



MEETING AGENDA

Duluth Heritage Preservation Commission, Special Meeting
To view the meeting, visit <http://duluthmn.gov/live-meeting>

Monday, June 14, 2021, 12:00 PM
(Note: Special Date, Time, and Location)

1. Call to Order/Determination of Quorum

2. Public Hearings (None at this Time)

3. Consideration of Minutes (May 10, 2021)

4. Communications

-SHPO Draft Statewide Historic Preservation Plan 2021-2031, Public Comment Period Ends July 25, 2021

5. Report of Final Disposition of Matters Previously Before the Commission (None at This Time)

6. Reports of Officers, Staff and Committees

-Planning Commission Items of Note

7. Consideration of Matters Regarding Commission Action

-City of Duluth and DEDA Intent to Rehabilitate Seawall Behind the DECC (Baywalk), Request for Comments by June 17 2021

8. Other Business

-Update on RFP for Historic Downtown Design Guidelines, Introduction with Staff from JMT and Draft Project Timeline

-Historic Old Main, Images (Historic Preservation District, 50-18.3)

9. Adjournment (Next Regular Scheduled Meeting (Monday, July 12, 2021))

NOTICE: The Heritage Preservation Commission will be holding its June 14, 2021 Special Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Some members of the Board will be participating through video conference. Due to the COVID-19 emergency and the closure of City facilities, public comment will not be taken in person. However, members of the public can monitor the meeting and provide public comment on agenda items through WebEx Events. Visit <https://duluthmn.gov/live-meeting> to access the meeting. The public is also encouraged to submit written comment to planning@duluthmn.gov prior to the meeting. Please include "HPC Agenda" in the subject line, and include your name and address and the agenda item you are speaking to. Please note that all public comment is considered Public Data.

Heritage Preservation Commission
May 10, 2021 Meeting Minutes
Web-Ex Meeting Format

Due to the COVID-19 emergency, the HPC members participated through video conference from home. The meeting was held as a Special Meeting pursuant to Minnesota Statute 13D.021 in response to the Covid-19 emergency.

1. Call to Order and Roll Call

President Jessica Fortney called to order the meeting of the Heritage Preservation Commission (HPC) at 12:03 p.m. on Monday, May 10, 2021.

Attendance: (Via WebEx video conferencing – all votes conducted via roll call)

Attending: Ken Buehler, Stacey DeRoche, Jessica Fortney, Brandon Hartung, Mike Poupore, and Sarah Wisdorf

Absent: Brandon Hartung and Jess Mccullough

Staff Present: Steven Robertson

2. Public Hearings

PL21-054 Historic Construction/Demolition Permit for 521 West Second Street (Former St. Louis County Jail) – Meghan Elliott of New History gave an overview. She condensed their 300 page application into 4 slides. New History is working as historic consultants with the owner and developer of the building, Grant Carlson. The jail was built in 1923. It was vacated in 1995 and sold to Grant Carlson in 2010. In 2012 the building went through exterior stabilization. From 2012 – 2018 project viability was determined. A jail is a tough building type to reuse. In 2018 a housing project was proposed. 2019 the project received historic tax credit approval. 2019-2021 Covid. Today is the HPC hearing and they hope to begin construction in the fall of 2021. Exterior restoration – very few changes are being made. The non-historic annex will be demoed, and the non-historic glass block windows will be replaced. The primary entry doors will be restored. Interior restoration includes the restoration of the elevator and stairs, the retention and reuse of cells in the living units. The design trick (proposed by LHB) is the reuse of the existing central mechanical chase as a corridor. There will be additional internal stairs added to meet code requirements. Elliott welcomed questions. Planner Steven Robertson asked about signage. Elliott stated they will preserve the historic cornice and plan to use wayfinding signage, which will include external parking spaces. Robertson noted their plan seems to be minimal and appropriate. Stacey DeRoche asked if they will be retaining any of the old jail features in the lobby area. She also asked about parking. Elliott noted the 1st floor lobby area is a common area. They plan to restore current concrete floors and are keeping as much of the building as is, subject to building code requirements. There will be some parking on site: 14 spaces, including two handicap accessible spaces. There will also be some parking on right side of the site by the loading dock. There is no interior parking, and will keep the basement level as storage. Mike Poupore asked about the tunnel to the St. Louis County building. Elliott said the tunnel was in-filled by the county due to water infiltration. It is no longer connected. Poupore asked if the 2nd stairwell will eliminate the need for the exterior fire escape. Elliott affirmed. Chair Fortney appreciated the demo drawings in their extensive application. She asked about the replacement windows. Elliott stated they will be based on what they were historically, but will be more sound and energy efficient. Poupore asked how many units there will be. Elliott stated 32. DeRoche asked about historic interpretation. Will there be some sort of plaque in the lobby to denote the architecture and history of the building? Elliott said none are planned at this time, but there are

opportunities to add to the lobby area. Chair Fortney noted knowing the history of the building could appeal to new tenants. Poupore addressed the building owner, Grant Carlson, and asked him if there was anything the HPC could do to help with the project. Carlson stated no specific request today, but he appreciated the offer. Elliott noted there will be more public hearings in the future, including the planning commission in June. They are working on their TIF (Tax Increment Financing) application.

Public Comment – Chair Fortney opened up the meeting for public comment. There was none.
Commissioners – Chair Fortney would like to see a historic interpretation in the lobby area. She thinks it is a wonderful project. Buehler agreed and appreciates the owner’s perseverance.

MOTION/Second: Buehler/DeRoche approve the historic construction/demolition permit for 521 West Second Street

VOTE: (5-0)

3. Consideration of Minutes

April 12, 2021

MOTION/Second: Fortney/Buehler approved the minutes

VOTE: (5-0)

4. Communications

- Short verbal presentation on maintenance/preservation project at Carnegie Library (AKA Duluth Public Library) at 101 West Second Street – Architect Robert Fern gave an overview. The plaster in the dome is deteriorating, and starting to fall. They created scaffolding to protect the area from falling debris. They are proposing a rubberized covering be placed over the dome to temporarily prevent water from entering. The stucco has to be completely redone. The clay roof also needs replacement. The temporary rubberized covering for the dome will be tinted green. The project will come back to the HPC in the future. They are currently in the beginning stages. Poupore asked if the copper roof could be restored or reused. Fern noted the weight of the copper is 12 oz, and should be 16 oz. Soldering repairs compromised the entire roof. There is nothing left to save. They need to deconstruct the structure to discover what is there and then ultimately reconstruct. Chair Fortney thanked Fern for the update. She appreciates the green tint to the dome and thinks it will blend in nicely.

- 106 Review, Proposed Brewery Creek Apartments at corner of East 4th Street and 6th Avenue East – Robertson gave an overview. This item came before the planning commission last month for a variance on height requirements. There are no locally or nationally listed properties in the area. The HPC doesn’t need to make motion, but their comments will be added to the record. Chair Fortney asked if the height variance was approved by the planning commission. Robertson and Wisdorf affirmed. Chair Fortney asked about the tenants’ view from the adjacent apartment building. Robertson stated the top levels will not be effect, but the bottom levels will experience a visual impact. Chair Fortney would like to comment for the record that she is glad the new building won’t effect the next-door old Traphagen apartments. She feels the newly proposed building is cookie cutter and she would like to preserve the character of Duluth and keep the pocket apartment buildings that show that character. The HPC should be involved with the housing task force to help save the old apartment building next door. DeRoche echoes Fortney’s comments. The design of the new apartment building does not fit the neighborhood. She thinks it is generic and disappointing. Poupore also feels the newly proposed building has no character. He wished there were more controlled design guidelines in place for new construction.

5. Report of Final Disposition of Matters Previously Before the Commission

None at this time.

6. Reports of Officers, Staff and Committees

Planning Commission (PC) - Commissioner Sarah Wisdorf gave an overview. The PC looked at TIF funding for historic Old Central. It was suggested that the HPC add Old Main to their list of structures to be made aware of. It is in disrepair. Chair Fortney asked staff to place on their agenda for next month. Buehler also noted Washburn Hall in back of Old Main is crumbling, too. He noted the near-by park is very-well used and enjoyed by many.

7. Consideration of Matters Regarding Commission Action –

None at this time.

8. Other Business

- Change to the Zoning Code (UDC) Related to Local Historic Preservation – Wisdorf noted the planning commission recommended approval with the condition the HPC weigh in before it went to the city council. Chair Fortney noted it does not diminish the HPC's role, but clarifies they have control over locally designated landmarks. The HPC is not opposed to the new language. Robertson will note in the ordinance to the city council.
- Update on RFP for Historic Downtown Design Guidelines – Robertson noted they should be signing a contract this week. A special HPC meeting may be needed.

