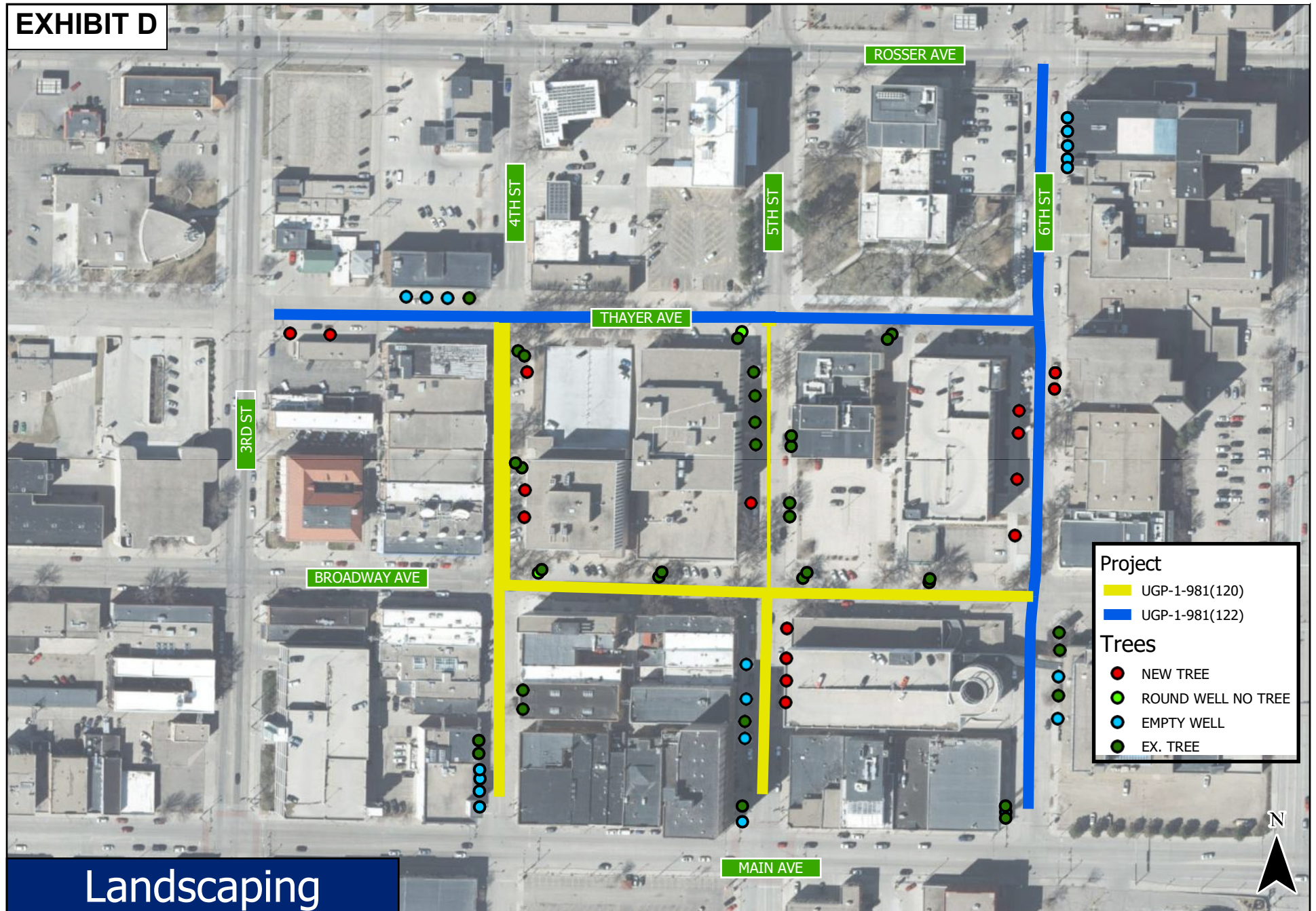
4TH STREET



HC 128 - DOWNTOWN BISMARCK CPR PROJECT



EXHIBIT D



HC 128 - DOWNTOWN BISMARCK CPR PROJECT



