

FINDING OF NO SIGNIFICANT IMPACT

CHARLESTOWN NAVY YARD MASTER DEVELOPMENT STRATEGY PHASE I

**US Department of the Interior
Boston National Historical Park
Charlestown, MA**

February 2023

BACKGROUND

Since assuming ownership in 1976, the National Park Service (NPS) has faced management challenges in preserving and interpreting the Charlestown Navy Yard (CNY), a unit of Boston National Historical Park (park). Starting in 2017, NPS began working in collaboration with its partners to develop creative and sustainable strategies for meeting many challenges the park was facing, including four decades of ad hoc development, approximately \$164 million in deferred maintenance, poor work and housing conditions, military presence and security within CNY, and a general lack of any collaborative strategic vision. This work resulted in the park's Master Development Strategy (MDS). While the MDS impacts several of the park's units, its primary focus is the CNY.

The MDS aims to achieve a 21st-century visitor experience throughout the National Parks of Boston, in which the CNY would be a cornerstone. It also strives to create a sustainable financial model and an improved workplace environment. Priorities of the MDS are to consolidate the park and partner footprint, expand leasing opportunities, renovate and optimize use of key assets, and leverage USS Constitution Museum (USSCM) and U.S. Navy partnerships to boost a collective impact.

NPS proposes to implement critical components of the MDS by constructing a Gateway Center that combines the existing USSCM and NPS visitor center into a consolidated facility at the primary entrance to the CNY, on the site of the Hoosac Stores Building adjacent to Gate 1. The second action includes replacing Building 109 on Pier 1 with an open frame structure to provide a centrally located area for visitor orientation and programming.

These actions support the goals of the park's MDS to reconfigure visitor access, orientation, and circulation; consolidate these activities at the entrance to the yard; and set the stage for a visitor experience befitting of the nationally significant resources visitors are about to navigate and explore. The project is needed because current visitor navigation, access, and orientation to the CNY are disjointed and confusing. As a result, many visitors miss important experiences within the CNY, such as the visitor center, USSCM, and USS *Cassin Young*, and leave lacking an understanding of the CNY as a whole. It is also needed because the implementation of other parts of the MDS rely on the reorganization and consolidation of park and partner use of CNY resources.

The public was provided four opportunities to comment on Phase 1 of the MDS. NPS accepted public comments as they were developing the MDS from June 2, 2021, through July 1, 2021; on a programmatic agreement for compliance with Section 106 of the National Historic Preservation

Act (54 U.S.C. 306108) from October 26, 2021 through November 30, 2021; for National Environmental Policy Act (NEPA) scoping from June 21, 2022, through July 15, 2022; and during the release of the *Charlestown Navy Yard Master Development Strategy Phase 1 Environmental Assessment* (EA) from January 4, 2023 through February 9, 2023. The EA was briefly removed from public review for minor editorial changes on January 6, 2023, and then republished with a comment period extending through February 9, 2023.

SELECTED ACTION AND RATIONALE FOR DECISION

The EA analyzed three alternatives. Based on the analysis, the NPS selected Action Alternative 1: Demolition of Hoosac Stores and Construction of a new Gateway Center as the alternative for implementation because it best meets the purpose and need for action without having significant impacts on park resources. The selected action will improve visitor use and experience at the CNY and allow NPS to implement the rest of the MDS and concentrate funding on eliminating deferred maintenance costs that would continue under the No-Action Alternative. The selected action will also provide an overall better visitor experience than Action Alternative 2: Reuse of Hoosac Stores as the new Gateway Center, because it will allow for purpose-built spaces that can better meet visitor needs and would allow future phases of the MDS to be implemented more rapidly.

The selected action has two major components. The first is to demolish the Hoosac Stores Building and relocate the USSCM and park visitor center to a new Gateway Center at the park entrance adjacent to Gate 1. This action will allow visitors to be welcomed and receive site orientation at the CNY's main visitor entrance rather than at multiple locations deep within the yard. The site of the Hoosac Stores Building meets all of the goals for creating a facility to welcome and orient visitors to the CNY as they approach from along the Freedom Trail. Conceptual designs envision a 33,500-square foot structure elevated above flood level with a proposed first floor elevation of 21 feet above mean sea level. Steps and ramping will lead to the building and integrate with the Boston Harborwalk. The design will be compatible with both the historic yard and the adjacent modern developments that neighbor the CNY.