9. Adjournment

Adjournment at 1:07 p.m. (Next meeting scheduled for Monday, 6/14/2021)

Respectfully,

Adam Fulton – Deputy Director
Department of Planning and Economic Development

Steven Robertson

From: Koop, Michael (ADM) <michael.koop@state.mn.us>
Sent: Thursday, June 3, 2021 10:09 AM
To:

Cc: Koop, Michael (ADM)
Subject: ACTION REQUESTED: Review of Draft Minnesota Statewide Historic Preservation Plan

Dear Heritage Preservation Commissioners and Staff,

The State Historic Preservation Office seeks your comments on the draft Minnesota Statewide Historic Preservation Plan 2021-2031. The draft Plan is available for download at <https://mn.gov/admin/shpo/planning/statewide-plan-new/plancomment.jsp> and interested parties can submit comments using the form available on the same web page. The public comment period ends **July 25th**.

Please share this email with your colleagues and anyone whose work impacts, or potentially impacts historic and cultural resources in Minnesota.

As a partner and stakeholder in the preservation of Minnesota's historic resources, your input is valuable to us. The draft Plan offers a new statewide vision that "Preservation is important to preserve cultural identity and heritage, to access historic resources, and to learn about Minnesota History." Along with this vision, the Plan provides goals and strategies for the management of historic and cultural resources that can be used throughout the state to respond to the challenges facing Minnesota's historic resources. The goals and

strategies were developed in collaboration with the public, partners, and stakeholders including Tribal Nations, preservation professionals, non-profits, local governments, and state agencies. Following the public comment period, the draft Plan will be formatted and revised based on public input. The Plan will then be forwarded to the National Park Service this fall for final approval and, beginning late 2021, will guide preservation-related decisions throughout the state for the next ten years. Your input is welcome whether you've participated in one of the many engagement activities over the past two years or if you are learning about this Plan for the first time. Please visit the Statewide Historic Preservation Plan [web page](#) for more information about the Plan and its purpose.

Thank you for your continued partnership on the stewardship of Minnesota's heritage.

Michael Koop (he/him) | Certified Local Government Coordinator

State Historic Preservation Office

203 Administration Building

50 Sherburne Avenue

Saint Paul MN 55155

651.201.3291

michael.koop@state.mn.us

The SHPO office is closed to visitors and unable to accommodate in-person research and deliveries. Mail is being delivered to the office via USPS, FedEx and UPS. Our office will continue to take file search requests via DataRequestSHPO@state.mn.us. Check [SHPO's webpage](#) for the latest updates and we thank you for your continued patience.

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Property & Facilities Management

1532 West Michigan Street
Duluth, Minnesota 55806

 218-730-4430

5/18/2021

City of Duluth
Duluth Heritage Preservation Commission
ATTN: Steven Robertson or Ben VanTassel
420 W. 1st Street
Duluth, MN 55802

Dear Heritage Preservation Commissioners,

The City of Duluth has received notice of further consideration from the Economic Development Administration (EDA) to rehabilitate the seawall structure directly behind and adjacent to the DECC in Duluth, Minnesota. This notice is provided as required by the EDA to solicit comments by interested tribal nations within the 1854 Treaty boundary and is in accordance with The National Environmental Policy Act of 1969, as amended. Comments provided in response to this notice will be in advance of and supplemental to comments provided pursuant to Section 800.6 of 36 C.F.R Part 800, Protection of Historic Properties, and Section 106 of 54 U.S.C. Subtitle III, National Preservation Programs.

Overview: The project will reconstruct the seawall within the Duluth Superior International Port, a critical public infrastructure to provide access to the waterfront as well as expanded ship services. The project will withstand increasing storm frequency and intensity, replace failing shoreline infrastructure, protect inland public, commercial, and transportation infrastructure, and promote economic recovery. The proposed undertaking will keep the essential form and function of the seawall while ensuring that the project area is updated to current safety standards while also protecting existing structures and infrastructure from storm events and allow the DECC and other businesses to continue and expand use. The seawall supports large-draft research vessels that contribute significantly to the health of the Lake Superior's ecosystem and marine environment as well as military vessels that work to extend the commercial shipping season. The renovated seawall will support expansion to the global cruise industry; a new industry for Duluth and NE Minnesota. The existing construction of the seawall includes a combination of corroded steel sheet pile and deteriorated timber dock walls. The seawall has been impacted by high lake levels, storm events, and vessel traffic and is severely deteriorated and will not provide adequate support for the adjacent structures and facilities for the extended future. Reconstruction will ensure that Harbor Drive is further protected from loss of material beneath the road and prevent washout beneath the adjacent walking surfaces and bike paths which make up the Lakewalk Trail. The upgraded wall will accommodate larger cruise ships that will stimulate economic growth and resiliency.

Alternatives: The DECC seawall was constructed in 1889 and is a combination of corroded steel sheet pile and deteriorated timber dock walls. The steel structures are over 55 years old while the timber structures are over 100 years old. The current seawall is severely decayed and will not provide adequate support for the adjacent

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structures and facilities for the extended future. Duluth solicited solutions from marine engineering firms to assess the situation and suggest “permanent” solutions. The wall must be upgraded with materials designed to withstand the iron-oxidizing bacteria that are extremely corrosive to metals and unique to the Duluth-Superior Harbor.

The sustainable option includes a new steel sheet pile dock wall installed on the harborside of the existing dock wall. Preliminary engineering plans are attached for your perusal. The existing wall will be left in place. The new dock wall will be supported by a new tieback system that will be installed behind the existing dock wall and supported by helical anchors. The gap between the new and existing dock wall is approximately two feet depending on alignment of the existing dock wall. The top two feet of the existing wall will be either cut off or drilled through for the new tie-back system. A new concrete retaining wall will be installed at a higher elevation to prevent damage to the Lakewalk from wave overtopping. A new railing will be installed to ensure the safety of the public and cruise ships while accessing the Lakewalk. The new wall is designed for a dredge depth of 24 feet to accommodate large cruise ships.

Culturally significant resources: While the DECC seawall was first constructed in 1889 of wood and sheet metal, there is no cultural or historic significance and there are no historical properties present. The seawall is located in a working port and is failing. Failure will compromise the DECC itself, the Lakewalk, the Great Lakes Aquarium, City infrastructure such as roads, utilities, and sewer mains, and other businesses located nearby.

We are requesting comments regarding the proposed project within thirty (30) days from the date of this notice. If no comments are received by the end of the thirty (30) day review period, it will be assumed that no comments are forthcoming. Please provide all comments by email to: ebirkeland@DuluthMN.gov

Sincerely,



Erik Birkeland
Manager – Property & Facilities
City of Duluth
ebirkeland@duluthmn.gov



U.S. DEPARTMENT OF COMMERCE
Economic Development Administration
CHICAGO REGIONAL OFFICE
230 SOUTH DEARBORN ST., SUITE 3280
CHICAGO, ILLINOIS 60604-1512

April 28, 2021

Sarah J. Beimers, Environmental Review Program Manager
Department of Administration
MN State Historic Preservation Office
50 Sherburne Avenue, Administration Building 203
Saint Paul, Minnesota 55155

RE: Duluth Coastal Infrastructure Rehabilitation Phase II Duluth Entertainment and Convention Center (DECC) Seawall Replacement Project Duluth, Saint Louis County
SHPO Number: 2021-0564

Dear Ms. Beimers:

The City of Duluth, MN has submitted an application for grant funding to the U.S. Department of Commerce, Economic Development Administration (EDA) to support the Phase II Duluth Entertainment and Convention Center (DECC) Seawall Replacement Project. Under 36 C.F.R. §800.2(c)(4), EDA is delegating authority to the City of Duluth, MN to consult with you on the behalf of EDA.

This EDA project will help reconstruct the Duluth Entertainment and Convention Center (DECC) seawall, providing additional access to the waterfront as well as resiliency during storm events and increased viability for cruise ship services. This EDA-funded sea wall will help revitalize this economic sector which is critical to the region, and the wall will provide enhanced protection from future storm events and provide economic resiliency for decades to come.

The scope of work for the Duluth Entertainment and Convention Center Seawall is to install a new epoxy coated steel sheet pile system with a tieback system in front of the existing seawall. This work will include the following:

- 1,200 linear feet of steel sheet piles seawall
- Tieback system
- Concrete retaining wall with handrail
- Mooring/Bollard system
- Timber Fender

In accordance with 36 C.F.R. §800 the City of Duluth, MN is officially initiating the Section 106 consultation process on behalf of EDA. You have had recent correspondence with the City of Duluth, MN on the same proposed EDA project. The applicant shall continue provide

documentation of their effort to identify and evaluate historic properties pursuant to 36 C.F.R. §800.4. This documentation should include:

- Evidence that all interested parties were consulted pursuant to 36 C.F.R. §800.4(a) (3)-(4);
- Documentation of effort to identify and evaluate historic properties and
- An assessment of the undertaking's potential to affect historic properties pursuant to 36 CFR §800.4(d) or 36 C.F.R. §800.5.

We ask for your concurrence on their submitted findings and determination. If further information is required, please contact the applicant, City of Duluth, MN. Thanks for your cooperation.

