

44 direct effects for the undertaking as shown on Attachment A; and

45 **WHEREAS**, the NPS, in consultation with the MnDNR and the MnSHPO, has identified the
46 following historic properties in the APE that have been determined eligible for listing in the
47 National Register of Historic Places (NRHP): Skyline Parkway Historic District (district eligible
48 for listing in the NRHP includes contributing properties: Lincoln Park, Lincoln Park Bridge,
49 Lincoln Park Drive, Lincoln Park Pavilion), Lincoln Park (individually eligible for listing in the
50 NRHP), and Zion Lutheran Church; and

51 **WHEREAS**, the NPS, in consultation with the MnDNR and the MnSHPO, has reviewed the
52 "Lincoln Park Improvement Project Updated and Assessment of Effects" (June, 2021), which
53 was based on the "Lincoln Park Site Improvements" (6/14/2019), the Lincoln Park Pavilion
54 architectural drawings (6/7/2021), and the draft schematic plans for Lincoln Park Drive
55 (6/29/2021), and has found that certain aspects of the Project, as described in the said
56 documentation, have been designed and are consistent with the Secretary of the
57 Interior's *Standards for the Treatment of Historic Properties* which will avoid and minimize
58 adverse effects to character-defining features of: the Skyline Parkway Historic District and
59 Lincoln Park; and

60
61 **WHEREAS**, the NPS, in consultation with the MnDNR and the MnSHPO, has found that the
62 Project will have no adverse effect on the Zion Lutheran Church; and

63 **WHEREAS**, the NPS, in consultation with the MnDNR, the MnSHPO, and consulting parties,
64 has found that the removal of Lincoln Park Wall Nos. 1 and 3 as part of the Project will result in
65 an adverse effect to the Skyline Parkway Historic District and Lincoln Park; and

66 **WHEREAS**, the NPS, in consultation with the MnDNR, the MnSHPO, and consulting parties,
67 has found that there is no practicable alternative that will avoid the adverse effect to historic
68 properties and has developed this Memorandum of Agreement (MOA) to resolve the adverse
69 effects; and

70 **WHEREAS**, requirements for public involvement were completed pursuant to 36 CFR 800.2(d)
71 including presentations at public meetings, posting on the City's website, and review by the
72 Duluth Heritage Preservation Commission, which has issued a Certificate of Appropriateness for
73 the rehabilitation of the Lincoln Park Pavilion, a locally designated landmark, and has expressed
74 support for the Project as a whole; and

75 **WHEREAS**, federally recognized Native American tribes have been invited to consult on the
76 undertaking, as summarized in Attachment B, and the Fond du Lac Band of Lake Superior
77 Chippewa has requested to participate in consultation; and

78 **WHEREAS**, the Fond du Lac Band of Lake Superior Chippewa, the Duluth Heritage
79 Preservation Commission, Scott A. Marek, and Equilibrium 3 have been invited to participate in
80 the consultation and have been invited to sign this MOA as Concurring Parties; and

81 **WHEREAS**, the MnDNR has responsibilities under this MOA and is an Invited Signatory to
82 this MOA; and

83 **WHEREAS**, the City has responsibilities under this MOA and is an Invited Signatory to this
84 MOA; and

85 **WHEREAS**, the NPS initially notified the Advisory Council on Historic Preservation (ACHP)
86 of the Project in 2019 and provided documentation related to the proposed Project and the ACHP
87 declined to participate at that time; and

88 **WHEREAS**, in accordance with 36 CFR 800.6(a)(1), the NPS reinitiated Section 106 for the
89 proposed Project and has notified the ACHP of the adverse effect determination and has
90 provided the documentation specified in 36 CFR 800.11(e), and the ACHP has chosen not to
91 participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and

92 **WHEREAS**, the Signatories, Invited Signatories, and Concurring Parties, are all considered
93 Consulting Parties pursuant to 36 CFR 800.2(c) and their roles are described herein are
94 consistent with those described in 36 CFR 800.6(c)(1), (2), and (3) respectively;

95 **WHEREAS**, the City shall implement the Project and shall complete the stipulations of this
96 MOA, the NPS, with assistance from the MnDNR, shall be responsible for ensuring that
97 implementation of the Project meets the terms of this MOA; and

98
99 **NOW, THEREFORE**, the NPS and SHPO agree that the Project shall be implemented in
100 accordance with the following stipulations in order to resolve the adverse effects of the Project
101 on historic properties.

