



United States Department of the Interior

NATIONAL PARK SERVICE
Mississippi National River and Recreation Area
111 E. Kellogg Blvd., Ste. 105
St. Paul, Minnesota 55101-1256

IN REPLY REFER TO:

H3017(MISS-FSVC)

October 11, 2007

Michael Fox
Deputy Director of Programs
Minnesota Historical Society
345 Kellogg Blvd West
St. Paul, Minnesota 55102-1906

Dear Mr. Fox:

In our letter of September 20, 2007, we stated that the process for reviewing the Minnesota Historical Society's (Society) Fort Snelling project had moved too far without enough consultation or documentation. This letter and our comments on your report (Encl 1), entitled "New Visitor Center at Fort Snelling: Documentation for Consultation," explain why we said this.

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties and to give the Advisory Council a reasonable opportunity to comment on such undertakings. The "undertaking" here is the review and approval or denial of the Society's request for a change to the Program of Preservation and Utilization (PPU). The Federal government attached the PPU to the deed when it transferred the Society's portion of Fort Snelling to the State of Minnesota.

Before the National Park Service (NPS) can decide whether to approve the Society's request, we must fulfill the requirements of Sections 106 and 110 of the NHPA. Because Fort Snelling is a National Historic Landmark (NHL), the NPS has a statutory requirement to "undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking." We are to make the "maximum" effort in doing so. (Section 800.10)

The determination of effect under Section 106, and the resolution of it, if adverse, will play an important role in our decision to approve or deny the request for a change to the PPU. For the NPS to provide a determination of effect, many things must first occur. The NPS must get documentation that shows the need for and explanation of the changes requested to the PPU. This information is vital for us to make a responsible decision and it must comply with the requirements of Sections 106 and 110. Also, the NPS must meet the purposes of the Historic

Monuments Program and the Mississippi National River and Recreation Area's Comprehensive Management Plan.

Sections 106 and 110

Section 800.1 emphasizes that the "The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties." Since Fort Snelling is a National Historic Landmark, we need to stress avoiding or minimizing any adverse effects. Mitigation should be a last resort.

Section 800.1(c) requires that the consulting parties have the opportunity to consider a broad range of alternatives. The Society states that it has considered a variety of alternatives, but the NPS, Council and consulting parties have not had an opportunity to consider these together, and with the rigor demanded of NHL reviews. A critical aspect of the process is that the parties are not presented with a final or near final project, as is the case here. There has to be a real opportunity for the consulting parties to meaningfully influence the outcome. This is a standard part of the Section 106 process. Granted, the Society presented its initial design to the NPS and then revised it. But neither the NPS nor any consulting parties had an opportunity to offer input on whether a new building is the best solution, where it should be located, if necessary, or what it should look like.

Sections 800.2 and 800.3 define the consultation process and parties. To date, we have started to identify the consulting parties, but more work needs to be done. The consulting parties have had no opportunity to discuss a broad range of alternatives, as required in Sec. 800.1. No tribes have responded to the NPS's letter of August 8, 2007, and we need to ensure that they have had an opportunity to comment on the project early enough to help shape the outcome should they wish to. The Society, NPS, and Council need to agree upon a process for how to include comments from the public and interested parties. Again, complying with Sections 800.2 and 800.3 is a standard part of the Section 106 process.

Once we have identified the consulting parties, Section 800.4 specifies that we have to determine the "scope of identification efforts" for historic and archeological sites that might be affected. We know that Fort Snelling is an NHL; however, some aspects of it have not been identified or evaluated. The infill buildings, for example, date to the era of significance, but they have not been evaluated to determine whether they are contributing features to the historic buildings and NHL. Yet the Society's plan calls for tearing them down. As the report notes, there are other sites in the Area of Potential Effects (APE) that could also be affected by the project that have not been evaluated, including archeological resources. Identification and evaluation of all properties that could be affected by a project is a standard part of the Section 106 process. After knowing all the National Register listed and eligible sites within the APE, we can begin assessing adverse effect as provided for under Section 800.5. We need to do this in consultation. Given that none of the consulting parties have the documentation required under 800.4, we cannot apply the criteria of effect to all aspects of the project. As discussed in our comments on the Society's report, the NPS has significant reservations about the proposed new visitor center's need, location and design. The NPS, however, would like to have a thorough discussion of this issue with the consulting parties.

When the Society asked for what documentation was necessary for the NPS to review this project, Dr. John Anfinson, our cultural resources specialist, told the Society's staff to consult with the SHPO staff and look at Section 800.11 on documentation standards. For the NPS to determine whether an adverse effect or no adverse effect occurs, Section 800.11 provides the following documentation requirements:

- (1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;
- (2) A description of the steps taken to identify historic properties;
- (3) A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;
- (4) A description of the undertaking's effects on historic properties;
- (5) An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects; and
- (6) Copies or summaries of any views provided by consulting parties and the public.