Sincerely,

Robin D. Bush, LEED AP
Team Lead, Environmental & Strategic Program Analysis
U.S. Department of Commerce - Economic Development Administration
Chicago Regional Office
230 S. Dearborn St., Suite 3280
Chicago, IL 60604
(312) 789-9750
rbush@eda.gov



City of Duluth
411 West First Street
Duluth, Minnesota 55802

218-730-5000
info@duluthmn.gov

Jill Hoppe - Historic Preservation Office = FDL
Jaylen Strong is now THPO at Bois Forte
Tony Swader can be contact at Grand Portage
Sonny Myers, executive director of 1854 Treaty Authority

Re: Rehabilitation of the seawall behind the Duluth Entertainment and Convention Center (DECC)

The City of Duluth has received notice of further consideration from the Economic Development Administration (EDA) to rehabilitate the seawall structure directly behind and adjacent to the DECC in Duluth, Minnesota. This notice is provided as required by the EDA to solicit comments by interested tribal nations within the 1854 Treaty boundary and is in accordance with The National Environmental Policy Act of 1969, as amended. Comments provided in response to this notice will be in advance of and supplemental to comments provided pursuant to Section 800.6 of 36 C.F.R Part 800, Protection of Historic Properties, and Section 106 of 54 U.S.C. Subtitle III, National Preservation Programs.

Overview: The project will reconstruct the seawall within the Duluth Superior International Port, a critical public infrastructure to provide access to the waterfront as well as expanded ship services. The project will withstand increasing storm frequency and intensity, replace failing shoreline infrastructure, protect inland public, commercial, and transportation infrastructure, and promote economic recovery. The proposed undertaking will keep the essential form and function of the seawall while ensuring that the project area is updated to current safety standards while also protecting existing structures and infrastructure from storm events and allow the DECC and other businesses to continue and expand use. The seawall supports large-draft research vessels that contribute significantly to the health of the Lake Superior's ecosystem and marine environment as well as military vessels that work to extend the commercial shipping season. The renovated seawall will support expansion to the global cruise industry; a new industry for Duluth and NE Minnesota.

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wave overtopping. A new railing will be installed to ensure the safety of the public and cruise ships while accessing the Lakewalk. The new wall is designed for a dredge depth of 24 feet to accommodate large cruise ships.

Culturally significant resources: While the DECC seawall was first constructed in 1889 of wood and sheet metal, there is no cultural or historic significance and there are no historical properties present. The seawall is located in a working port and is failing. Failure will compromise the DECC itself, the Lakewalk, the Great Lakes Aquarium, City infrastructure such as roads, utilities, and sewer mains, and other businesses located nearby.

We are requesting comments regarding the proposed project within thirty (30) days from the date of this notice. If no comments are received by the end of the thirty (30) day review period, it will be assumed that no comments are forthcoming. **Please provide all comments by email to: jfwilliams@DuluthMN.gov**



Jim Filby Williams
Public Administration Director
jfwilliams@DuluthMN.gov

April 21, 2021

VIA E-MAIL

Erik Birkeland
City of Duluth
1532 West Michigan Street
Duluth MN 55806

RE: Duluth Coastal Infrastructure Rehabilitation
Phase II Duluth Entertainment and Convention Center (DECC) Seawall Replacement Project
Duluth, Saint Louis County
SHPO Number: 2021-0564

Dear Mr. Birkeland,

Thank you for continuing consultation with our office regarding the above-referenced project. Information received in our office via e-mail on March 30 and April 1, 2021 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing federal regulations, "Protection of Historic Properties" (36 CFR Part 800).

We last wrote to the City of Duluth (City) on January 19, 2021 following our review of initial project information submitted by the City's consultant, AMI Consulting Engineers. At the time of that review, we did not have specific information regarding federal assistance (permitting, funding, etc) in the project, and we had not been notified by a lead federal agency regarding authorization granted to the City to initiate Section 106 consultation with our office. As such, we reviewed the project pursuant to our office's responsibilities under state statutes.

The City's follow-up letter dated March 29, 2021 provides clarification regarding the fact that Section 106 review of the currently proposed seawall replacement was completed in 2018 as part of the DECC Seawall Replacement project. A subsequent email from Chase Dewhirst at AMI on April 15, 2021 confirmed that the earlier Section 106 review, which concluded in April 2018 with a No Adverse Effect finding by the federal agency, was only for Phase I of the DECC Seawall Replacement Project within the Minnesota Slip and a portion of the seawall adjacent to the DECC facility.

Since the U.S. Army Corps of Engineers (Corps) permit was only for Phase I of the project, that was the only portion of the overall project that we reviewed under Section 106. We did not review any portions of Phase II of the DECC Seawall Replacement project since this part of the project was not included in the federal agency's defined undertaking at that time. We understand by Mr. Dewhirst's April 15th email that the City will need to apply for a separate Corps permit for Phase II. Since the Corps has neither notified our office of authorization to the City to initiate Section 106 consultation nor has the agency initiated consultation, the comments provided in this letter are intended to inform the federal agency's Section 106 determinations and findings.

We also understand by Mr. Dewhirst's April 15th email that the City will be utilizing a federal grant from the Economic Development Administration (EDA) to assist with Phase II of the project. We received a copy of the December 2020 "pre-award" letter to the City from the EDA regarding the potential grant and instructing the City to "provide comments on the proposed project from...the State Historic Preservation Office." Included in

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

50 Sherburne Avenue ■ Administration Building 203 ■ Saint Paul, Minnesota 55155 ■ 651-201-3287 mn.gov/admin/shpo ■ mnshpo@state.mn.us

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this letter is a link to the agency's guidance regarding consultation with our office (ref: *Environmental Narrative Requirements*).

Pursuant to 36 CFR 800.4-5 it is the Federal agency's responsibility, or authorized federal applicant, to define the federal undertaking, define and document the Area of Potential Effect (APE) for the federal undertaking, to identify and evaluate historic properties that may be affected by the proposed federal undertaking, to assess adverse effects to historic properties, if any, and provide a finding of effect.

While the City's initial submission on December 14, 2020 and follow-up documentation provided via e-mail on April 15th provides baseline information regarding the Phase II project site and proposed seawall project, the City has not provided any formal Section 106 determinations or findings in accordance with the EDA's guidance and 36 CFR 800. Since there are two federal agencies involved in Phase II of the City's project, we recommend that the agencies confer with each other to identify a lead federal agency responsible for completing Section 106 consultation.

Define Federal Undertaking and Determine the Area of Potential Effect

Based upon information provided to our office in December 2020 and on April 15, 2021 we understand that the current Phase II seawall replacement project involves removal of existing seawall infrastructure and installation of a new seawall system. The Phase II project area is delineated on the "City of Duluth, DECC Coastal Infrastructure, Duluth, MN" plans (6 sheets, n.d.) submitted to our office on December 4, 2020. We also understand that the proposed Phase II seawall project will require a federal permit from the Corps, though we do not know the extent and location of permit areas, and will also receive a federal grant from the EDA, which we assume will be applied to the full extent of the Phase II project.

Although the City has provided detailed documentation as it pertains to the location of the proposed seawall replacement, the City has not specifically defined the proposed federal undertaking's Area of Potential Effect (APE) as specified under 36 CFR 800.4(a)(1), 36 CFR 800.16(d), and EDA guidance.

Based upon the federal agencies' definition of the undertaking, the City will need to provide a brief written description of the area of potential effect (APE) as specified under 36 CFR 800.4(a)(1) and 36 CFR 800.16(d). Include discussion of the potential for the project to have direct, physical effects and indirect effects on historic properties, if any, and provide justification of the boundaries chosen for the APE. Include a map of the APE which corresponds to the narrative definition.

Identification of Historic Properties

Pending clarification regarding the defined APE, we will provide initial comments to guide historic property identification efforts and subsequent assessment of effects. We have included the Phase II project area as well as adjacent geographic areas from which the proposed seawall replacement project may be visible.

Archaeology

As stated in our January 19, 2021 letter, there are recorded archaeological sites in the vicinity of the Phase II project, but we believe there is a low likelihood of intact archaeological features, including historical/industrial archaeology, at this location due to the fact that the area adjacent to the DECC has been subject to fairly recent, extensive ground-disturbance associated with construction of the DECC, aquarium, and surrounding infrastructure. As requested in our January 19th comment letter, please provide confirmation regarding the extent of recent ground-disturbance and the corresponding extent of proposed ground disturbance associated with Phase II.

History/Architecture

This area of Duluth has been fairly well-surveyed in recent years due to numerous, overlapping federal or federally-assisted projects in the Duluth Harbor – Minnesota Point – Duluth Ship Canal area.

Our records indicate that the following historic properties are located directly adjacent to the Phase II project area:

- Freighter William A. Irvin – listed in the National Register of Historic Places (NRHP)
- Minnesota Slip – eligible for listing in the NRHP
- Duluth Ship Canal Historic District – eligible for listing in the NRHP
- Duluth Aerial Lift Bridge – listed in the NRHP
- Slips 1, 2, and 3 Historic District – eligible for listing in the NRHP

The lead federal agency or City will need to make a formal determination regarding identification of historic properties within the APE for our review and comment.