The second component of the selected action will demolish most of Building 109 and replace it with an open frame structure accommodating visitor activities on Pier 1. Although Building 109 is a contributing resource to the Charlestown Navy Yard National Historical Landmark (NHL), it was intended to be a temporary structure when built during World War II and is afflicted with structural issues and asbestos. The new open frame structure with pavilion will represent the scale and location of the demolished Building 109, and likely consist of a steel frame structure encompassing the remaining brick electrical substation portion if retained. The structure will serve as a visitor orientation and interpretive space, also providing wayfinding and shade for visitors and further encourage the use of Pier 1.

Details of the selected action and other alternatives considered are described in Chapter 2 of the EA.

MITIGATION MEASURES

The Organic Act and its associated Management Policies 2006 task NPS with preventing impairment of park resources. This mandate gives NPS the authority to adopt mitigation

measures. Mitigation measures for the preferred alternative, including those developed through the Section 106 process of the National Historic Preservation Act (54 U.S.C. 306108), are described in EA Section 2.4 and include the following:

Hoosac Stores 1 & 2

- Complete Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) documentation for the Hoosac Stores 1 & 2. The HABS/HAER documentation has been completed and accepted by the NPS and will be submitted to the Library of Congress, Massachusetts State Historic Preservation Officer (MA SHPO), and Boston National Historic Park.
- Update Hoosac Stores 1 & 2, Hoosac Stores 3 National Register of Historic Places (NRHP) documentation.
- Evaluate salvageable material during the Hoosac Stores demolition for potential reuse and incorporation into the design and construction of the Gateway Center. Recognizing the historical significance of the Hoosac Stores, NPS will evaluate any intact material for meeting the necessary health and safety standards for potential reuse in the Gateway Center. NPS determined this selective consideration of material reuse will be the most effective and safe method for possibly preserving components of the building.

Building 109

- Document existing conditions of Building 109 prior to demolition. NPS will photo document the exterior and interior of Building 109 using guidelines set forth in the NPS NRHP Photo Policy Factsheet ([nps.gov](https://www.nps.gov)). Photo documentation will be submitted to MA SHPO as an addendum to existing CNY HABS/HAER documentation.
- Photo documentation will build on the extensive information already contained within the Charlestown Navy Yard Historic Resource Study (Carlson, 2010), resulting in extensive documentation of Building 109 and adding to the existing vast documentation of the CNY.
- Design and construct an open frame ghost structure on the footprint of Building 109 reflective of its mass, scale, and location.

SIGNIFICANCE CRITERIA REVIEW

Potentially Affected Environment

The project area is within an approximately 30-acre site located in the Charlestown neighborhood of Boston, Massachusetts and owned by the NPS. Hoosac Stores 1 & 2 and Hoosac Stores 3 Historic District and a portion of the Boston Naval Shipyard NHL District are contained within the project area.

Some impacts of the selected action to cultural resources will affect the NHL as a whole, including those areas not owned by the park. These are likely to be long term (10-20 years) or permanent impacts related to the demolition or rehabilitation of contributing properties.

The selected action includes actions that will take place within the 100-year floodplain but will have little or no effect on floodplain qualities.

Degree of Effects of the Action

The NPS considered the following actual or potential project effects in evaluating the degree of the effects (40 CFR 1501.3(b)(2)) for the selected action. As documented in the EA, the selected action has the potential for adverse and beneficial impacts on visitor use and experience (see EA Section 3.1) and cultural resources (see EA Section 3.2). NPS did not identify any significant adverse effects from implementing the selected action. These impacts are summarized below.

a. Beneficial and adverse, and short- and long-term effects of the selected action.

Visitor Use and Experience. The selected action will result in 1) small, short-term adverse impacts on visitor use and experience due to rerouting visitors during construction and 2) long-term adverse impacts due to the demolition and replacement of historic structures. These adverse impacts will be offset by the large-scale, long-term beneficial impacts of the project due to consolidating visitor orientation at the entrance to the CNY. The selected action will eliminate many of the difficulties visitors currently face in navigating and orienting themselves to the CNY, including issues with access and with the condition of resources. These anticipated beneficial impacts will increase through the gradual implementation of the MDS. The selected action will provide substantial long-term beneficial cumulative impacts to visitor use and experience.

Cultural Resources. The selected action will result in permanent and long-term beneficial and adverse impacts to cultural resources within both the Hoosac Stores historic district and the NHL.

