

December 20, 2019

Mr. Adam Fulton
City of Duluth
Planning and Development Division
411 West 1st Street, Room 160
Duluth, MN 55802

RE: Pastoret Terrace and Paul Robeson Ballroom Building Demolition
125 East 1st Street and 127-129 East 1st Street
Duluth, St. Louis County
SHPO Number: 2018-2473

Dear Mr. Fulton,

Thank you for continuing consultation with our office regarding the above referenced project. We have reviewed the information recently submitted to our office pursuant to the State Historic Preservation Office's (SHPO) responsibilities under the Minnesota Historic Sites Act (138.665-666) and the Minnesota Field Archaeology Act (Minn. Stat. 138.40).

As you know, the **Pastoret Terrace/Kozy Bar** and the **Paul Robeson Ballroom** are **contributing** properties within the **Duluth Commercial Historic District** (District). The District is listed in the National Register of Historic Places (NRHP) and was certified by the National Park Service in May 2006. This federal historic property designation was made in accordance with 36 CFR Part 60. The current project being reviewed pursuant to Minn. Stat. 138.665 involves the proposed demolition of the two (2) contributing properties by the City of Duluth/Duluth Economic Development Authority (City/DEDA). In January 2019, our office stated that the proposed project would result in an adverse effect to the designated historic district.

In order to provide clarity to the administrative record for this review, we believe it is beneficial in this letter to summarize recent exchanges of information between the City/DEDA and our office as we seek agreement in writing on a "suitable course of action" to mitigate for the adverse effect to historic properties pursuant to responsibilities under Minn. Stat. 138.665 Subd. 2.

The following is a summary chronology of recent consultation, specifically since our last comment letter was issued on December 2, 2019, based upon our records:

- On December 13, 2019 the City/DEDA sent to our office via email a response to comments and recommendations made in our December 2nd letter including a revised "Proposed Suitable Course of Action: Demolition Mitigation Activities" (Mitigation Plan);

- Our office reviewed the December 13th documents and responded to the City/DEDA via email dated December 18, 2019 recommending additional refinements to the proposed Mitigation Plan and recommended a conference call between our agency and the City/DEDA to discuss;
- Follow-up consultation call between City/DEDA (Adam Fulton and Chris Fleege) and myself on December 18th; and
- Submittal to SHPO by City/DEDA of the final proposed Mitigation Plan via email at 11:26AM on December 18th.

We appreciate the City/DEDA's efforts in reaching a resolution on an appropriate course of action to mitigate for the adverse effect. Below are comments specific to the final Mitigation Plan version dated December 18, 2019 which was prepared by the City/DEDA:

- **Action #1 Archival documentation of the Pastoret Terrace and Robeson Ballroom:** Thank you for clarifying the schedule and steps involved in review and approval of final archival documentation for the properties. The final text of this action item is appropriate.
- **Action #2 Develop and implement a plan for interpretation to recognize and share with the public the historic and architectural significance of the Pastoret Terrace and Robeson Ballroom:** Thank you for taking our December 2nd recommendations into consideration and revising the action item to make it more clear in regards to the steps the City/DEDA will take to engage our office and the Duluth Heritage Preservation Commission (HPC) in meeting the intent of this mitigation. The final text of this action item is appropriate.
- **Action #3 Develop design guidelines to continue and advance the preservation of the Duluth Commercial Historic District along East 1st Street between 1st Avenue West and 3rd Avenue East in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties:** Again, thank you for taking our December 2nd and December 13th comments into consideration. We appreciate the clarification of the District planning sub-area for which the design guidelines are proposed and the clear description of the process by which the design guidelines will be developed, reviewed, and implemented. The final text of this action item is appropriate.

Final Comment Pertaining to Action #3: Although we accept the proposed scope for mitigation as resolution to this project's adverse effect, it is important to state that the mitigation proposal is in conflict to current best practices in historic preservation planning. Specifically, we find it problematic to establish historic district design guidelines for only part of a designated historic district. Therefore, our office encourages the City/DEDA to, once the sub-area design guidelines are developed, continue consultation and engagement with the Duluth HPC and our office in an effort to utilize federal grants and other funding opportunities to not only establish local designation of the District, but to take the completed sub-area guidelines and integrate them into the development and implementation of formal District-wide design guidelines.

In conclusion, pursuant to our office's responsibilities under Minn. Stat. 138.665 Subd. 2, consider this letter formal written agreement with the City/DEDA's proposal dated December 18, 2019 and entitled "Proposed Suitable Course of Action: Demolition Mitigation Activities" as a suitable course of action to mitigate for the adverse effect that the proposed demolition of the Pastoret Terrace and Paul Robeson Ballroom will have on the Duluth Commercial Historic District.

We look forward to continuing consultation with the City/DEDA and the Duluth HPC as the mitigation action items are completed. Please submit any follow-up correspondence to our office following current SHPO submittal procedures. Feel free to contact me at (651) 201-3290 or sarah.beimers@state.mn.us if you have any questions regarding this comment letter.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager

cc via email:

Michael Malone, Duluth Heritage Preservation Commission
Mike Pupore, Duluth Preservation Alliance