Assessment and Finding of Effect

Following historic property determinations, the lead federal agency or City will need to make a formal finding of effect for our review and comment.

If there are no historic properties within the APE, or there are historic properties within the APE and the proposed federal undertaking will not affect them, then a Section 106 finding of “no historic properties affected” is appropriate. This finding would need to be submitted to our office with supporting documentation in accordance with 36 CFR 800.11(d).

If there are historic properties within the APE and the proposed federal undertaking will not adversely affect any of the characteristics that qualify them for listing in the NRHP, then a finding of “no adverse effect” is appropriate. This finding would need to be submitted to our office with supporting documentation in accordance with 36 CFR 800.11(e).

Consulting Parties/Public Involvement

Provide a summary of agency coordination with any other consulting parties, including consultation with the Duluth Heritage Preservation Commission, as well as public involvement in the Section 106 review process for this project.

Please feel free to contact me if you have any questions regarding our review or would like to discuss next steps in the consultation process. I can be reached at (651) 201-3290 or by e-mail at sarah.beimers@state.mn.us.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager

Cc via email:

- Chase Dewhirst, AMI Consulting Engineers
- Darrin Fleener, Economic Development Administration
- Nancy Komulainen-Dillenburg, St. Paul District, Corps of Engineers



Consulting Engineers P.A.

91 Main St. Superior, WI 54880 715.718.2193

Memo

To: Mr. Darrin Fleener
From: Mat Burich
cc: Chad Ronchetti, Chase Dewhirst
Date: 12/23/2020
Re: DECC Seawall Phase II ESA Contamination Remediation

Chad,

Prior to construction of the DECC Seawall along MN Slip, an environmental assessment was conducted to determine if contaminants were present behind the existing dock wall, within the construction limits. AMI Consulting Engineers, PA (AMI) investigated 18 locations behind the dock wall between W. Railroad St. and the Great Lakes Aquarium. Of the 18 locations that were investigated, 13 test pits were dug to examine the existing soil conditions and gather soil samples. A total of 11 soil samples were taken for laboratory analysis. AMI provided the City of Duluth (COD) with a Pre-Construction Limited Phase II Subsurface Assessment which outlined the results of the laboratory analysis of the soil samples. The test pit locations can be seen in the drawing attached at the end of the memo. A breakdown of the test pit observations is outlined in Table 1, also attached at the end of this memo.

According to the Phase II assessment, contaminants were discovered in the soils along Minnesota Slip at test pit locations 1, 3-7, and 11. As a result, AMI created a Response Action Plan (RAP) to be included with the Construction Documents for the DECC Seawall rehabilitation along MN Slip. The RAP was utilized to provide clear environmental guidance for the proposed construction activities and soil and water management. All excavated material along MN Slip was removed and disposed of offsite during construction to ensure any potential contaminated material was expunged.

The extent of the excavation along MN Slip varied between 18 to 25 feet behind the face of the original dock wall, and up to 5 feet deep (elevation of 602'), in order to accommodate construction of the new dock wall. After the contaminated material, disturbed during excavation, was removed and construction of the new dock wall was complete, the excavated area was filled with $\frac{3}{4}$ " aggregate up to an elevation of 604.1'. Geotextile fabric was installed over the top of the crushed aggregate and then topped off with clean select fill.

All of the contamination that was documented during the Phase II testing appeared to be along MN Slip. Remediation of all contaminants along MN Slip was accomplished during the new dock wall construction that was completed in 2019.



KEY:

 TEST LOCATION (NO CONTAMINANTS DOCUMENTED)

 TEST LOCATION (CONTAMINANTS DOCUMENTED AND REMEDIAL ACTION COMPLETED IN 2019)

PRELIMINARY
NOT FOR CONSTRUCTION



DATE:	REV:	DESCRIPTION	BY:

CITY OF DULUTH PHASE 2 ESA CONTAMINATION REMEDIATION DULUTH, MINNESOTA	TEST PIT LOCATION MAP
JOB No: 201187 DATE: DRAWN BY: SAJ DESIGNED BY: CAD	
SHEET: <div style="font-size: 36px; font-weight: bold; text-align: center;">S1.0</div>	

Table 1
 Test Pit Coordinates and Observations
 DECC Seawall
 Duluth, Minnesota
 AMI Project Number 161080

Test Pit Name	Easting	Northing	Material Observations from 0-6 inches	Material Observations from 6 inches - 4 feet	Comments
TP-1	568874	5181527	Top soil	Gravelly sand	
TP-2	568857	5181505	-	-	Not sampled due to underground utilities
TP-3	568871	5181478	Top soil	sand, mothball-like odor, tire, few pieces of concrete, some coal	
TP-4	568882	5181449	Top soil	Sand, coal/cinders, minimal concrete and debris	
TP-5	568895	5181427	Top soil	Sand	nearly circular concrete pad - not a tank cover
TP-6	568910	5181391	Top soil	Sand with gravel	
TP-7	568919	5181377	Top soil	Sand, pieces of concrete and rubble, concrete wall	
TP-8	568937	5181334	-	-	Not sampled due to overhead utilities
TP-9	568946	5181312	Top soil	Sand	
TP-10	568955	5181293	Top soil	Sand	
TP-11	568965	5181273	Top soil	Gravel	
TP-12	568930	5181186	Top soil	Sand, pieces of concrete	
TP-13	568913	5181167	Top soil	Sand	
TP-14	568892	5181139	-	-	Not excavated due to clean fill identified in old drawings and test pits 12 & 13 confirmed clean dredge sand
TP-15	568881	5181126	-	-	Not excavated due to clean fill identified in old drawings and test pits 12 & 13 confirmed clean dredge sand
TP-16	568823	5181065	-	-	Completed but not sampled due to test pits confirmed clean dredge sand
TP-17	568807	5181050	-	-	Not excavated due to clean fill identified in old drawings and test pits 12 & 13 confirmed clean dredge sand
TP-18	568789	5181028	-	-	Completed but not sampled due to test pits confirmed clean dredge sand

Coordinates are UTM Zone 15T in meters.

CITY OF DULUTH DECC SEAWALL PHASE II DULUTH, MN

PRELIMINARY
NOT FOR CONSTRUCTION



OWNER

CITY OF DULUTH
PROPERTIES AND FACILITIES
1532 W. MICHIGAN ST.
DULUTH, MN 55806

SCHEMATIC DESIGN TEAM

AMI CONSULTING ENGINEERS, P.A.
91 MAIN STREET
SUPERIOR, WI 54880
715-718-5638

STRUCTURAL/MARINE CIVIL ENGINEER
CHASE DEWHIRST, PE
CHASE.DEWHIRST@AMIENGINEERS.COM

COASTAL ENGINEER
ZAC MORRIS, PE
ZAC.MORRIS@AMIENGINEERS.COM

SHEET INDEX

G0.0	TITLE SHEET
C1.0	EXISTING CONDITIONS - DECC COASTAL INFRASTRUCTURE
S1.0	EXISTING DECC SEAWALL SECTIONS
S1.1	EXISTING DECC SEAWALL SECTIONS
S2.0	PROPOSED DECC SEAWALL SSP SECTION
S2.1	PROPOSED DECC SEAWALL SSP SECTION
S3.0	PROPOSED DECC SEAWALL -WAKE FIELD WALL
S3.1	PROPOSED DECC SEAWALL - TIMBER CRIB
R1.0	PROPOSED SSP REHAB RENDERING
R1.1	PROPOSED TIMBER CRIB REHAB RENDERING
R2.0	DECC SEAWALL - SSP EXISTING CONDITIONS
R2.1	DECC SEAWALL - PROPOSED SSP REHAB RENDERING
R3.0	DECC SEAWALL - TIMBER CRIB EXISTING CONDITIONS
R3.1	DECC SEAWALL - PROPOSED TIMBER CRIB REHAB RENDERING



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Call before you dig.

STATE LAW: 48 HOURS BEFORE EXCAVATING OR DEMOLISHING BUILDINGS, CALL 811 FOR FIELD LOCATION OF UNDERGROUND UTILITY LINES. THIS SERVICE LOCATES UTILITY OWNED LINES BUT NOT PRIVATE LINES.

THE LOCATIONS OF UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED. THE EXACT LOCATION OF ALL UTILITIES (PUBLIC AND PRIVATE) MUST BE DETERMINED BEFORE COMMENCING WORK.

Survey Layout Information
Coordinate System: US State Plane
1983 - MN North 2201
Datum: NAD 1983
Geoid: G12B-US

GOVERNING SPECIFICATIONS

THE CURRENT EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION AND THE CURRENT EDITION OF THE CITY OF DULUTH, MN CONSTRUCTION STANDARDS SHALL GOVERN.