EXHIBIT E.1

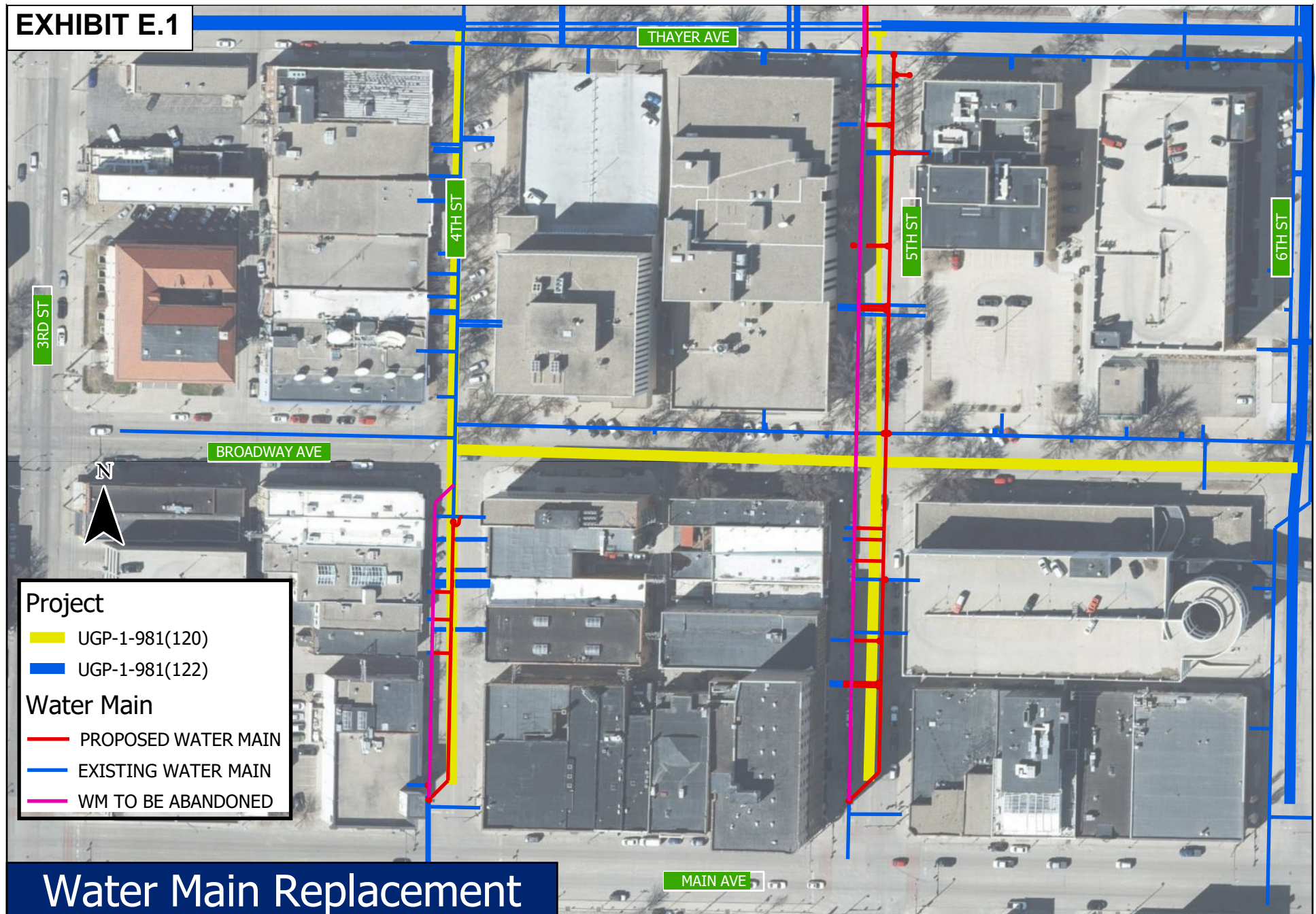
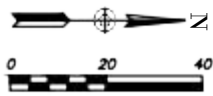
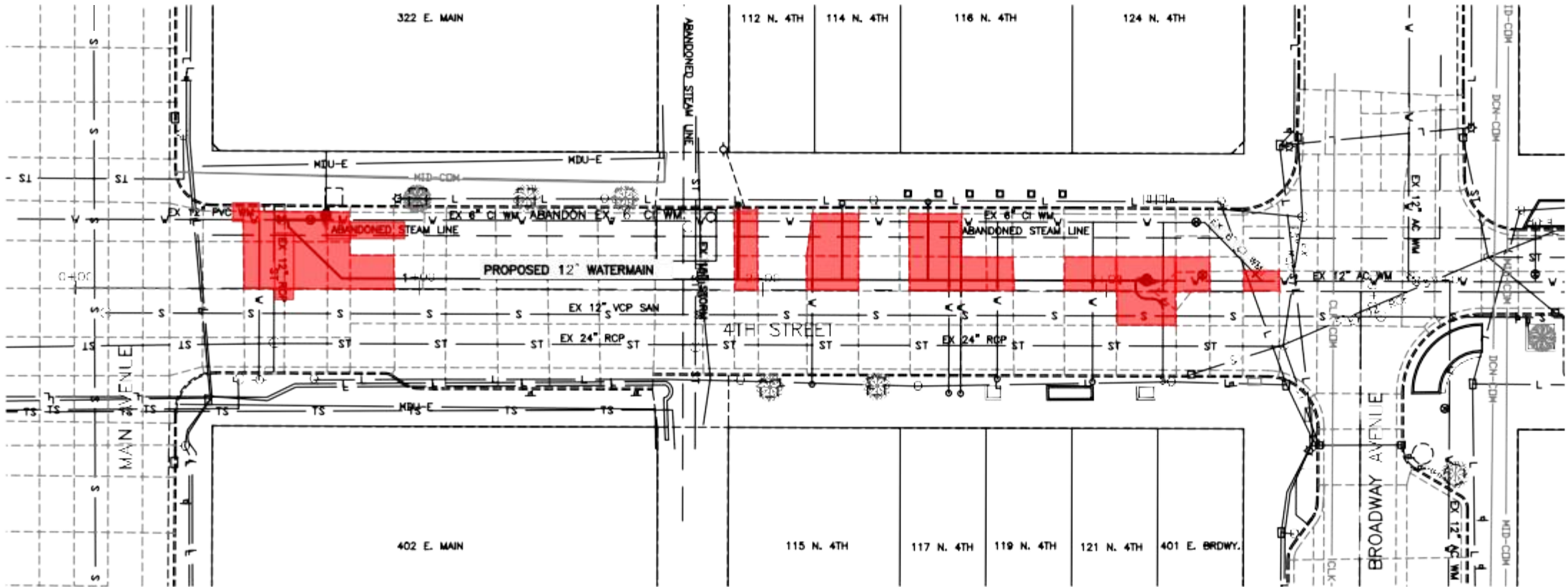