102 **STIPULATIONS**

103 The NPS, with the assistance of the MnDNR, is responsible for ensuring the following measures
104 are carried out:

105 **I. MITIGATION MEASURES**

106 **A. Public Interpretation: Interpretive Plan**

107 i. The City shall prepare and implement a plan for incorporating an appropriate
108 level of public interpretation of the history and significance of Lincoln Park and
109 Skyline Parkway (Interpretive Plan). The Interpretive Plan shall be informed by
110 the National Association for Interpretation's Standards and Practices for
111 Interpretive Planning. The team preparing the content and location of the
112 Interpretive Plan shall include a qualified historian and/or architectural historian
113 who meets the Secretary of the Interior's (SOI's) *Professional Qualification*
114 *Standards* (48 FR §§ 44738-44739) for history and/or architectural history.

115 a. Within six (6) months of the execution of this MOA, the City shall prepare
116 a draft Interpretive Plan including themes for interpretation, planned
117 modes for delivering the interpretation, and draft text and graphics for
118 each mode. Modes may include, but not be limited to webpages,
119 interpretive signage, walking tours, and integration of interpretive
120 elements into the Project. In order to avoid additional adverse effects to
121 historic properties, any installation of new signage or other interpretive

- 122 elements proposed as part of the Interpretive Plan must be designed in
123 accordance with the Secretary of the Interior's *Standards for the*
124 *Treatment of Historic Properties* and associated *Guidelines for the*
125 *Treatment of Cultural Landscapes*.
- 126 b. Prior to issuance of a draft Interpretive Plan, the City shall invite the
127 Consulting Parties to a consultation meeting to provide an overview of the
128 proposed Interpretive Plan and receive input.
- 129 c. The City shall submit the draft Interpretive Plan to the NPS and the
130 MnDNR for coordination of review. Following approval of the draft
131 Interpretive Plan by the MnDNR, the MnDNR shall distribute the draft
132 Plan to the Consulting Parties for a thirty (30) calendar day review and
133 comment period.
- 134 d. Following receipt of, and in response to, comments from the Consulting
135 Parties, the City may revise the draft Interpretive Plan. If the City chooses
136 not to incorporate a recommended modification made in writing by the
137 Consulting Parties, then the City and the MnDNR shall provide a written
138 explanation to the Consulting Parties and consult, as appropriate, to seek
139 resolution.
- 140 e. The City shall submit the final Interpretive Plan to the MnDNR for
141 coordination of final review with the MnSHPO. Following review of the
142 final Interpretive Plan by the MnSHPO, the MnDNR shall distribute to all
143 Consulting Parties for review and comment. The MnSHPO may disagree
144 with the Interpretive Plan in writing to the MnDNR. Upon receiving such
145 comments, the MnDNR and the City shall consult with the MnSHPO and
146 other Consulting Parties, as appropriate, to seek resolution in accordance
147 with Stipulation III of this MOA.
- 148
- 149 f. Upon final approval by the MnDNR, the City shall distribute the final
150 Interpretive Plan to all Consulting Parties.
- 151 g. Within two (2) years after approval of the final Interpretive Plan, the City
152 shall complete its implementation of the Interpretive Plan.

