

# **Hirshhorn Museum and Sculpture Garden Sculpture Garden Revitalization**

**Section 106 Consulting Parties Meeting #7  
Draft Memorandum of Agreement  
July 7, 2021**



Smithsonian Facilities

**HIRSHHORN  
MUSEUM**

# Meeting Agenda

## Meeting Agenda

- Section 106 Process Overview
  - South Mall Master Plan
  - Inner Partition Wall
- Sculpture Garden Design
- Overview of the Memorandum of Agreement:
  - Whereas Clauses
  - Stipulations
  - Exhibits
- Next Steps

## Moderator

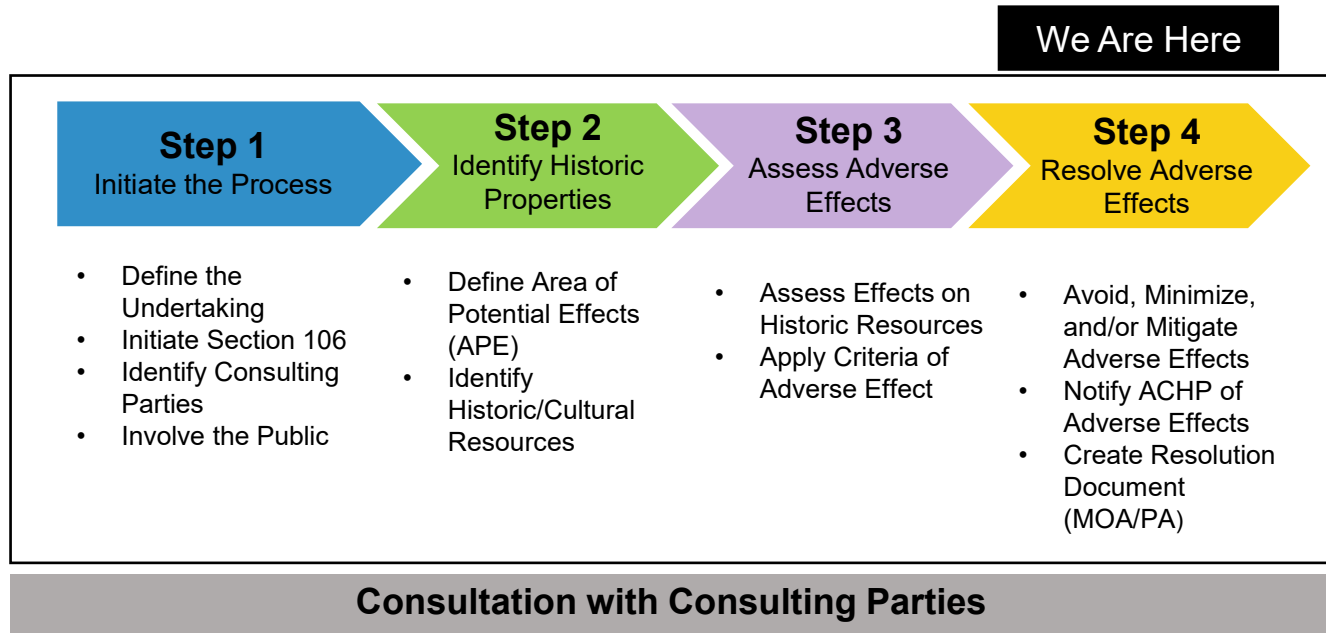
Jay Kaveeshwar, Deputy Director, HMSG

## Q&A Panelists

- Melissa Chiu, Director, HMSG
- Sharon Park, FAIA, Assoc. Director of Historic Preservation, Smithsonian Facilities
- Carly Bond, Historic Preservation Specialist, Smithsonian Facilities
- Felix Ade, AIA, Principal, Yun Architecture
- Alyson Steele, FAIA, Principal, Quinn Evans Architects
- Faye Harwell, FASLA, Director and Landscape Architect, Rhodeside & Harwell

# Section 106 Process Overview

Per the Advisory Council on Historic Preservation (ACHP): **The Memorandum of Agreement (MOA) sets out how a federal agency will address the adverse effects to historic properties caused by its undertaking.**



- Adverse effects were identified associated with the Sculpture Garden Revitalization.
- Purpose of the meeting today is to begin consultation on the draft MOA.
- Comments from the Consulting Parties will help the SI and the Signatories finalize the MOA.
- The Hirshhorn Sculpture Garden Revitalization is an identified project under the Smithsonian South Mall Campus Master Plan. The MOA pertains to certain Stipulations of the Programmatic Agreement for the Master Plan.

# Section 106 Process Overview

## **36 CFR Part 800.1(a):**

- Section 106 of the National Historic Preservation act requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council a reasonable opportunity to comment on such undertakings.
- The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties.
- 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.

## **Lester Collins stated at the Commission of Fine Arts on November 22, 1977, his design addresses the following Sculpture Garden problems:**

- Accessibility – With a solution “not secondary but primary”
- Visitor Comfort – Add trees for shade
- Travel Paving – Inaccessible and damaging to sculptures
- Display of Sculpture – Create “rooms” to divide open spaces

## **Goals and objectives to achieve through modifications per the design of Hiroshi Sugimoto:**

- Replace failed perimeter walls and infrastructure for stormwater management, correct code deficiencies, and protect current and future artwork, trees, and plants
- Reestablish the Sculpture Garden, Plaza and Museum as a single interconnected campus
- Improve access and visitor comfort through universal accessibility, increased shade and seating
- Increase the Hirshhorn’s display of its modern sculpture collection by almost 50 percent and adapt to ongoing evolutions in art-making by creating outdoor galleries for the presentation of performance art, large-format sculpture, and site-specific installations



# Smithsonian South Mall Campus Master Plan

## Programmatic Agreement

**The South Mall Campus Master Plan was approved in 2018.** NCPC's Record of Decision documents the specific components of and reasons for NCPC's decision and notes approval of the selected Alternative F. A Programmatic Agreement was signed by the Smithsonian Institution, DC SHPO, NCPC, NPS, and ACHP.

Approved Alternative F proposed new below-grade gallery expansion below the Sculpture Garden including:

- Removal of all historic fabric from the Sculpture Garden
- Expansion of the underground passage and removal of historic fabric
- Reconfiguration of the interior walls of the Sculpture Garden to allow for high-ceilinged galleries below

### **Per the South Mall Master Plan Assessment of Effects:**

- "Tunnel will be reopened, expanded, and reconfigured, resulting in a loss of historic fabric." – Adverse Effect
- "Existing Sculpture Garden elements will be removed and replaced with a new Sculpture Garden and galleries below." – Adverse Effect

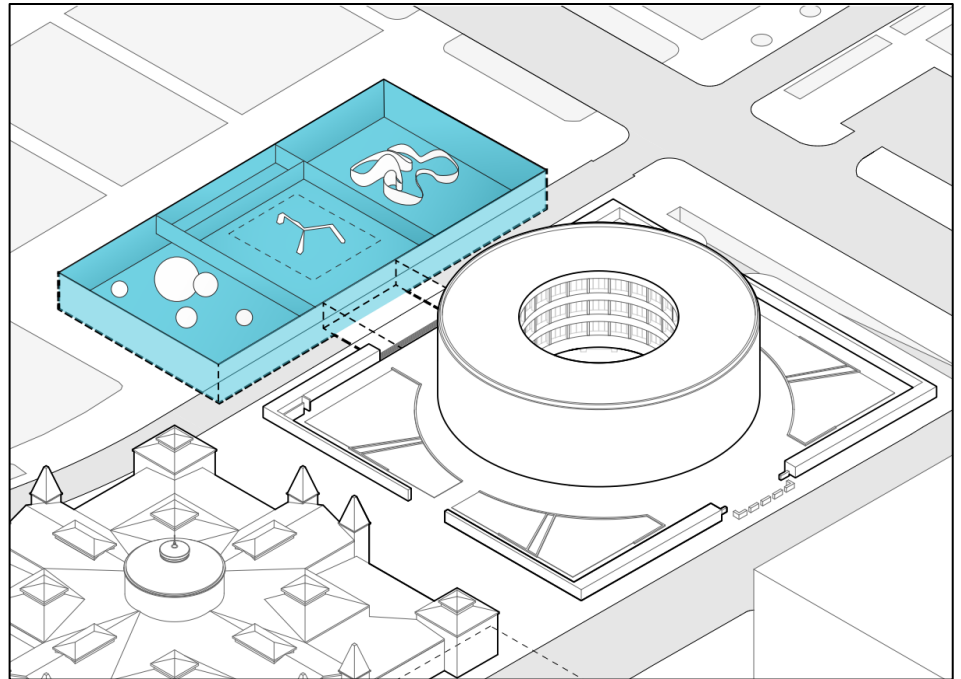


Exhibit from the South Mall Master Plan Programmatic Agreement: Proposed reconfiguration of the Sculpture Garden illustrating the below grade expansion and removal of all historic fabric from the Sculpture Garden and underground passage.

# Smithsonian South Mall Campus Master Plan

## Programmatic Agreement

Per the Record of Decision, NCPC notes:

- **“Alternative F seeks to accommodate campus improvements in balance with planning, historic preservation and urban design goals.”**
- “The Selected Alternative (Alternative F) best meets the purpose and need, while balancing potential impacts. The alternative addresses the Smithsonian Institution's long-term space requirements and addresses physical and operational deficiencies across the South Mall Campus that **impact visitor use and experience**, as well as **the Smithsonian Institution's ability to implement its programs effectively and safely.**”
- “At the Hirshhorn Museum and Sculpture Garden, Alternative F will provide substantial expansion of gallery space suited to large contemporary artworks through a redesign of the Sculpture Garden...The Hirshhorn Museum has recently enjoyed a substantial increase in visitation, and **this expansion below grade will allow it to better serve its visitors and support its ambitious program of changing exhibitions and educational programs.**”

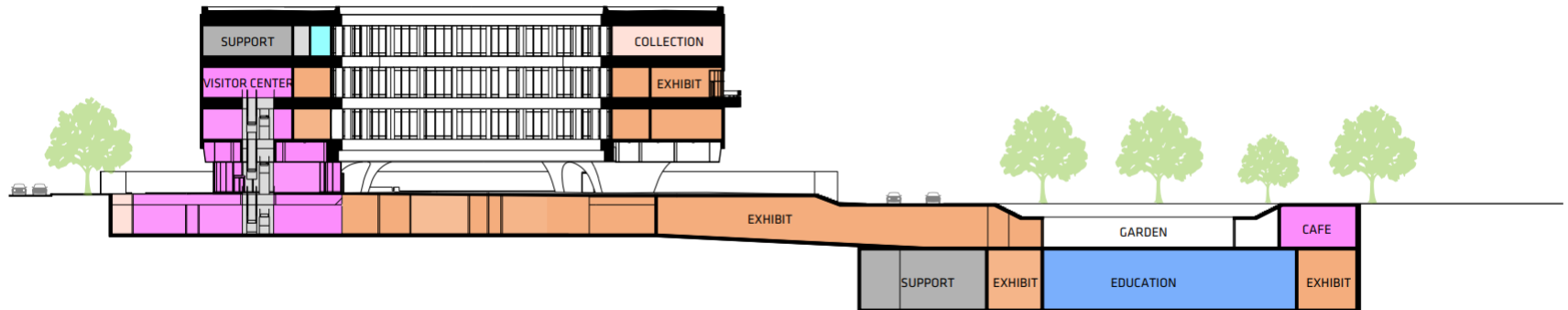


Exhibit from the South Mall Master Plan Programmatic Agreement: Proposed section through the Hirshhorn Museum and Sculpture Garden illustrating the below grade expansion and removal of all historic fabric from the Sculpture Garden and underground passage.

# Smithsonian South Mall Campus Master Plan

## Programmatic Agreement

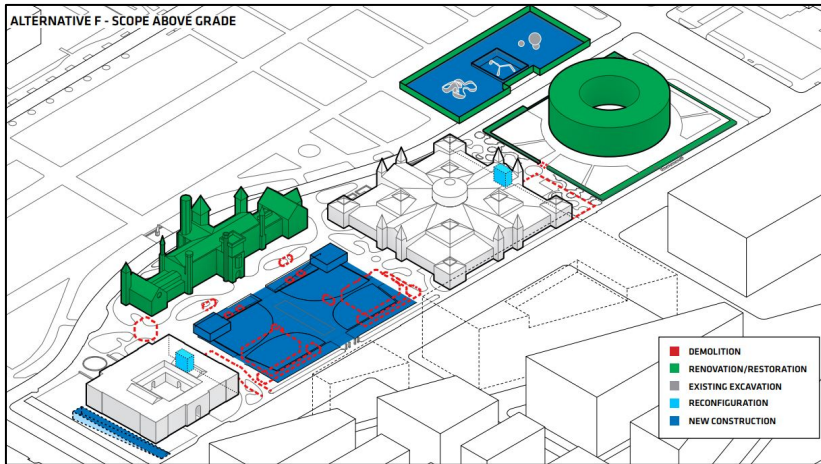


Exhibit from South Mall PA – Above Grade Scope

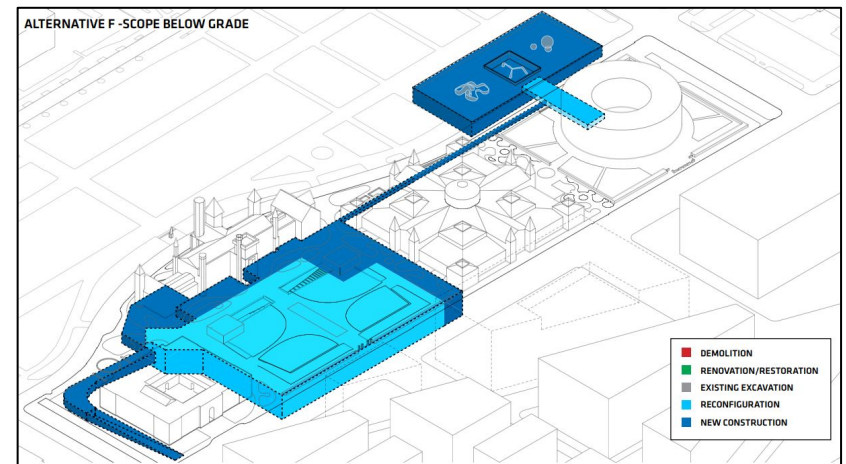


Exhibit from the South Mall PA – Below Grade Scope

**South Mall Programmatic Agreement, Stipulation 5.B.ii.** “The Sculpture Garden will maintain a depressed elevation, below the grade of the National Mall. The Sculpture Garden will maintain its current footprint, and the aggregate concrete perimeter walls will be restored.”

**South Mall Programmatic Agreement,** “Whereas, the SI recognizes the need to further avoid, minimize, and mitigate adverse effects during future project design, particularly with regard to...treatment of the Hirshhorn Museum Sculpture Garden, and will continue consultation with the Signatories, Consulting Parties, and the public in accordance with the terms of this PA;”

**The proposed design and draft MOA incorporates these stipulations.** The revitalization maintains a depressed elevation, will maintain its current footprint, and replaces in-kind the aggregate concrete perimeter walls.

# Smithsonian South Mall Campus Master Plan

## Programmatic Agreement



South Mall Master Plan, Bjarke Ingels Group, 2018.



