

Advisory Council on
Historic Preservation
1522 K Street N.W.
Washington, D.C. 20005

MEMORANDUM OF AGREEMENT

WHEREAS, the General Services Administration proposes to sell a 58.4 acre portion of the Boston Naval Shipyard to the Boston Redevelopment Authority (such parcel to be referred to hereafter as the "Buy Parcel"); and,

WHEREAS, the structures designated for demolition in the "Design Guidelines: New Development Area, Boston Naval Shipyard at Charlestown", dated March 20, 1978, (hereafter referred to as "Design Guidelines") are included in the Boston Naval Shipyard historic district but are not individually listed in the National Register of Historic Places and do not add significantly to the historic district and their demolition is essential to the successful redevelopment of the entire Shipyard; and,

WHEREAS, the General Services Administration, in consultation with the Massachusetts State Historic Preservation Officer, has determined that this undertaking as proposed would have an adverse effect upon the Boston Naval Shipyard, Boston, Massachusetts, a property included in the National Register of Historic Places; and,

WHEREAS, pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f, as amended, 90 Stat. 1320), the General Services Administration has requested the comments of the Advisory Council on Historic Preservation; and,

WHEREAS, pursuant to the procedures of the Advisory Council on Historic Preservation (36 CFR Part 800), representatives of the Advisory Council on Historic Preservation, the General Services Administration, and the Massachusetts State Historic Preservation Officer have consulted and reviewed the undertaking to consider feasible and prudent alternatives to avoid or satisfactorily mitigate the adverse effect; and,

WHEREAS, the Boston Redevelopment Authority was invited and participated in the consultation process; now,

THEREFORE:

It is mutually agreed that implementation of the undertaking, in accordance with the following stipulations, will satisfactorily mitigate any adverse effect on the above-mentioned property.

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Stipulations

The following stipulations will be made conditions of the sale of the Buy Parcel at the Boston Naval Shipyard by the General Services Administration to the Boston Redevelopment Authority.

1. It is agreed that all restoration, rehabilitation, demolition and new construction in the Buy Parcel will be carried out in strict conformance with the Design Guidelines. It is further agreed that all plans and specifications for the restoration, rehabilitation and/or demolition of existing structures as well as all plans for new construction will be submitted to the Massachusetts State Historic Preservation Officer for review and approval prior to undertaking any such actions.

Should it become necessary to amend the Design Guidelines, the Boston Redevelopment Authority will submit such amendment to the Massachusetts State Historic Preservation Officer and the Advisory Council on Historic Preservation for review and approval prior to taking any action with respect to the proposed amendment.

2. Prior to undertaking any demolition or alteration of structures in the Buy Parcel, in accordance with the Design Guidelines, the Boston Redevelopment Authority will first contact the Historic American Buildings Survey (HABS), Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C., 20240; 202-523-5474, to determine the level of documentation required. All documentation must be accepted by HABS prior to demolition or alteration.

3. An archeological survey will be conducted in the Buy Parcel by an archeologist who meets the "Proposed Department of the Interior Qualifications for Supervisory Archeologist (Field Work Projects)" (Attachment #1). Should archeological resources that appear to meet the National Register Criteria be located in the Buy Parcel, they will be preserved in situ, whenever possible. In the event that in-place preservation is not possible, the Boston Redevelopment Authority will develop and implement a data recovery program for those resources that meet the standards contained in the Council's "Guidelines for Making 'Adverse Effect' and 'No Adverse Effect' Determinations for Archeological Resources in Accordance with 36 CFR Part 800" (Attachment #2).

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Robert W. Utley (date) 5/31/78
Deputy Executive Director
Advisory Council on Historic Preservation

Robert Stohel (date) 6/12/78
General Services Administration

Patricia Wesbuck (date) 6/9/78
Massachusetts State Historic Preservation
Officer

Richard W. Ginter (date) 6/14/78
Chairman
Advisory Council on Historic Preservation

Concur:

Robert W. Wahn (date) 6/6/78
Boston Redevelopment Authority

Memorandum

TO : Robert M. Utley, Deputy Executive Director DATE: May 23, 1978
VIA : Myra F. Harrison, Assistant Director, Office of Review and Compliance
FROM : Jordan E. Tannenbaum, Chief Compliance Officer; ORC

SUBJECT: Executive Briefing Statement for a Memorandum of Agreement between the Council, the Massachusetts State Historic Preservation Officer, and the General Services Administration, for avoidance/mitigation of the adverse effects of the proposed sale of 58.4 acres of the Boston Naval Shipyard (known as "Buy Parcel"), Boston, Massachusetts, on that National Register property.

Undertaking -- The General Services Administration proposes to sell 58.4 acres of the Boston Naval Shipyard to the Boston Redevelopment Authority. The majority of the property will be redeveloped for mixed residential and commercial use. The sale of the property was authorized by Congress in November of 1977. In view of the fact that the proposed redevelopment scheme calls for demolition, the GSA, in consultation with the Massachusetts SHPO, has made a finding of adverse effect.

Property -- The Boston Naval Shipyard is a National Register property. This property has been the subject of two earlier Memos of Agreement covering Park and Recreation and Historic Monument transfers.

Background -- This case is noteworthy because it represents a compromise between the needs of historic preservation and the mandates of the Federal Administrative Services and Property Act which require the GSA to sell surplus federal property at fair market value unless a park and recreation or historic monument transfer can be arranged. Both types of transfers have already occurred at the Shipyard.

Alternatives -- The only alternative available to the GSA is for them to sell the property to another party. For our purposes, the Boston Redevelopment Authority is the preferred purchaser because of their familiarity with the historical and cultural significance of the Shipyard.



Proposal — The proposed memorandum is based on three stipulations that will become conditions of the sale:

1. Future redevelopment of the Buy Parcel will be carried out in accordance with Design Guidelines prepared by the BRA. These guidelines have been reviewed by Council staff and are extremely thorough and sensitive to the cultural significance of the Shipyard.
2. In those instances where demolition is necessary, appropriate HABS records will be made.
3. An archaeological survey and, if necessary, a data recovery program will be undertaken. The survey and recovery program will meet all applicable HCRS standards.

Staff Recommendation — Given the fact that those portions of the Shipyard that are of cultural significance have already been preserved by BRA; that the buildings scheduled for demolition are of minimal architectural significance; and that the Design Guidelines will assure the sensitive redevelopment of the Buy Parcel, I recommend this Memorandum be accepted.