

**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 15th day of November, 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 element 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, the goals and objectives for the undertaking align with the Institutional goals for the South Mall Master Plan, including improving and expanding visitor services and education spaces; and to create clear accessible entrances and connections between the Museums and gardens of the Campus, the National Mall, and surrounding context; and

WHEREAS, all of the 1974 and 1981 aggregate concrete walls in the Sculpture Garden are afflicted with alkali silica reaction, which occurs when there is a negative reaction between the cement paste and silica found in common aggregate sand causing expansion, loss of strength of the concrete, and inevitable failure. Alkali silica reaction is inherent to the concrete when originally mixed, and is a condition that cannot be repaired, requiring complete replacement; and

WHEREAS, the SI initiated Section 106 consultation with the DC SHPO regarding the undertaking on April 12, 2019; and

WHEREAS, the Area of Potential Effects for this undertaking was defined in the PA, and in consultation redefined as portions of the National Mall Historic District with visibility of the HMSG, and extending south of the HMSG (Exhibit B); and

WHEREAS, the SI consulted with the NPS in accordance with the PA, and the NPS determined that it would not participate in the development of this MOA; and

WHEREAS, in addition to the Signatories, the SI has consulted with a wide group of interested parties and has invited them to participate as Consulting Parties pursuant to 36 CFR § 800.3(f); participants include Docomomo US, The Cultural Landscape Foundation, The Committee of 100 on the Federal City, and others herein referred to as the “Consulting Parties” (Exhibit C – List of Consulting Parties); and

WHEREAS, NCPC, a Signatory in the Section 106 process pursuant to 36 CFR § 800.3(f)(1), has approval authority over federal projects located within the District of Columbia pursuant to the National Capital Planning Act (40 U.S.C. § 8722(b)(1); and

WHEREAS, pursuant to Public Law No. 108-72, 117 Stat. 888 (August 15, 2003), the SI is “deemed to be an agency for purposes of compliance with regulations promulgated by the ACHP pursuant to Section 106 of the National Historic Preservation Act” for projects in the District requiring NCPC review and approval; and

WHEREAS, the SI and NCPC have agreed that SI will be the lead agency pursuant to 36 CFR § 800.2(a)(2) for the undertaking to fulfill their collective Section 106 responsibilities; NCPC has elected to fulfill its Section 106 responsibilities by participating in this consultation and is a Signatory to this MOA pursuant to 36 CFR § 800.6(c)(2); and

WHEREAS, the SI has provided opportunities for Signatories, Consulting Parties, and the public to participate in the consultation process through public meetings and a public webpage (<https://hirshhorn.si.edu/sculpture-garden-revitalization/>), in compliance with Stipulation 3 of the PA (Exhibit D – List of Consulting Parties Meetings); and

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 aggregate concrete in its historic location but at a proportionally lower height and width; 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 (Exhibit E – Sculpture Garden Revitalization); and

WHEREAS, the undertaking received preliminary approval from the NCPC at a public meeting on December 3, 2020, with the exception of proposed changes to the 1974 reflecting pool and the inner partition wall; received approval of comments on the concept design from NCPC at a public meeting on June 6, 2019; concept approval from the U.S. Commission of Fine Arts (CFA) at a public meeting on May 16, 2019; and final approval from the CFA at a public meeting on July 15, 2021, with a request to study adding an accessible elevator; and

WHEREAS, the SI received comments from some Consulting Parties in support of the undertaking noting the improvement of visitor experience and public engagement with the National Mall and the HMSG; support of proposed Sculpture Garden programming; and many aspects of the design including improved accessibility, visitor comfort, and the increase in the amount of display space for sculpture; and

WHEREAS, pursuant to 36 CFR § 800.5(a) the SI, in consultation with the Signatories and the Consulting Parties, applied the criteria of adverse effect, and have determined that the undertaking will result in adverse effects to the Hirshhorn Sculpture Garden as outlined in the *Assessment of Effects on Historic Resources* (Exhibit F); and

WHEREAS, pursuant to 36 CFR § 800.5(a) the SI, in consultation with the Signatories and the Consulting Parties, determined that the undertaking proposes changes to multiple character defining features, which results in a cumulative adverse effect to the Hirshhorn Museum and Sculpture Garden. Adverse effects are contained within the secluded and recessed Sculpture Garden, and there are no cumulative adverse effects to the National Mall Historic District; and

WHEREAS, during Section 106 consultation certain proposed actions were identified as the having the most significant adverse effects on character defining features, specifically the reconstruction of the inner partition wall in stacked stone construction, and alterations to the reflecting pool; and

WHEREAS, the SI received comments from the Consulting Parties, including from the DC SHPO, The Cultural Landscape Foundation, Committee of 100 on the Federal City, and Docomomo US, urging the SI to consider alternatives or changes to the design to avoid or minimize adverse effects to the inner partition wall and reflecting pool; and

WHEREAS, in response the SI developed eight alternatives for the reflecting pool, with some consensus that the “Revised Reflecting Pool Alternative” which maintains the 1974 reflecting pool with a smaller new water feature to the south, minimizes adverse effects on the reflecting pool (Exhibit G – Reflecting Pool); and

WHEREAS, in response the SI developed three alternatives for the inner partition wall, with some consensus that “Alternative 3 Lowered Concrete Wall” which reconstructs the inner partition wall in the

historic location in aggregate concrete, lowered in height to 3'-6" above the grade of the upper garden, minimizes adverse effects (Exhibit H – Inner Partition Wall); and

WHEREAS, "Alternative 3 Lowered Concrete Wall" was developed to meet the project goals of improved accessibility and sightlines over the wall per average viewing sightlines from the Smithsonian Guidelines for Accessible Design, and to create clear and accessible entrances and connection between the Hirshhorn Museum and the Sculpture Garden, and to maintain a greater degree of historic integrity through the use of concrete; and

WHEREAS, the SI notified the ACHP on July 2, 2020, of the adverse effects in accordance with 36 CFR Section 800.6(a)(1) and applicable sections of the PA, and invited the ACHP to participate in the consultation to resolve adverse effects, and the ACHP elected to participate; and

NOW, THEREFORE, the Signatories agree that the undertaking will be implemented in accordance with the following stipulations to take into account the adverse effects of this undertaking on historic properties.

STIPULATIONS

The SI will ensure that the following measures are carried out:

1. MINIMIZATION MEASURES

A. Recessed Grade Maintained: The Sculpture Garden will 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 will continue to function in its primary historic use as a setting for sculpture.

C. Historic Perimeter Walls: Historic 1974 and 1981 perimeter walls are actively deteriorating from irreparable alkali silica reaction. Concrete will be replaced in-kind using the historic Swenson Pink granite aggregate, matching concrete field color, and aggregate exposure achieved through sandblasting. Minimal height increases between 1-6 inches of the cast-in-place concrete perimeter walls are required for fall protection code compliance. The north perimeter wall will be raised to meet code requirements and provide flood protection. The Sculpture Garden will 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 adverse effects resulting from the alteration of historic walls and the introduction of new stacked stone walls will be minimized by creating a wall hierarchy in the Sculpture Garden as follows:

- i. Primary Concrete Walls: Aggregate concrete will remain the first visible material within the National Mall context, maintaining the visual ties across the Hirshhorn campus from the aggregate concrete. North entrance from the National Mall will be widened to restore it to the original 1974 width.

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

E. **North Overlook:** The north entrance to the Sculpture Garden will be restored to the original 60' east-west dimension, reestablishing this dimensional relationship with the east-west dimension of the 1974 reflecting pool. Concrete north perimeter walls will feature plantings along the full north boundary in keeping with the 1981 design.

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 will continue to be a unifying material in the Sculpture Garden and across the Hirshhorn campus.

- i. **Planter Beds:** New planting beds will 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 will 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 will feature Swenson Pink granite.
- iv. **Accessible Entry Ramp Paving:** Paving at the accessible entry ramps will be constructed in Swenson Pink granite.
- v. **Aggregate Concrete Walls:** Swenson Pink Granite will be used as the aggregate in all concrete walls, both replaced in-kind (Stipulation 1.C) and new concrete secondary walls. Aggregate will match the historic size.

G. **Inner Partition Wall:** The adverse effect resulting from reconstruction of the inner partition wall will be minimized by reconstructing the wall in its historic location and in the historic material, aggregate concrete (Stipulation 1.C and 1.F.v). The inner partition wall will be lowered to a height of 3'-6" above the grade of the upper garden, and width narrowed proportionally to 2'-6".

- i. **Planting Bed:** The proposed planting bed south of the inner partition wall will maintain 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.

H. **Reflecting Pools:** Historic 1974 reflecting pool dimensions will be maintained, with black granite at the pool basin to maintain the original pool material and aesthetic. The historic 1974 reflecting pool will be heated ensuring a year-round presence of water to highlight its significance.

- i. **New Water Feature:** To minimize the adverse effect resulting from the new water feature, the new reflecting pool will be a distinct water feature separated from the 1974 reflecting pool with granite paving and an art and performance platform. Dimensions of the new water features in

the central gallery will be consistent with the current reflecting pool and turf panel configuration introduced in 1981. The new water feature will be drained off-season.

I. Accessibility: The 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. The proposed lateral north stairs recall the configuration of the removed 1981 lateral north ramps.

J. Underground Passage: To minimize the adverse effects resulting from alteration of the historic underground passage, the majority of the 1974 aggregate concrete walls and coffered ceiling will remain behind the installation of the new sculpture that will cover the original materials. Minimal attachment points will be used to connect the sculpture to the historic fabric.

i. Reopening of the Underground Passage: Re-opening the use of the underground passage re-establishes the original connecting link between the Museum Plaza and the Sculpture Garden and this further minimizes the adverse effects caused by the removal of historic fabric and alteration of the historic passageway design.

ii. Exposed Historic Fabric: Historic fabric at the underground passage stairs and south end of the passage will 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).

K. Plaza Access and Balustrade Design: The original stairway in the Hirshhorn Museum's plaza that provided access to the Sculpture Garden via a passage under Jefferson Drive (Plaza access point) was covered over in 1993 and the historic balustrade around the stairway was removed.

i. Plaza Access Opening: Reestablishing access to the Plaza will minimize the adverse effect resulting from alterations to the original opening, including extending the access opening north to bring light to the base of the historic underground passage stairs. The reconstructed balustrade and opening will maintain a 6' setback from the monumental stairs along Jefferson Drive.

ii. Balustrade Design: The extant historic balustrade at the south overlook is not code compliant. To minimize the adverse effect resulting from altering the original balustrade design to meet codes, the reconstructed balustrade design will preserve the historic dimensions of the concrete top rail of 24", and gap between the rail and curb of 9". The concrete curb will 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).

L. Sculpture Garden Signage: Directional and institutional signage (Hirshhorn Museum and Sculpture Garden) will consist of bronze letters integral to the aggregate concrete perimeter walls or bronze security gates. Signage integral to the perimeter walls is based on historic precedent, and the bronze material is in keeping with the historic materials palette of the Hirshhorn campus (Exhibit L).

2. MITIGATION MEASURES

A. HABS/HALS Recordation of the Hirshhorn Sculpture Garden: The SI will use Historic American Building Survey/Historic American Landscape Survey (HABS/HALS) Level III standards to document the Hirshhorn Sculpture Garden. The documentation photographs will be completed prior to the start of any construction activities. The SI will 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 will complete photographs that recreate the iconic views of the Sculpture Garden taken by Ezra Stoller. Photographs will 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 will publish these images as a web-based exhibit resource after the completion of documentation on the SI's Architectural History and Historic Preservation webpage.