Rendered View to Museum Building, 2021.

The proposed Sculpture Garden Revitalization is a lesser intervention than the approved South Mall Master Plan.

The proposal balances historic preservation goals with the Smithsonian Institution's ability to implement its programs effectively and safely.

This proposal restores significant historic features from 1974 and strengthens significant features from 1981.

To allow the Smithsonian Institution to **implement its programs effectively**, this proposal introduces stacked stone gallery walls for the display of sculpture, accommodating the display of large-scale contemporary art, and providing an adequate setting for performance and site-specific art.

Increasing shade, seating, improving wayfinding and equitable views, and increasing access to the Hirshhorn's collection, **improves visitor use and experience**.



# Founding Legislation

## Hirshhorn Museum and Sculpture Garden

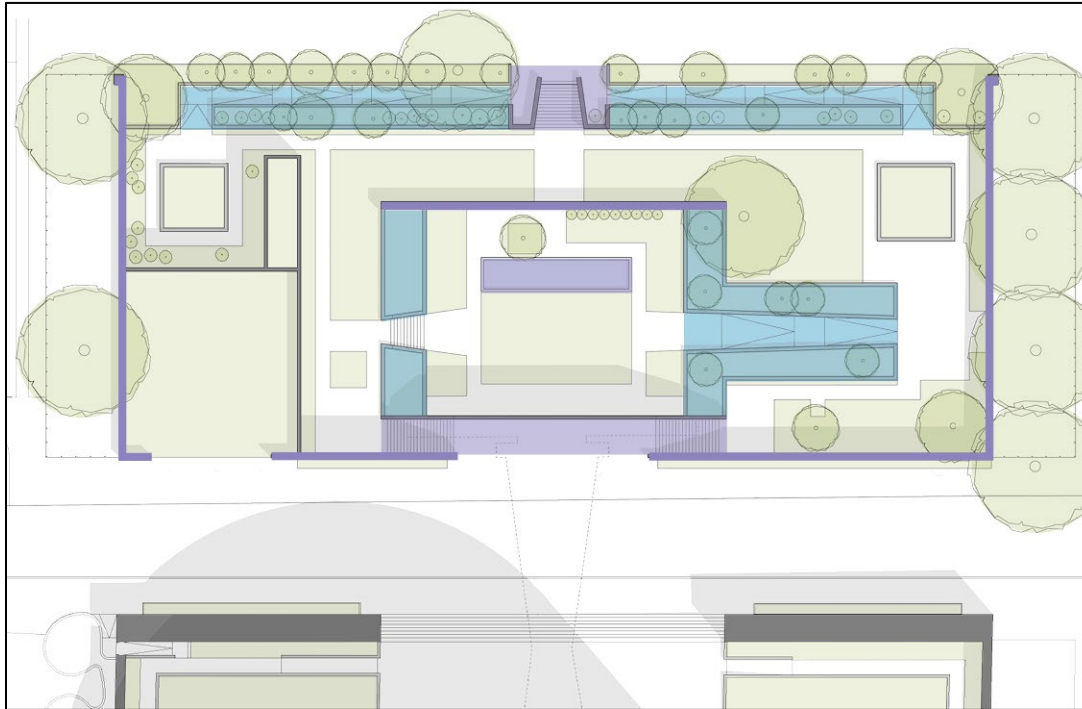
- The Smithsonian has acknowledged that the change to the inner partition wall constitutes an adverse effect.
- In 1966 Congress created the Hirshhorn Museum and provided for a Hirshhorn Board of Trustees that would have the sole authority, not only to acquire, lend, exchange or sell items in its collection, but also to **“determine policy as to the method of display of the works of art contained in said Museum and Sculpture Garden”**.
- It is the role of Consulting Parties to consider the effects of stacked stone on the Hirshhorn Museum and historic resources within the National Mall Historic District.
- It is **not** the role of Smithsonian Facilities, Consulting Parties, or other stakeholders to dictate the Hirshhorn’s curatorial decisions and methods of display of the works of art in the Sculpture Garden.



Mock-up, April 2021.

# Character Defining Features

1974, 1981 Period of Significance



Current Sculpture Garden Site Plan

## 1974 Character Defining Features \*

Setting for Rotating Display of Sculpture

Recessed Grade Below the National Mall

Concrete Walls (Perimeter and Inner Partition)

Reflecting Pool

South Stair

North Stair

## 1981 Character Defining Features

Hardscape Paving

Garden "Rooms"

Lateral North Ramps

East Ramp (Intermediate Level)

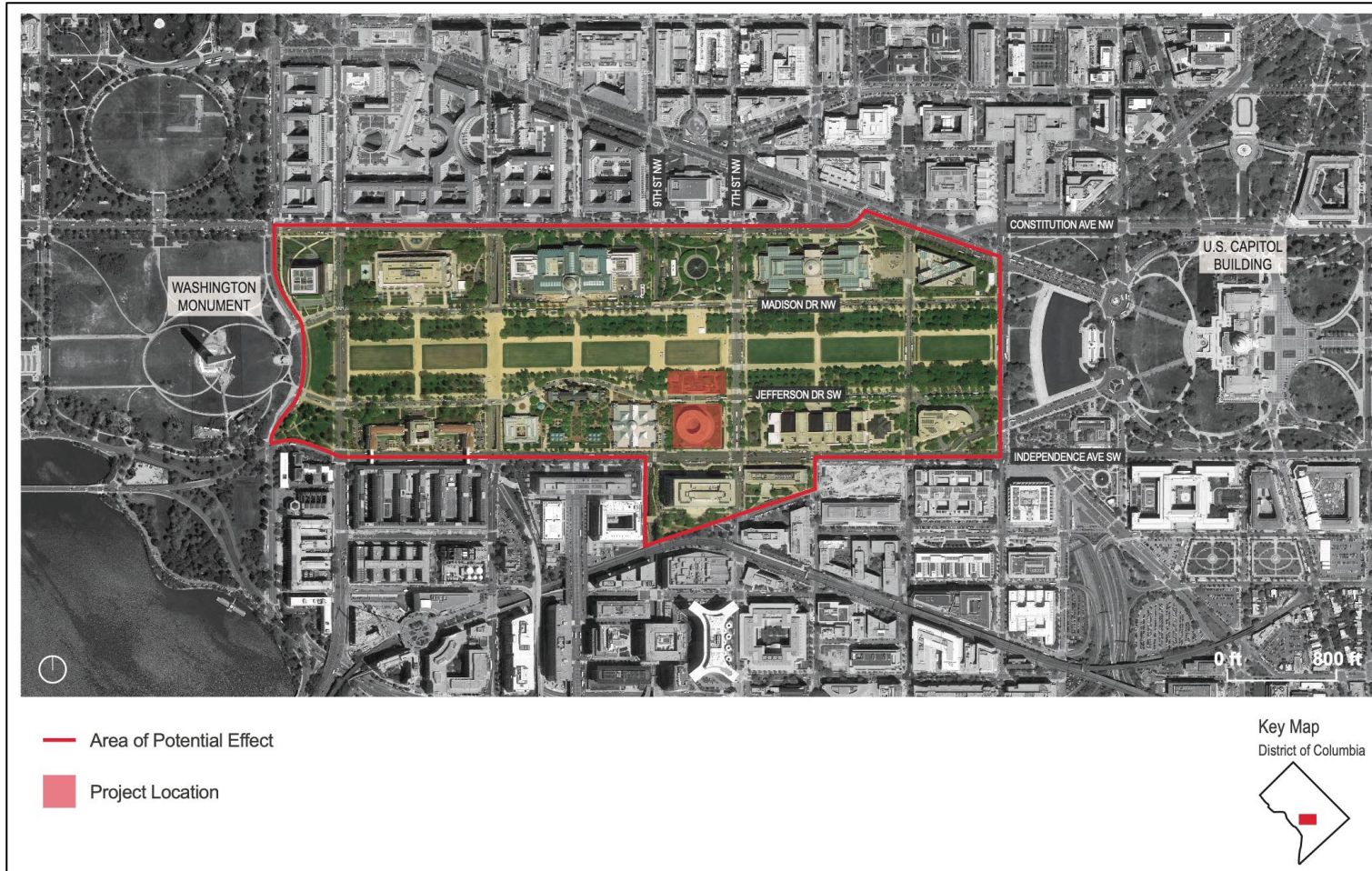
\* Based on Hirshhorn Museum and Sculpture Garden Determination of Eligibility

- Exhibit A in the MOA.
- Period of significance 1974, 1981 reflects the layered design influences present in the Sculpture Garden from Gordon Bunshaft's 1974 design and Lester Collins's 1981 modifications.
- These features individually and collectively contribute to the character of the Sculpture Garden.



# Section 106 Process Overview

## Area of Potential Effects



- Exhibit B in the MOA.
- Area of Potential Effects finalized at the October 7, 2020, Consulting Parties Meeting.

# Section 106 Process Overview

## Assessment of Effects on Historic Resources

Hirshhorn Sculpture Garden Revitalization  
Assessment of Effects on Historic Resources

August 2020

Criteria of Adverse Effect

This document provides an assessment of effects on historic resources associated with the Hirshhorn Sculpture Garden Revitalization. Effect assessments are based on the criteria of adverse effect as defined in the implementing regulations of Section 106 of the National Historic Preservation Act (36 CFR Part 800). An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register of Historic Places in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register (36 CFR § 800.5(a)(1)).

The following table provides an assessment of effects of each feature or action of the Hirshhorn Sculpture Garden Revitalization. An effect determination is proposed based on the criteria of adverse effect, with additional information or comments provided as applicable. Adverse effect determinations are noted in the following chart with  . Minimization measures for adverse effects are noted with **bold typeface**.

Feature/Action	Proposed Effect Determination	Additional Information/Minimization of Adverse Effect
Site Plan	Maintains 1974, 1981 plan with layout organized around the 8 <sup>th</sup> Street axis and reintroduces north/south stairs at the lowest level. No adverse effect	<ul style="list-style-type: none"><li>- Re-establishes the north-south axial organization of the 1974 design.</li><li>- Maintains the spatial complexity of the 1981 design with expanded garden rooms, walls, and plantings.</li></ul>
Setting for Display of Sculpture	Program and use consistent. Sculpture Garden continues to function and fulfill its mission as a setting for sculpture. No adverse effect.	<ul style="list-style-type: none"><li>- Setting for sculpture is a character defining feature and retains high integrity.</li><li>- Project goals include showing the historically significant sculpture collection to strongest effect, while providing flexible open space to support programming and contemporary art.</li></ul>
Recessed Grade Below the National Mall	Sculpture Garden maintains a recessed elevation below the National Mall, with terraced topography. Proposed changes include 10'8" grade change at the southwest corner, and approximately 2'4" grade change on the east side. No adverse effect.	<ul style="list-style-type: none"><li>- Recessed topography is a character defining feature and retains high integrity.</li><li>- No impacts to contributing views identified in the amended National Mall Historic District.</li><li>- Lowering the grade at the southwest corner after the burr oak tree died increases programmable space.</li><li>- Lowering the grade at the east side improves spatial organization and display of the modern collection.</li><li>- <b>Maintaining a recessed grade is required by the South Mall Campus Master Plan Programmatic Agreement.</b></li></ul>

Adverse Effect Determination – Bold Typeface Notes Minimization

Hirshhorn Sculpture Garden Revitalization  
Assessment of Effects on Historic Resources
August 2020

Feature/Action	Proposed Effect Determination	Additional Information/Minimization of Adverse Effect
Concrete Walls - Perimeter	Walls will be replaced in-kind, with minor height increase to meet code requirements. Height increase varies between 6 and 12 inches due to grade changes. North walls raised from a low retaining wall to 3'6" in height. Walls proposed to enclose the southwest corner currently open to Jefferson Drive. No adverse effect.	<ul style="list-style-type: none"> <li>- Concrete perimeter walls are a character defining feature and retain high integrity.</li> <li>- Replacement in-kind is required due to irreparable alkali silica reaction inherent in the concrete mixture.</li> <li>- Aesthetic appearance of aggregate concrete poured-in-place walls will be maintained, using the historic Swenson Pink (Millennium) granite as the basis of design.</li> <li>- North walls remain obscured behind plantings.</li> <li>- Perimeter of aggregate concrete walls will be maintained. Minor alterations at the northwest and southwest corners of the perimeter walls to provide universal accessibility.</li> <li>- <b>Restoring/reconstructing the concrete perimeter walls is required by the South Mall Campus Master Plan Programmatic Agreement.</b></li> </ul>
Concrete Walls – Inner Partition	Wall will be re-built in the same location in stacked stone. The wall be lowered by approximately 18" to a total height of 8'3". Adverse effect.	<ul style="list-style-type: none"> <li>- Concrete inner partition wall is a character defining feature.</li> <li>- Partition wall lowered to improve interior views and vistas, and limit visibility from the National Mall of the material change. In the Mall context, stacked stone is only visible once a visitor reaches the north overlook or aprons.</li> <li>- Wall constructed in an arranged composition of Swenson Pink and other complementary toned granite.</li> <li>- Change to a pylon wall shape differs from the existing condition but is in keeping with the Plaza perimeter wall shape.</li> <li>- <b>Adverse effect on the Hirshhorn is minimized by maintaining the width of the wall, reconstructing the wall in the same location to continue to articulate the lower and upper portions of the Garden, and use of Swenson Pink granite.</b></li> <li>- <b>Adverse effect on the National Mall Historic District is avoided with limited visibility from the Sculpture Garden's north overlook, and from the Mall paths. Aggregate concrete walls will be the first material visible from the exterior of the Garden.</b></li> </ul>

Adverse Effect Determination – Bold Typeface Notes Minimization

4

- Exhibit F in the MOA.
- In considering how historic properties might be affected by the project, each action has a determination of “no adverse effect” or “adverse effect”.
- Assessment of Effects finalized at the October 7, 2020, Consulting Parties Meeting.
- Effect assessments are based on the criteria of adverse effect as defined in the implementing regulations of Section 106 of the National Historic Preservation Act (36 CFR Part 800).
- An adverse effect is found when a project may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register of Historic Places.



# Section 106 Process Overview

## Assessment of Effects on Historic Resources

An adverse effect occurs when: an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register of Historic Places in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association [36 CFR § 800.5 (a)(1)].

