FEDERAL PROPERTY MANAGEMENT AND HISTORIC PRESERVATION IN THE LOCAL COMMUNITY:

SEVEN SECTION 106 CASE STUDIES

Monumental sculptures representing the six continents keep vigil at the Old U.S. Custom House in New York City. Here, America stands guard.
THE SEVEN CASE STUDIES in Part Two of this report illustrate Council involvement with Federal property-managing agencies in local communities across the country; they also indicate the wide variety of historic resources under Federal jurisdiction. From an aging block of commercial buildings in Miami, Florida, to a traditional cultural resource in Bighorn National Forest near Lovell, Wyoming, to an active leper’s colony on Molokai Island, Hawaii, properties owned, leased, or otherwise managed by Federal agencies defy easy generalization. The preservation issues emanating from these sorts of properties are equally hard to pin down, especially when they are considered in the context of the surrounding community. A decision to relocate a post office, for example, not only may leave a historic building vacant, but also remove a local downtown anchor. Likewise, the choice to modernize a historic facility as an alternative to abandoning it, might adversely affect its historic integrity; the facility will continue to be used, but the com-

At the June panel meeting in Seneca Falls, New York, Council representatives considered National Park Service plans for the preservation and interpretation of historic Wesleyan Chapel.

Opposite, Council member John Reynolds and Don Klima, director of the Council’s Eastern Office of Project Review, inspect an architectural model of the National Park Service design.

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Community may no longer recognize its own historic landmark. The Council's 1991 case studies bring this inherent tension into sharp relief; moreover, they demonstrate the varying degrees of success the Section 106 consultation process has in reconciling conflicting preservation needs.

These case studies illustrate Council involvement with Federal property-managing agencies throughout the country.

If these cases suggest the infinite variety of property-management issues, they also demonstrate uneven levels of Council involvement. At Chaille Block in Miami, for example, the Council contributed to the Federal Bureau of Prison's development and selection of alternatives; it drafted the Memorandum of Agreement (MOA) setting forth agreed-upon mitigation and, at a later stage, participated in design review. Conversely, at Devil's Island Lighthouse near Ashland, Wisconsin, the undertaking in question was completed by the time the U.S. Coast Guard initiated the review process; the subsequent consultation focused on how to correct adverse effects that had already occurred as opposed to minimizing or avoiding them altogether. At the Old U.S. Custom House in New York City, the Council was brought in at the same time the Smithsonian and GSA placed construction contracts out for bid; in this instance, the Council decided to terminate consultation and issue formal comments. At Kalaupapa National Historic Park and Landmark on Molokai Island, the Council simply accepted an MOA drafted by NPS and the Hawaii State Historic Preservation Office (SHPO) and, at Crow Canyon Archeological Center, concurred in a finding of no adverse effect.

Public participation through 106 is often the key to conflict resolution.

Finally, the range of case studies emphasizes the ability of the Section 106 consultation process to resolve conflict, particularly through its encouragement of public participation. When the Council is involved in a Federal undertaking at an early stage, it has a wide range of mitigative options at its disposal; the property-management objectives of Federal agencies are more likely to be reconciled with the interests of the local community. On the other hand, when the Council's review process is ignored, or initiated after vital decisions are made, options for satisfactory compromise are considerably diminished. In every case, the Council's ability to respond effectively to the needs of property-managing agencies and local communities is greatly enhanced by the cooperation and coordination of local and agency officials as well as the SHPOs. Section 106 review is, after all, a fundamentally cooperative process and it is as such that it holds its greatest potential.

The seven featured case studies for Report to the President and Congress 1991 are:

- Wesleyan Chapel, Women's Rights National Park, Seneca Falls, New York--The National Historic Landmark site of the first women's rights convention, Wesleyan Chapel was the ideal focal point for visitor interpretation, yet only a few pieces of the nationally significant structure remained. The National Park Service initiated a design competition for the interpretation of the site without enlisting the support of the entire Seneca Falls community. This example stresses the importance of incorporating the
community into Federal preservation planning throughout the project cycle.

- **The Old United States Custom House, New York City, New York**--The Custom House case illustrates the imperative of Council consultation with regard to NHLs and suggests that property managers need specialized training to carry out their responsibilities in a historic environment. Failure of GSA and the Smithsonian Institution to initiate Section 106 consultation early in the process resulted in termination of that process on the part of the Council. In a panel meeting, the Council considered the implications of this case and made its recommendations for subsequent action to agency heads and the Secretary of the Interior.

- **Chaille Block, Miami, Florida**--Plans to construct a new metropolitan detention center placed Miami's oldest commercial district under threat of demolition. The Federal Bureau of Prison's decision to incorporate the historic group of buildings into the new structure illustrates how Federal agencies can accommodate local preservation needs if they are willing to remain flexible.

- **Devil's Island Lighthouse, Apostle Islands National Lakeshore, Wisconsin**--The United States Coast Guard decided to remove a character-defining feature of this historic lighthouse without meeting its Section 106 responsibilities. The local community used the Coast Guard's noncompliance to bring suit against the agency, with positive results. This case demonstrates the potential of Section 106 review to encourage inter-agency cooperation.