B. Evaluation of the Hirshhorn Plaza: The SI will 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 will be completed by an individual or individuals meeting the qualification standards outlined in Stipulation 4 and carried out in consultation with the DC SHPO. The report will be completed within two (2) years of the date of signature on this MOA and will be posted on the SI's Architectural History and Historic Preservation webpage or otherwise be made available to the public.

C. National Register Nomination for the Hirshhorn Museum and Sculpture Garden: The SI will complete a National Register of Historic Places nomination for the Hirshhorn Museum and Sculpture Garden and submit it to the Keeper of the National Register of Historic Places. The nomination will 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 will also specifically address and evaluate the degree to which the historic integrity of the HMSG was diminished through implementation of the revitalization project. The nomination will be completed by an individual or individuals meeting the qualification standards outlined in Stipulation 4 and carried out in consultation with the DC SHPO. The nomination will be completed within four (4) years of the date of signature on this MOA and will be posted on the SI's Architectural History and Historic Preservation webpage or otherwise be made available to the public. This requirement is in accordance with Stipulation 6.C of the PA for the South Mall Campus Master Plan.

D. Virtual Walkthrough: The SI will gather data from a Lidar and high-definition panoramic imaging scanner to create a three-dimensional point cloud model of the Sculpture Garden prior to any construction activities. This record documentation will be utilized to create a video of a virtual experience of walking through the existing condition of the Sculpture Garden. The virtual walkthrough will be completed within two (2) years of the date of signature on this MOA and will be posted on the SI's Architectural History and Historic Preservation webpage or otherwise be made available to the public.

E. Scholarship and Educational Outreach: The SI will expand scholarship on Gordon Bunshaft and Lester Collins, based on information collected during design and Section 106 consultation for the undertaking, and conduct educational outreach in the following ways:

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

ii. 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 will 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.

iii. Sculpture Garden Site Tours: SI will host tours of the Sculpture Garden including information on the history of the Garden and design. Tours will be hosted on a regularly scheduled basis or as a downloadable self-guided tour.

iv. Sculpture Garden Revitalization Webpage: SI will maintain a Sculpture Garden Revitalization webpage. This webpage will contain presentation materials and Section 106 consultation history.

G. National Mall Elm Tree Restoration: SI will conserve the five (5) existing elm trees planted by Bunshaft's 1974 design at the east and west Sculpture Garden aprons. SI will 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 will take protective and conservation measures for the existing elm trees during construction and replace in-kind any additional elm trees found unhealthy or compromised.

H. Lester Collins Plant Palette: The 1981 Collins landscape plan will be rehabilitated and enhanced through the following measures.

i. Tree Species: Specific tree species will 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 close to locations of Collins tree plantings on Jefferson Drive will be planted. Elm trees will be used consistent with the Monumental Core Streetscape Standards currently being updated.

iii. Collins-Inspired Plant Palette: Original plants proposed by Collins will 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 M).

I. Interpretive Sculpture Garden Signage: Interpretive signage will be developed in consultation with the DC SHPO and installed in the Sculpture Garden, providing opportunities to connect with the public. Signage will include information on Sculpture Garden history, Bunshaft, Collins, and Sugimoto's design, plantings, climate adaptability, and Section 106 consultation history. Signage may connect visitors to supplement web-based resource material.

Five (5) educational signs are proposed across the Hirshhorn campus. Two (2) historical signage panels at the west and east accessible overlooks providing a connection between the Sculpture Garden and the National Mall; one (1) historical signage panel in the west garden at a location where visitors converge from the accessible walkway or the south stairs with a central gallery focus and overlook; and two (2) sustainability signage panels at the west and east accessible overlooks.

J. Restoration of the Museum Plaza Perimeter 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 will 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.

K. Sustainable Sites Initiative: SI will pursue SITES certification for the Sculpture Garden Revitalization. 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. 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. SITES certification information and environmental considerations will be incorporated into the interpretive Sculpture Garden signage program.

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 will provide the Signatories a summary report detailing work undertaken pursuant to the terms of the MOA. Such report will 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 will ensure that all historic preservation work performed on its behalf pursuant to this MOA will 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 will 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 will 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.

7. DESIGN CONSULTATION

The SI will 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 will be carried out as follows:

- A. The SI will review any proposed changes and propose a determination as to whether the revised design may result in new adverse effects that have not already been resolved and/or the intensification of known adverse effects to historic properties.
- B. The SI will forward, via electronic format, its determination in Stipulation 7.A. and the revised design to the Signatories for a fourteen (14) calendar day review and comment period.
- C. If the SI determines that no new adverse effects may result or no known adverse effects to historic properties will be intensified and a Signatory objects in writing within the fourteen (14) calendar day review period, the SI will notify the Signatories to consult with the objecting party to seek ways to resolve the objection. If SI determines that the objection cannot be resolved, the SI will follow the procedures in the Dispute Resolution stipulation of this MOA.
- D. If the SI determines that a new adverse effect may result or a known adverse effect to a historic property will be intensified, the SI will immediately advise the Signatories, and provide an opportunity to review the design documentation to avoid, minimize, or mitigate the new or intensified adverse effect. If the SI determines that unavoidable adverse effects to historic properties may result or be intensified, the SI will consult with the Signatories to determine whether the final design documentation warrants an Amendment to this MOA to identify additional measures that will be carried out to avoid, minimize, or mitigate any new or intensified adverse effects.
- E. If the MOA is amended, SI will notify the Consulting Parties, and provide or post the Amendment to a SI webpage, also in accordance with Stipulation 3 of the PA.

8. DISPUTE RESOLUTION

Should any Signatory or concurring party to this MOA object at any time to any action proposed or the manner in which the terms of this MOA are implemented, SI will 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, and the SI determines the objections cannot be resolved, the SI will:

- A. Forward all documentation relevant to the dispute, including the SI's proposed resolution, to the ACHP. The ACHP will provide the SI with its advice on the resolution of the objection within

thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the SI will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, Signatories and concurring parties, and provide them with a copy of this written response. The SI will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day period, the SI may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, the SI will prepare a written response that takes into account any timely comments regarding the dispute from the Signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. The SI's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

9. POST-DESIGN REVIEW ARCHAEOLOGICAL DISCOVERIES

The project area has been extensively disturbed by the construction of existing buildings and the Sculpture Garden, therefore there is minimal potential for archaeological resources. The following stipulations account for previously undiscovered archaeological resources:

- a. Cultural Resources. Should cultural resources be unexpectedly identified during the construction of the undertaking, the SI will ensure that reasonable efforts are made to avoid, minimize or mitigate adverse effects to such resources, and will consult the DC SHPO to resolve any unavoidable adverse effects pursuant to 36 CFR § 800.6. SI and the DC SHPO will resolve any disputes over the evaluation or treatment of previously unidentified resources using the processes outlined in Stipulation 8 (Dispute Resolution) of this MOA.
- b. Treatment of Human Remains. In the event that human remains, burials, or funerary objects are discovered during construction or any action taken pursuant to this MOA, the SI will immediately halt subsurface construction disturbance in the area of the discovery and in the surrounding area where additional remains can reasonably be expected to occur. The SI will immediately notify the DC SHPO and the District of Columbia Chief Medical Examiner (CME) of the discovery under DC Code Section 5-1406 and other applicable laws and regulations.
 1. If CME determines that the human remains are not subject to a criminal investigation by federal or local authorities, SI will comply with the applicable federal or local laws and regulations governing the discovery and disposition of human remains and consider the ACHP's Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects (2007).
 2. For actions involving Native American human remains or burials, SI will comply with applicable laws, in accordance with provisions of the Native American Graves Protection and Repatriation Act, as amended (Public Law 101-601, 25 USC 3001 et seq.) and regulations of the Secretary of the Interior at 43 CFR Part 10. Should human remains or such objects be found, DC SHPO will be notified pursuant to 43 CFR Section 10.4(d).

10. TERMINATION

If any Signatory to this MOA determines that its terms cannot or are not being properly implemented, that Signatory will 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 will 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 will provide each Signatory with one legible, color, electronic copy of the fully executed MOA and all attachments fully integrated into one, single document. Internet links will not be used to provide copies of attachments. If the electronic copy is too large to send by e-mail, the SI will provide each signatory with a copy of this MOA on a compact disc.

12. DURATION

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

Execution of this MOA by the Signatories, the filing of the MOA with the ACHP pursuant to 36 CFR § 800.6(b)(iv) and the implementation of its terms evidences that the SI has taken into account the effects of the Hirshhorn Sculpture Garden Revitalization project on historic properties and has provided the ACHP a reasonable opportunity to comment on the Hirshhorn Sculpture Garden Revitalization project.

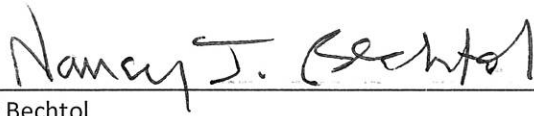
SIGNATURES FOLLOW ON SEPARATE PAGES

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 – Reflecting Pool
Exhibit H – Inner Partition Wall
Exhibit I – New Stacked Stone Walls
Exhibit J – Underground Passage Historic Fabric
Exhibit K – Reconstructed Balustrade
Exhibit L – Sculpture Garden Signage
Exhibit M – Proposed Plant Palette

SIGNATURE PAGE
MEMORANDUM OF AGREEMENT
REGARDING
THE HIRSHHORN SCULPTURE GARDEN REVITALIZATION PROJECT

FOR THE SMITHSONIAN INSTITUTION



Nancy Bechtol
Director, Smithsonian Facilities


Date

**SIGNATURE PAGE
MEMORANDUM OF AGREEMENT
REGARDING
THE HIRSHHORN SCULPTURE GARDEN REVITALIZATION PROJECT**

FOR THE DC STATE HISTORIC PRESERVATION OFFICER



David J. Maloney
DC State Historic Preservation Officer

11/10/2021

Date

**SIGNATURE PAGE
MEMORANDUM OF AGREEMENT
REGARDING
THE HIRSHHORN SCULPTURE GARDEN REVITALIZATION PROJECT**

FOR THE NATIONAL CAPITAL PLANNING COMMISSION

A handwritten signature in black ink, appearing to read 'Marcel C. Acosta', written in a cursive style.