153 B. Historic Property Documentation: Minnesota Historic-Property Record

- 154 i. Prior to commencement of any Project-related construction activity, the City shall
155 complete Level I Documentation of Lincoln Park for the Minnesota Historic
156 Property Record (Level I MHPR) according to the provisions outlined below. All
157 documentation shall be completed by a historian and/or architectural historian
158 who meets the SOI's *Professional Qualification Standards* (48 FR §§ 44738-
159 44739) for history and/or architectural history.
- 160 a. Recordation will be completed in accordance with the "Minnesota Historic
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Property Record Guidelines (updated June 2009)” Level I Documentation standards.

- b. The City shall provide the MnSHPO with a draft version of the Level I MHPR for review and comment. The MnSHPO shall have thirty (30) calendar days to review the Level I MHPR. The City will take the comments of the MnSHPO into account in developing the final Level I MHPR.
- c. The City shall provide a final archival copy and a digital (PDF) copy of the Level I MHPR to the MnSHPO. The City shall provide a high-quality digital (PDF) copy of the Level I MHPR to the NPS, the MnDNR, the Duluth Heritage Preservation Commission, the Duluth Collection at the Duluth Public Library, and the Northeastern Minnesota Historical Collections at the Kathryn A. Martin Library, University of Minnesota-Duluth. Submission of these final Level I MHPR sets will constitute fulfillment of this stipulation.

C. National Register of Historic Places Nomination

- i. Within two (2) years following execution of this MOA, the City, in consultation with the Consulting Parties, shall prepare a National Register of Historic Places Nomination Form (NRHP Nomination) for Lincoln Park.
- ii. The City shall have a qualified consultant prepare the NRHP Nomination in conformance with the National Park Service’s Bulletin 16A *How to Complete the National Register Registration Form*. The NRHP Nomination shall be prepared by a historian and/or architectural historian who meets the SOI’s *Professional Qualification Standards* (48 FR §§ 44738-44739) for history and/or architectural history, and who has successfully completed previous NRHP nominations.
- iii. The City shall submit the first draft NRHP Nomination, and any subsequent drafts, to the MnSHPO for formal review and comment. The MnSHPO shall have sixty (60) calendar days to provide written comments on the initial draft NRHP Nomination. Any subsequent drafts of the NRHP Nomination, up to and including the final NRHP Nomination, shall incorporate any written comments and recommendations provided by the MnSHPO. As needed, review of multiple drafts may be required, and the MnSHPO shall have thirty (30) calendar days to provide comments on each subsequent version after the initial draft NRHP Nomination review.
- iv. The actual nomination of Lincoln Park to the NRHP will be at the discretion of the MnSHPO and will follow the established procedures of the National Park Service (36 CFR § 60). The intent of this stipulation shall be met following the MnSHPO notification to the City that the NRHP Nomination for Lincoln Park is sufficient and has been forwarded to the State Review Board for formal consideration.

208

209 **II. PROJECT DESIGN REVIEW**

210 A. The Project plans (drawings, specifications, special provisions, appendices, etc.)
 211 including plans for temporary construction -related work, shall effectively meet the
 212 Project purpose and be designed consistent with the SOI's *Standards for the Treatment of*
 213 *Historic Properties* (36 CFR Part 68) and associated SOI's *Guidelines for the*
 214 *Rehabilitation of Historic Buildings and Cultural Landscapes* (SOI Standards and
 215 Guidelines) in an effort to avoid and minimize additional adverse effects to historic
 216 properties.

217 B. The City shall prepare updated 90% Project plans in accordance with the SOI Standards
 218 and Guidelines and submit them to the NPS and the MnDNR agency review and for
 219 coordination of review by parties to this MOA.
 220