- **Easton Main Post Office, Easton, Pennsylvania**--Citing inadequate parking facilities, the Postal Service threatened to relocate Easton's historic postal facility; public outcry persuaded USPS to simply expand existing parking and loading facilities. To do this, however, the Postal Service proposed to demolish five buildings within the town's National Register Historic District. This case suggests the multitude of issues involved with historic post offices and demonstrates how the Section 106 review process can successfully reconcile some agency and community needs.

- **Crow Canyon Archeological Center, Cortez, Colorado, and Bighorn Medicine Wheel National Historic Landmark, Bighorn National Forest, Wyoming**--Native American concerns figure prominently in Federal management of historic resources in the West. At Crow Canyon, where archeologists conduct research on land controlled by the Bureau of Land Management, the question of traditional cultural use did not come up; the Native American group with affinity with the site no longer existed. At Bighorn Medicine Wheel, however, this was not the case; the ancient site is regarded as sacred by Native Americans throughout the region. Federal property managers need to consider traditional cultural values when making decisions affecting property associated with Native Americans.

- **Kalaupapa National Historic Park and Landmark, Molokai, Hawaii**--At Kalaupapa, patients with Hansen's Disease, or leprosy, have lived in a historic medical and residential compound for all of their lives. Guaranteed lifetime care by the State, these men and women depend on the National Park Service to place their welfare ahead of historic preservation concerns. This case illustrates how Federal property managers must approach their work with flexibility, seeking a balance between preservation and other responsibilities.
CASE STUDY 1:
Wesleyan Chapel, Women's Rights National Historic Park

The council's involvement with the design and interpretation of Wesleyan Chapel at Women's Rights National Historic Park in Seneca Falls, New York, emphasizes the need for community participation in Federal project planning from the earliest discussion stages through project implementation. Although by no means guaranteed to prevent public-private conflict--on the contrary, community participation often generates controversy--this process implies the notion of shared responsibility and provides opportunity to integrate community concerns about such things as security, commercial development, additional parking, and traffic congestion directly into the overall planning scheme. At Seneca Falls, a part of New York historically associated with citizen activism, community concerns caused the Wesleyan Chapel project to falter at a critical stage. Only after a public meeting involving Seneca Falls residents, the New York SHPO, the National Park Service and the Advisory Council did the project regain its momentum.

The drive for women's equality began in 1848 in Seneca Falls, New York.

Chartered by Congress in 1980, Women's Rights National Historic Park celebrates the historic achievements of women in the United States in the context of the battle for equal rights. Unlike other well-known historical theme parks which capitalize on a single person or event,

Wesleyan Chapel, Women's Rights National Historic Park
Seneca Falls, New York

How can Federal and local historic preservation needs be reconciled?

Lead agency: National Park Service
Consultation initiated: Spring 1991
Property management issue: Rehabilitation and siting of new construction
Resolution: Council comments issued

Birthplace of the modern women's rights movement, Seneca Falls, New York, is also famous for its historic textile industry.
Women's Rights National Historic Park seeks to convey an idea and a process: the drive for political and economic equality for American women which was born as an organized social movement in 1848 at Seneca Falls. That year, 300 men and women committed to the notion of equality irrespective of gender gathered at the Wesleyan Chapel to hear the bold statement of intent expressed in the historic "Declaration of Sentiments." Although Women's Rights National Historic Park consists of several historic structures associated with women's rights leaders, including the homes of Elizabeth Cady Stanton, Mary Ann McClintock, and Jane Hunt, its centerpiece and interpretive key is the chapel where Stanton's call to action was articulated. Given that the park is located amidst a broad spectrum of residential and commercial building types dating from the 18th to 20th centuries, its need for a focal point assumed even greater importance.

The centerpiece of the women's rights park is the chapel where Elizabeth Cady Stanton's call to action was articulated.
A MAJOR SHORTCOMING was evident in the plan to so use Wesleyan Chapel: for all practical purposes, the building no longer existed. While other remnants of the area's vital past remained relatively intact, most notably the historic Seneca Falls Textile Mill, Wesleyan Chapel had fallen victim to progress. After its original congregation moved to a larger building in 1871, the chapel was first converted to an opera house and, subsequently, to an automobile showroom, a movie theatre and, most recently, a laundromat. Extensive research revealed the complexity of the Park Service task: only a minimal amount of the Wesleyan Chapel's historic fabric remained extant, specifically, two beams, roof supports, portions of two walls, and part of the brick foundation. Until recently, the only indication of the one-time chapel's illustrious past was a historic marker in front of the laundromat. To make matters worse, there was no clear indication of what the historic chapel looked like; lengthy investigation of public and private documents yielded only one contemporary image of a portion of Wesleyan Chapel, but this was by no means definitive. What this meant to NPS was that the chapel could not be replicated for their purposes, because no model for replication existed.
The chapel was gone, and there was no clear record of what it had looked like.

