

Meeting Minutes

Project: Mellon Arena

Subject: Meeting #1

By: Lisa Olszak

Attendees: See attachment 1

Handouts: See attachment 2 (not included)

Date: January 19, 2010

Time: 10:00 am to 12:00 noon

Place: East Lounge, Mellon Arena,
Pittsburgh

Introduction & Brief Project History

An introduction of the history of the Lower Hill Redevelopment project was provided by Chris Cieslak of Chronicle Consulting LLC (Oxford Development Co. / Chester Engineering). She briefly discussed the 2007 Memorandum of Agreement (MOA) and 2008 Community Benefits Agreement, noting the numerous signatories to the agreement. Chris also stated that, prior to the completion of the Lower Hill Redevelopment Master Plan, a cultural resources investigation /documentation and an environmental overview (hazardous waste investigation) are required. Chris introduced Timothy Zinn of Michael Baker Jr., Inc. (Baker) to explain the cultural resources process.

Cultural Resources Process Overview

A PowerPoint presentation began with a review of commonly used terms and definitions, a review of commonly used acronyms, and a review of federal and state laws pertaining to cultural resources. Tim noted that because there are no federal funds currently identified for the Lower Hill Redevelopment Project, and because the SEA is an instrumentality of the Commonwealth, the cultural resources investigation will be conducted in compliance with Chapter 5 of the State History Code, and not Section 106 of the National Historic Preservation Act. It was noted, however, that because there is not a separate process for complying with the State History Code, the process for complying with Section 106 will be followed. A flowchart, based on the Section 106 process, was presented and reviewed.

Tim provided a status update on the coordination efforts conducted to date with the Pennsylvania Historical & Museum Commission (PHMC), Bureau for Historic Preservation (BHP) which is Pennsylvania's State Historic Preservation Office (SHPO). Coordination with PHMC began with the completion of a Request to Initiate Consultation form. The information included in the form contains a description of the project, the results of background research, information on previously recorded historic properties and archaeological sites, a methodology for conducting cultural resources investigations, a plan to involve the public, and a plan to identify and involve Interested Parties. Additional documentation includes the delineation of an Area of Potential Effect (APE), which is a geographic area in which an undertaking may directly or indirectly cause alterations in the character or use of historic properties. The APE was shown on Block and Lot mapping as well as satellite imagery, and consists of three tax parcels encompassing approximately 28 acres. Tim provided an overview of the results of the background research that briefly outlined the 200+ year history of the APE. Due to the potential for undisturbed soils within the APE archaeological investigations will be conducted as details of the Lower Hill Redevelopment project are finalized. No above-ground historic structures investigations will be required as previous surveys have identified all resources that are 50 years of age or older. The only above-ground resource within the APE is Mellon Arena, which the PHMC determined was eligible for listing on the National Register of Historic Places (NRHP) in 2001.

Tim reviewed the two remaining steps in the process flowchart that will be accomplished in the next few months, which include the Assessment of Adverse Effects and the Resolution of Adverse Effects. As part of the Assessment of Adverse Effects, Baker will conduct workshops with the Interested Parties as part of the development of a Purpose and Needs Statement for the project and a comprehensive Alternatives Analysis. As alternatives are identified, the Criteria of Adverse Effect, found in the Section 106 regulations will be applied, and a determination of "No Historic Properties are Adversely Affected" or a determination of "Historic Properties are Adversely Affected" will be made for each alternative. This exercise will be summarized in a Determination of Effect Report.

Finally, in the Resolution of Adverse Effects step, Interested Parties will identify measures to avoid, minimize, or mitigate any adverse effects an alternative may have on historic properties. These measures will be considered by the SEA for inclusion into a Memorandum of Agreement (MOA) that will be executed between the Sports & Exhibition Authority (SEA) and the PHMC.

Interested Party Process

Ray Maginness introduced the Interested Parties process as a consultation process required under the state regulations that seeks to accommodate historic preservation concerns through consultation among agencies and other parties with a demonstrated direct legal or economic relation to the project or affected properties, or their concern with the project's effects on historic properties. Interested Parties usually consist of representatives of local governments with jurisdiction over the area in which the effects of the project may occur, established historic societies, groups, and agencies charged with the protection of historic resources, planners, and owners of affected properties. The goal of the process is to reach an informed consensus on the recommendation of a redevelopment option that avoids, minimizes, or mitigates potential adverse effects to historic properties. Dissenting opinions will be recorded.

The process is envisioned to include four Interested Party meetings and two public informational meetings. A project website will also be established as an information conduit. Interested Parties, as well as the general public, will have avenues to make their opinion known through participation in the meetings, questionnaires, and the project website (www.pgh-sea.com). A tentative project schedule was provided as a handout.

