



## Capitol Area Architectural and Planning Board

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<https://mn.gov/caapb/>

Date: March 24, 2025  
To: Capitol Area Architectural and Planning Board members  
From: Tina Chimuzu, Planner Fellow, Capitol Area Architectural and Planning Board (CAAPB)  
CC: Erik Cedarleaf Dahl, Executive Secretary, CAAPB  
Peter Musty, Principal Planner & Zoning Administrator, CAAPB  
RE: **AGENDA ITEM #2 - USS Ward Gun**



### **The USS Ward Number Three Gun**

The USS Ward World War I-era Navy Destroyer became an important part of American history on December 7th, 1941. One and a half hours prior to the Japanese attack on Pearl Harbor,

during her patrol of Hawaiian waters, the Ward encountered a Japanese submarine attempting to infiltrate Pearl Harbor. The crew, which was composed of Naval Reservists from Minnesota, fired on and sunk the enemy vessel using the USS Ward Number Three Gun, therefore attaining the first American caused casualty of the second world war.

The entire crew of the Ward survived the war and returned home, eventually helping to petition the Minnesota Veterans of Foreign Wars (VFW) and through it, the United States Navy, to loan the USS Ward Number Three Gun to the Minnesota Department of Veterans Affairs with the assurance that the State properly maintain it.

This Minnesota VFW group, naming themselves the “First Shot Naval Vets,” were a prominent feature of the city of Saint Paul. The last surviving member of the USS Ward’s crew from Pearl Harbor, Alan Sanford, passed away in January of 2015.

The Gun, which is owned by the United States Navy, was installed on the State Capitol grounds in 1958 and currently sits on the south edge of the lower Capitol Mall, west of the Veterans Service Building near 25 12th Street West. – *Photo and History from application by Randall Dietrich, Executive Director, Minnesota Military and Veterans Museum and The Minnesota Historical Society.*



The USS Ward Number Three Gun and its crew. “NH 97446” *Naval History and Heritage Command*

## Staff Acceptance of Application, Review, and Preliminary Findings

On August 18, 2024, CAAPB Staff received an application from Randal Dietrich, Executive Director of the Minnesota Military & Veterans Museum (MMVM), for removal of the Commemorative Work USS Ward Number Three Gun from the Capitol Mall to the Minnesota Military & Veterans Museum.

In 2023, the Minnesota State Legislature allocated funds to the Minnesota Department of Military Affairs for the construction of a new 40,000 square foot Military and Veterans Museum on 32-acres at Camp Ripley (just north of Little Falls). The new facility, to open in 2026, will replace a very modest museum at Camp Ripley that has served veterans and their families for more than 40 years.

The application from Executive Director Dietrich is included in the packet, as well as images of the Minnesota Military and Veterans Museum in Little Falls (near the entry to Camp Ripley on Highway 371), letters of support, drawings of the proposed museum location of the gun, and a description of the proposal.

As per Minnesota Rules 2400.2703 Subpart 7., Item A, CAAPB staff reviewed the application within 10 calendar days and determined it to be complete by 8/26/2024.

Thereafter, CAAPB staff proceeded to review the request for removal and assess the Commemorative Work per conditions in Minnesota Rules 2400.2703 Subpart 6., upon which staff determined that the removal request meets the condition in Minnesota Rules 2400.2703 Subpart 6., Item C.

*Subp. 6. Conditions for modification or removal of an existing artwork.*

*A. there has been sustained, broad-based, and documented public objection to the artwork;*

*B. the artwork conflicts with the guiding principles in subpart 1, item A;*

***C. the artwork has faults in construction or requires maintenance such that the Department of Administration is unable to properly care for or store the artwork;***

*D. the site for the artwork is no longer safely accessible to the public or is due to be demolished; or*