EXHIBIT E.2

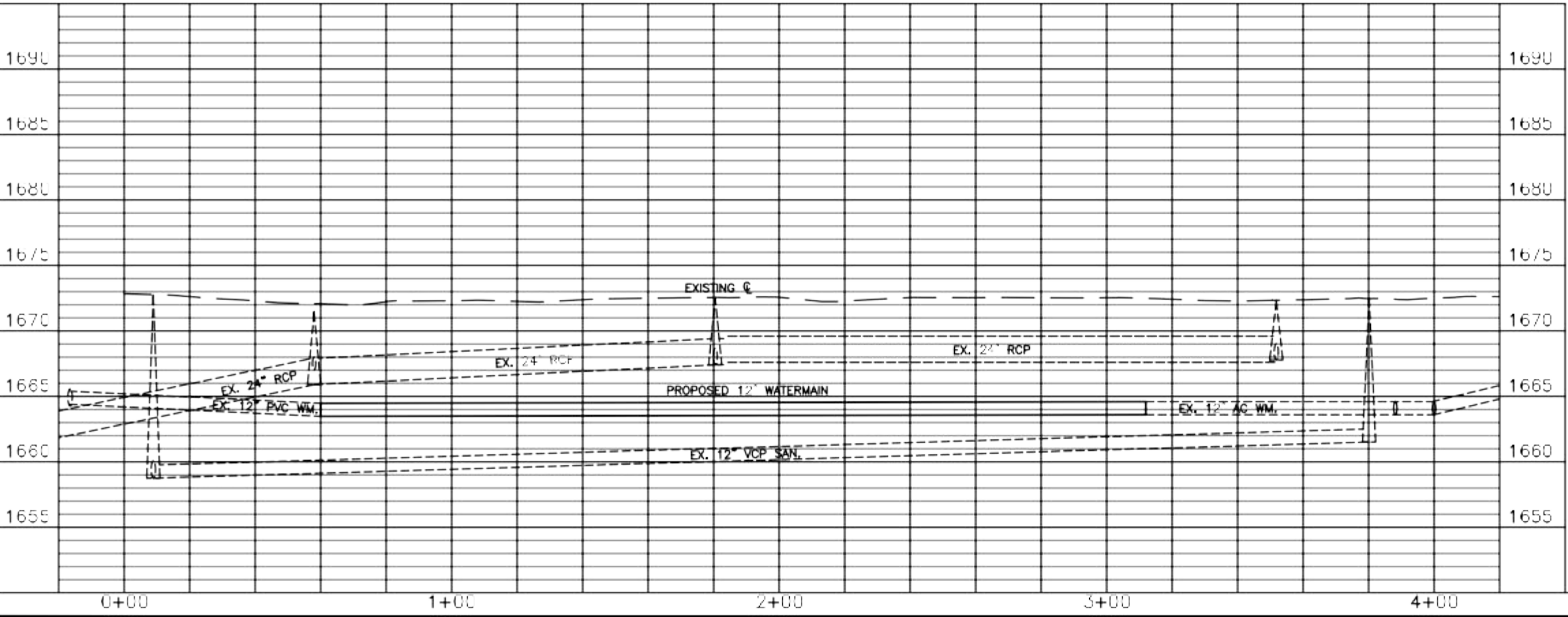
STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	UGP-1-981(120)	60	1



HORIZONTAL DATUM IS NAD 83 (86 ADJUSTMENT) BASED ON CITY OF BISMARCK MONUMENTS AND ADJUSTED TO GROUND DISTANCE. VERTICAL DATUM IS NGVD 29. DRAWING UNITS ARE IN INTERNATIONAL FEET.

CAUTION
THE LOCATIONS OF EXISTING UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. NOT ALL EXISTING UTILITIES ARE SHOWN. CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES OR REPAIRING ANY DAMAGE WHICH OCCURS DUE TO THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

Open-Cut excavation for receiving and boring pits and reconnection of existing service lines



PRELIMINARY
NCT FOR
CONSTRUCTION

Bismarck Engineering Department

WATERMAIN

4TH STREET
MAIN AVENUE TO BROADWAY AVENUE
STA 0+16C TO STA 3+44

EXHIBIT E.3

STATE	PROJECT NO.	SECTION	SHEET
ND	UGP-1-981(120)	60	2

(f) 1'-2

0 20 40

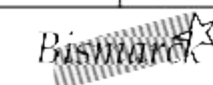
HORIZONTAL DATUM IS NAD 83 (86 ADJUSTMENT) BASED ON CITY OF BISMARCK MONUMENTS AND ADJUSTED TO GROUND DISTANCE. VERTICAL DATUM IS NGVD 29. DRAWING UNITS ARE IN INTERNATIONAL FEET.