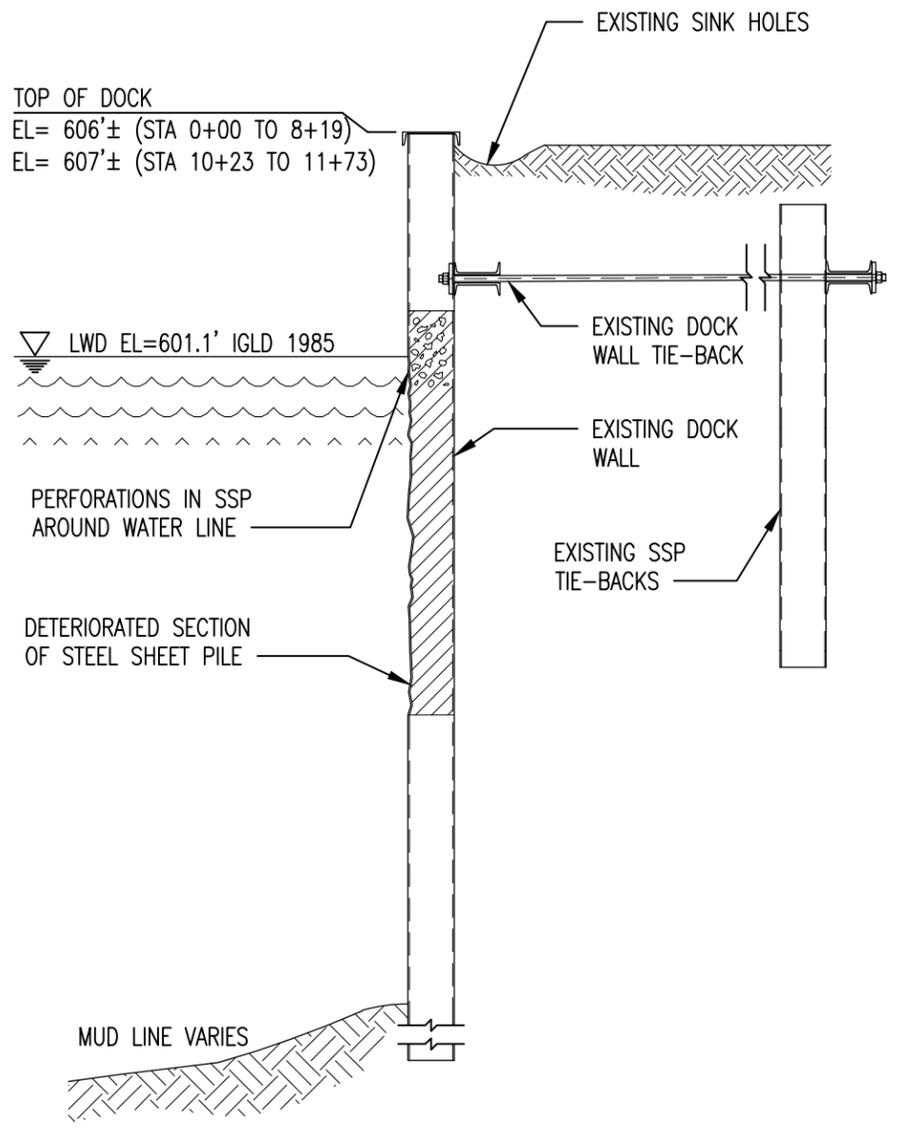
REV.	DATE	DESCRIPTION	REV. BY:
A	1/25/21	SCHEMATIC DEVELOPED FOR OWNER REVIEW	CAO

CITY OF DULUTH DECC SEAWALL PHASE II	DULUTH, MN	TITLE SHEET
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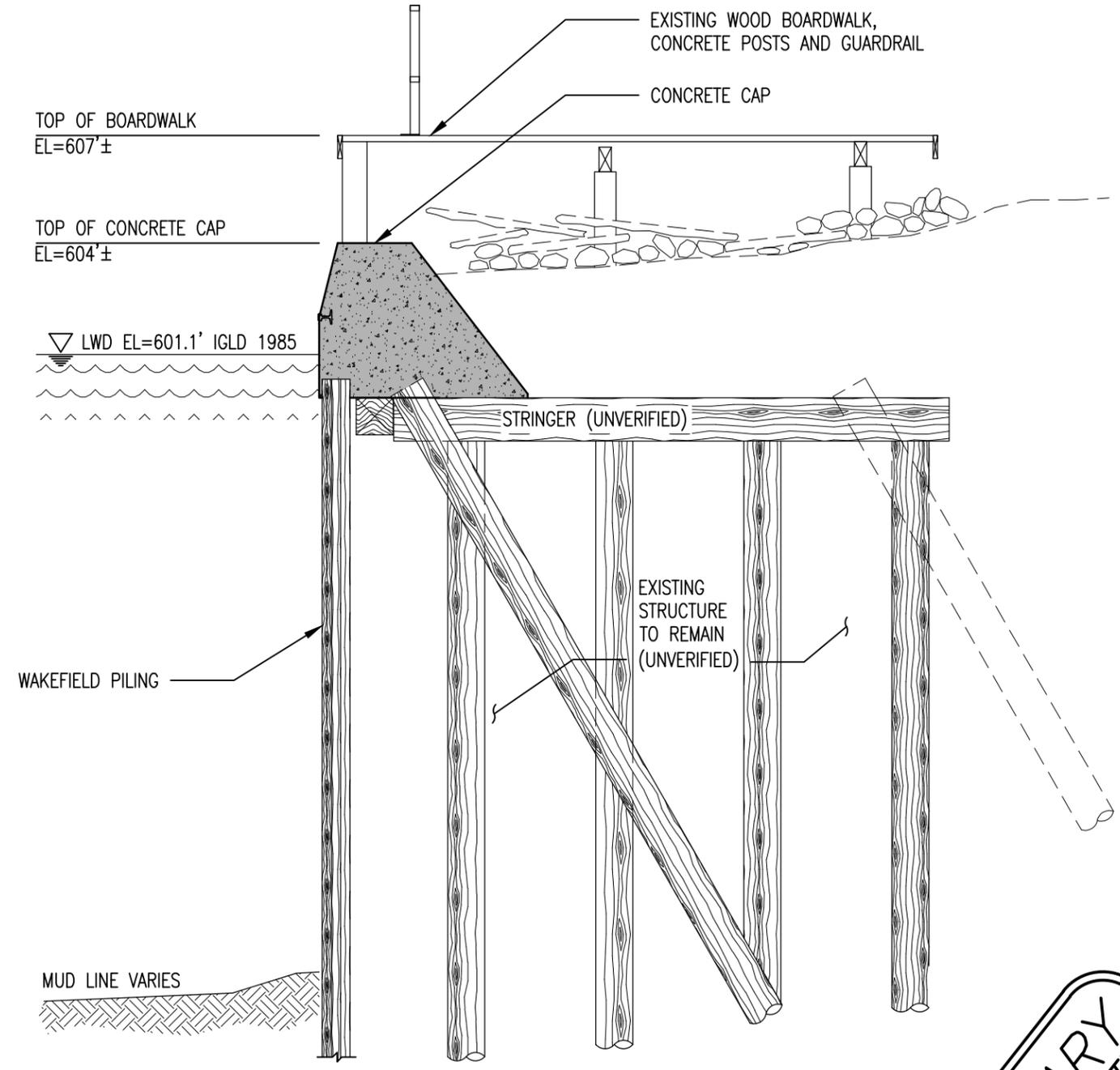
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DATE:	XX/XX/XXXX
DRAWN BY:	RRD
DESIGNED BY:	XXX

SHEET:
G0.0

Jan 25, 2021 - 3:45pm
 P:\Proposals\2020 Proposals\201334 City of Duluth DECC Seawall Phase II\DRAWINGS\PROPOSED XSECTIONS.dwg
 © COPYRIGHT ~ AMI CONSULTING ENGINEERS P.A. : 2006