Adverse permanent and adverse long-term impacts will result from the demolition of Hoosac Stores 1 and 2 and Building 109. Demolition of the Hoosac Stores will result in the loss of the remaining feature of the Hoosac Stores historic district, potentially leaving only a remnant of the rail line. The integrity of the site will change to such an extent that the National Register district, which was already heavily compromised by the removal of Hoosac Stores 3, potentially will be delisted from the NRHP.

Building 109 was meant to be a temporary structure at the time of its construction and its existence within the CNY landscape is not of primary importance. Its loss will not impact the historical integrity of the CNY in any meaningful manner and will have little impact on the historic character of the NHL district. The replacement of Building 109 with the open frame structure will mimic the lost structure, and combined with the other mitigation measures outlined, will lessen the impact of its loss while providing a critical function for the CNY's visitors.

Construction of the Gateway Center will have no direct impacts to the CNY NHL district. However, construction of the Gateway Center, as part of the larger MDS, will allow additional preservation and adaptive reuse projects to be initiated within the CNY, providing a long-term beneficial impact.

b. Degree to which the selected action affects public health and safety.

NPS considered how implementation of the selected action will affect public health and safety during project implementation. Active demolition or construction zones will be fenced off and the public will be routed around these areas. Additionally, these activities will be scheduled for off-peak seasons as much as possible. As a result, members of the public are unlikely to encounter safety-related issues during the implementation of the project.

c. Effects that would violate federal, state, tribal, or local law protecting the environment.

The selected action does not threaten or violate applicable federal, state, or local environmental laws or requirements imposed for the protection of the environment.

Agency Involvement

NPS consulted with the MA SHPO and other stakeholders as to the potential effects of the project and executed a project-specific programmatic agreement to reduce and mitigate impacts to historic properties from this project. During development of this agreement, the USSCM, USS *Constitution*, Boston Landmarks Commission, and Boston Planning and Development Agency agreed to be consulting parties to the agreement. NPS reached out to federally recognized tribes but no response was received.

NPS consulted with the Massachusetts Office of Coastal Zone Management and received a concurrence on certification that implementation of the selected action is consistent with coastal zone management enforceable policies.

Additionally, NPS intends to follow as closely as possible local stormwater and noise ordinances as discussed in sections 1.5.2 and 1.5.3 of the EA.

FINDING OF NO SIGNIFICANT IMPACT

- Based on the information contained in the EA, I have determined that the selected action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement will not be prepared.
- This finding considers the Council on Environmental Quality criteria for significance (40 Code of Federal Regulations [CFR] 1501.3 [b][2022]), regarding the *potentially affected environment* and *degrees of effects* of the impacts described in the EA (which is hereby incorporated by reference) and as summarized above.

Recommended:

Michael Creasey, Superintendent
National Parks of Boston

Date

Approved:

Gay E. Vietzke, Regional Director

Date

National Park Service Interior Region 1 Documents appended to the FONSI include:

- Appendix A: Public comment responses
- Appendix B: Non-impairment documentation
- Appendix C: Section 106 Programmatic Agreement

APPENDIX A: PUBLIC COMMENT RESPONSE

During preparation of the Environmental Assessment (EA), the National Park Service (NPS) consulted with federal and state agencies, tribes, interested and affected parties, and the general public. Interested public and agencies were provided an opportunity to review and comment on the EA during a 36-day review period from January 4, 2023 through February 9, 2023. The EA was briefly removed from public review for minor editorial changes on January 6, 2023, and then republished with a comment period extending through February 9, 2023.

Availability of the EA was announced on the NPS Planning, Environment and Public Comment (PEPC) website. In addition, a virtual public meeting was held on January 18, 2023.

A total of eight correspondences were received during the public comment period, including two submissions from official representatives of organizations and six correspondences from individual members of the public. The concerns identified in the eight correspondences and responses are addressed below.

PUBLIC COMMENTS

Responses to concerns raised through the public comment process are provided below.

Concern: A commenter was concerned about commuter and resident access through the Charlestown Navy Yard (CNY) during demolition and construction activities. See the discussion of Navigation and Orientation on page 3-9 of the EA for more detail.

Response: During construction, the slight rerouting of people to keep them out of construction zones would not prevent access through the CNY or prevent accessing resources at the CNY.