221 D. If the NPS and the MnDNR find that the 90% Project plans will not expand the APE and
 222 have been developed consistent with the SOI Standards and Guidelines in order to avoid
 223 additional adverse effects to historic properties within the APE, the NPS shall issue this
 224 finding, along with an appropriate level of documentation including the 90% Project
 225 plans, to the Consulting Parties for a thirty (30) day review and comment period. If there
 226 are no objections to the NPS finding of the 90% Project plans' consistency with the SOI
 227 Standards and Guidelines and corresponding finding of effect, then the City shall finalize
 228 the Project plans accordingly. If there are written objections to the NPS finding of the
 229 90% Project plans consistency with the SOI Standards and Guidelines and corresponding
 230 finding of effect, then the NPS and the MnDNR will continue consultation with the
 231 objecting party(ies) pursuant to Stipulation III of this MOA.
 232

233 E. If the NPS and the MnDNR find that the Project plan modifications will result in
 234 additional adverse effects to historic properties, the NPS and the MnDNR shall first
 235 consult with the Consulting Parties in accordance with 36 CFR 800.6 to seek ways to
 236 avoid and/or minimize the adverse effect. The Consulting Parties shall have thirty (30)
 237 days to review and provide comments on this effect finding. If it is determined that the
 238 adverse effect cannot be avoided, the NPS and the MnDNR will consult with the
 239 Consulting Parties, and the public, as appropriate, to develop a Mitigation Plan
 240 (Mitigation Plan) for the adverse effect, taking into account the character and significance
 241 of the historic property and the nature and scale of the adverse effect. Any newly
 242 identified consulting parties under this stipulation will be invited to sign this MOA as
 243 concurring parties pursuant to Stipulation IV.
 244

245 i. The Mitigation Plan shall be developed within forty-five (45) calendar days of
 246 any adverse effect finding made under this stipulation. The NPS and the MnDNR
 247 shall provide a copy of the draft Mitigation Plan to the Consulting Parties who
 248 shall have thirty (30) calendar days to provide comments on the Mitigation Plan
 249 prior to the initiation of Project construction, or fifteen (15) calendar days to
 250 provide comments on any Mitigation Plan prepared during Project construction.

251 a. If the Consulting Parties do not provide comments during the review

252 periods specified in Subparagraph E(i) of this Stipulation, the NPS and the
253 MnDNR shall consider it final, and the City will move forward with the
254 Mitigation Plan as provided.

255 b. The NPS and the MnDNR shall take into account any comments provided
256 by the Consulting Parties during the review period specified in
257 Subparagraph E(i) of this Stipulation in the development of a final
258 mitigation plan. The Mitigation Plan will be final upon acceptance by the
259 MnSHPO and written notice by the NPS and the MnDNR. The NPS and
260 the MnDNR shall provide copies of all final Mitigation Plans to the
261 Consulting Parties.

262 c. Upon completion of consultation under this stipulation, the City shall
263 ensure that the terms and conditions of the final Mitigation Plan are fully
264 implemented.

265 **III. TRIBAL MONITORING**

266 A. The City shall develop a tribal monitoring plan in consultation with the Fond du Lac
267 Band of Lake Superior Chippewa (Fond du Lac) Tribal Historic Preservation Officer
268 (THPO) to provide for tribal monitors to be present on site during activities associated
269 with the Project's construction that may have the potential to inadvertently affect cultural
270 resources or human remains. The City and the Fond du Lac THPO shall develop a budget
271 of monitor-related expenses, and the City shall contract with Fond du Lac to perform the
272 agreed upon work.

273
274 B. The City shall submit the tribal monitoring plan to the NPS for review and confirmation
275 with the Fond du Lac THPO.

276
277 C. Following consultation with the Fond du Lac THPO, the NPS shall notify the City that
278 the tribal monitoring plan is appropriate or outline necessary revisions. A copy of the
279 final tribal monitoring plan will be provided to the Fond du Lac THPO for their records.

280
281 D. The City may not begin any Project construction until the tribal monitoring plan has been
282 approved by the NPS and Fond du Lac.

283

284 **IV. INADVERTENT DISCOVERIES**

285 A. If previously unidentified historic properties (including archaeological sites) or
286 unanticipated effects to historic properties (including exceptionally significant finds) are
287 discovered during Project activities and reported to the City, the City shall immediately
288 halt all Project activities within a one hundred (100) foot radius of the discovery, notify
289 the NPS and the MnDNR of the discovery, and implement interim measures to protect
290 the discovery from looting and vandalism.