Marcel C. Acosta
Executive Director

Nov. 9, 2021

Date

**SIGNATURE PAGE
MEMORANDUM OF AGREEMENT
REGARDING
THE HIRSHHORN SCULPTURE GARDE REVITALIZATION PROJECT**

FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

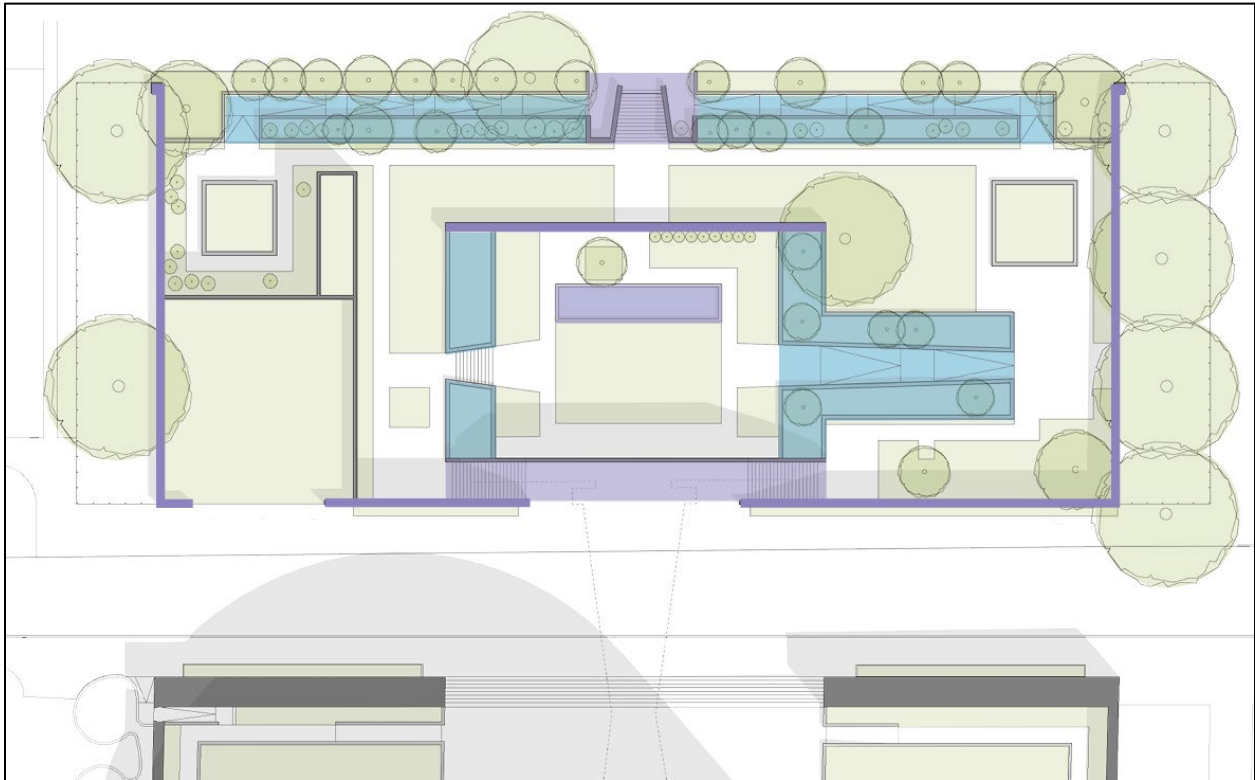


Reid Nelson
Acting Executive Director

11/15/2021

Date

EXHIBIT A - Character Defining Features – 1974, 1981 Period of Significance



Current Sculpture Garden Site Plan, 2020.

Period of significance of 1974, 1981 reflects the layered design influences in the Sculpture Garden from Gordon Bunshaft's original 1974 design and Lester Collins's modifications from 1981. These features individually and collectively contribute to the character of the Sculpture Garden. Character defining features were present in the Sculpture Garden during the period of significance (1974, 1981) and have retained integrity to that period.

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 – Not shaded for clarity, indicated with white space on the plan.
Garden "Rooms" – Not shaded for clarify, Garden Rooms formed by planter walls and plantings.
Lateral North Ramps
East Ramp (Intermediate Level)

EXHIBIT B – Area of Potential Effects

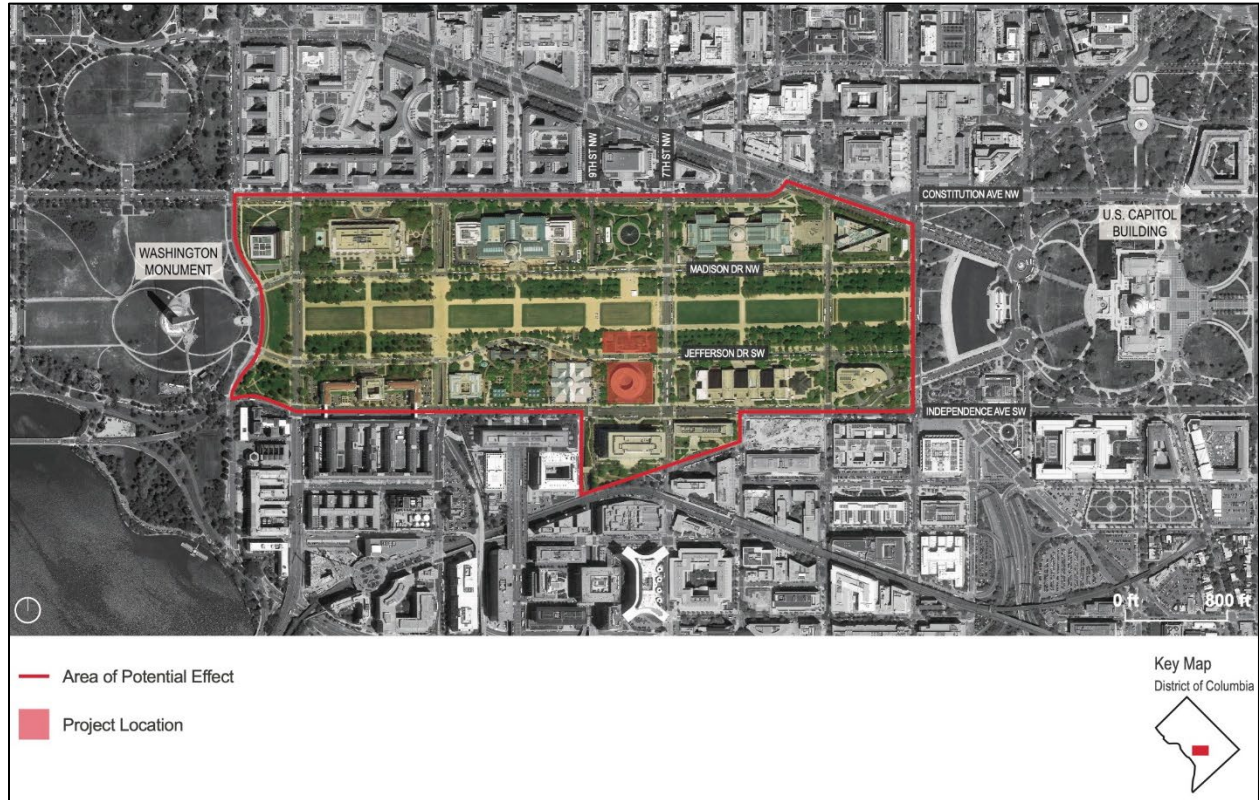


EXHIBIT C – List of Consulting Parties *

Review Agencies

National Capital Planning Commission
U.S. Commission of Fine Arts

State Historic Preservation Office

DC State Historic Preservation Office

Public Agencies

Architect of the Capitol
Washington Metropolitan Area Transit Authority
DC Office of Planning
General Services Administration
National Gallery of Art
District Department of Transportation
Advisory Council on Historic Preservation
Environmental Protection Agency
National Park Service
National Archives and Records Administration
Department of Agriculture

Interested Parties

Cultural Tourism DC
American Institute of Architects – DC Chapter
DC Preservation League
Brutalist DC
American Society of Landscape Architects
National Trust for Historic Preservation
Destination DC
Arlington County
Torpedo Factory Art Center
The Cultural Landscape Foundation
Committee of 100 on the Federal City
Innisfree Garden
National Mall Coalition
Docomomo US
Skidmore, Owings & Merrill
Southwest Business Improvement District
Wharf DC
Society of Architectural Historians

Local Elected Representatives

Advisory Neighborhood Commission 2C
Advisory Neighborhood Commission 6D

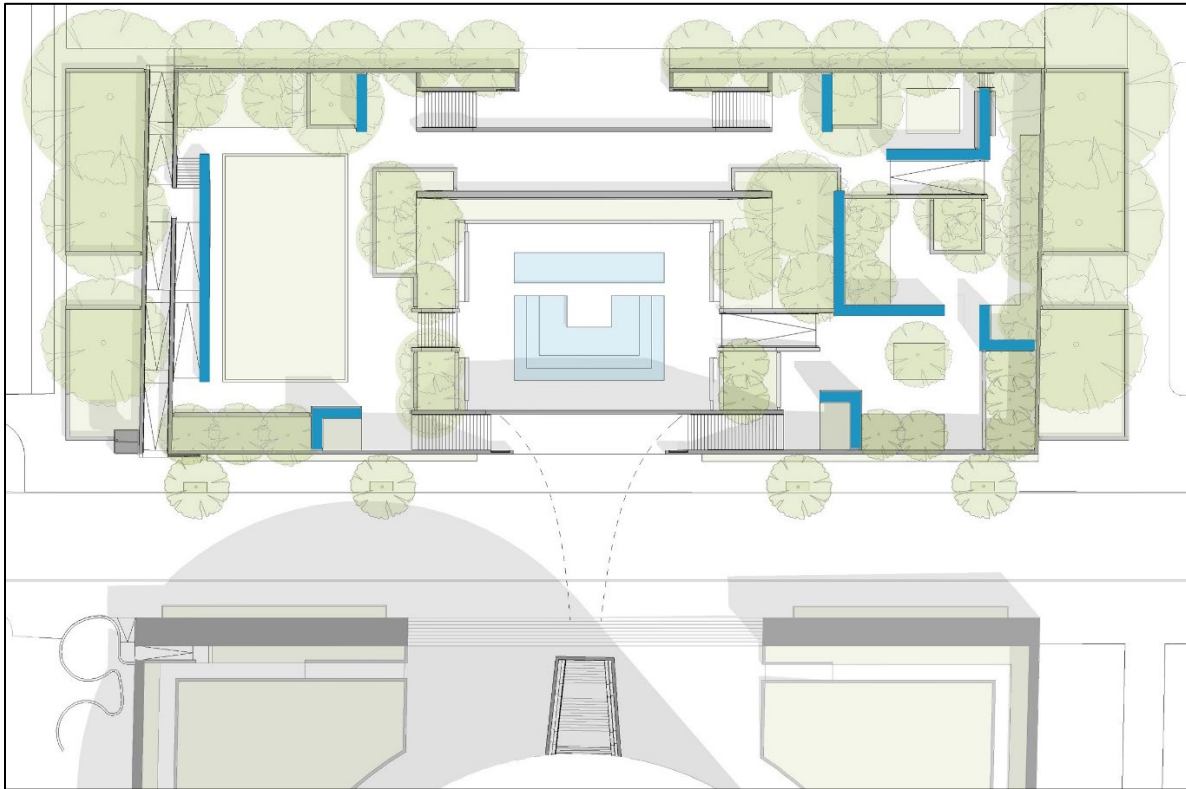
* Names of private individuals that participated in Section 106 consultation are not included for privacy concerns.