Concern: Three commenters expressed concern that the existing structures at the CNY (i.e., under the no action alternative), particularly the USS Constitution Museum (USSCM), are vulnerable to sea level rise and flood risks. These commenters noted that a new-construction Gateway Center that houses the museum and visitor center should be designed to be resilient against sea level rise and flood risks, as discussed in EA Section 1.5.4 Climate Change and Floodplains.

Response: The design of the new Gateway Center would follow the NPS Climate Change Response Program's guidance on climate change, the recommendations from the Commonwealth's Climate Adaption Plan, and the Climate Ready Boston Plan. Proposed new construction designs would appropriately take into account and respond to climate change impacts.

Concern: Commenters suggested that NPS additionally consider improvements to the other entrances to the CNY near the Bunker Hill Housing Community and via ferry access.

Response: The NPS will continue to improve visitor access and experience throughout the CNY through the implementation of the Master Development Strategy (MDS). The EA focuses only on the components of the MDS that are part of Phase 1 of the implementation). Other actions, such as capitalizing on visitors arriving by ferry, are out of the scope of the EA.

Concern: One commenter suggested several changes and additions to the proposed action, including demolishing Building 4/5 in addition to Hoosac Stores and constructing a much larger visitor center, moving Navy offices to a new building, moving the location of USS *Constitution* further south on Pier 1, and adding more amenities at the Building 109 location.

Response: The proposed action and alternatives were developed so as to not affect the CNY's operation as an active naval shipyard, which imposed certain constraints on the design. These constraints are reflected in elements of the MDS as described in Section 1.3 Master Development Strategy – Transforming the Navy Yard, including the Navy's use of Building 4/5, and are outside the scope of this EA. NPS will continue to improve visitor access and experience throughout the CNY. The design of the new Gateway Center is still being developed. The design team is looking at many ways of providing a sense of arrival and showcasing USS *Constitution*.

APPENDIX B: NON-IMPAIRMENT DETERMINATION

IMPAIRMENT PROHIBITION

The Organic Act of 1916 directs the U.S. Department of the Interior and the National Park Service (NPS) to manage units “to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations” (54 United States Code [USC] § 100101). Congress reiterated this mandate in the Redwood National Park Expansion Act of 1978 by stating that NPS must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress” (54 USC § 100101).

IMPAIRMENT DEFINITION

According to NPS Management Policies 2006 Section 1.4.5, an action is considered an impairment when its impacts “harm the integrity of Park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values”. Section 1.4.5 goes on to state that, “an impact to any park resource or value may, but does not necessarily, constitute an impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- identified as a goal in the park's general management plan or other relevant NPS planning documents as being of significance.”

IMPAIRMENT DETERMINATION

This impairment determination has been prepared for the selected action described in this Finding of No Significant Impact and Chapter 2 of the Environmental Assessment. The determination is made for cultural resources; it does not include visitor use and experience because this does not constitute impacts to park resources and values subject to the non-impairment standard.

The preferred alternative will have no significant impact on cultural resources. NPS entered into a project-specific Programmatic Agreement with the Massachusetts State Historic Preservation Officer on January 21, 2022. The USS Constitution Museum, USS *Constitution*, Boston Landmarks Commission, and Boston Planning & Development Agency are consulting parties to the agreement. While the NPS reached out to federally recognized tribes, no response was received from them. The agreement sets out procedures for continued consultation and review of individual implementing actions and outlines the proposed mitigation for any adverse effects which may occur.

This continued communication under the selected action will minimize adverse impacts on cultural resources. Since the action will not result in significant impacts to cultural resources and the Park will carry out all reasonable measures to protect and preserve their condition and integrity, the preferred alternative will have no impairment to the cultural resources.

CONCLUSION

As described above, implementing the selected action is not anticipated to impair resources or values that are essential to the purposes identified in the establishing legislation of the park, key to the natural or cultural integrity of the park, or identified as significant in the park's relevant planning documents. This conclusion is based on consideration of the park's purpose and significance, a thorough analysis of the environmental impacts described in the Environmental Assessment, the comments provided by the public and others, and the professional judgment of the decision-maker guided by the direction of the NPS Management Policies 2006.