1
 S1.0
 TYP EXISTING SSP SEAWALL
 STA 0+00 TO 8+19 AND 10+23 TO 11+43
 1/4" = 1'-0"



2
 S1.0
 TYP DOCK SECTION @ WAKEFIELD WALL
 STA 8+19 TO 8+84
 1/4" = 1'-0"

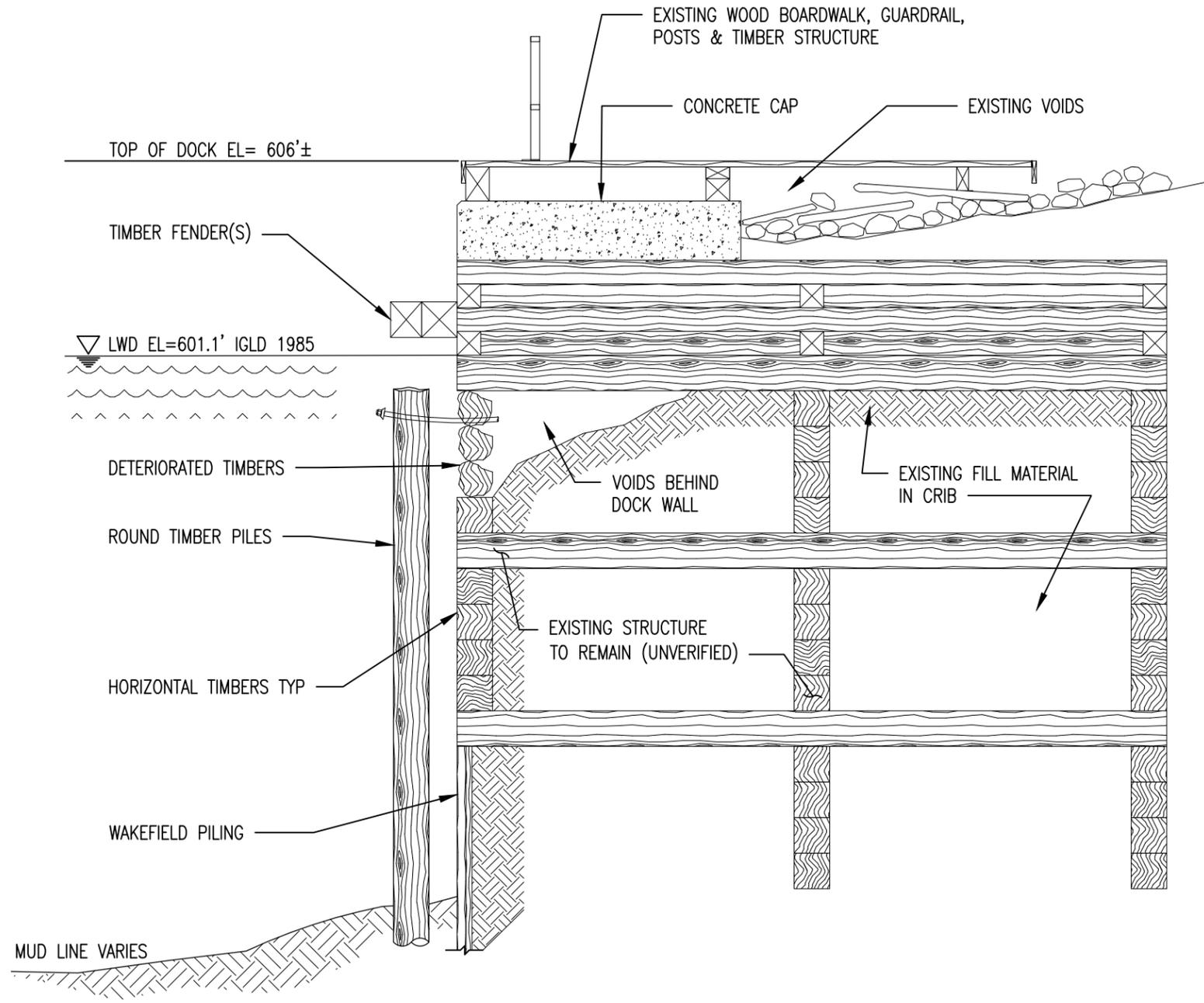
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DATE	REV	DESCRIPTION	BY
1/25/21	A	SCHEMATIC DESIGN ISSUED FOR OWNER REVIEW	CAD

CITY OF DULUTH DECC SEAWALL PHASE II	DULUTH, MINNESOTA EXISTING DECC WALL SECTIONS
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JOB No: 201187 DATE: DRAWN BY: SAJ DESIGNED BY: MJB	S1.0
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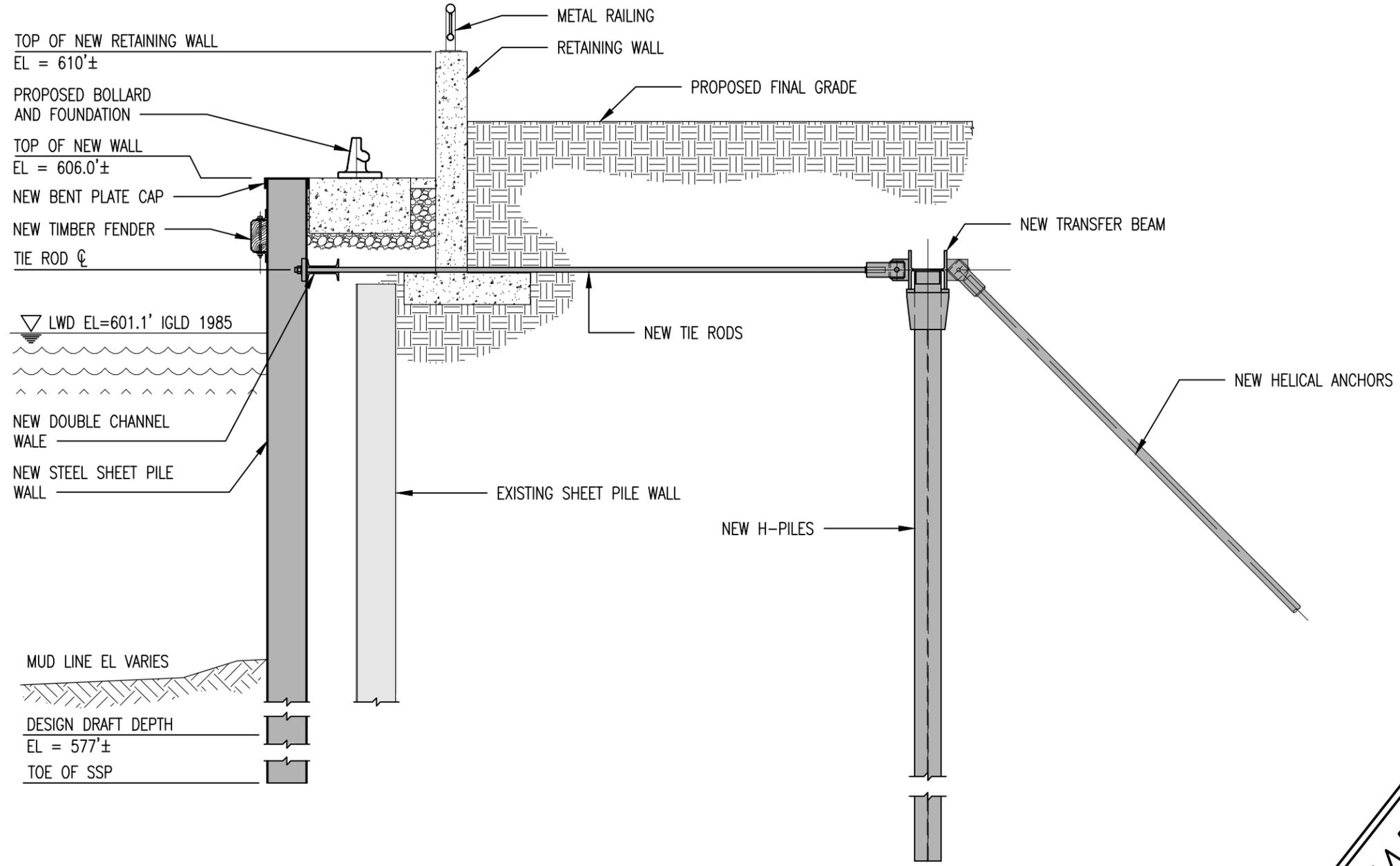
1
S1.1
TYP EXISTING TIMBER CRIB SEAWALL
STA 8+84 TO 10+23
1/4" = 1'-0"

**PRELIMINARY
NOT FOR CONSTRUCTION**

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CITY OF DULUTH DECC SEAWALL PHASE II	DULUTH, MINNESOTA
EXISTING DECC WALL SECTIONS	

JOB No: 201187
DATE:
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DESIGNED BY: MJB
SHEET:
S1.1