EXHIBIT D – List of Consulting Parties Meetings

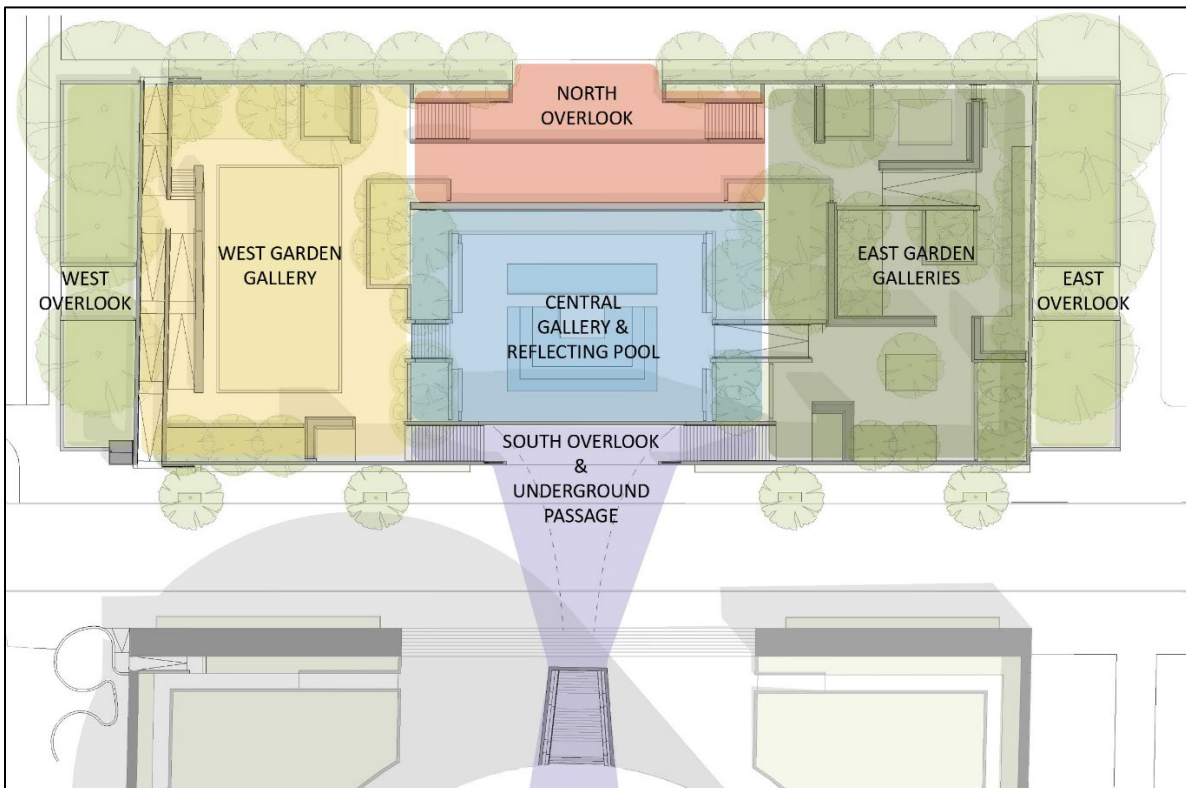
Consulting Parties Meeting Date	Meeting Summary
April 24, 2019	First public consultation meeting paired with the Hirshhorn Envelope Repair project. To initiate Section 106, the SI proposed a draft Area of Potential Effects, coordinated with the South Mall Master Plan PA. To define the undertaking, the purpose and need, curatorial vision, and concept design details were reviewed. Four (4) reflecting pool alternatives were presented, including alternatives that retained the 1974 pool as a recessed water feature within an enlarged pool. Three (3) alternatives for the Plaza access entrance to the underground passage were presented. An overview of the architectural and landscape history of the HMSG, and Determination of Eligibility with a period of significance of 1974 were presented. Extant original features and plantings from 1974 and 1981 were analyzed. Comments from Consulting Parties requested re-evaluation of the significance of the Collins modifications.
September 11, 2019	Second public consultation meeting provided an open house site visit with SI staff in the Sculpture Garden to evaluate two (2) stacked stone wall mock-up options. Comments from Consulting Parties reached a consensus on “Mock-up A” featuring warm toned neutral granite stones with an organic arrangement.
February 24, 2020	Third public consultation meeting presented an overview of the SI commissioned significance and integrity report by Robinson & Associates. The report recommended a revised period of significance of 1974, 1981. The report was finalized after a review period for Consulting Parties. The Area of Potential Effects was finalized. A fifth reflecting pool alternative was presented, featuring the 1974 pool within a surrounding tier of water, with an art and performance platform to the south and new water feature with tiers (Preferred Alternative).
May 27, 2020	Fourth public consultation meeting presented a draft Assessment of Effects on Historic Resources, provided to Consulting Parties in advance of the meeting. Each action identified with the undertaking was described with the proposed assessment of effect, with nine (9) adverse effects identified, including: Inner Partition Wall, Reflecting Pool, North Stair and Lateral North Ramps, Accessibility, Underground Passage Art Installation, Underground Passage Plaza Access, Paving, Cumulative Adverse Effect – HMSG Only. Two (2) design alternatives to reconstruct the historic balustrade to meet code were presented. Three (3) revised Plaza access alternatives to the underground passage were presented. Comments from Consulting Parties requested reassessment of the effect determination on the new stacked stone walls, inner partition wall, and reflecting pool.
August 2020	SI provided an electronic document via the project webpage to provide supplemental information on alterations to the inner partition wall and reflecting pool intended for review in conjunction with the Final Assessment of Effects on Historic Resources. SI provided documentation on the reevaluation of the use of concrete for the inner partition wall, found detrimental to the curatorial vision. Two (2) additional pool alternatives were developed, with SI

	preference for the Preferred Alternative. Comments were taken from Consulting Parties for a 30-day review period.
October 7, 2020	Fifth public consultation meeting presented the Final Assessment of Effects on Historic Resources, with new stacked stone walls determined an adverse effect. The final adverse effect determinations were reviewed, and initial minimization and mitigation measures were proposed. Comments from Consulting Parties requested SI to reconsider changes to the inner partition wall and reflecting pool and suggested specific mitigation items which were adopted.
March 10, 2021	Sixth public consultation meeting presented a Supplemental Narrative requested from the December 2020 preliminary approval by the National Capital Planning Commission on the programmatic rationale for changes to the inner partition wall and reflecting pool. Supplemental narrative was provided to Consulting Parties in advance of the meeting. SI proposed a Revised Reflecting Pool Alternative, consisting of the 1974 pool maintained with a new water feature to the south. Design updates were provided, including landscape changes. Per Consulting Parties request, SI subsequently posted to the project webpage a memo explaining diagrams on the acoustical analysis of the central gallery. Comments from Consulting Parties urged the SI to reconstruct the inner partition wall in-kind, and some comments noted the Revised Reflecting Pool alternative minimizes adverse effect. SI subsequently provided an update to the Consulting Parties of the intent to use the Revised Reflecting Pool alternative in the final design.
June 16, 2021 July 7, 2021	Seventh public consultation meeting to discuss the content of the Memorandum of Agreement, discussion of comments from Consulting Parties, and an open house site visit with SI staff in the Sculpture Garden to evaluate a full-scale stacked stone wall mock-up. Renderings for the inner partition wall included “Alternative 1 Stacked Stone Wall” and “Alternative 2 Reconstruction In-Kind”.
September-October 2021	SI provided an electronic document via the project webpage on the three alternatives for the inner partition wall. “Alternative 3 Lowered Concrete Wall” was a new design, developed in response to comments from Consulting Parties and the NCPC. Comments were taken from Consulting Parties for a 30-day review period.

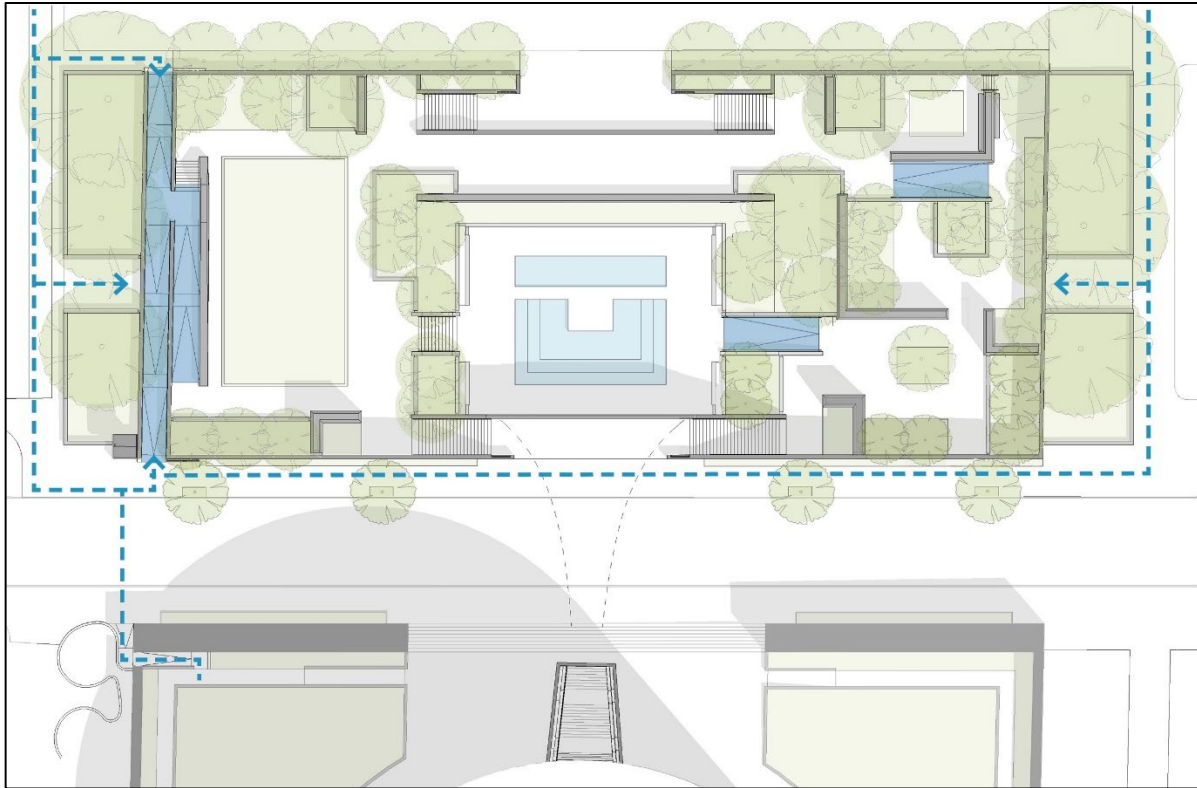
EXHIBIT E – Sculpture Garden Revitalization