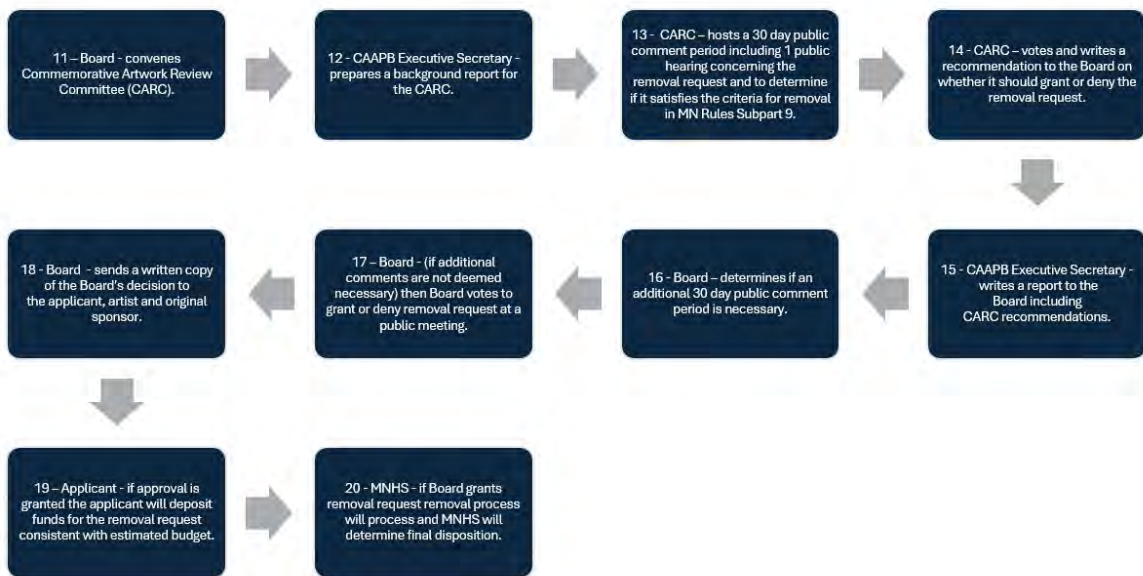
*E. significant changes in the use, character, or design of the site require a re-evaluation of the relationship of the artwork to the site.*

In the preliminary findings relevant to the rules for Commemorative Works, the CAAPB staff together with MNHS, and in consultation with the Department of Administration, established that though the Agency had over the years done an outstanding job of maintaining and restoring the important artifact, unfortunately there are currently no dedicated funds for future maintenance works. However, considering the Gun's steel material and continued outdoor exposure, a lack of dedicated maintenance funds would lead to its continued degradation. In light of this, staff determined that the application for removal meets the conditions for M.R. 2400.2703, Subpart 6, Item C., therefore recommending to the Board that the application be moved forward in the review process.

### Commemorative Works Removal Process – USS Ward Number Three Gun (1 of 2)



## Commemorative Works Removal Process – USS Ward Number Three Gun (2 of 2)



## Public Comment and Public Hearing

Guided by M.R. 2400.2703 Subpart 7, Item D, with the Board’s affirmation, CAAPB staff facilitated a 30-day Public Comment period from December 3, 2024, to January 7, 2025 (35-days) and a Public Hearing on December 19, 2024 to gather public input on whether conditions in Minnesota Rules 2400.2703, Subpart 6, Item C., have been met for the Board to consider the application to remove the USS Ward Number Three Gun from the State Capitol Mall.

*Subp. 6. Conditions for modification or removal of an existing artwork.*

- A. *there has been sustained, broad-based, and documented public objection to the artwork;*
- B. *the artwork conflicts with the guiding principles in subpart 1, item A;*
- C. *the artwork has faults in construction or requires maintenance such that the Department of Administration is unable to properly care for or store the artwork;***
- D. *the site for the artwork is no longer safely accessible to the public or is due to be demolished; or*
- E. *significant changes in the use, character, or design of the site require a re-evaluation of the relationship of the artwork to the site.*

According to the rules, after the public comment period and hearing, CAAPB staff are required to prepare a written summary of public comments and provide a recommendation to the Board on whether to accept the application and proceed to the next step in review process. A majority vote of the full Board is required to accept the application for removal as complete and advance

the application for further review by the Commemorative Artwork Review Committee (CARC), to be convened by the Board upon acceptance of the application.

This memo to the Board includes the required “written summary of the public comments” on the application.

### **Public Comment Summary**

CAAPB staff received a total of 17 public comments. 8 comments were submitted during the Public Comment period that was conducted between December 3, 2024 and January 7, 2025, and 9 comments were submitted at the Public Hearing held on December 19, 2024.

Of the 17 comments received, only 16 were counted because 1 person submitted their comment twice for the Public Hearing, both in writing and in person.

**Public Comment period between December 3, 2024, and January 7, 2025** - of the 8 comments that were submitted,

- 1 comment affirmed the moving of the USS Ward Gun to the Minnesota Military and Veterans Museum,
- 1 comment affirmed that conditions in Minnesota Rules 2400.2703 Subpart 6., Item C., have been met for the Board to review the request.
- 3 comments opposed the moving of the USS Ward Gun from the State Capitol Grounds.
- 3 comments were general questions pertaining to the process, which the CAAPB staff responded to.