### **No Adverse Effect:**

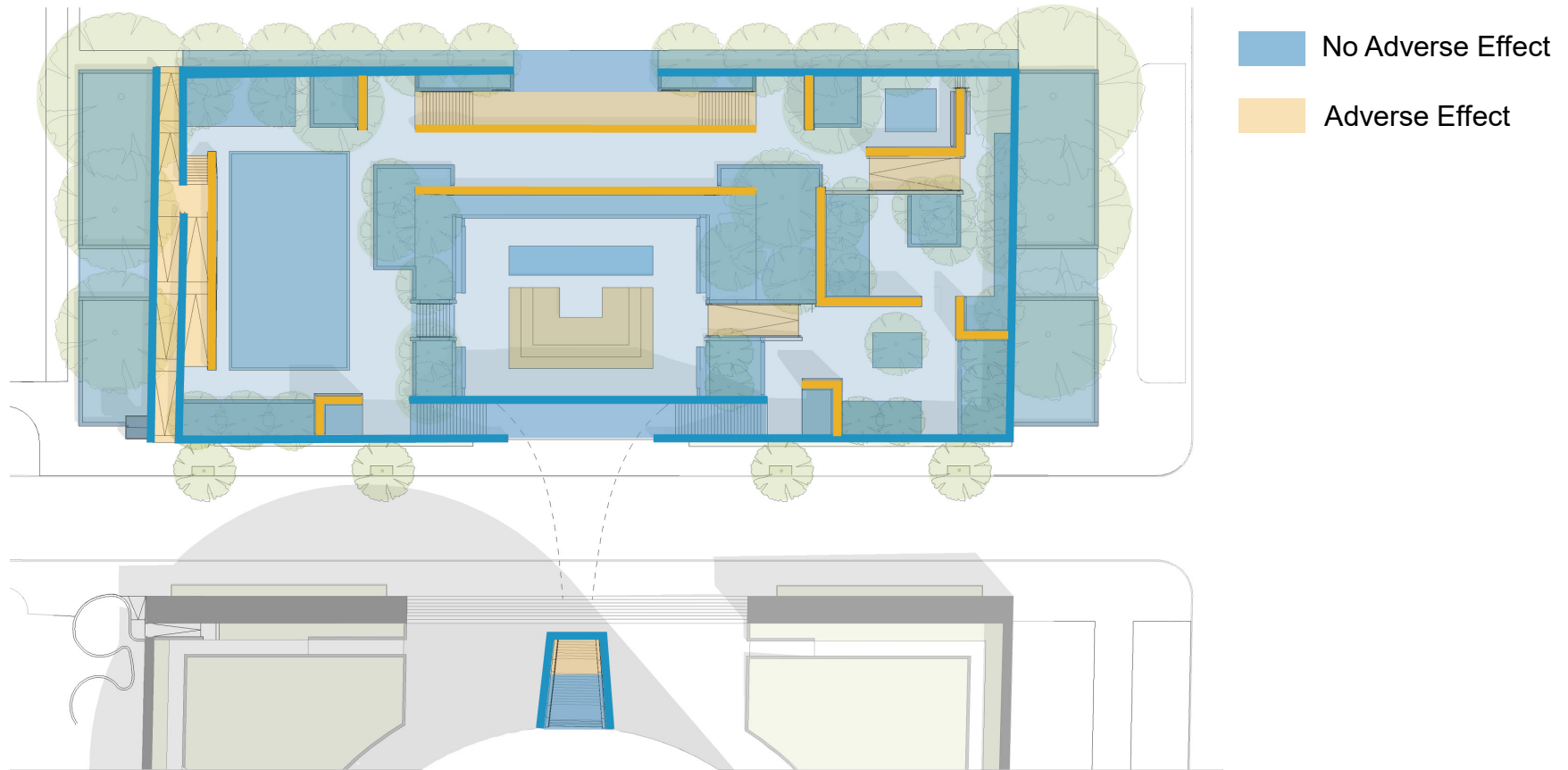
- Site Plan
- Setting for Display of Sculpture
- Recessed Grade Below the National Mall
- Concrete Walls –Perimeter
- South Stairs
- Historic Stairs – Underground Passage
- Garden Rooms
- Plant Palette
- Planters and Benches
- Aprons
- Security Gates
- Security Guard Booth
- Lighting
- Signage
- Stormwater Management
- No Cumulative Adverse Effects to the National Mall Historic District

### **Adverse Effect:**

- Inner Partition Wall
- Stacked Stone Walls
- Reflecting Pool
- North Stair and Lateral North Ramps
- Accessibility
- Underground Passage Art Installation
- Underground Passage Plaza Access
- Paving
- Cumulative Adverse Effect – HMSG Only

# Section 106 Process Overview

## Assessment of Effects on Historic Resources



### Actions Not Annotated:

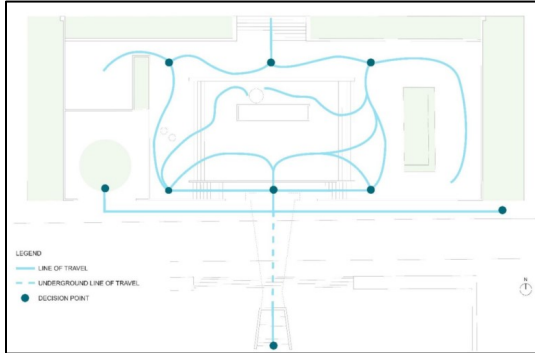
- Garden Rooms
- Plant Palette
- Security Gates
- Lighting
- Stormwater Management
- Recessed Grade
- Underground Passage Art Installation (Adverse Effect)

# Comparison of Project Goals

	1974	1981	2021
<b>Circulation</b>	<ul style="list-style-type: none"> <li>• Free flowing</li> <li>• Un-choreographed</li> <li>• Few controlled decision points</li> </ul>	<ul style="list-style-type: none"> <li>• Tightly choreographed through plantings and paved surfaces</li> <li>• Many decision points</li> </ul>	<ul style="list-style-type: none"> <li>• Tightly choreographed with decision points like 1981</li> <li>• Unchoreographed circulation in west Garden like 1974</li> </ul>
<b>Center Axis</b>	<ul style="list-style-type: none"> <li>• Prominent, with direct connections to the inner partition wall and underground passage</li> </ul>	<ul style="list-style-type: none"> <li>• Designed focal points, carries visitors east to west</li> <li>• Center axis less prominent</li> <li>• Severed connection to the underground passage</li> </ul>	<ul style="list-style-type: none"> <li>• Prominence of center axis restored</li> <li>• Restored connection to the underground passage</li> </ul>
<b>Inner Partition Wall</b>	<ul style="list-style-type: none"> <li>• Wall is Sculpture Garden north boundary</li> <li>• Directly accessible from all sides</li> <li>• Key feature of center axis</li> <li>• Backdrop of the center Garden</li> </ul>	<ul style="list-style-type: none"> <li>• No longer functions as boundary with new north boundary walls and ramps</li> <li>• Wall not approachable in many locations due to plantings</li> <li>• Central Gallery is a transitional area, role of wall diminished</li> </ul>	<ul style="list-style-type: none"> <li>• Wall restored as a backdrop in the Central Gallery and key feature of the center axis</li> <li>• Wall directly accessible from the north</li> </ul>
<b>Sculpture Display</b>	<ul style="list-style-type: none"> <li>• 50 sculptures maximum</li> <li>• Open gallery – challenging for display of sculpture with lack of backdrops creating overlapping views of multiple works</li> </ul>	<ul style="list-style-type: none"> <li>• Created “garden rooms” breaking up the open space for improved sculpture display</li> <li>• Up to 75 sculptures</li> <li>• Direct views of works in certain locations, and glimpses or long-range views of other works guides visitor circulation</li> </ul>	<ul style="list-style-type: none"> <li>• Display capability for 50% more of the modern sculpture collection</li> <li>• Flexible capacity for large-scale works</li> <li>• Maintains “garden rooms”</li> </ul>
<b>Shade</b>	None	Variety of sculptural and shade trees planted	Increased canopy trees providing shade at all seating areas
<b>Accessibility</b>	None	Altered north stairs with adjacent lateral ramps	<ul style="list-style-type: none"> <li>• Universal access with entrances at the north and south</li> <li>• Accessible Garden overlooks from the National Mall</li> </ul>

# Comparison of Project Goals

## Analysis from Robinson & Associates Report and CP Meeting #3

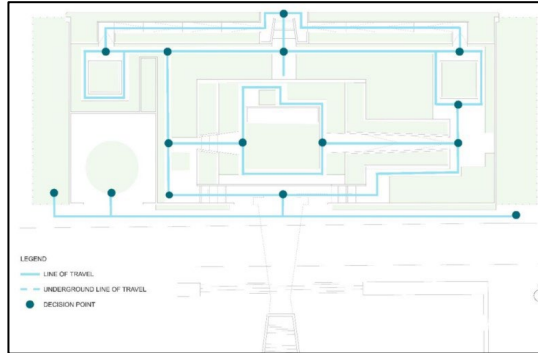


### Bunshaft, 1974

- Free-flowing circulation
- Prominent central axis with connection to underground passage
- Inner partition wall part of northern boundary
- Inner partition wall key center axis and central Garden feature



Aerial Photograph, 1974.

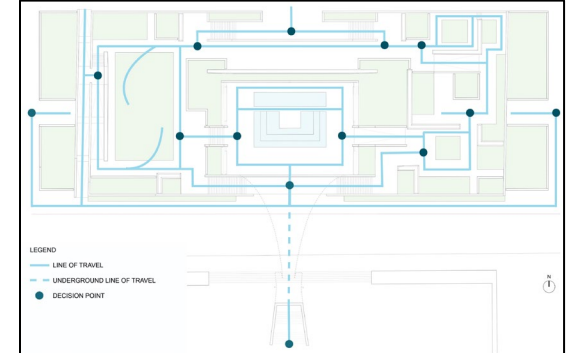


### Collins, 1981

- Choreographed east-west circulation
- De-emphasis of center axis
- Inner partition wall no longer boundary, assumes new role of dividing the upper Garden



Aerial Photograph, 1983.



### Sugimoto, 2021

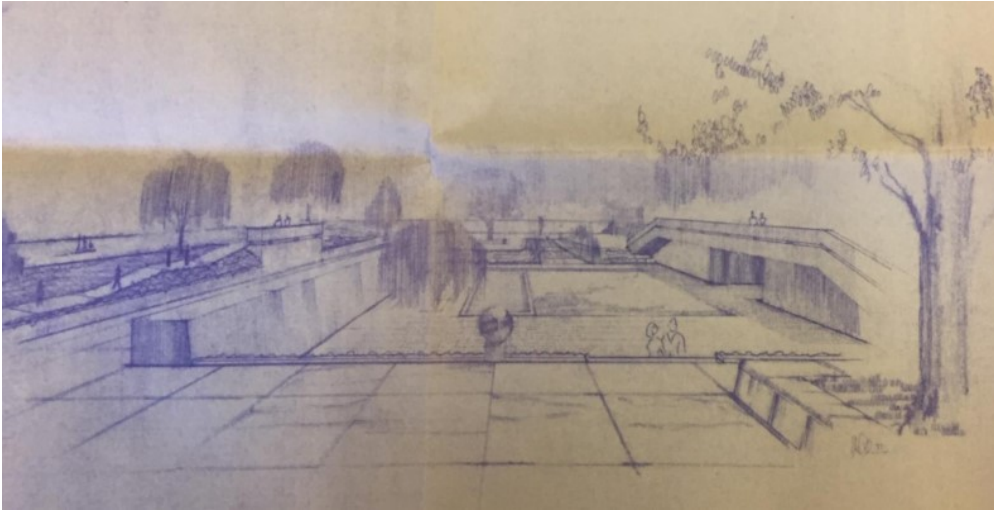
- Choreographed east-west circulation with free-flowing areas
- Restored prominent central axis with connection to the underground passage
- Inner partition wall restored as key center axis and central Garden feature



Proposed Rendering, 2021.

# Comparison of Project Goals

## Analysis from Robinson & Associates Report



Collins, Commission of Fine Arts Meeting, January 1978, SI Archives



Central Gallery Proposed Rendering, 2021.

“Key landscape characteristics of the redesigned garden focus on Collins’s organization of space within Bunshaft’s existing structure to create outdoor rooms, his manipulation of topography and vegetation to enhance this spatial organization, his design of circulation patterns to support visitors’ movements through this space, the views and vistas to sculpture and other garden spaces created using these tools, and the use of water to enhance the cooling qualities of the vegetation.” – Robinson & Associates, 2020.

The proposed design retains Bunshaft’s structure with the layering of Collins’s spatial organization, vegetation, and presence of water.



# Inner Partition Wall

## Mock-ups of the Proposed Inner Partition Wall Height



View from the Allee looking South. Proposed wall height noted in yellow.



View from the Central Gallery looking North. Proposed wall height noted in black.

- Current height at 5'3" prevents all visitors from viewing the Central Gallery.
- Current height limits the types of sculpture placed in the Upper Garden.
- Lowering the height provides a visual connection to the underground passage and Museum building to improve wayfinding.
- Lowering the height enables functional support of performance art and events in the Central Gallery
- Reopening the underground passage restores the Central Gallery focus and axial connection back to the inner partition wall.

# Inner Partition Wall

## Material Comparison – Allee



Rendering of the Inner Partition Wall Reconstructed in Concrete.



Rendering of the Inner Partition Wall Reconstructed in Stacked Stone.

- Raised aggregate concrete walls and active flood management barriers at the north entrance required for flood mitigation and fall protection.
- Use of concrete at the north overlook and perimeter walls required to maintain the Sculpture Garden's charactering defining material and sense of enclosure.
- Maintaining the inner partition wall in concrete results in an oppressive and monolithic condition in the Allee.
- Reconstructing the inner partition wall in its current form diminishes curatorial flexibility and programming in the Allee with only one backdrop material.



# Inner Partition Wall

## Material Comparison – Central Gallery



Rendering of the Inner Partition Wall Reconstructed in Concrete.



Rendering of the Inner Partition Wall Reconstructed in Stacked Stone.

- Landscaping at base of the inner partition wall to the south facilitates object placement and recalls planting precedents.
- Acoustical echo reduced by the pylon shape and textured surface.
- Supports curatorial programming and artistic vision.
- Stacked stone at the inner partition wall anchors and unifies the Sculpture Garden's east, central, and west spaces.
- Enhances the focal point from the reopened underground passage and as a backdrop to the Central Gallery.