CAUTION

THE LOCATIONS OF EXISTING UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. NOT ALL EXISTING UTILITIES ARE SHOWN. CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES OR REPAIRING ANY DAMAGE WHICH OCCURS DUE TO THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

Open-Cut excavation for receiving and boring pits and reconnection of existing service lines

PRELIMINARY
NOT FOR
CONSTRUCTION



Engineering Department

WATER MAIN

5TH STREET
MAIN AVENUE TO BROADWAY AVENUE
STA 0+67 TO STA 3+80

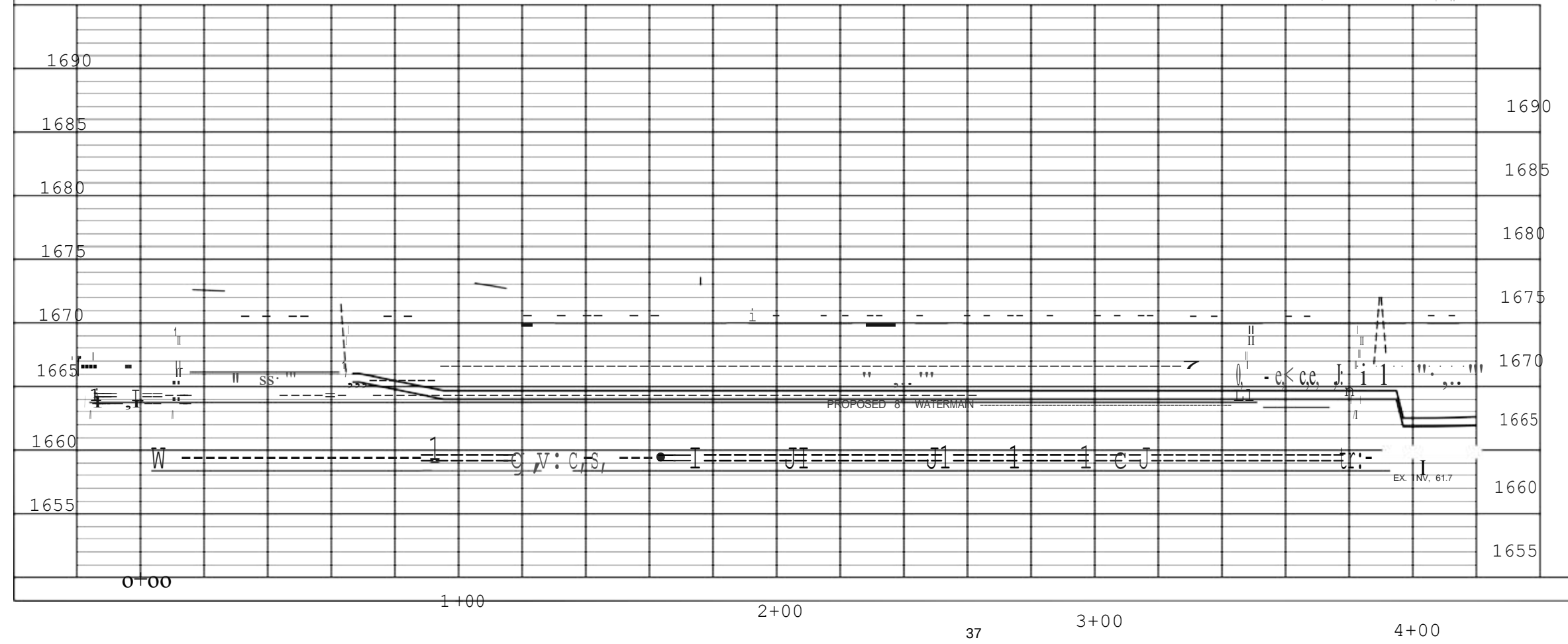
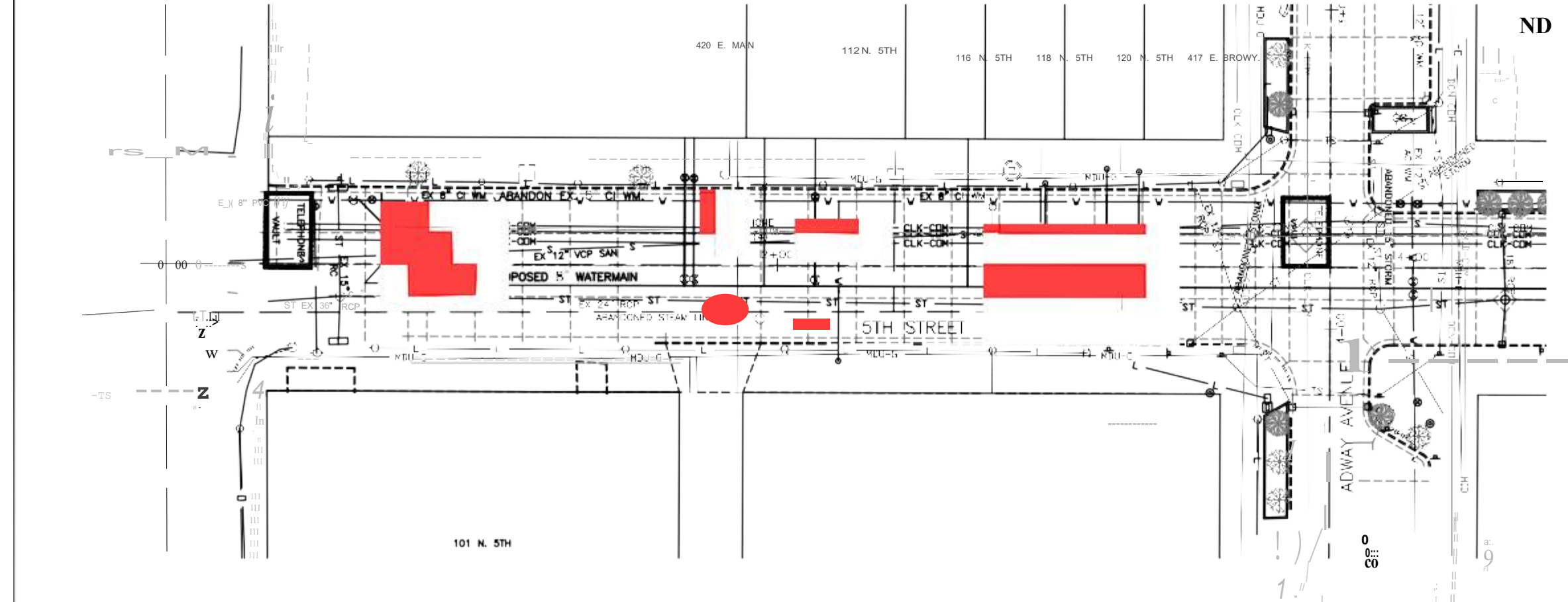
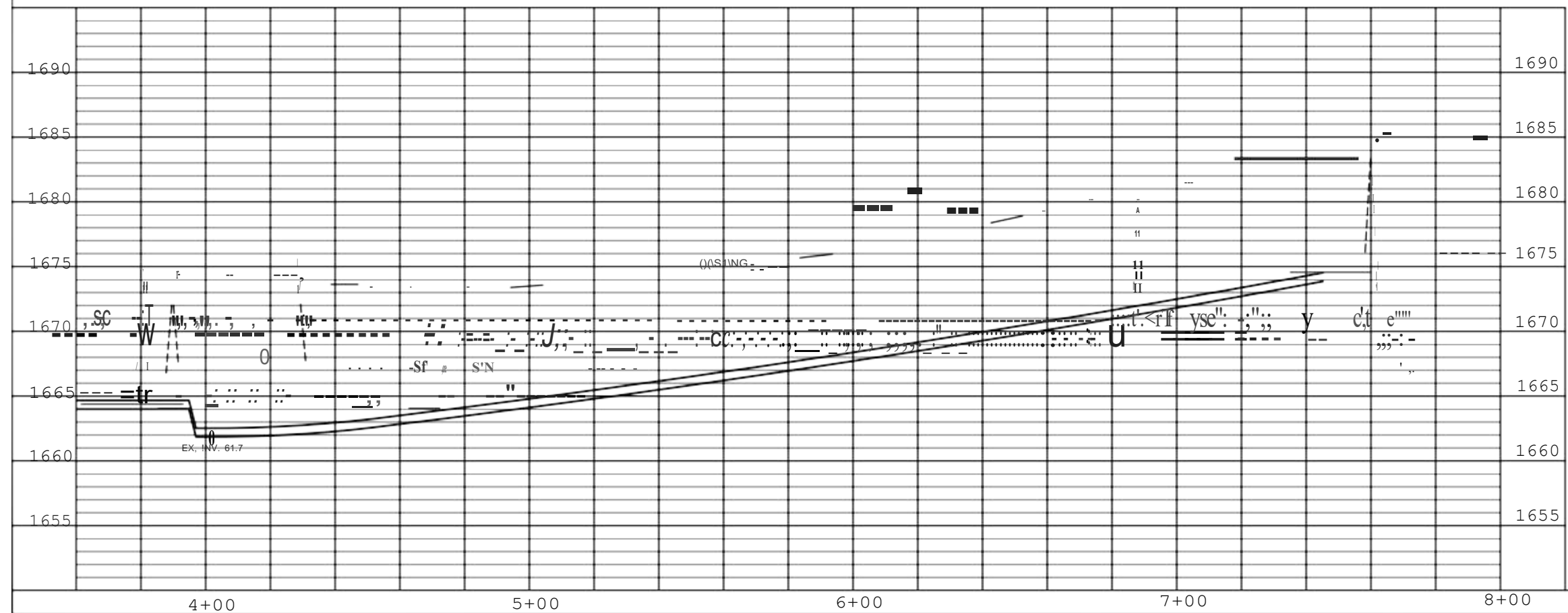
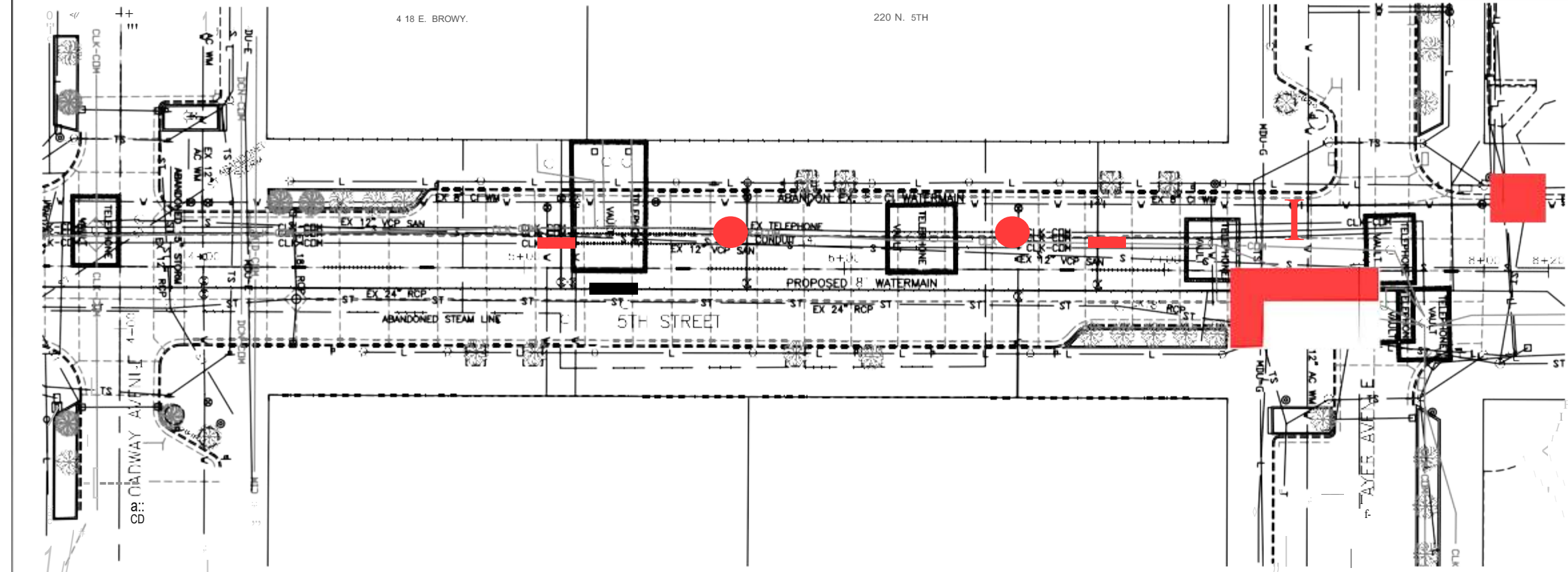