**Public Hearing held on December 19, 2024** - 1 comment was submitted twice both in writing and in person. Therefore, only 8 out of 9 comments were counted. Of the 8 comments submitted before or during the hearing,

- 7 comments were in support of moving the USS Ward Gun to the Minnesota Military and Veterans Museum.
- 1 comment opposed the proposal to remove the USS Ward Gun from the State Capitol Grounds.

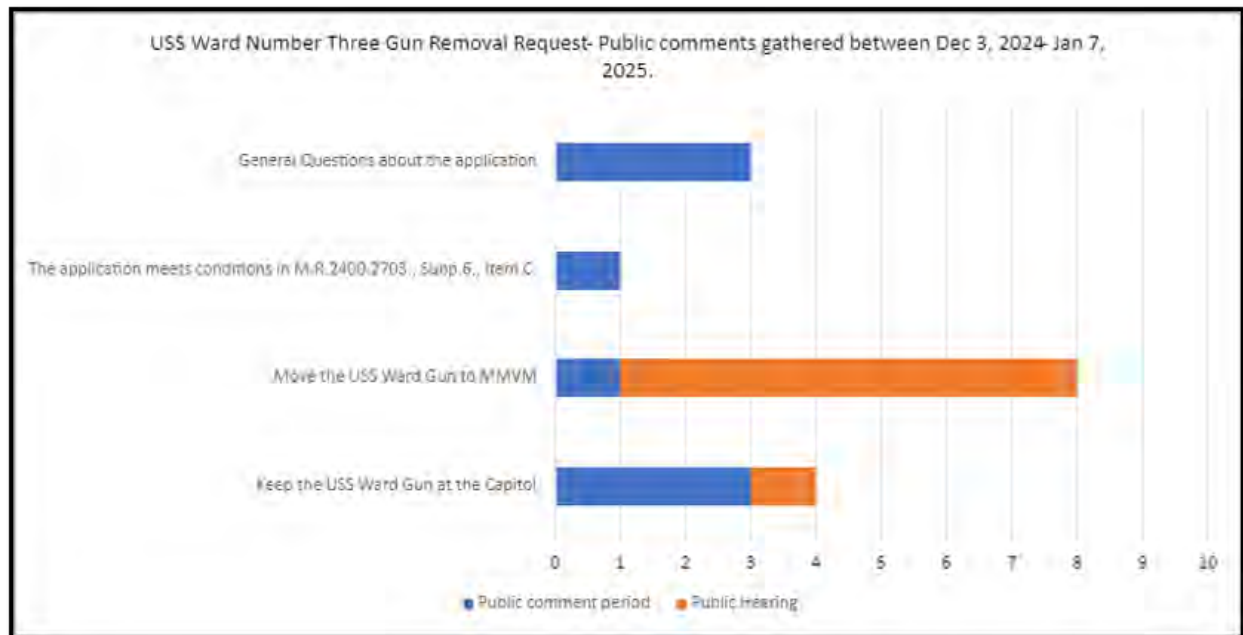
Overall, of the 16 comments that were counted,

- 8 were in support of moving the USS Ward Number Three Gun to Minnesota Military & Veterans Museum.
- 1 affirmed that the request meets conditions in Minnesota Rules 2400.2703., Subpart 6, Item C.



- 4 were in opposition of moving the USS Ward Number Three Gun to MMVM, they wanted it to stay put at the Capitol Grounds.
- 3 were general questions which the CAAPB staff responded to.

**Figure 1** A summary of public comments received from December 3, 2024 to January 7, 2025, including for the Public Hearing on December 19, 2024.



**Note:** An entire listing of the comments can be found in Attachment C for the Board’s review.

## Recommendation

Based on the staff's preliminary findings and public comments, **CAAPB Staff recommend that the Board accept that the criteria from *Minnesota Rules 2400.2703 Subpart 6., Item C* have been met, and the application can proceed to the next step in the Commemorative Work removal review process.**

Per M.R. 2400.2703, Subpart 7, Item E, following the public comment period and recommendation from staff, "The board shall then meet and host a public hearing to invite additional public comments and consider the modification or removal request, staff report and recommendation, and public comments that the board received before and during the public hearing. After considering all public comments, the board shall vote on whether the modification or removal request meets one or more of the conditions in subpart 6 and may advance for further review. A majority vote of the full board is required to accept the application and advance the application for further review."