As our comments on the Society's report make clear, few of the documentation requirements have been met, and we disagree with key portions of the report. These requirements are standard to the Section 106 process. Given that we are dealing with a NHL, the NPS needs to meet the requirements in the most complete manner possible.

Historic Monuments Program

The purpose of the Historic Monuments Program is to transfer historic properties out of Federal ownership with protections for their long-term preservation and protection. The PPU notes that the entire history up to 1946 is important but focuses on the frontier fort to the extent of calling for the removal of buildings 17 and 18. Clearly times and priorities have changed since the PPU was originally signed. No one today questions the historic value of buildings 17 and 18 or of 22 and 30. Whether the Society's project goes forward or not, we plan to seek revisions to the PPU that reflect this.

The goal of removing buildings 17 and 18, as described in the original PPU, was to restore the setting to what it was like during the era of the frontier fort. Road construction and other new disruptions, the PPU complained, had detracted from the setting. The PPU anticipated making a stronger connection between the frontier fort and the Upper Post, ignoring the fact that 17 and 18 are part of the Upper Post. That the PPU would call for the removal of 17 and 18 for the purposes of restoring the landscape and sense of place shows that the author(s) of the original PPU would have seen a new building, especially a modern one, as inappropriate. A new building could add to the cumulative impacts by introducing another new element to the landscape.

Comprehensive Management Plan

Under Historic Resources, the Comprehensive Management Plan (CMP) stresses that the Mississippi National River and Recreation Area (MNRRA) corridor will be "an exemplary role model for historic preservation and adaptive use of historic structures." The National Park Service's Management Policies 2006 (5.3.5.4.6 New Construction) states, "In preference to new construction, every reasonable consideration will be given to using historic structures for park purposes compatible with their preservation and public appreciation." And the Section 110 Guidelines say, "Each Federal agency must, to the maximum extent feasible, use historic properties available to it in carrying out its responsibilities." While the Fort Snelling is state land, the latter two statements make it clear that the Federal government emphasizes adaptive use versus new construction.

While much of the Society's proposal will greatly protect and enhance the NHL, we have significant reservations about the proposed visitor center. The proposed structure could set a poor precedent. Few sites in the state could establish a more visible, more powerful example of the success or failure of adaptive use than your proposed project at Fort Snelling. Without substantive documentation proving the need for a new building, the MNRRA corridor could become the model for how not to adaptively use historic structures.

The National Trust for Historic Preservation named the Upper Bluff to America's 11 Most Endangered Historic Places list in 2006, and a new structure could further endanger it. Any developer could use the arguments the Society is making about the cost and structural limitations of using Building 17 to say it could not use a historic building on the Upper Bluff or on the Society's portion of it. They could then argue for a new structure.

We have enclosed the comments (Encl 2) received from the public and interested parties so far.

The Minnesota Historical Society has a tremendous opportunity to restore both the historic buildings and the historic landscape of Fort Snelling. Hopefully, at the end of the Section 106 process, we can agree on a plan that the NPS avidly endorses, and we can move forward together to save this American treasure. The National Park Service has a deep investment in this site. The NPS paid for much of the early archeology at the frontier fort. More recently, the NPS provided \$75,000 for the restoration of the Round Tower and Half Moon Battery. On the Upper Post, the NPS has granted Hennepin County a \$150,000 Save America's Treasures Grant in 2007. If you have any questions concerning this letter or our comments on your report, please call me at 651-290-3030, extension 222.

Sincerely,



Paul R. Labovitz
Superintendent

Encls (as listed)

(page 5, NPS ltr dtd 10/11/07)

cc: (w/encls)
Regional Director, MWRO
Britta Bloomberg, Deputy State Historic Preservation Office

cc: (w/o encl 2)
John Eddins, Advisory Council on Historic Preservation
Christie Modlin, Iowa Tribe of Oklahoma
Shannon Blue, Lower Sioux Indian Community
Audrey Bennett, Prairie Island Community
Stanley Crooks, Sr., Shakopee Mdewakanton Community
Leonard Wabasha, Shakopee Mdewakanton Community
Michael Selvage, Sisseton Wahpeton Oyate
Kevin Jensvold, Upper Sioux Community
Tom Ross, Upper Sioux Community
Erma Vizenor, White Earth Band of the Chippewa
Karen Diver, Fond du Lac Reservation
Norman Deschampe, Grand Portage Reservation
Wilfred Cleveland, Ho-Chunk Nation
George Goggleye, Leech Lake Reservation
Gina Papsadora, Leech Lake Reservation
Melanie Benjamin, Mille Lacs Band of Ojibwe
Elise Aune, Mille Lacs Band of Ojibwe
Floyd Jourdain, Red Lake Band of Ojibwe
Lee Peterson, Red Lake Band of Ojibwe
Matthew Pilcher, Winnebago Tribe of Nebraska
Louis Taylor, La Courte Oreilles Community
Myra Pearson, Spirit Lake Nation
Lester Thompson, Jr., Crow Creek Sioux Tribe
Roger Trudell, Santee Sioux Tribe of Nebraska