EXHIBIT E.41

	STATE	PROJECT NO.	SECTION NO.	SHEET NO.
	ND	UGP-1-981(120)	60	3



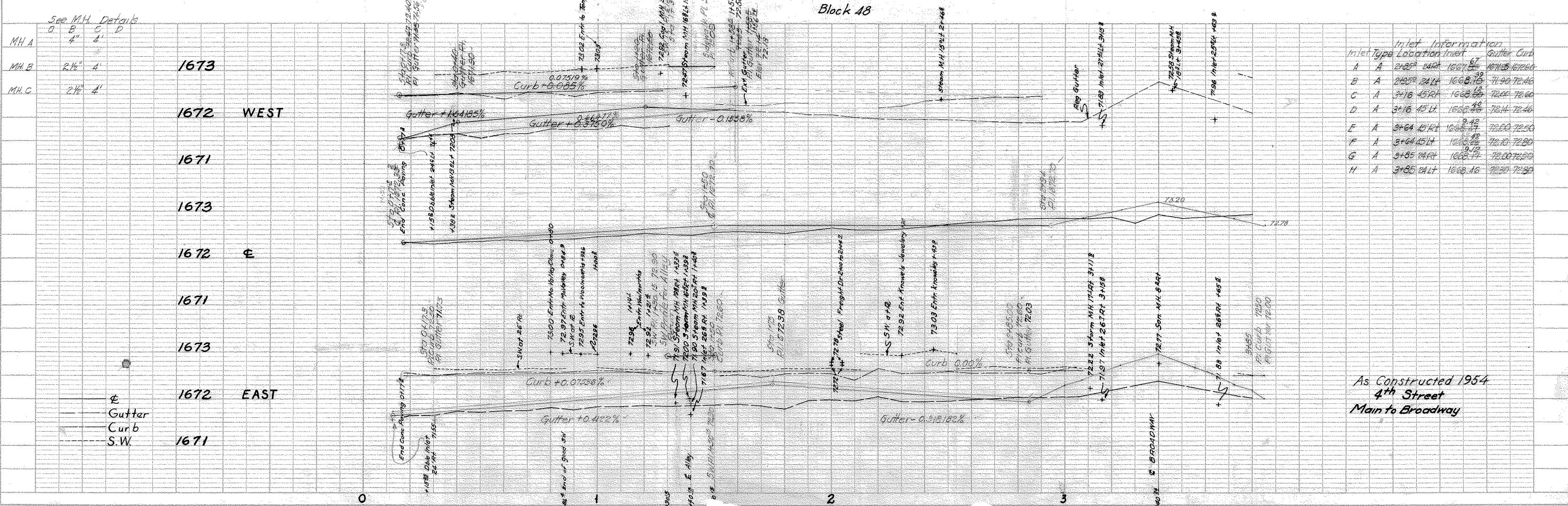
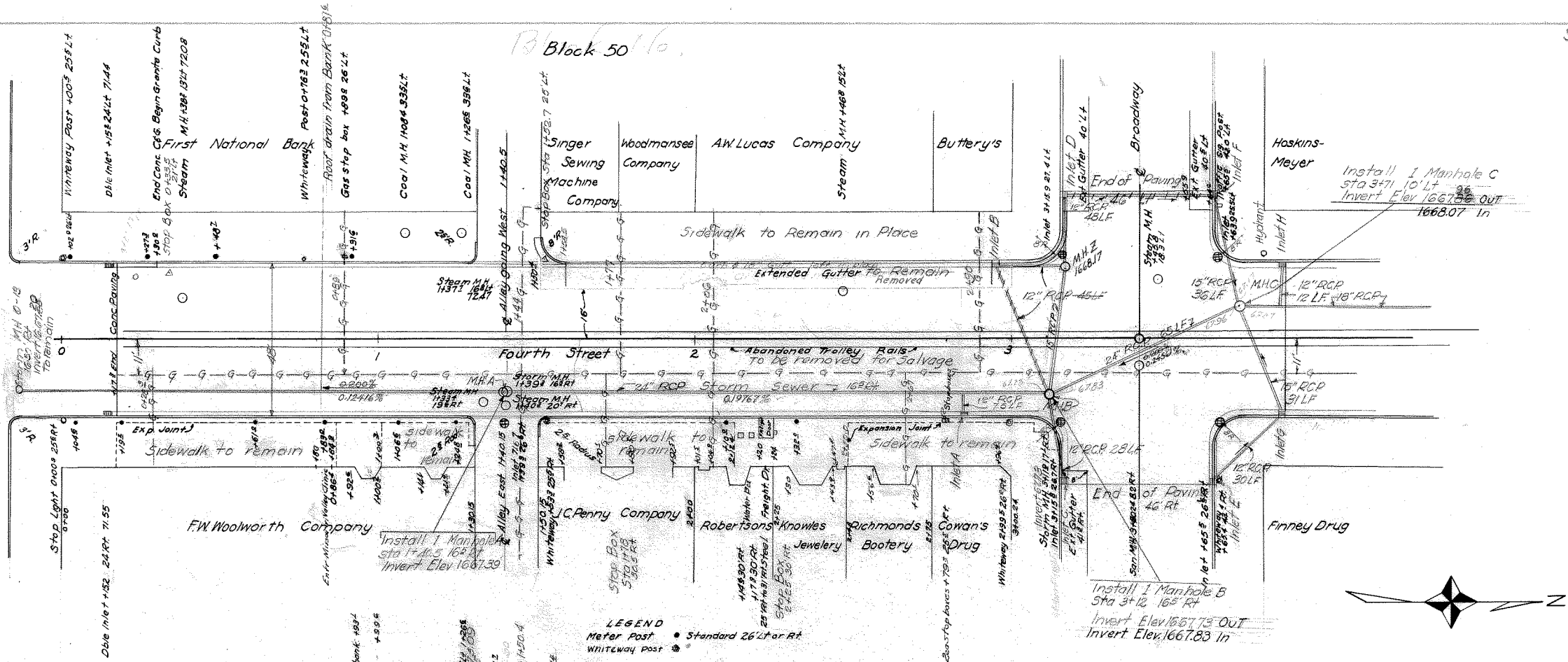
HC 128 - DOWNTOWN BISMARCK CPR PROJECT



EXHIBIT G

Estimated
Summary of Quantities

8" P.C.C. Pavement	2072.0 SY
Variable Stra Curb & Gutter	535.9 LF
Variable Curved Curb & Gutter	504 LF
3" Sand Subbase	180.5 CY
4" Concrete Sidewalk	374.7 SY
Pavement Removal	2072.0 SY
Curb & Gutter Removal	576.2 LF
4" Concrete Sidewalk Removal	374.7 SY
Unclassified Excavation	357 CY
4" Expansion Joint M#1	8860 LF
Water for Compaction	39 Magal
Curb Inlets Type A	8 Ea
Manholes	3 Ea
24" R.C.P. Sewer	390 LF
15" R.C.P. Sewer	67 LF
12" R.C.P. Sewer	170.5 LF





DECLARATION

The City of Bismarck - Historic Preservation Commission has been advised of the proposed **Downtown Bismarck – Street Improvements** referenced as **NDDOT Project #: UGP-1-981(120) and UGP-1-981(122)** and hereby (AGREE) (DISAGREE) with NDDOT's determination of No Adverse Effect and the proposed associated Cultural Resource Discovery Plan.

Additional Comments:

Amy Sakariassen, Chair
Bismarck Historic Preservation Commission

Dated: _____



MEMORANDUM

Highland Acres Nomination Consultant Selection

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, AICP, Planner

DATE: August 13, 2021

A selection committee is scheduled to meet on Tuesday, August 17, 2021 to review, rank and score the written proposals received in response to the request for proposals (RFP) for the Highland Acres National Register of Historic Places Nomination. Since this meeting will not occur until after the time this memorandum was written, staff will present the final scores of the proposals at your August 18, 2021 meeting. The proposals will be evaluated based on the following criteria that were listed in the RFP and weighted based on the average percentage indicated by all selection committee members.