291

292 B. Immediately upon receipt of the notification required under Stipulation IV.A above, the
293 City, and the MnDNR, will inspect the construction site to determine the extent of the

294 discovery and ensure that construction activities have halted, clearly mark the area of
295 discovery, and implement additional measures, as appropriate, to protect the discovery
296 from looting and vandalism, and notify the MnSHPO and the Fond du Lac THPO.
297

298 C. The MnDNR, in consultation with the MnSHPO and the Fond du Lac THPO, will design
299 a plan for avoiding, minimizing, or mitigating any further adverse effects prior to
300 resuming Project activities in the area of the discovery, if the discovery is determined to
301 be a historic property.
302

303 Treatment of Human Remains: If an inadvertent discovery contains human remains, the
304 City will immediately halt Project construction work in the area of discovery, will ensure
305 protection of the area of discovery, and will immediately notify local law enforcement
306 and the Office of the State Archaeologist (OSA), the lead state agency for authentication
307 of burial sites on non-federal lands. In accordance with Minn. Stat. § 307.08, the OSA
308 has the final authority in determining if the remains are human and to ensure appropriate
309 procedures are carried out in accordance with the statutes. Avoidance and preservation in
310 place is the preferred option for the treatment of human remains. In accordance with
311 Minn. Stat. § 307.08, subd. 3a, the OSA is required to coordinate with the Minnesota
312 Indian Affairs Council (MIAC) if the remains or associated burial items are thought to be
313 American Indian. The City and MnDNR shall work with the OSA and MIAC to develop
314 and implement a reburial plan if that is the approach preferred as determined in
315 accordance with Minn. Stat. § 307.08.
316

317 **V. DISPUTE RESOLUTION**

318 A. Should any Consulting Party to this MOA object to or be unable to complete the
319 execution of any provisions of this MOA, the NPS and the MnDNR shall take the
320 objection into account and consult as needed with the objecting party to resolve the
321 objection.

322 B. If the NPS determines that the objection cannot be resolved, the NPS shall request the
323 further comments of the ACHP pursuant to 36 CFR 800.7.

324 C. Any ACHP comment provided in response to such a request will be taken into account by
325 the NPS in accordance with 36 CFR 800.7(c)(4) with reference only to the subject of the
326 dispute; the responsibility of the Consulting Parties to carry out all actions under this
327 MOA that are not the subjects of the dispute will remain unchanged.

328 **VI. DURATION, AMENDMENTS, AND TERMINATION**

329 A. This MOA will automatically terminate if its terms are not carried out within five (5)
330 years from the date of its execution. Prior to such time, the NPS may consult with the
331 MnDNR, the MnSHPO, and the City to amend it in accordance with Subparagraph VI.B
332 below.

333 B. This MOA may be amended when such an amendment is agreed to in writing by all
334 Signatories and Invited Signatories. The amendment will be effective on the date a copy

- 335 signed by all of the Signatories and Invited Signatories is filed with the ACHP.
- 336 C. If any Signatory or Invited Signatory to this MOA determines that its terms will not or
337 cannot be carried out, that party shall immediately consult with the other Signatories and
338 Invited Signatories to attempt to develop an amendment per Subparagraph B above. If
339 within sixty (60) calendar days an amendment cannot be reached, any Signatory or
340 Invited Signatory may terminate the MOA upon written notification to the other
341 Consulting Parties.
- 342 D. Once the MOA is terminated, and prior to work continuing on the undertaking, the NPS
343 must either (a) execute an MOA pursuant to 36 CFR 800.6 or (b) request, take into
344 account, and respond to the comments of the ACHP under 36 CFR 800.7. The NPS shall
345 notify the parties to this MOA as to the course of action they will pursue.