**APPENDIX C: PROGRAMMATIC AGREEMENT BETWEEN THE
NATIONAL PARK SERVICE, BOSTON NATIONAL HISTORICAL
PARK AND THE COMMONWEALTH OF MASSACHUSETTS,
MASSACHUSETTS HISTORICAL COMMISSION**

PROGRAMMATIC AGREEMENT
BETWEEN THE NATIONAL PARK SERVICE,
BOSTON NATIONAL HISTORICAL PARK
AND THE
COMMONWEALTH OF MASSACHUSETTS,
MASSACHUSETTS HISTORICAL COMMISSION
REGARDING THE
IMPLEMENTATION OF THE
CHARLESTOWN NAVY YARD MASTER DEVELOPMENT STRATEGY

WHEREAS, the National Park Service (NPS) administers the Charlestown Navy Yard (CNY) as part of Boston National Historical Park (hereafter PARK), established by the Boston National Historical Park Act of 1974, as amended (88 Stat. 1184, 16 U.S.C. § 410z); and

WHEREAS, the PARK is continuing the ongoing planning and implementation of the Master Development Strategy (MDS) for the CNY and is nearing decisions in that planning regarding the implementation of certain major elements of the MDS, considered “proposed actions” at this stage; and

WHEREAS, the PARK will be further analyzing these proposed actions initiating an environmental assessment under the National Environmental Policy Act in early 2022; and

WHEREAS, the proposed actions that constitute the undertaking include the development of the Gateway Center at the Hoosac Stores location, activation of Pier 1 including replacement of Building 109, and reestablishment of the Great Lawn including potential reconfiguration of the athletic courts; and

WHEREAS, the CNY is a National Historic Landmark (Boston Naval Shipyard: NRIS 66000134) and the Hoosac Stores (outside the NHL district) is listed on the National Register of Historic Places (Hoosac Stores 1 & 2; Hoosac Stores 3: NRIS 85002337); and

WHEREAS, the PARK has defined the undertaking’s area of potential effect (APE) as the boundary encompassing the CNY NHL district and Hoosac Store National Register boundary combined (Attachment A); and

WHEREAS, USS Constitution (NRIS 66000789) and USS Cassin Young (NRIS 86000084), both NHLs, and the Maurice J. Tobin Memorial Bridge (determined eligible for the

National Register: BOS.944/CLS.917), while adjacent to the established APE, are expected to have no adverse effect from the undertaking; and

WHEREAS, the individual components of the undertaking have the potential to cause adverse effects to both the CNY NHL district and the Hoosac Stores; and

WHEREAS, the assessment of effects cannot be fully determined at this stage of planning and the PARK has chosen to execute this programmatic agreement to outline the ongoing consultation process to avoid, minimize and, when necessary, mitigate adverse effects; and

WHEREAS, the PARK has consulted with the Massachusetts Historical Commission (MA SHPO) pursuant to 36 C.F.R. part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, the PARK has consulted with the Wampanoag Tribe of Gay Head (Aquinnah), the Mashpee Wampanoag Tribe, and Narragansett Indian Tribe and invited them to be consulting parties during the MDS planning and implementation of this undertaking and they declined; and

WHEREAS, the PARK has invited the USS Constitution Museum, U.S. Navy, Boston Planning and Development Agency, and Boston Landmarks Commission to be consulting parties during the MDS planning and implementation for this undertaking and they have accepted; and

WHEREAS, the PARK has notified the Secretary of the Interior (through the NPS National Historic Landmarks Program) and invited them to participate in consultation regarding the potential effects to NHLs and they have accepted; and

WHEREAS, the PARK has notified the Advisory Council on Historic Preservation of the potential effects of this undertaking and invited them to participate in the development of this PA and the Council has declined; and

WHEREAS, the PARK has informed and engaged the public regarding the MDS throughout the planning process including a June 2, 2021, virtual public meeting presenting the MDS overall including the elements of the plan included in this PA; and

WHEREAS, the PARK has posted the draft of this agreement for public comment on its Planning, Environment & Public Comment (PEPC) web site and has received no comments:

NOW, THEREFORE, the PARK and the MA SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The PARK shall ensure the following stipulations are carried out should the undertaking be implemented:

I. CONSULTATION PROCESS

- A. The overall MDS including the undertaking's proposed actions have been presented and shared with the SHPO and the consulting parties.
- B. The PARK will share further planning information related to the MDS with the SHPO and the consulting parties as it is developed.
- C. The PARK will provide planning/design documents for the undertaking's proposed actions as they are developed at both the schematic and draft construction drawing phases for a 30-day review/comment period.
- D. The PARK will schedule presentation/discussions with the consulting parties if requested or if substantial comments are received.