# Mock-Up Photographs



- Full scale mock-up completed in April 2021
- Comments from Consulting Parties welcome through July 21st



# Mock-up Photographs – Inner Partition Wall



- Materials shared at meetings on June 16<sup>th</sup> and July 7<sup>th</sup>
- Comments from Consulting Parties welcome through July 21<sup>st</sup>

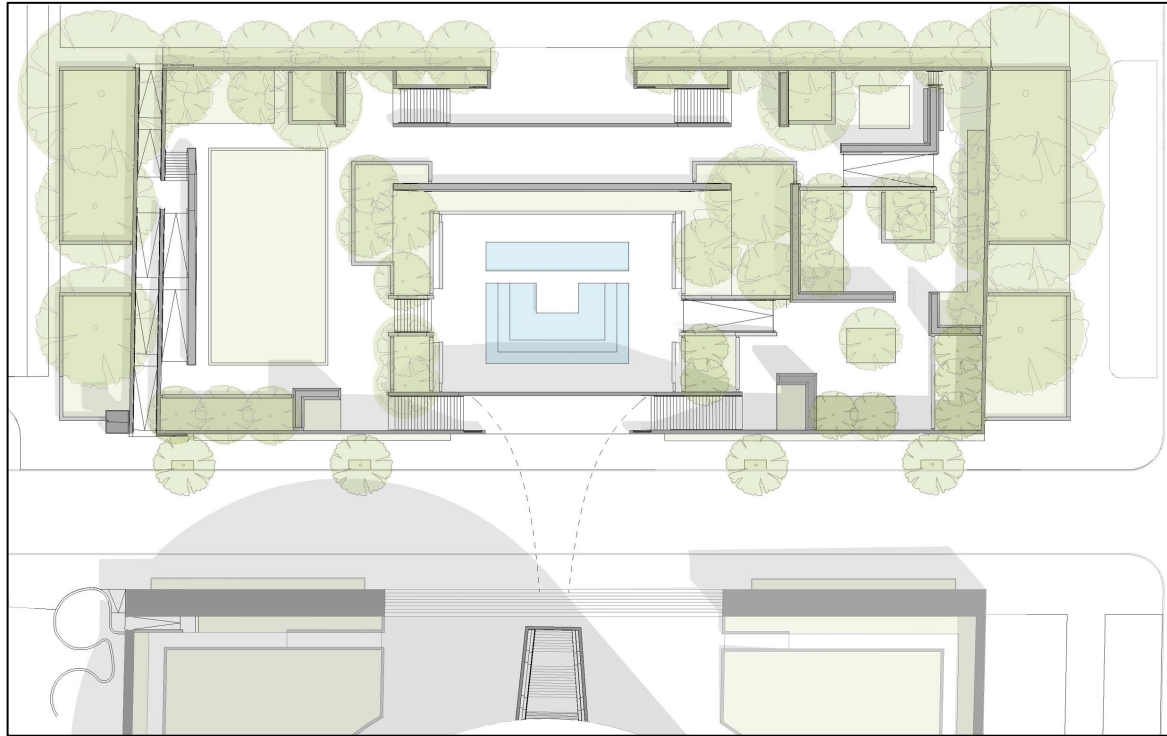
# Section 106 Process Overview

## Consulting Parties Meetings and Consultation

April 24, 2019	Consulting Parties Meeting #1 - Project introduction paired with the Hirshhorn Envelope Repair project
September 11, 2019	Consulting Parties Meeting #2 - Open house site visit to evaluate two stacked stone wall mock-ups
February 24, 2020	Consulting Parties Meeting #3 - Presentation of the Sculpture Garden Significance and Integrity Report
May 27, 2020	Consulting Parties Meeting #4 - Presentation of a draft Assessment of Effects on Historic Resources
August 2020	Consultation on additional pool alternatives through the project webpage
October 7, 2020	Consulting Parties Meeting #5 - Presentation of final Assessment of Effects and initial minimization and mitigation measures
March 10, 2021	Consulting Parties Meeting #6 - Presentation of the Supplemental Narrative prepared for the National Capital Planning Commission – Final pool alternative selected
June 16, 2021 July 7, 2021	Consulting Parties Meeting #7 - Open house site visit and presentation of draft Memorandum of Agreement

- Exhibit D in the MOA.

# Sculpture Garden Design

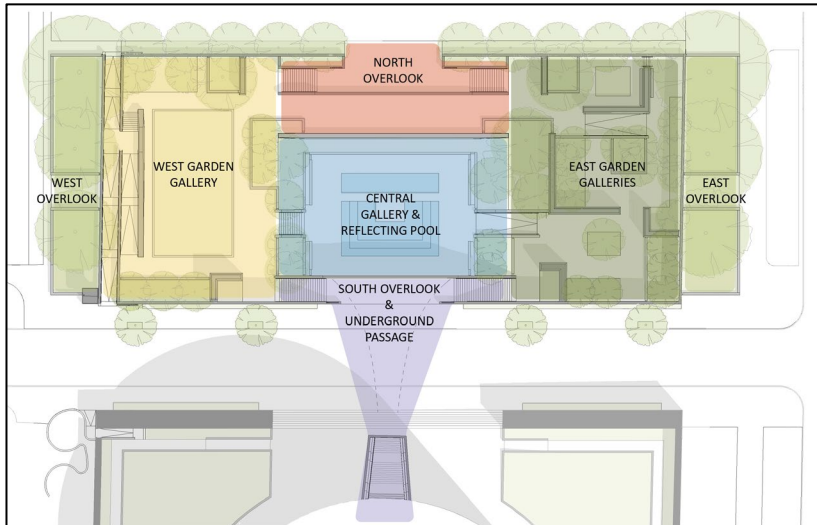


Proposed Sculpture Garden Site Plan

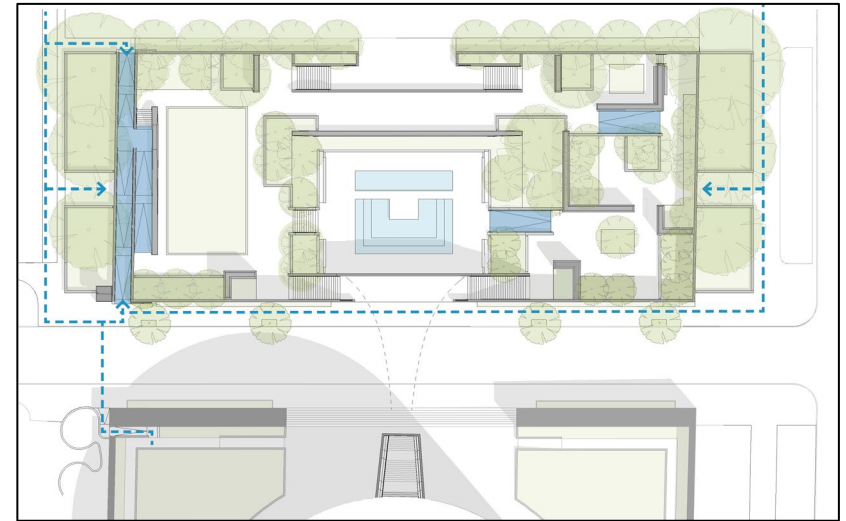
**WHEREAS**, the undertaking includes lowering the grade of the Sculpture Garden at the southwest corner and east side; creation of universally accessible entrances at the north and south; addition of accessible overlooks at the east and west aprons; the creation of a flexible west lawn; installation of new stacked stone walls, concentrated at the east garden for display of the modern sculpture collection; reconfiguration of the north entrance to an overlook with lateral stairs; reconstruction of the east west inner partition wall in stacked stone in its historic location; installation of a new water feature and art and performance platform at the central gallery south of the 1974 reflecting pool; replacement in-kind of the aggregate concrete perimeter walls with minor adjustments for code compliance and flood protection; and reopening the underground passage with an art installation; and



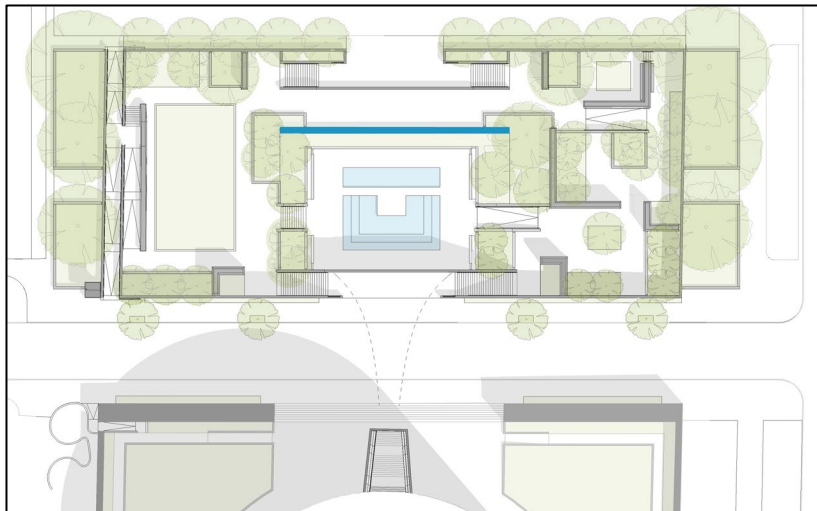
# Sculpture Garden Design



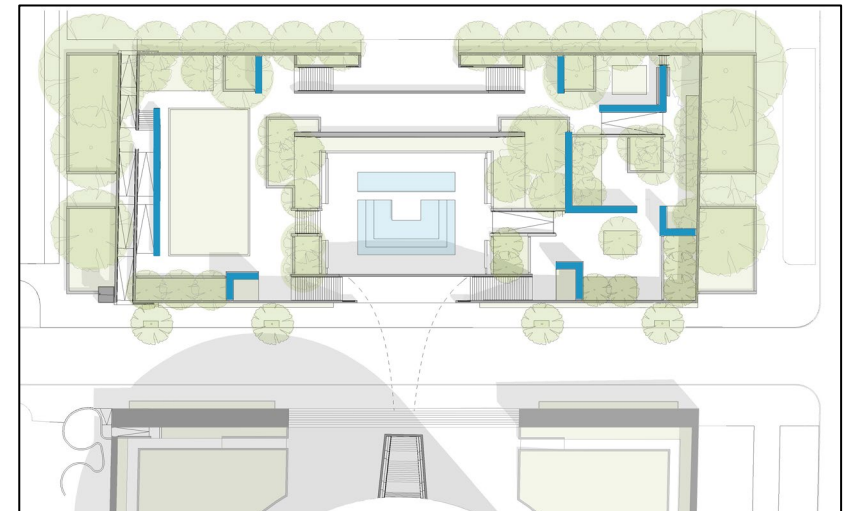
Sculpture Garden Programmatic Uses



Accessible Walkways and Accessible Paths of Travel



Inner Partition Wall Location Annotated in Blue



New Stacked Stone Wall Locations Annotated in Blue

# Memorandum of Agreement Content

## What is a Memorandum of Agreement?

- Per the ACHP: The Memorandum of Agreement (MOA) sets out how a federal agency will address the adverse effects to historic properties caused by its undertaking.
- MOA contains a preamble (background facts, Section 106 consultation process, consulting parties, other contextual information) and stipulations detailing each avoidance, minimization, or mitigation measures the federal agency agrees to ensure are implemented.
- Minimization measures are specific design actions to minimize or avoid an adverse effect on historic resources.
- Mitigation involves compensation for the loss or diminishment of a historic property.
- SI is legally obligated to follow the terms of the MOA, and failure to comply requires reopening the Section 106 process.

## Signatories to the MOA

- Smithsonian Institution
- District of Columbia State Historic Preservation Officer
- Advisory Council on Historic Preservation
- National Capital Planning Commission

The Signatories have sole authority to execute, amend, or terminate the MOA.

## Concurring Parties to the MOA

- Please contact the SI if interested in participating no later than **July 15th**.
- Refusal of any Concurring Party invited to concur does not invalidate the MOA.

# Memorandum of Agreement Content

## Whereas Clauses

MEMORANDUM OF AGREEMENT  
AMONG  
THE SMITHSONIAN INSTITUTION  
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
AND  
THE NATIONAL CAPITAL PLANNING COMMISSION  
REGARDING  
THE HIRSHHORN SCULPTURE GARDEN REVITALIZATION PROJECT

This Memorandum of Agreement (MOA) is made as of this \_\_\_\_ day of \_\_\_\_\_, 2021, by and among the Smithsonian Institution (SI), the District of Columbia State Historic Preservation Officer (DC SHPO), the Advisory Council on Historic Preservation (ACHP), and the National Capital Planning Commission (NCPC), (referred to collectively herein as the "Signatories" or individually as a "Signatory"), pursuant to Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, its implementing regulations 36 CFR Part 800 (Section 106), and Stipulation 2.C.iii of the Programmatic Agreement (PA) among the SI, DC SHPO, NCPC, NPS and the ACHP for the Smithsonian South Mall Campus Master Plan, as it relates to the Hirshhorn Sculpture Garden Revitalization; and

**WHEREAS**, the revitalization of the Hirshhorn Sculpture Garden (undertaking) is an identified project under the Smithsonian South Mall Campus Master Plan; and

**WHEREAS**, the Hirshhorn Museum and Sculpture Garden (HMSG) is a contributing building of the National Register of Historic Places listed National Mall Historic District and has been determined eligible for individual listing in the National Register of Historic Places; and

**WHEREAS**, a Determination of Eligibility prepared in 2016 proposed a period of significance for the HMSG of 1974. During consultation on the undertaking, reevaluation of the significance and integrity of the Sculpture Garden recommended a period of significance of 1974, 1981. The undertaking was assessed for adverse effects using the dates of 1974, 1981 and to determine character defining features (Exhibit A); and

**WHEREAS**, the HMSG was designed by Gordon Bunshaft of Skidmore, Owings & Merrill, and completed in 1974. The Sculpture Garden was significantly altered in 1981 by landscape architect Lester Collins and the Smithsonian Office of Horticulture, and the current Garden retains character defining features from both eras, taken into consideration in the proposed design by design architect and artist Hiroshi Sugimoto; and

**WHEREAS**, the SI identified the following goals and objectives to allow the HMSG to fulfill its mission as the nation's modern and contemporary art museum, by modifications per the design of Hiroshi Sugimoto: replace failed perimeter walls and infrastructure for stormwater management, correct code deficiencies, and protect current and future artwork, trees, and plants; reestablish the Sculpture Garden, Plaza and Museum as a single interconnected campus; improve access and visitor comfort through universal accessibility, increased shade and seating; and increase the Hirshhorn's display of its modern sculpture collection by almost 50 percent and adapt to ongoing evolutions in art-making by creating outdoor galleries for the presentation of performance art, large-format sculpture, and site specific installations; and

### "Whereas" Clauses:

- Factual Information:
  - Hirshhorn campus history
  - Historic designations, Determination of Eligibility
  - Period of Significance 1971, 1981
  - Alkali silica reaction
- Project goals and objectives
- Affiliation with the South Mall Campus Master Plan
- Conformance with the PA for the South Mall Campus Master Plan
- List of Consulting Parties
- Area of Potential Effects
- Description of the undertaking

# Memorandum of Agreement Content

## Whereas Clauses

1 **WHEREAS**, the goals and objectives for the undertaking align with the Institutional goals for the South  
2 Mall Master Plan, including improving and expanding visitor services and education spaces; and to  
3 create clear accessible entrances and connections between the Museums and gardens of the Campus,  
4 the National Mall, and surrounding context; and  
5  
6 **WHEREAS**, all of the 1974 and 1981 aggregate concrete walls in the Sculpture Garden are afflicted with  
7 alkali silica reaction, which occurs when there is a negative reaction between the cement paste and  
8 silica found in common aggregate sand causing expansion, loss of strength of the concrete, and  
9 inevitable failure. Alkali silica reaction is inherent to the concrete when originally mixed, and is a  
10 condition that cannot be repaired, requiring complete replacement; and  
11  
12 **WHEREAS**, the SI initiated Section 106 consultation with the DC SHPO regarding the undertaking on April  
13 12, 2019; and  
14  
15 **WHEREAS**, the Area of Potential Effects for this undertaking was defined in the PA, and in consultation  
16 redefined as portions of the National Mall Historic District with visibility of the HMSG, and extending  
17 south of the HMSG (Exhibit B); and  
18  
19 **WHEREAS**, the SI consulted with the NPS in accordance with the PA, and the NPS determined that it  
20 would not participate in the development of this MOA; and  
21  
22 **WHEREAS**, in addition to the Signatories, the SI has consulted with a wide group of interested parties  
23 and has invited them to participate as Consulting Parties pursuant to 36 CFR § 800.3(f); participants  
24 include ~~DoComomo~~ US, The Cultural Landscape Foundation, The Committee of 100 on the Federal City,  
25 and others herein referred to as the "Consulting Parties" (Exhibit C – List of Consulting Parties); and  
26  
27 **WHEREAS**, NCPC, a Signatory in the Section 106 process pursuant to 36 CFR § 800.3(f)(1), has  
28 approval authority over federal projects located within the District of Columbia pursuant to the National  
29 Capital Planning Act (40 U.S.C. § 8722(b)(1) and (d)) this approval would constitute an undertaking as  
30 defined at 36 CFR § 800.16(y); and  
31  
32 **WHEREAS**, pursuant to Public Law No. 108-72, 117 Stat. 888 (August 15, 2003), the SI is "deemed to be  
33 an agency for purposes of compliance with regulations promulgated by the ACHP pursuant to Section  
34 106 of the National Historic Preservation Act" for projects in the District requiring NCPC review and  
35 approval; and  
36  
37 **WHEREAS**, the SI and NCPC have agreed that SI will be the lead agency pursuant to 36 CFR §  
38 800.2(a)(2) for the undertaking to fulfill their collective Section 106 responsibilities; NCPC has elected to  
39 fulfill its Section 106 responsibilities by participating in this consultation and is a Signatory to this MOA  
40 pursuant to 36 CFR § 800.6(c)(2); and  
41  
42 **WHEREAS**, the SI has provided opportunities for Signatories, Consulting Parties, and the public to  
43 participate in the consultation process through public meetings and a public webpage  
44 (<https://hirshhorn.si.edu/sculpture-garden-revitalization/>), in compliance with Stipulation 3 of the PA  
45 (Exhibit D – List of Consulting Parties Meetings); and  
46  
47 **WHEREAS**, the undertaking includes lowering the grade of the Sculpture Garden at the southwest  
48 corner and east side; creation of universally accessible entrances at the north and south; addition of