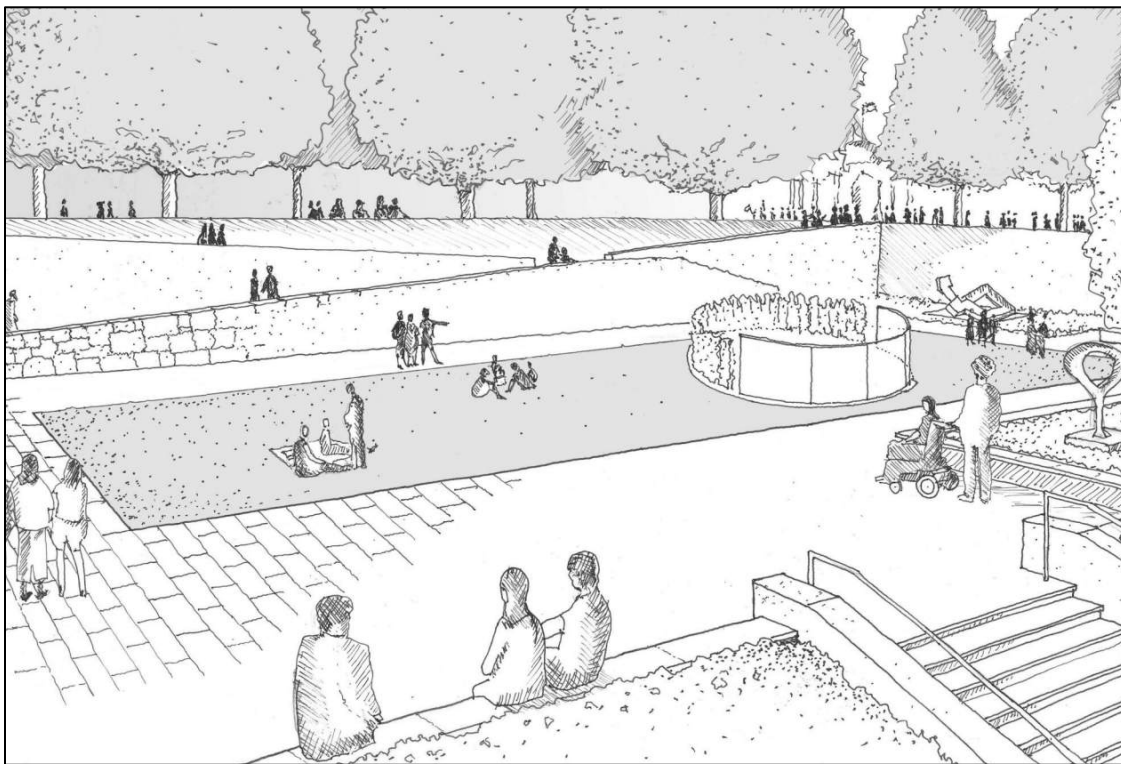
Proposed Sculpture Garden plan. New stacked stone wall locations annotated in blue.



Sculpture Garden area naming conventions and programmatic uses.



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



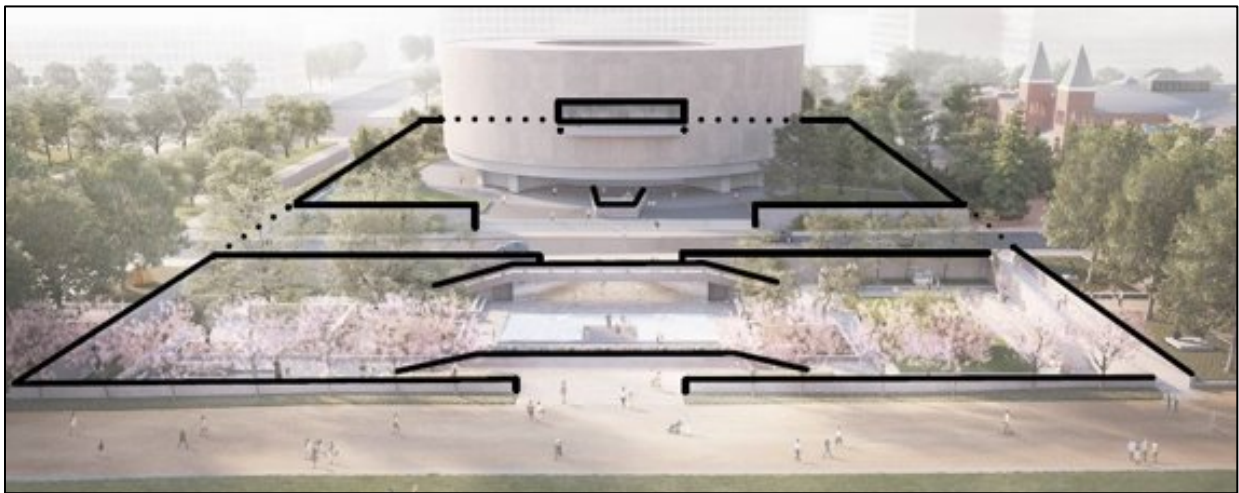
Sketch rendering of the Sculpture Garden West Gallery.



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



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



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



Rendering of the Hirshhorn Sculpture Garden at the grade of the National Mall.

EXHIBIT F – Assessment of Effects on Historic Resources

July 2021

Hirshhorn Sculpture Garden Revitalization
Assessment of Effects on Historic Resources

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). The criteria of adverse effect are defined as follows:

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. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative (36 CFR § 800.5(a)(1)).

Character Defining Features

The table below identifies character defining features of the Hirshhorn Museum Sculpture Garden. These features individually and collectively contribute to the character of the Sculpture Garden. Character defining features were present in the Sculpture Garden during the period of significance (1974, 1981) and have retained integrity to that period.

1974, 1981 Period of Significance Character Defining Features:
Setting for Rotating Display of Sculpture*
Recessed Grade Below the National Mall*
Concrete Walls (Perimeter and Inner Partition)*
Reflecting Pool*
South Stairs*
North Stair*
Hardscape Paving
Garden "Rooms"
Lateral North Ramps
Intermediate East Ramp
* Based on Hirshhorn Museum and Sculpture Garden Determination of Eligibility

Adverse Effect Determination – Bold Typeface Notes Minimization

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**Hirshhorn Sculpture Garden Revitalization
Assessment of Effects on Historic Resources**

July 2021

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 th Street axis and reintroduces north/south stairs at the lowest level. Garden organization, and visual and spatial relationships are maintained around a center axis with "gallery rooms" to the east and west. No adverse effect	<ul style="list-style-type: none"> - Re-establishes the north-south axial organization of the 1974 design. - Maintains the spatial complexity of the 1981 design with expanded garden rooms, walls, and plantings. - Robinson Report and February 2020 consulting parties meeting #3 presentation materials consider visual and spatial relationships – Bunshaft design contained 12 distinct spaces, Collins 19 distinct spaces, with 24 spaces in the Revitalization.
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"> - Setting for sculpture is a character defining feature and retains high integrity. - Project goals include showing the historically significant sculpture collection to strongest effect, while providing flexible open space to support programming for performance art and contemporary art.

 Adverse Effect Determination – **Bold Typeface** Notes Minimization

**Hirshhorn Sculpture Garden Revitalization
Assessment of Effects on Historic Resources**

July 2021

Feature/Action	Proposed Effect Determination	Additional Information/Minimization of Adverse Effect
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"> - Recessed topography is a character defining feature and retains high integrity. - No impacts to contributing views identified in the amended National Mall Historic District. - Lowering the grade at the southwest corner after the burr oak tree died increases programmable space. - Lowering the grade at the east side improves spatial organization and display of the modern collection. - Maintaining a recessed grade is required by the South Mall Campus Master Plan Programmatic Agreement.
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"> - Concrete perimeter walls are a character defining feature and retain high integrity. - Replacement in-kind is required due to irreparable alkali silica reaction inherent in the concrete mixture. - Aesthetic appearance of aggregate concrete poured-in-place walls will be maintained, using the historic Swenson Pink (Millennium) granite as the basis of design. - North walls remain obscured behind plantings. - Perimeter of aggregate concrete walls will be maintained. Minor alterations at the northwest and southwest corners of the perimeter walls to provide universal accessibility. - Restoring/reconstructing the concrete perimeter walls is required by the South Mall Campus Master Plan Programmatic Agreement.

Adverse Effect Determination – **Bold Typeface** Notes Minimization

Hirshhorn Sculpture Garden Revitalization
Assessment of Effects on Historic Resources

October 2021

Feature/Action	Proposed Effect Determination	Additional Information/Minimization of Adverse Effect
Concrete Walls – Inner Partition	Wall will be re-built in the same location in aggregate concrete. The wall be lowered approximately 18" to a total height of 3'6" above the grade of the upper garden. Wall profile does not change but is narrowed proportionally from 3' to 2'6" in width. Adverse effect.	<ul style="list-style-type: none"> - Concrete inner partition wall is a character defining feature. - Partition wall lowered to improve views and vistas, permitting all visitors visibility into the Central Gallery in accordance with Smithsonian Guidelines for Accessible Design. - Wall reconstructed in aggregate concrete, with Swenson Pink granite and replicated concrete matrix and aggregate exposure. - Adverse effect is minimized by maintaining the historic wall location and wall profile. - Adverse effect on the Hirshhorn is minimized by retaining aggregate concrete for the wall, maintaining a higher degree of historic integrity for the Sculpture Garden through the use of the historic perimeter wall material.
Stacked Stone Walls	New material and construction technique introduced in the limited materials palette of the Sculpture Garden. Adverse effect.	<ul style="list-style-type: none"> - Differentiating the new walls, with a complementary granite material and color palette, is consistent with the <i>Secretary of the Interior's Standards</i>. - National Mall Historic District features varied architectural styles and material palette including precedents for granite site walls. - Adverse effect minimized by maintaining all stacked stones at a recessed height below the concrete perimeter walls and detailed with a reveal adjacent to aggregate concrete walls. - Adverse effect minimized by using a complementary granite in terms of color and tone, to the aggregate concrete walls.

Adverse Effect Determination – Bold Typeface Notes Minimization

**Hirshhorn Sculpture Garden Revitalization
Assessment of Effects on Historic Resources**

Feature/Action	Proposed Effect Determination	Additional Information/Minimization of Adverse Effect
Reflecting Pool	Historic pool dimensions maintained as a distinct water feature. New water feature and art and performance platform proposed to the south. Adverse effect.	<ul style="list-style-type: none"> - Reflecting pool east/west dimension aligned with the original width of the north stairs at 60 feet. - Reflecting pool is a character defining feature and retains high integrity. - New water feature shall be drained off-season. - Adverse effect minimized by retaining the 1974 pool as a distinct water feature. - Adverse effect minimized by maintaining a water feature at the center portion of the Garden organized around the 8th Street axis. - Adverse effect minimized by aligning the dimensions of the current pool and turf panel configuration with the proposed reflecting pools. - Adverse effect minimized by providing heat source only within the dimensions of the 1974 pool, allowing a year-round water presence only within the historic pool. - Adverse effect minimized by using black granite in keeping with the historic pool material.
South Stairs	Granite stairs reconstructed after structural work and aggregate concrete replaced in-kind. Height of reconstructed balustrade increased to meet code requirements. No adverse effect.	<ul style="list-style-type: none"> - Lateral south stairs are a character defining feature and retain high integrity. - No change is proposed to stair composition. - Minimal design changes to the reconstructed balustrade height to meet code requirements by raising the curb and adding a metal rail at the curb gap, preserving the proportions of the concrete top rail.
North Stair and Lateral North Ramps	Overlook and lateral stairs are introduced. Axial north stair and lateral ramps removed. Adverse effect.	<ul style="list-style-type: none"> - North stairs and lateral north ramps are character defining features and retain high integrity. - Proposed overlook similar to Collins's original unrealized plan for the north entrance. Aggregate concrete walls will be the first material visible from the exterior of the Garden. - Adverse effect minimized by reintroducing the wide north entry at 60 feet to match the 1974 condition, improving views into the Garden, and emphasizing the 8th Street axis. - Adverse effect minimized by maintaining a similar lateral arrangement to the 1981 design and use of historic salvaged Swenson Pink stair treads.

