



Commonwealth of Pennsylvania  
Pennsylvania Historical and Museum Commission  
Bureau for Historic Preservation  
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June 16, 2010

Mr. Reid Nelson  
Advisory Council on Historic Preservation  
Old Post Office Building  
1110 Pennsylvania Avenue, NW, Suite 803  
Washington, DC 20004

Dear Reid:

Several months ago, if not a year ago, I called to speak to you about the Mellon Arena (Arena) in Pittsburgh. The Arena is eligible for listing on the National Register of Historic Places.

The Arena is owned and operated by the Sports Exhibition Authority (SEA) in Pittsburgh. In March of 2007 a Memorandum of Understanding (MOU) was signed between the Commonwealth of Pennsylvania, the SEA, Allegheny County, the City of Pittsburgh and the Lemieux Group LP agreeing to the construction of a new sports facility, The Sports Exhibition Center (see attached MOU). This MOU did not include the SHPO and the SHPO was not consulted about the agreement.

Although the new facility was built as a multi-use facility, its primary tenant is the Pittsburgh Penguins National Hockey League team. In Section 2(iii), the MOU, which is still in force, states: *"Upon the opening of the new arena, the SEA, at its expense, shall promptly demolish Mellon Arena and pave, stripe and in all respects prepare the land under Mellon Arena for use as a parking lot. Upon completion of this work, the Penguins shall pay an additional \$200,000/year over the life of the lease. This use shall continue until the land under Mellon Arena is developed."* This section of the MOU, the quasi-Section 106 consultation and the "anticipated" federal funding which the SEA has told us it will receive for the redevelopment (replace a street grid) of the 28 acre site, makes the preservation advocacy groups believe the SEA is pursuing anticipatory demolition. However, several months ago, the executive director of the SEA told me verbally that the SEA does not have funds at this time for the demolition.

In the meantime, the new Sports Exhibition Center is complete and the old Arena is considered redundant by the SEA. The last concert in the old Arena is scheduled for June 30. The SEA is ready to make a decision about the future of the Arena and it appears from the recent report that the SHPO has received, that the intent of the SEA is to demolish the old Arena.

The SEA has consulted with the SHPO as required under the State's historic preservation statute, known as the History Code. At this point, the SEA has, for all intents and purposes, fulfilled state requirements for consultation. The History Code has no clearly defined procedures for consulting about project effects: it merely states the Agency "will consult."



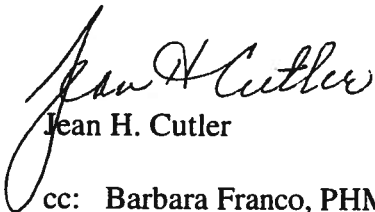
A while ago, as mentioned in a paragraph above, the SEA informed our office that they were "anticipating federal funding" for the redevelopment of the acreage under and around the Arena, specifically to re-establish some semblance of the pre-Arena street grid. For this reason, the SEA suggested that they use Part 800, the regulations that govern Section 106, as a procedural template in order to impose some structure on the process for a project that was known to be controversial, and we concurred with that course of action. Obviously, the process could not exactly mirror a Section 106, because there is at this time no federal undertaking. SEA is, nevertheless, still anticipating federal dollars which may come in the form of an earmark for the street grid. This is what I originally called to speak with you about; i.e. would the ACHP be willing to be involved and could we get FHWA to be involved before there is an actual undertaking. You informed me that this would not happen.

Advocates for preserving the Arena have inquired as to whether it would be considered anticipatory demolition if the SEA demolished the Arena when it is commonly known that it is anticipating federal dollars for the redevelopment of the site (street grid). From their perspective, the existence of the MOU that calls for the SEA to demolish the Arena (see attached MOU), which, but for the demolition, federal funds for re-establishing some semblance of the street grid would not be used

The consultation continues, but the SEA has a deadline, around mid-July, by which it wants to reach a decision about demolition, preservation or moth balling the building. The last event will be held in the Arena on June 30. A draft report from SEA we just received states that the preference is for demolition.

I would appreciate hearing from you at your earliest convenience as to whether you believe that, if there is a federal undertaking, post demolition of the Arena, that the federal agency would consider the demolition anticipatory. I would also like to know whether the ACHP would be willing to enter into consultation now, prior to the determination that there is a federal undertaking, because it seems clear that there will be one.

Sincerely,



Jean H. Cutler

cc: Barbara Franco, PHMC  
Bill Callahan, PHMC  
Mary Conturo, SEA  
Rob Pfaffman, Save the Igloo  
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