### "Whereas" Clauses:

- External agency approvals
- Assessment of Effects on Historic Resources
- Determination of adverse effects
- Significant adverse effects determined at the Inner Partition Wall and Reflecting Pool
- Acknowledgement of Consulting Parties comments to avoid or minimize significant adverse effects
- Development of reflecting pool alternatives
- Advisory Council participation in consultation



# Memorandum of Agreement Content

## Stipulations

### STIPULATIONS

#### 1. MINIMIZATION MEASURES

The SI shall ensure that the following specific design measures are carried out to minimize or avoid an adverse effect on historic resources:

A. Recessed Grade Maintained: The Sculpture Garden shall maintain a depressed elevation of 13 feet below the grade of the National Mall. This requirement is in accordance with Stipulation 5.b.ii of the PA for the South Mall Campus Master Plan.

B. Setting for Display of Sculpture Maintained: The Sculpture Garden shall continue to function in its historic use as a setting for sculpture. Spatial complexity similar to the 1981 design shall be maintained.

C. Historic Perimeter Walls: Historic 1974 and 1981 perimeter walls are actively deteriorating from irreparable alkali silica reaction. Concrete shall be replaced in-kind using the historic Swenson Pink granite aggregate, matching concrete field color, and aggregate exposure achieved through sandblasting. Minimal height increases of the cast-in-place concrete perimeter walls are required for full protection code compliance. The Sculpture Garden shall maintain its current footprint. This requirement is in accordance with Stipulation 5.B.i of the PA for the South Mall Campus Master Plan.

D. Wall Hierarchy: The following measures create a wall hierarchy in the Sculpture Garden:

i. Primary Concrete Walls: Aggregate concrete shall remain the first visible material within the National Mall context, maintaining the visual ties across the Hirshhorn campus from the aggregate concrete. North perimeter walls shall feature plantings along the full north boundary in keeping with the 1981 design, and the north entrance from the National Mall will be widened to restore to the original 1974 design.

ii. Secondary Stacked Stone Walls: New stacked granite stone walls shall be built to a height lower than the concrete perimeter walls, recessed typically 2' below. New stacked stone walls shall be separated from intersection with concrete perimeter walls with a 12" reveal. Granite stones shall be compatible with the aggregate concrete perimeter walls in color and tone (Exhibit I).

E. North Overlook: The north entrance to the Sculpture Garden shall be restored to the original 60' east west dimension, reestablishing this dimensional relationship with the east west dimension of the 1974 reflecting pool.

F. Use of Swenson Pink Granite: Swenson Pink granite is found in the cast-in-place and precast concrete, Museum interior lobby terrazzo, and planters and stair treads in the Sculpture Garden. Swenson Pink granite shall continue to be a unifying material in the Sculpture Garden and across the Hirshhorn campus.

i. Planter Beds: New planting beds shall feature integral seating constructed in Swenson Pink granite consistent with the 1981 planting bed bench design.

**1. Minimization Measures** - The SI shall ensure that the following specific design measures are carried out to minimize or avoid an adverse effect on historic resources.

**2. Mitigation Measures** - The SI shall ensure that the following measures are carried out to mitigate adverse effects on historic resources.

**3. Monitoring and Reporting**

**4. Qualifications**

**5. Anti-Deficiency Act**

**6. Amendments and Non-Compliance**

**7. Design Consultation**

**8. Dispute Resolution**

**9. Post-Design Review Archaeological Discoveries**

**10. Termination**

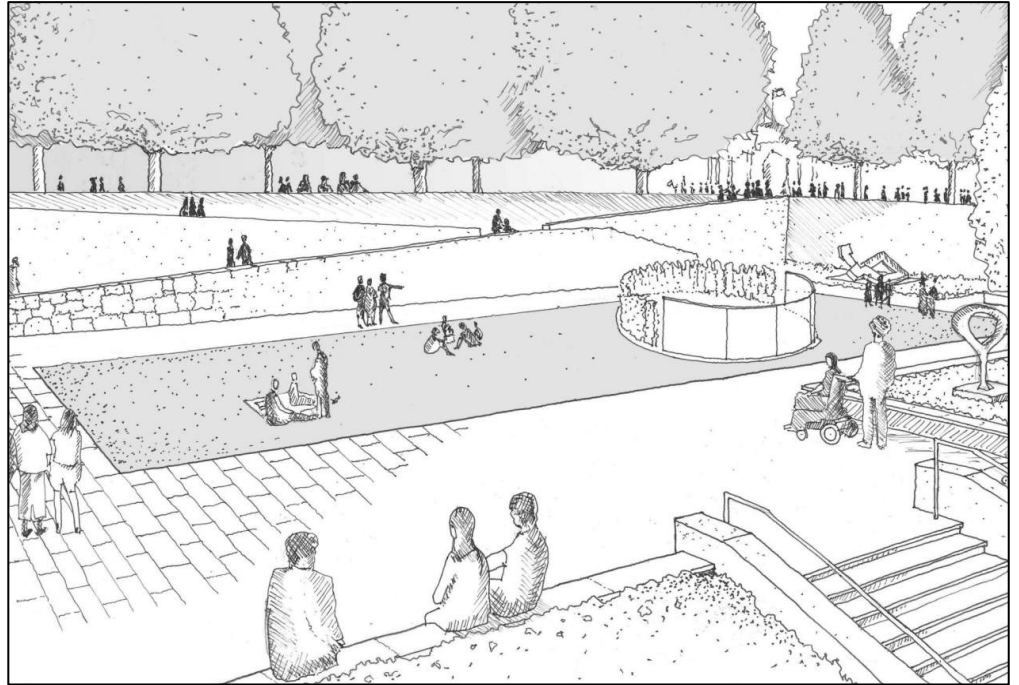
**11. Electronic Copies**

**12. Duration**

# Stipulation 1 – Minimization Measures

**1.A. Recessed Grade Maintained:** The Sculpture Garden shall maintain a depressed elevation of 13 feet below the grade of the National Mall. This requirement is in accordance with Stipulation 5.b.ii of the PA for the South Mall Campus Master Plan.

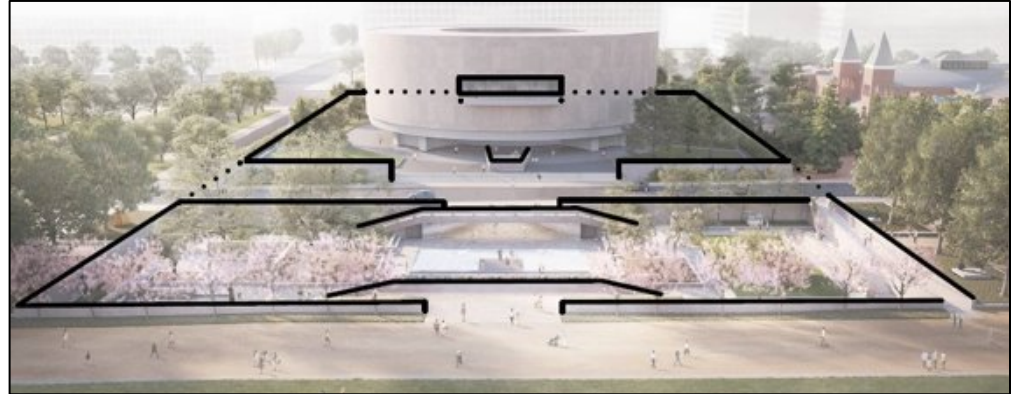
**1.B. Setting for Display of Sculpture Maintained:** The Sculpture Garden shall continue to function in its historic use as a setting for sculpture. Spatial complexity similar to the 1981 design shall be maintained.



Sketch rendering of the Sculpture Garden West Gallery

# Stipulation 1 – Minimization Measures

**1.C. Historic Perimeter Walls:** Historic 1974 and 1981 perimeter walls are actively deteriorating from irreparable alkali silica reaction. Concrete shall be replaced in-kind using the historic Swenson Pink granite aggregate, matching concrete field color, and aggregate exposure achieved through sandblasting. Minimal height increases of the cast-in-place concrete perimeter walls are required for fall protection code compliance. The north perimeter wall shall be raised to meet code requirements and provide flood protection. The Sculpture Garden shall maintain its current footprint. This requirement is in accordance with Stipulation 5.B.i of the PA for the South Mall Campus Master Plan.



Aerial rendering of the Hirshhorn Museum and Sculpture Garden. Concrete perimeter enclosure walls are annotated in black.



Close-up photograph of the Sculpture Garden aggregate concrete walls.

Detail of Swenson Pink granite, the historic and proposed aggregate.

# Stipulation 1 – Minimization Measures

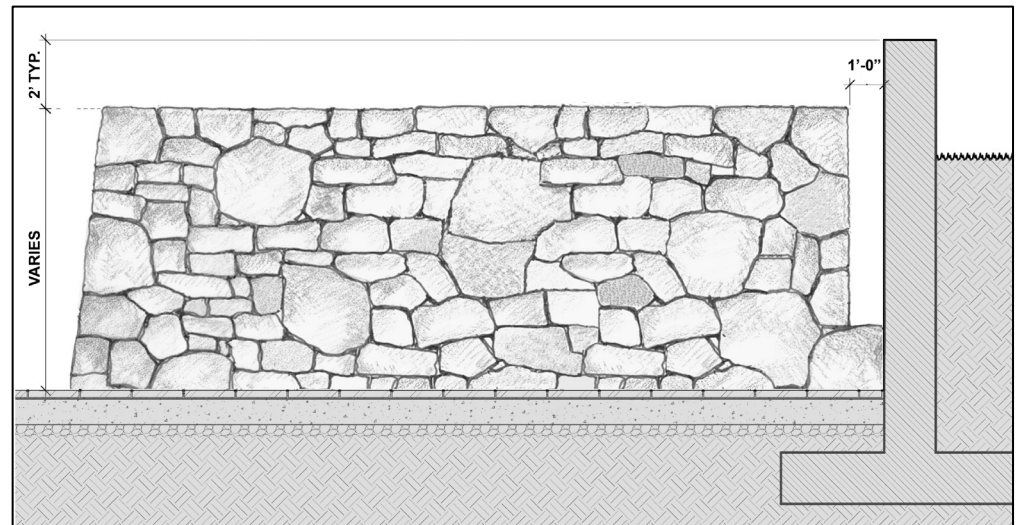
**1.D. Wall Hierarchy:** The following measures create a wall hierarchy in the Sculpture Garden:

**i. Primary Concrete Walls:** Aggregate concrete shall remain the first visible material within the National Mall context, maintaining the visual ties across the Hirshhorn campus from the aggregate concrete. North perimeter walls shall feature plantings along the full north boundary in keeping with the 1981 design, and the north entrance from the National Mall will be widened to restore to the original 1974 design.

**ii. Secondary Stacked Stone Walls:** New stacked granite stone walls shall be built to a height lower than the concrete perimeter walls, recessed typically 2' below. New stacked stone walls shall be separated from intersection with concrete perimeter walls with a 12" reveal. Granite stones shall be compatible with the aggregate concrete perimeter walls in color and tone (Exhibit I).



Rendering of the Sculpture Garden at the grade of the National Mall. Aggregate concrete remains the first visible material.

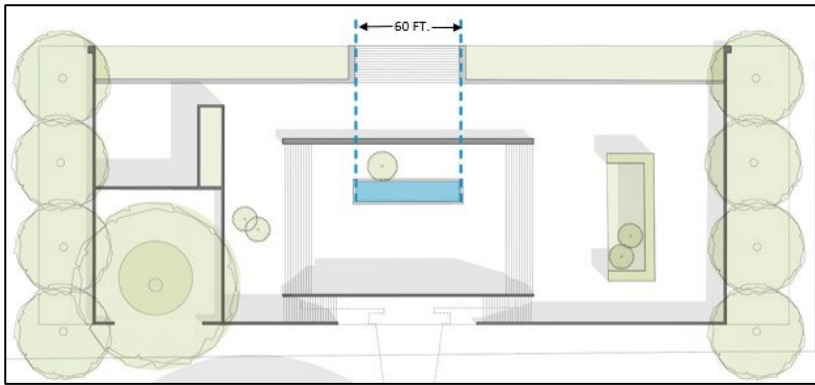


Typical stacked stone wall elevation. Walls recessed two feet below and twelve-inch reveal with the concrete perimeter walls.

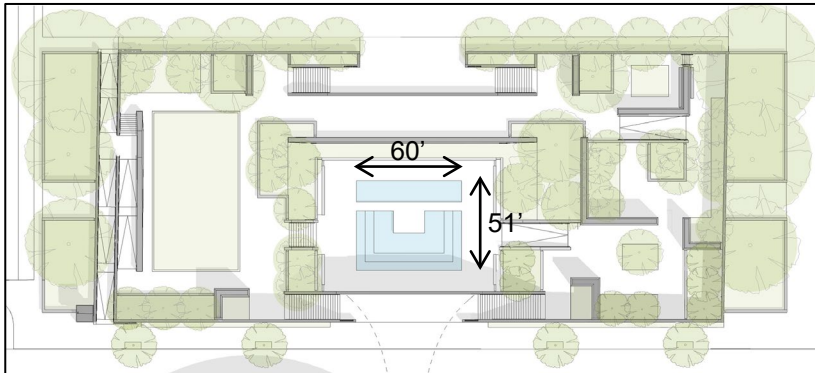


# Stipulation 1 – Minimization Measures

**1.E. North Overlook:** The north entrance to the Sculpture Garden shall be restored to the original 60' east west dimension, reestablishing this dimensional relationship with the east west dimension of the 1974 reflecting pool.