## Suggested Board Resolution

The Capitol Area Architectural and Planning Board ("Board") determine that the application submitted by Randal Dietrich on August 18, 2024, to remove the USS Ward Gun from the Capitol Mall, meets the condition in *Minnesota Rules 2400.2703 Subpart 6., Item C*, "the artwork has faults in construction or requires maintenance such that the Department of Administration is unable to properly care for or store the artwork;" Specifically, the Board authorizes staff to:

- Convene a Commemorative Artwork Review Committee and proceed to review the artwork identified in the removal request and the applicant's proposed plan for removal.
- On behalf of the Commemorative Artwork Review Committee, open a 30-day public comment period and hold one public hearing to gather additional input on the removal request.

The Board wishes to further make clear that approval of these intermediate steps in the Rules process does not communicate approval nor disapproval of any portion of the current proposal by the applicant, and approval of these steps does not equate to agreement or judgement as to the veracity of any claim or assertion within the received application.



## Commemorative Artwork Review Committee

If the Board votes to accept that the request to remove the USS Ward Number Three Gun from the Capitol Grounds meets the condition in the Minnesota Rules 2400.2703, Subpart 6, Item C, and moves the application for further review, then the Board must convene a Commemorative Artwork Review Committee (CARC) which will:

- Review the artwork identified in the modification or removal request and the applicant's proposed plan for modification or removal.
- The committee shall vote and make a written recommendation to the full board on whether the board should grant or deny the removal request based on the criteria in M.R. 2400.2703, Subpart 9.

The CARC must include:

- 1) one board member;
- 2) one architectural adviser;
- 3) one person appointed by the commissioner of the Department of Administration to represent the agency;
- 4) a representative from the Minnesota Historical Society;
- 5) two professionals appointed by the board experienced in the fields of visual art, public art, art history, architecture, or history. One of the professionals must have knowledge of artwork conservation;
- 6) two members of the public appointed by the board;
- 7) up to five additional committee members appointed by the board as needed for professional expertise; and
- 8) board staff that oversee and support the committee's work.

## Commemorative Artwork Review Committee Recommendations

Pending the Board resolution, CAAPB staff compiled recommendations for membership to the Commemorative Artwork Review Committee which are being forwarded to the Board Chair for approval.

DESIGNATION	NOMINEE
<i>(1) one board member;</i>	<b>Rep. Isaac Schultz</b>
<i>(2) one architectural adviser.</i>	<b>Micheal Bjornberg</b>

<i>(3) one person appointed by the commissioner of the Department of Administration to represent the agency;</i>	<b>Kari Suchy, Administration Facilities Director</b>
<i>(4) a representative from the Minnesota Historical Society;</i>	<b>Lindsey Rulon Miller, Capitol &amp; MNHS Sites Art Program Specialist</b>
<i>(5) two professionals appointed by the board experienced in the fields of visual art, public art, art history, architecture, or history. One of the professionals must have knowledge of artwork conservation;</i>	<b>Dr. Kate Beane</b>  <b>Tom Braun, Senior Objects Conservator, MNHS</b>
<i>(6) two members of the public appointed by the board;</i>	<b>Paul Mandell, Former CAAPB Executive Secretary</b>  <b>Roger Brown, Immediate Past President, USS St Paul</b>
<i>(7) up to five additional committee members appointed by the board as needed for professional expertise; and</i>	<b>Dave Bellefeuille, Chief of Admin Services and a Navy Veteran.</b>  <b>Greg Donofrio, Associate Dean of Faculty, University of Minnesota - College of Design</b>  <b>Chad Roberts President &amp; CEO, Ramsey County Historical Society</b>
<i>(8) board staff that oversee and support the committee's work.</i>	<b>Erik Cedarleaf Dahl, Executive Secretary</b>  <b>Tina Chimuzu, Planner - Fellow</b>

## **Attachments:**

1. **Attachment A: USS Ward Number Three Gun Applicant documents** – this includes the Application for Removal of the USS Ward Number Three Gun from Randal Dietrich, Executive Director of the Minnesota Military & Veterans Museum.
  - a. Attachment A2: Supplemental materials for the USS Ward Number Three Gun application.
2. **Attachment B: Summary of Public Comments** – this summary includes a listing of all public comments gathered from the 30-day Public comment period from December 3, 2024, to January 7, 2025, and the Public Meeting held on December 19, 2024.
3. **Attachment C: CAAPB Staff Report** – A report containing staff findings on whether the application meets conditions in *M.R. 2400.2703 Subpart 6*.
4. **Attachment D: A letter from Randal Dietrich** – this was submitted by the Applicant following the Public Comment period of December 3, 2024, to January 7, 2025.