II. RESOLUTION OF ADVERSE EFFECTS:

The undertaking's proposed actions include the demolition of the Hoosac Stores that will result in an adverse effect and the demolition of Building 109 that will result in an adverse effect to the CNY NHL District. The following will be implemented to mitigate the adverse effect of the demolition:

Hoosac Stores

- A. The PARK has completed HABS/HAER documentation of the Hoosac Stores (HABS MA-1394). The PARK shall provide the full HABS/HAER documentation to the Library of Congress and the MA SHPO, and archive the documentation at the PARK.
- B. The PARK will complete an update to the National Register of Historic Places nomination for the Hoosac Stores.

Building 109

- A. The CNY as a whole and individual structures such as Building 109 have been extensively documented in the *Charlestown Navy Yard Historic Resource Study* (2010). In addition, the park museum collection includes historic architectural drawings, photographs, and other records documenting the original construction and continued use and alterations of the structure.
- B. The PARK will complete photo documentation of the interior and exterior of Building 109 using the guidelines set forth in the National Register Photo Policy Factsheet (updated 5/15/2013) [Interim National Register Photo Policy Factsheet \(nps.gov\)](https://www.nps.gov/subjects/photo/policy-factsheet.htm). The PARK shall submit completed photo documentation to the SHPO printed on acid free paper. The PARK will also submit the material as an addendum to the existing HABS/HAER documentation of the Charlestown Navy Yard (HAER MA-90).
- C. The PARK will construct a ghost structure on the footprint of Building 109 reflective of its mass, scale and location within Pier 1. The ghost structure will provide visitors with a shade and congregation location on the pier.

III. CHANGES TO THE UNDERTAKING

Actions may be added to or subtracted from this undertaking for a variety of reasons including but not limited to available funding or alterations within the MDS as consultation and planning continues.

- A. Additions: If actions are added to the program, the PARK shall notify all consulting parties and the signatories to the PA in writing, and then move forward with the review of the actions in accordance with the PA stipulations.
- B. Subtractions: Before the PA expires, the PARK shall provide the signatories to this PA with an account of what actions have or have not been completed. At that time, the signatories shall consult about any outstanding actions and determine whether or not to extend the PA to cover the outstanding actions, in accordance with Stipulation VIII.

IV. DURATION

This PA will expire if its terms are not carried out within ten (10) years from the date of its execution. Prior to such time, the PARK may consult with the other signatories to reconsider the terms of the PA and amend it in accordance with Stipulations VIII below.

V. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties occur, the PARK shall notify the MA SHPO within 3 days and reinitiate consultation with the consulting parties and signatories to this PA to determine how to proceed.

VI. MONITORING AND REPORTING

Each year following the execution of this PA until it expires, all measures are completed or the PA is terminated, the PARK shall provide all parties to this PA a summary report detailing work undertaken/completed pursuant to the terms of the PA and also include scheduling changes proposed, problems encountered, and any disputes and objections received in the PARK's efforts to carry out the terms of this PA.

VII. DISPUTE RESOLUTION

Should any signatory or concurring party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the PARK shall consult with such party to resolve the objection. If the PARK determines that such objection cannot be resolved, the PARK will:

- A. Forward all documentation relevant to the dispute, including the PARK's proposed resolution, to the ACHP. The ACHP shall provide the PARK 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 PARK shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories, and provide them with a copy of this written response. The PARK 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 time period, the PARK may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the PARK shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the PA, and provide them and the ACHP with a copy of such written response.
- C. The PARK's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

VIII. AMENDMENTS

This PA 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 of the signatories is filed with the ACHP.

IX. TERMINATION

If any signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories.

Once the PA is terminated, and prior to work continuing on the undertaking, the PARK must either (a) execute a new PA pursuant to 36 CFR § 800.14 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The PARK shall notify the signatories as to the course of action it will pursue.

X. ANTI-DEFICIENCY

All actions taken by the PARK in accordance with this PA are subject to the availability of funds, and nothing in this PA shall be interpreted as constituting a violation of the Anti-Deficiency Act.

Execution of this PA by the PARK and implementation of its terms evidence that the PARK has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

National Park Service
Boston National Historical Park

MICHAEL CREASEY Digitally signed by MICHAEL CREASEY
Date: 2021.12.15 10:27:13 -05'00' Date

Michael Creasey, Superintendent

**Commonwealth of Massachusetts
Massachusetts Historical Commission**

Brona Simon Date January 21, 2022
Brona Simon, Executive Director

APPENDIX

Area of potential Effect

NPS Drawing 457_176609