Adverse Effect Determination – Bold Typeface Notes Minimization

**Hirshhorn Sculpture Garden Revitalization
Assessment of Effects on Historic Resources**

July 2021

Feature/Action	Proposed Effect Determination	Additional Information/Minimization of Adverse Effect
Accessibility	New ramps on the west side with universal access from the north and south. Modifies the existing intermediate level ramp on the east side to make two shorter ramps. Adverse effect.	<ul style="list-style-type: none"> - East ramp is a character defining feature and retains high integrity. - Maintains 1981 project goal of improved accessibility. - 1981 north ramps only permit access from the north along a gravel path that is not accessible. - New ramps provide direct accessible path to the Museum Plaza, Jefferson Drive, and paved Mall pathway. - Adverse effect minimized by maintaining an intermediate ramp on the east side in the same location as the 1981 condition and maintaining the east side of the Garden as a transitional area for accessibility.
Underground Passage and Historic Stairs	Passage will be reopened, and historic stairs restored. No adverse effect.	<ul style="list-style-type: none"> - Historic Swenson Pink granite stair treads and aggregate concrete railings are present within the passage. - Underground passage was previously identified as non-contributing and was assessed as a character defining feature. - Excavation for utilities and support spaces adjacent to the underground passage will have no effect on the passage. - Restores link between the Mall, Sculpture Garden, Plaza, and Museum building. - Significant restoration work required, including concrete patching and cleaning, and granite cleaning.
Underground Passage Art Installation	Installation obscures and requires attachment to historic fabric. Installation removes portions of concrete walls and coffered ceiling at the north access point to the Sculpture Garden. Adverse effect.	<ul style="list-style-type: none"> - Installation will bring light and luminosity improving the light levels of the historically dark underground passage condition, creating a safer environment for visitors. - Enlarging the north access point enhances visibility and connection between the Sculpture Garden and the underground passage. - Adverse effect is minimized by retaining the majority of the 1974 aggregate concrete walls and concrete coffered ceiling behind the installation, with minimal attachment points to historic fabric.

**Hirshhorn Sculpture Garden Revitalization
Assessment of Effects on Historic Resources**

Feature/Action	Proposed Effect Determination	Additional Information/Minimization of Adverse Effect
Underground Passage – Plaza Access	Enlarged opening for improved daylighting to the base of the historic stairs. Adverse effect.	<ul style="list-style-type: none"> - Plaza access was covered over in 1993, and the balustrade was removed. - Original dimensions of the opening restricted head height clearance at the stair landing and restricted daylight to the underground passage, imparting an entrance that visitors reportedly found unwelcoming. - Alternative provides daylighting to the base of the stairs and improves head height clearance for a welcoming entry. - Adverse effect minimized by maintaining the monumental Plaza stairs from Jefferson Drive. - Adverse effect minimized with minimal design changes to the reconstructed balustrade height to meet code requirements by raising the curb and adding a metal rail at the curb gap, preserving the proportions of the design of the 1974 balustrade.
Garden Rooms	Presence of garden rooms maintained in the east garden and builds on the 1981 modifications. No adverse effect.	<ul style="list-style-type: none"> - Garden rooms subdivide the larger open space of the Sculpture Garden to create intimate settings for sculpture viewing. - 1974 design used hedges to create garden rooms. - Garden rooms created with ramps, planters, and vertical plantings are a character defining feature, and retains moderate integrity. - Maintains 1981 project goal of improving sculpture viewing. - Proposed garden rooms formed with ramps, planters, vertical plantings, and new stacked stone walls to improve the display of the modern collection.
Plant Palette	Planting plan includes trees and ground cover consistent with or similar to the 1981 condition. No adverse effect.	<ul style="list-style-type: none"> - 1981 shade conditions will be improved, with species planted suitable to the climate. - Concept of garden rooms and screened views from the 1981 landscape maintained. - Cherry trees along National Mall to be replaced with similar species. - Plantings will emphasize the central garden room space of the Garden consistent with 1981. - Tree plantings will maintain the 8th Street axis.

 Adverse Effect Determination – **Bold Typeface** Notes Minimization

**Hirshhorn Sculpture Garden Revitalization
Assessment of Effects on Historic Resources**

July 2021

Feature/Action	Proposed Effect Determination	Additional Information/Minimization of Adverse Effect
Planters and Benches	Integral benches in keeping with the 1981 composition and providing visitor comfort. No adverse effect.	<ul style="list-style-type: none"> - Benches integrated into planters constructed from Swenson Pink granite consistent with the 1981 bench design and material. - Benches flanking the reflecting pool consistent with the spatial arrangement of the stairs from the 1974 design and constructed from historic salvaged Swenson Pink granite stair treads or new Swenson Pink granite.
Paving	Removal of small brick hardscape paving and replacement with large granite pavers. Adverse effect.	<ul style="list-style-type: none"> - Large granite pavers in keeping with Collins's unrealized hardscape design which featured gray flagstone. - Adverse effect minimized with the potential use of historic salvaged Swenson Pink stair treads for paving in certain locations. - Adverse effect minimized by maintaining a choreographed paved circulation similar to the 1981 condition. - Adverse effect minimized with granite pavers that complement the aggregate concrete and Museum plaza paving in terms of color, and the bond pattern of the existing hardscape. - Adverse effect minimized by maintaining a comparable paving to planting ratio with the 1981 condition.
Aprons	Historic elm tree layout restored, with improved visitor access. No adverse effect.	<ul style="list-style-type: none"> - Visitor access to aprons and to overlook the Sculpture Garden are currently blocked. Shaded seating provided. - Elm tree at southeast corner in the public right of way removed. - Aprons programmed to better connect the Sculpture Garden to the surrounding context.
Security Gates	Bronze swinging security gates at Sculpture Garden entry points integral with the concrete perimeter walls. No adverse effect.	<ul style="list-style-type: none"> - Gates to be the same height as the perimeter walls. - Gate design simply detailed and fabricated in bronze in keeping with the existing material palette.
Security Guard Booth	Guard booth located at southwest corner in the apron outside the Sculpture Garden perimeter walls. No adverse effect.	<ul style="list-style-type: none"> - Relocates prominent guard booth currently on the north overlook that disrupts the 8th Street axis viewshed. - Guard booth unobtrusively designed and clad in materials consistent with the existing material palette.

 Adverse Effect Determination – **Bold Typeface** Notes Minimization

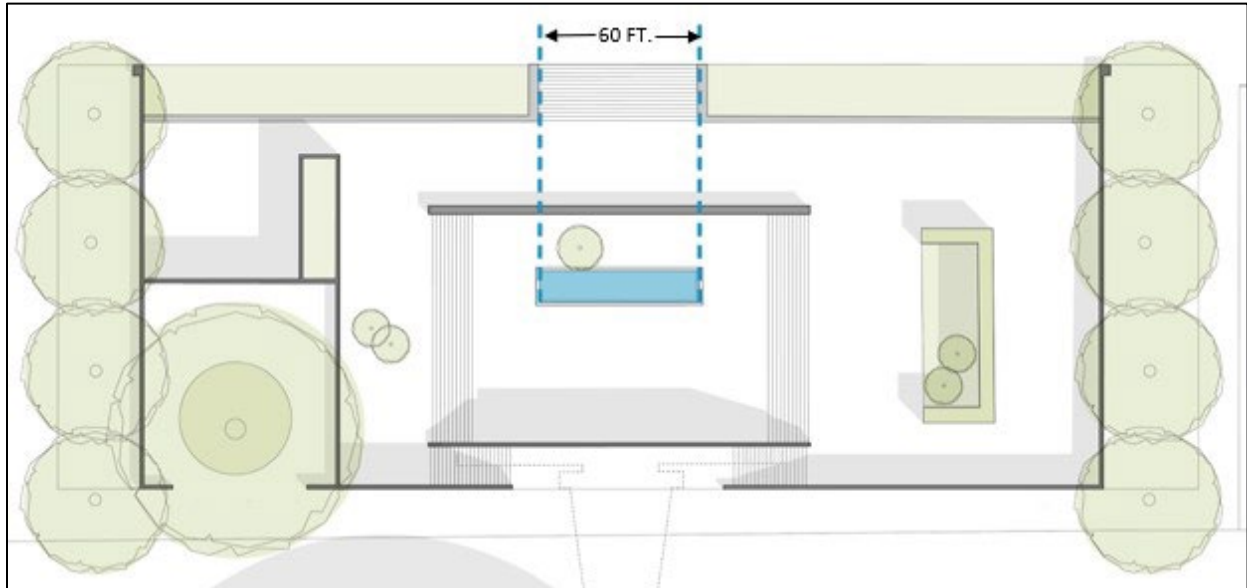
**Hirshhorn Sculpture Garden Revitalization
Assessment of Effects on Historic Resources**

Feature/Action	Proposed Effect Determination	Additional Information/Minimization of Adverse Effect
Lighting	Fixtures integral and housed under benches and handrails. Minimal sculpture and tree lighting proposed with minimally visible fixtures. No adverse effect.	- Sculpture Garden has always featured lighting in a variety of configurations.
Signage	Integral to perimeter concrete walls. No adverse effect.	- Existing signage features granite panels inset into the concrete perimeter walls with incised letters.
Stormwater Management	Non-visible cisterns and bioretention planters located outside of the Sculpture Garden perimeter. No adverse effect.	- Stormwater management is currently not provided, and flooding is a regular occurrence due to failed storm drains. - Stormwater management will have no visual impact on the National Mall.

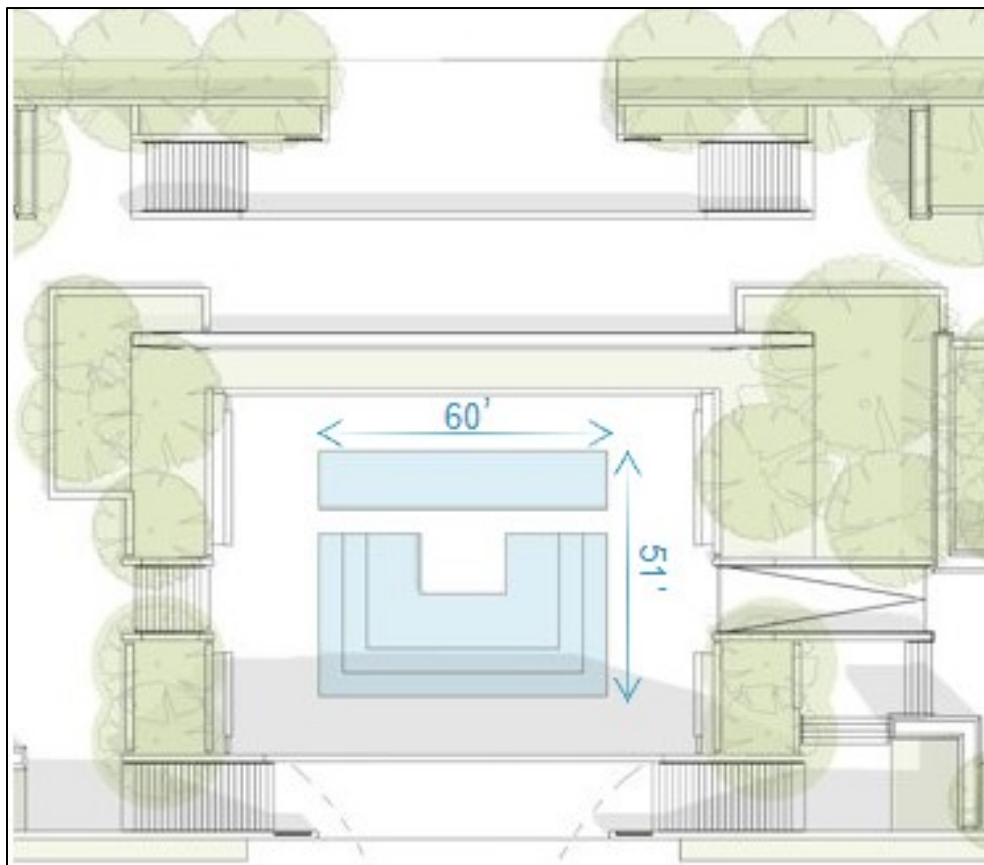
Cumulative Effects

This project proposes changes to multiple character defining features, which results in cumulative adverse effects. Cumulative adverse effects are limited to impacts to the Hirshhorn Museum and Sculpture Garden. Adverse effects are contained within the secluded and recessed space of the Sculpture Garden, and therefore there are no cumulative adverse effects to the National Mall Historic District.