1974 Sculpture Garden plan.



Revised Reflecting Pool Alternative maintains the 1974 alignment with the restored 60' dimension at the north entrance.

**F. Use of Swenson Pink Granite:** Swenson Pink granite shall continue to be a unifying material in the Sculpture Garden and across the Hirshhorn campus.

**i. Planter Beds:** New planting beds shall feature integral seating constructed in Swenson Pink granite consistent with the 1981 planting bed bench design.

**ii. Re-Installation of Salvaged Swenson Pink Granite Treads:** Historic Swenson Pink granite treads removed from the center amphitheater stairs during the 1981 modifications shall be restored and re-installed at new and reconstructed stairs.

**iii. Amphitheater and Bench Seating:** New amphitheater seating, constructed in similar configuration to the 1974 amphitheater stairs in the central gallery, and bench seating throughout the Sculpture Garden shall feature Swenson Pink granite.

**iv. Accessible Walkway Paving:** Paving at the west accessible walkways shall be constructed in Swenson Pink granite.

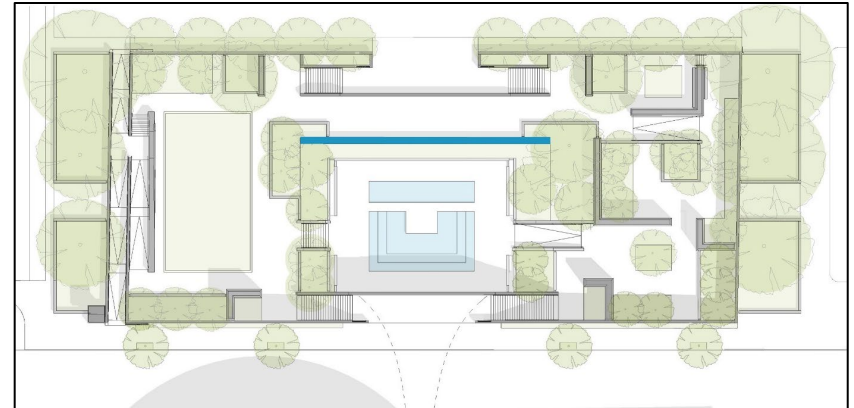
**v. Inner Partition Wall:** Swenson Pink granite feature stones/boulders shall be utilized in the construction of only this stacked stone wall.

# Stipulation 1 – Minimization Measures

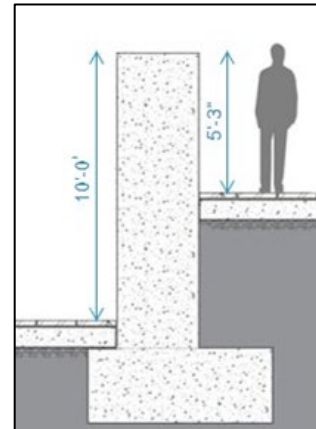
**1.G. Inner Partition Wall:** Reconstruction of the inner partition wall in the historic location maintains the spatial organization of the lower and upper portions of the Sculpture Garden. Proposed pylon shape is consistent with the original Plaza perimeter wall design.

**i. Use of Swenson Pink Granite:** Stacked stone construction at the inner partition wall shall feature Swenson Pink granite to differentiate the significance of this wall as the only historic wall to be reconstructed in stacked granite stone.

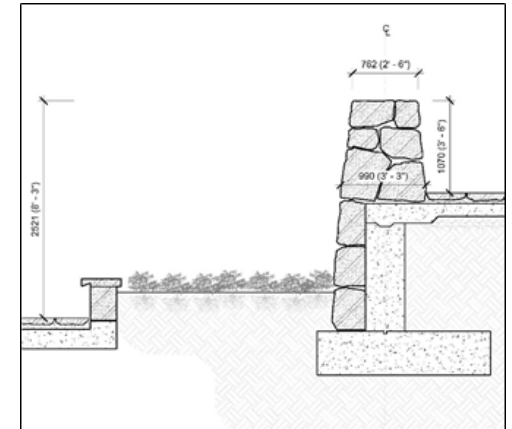
**ii. Planting Bed:** Proposed planting bed south of the inner partition wall reintroduces green plantings adjacent to the inner partition wall, reminiscent of Bunshaft's original design featuring a green tree south of the inner partition wall, and plantings introduced by Collins in 1981 adjacent to this wall.



Proposed Sculpture Garden plan. Historic/proposed location of inner partition wall annotated in blue.



Existing inner partition wall section.

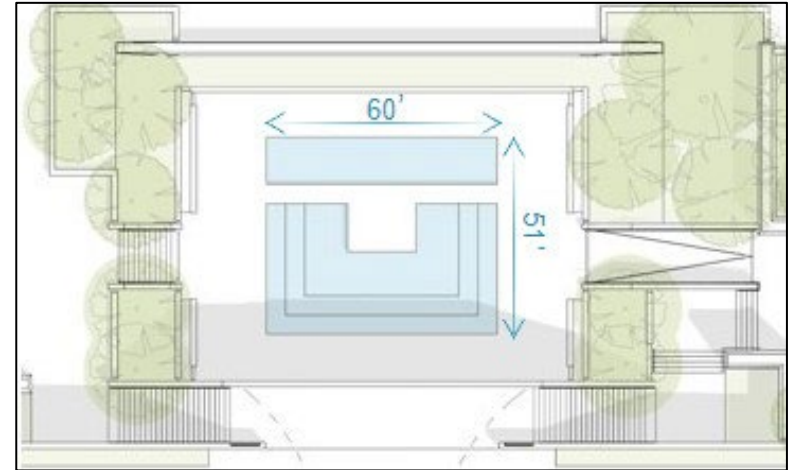


Proposed inner partition wall section.

# Stipulation 1 – Minimization Measures

**1.H. Reflecting Pool:** Historic 1974 reflecting pool shall be maintained, with black granite installed at the pool basin consistent with the original pool material and aesthetic. Historic 1974 reflecting pool shall be heated enabling a year-round presence of water to highlight its significance.

**i. New Water Feature:** New reflecting pool shall be a distinct water feature separated from the 1974 reflecting pool with granite paving and art and performance platform. Dimensions of the water features in the central gallery are consistent with the current reflecting pool and turf panel configuration introduced in 1981. New water feature shall be drained off-season.



Proposed maintains the 1974 reflecting pool with an art and performance platform and new water feature with tiered levels to the south.



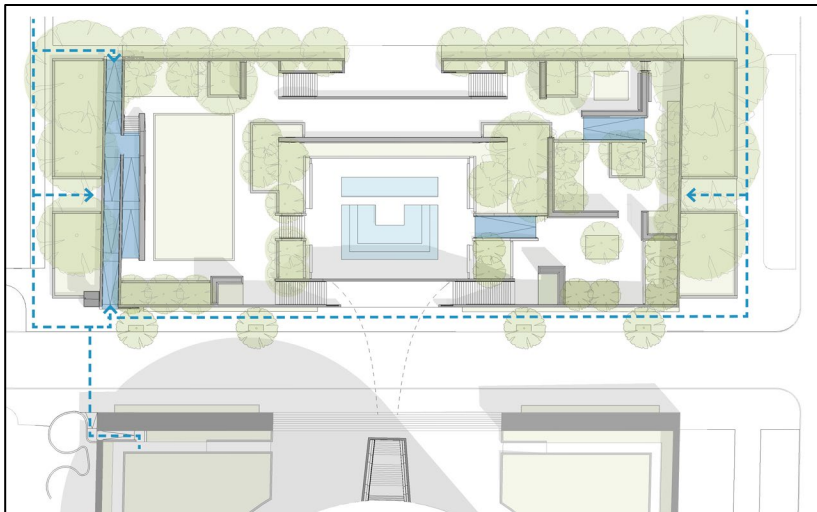
Reflecting pool section with concealed lighting, black granite basin, and detectable edge warning units.



1974 pool filled, and new reflecting pool drained with performance seating. Note planting bed south of the inner partition wall.

# Stipulation 1 – Minimization Measures

**1.I. Accessibility:** East portion of the Sculpture Garden remains a transitional area for accessibility, with one accessible walkway located in the 1981 historic ramp location. Enhanced universal accessibility with entrances on the north and south of the Sculpture Garden is consistent with the 1981 modifications that introduced accessibility. Proposed lateral north stairs recalls the configuration of the removed 1981 lateral north ramps.

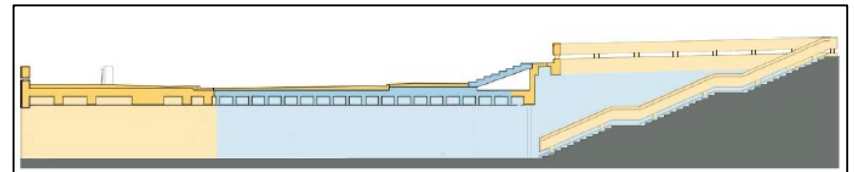


Proposed Sculpture Garden site plan. Accessible walkways noted with blue shading and the accessible paths of travel with a blue dotted line.

**1.J. Underground Passage:** Majority of the 1974 aggregate concrete walls and coffered ceiling shall remain behind the installation with minimal attachment points to historic fabric.

i. **Reopening of the Underground Passage:** Restoration and re-opening of the use of the underground passage restores the original connecting link between the Museum Plaza and the Sculpture Garden.

ii. **Exposed Historic Fabric:** Historic fabric at the underground passage stairs and south end of the passage shall remain exposed, including Swenson Pink granite paving and treads, and aggregate concrete balustrade and walls. Proposed restoration work includes removal of c. 1990s infill material, cleaning concrete and granite surfaces, and concrete patching (Exhibit J).



Existing concrete to remain  
New concrete

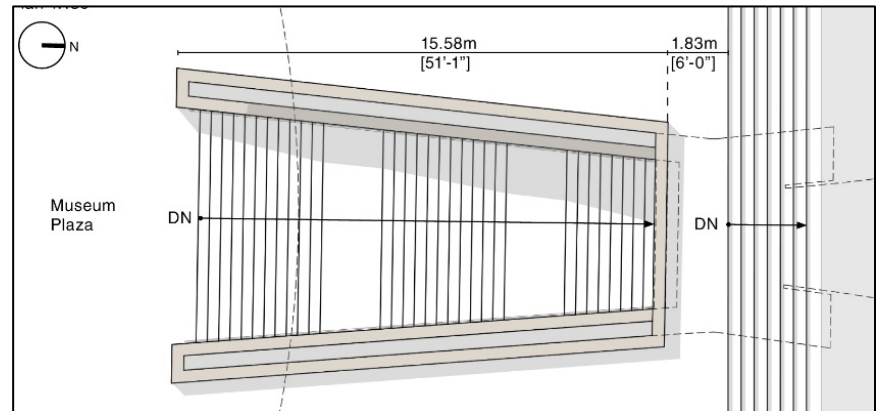
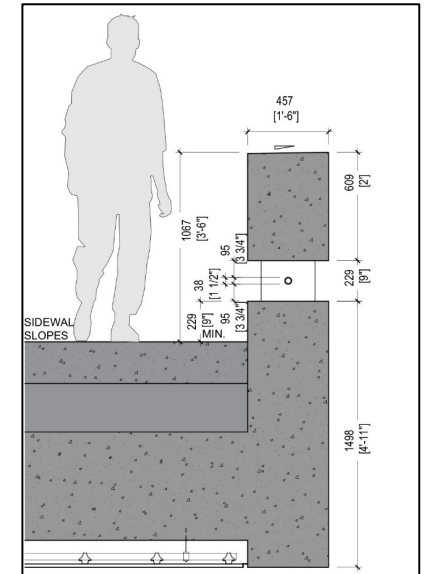
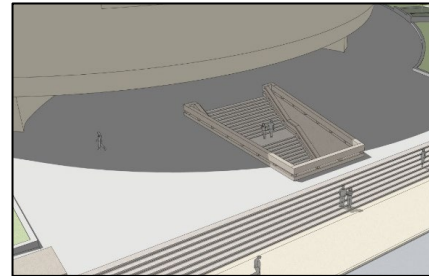
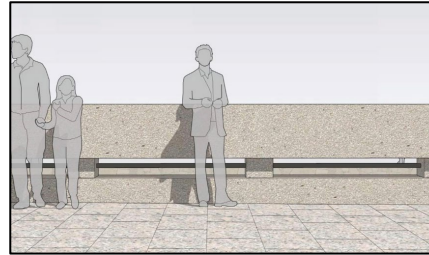


## Stipulation 1 – Minimization Measures

**1.K. Plaza Access and Balustrade Design:** Plaza access point was covered over in 1993 and the historic balustrade has been removed. Historic balustrade at the south overlook is not code compliant.

i. **Access Opening:** Plaza access opening shall be extended north to bring light to the base of the historic underground passage stairs. Reconstructed balustrade and opening shall maintain a 6' setback from the monumental stairs along Jefferson Drive.

**ii. Balustrade Design:** Reconstructed balustrade design meets code requirements and preserves the historic dimensions of the concrete top rail of 24", and gap between the rail and curb of 9". The concrete curb shall be raised five inches to bring the overall composition to a height of 3'6" with a bronze rail installed within the gap for code compliance (Exhibit K).



Proposed underground passage access at the Museum Plaza and proposed reconstructed balustrade.

# Stipulation 2 – Mitigation Measures

## **2.A. HABS/HALS Recordation of the Hirshhorn**

**Sculpture Garden**: The SI shall use Historic American Building Survey/Historic American Landscape Survey (HABS/HALS) Level III standards to document the Hirshhorn Sculpture Garden. The documentation photographs shall be completed prior to the start of any construction activities. The SI shall submit the completed photographs to HABS/HALS for inclusion in the HABS/HALS collection. This requirement is in accordance with Stipulation 6.B of the PA for the South Mall Campus Master Plan.

i. **Ezra Stoller Views**: The SI shall complete photographs that recreate the iconic views of the Sculpture Garden taken by Ezra Stoller. Photographs shall be completed as part of the HABS/HALS recordation and again one (1) year after the completion of construction for stabilization of the plantings. SI shall publish these images as a web-based exhibit resource after the completion of documentation on the SI's Architectural History and Historic Preservation webpage.

ii. **HALS History – Standard Format**: SI shall complete an Historic American Landscape History of the Sculpture Garden following the Standard Format and the *Historic American Landscapes Survey Guidelines for Historical Reports*. Documentation shall be complete within two (2) years of the date of signature on this MOA and shall be posted on the SI's Architectural History and Historic Preservation webpage or otherwise be made available to the public.