346 **VII. IMPLEMENTATION**

- 347 A. This MOA may be implemented in counterparts, with a separate page for each Consulting
348 Party. This MOA shall become effective on the date of the final signature by the
349 Signatories and Invited Signatories. The NPS and the MnDNR shall ensure each party is
350 provided with a complete copy of the final, executed MOA, updates to appendices, and
351 any amendments. The NPS and the MnDNR shall ensure that the final MOA, updates to
352 appendices, and any amendments are filed with the ACHP.
- 353 B. Execution of this MOA by the NPS and SHPO and implementation of its terms is
354 evidence that the NPS has taken into account the effects of its undertaking on historic
355 properties and has afforded the ACHP opportunity to comment pursuant to Section 106
356 of the National Historic Preservation Act.

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

SIGNATORY

NATIONAL PARK SERVICE

DocuSigned by:
By: Roger Knowlton Date July 8, 2022
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Roger Knowlton, Program Manager Recreation Grant Programs
Authorized Representative

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
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REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

SIGNATORY

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

By: DocuSigned by:
Amy Spong _____ Date June 10, 2022
598830C8C3AB488
Amy Spong, Deputy State Historic Preservation Officer
Authorized Representative

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

INVITED SIGNATORY

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

DocuSigned by:
By: Ann Pierce Date June 23, 2022
12BDD13EB344BA
Ann Pierce, Director, Parks and Trails Division
Authorized Representative

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**


INVITED SIGNATORY

CITY OF DULUTH

By 
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Date June 16, 2022

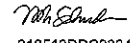
Mayor

Attest 
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Date June 16, 2022

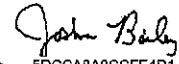
City Clerk

By Chief Administrative Officer


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June 17, 2022

Countersigned:

City Auditor 
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June 16, 2022

Approved as to form:

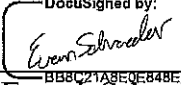
City Attorney 
 F4C4D28DF08942A...

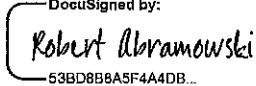
June 17, 2022

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

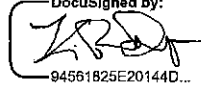
CONCURRING

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

By:  Date July 7, 2022
Evan J. Schroder, Tribal Historic Preservation Office
Authorized Representative


53BD8B8A5F4A4DB...
Sec. Treasurer

July 8, 2022


94561825E20144D...
Chairman

July 8, 2022

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

CONCURRING

DULUTH HERITAGE PRESERVATION COMMISSION

DocuSigned by:
By: Ken Buehler Date July 7, 2022
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Ken Buehler, Heritage Preservation Commissioner
Authorized Representative

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL LPARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

CONCURRING

ECOLIBRIUM 3

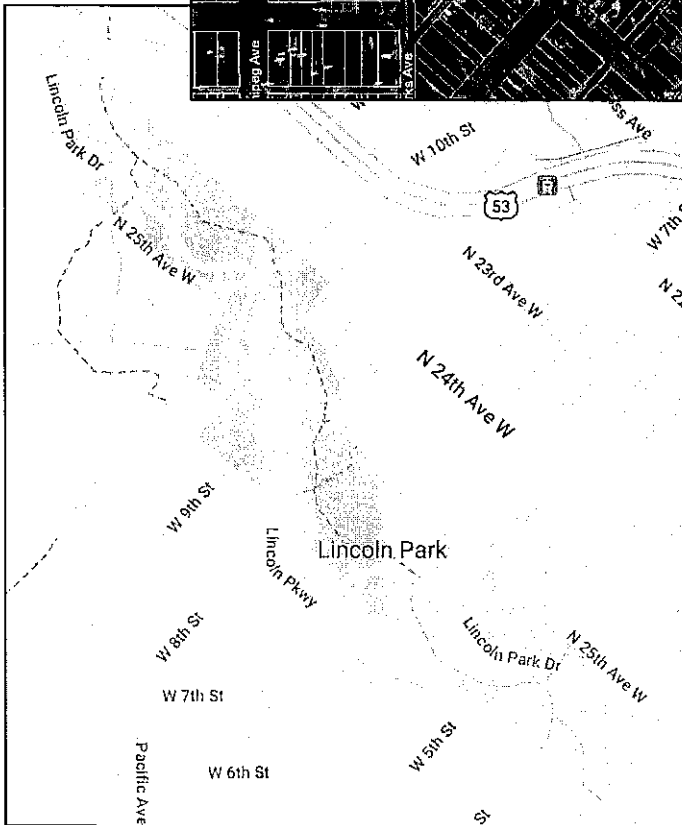
By: _____ Date _____
Jodi Slick, Executive Director
Authorized Representative