EXHIBIT G – Reflecting Pool



1974 Sculpture Garden plan. Note original 60 feet east-west dimension alignment of the reflecting pool and north stairs, changed by the 1981 modifications.



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



Rendering of the Reflecting Pool. 1974 and new reflecting pool filled with water. Note planting bed south of the inner partition wall. 1974 pool heated to allow year-round presence of water in this location only.

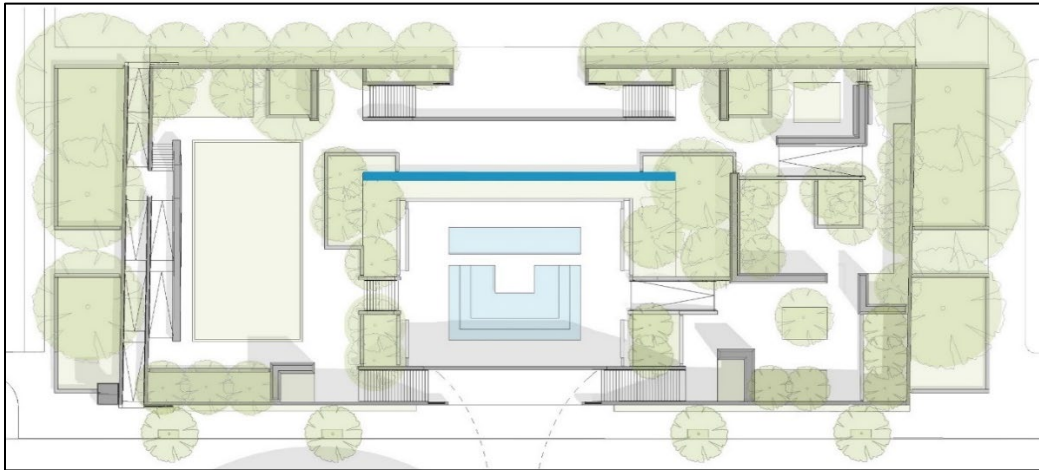


Proposed reflecting pool edge condition with Integral visual and tactile warning units.

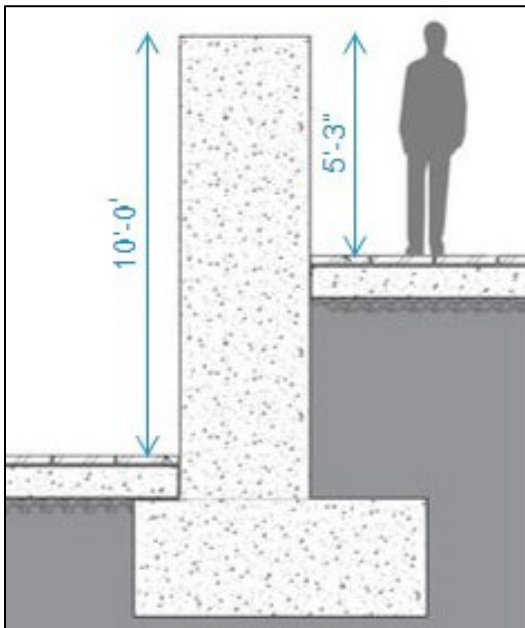


Proposed reflecting pool section with concealed safety and egress lighting. Black granite proposed for the 1974 pool and new reflecting pool.

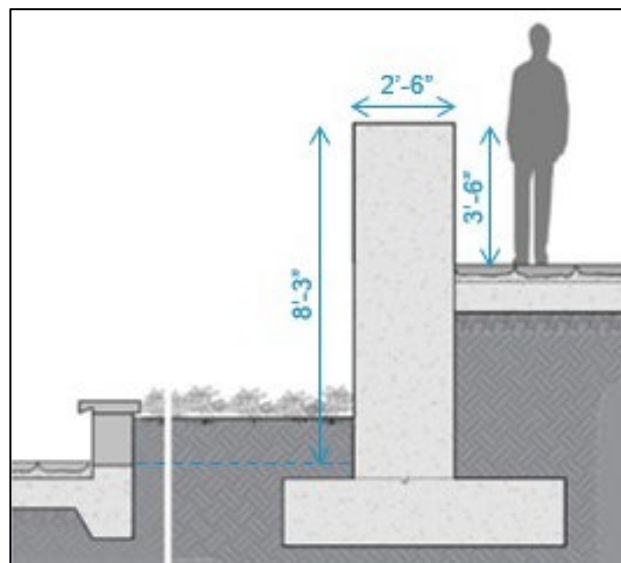
EXHIBIT H – Inner Partition Wall



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



Existing inner partition wall section.



Proposed inner partition wall section.

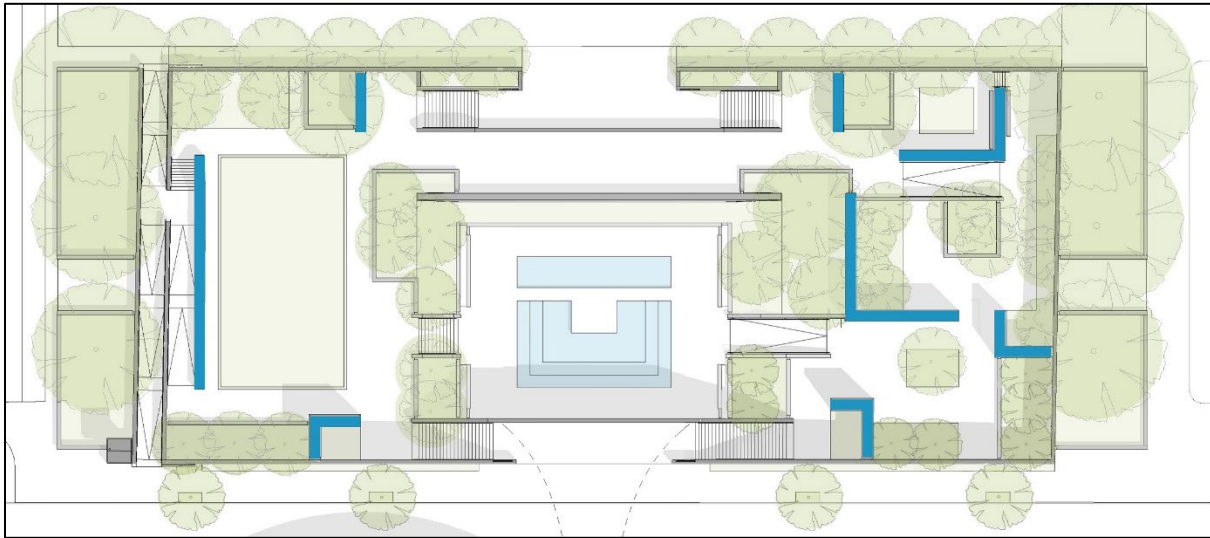


Rendering of the existing condition of the upper garden and the inner partition wall.

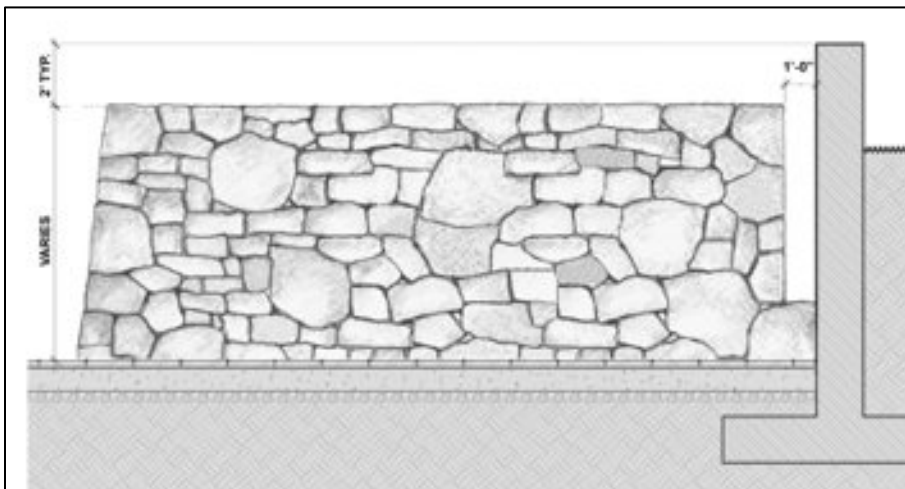


Rendering of the proposed condition of the upper garden and the inner partition wall.

EXHIBIT I – New Stacked Stone Walls



Proposed Sculpture Garden plan. Locations of new stacked stone walls annotated in blue.

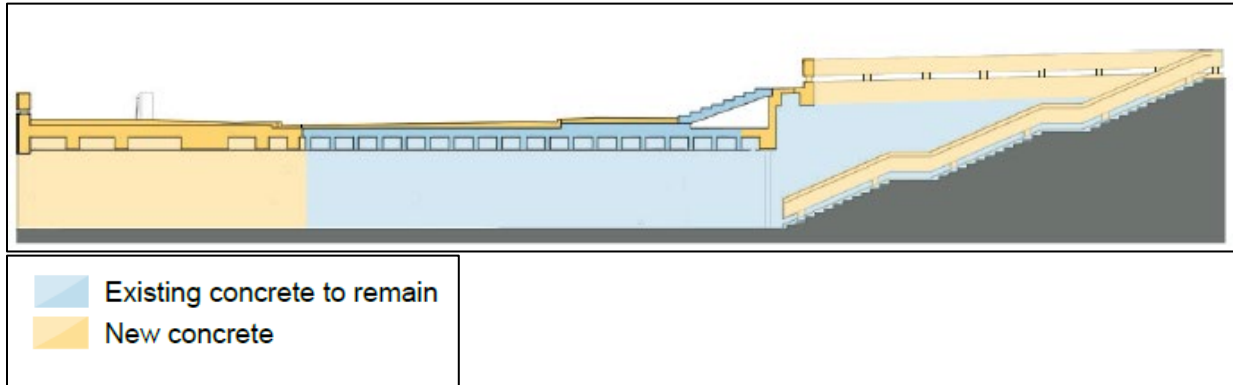


Typical stacked stone wall elevation. Walls recessed two feet below and twelve-inch reveal with the concrete perimeter walls.