Ezra Stoller, 1974, Smithsonian Institution Archives

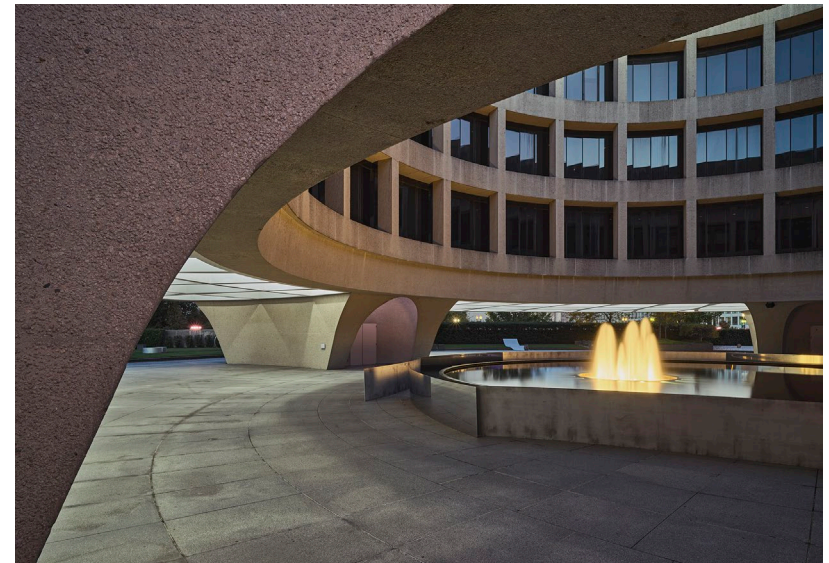
# Stipulation 2 – Mitigation Measures

**2.B. National Register Nomination for the Hirshhorn Museum and Sculpture Garden:** The SI shall complete a National Register of Historic Places nomination for the Hirshhorn Museum and Sculpture Garden. The nomination shall incorporate the findings and research from the Sculpture Garden Significance and Integrity report commissioned from Robinson & Associates, revised 1974, 1981 period of significance, and supplemental information from completing an analysis of the Hirshhorn Plaza. The Nomination shall be completed by an individual or individuals meeting Stipulation 4 and carried out in consultation with the DC SHPO. The nomination shall be completed within four (4) years of the date of signature on this MOA and shall be posted on the SI's Architectural History and Historic Preservation webpage or otherwise be made available to the public.

**2.C. Evaluation of the Hirshhorn Plaza:** The SI shall commission a report on the significance and integrity of the Hirshhorn Plaza, completed in 1993 and outside the period of significance of 1974, 1981. The report shall be completed by an individual or individuals meeting Stipulation 4 and carried out in consultation with the DC SHPO. The report shall be completed within two (2) years of the date of signature on this MOA and shall be posted on the SI's Architectural History and Historic Preservation webpage or otherwise be made available to the public.

NPS Form 10-900	OMB No. 1024-0018
United States Department of the Interior National Park Service	
<b>National Register of Historic Places Registration Form</b>	
<small>This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, <i>How to Complete the National Register of Historic Places Registration Form</i>. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.</small>	
<b>1. Name of Property</b>	
Historic name: <u>Hirshhorn Museum and Sculpture Garden</u>	
Other names/site number: _____	
Name of related multiple property listing: _____	

National Register of Historic Places Registration Form



Hirshhorn Plaza, 2020.



# Stipulation 2 – Mitigation Measures

**2.D. Virtual Walkthrough:** The SI shall gather data from a laser scanner to create a three-dimensional virtual walkthrough of the Sculpture Garden prior to any construction activities. Data shall be captured using laser distance meter and high definition panoramic imaging to create a three-dimensional recreation of the physical space. This record documentation creates a video of a virtual experience of walking through the existing condition of the Sculpture Garden. The virtual walkthrough shall be completed within two (2) years of the date of signature on this MOA and shall be posted on the SI's Architectural History and Historic Preservation webpage or otherwise be made available to the public.



Samples of Virtual Walkthroughs

# Stipulation 2 – Mitigation Measures

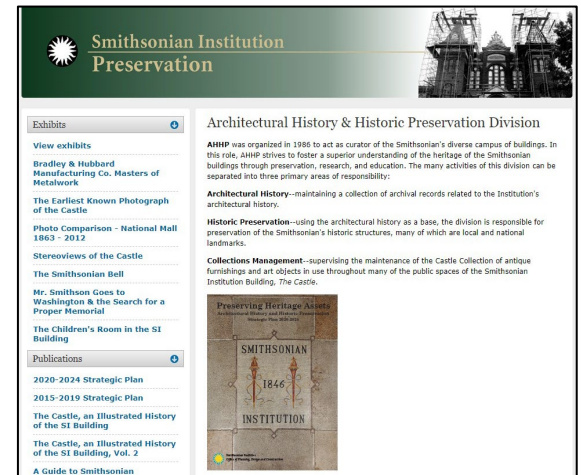
**2.E. Scholarship Outreach:** The SI shall pursue opportunities to expand scholarship on Gordon Bunshaft and Lester Collins, based on information collected during design and Section 106 consultation for the undertaking.

i. **Smithsonian Archives:** Records uncovered and compiled on Collins associated with the Sculpture Garden Significance and Integrity report commissioned from Robinson & Associates shall be digitized and accessioned into the Smithsonian Institution Archives.

ii. **Scholarship Publications:** Products of this effort could include articles or web-based exhibits on the SI's Architectural History and Historic Preservation or Smithsonian Garden webpages. Example topics suggested by Consulting Parties include a comparative study with other contemporary sculpture gardens outside the United States and modernist landscape preservation.

iii. **Hirshhorn Museum and Sculpture Garden Book Publication:** SI shall publish a new comprehensive publication on the history of the Hirshhorn Museum and Sculpture Garden, including architectural and landscape history.

iv. **Smithsonian Gardens Plant Explorer Database:** The Plant Explorer database is an existing web-based resource, and contains Smithsonian Gardens accessioned plants searchable by location. Plant Explorer provides genus, habitat, characteristics, and links for more information. SI shall update Collins and Bunshaft specific plants with cultural reference information and/or a link to another webpage to learn more the history of the Sculpture Garden.



AHHP Webpage.

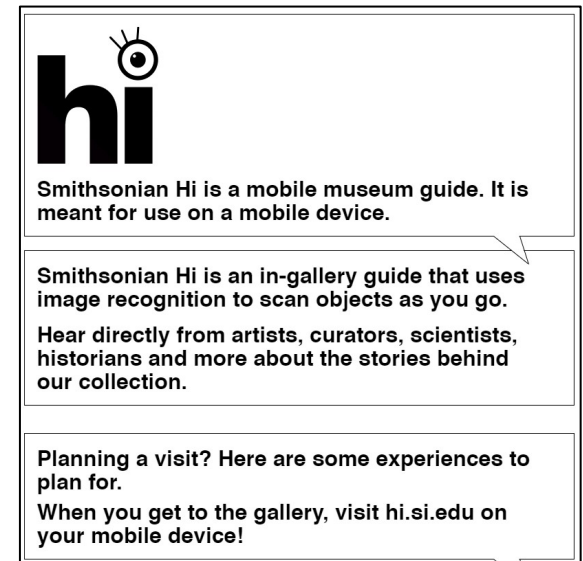
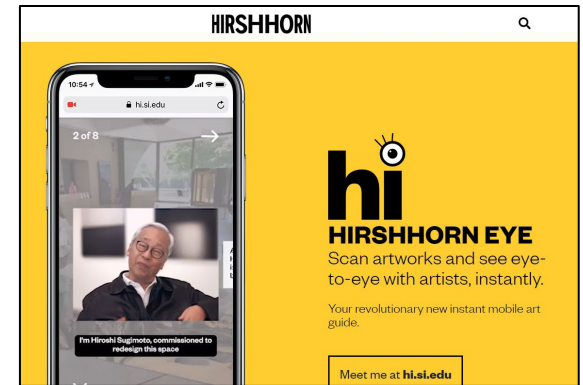


Smithsonian Gardens Webpage.

# Stipulation 2 – Mitigation Measures

**2.F. Educational Outreach:** The SI shall pursue opportunities for educational outreach.

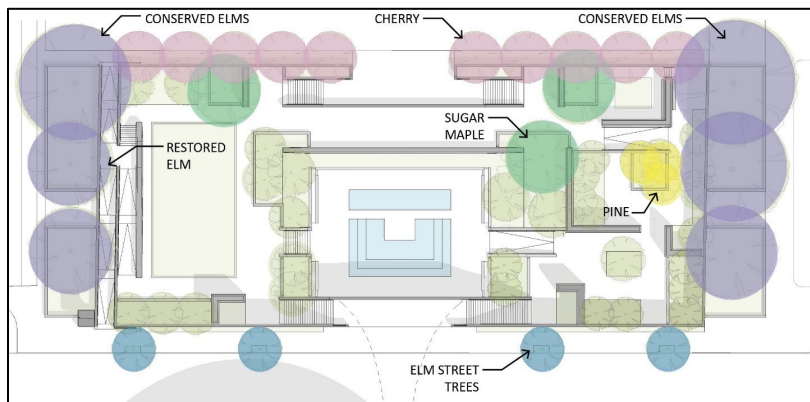
- i. **Public Symposium on Sculpture Gardens:** SI shall host a public symposium on Sculpture Gardens.
- ii. **Sculpture Garden Site Tours:** SI shall host tours of the Sculpture Garden including information on the history of the Garden and design. Tours shall be hosted on a regularly scheduled basis or as a downloadable self-guided tour.
- iii. **Smithsonian Gardens Lectures:** Smithsonian Gardens shall host a lecture or panel discussion associated with the Sculpture Garden. Example topics suggested by Consulting Parties include fragility of landscapes and landscape preservation.
- iv. **Public Outreach:** SI shall seek opportunities to publish or speak at conferences on information learned during design of this project. Example topics include alkali silica reaction (concrete disease), stormwater management in a designed landscape, and adapting planting plans in cultural landscapes for climate change.
- v. **Sculpture Garden Revitalization Webpage:** SI shall maintain a Sculpture Garden Revitalization webpage. This webpage shall contain presentation materials, Section 106 consultation history, and the history of the Sculpture Garden from founding of the Museum to the present.
- vi. **Hirshhorn Eye:** Hirshhorn Eye is an existing in-gallery art guide that uses image recognition to scan art through a mobile device unlocking artist videos and in-depth information. SI shall complete updates to Hirshhorn Eye content to make connections between Hiroshi Sugimoto's artwork and the history of the Sculpture Garden at the reflecting pool, inner partition wall, and underground passage.





# Stipulation 2 – Mitigation Measures

**2.G. National Mall Elm Tree Restoration:** SI shall conserve the five (5) existing elm trees planted by Bunshaft's 1974 design at the east and west Sculpture Garden aprons. SI shall replant one (1) elm tree on the west apron, restoring the flanking elm tree lines on the east and west Sculpture Garden aprons, which relate to the elm tree plantings on the National Mall greensward. SI shall take protective and conservation measures for the existing elm trees during construction and replace any additional elm trees found unhealthy or compromised.



Proposed Sculpture Garden plan. Collins and Bunshaft specific tree plantings noted.

**2.H. Lester Collins Plant Palette:** The 1981 Collins landscape plan shall be restored through the following measures.

i. **Tree Species:** Specific tree species shall be replanted in the historic locations, including ten (10) cherry trees along the National Mall gravel path, and one (1) sugar maple in the East Garden.

ii. **Jefferson Drive Street Trees:** Four (4) elm trees similar to locations of Collins tree plantings on Jefferson Drive shall be planted. Elm trees shall be used consistent with the Monumental Core Streetscape Standards currently being updated.

iii. **Collins-Inspired Plant Palette:** Original plants proposed by Collins shall be replanted with species that recall the cultivar and sculptural qualities, but with modifications to account for climate change and species adapted for the microclimate of the Sculpture Garden. Proposed plantings include loblolly pine trees and shrub and flowering mid-to-low level ground cover. (Exhibit L)

iv. **Shade:** Collins introduced shade to the Sculpture Garden with the 1981 modifications, creating shaded seating and improving visitor comfort. Continuing this important goal, the proposed tree plan maintains pivotal historic tree planting locations and increases the number of tree plantings to provide shade coverage at the majority of all planter bed seat walls.

# Stipulation 2 – Mitigation Measures

**2.I. Interpretive Sculpture Garden Signage:** Two types of interpretive signage shall be installed in the Sculpture Garden, providing opportunities to connect with the public. Signage shall include information on Sculpture Garden history, Sugimoto's design, plantings, climate adaptability, and Section 106 consultation information. Signage shall connect visitors to supplement web-based resource material.

i. **Exhibit Signage:** Two (2) exhibit signs for the Hirshhorn Eye shall be located in the Sculpture Garden at the inner partition wall and underground passage.

ii. **Educational Signage:** Four (4) educational signs are proposed across the Hirshhorn campus.

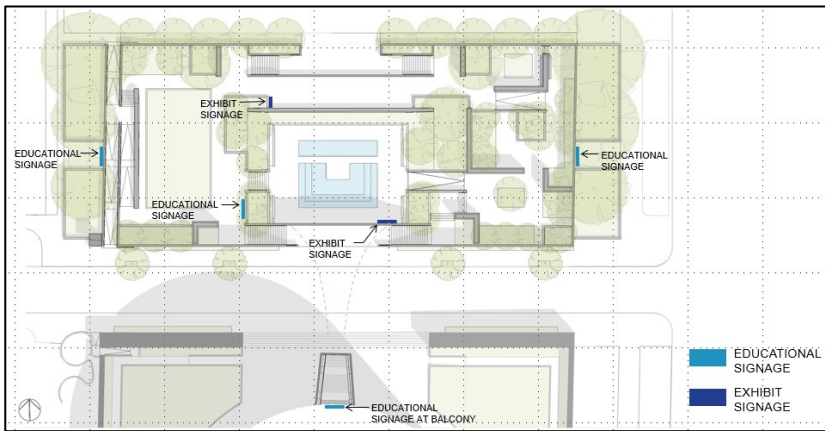


Exhibit and Education Signage Locations

**2.J. Restore Hirshhorn Plaza Vista:** Existing concrete barriers installed in 2001 to create a secure perimeter are a significant visual detractor from the Museum building and the original open 8<sup>th</sup> Street axis and connection between the Museum Plaza and Sculpture Garden. SI shall design permanent perimeter security that will emphasize the 8<sup>th</sup> Street open axis and improve the pedestrian connection between the Museum Plaza and the Sculpture Garden.



Existing Plaza Vista, 2020.

# Stipulation 2 – Mitigation Measures

## 2.K. Restoration of the Museum Plaza Perimeter Walls

**Walls:** Aggregate concrete is the material that visually unifies the Hirshhorn Museum and Sculpture Garden campus. The Museum Plaza walls are unrestored exhibiting a variety of stain conditions. The SI shall complete conservation level cleaning of the accessible exterior and interior faces of the Museum Plaza walls, to maintain a cohesive restored condition for the aggregate concrete across the Hirshhorn campus.



Existing Plaza Wall Conditions, 2020.

**2.L. Stacked Stone Wall Building Outreach:** The SI shall pursue interest groups to collaborate with to host on-site observation of the construction of the stacked stone walls. The SI shall document the collaboration with the master masons and the construction process for publication.



Stacked Stone Wall Mock-up construction, 2019.



# Stipulation 2 – Mitigation Measures

**2.M. Restoration of the Bulfinch Gatepost:** The SI shall complete work on the Bulfinch Gatepost located at the southeast corner of 15<sup>th</sup> Street and Constitution Avenue, based on recommendations per the treatment plan developed by Aeon Preservation Services in February 2017, within three (3) years of the date of signature on this MOA. The treatment plan, but not the implementation, was a requirement per Stipulation 7 of PA for the National Museum of African American History and Culture.