1. Qualifications and experience of the consultant – reference checks, achievements and completion of similar projects within the past five years.
2. Project Team – qualifications and experience of the principal consulting staff proposed to work on the project, variety and application of various disciplines within team, and availability and qualifications of the subcontracting staff.
3. Grasp of project requirements and understanding of project scope – the consultant's/firm's analysis, preparation and level of interest.
4. Approach/methodology in completing scope of services – technical alternatives, creativity and problem-solving ability.
5. Responsiveness and compatibility between consultant, State Historic Preservation Office and the Bismarck Historic Preservation Commission – general attitude, ability to communicate with general public.
6. Proposed schedule required to complete project and ability to complete the project on time and within budget.
7. Proposed cost to complete project.

After each selection committee member evaluates each proposal, they will rank each firm's written proposal from one (1) to ten (10) with one (1) being the highest and ten (10) being the lowest. The selection committee member's individual final ranks will be combined and averaged for final scores.

Staff Recommended Action:

Review the selection committee's final ranking of proposals and make a motion to select a consultant to proceed with contract negotiations for the National Register Nomination of Highland Acres which will be approved by the Bismarck City Commission.

BISMARCK HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
July 21, 2021

The Bismarck Historic Preservation Commission met on July 21, 2021, at 3:30 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. The meeting was held in person and via Zoom.

Commissioners present were Walt Bailey, Steve Bakken, Blake Dinkins, Tory Jackson, Beth Nodland and Amy Sakariassen.

Commissioner Calvin Grinnell was not present.

Staff members present were Sandra Bogaczyk – Office Assistant II, Janelle Combs – City Attorney, Ben Ehreth – Community Development Director and Will Hutchings – Planner.

No guests were present.

MINUTES

Chair Sakariassen called for consideration of the minutes of the June 16, 2021 meeting of the Historic Preservation Commission.

MOTION: A motion was made by Commissioner Dinkins to approve the minutes of the June 16, 2021 meeting of the Historic Preservation Commission, as presented. The motion was seconded by Commissioner Jackson and with Commissioners Bailey, Bakken, Dinkins, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

PUBLIC COMMENT

Chair Sakariassen asked if there were any public comments.

There being no public input Chair Sakariassen resumed the meeting.

HIGHLAND ACRES NOMINATION REQUEST FOR PROPOSALS

Mr. Hutchings stated that the City of Bismarck has been awarded a Historic Preservation Fund grant to help cover the costs associated with hiring a qualified consultant to prepare a nomination to the National Register of Historic Places for the Highland Acres neighborhood. The anticipated cost for this project is \$15,000 and the costs associated will be covered by the awarded grant fund with in-kind match.

Mr. Hutchings stated that staff has drafted a Request for Proposals for this project with the assistance of the State Historic Preservation Office and are requesting review and approval from the Historic Preservation Commissioners electronically.

Any chosen consultant is required to hold one neighborhood meeting in October, 2021 to provide information about the nomination process and address property owner concerns

about being listed on the National Register of Historic Places. A presentation for the public to attend and ask questions will be held during the February 16, 2022 Historic Preservation Commission meeting. The consultant will be required to attend and present at the State Review Board in late April 2022.

The RFP will be posted on July 26, 2021 listing key milestones to be hit, with the final project concluding by May 21, 2022.

Members discussed several edits to the distributed document.

Mr. Hutchings stated that he will follow up with the State regarding the need for certain parameters given that they seem unnecessary for the scope of the project. Ms. Combs stated that the level of detail might not be appropriate for such a small project.

Chair Sakariassen stated that she appreciated the timeline to have an overview and to keep on track.

MOTION: A motion was made by Commissioner Bakken to approve the staff and Commission recommendations, as presented, for the Highland Acres Nomination Request for Proposals with the assistance of the State Historic Preservation Office. The motion was seconded by Commissioner Jackson and with Commissioners Bailey, Bakken, Dinkins, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

Mayor Bakken stated that the Historic Preservation Commission was formed alongside with the property owners of Highland Acres requesting a process to nominate the neighborhood to be on the National Register of Historic Places. He stated how pleased he was that staff and commissioners have acted upon this neighborhood request so quickly and effectively.

OTHER BUSINESS

UPDATE ON TALKING TRAILS PROJECT

Mr. Hutchings stated that staff has executed a contract with Talking Trails to develop the material for the 10 sites that were chosen to highlight. They will start the narratives and bring before the Commission before it is finalized.

UPDATE ON HISTORIC WALKING MAPS PROJECT

Mr. Hutchings stated that The Printers have been chosen for the Historic Walking Maps project. There will be upcoming meeting to decide the level of detail and which sites will be chosen.

Mr. Hutchings also suggested that next month's regular meeting could be moved to 3 p.m. instead of 3:30 p.m. since there is a meeting using the same room following closely afterwards. Commissioners agreed the earlier time is appropriate.

ADJOURNMENT

There being no further business, Chair Sakariassen declared the meeting of the Bismarck Historic Preservation Commission adjourned at 3:57 p.m. to meet again on August 18, 2021.

Respectfully Submitted,

Sandra Bogaczyk
Recording Secretary

APPROVED:

Amy Sakariassen, Chair

DRAFT