



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

July 20, 2020

Tammy Turley
Chief, Regulatory Division
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

RE: Northern Avenue Bridge, Fort Point Channel, Boston, MA; MHC# RC.2913
US Army Corps of Engineers, Regulatory Division, File No. NAE-2015-02009

Dear Ms. Turley:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the information that was submitted, received at this office on June 23, 2020, for the Northern Avenue Bridge project and have the following comments.

The proposed project includes the demolition of the historic pivot swing bridge, three granite and concrete side span piers, and the Bridge Tender's House. The proposed project also includes the removal of the existing timber piles within the draw fender pier and draw fender pier over which the swing span sits when in the open position. The central swing pier is proposed to be retained. A new bridge is proposed to replace the historic Northern Avenue Bridge. As part of the new bridge, the following are proposed: construction of new piers, construction of the new bridge superstructure, replacement of the western bridge abutment and reconstruction of the eastern bridge abutment, construction of the promenade, and a construction of approaches to the bridge to accommodate the bridge profile and to make connections to the harbor walk.

The Northern Avenue Bridge is listed in the State Register of Historic Places and was formally determined eligible for listing in the National Register of Historic Places by the Keeper of the National Register. The Fort Point Channel, the Northern Avenue Bridge, the Northern Avenue Bridge Tender's House, and the Fort Point Channel Seawalls are listed in the National Register of Historic Places as contributing elements of the Fort Point Channel Historic District. The Northern Avenue Bridge, completed in 1908, is significant as one of only two triple-barreled swing bridges in the Massachusetts Highway Department's statewide bridge inventory. The bridge is also significant for its role in the commercial development of South Boston. Additional information including Historic American Engineering Record (HAER) documentation can be accessed via the MHC website at: <http://mhc-macris.net/Details.aspx?MhcId=BOS.9000>

In your submittal, you state that the Army Corps will be the lead federal agency for the purposes of Section 106 consultation. However, you are proposing to follow the Army Corps regulations 33 CFR 325 Appendix C instead of the Section 106 regulations (36 CFR 800). As you know, 33 CFR 325 Appendix C has not been accepted by the Advisory Council on Historic Preservation because it is inconsistent with 36 CFR 800, and thus has no legal effect (54 USC 306102(b)(5)(A); 36 CFR 800.14(a)(4)).

You have defined your permit area and jurisdiction as only the demolition of the existing bridge, pilings and piers that will be removed from the Fort Point Channel waters. The MHC disagrees with the Army Corps' determination of the area of potential effect. The project as a whole is not limited to the waters that the Army Corps refers to as its "permit area." The Army Corps' determination of the "permit area" is inconsistent with the project information submitted to the MHC that describes the geographic area within which the project as a whole may directly or indirectly cause alterations in the character or use of historic properties. The Army Corps' "permit area" is not the "area of potential effect" and the Army Corps' determination is not consistent with 54 U.S.C. 306102 and 306108, 36 CFR 800.4(a)(1), 36 CFR 800.16(d) and case law. The area of potential effect for this project includes demolition and new construction of the bridge.


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You state in your correspondence that the design of new bridge falls under jurisdiction of United States Coast Guard (USCG). However, the adverse effect is not only the demolition of the historic Northern Avenue Bridge (36 CFR 800.5(a)(2)(i)) but also the introduction of a new bridge in the Fort Point Channel Historic District (36 CFR 800.5(a)(2)(v)).

MHC questions the appropriateness of the Corps' proposal for a Memorandum of Agreement (MOA) that does not include the design of the new bridge and thus segments the project. Project segmentation is not allowed under 36 CFR 800. Additionally, the MHC requests information regarding the role of the Federal Highways Administration (FHWA) and the federal funding that has been allocated for the new bridge.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800) and M.G.L. Chapter 9, sections 26-27C (950 CMR 71.00). Please do not hesitate to contact Elizabeth Sherva of my staff if you have any questions.

Sincerely,



Brona Simon
State Historic Preservation Officer
Executive Director
Massachusetts Historical Commission

xc: Jeff McEwen, FHWA
John McVann, FHWA
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Michael Tyrrell, Friends of the Northern Avenue Bridge
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Rachel Borgattis, Friends of Fort Point Channel
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Stacey Thompson, Livable Streets
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