**MEMORANDUM OF AGREEMENT
AMONG
THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

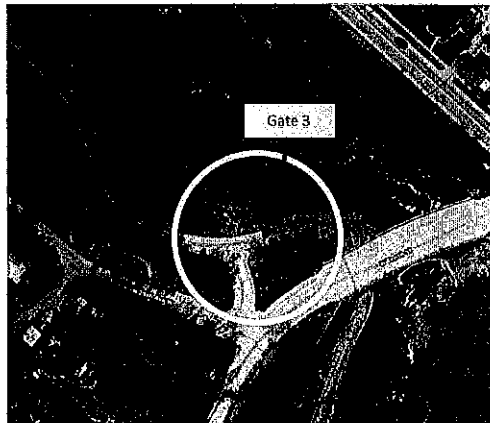
CONCURRING

By: _____ Date _____
Scott Marek
Consulting Party

ATTACHMENT A: AREA OF POTENTIAL EFFECT



The APE illustrated above and below include areas that will be physically affected by the project or might be subject to indirect visual effects. The project will not physically affect or be visible from most of Lincoln Park. If the project makes Lincoln Park ineligible for the National Register, however, it would have an effect on the entire park, so the park as a whole (left) is also in the APE.



**ATTACHMENT B: FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBES
INVITED TO CONSULT ON THE UNDERTAKING**

1. Apache Tribe of Oklahoma
2. Fort Peck Assiniboine and Sioux Tribes
3. Bad River Band of Lake Superior Tribe of Chippewa
4. Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe
5. Cheyenne and Arapaho Tribes, Oklahoma
6. Fond du Lac Band of Lake Superior Chippewa
7. Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
8. Grand Portage Band of the Minnesota Chippewa Tribe
9. Keweenaw Bay Indian Community
10. Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
11. Lac Vieux Desert Band of the Lake Superior Chippewa Indians
12. Menominee Indian Tribe of Wisconsin
13. Mille Lacs Band of the Minnesota Chippewa Tribe
14. Upper Sioux Community, Minnesota
15. White Earth Band of the Minnesota Chippewa Tribe
16. Fond du Lac Band of Lake Superior Chippewa



City of Duluth

411 West First Street
Duluth, Minnesota
55802

Certified Copy

Resolution: 22-0490R

File Number: 22-0490R

RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE NATIONAL PARKS SERVICE, THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE, AND THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES REGARDING THE LINCOLN PARK IMPROVEMENT PROJECT

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into a memorandum of agreement, substantially the same attached hereto as Exhibit A, with the National Parks Service, the Minnesota State Historic Preservation Office, and the Minnesota Department of Natural Resources regarding improvements at Lincoln Park as part of the requirements of the section 106 review process.

This Resolution was adopted unanimously.
Absent: President Forsman

I, Ian B. Johnson, City Clerk of the City of Duluth, Minnesota, do hereby certify that I have compared the foregoing passed by the city council on 6/13/2022, with the original approved and that the same is a true and correct transcript therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said city of Duluth.

Ian B Johnson

07/11/2022

Date Certified