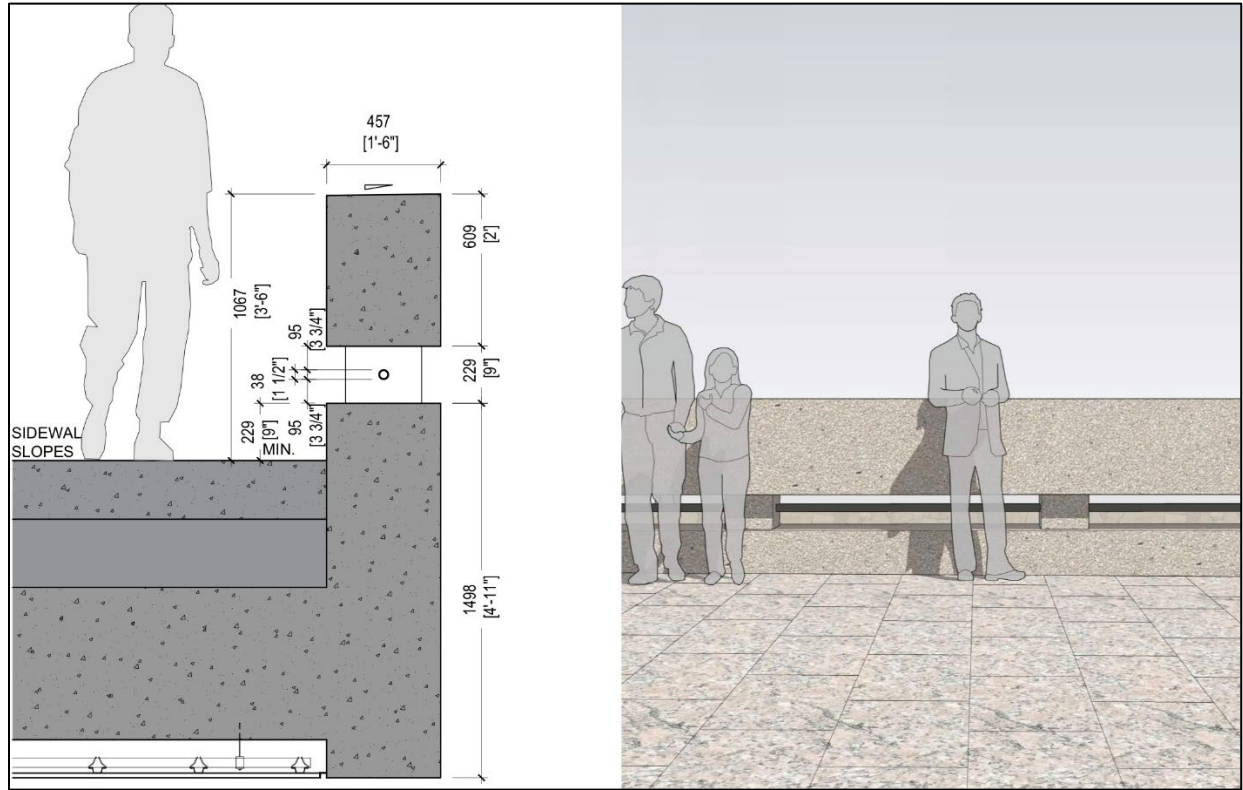
Illustrative example of proposed stacked stone wall. Photograph of "Mock-up A", 2019.

EXHIBIT J – Underground Passage Historic Fabric

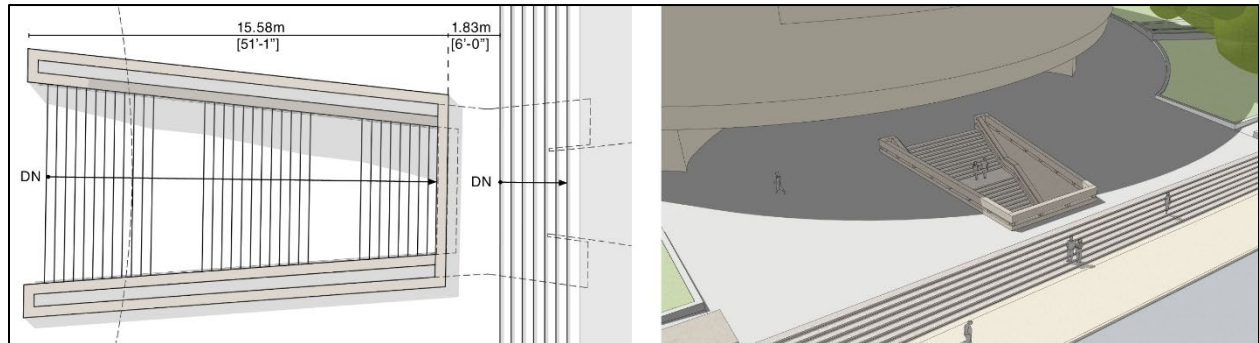


Section of proposed underground passage alterations. Passage access between the Museum Plaza and the Sculpture Garden will be reopened and maintained. Area with blue shading indicates historic concrete to be restored and maintained. Areas with yellow shading indicate new concrete. Cleaning and restoration of the Swenson Pink granite stair treads and paving is proposed at the passage stairs.

EXHIBIT K – Reconstructed Balustrade



Proposed reconstructed balustrade. Code compliance is met with raising the concrete curb and adding a bronze pipe rail in the gap to preserve the proportions of the concrete top rail and spacing.

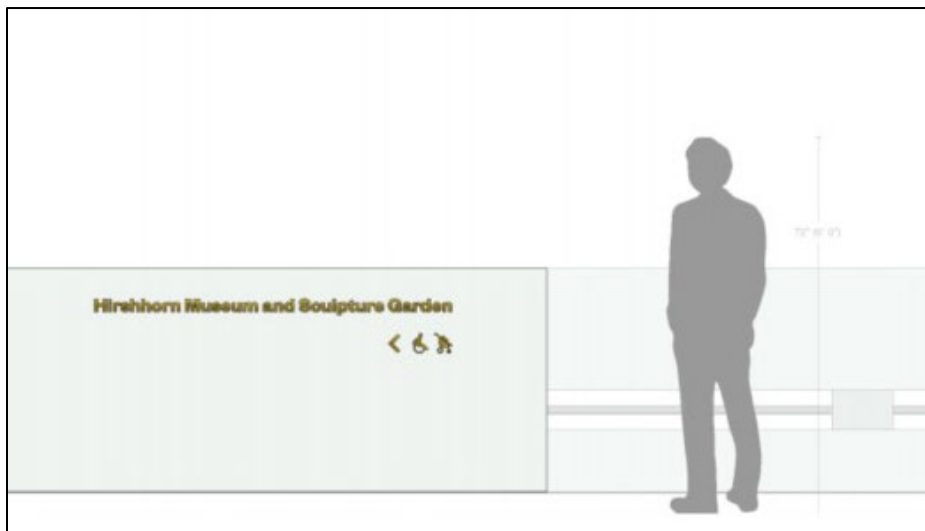


Proposed underground passage access at the Museum Plaza.

EXHIBIT L – Sculpture Garden Signage

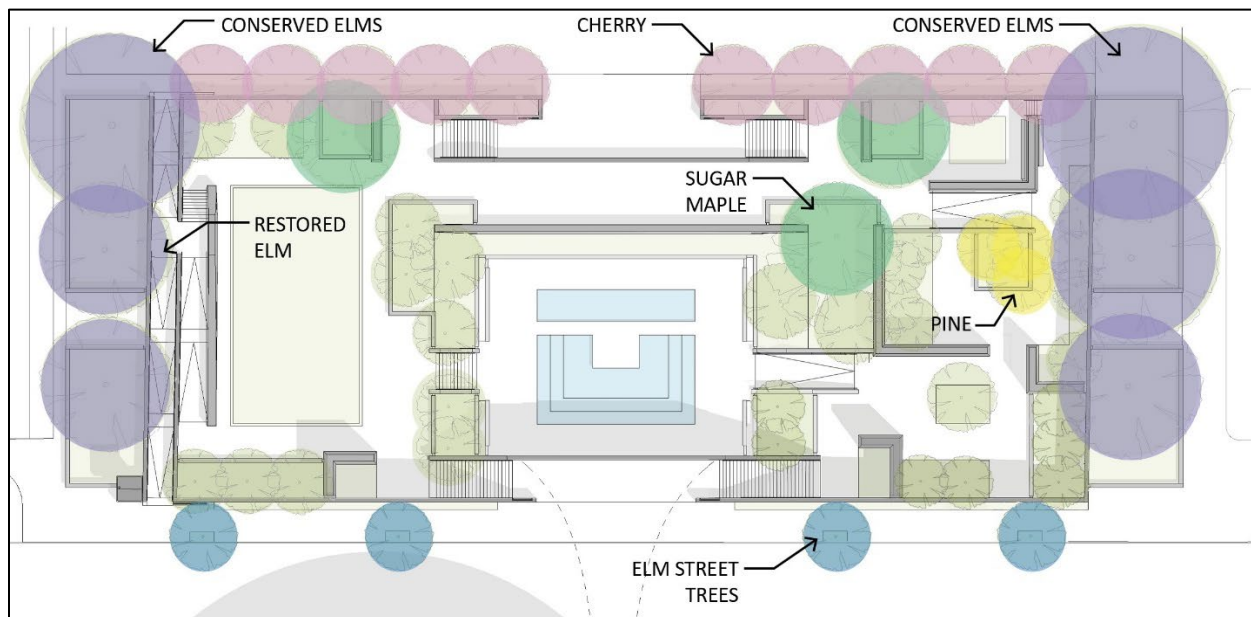


Proposed institutional signage integral to the aggregate concrete perimeter wall at the north and south main entrance overlooks.



Proposed institutional and directional signage integral to the aggregate concrete perimeter wall.







EXHIBIT M – Proposed Plant Palette



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

COLLINS PLANT SPECIES	PROPOSED COUNTERPART
<p><i>Acer saccharum</i> Sugar Maple Deciduous Tree 20-22m</p> 	<p><i>Acer saccharum</i> "Sandersville" Sugar Maple Deciduous Tree 20-22m</p> 
<p><i>Prunus serrulata</i> "Mt. Fuji" Flowering Cherry Deciduous Tree 8-10m</p> 	<p><i>Prunus yedoensis</i> "Akebono" Flowering Cherry Deciduous Tree 8-10m</p> 
<p><i>Pinus thunbergii</i> Japanese Black Pine Evergreen Tree 12-15m</p> 	<p><i>Pinus taeda</i> Loblolly Pine Evergreen Tree 12-15m</p> 

Collins 1981 tree species at left, with proposed counterparts at right.

COLLINS PLANT SPECIES	PROPOSED COUNTERPART
<p><i>Azalea x Gumpo White</i> Gumpo White Azalea Evergreen Shrub Bloom time: Spring 20-60 cm Japan</p> 	<p><i>Aronia 'Low Scape Mound'</i> Chokeberry Perennial Bloom time: Spring 20-35cm North America</p> 
<p><i>Ligustrum x vicaryi</i> Golden Ticket Privet Evergreen Shrub Bloom time: Spring 90-200 cm Japan</p> 	<p><i>Callicarpa americana</i> Beautyberry Deciduous Shrub Bloom time: Summer 60-120cm North America</p> 
<p><i>Euonymus Sp.</i> Wintercreeper Evergreen Shrub Bloom time: Spring 90-200 cm Japan</p> 	<p><i>Rhus aromatica</i> "Gro-Low" Fragrant Sumac Deciduous Shrub Bloom time: Spring 30-90 cm North America</p> 

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