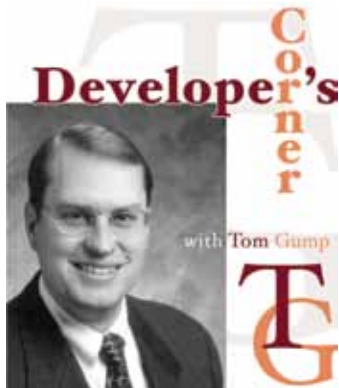




Being prepared: balancing archaeology and historic preservation with development



By Jennifer Bring and Tom Gump

Any successful development starts with good planning. Some aspects of planning a development are fairly straightforward, but even the most seasoned developer can be tripped up by local, state and federal regulations established to identify and preserve significant archaeological and historic architectural properties, more commonly referred to as “cultural resources.”

The Whitney Hotel renovation in downtown Minneapolis is a good example of how

effectively navigated complex cultural resources issues can ultimately contribute to the overall success of a development.

The Whitney project proposed to convert the former Whitney Hotel building, located within the Minneapolis riverfront area, into residential condominiums, as well as redevelop an adjacent plaza into an underground parking facility with a raised pedestrian plaza above. The Minneapolis riverfront, once an industrial center of sawmills, grain elevators and flour mills, is a historically rich area, which is clearly evident in the collection of historic resources present on and near The Whitney property.

The Whitney Hotel, formerly the historic Standard Mill, was originally constructed in 1879 and is a contributing property in the St. Anthony Falls Historic District, which is listed on the National Register of Historic Places (NRHP). The NRHP is an official list maintained by the federal government of the nation’s significant historic places worthy of preservation.

The St. Anthony Falls Historic District was also designated a state historic district in 1971 under the Minnesota Historic Sites Act (MS 138.71-138.75). In addition, multiple historic mills, including the Model, Dakota and King Midas mills, once stood on The Whitney

property. During construction of the adjacent plaza in 1987, foundation remains of the Model Mill were exposed, leading Scott Anfinson, the Minnesota State Historic Preservation Office archaeologist at the time, to write that additional remains of the mills were likely intact and “may remain” below the plaza. These potential historic mill sites were also recognized as contributing properties to the St. Anthony Falls Historic District.

With this rich collection of significant cultural resources, it was evident that compliance with laws governing cultural resources was going to be a major component of The Whitney project. Section 106 of the National Historic Preservation Act of 1966 and the Minnesota Historic Sites Act (MS 138.661-138.669) are the primary federal and state cultural resources regulations that impact larger development projects in Minnesota, such as The Whitney. Section 106 requires federal agencies to take into account the effects of their undertakings (projects they are funding or permitting) on historic properties (properties listed on or eligible for listing on the NRHP).

The Minnesota Historic Sites Act, similar to Section 106, requires state agencies and departments to take into account the effects of the projects they fund or permit on historic

properties (those listed on the NRHP or State Register of Historic Places). However, The Whitney project did not require any federal or state permitting or receive any federal or state funding, and therefore, did not need to comply with either mandate.

Although compliance with federal and state cultural resources regulations was not necessary, The Whitney project did require approval by the Minneapolis Heritage Preservation Commission (HPC), since the St. Anthony Falls Historic District is also a state designated historic district. The Minnesota Historic Sites Act authorizes the governing bodies of the subdivisions of the state in which state designated historic districts are located, in this case the city of Minneapolis, the power to create a HPC for the purpose of providing architectural control of these districts. The Minneapolis HPC, therefore, reviewed The Whitney project to ensure that the proposed actions were compatible with the architectural character of the district. To further aid in preserving and protecting the historic district, the Minneapolis HPC adopted the St. Anthony Falls Historic District Guidelines in June 1980, which set policy directions for future

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land use within the district. Therefore, the HPC also reviewed the project to ensure the proposed design complied with these guidelines.

During consultation for this project, the Minneapolis HPC deemed that a full-scale excavation of the Model and Dakota mills as archaeological sites was necessary in order to gather as much information about the sites as possible prior to their destruction. The 106 Group Ltd. was hired by the developer to complete the archaeological investigation of the sites, the results of which were compiled into a report that was reviewed and accepted by the Minneapolis HPC, thereby moving the development project one step closer to implementation.

In addition, to inform the redesign of The Whitney Hotel (the former Standard Mill), a history of the physical condition of the building was compiled, which identified its character-defining features. This information was used to help the architect and developer create a design for the proposed development that would meet the design guidelines for the historic district and have the best chance of being accepted by the HPC. The revised final design was accepted by the HPC and the development was allowed to proceed.

Although the cultural resources investigations for The Whitney project were primarily completed to comply with applicable regulations and allow the development to proceed, they had other positive outcomes. During the

archaeological excavations at the site, the public learned about the project through guided tours and temporary informational signs that discussed efforts to preserve the site's history. Additionally, the information gathered during the investigations was used to write and design permanent interpretive signs for the pedestrian plaza. The signs tell the story of the Standard Mill and other industry on the riverfront and help residents and visitors understand the unique history of this place.

As illustrated with The Whitney project, careful planning can help identify what cultural resources issues may impact a development, as well as aid in successfully navigating those issues to minimize or avoid potential delays and/or financial loss. Here are some key questions related to cultural resources compliance that should be answered when planning a new development:

- Is the project receiving federal funding or does it require federal permitting? If so, it must comply with Section 106 of the National Historic Preservation Act.

- Is the project receiving state funding or does it require state permitting? If so, it must comply with state mandates governing cultural resources, such as the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

- Is there a local HPC and, if so, what authority do they have regarding review of building permits? If the project involves a locally designated historic building or is within a state or locally designated historic district, it will likely require a certain level of review

by an HPC, if there is one.

- Is the project within a NRHP-listed historic district or does it impact a NRHP-listed or eligible property/site? If there is federal involvement in a project, it is the responsibility of the lead federal agency, and therefore would be required by the developer receiving the federal funding or permit, to attempt to avoid, minimize and/or mitigate any adverse effects to a NRHP-listed or NRHP-eligible property. If there is no federal involvement in a project, state laws or local ordinances may still require review of listed or eligible properties.

- Is the project within a locally or state designated historic district or does it impact a locally designated property? If a property is locally or state designated as a historic property, there may be local ordinances or regulations dictating the level of review that must be completed if the property will be impacted by a proposed development.

Other cultural resource laws that developers should be aware of include:

- Minnesota Private Cemeteries Act (M.S. 307.08) – This act provides marked and unmarked human burials and remains older than 50 years located outside of platted, recorded or identified cemeteries, on both public and private land, protection from unauthorized disturbance. The act also defines a process for dealing with human remains if they are found during the course of a project.

- Minnesota Field Archaeology Act (M.S. 138.31 – 138.42) – This act requires consultation with the Office of the State Archaeolo-

gist (OSA) for all projects involving public funding or public land. In addition, it requires that all archaeological investigations on public land, or land impacted by publicly funded projects, be permitted through the OSA; obtaining this permit is the responsibility of any cultural resources consultant who is hired to do this work.

- County Ordinances – Some counties have separate ordinances that require the effects to cultural resources be considered. For example, both St. Louis and Carlton counties require some form of cultural resources review prior to issuing a permit for a project.

In summary, keep in mind that early identification of and planning for cultural resources can contribute to the successful progress and completion of any new development. In addition, archaeological or architectural investigations that may be required for compliance reasons can also enhance a project by creating a unique sense of place that sets the development apart.

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