Application forms for representatives of organizations and groups with a demonstrated direct legal, economic, or historic preservation interest in the project were provided. It was explained that completed applications would be evaluated for potential Interested Party selection with the goal of obtaining a membership that is of an optimum and effective size, and that would represent the varied concerns of the community. Attendance to Interested Party meetings would be limited to two people, a spokesperson and alternate, from each organization. Meeting attendance would be limited to Interested Party members only. Those not selected for Interested Party status would be encouraged to participate in the project through the other venues including the project website, public meetings, and coordination with Interested Parties.

Purpose and Needs Statement Exercise

Prior to the development of recommended redevelopment options that avoid, minimize, or mitigate adverse affects to the arena, a purpose and needs statement that reflects the values of the Interested Parties is required. The purpose and needs statement can be used to develop, evaluate, and compare a variety of potential alternatives. To assess the group's values, a survey was conducted assessing each attendee's perspective on the relative importance of a list of commonly used redevelopment issues or basic criteria. The results of the survey will be presented at the next Interested Party meeting along with a draft project purpose and needs statement for review and comment.

The presentation portion of the meeting was concluded with a review of the information presented, which was followed by a question and answer session.

Question & Answer Session

1. Q: What is the timetable for completing the process?
A: Approximately six months.

2. Q: What are the parameters for selecting interested parties?
A: The process for the identification and selection of interested parties is following the Section 106 regulations for the identification and selection of "consulting parties" found at 36 CFR 800.2. A summary of the process and criteria for selection is provided on the interested party application that is included in your packets. The process will be as inclusive as possible in ensuring that individuals, organizations, and groups with a demonstrated direct legal, economic or historic preservation interest in the project are represented.

3. Q: The project has had federal funds in the past and may have those funds in the future, so why isn't the federal Section 106 process being used in place of the state history code?
A: With no existing federal funds or federal lead agency currently identified, the state process is being used. We are, however, assuring that the state process includes elements of Section 106 so that if in the future, federal funds are identified, the transition through the Section 106 process would be automatic. This approach was identified through coordination with the PHMC and Federal Highway Administration, a potential source of future funding.

4. Q: The Hill Master Planning process should be integrated into the alternatives exercises.
A: Members of the Hill Master Planning staff will be included as interested parties.

5. Q: There needs to be a project website.
A: There is one and meeting materials will be available on that site.
6. Q: An independent consultant should be retained to assess alternatives and thereby avoid "political" influences on the process.
A: Baker engineering will be directing the process and providing "broad-brush" analysis, as appropriate. A goal of the Interested Party process is to reach an informed consensus on the recommendation of a redevelopment option that avoids, minimizes, or mitigates potential adverse effects to Mellon Arena.
7. Q: How can we get access to the economic information that the Penguins have for development of the site?
A: We will need to get back to you on that (see follow-up Item).
8. Q: Are there any foregone conclusions?
A: No. The purpose of the project is to reach an informed consensus on the recommendation of a redevelopment option that avoids, minimizes, or mitigates potential adverse effects to Mellon Arena.
9. Q: Will the Sports and Exhibition Authority (SEA) Board make the final decision?
A: The interested parties will present a recommended redevelopment option with measures to avoid, minimize, and mitigate adverse effects to the arena to the SEA Board for consideration.
10. Q: Will the SEA Board have a straight vote to accept or not accept the recommendation?
A: The SEA is the owner of the Mellon Arena. The Interested Party process will seek to identify and evaluate measures that avoid, minimize and mitigate adverse effects to the arena. The SEA will evaluate the feasibility and reasonableness of recommended options.
11. Q: Are you saying that demolition is not a foregone conclusion? Do the Penguins have an obligation to demolish the arena?
A: The redevelopment with the demolition is one alternative to be considered. The SEA is the only agency with the authority to demolish the arena.
12. Q: Four to five years ago City Planning took a vote to approve demolition of the arena. Does it need rescinded now?
A: Your comment has been noted and will be considered for follow-up.
13. Q: With regard to the crosstown highway "cap" plans, what role will the master plan play in the effect of the highway and how does it related to the Hill District and displacements?
A: The historic process is a separate undertaking from the "cap" plan.
14. Q: When is the next meeting?
A: Tentatively February 9.
15. Q: After interested parties are selected, can we have access to tours of the Mellon Arena and site?
A: Yes.
16. Q: Could meetings be scheduled during the evenings or on Saturday?
A: It is possible, but we will consider early evening meeting time frame for future meetings such as 3-5pm or 4-6 pm.
17. Q: Would you select a site with free parking?
A: Comment noted..
18. Q: Are you considering moving the building or keeping it on site?
A: Alternatives that avoid, minimize, and mitigate adverse impacts to the arena will be considered as part of the interested parties' meetings. The relocation of part of the arena may be an option to be considered.

19. Q: When calculating demolition costs, will mitigation of hazardous waste be considered?

A: A "broad brush" level of analysis will be conducted for various alternative redevelopment options. The cost of hazardous waste mitigation will be considered.

Follow-Up Items

- Assess availability of economic information that the Penguins have for development of the site
- In the past, the City Planning took a vote to approve demolition of the arena; does this action need to be rescinded?

cc: All attendees