Bulfinch Gatepost, 15<sup>th</sup> Street and Constitution Avenue

**2.N. Sustainable Sites Initiative:** SI shall pursue SITES v2 for Sustainable Land Design and Development certification for the Sculpture Garden Revitalization. SITES is a program based on the understanding that land is a crucial component of the built environment, and projects can be designed and constructed to enhance the environment and respond to cultural conditions. SITES requires identification and protection of existing historic buildings or cultural landscapes, and providing cultural benefit through enhancing cultural, aesthetic, and educational experiences in connection with nature. Environmental stewardship is achieved through microclimate regulation, use of salvaged and recycled materials, and native plantings. SITES requires commitment to a long-term Site Maintenance Plan including the process for maintaining the integrity of the cultural landscape and detailed specifications for repair, replacement, or maintenance work on significant features. Process for determining resolution between historic and environment concerns is required. SITES certification information and environmental considerations shall be incorporated into the interpretive Sculpture Garden signage program.

# Stipulations 3 – 6

## **3. Monitoring and Reporting**

Each year, by the anniversary date of the last signature on this MOA until it expires or is terminated, the SI shall provide the Signatories a summary report detailing work undertaken pursuant to the terms of the MOA. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the SI's efforts to carry out the terms of this MOA. Failure to provide such summary report may be considered noncompliance with the terms of the MOA pursuant to the Amendments and Non-Compliance stipulation of this MOA.

## **4. Qualifications**

SI shall ensure that all historic preservation work performed on its behalf pursuant to this MOA shall be accomplished by, or under the direct supervision of a person or persons who meet(s) or exceed(s) the pertinent qualifications cited in the Secretary of the Interior's Professional Qualifications Standards.

## **5. Anti-Deficiency Act**

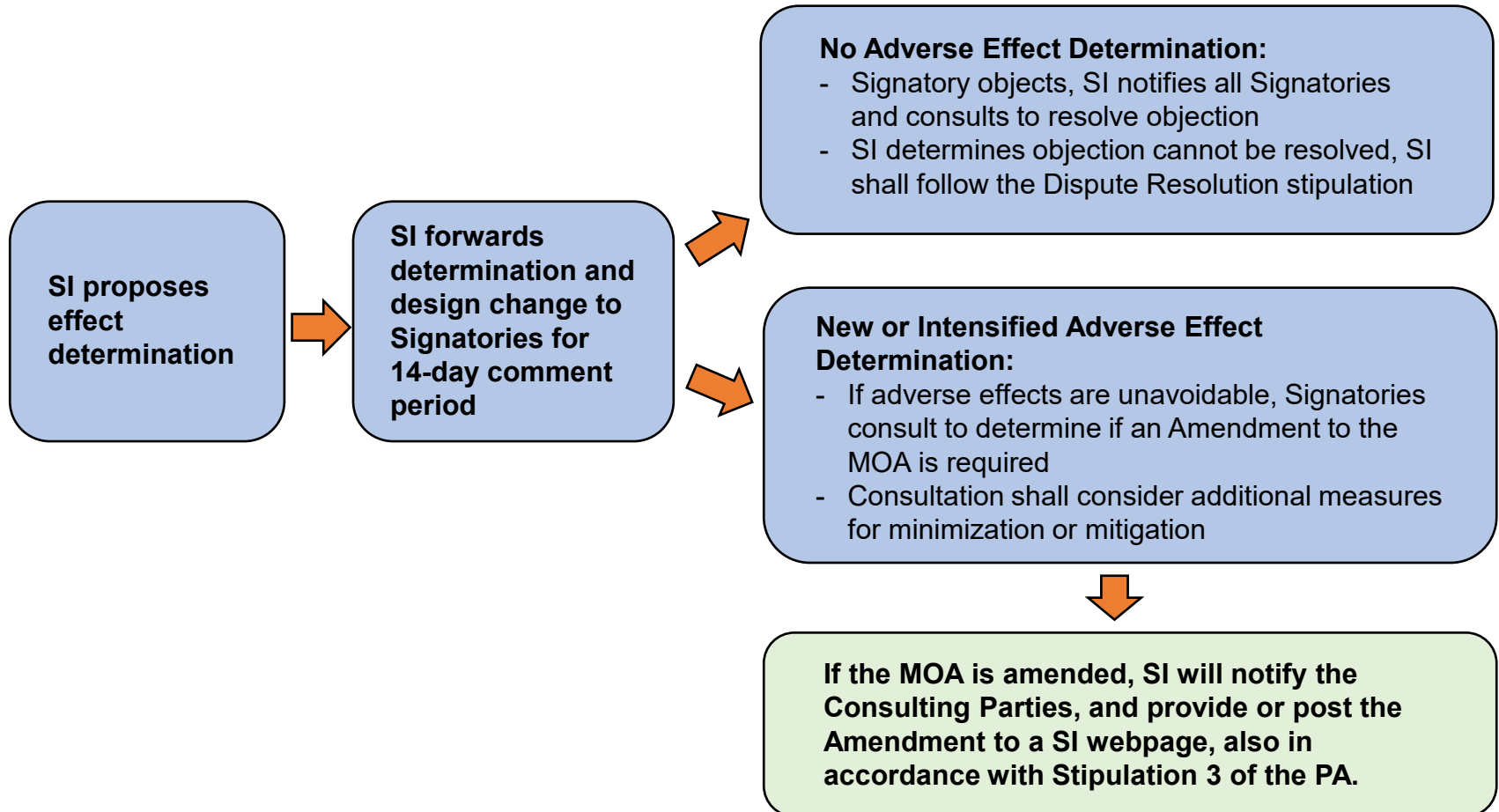
The SI's obligations under this MOA are subject to the availability of appropriated funds, and the stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act. The SI shall make reasonable and good faith efforts to secure the necessary funds to implement its obligations under this MOA. If lack of appropriated funds or compliance with the Anti-Deficiency Act alters or impairs the SI's ability to implement its obligations under this MOA, the SI shall consult in accordance with the Amendments and Non-Compliance stipulation, and if necessary, the Termination stipulation.

## **6. Amendments and Non-Compliance**

This MOA may be amended when such an amendment is agreed to in writing by all Signatories. The amendment will be effective on the date a copy signed by all the Signatories is filed with the ACHP. The original amendment will be filed with the ACHP. If the Signatories cannot agree to appropriate terms to amend the MOA, any Signatory may terminate the MOA in accordance with the Termination stipulation of the MOA.

# Stipulation 7 – Design Consultation

The SI shall consult with the Signatories regarding any design changes to the project's scope as shown in the Exhibits, and any modifications recommended by NCPC and/or CFA after final approval. Consultation shall be carried out as follows:





# Stipulations 8 - 9

## 8. Dispute Resolution

Should any Signatory to this MOA object at any time to any action proposed or the manner in which the terms of this MOA are implemented, SI shall consult with such party and the other Signatories to resolve the objection. If a resolution cannot be reached after a good faith effort to resolve the dispute, the SI shall forward all documentation relevant to the dispute to the ACHP including the SI's proposed response to the objection. Within 45 days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:

**Advise SI the ACHP concurs**

**Provide SI with recommendations to consider in reaching a final decision**

**Refer the objection to comment by the Council. SI shall consider the Council's comment**

Should the ACHP not exercise one of the above options within 45 days after receipt of all documentation, the SI may assume the ACHP's concurrence in its proposed response to the objection.

## 9. Post-Design Review Archaeological Discoveries

Due to prior extensive disturbance, there is minimal potential for archaeological resources to be discovered. If archaeological resources are uncovered, the SI shall follow the measures below:

### Cultural Resources

- SI shall avoid, minimize, or mitigate adverse effects to such resources
- Consult with the DC SHPO to resolve unavoidable adverse effects

### Treatment of Human Remains

- SI shall halt subsurface construction
- SI shall notify and comply with:
  - District of Columbia Chief Medical Examiner
  - Native American Graves Protection and Repatriation Act

# Stipulations 10 - 12

## **10. Termination**

If any Signatory to this MOA determines that its terms cannot or are not being properly implemented, that Signatory shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation 6 above. If the Signatories cannot reach agreement on an amendment within thirty (30) days (or another time period agreed to by all Signatories), any Signatory may terminate the MOA upon written notification to the other Signatories. Once the MOA is terminated, and prior to work continuing on the undertaking, the SI must either (a) execute a new MOA pursuant to 36 CFR § 800.6 or (b) reinstate Section 106 consultation on the unfinished components of the undertaking pursuant to 36 CFR Part 800 and applicable sections of the PA. The SI shall notify the Signatories as to the course of action it will pursue.

## **11. Electronic Copies**

Within one week of the last signature on this MOA, the SI shall provide each Signatory with one legible, color, electronic copy of the fully executed MOA and all attachments fully integrated.

## **12. Duration**

This MOA shall be in effect for six (6) years from the date of its execution. Prior to such time, SI may consult with the other Signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation 6.

# Exhibits

- Exhibit A – Character Defining Features – 1974, 1981 Period of Significance
- Exhibit B – Area of Potential Effects
- Exhibit C – List of Consulting Parties
- Exhibit D – List of Consulting Parties Meetings
- Exhibit E – Sculpture Garden Revitalization
- Exhibit F – Assessment of Effects on Historic Resources
- Exhibit G – Inner Partition Wall
- Exhibit H – Revised Reflecting Pool Alternative
- Exhibit I – New Stacked Stone Walls
- Exhibit J – Underground Passage Historic Fabric
- Exhibit K – Reconstructed Balustrade
- Exhibit L – Proposed Plant Palette

The majority of the graphics in this presentation on the MOA content were sourced from the Exhibits in the MOA.

1

COLLINS PLANT SPECIES

*Liriope muscari*  
Lilyturf  
Evergreen Perennial  
Bloom time: late Summer  
30-45 cm  
Japan

*Crocus tommasinianus*  
Early Crocus  
Ephemeral Bulb  
Bloom time: Early Spring  
10-20 cm  
Europe

PROPOSED COUNTERPART

*Carex appalachica*  
Appalachian Sedge  
Perennial  
30-60 cm  
North America

*Carex albertensis*  
Oak Sedge  
Perennial  
30-45 cm  
North America

*Carex muskingumensis*  
Palm Sedge  
Perennial  
30-60 cm  
North America

*Carex amphibola*  
Creek Sedge  
Perennial  
30-60 cm  
North America

*Crocus vernus*  
"Jeune de Arc"  
Spring Crocus  
Ephemeral Bulb  
Bloom time: Early Spring  
10-20 cm  
Europe

2

3

COLLINS PLANT SPECIES

*Azalea x Gumpo White*  
Gumpo White Azalea  
Evergreen Shrub  
Bloom time: Spring  
20-60 cm  
Japan

*Ligustrum x vicaryi*  
Golden Ticket Privet  
Evergreen Shrub  
Bloom time: Spring  
90-200 cm  
Japan

*Euonymus Sp.*  
Wintercreeper  
Evergreen Shrub  
Bloom time: Spring  
90-200 cm  
Japan

PROPOSED COUNTERPART

*Aronia 'Low Scape Mound'*  
Chokeberry  
Perennial  
Bloom time: Spring  
20-35 cm  
North America

*Callicarpa americana*  
Beautyberry  
Deciduous Shrub  
Bloom time: Summer  
60-120 cm  
North America

*Rhus aromatica*  
"Gro-Low"  
Fragrant Sumac  
Deciduous Shrub  
Bloom time: Spring  
30-90 cm  
North America

4

5

6

Collins 1981 groundcover plantings at left, with proposed counterparts at right.

Exhibit L – Proposed Plant Palette

# Next Steps

## Schedule

- Revised Preliminary Submission to the National Capital Planning Commission
- Commission of Fine Arts Final Review – July 2021
- Finalize and execute the MOA – September 2021
- Next NCPC Review – September 2021

**Today's presentation material will be available on the project webpage by July 8, 2021.**

**Draft Memorandum of Agreement posted to the project webpage on June 4, 2021.**

<https://hirshhorn.si.edu/sculpture-garden-revitalization/>

**Please submit written comments on the draft MOA to [BondC@si.edu](mailto:BondC@si.edu) by July 21, 2021.**

**Please include page and line numbers with comments on specific text or exhibits.**

1	MEMORANDUM OF AGREEMENT
2	AMONG
3	THE SMITHSONIAN INSTITUTION
4	THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER
5	THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
6	AND
7	THE NATIONAL CAPITAL PLANNING COMMISSION
8	REGARDING
9	THE HIRSHHORN SCULPTURE GARDEN REVITALIZATION PROJECT
10	
11	This Memorandum of Agreement (MOA) is made as of this ____ day of _____, 2021, by and
12	among the Smithsonian Institution (SI), the District of Columbia State Historic Preservation Officer (DC
13	SHPO), the Advisory Council on Historic Preservation (ACHP), and the National Capital Planning
14	Commission (NCPC), (referred to collectively herein as the "Signatories" or individually as a "Signatory"),
15	pursuant to Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, its
16	implementing regulations 36 CFR Part 800 (Section 106), and Stipulation 2.C.iii of the Programmatic
17	Agreement (PA) among the SI, DC SHPO, NCPC, NPS and the ACHP for the Smithsonian South Mall
18	Campus Master Plan, as it relates to the Hirshhorn Sculpture Garden Revitalization; and
19	
20	<b>WHEREAS</b> , the revitalization of the Hirshhorn Sculpture Garden (undertaking) is an identified project
21	under the Smithsonian South Mall Campus Master Plan; and
22	
23	<b>WHEREAS</b> , the Hirshhorn Museum and Sculpture Garden (HMSG) is a contributing building of the
24	National Register of Historic Places listed National Mall Historic District and has been determined eligible
25	for individual listing in the National Register of Historic Places; and
26	
27	<b>WHEREAS</b> , a Determination of Eligibility prepared in 2016 proposed a period of significance for the
28	HMSG of 1974. During consultation on the undertaking, reevaluation of the significance and integrity of
29	the Sculpture Garden recommended a period of significance of 1974, 1981. The undertaking was
30	assessed for adverse effects using the dates of 1974, 1981 and to determine character defining features
31	(Exhibit A); and
32	
33	<b>WHEREAS</b> , the HMSG was designed by Gordon Bunshaft of Skidmore, Owings & Merrill, and completed
34	in 1974. The Sculpture Garden was significantly altered in 1981 by landscape architect Lester Collins and
35	the Smithsonian Office of Horticulture, and the current Garden retains character defining features from
36	both eras, taken into consideration in the proposed design by design architect and artist Hiroshi
37	Sugimoto; and
38	
39	<b>WHEREAS</b> , the SI identified the following goals and objectives to allow the HMSG to fulfill its mission as
40	the nation's modern and contemporary art museum, by modifications per the design of Hiroshi
41	Sugimoto: replace failed perimeter walls and infrastructure for stormwater management, correct code
42	deficiencies, and protect current and future artwork, trees, and plants; reestablish the Sculpture
43	Garden, Plaza and Museum as a single interconnected campus; improve access and visitor comfort
44	through universal accessibility, increased shade and seating; and increase the Hirshhorn's display of its
45	modern sculpture collection by almost 50 percent and adapt to ongoing evolutions in art-making by
46	creating outdoor galleries for the presentation of performance art, large-format sculpture, and site
47	specific installations; and
48	