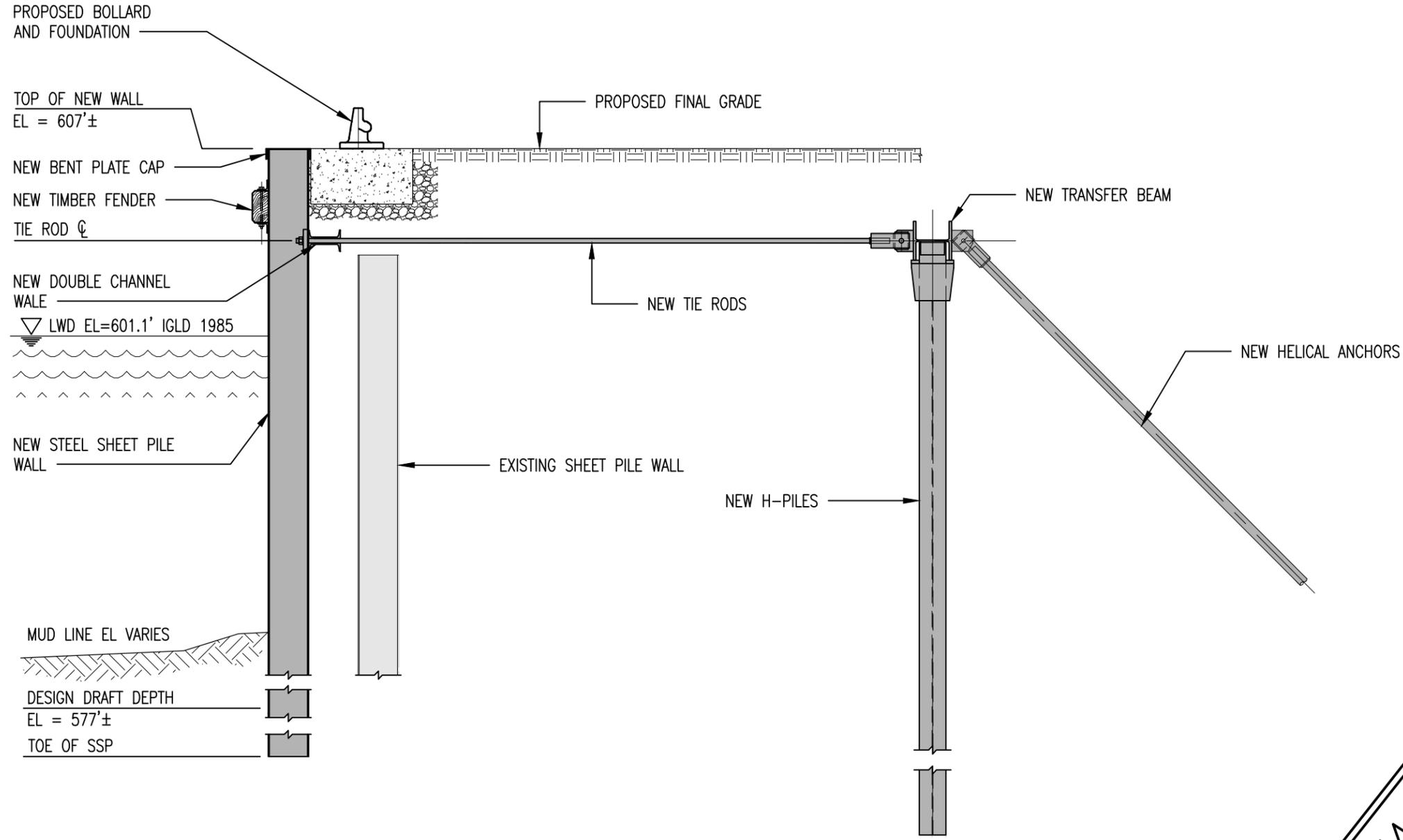


1 PROPOSED DECC SEAWALL REHAB - STEEL SHEET PILE (STA 0+00 TO 8+19)
 S2.0 1/4" = 1'-0"

**PRELIMINARY
 NOT FOR CONSTRUCTION**



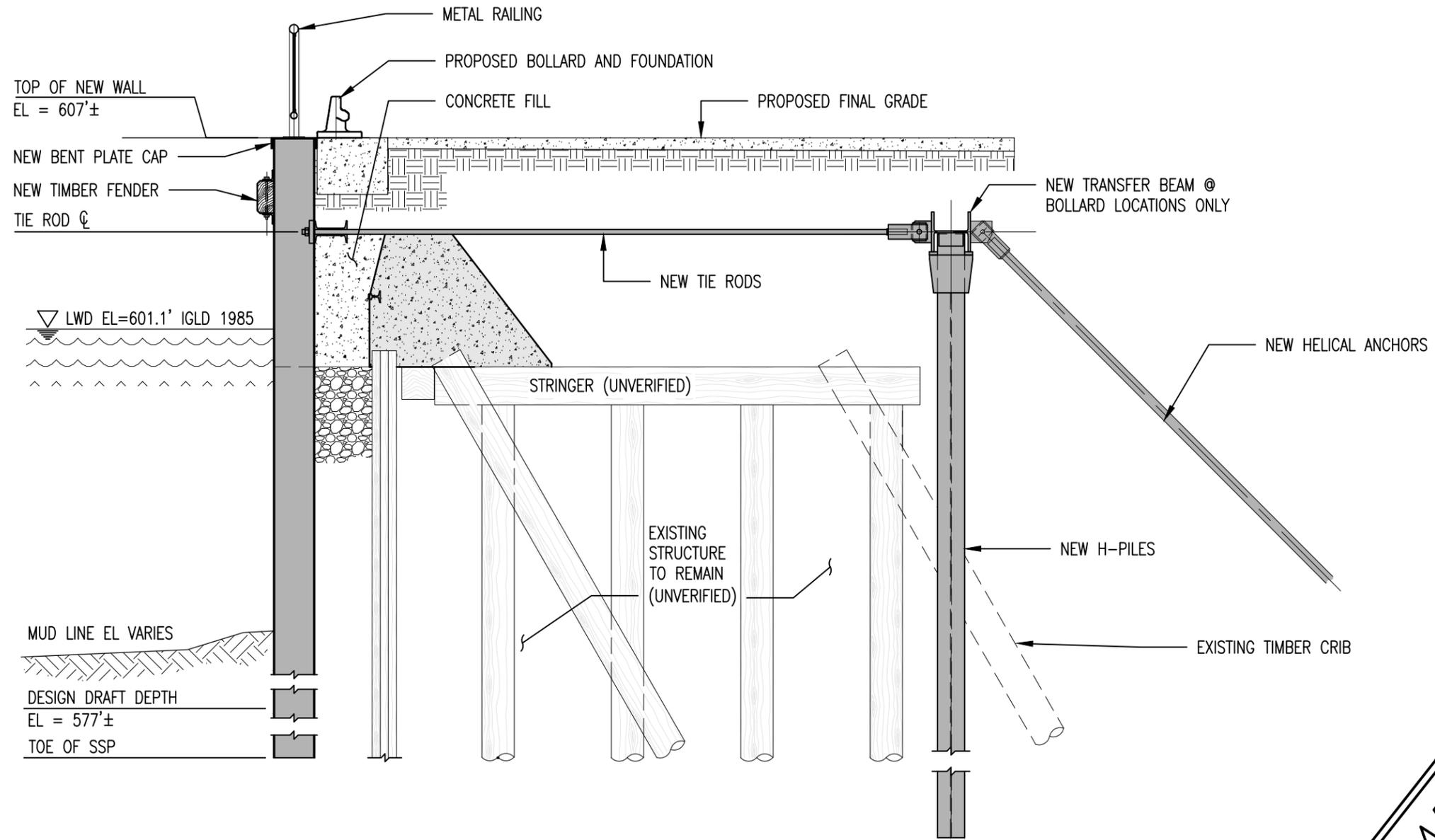
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CITY OF DULUTH DECC SEAWALL PHASE II	
DULUTH, MINNESOTA	
PROPOSED DECC WALL SECTION	
JOB No: 201187	
DATE:	
DRAWN BY: SAJ	
DESIGNED BY: MJB	
SHEET:	
S2.0	



1 PROPOSED DECC SEAWALL REHAB - STEEL SHEET PILE (STA 10+73 TO 11+43)
S2.1 1/4" = 1'-0"

**PRELIMINARY
NOT FOR CONSTRUCTION**

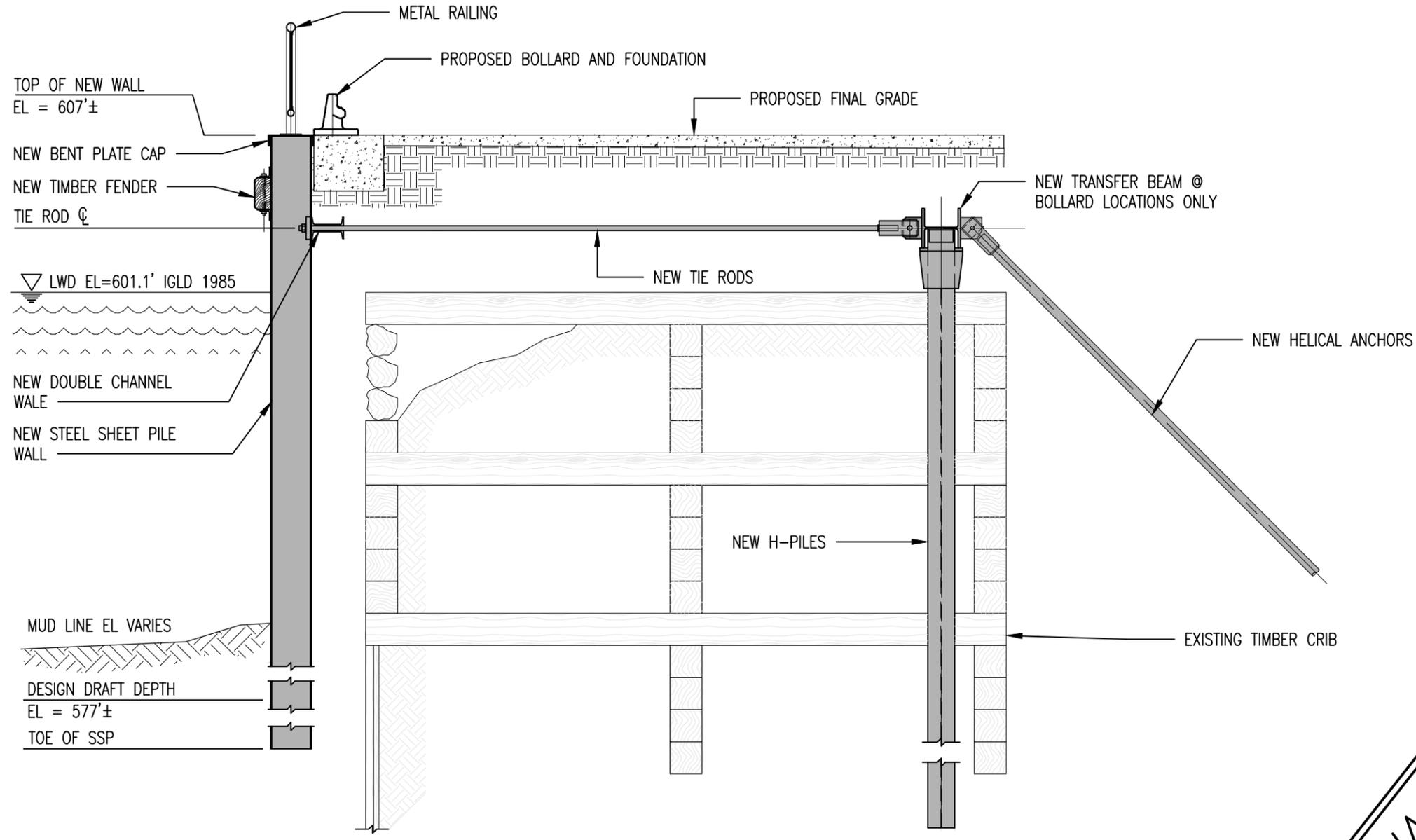
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DULUTH, MINNESOTA	
PROPOSED DECC WALL SECTION	
JOB No: 201187	
DATE:	
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DESIGNED BY: MJB	
SHEET:	
S2.1	



1 PROPOSED DECC SEAWALL REHAB - WAKEFIELD WALL (STA 8+19 TO 8+84)
 S3.0 1/4" = 1'-0"

**PRELIMINARY
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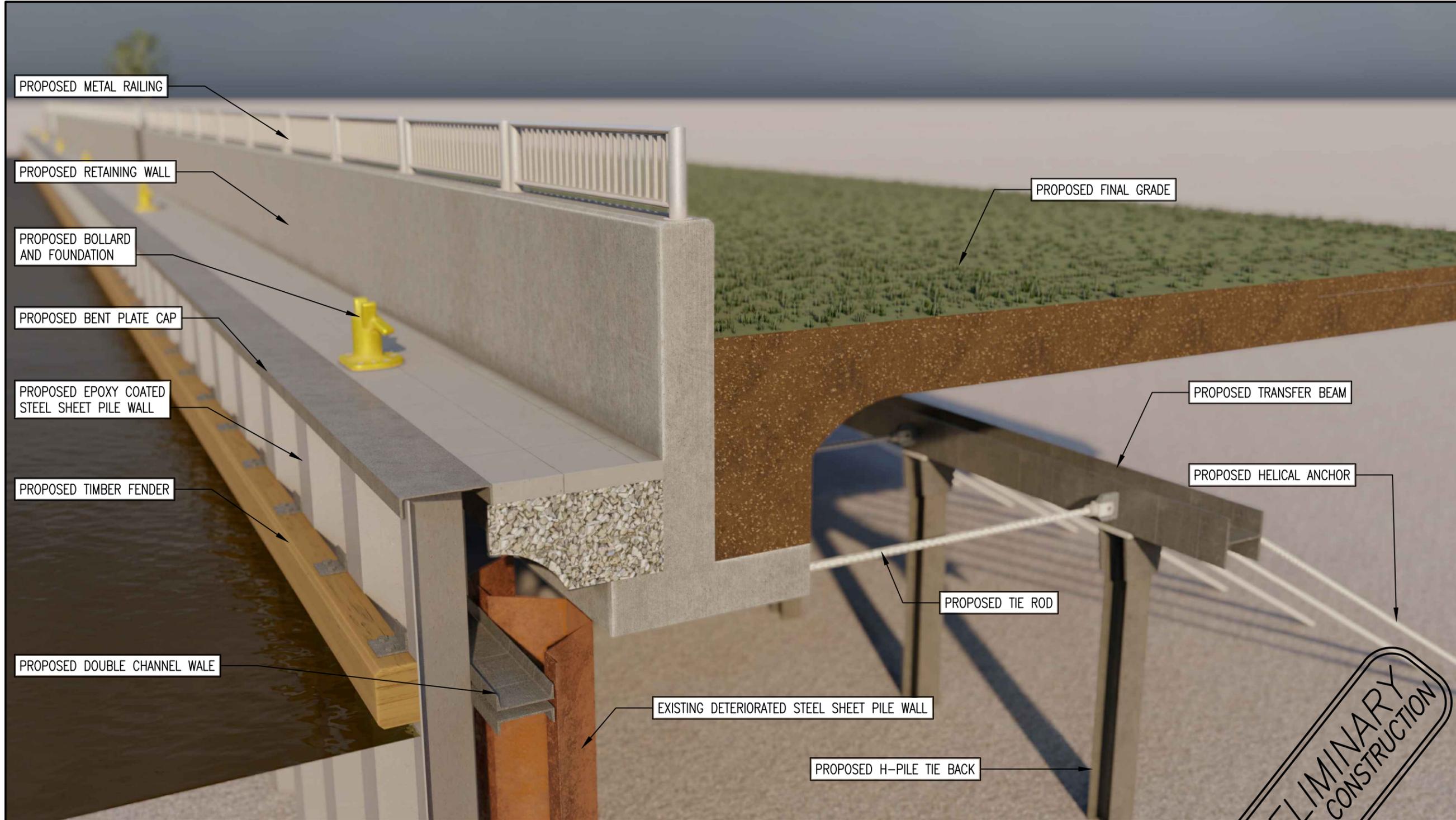
DATE	REV	DESCRIPTION	BY
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CITY OF DULUTH DECC SEAWALL PHASE II		DULUTH, MINNESOTA	
PROPOSED DECC WALL SECTION			
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SHEET:			
S3.0			



1 PROPOSED DECC SEAWALL REHAB - TIMBER CRIB
S3.1 1/4" = 1'-0"

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PROPOSED DECC WALL SECTION	
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DESIGNED BY: MJB	
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S3.1	



1 DECC SEAWALL - PROPOSED SSP REHAB RENDERING
 R1.0

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CITY OF DULUTH
 DECC COASTAL
 INFRASTRUCTURE REHABILITATION
 DULUTH, MINNESOTA
 PROPOSED DECC WALL SECTION

JOB No: 201187
 DATE:
 DRAWN BY: SAJ
 DESIGNED BY: MJB

SHEET:
R1.0



1 DECC SEAWALL - PROPOSED TIMBER CRIB REHAB RENDERING
R1.1

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CITY OF DULUTH
DECC COASTAL
INFRASTRUCTURE REHABILITATION
DULUTH, MINNESOTA
PROPOSED GREAT LAKES AQUARIUM
WALL SECTION

JOB No: 201187
DATE:
DRAWN BY: SAJ
DESIGNED BY: MJB

SHEET:
R1.1



DECC SEAWALL - SSP EXISTING CONDITIONS

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CITY OF DULUTH COASTAL INFRASTRUCTURE REHABILITATION
DULUTH, MINNESOTA DECC SEAWALL SSP EXISTING CONDITIONS

JOB No: 201187
 DATE:
 DRAWN BY: SAJ
 DESIGNED BY: MJB

SHEET:
R2.0



DECC SEAWALL - PROPOSED SSP REHAB RENDERING

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CITY OF DULUTH DECC COASTAL INFRASTRUCTURE REHABILITATION DULUTH, MINNESOTA
DECC SEAWALL - PROPOSED SSP REHAB RENDERING

JOB No: 201187
 DATE:
 DRAWN BY: SAJ
 DESIGNED BY: MJB

SHEET:
R2.1



**DECC SEAWALL - TIMBER CRIB
 EXISTING CONDITIONS**

**PRELIMINARY
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CITY OF DULUTH		DATE:	1/25/21	REV:	A	DESCRIPTION:	SCHEMATIC DESIGN ISSUED FOR OWNER REVIEW	BY:	CAD
COASTAL INFRASTRUCTURE REHABILITATION									
DULUTH, MINNESOTA									
DECC SEAWALL - TIMBER CRIB EXISTING CONDITIONS									
JOB No: 201187									
DATE:									
DRAWN BY: SAJ									
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SHEET:									
R3.0									



DECC SEAWALL - PROPOSED TIMBER CRIB REHAB RENDERING

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CITY OF DULUTH COASTAL INFRASTRUCTURE REHABILITATION
DULUTH, MINNESOTA DECC SEAWALL - PROPOSED TIMBER CRIB REHAB RENDERING

JOB No: 201187
DATE:
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SHEET:
R3.1