Still, NPS was not convinced that these problems precluded use of Wesleyan Chapel as the park's unifying element. It did, however, decide to seek outside expertise in resolving the questions from a design standpoint and in 1987, in conjunction with the National Endowment for the Arts (NEA), launched a competition for the design and interpretation of the historic structure. This competition marked the first for the design of a Federal building since the early 1920s and attracted a great deal of national attention. Over 700 entries were submitted, ranging from the creative reconstruction of the building to the incorporation of the existing historic fabric into some other structure.

The Winning Design, chosen by a panel of judges representing the disciplines of architecture, landscape design, planning, conservation, and public history, in consultation with an advisory committee composed of city officials, synthesized the physical remnants of the chapel into a partially open-air pavilion which would give the effect of an amphitheater. Wrapped by a wall on three sides, the pavilion would slope to a low wall upon which the historic Declaration of Sentiments would be inscribed; water would flow over the wall. Officials believed that this spare, modern design would encourage park visitors' introspection and contemplation of the lofty goals of the early movement for women's rights.

As far as Section 106 compliance for the new design, the winning entry was covered under an existing Programmatic Agreement (PA) with NPS and the National Conference of State Historic Preservation Officers which specified that individual NPS undertakings did not have to be reviewed by the Council as long as they conformed to a previously approved general management plan; the Council reviewed the plan for Women's Rights National Historic Park in 1981. The PA at issue was superseded in 1990 by a new programmatic which changed this procedure; however, existing projects that had reached the comprehensive design stage were not subject to further review. With a construction start scheduled for early 1991, NPS was confident that the Wesleyan Chapel project was exempt from the new agreement.

The mayor and SHPO questioned the compatibility of the design with the surrounding streetscape.

In view of the degree of inter-agency involvement in the competition, objections about the winning design conveyed to the Secretary of the Interior by the mayor of Seneca Falls and the New York SHPO shortly before the scheduled construction start came as a surprise. Expressing concern that Section 106 obligations had not been properly met, the mayor and the SHPO questioned the modern design's compatibility with the surrounding 19th- and early 20th-century streetscape as well as the impact of extensive tourism on the Seneca Falls Historic District. Other concerns included the advisability of exposing the fragile historic fabric to the elements and the choice of construction materials. Local citizens joined in the conversation. How would the increased commercial traffic affect the downtown area? Wouldn't the open-air design be likely to attract loiterers and vandals? Was this after all the best way to memorialize the birthplace of the women's rights movement?
The Council held a public meeting at the historic Gould Hotel in Seneca Falls.

Consultation between the SHPO and NPS failed to resolve these differences, and NPS invited the Council to help mediate the conflict as provided for under Council regulations. Accordingly, in mid-June 1991, Council members and staff travelled to New York to assess the situation. On June 11, the Council held a public meeting at the historic Gould Hotel at which Seneca Falls residents and other interested parties shared their views. It was not that they were opposed to memorializing the historic events of July 1848, citizens emphasized; it was, rather, that they were unclear as to how the Wesleyan Chapel project would affect where they lived. As far as the late date chosen to register objections, some citizens argued that they were unaware that their reservations would be considered by the competition's jury, that they had accepted, rather than participated in, the selection of the design and were not familiarized with its limitations until well after the fact. The following day, the Council heard formal presentations from NPS, the New York SHPO, and the Village of Seneca Falls in a panel format. The discussion that ensued highlighted the ability of Section 106 to serve as an effective tool for conflict resolution; it also emphasized the public participation component of the Section 106 review process as a problem-solving mechanism. In the weeks that followed, the Council formulated and submitted its recommendations to the Secretary of the Interior and the Director of the National Park Service, who must take these recommendations into account in deciding the ultimate course of action.

After careful consideration of all points of view, the Council endorsed the selected design, suggesting relatively minor modifications to reconcile the concerns of NPS, the SHPO, and the local citizenry. Acknowledging the national significance of the Wesleyan chapel and the design competition as "a creative and appropriate approach" to resolving the preservation and interpretation dilemma, the Council recommended first that NPS further investigate the use of local materials for use in the project. Local materials, the Council pointed out, would enhance the design's visual compatibility with its historic surroundings and amplify the symbolic linkage of the present project with the historical development of Seneca Falls. Second, since the site will be accessible 24 hours a day, the Council suggested that NPS should develop a comprehensive lighting and security plan in consultation with the SHPO and city officials. Finally, the Council suggested a joint Council-NPS discussion of the challenges and opportunities that design competitions pose for historic preservation in general and Section 106 in particular. What role should the physical context of competition sites play in competition development? How could the local community be better integrated into the design competition? Exploration of these and other questions could encourage a more interactive approach to design issues, resulting in a product satisfactory to both the local and the national communities.

It is fitting that the Section 106 consultation process invoked at Seneca Falls stimulated a renewed commitment to public participation. Obviously, the men and women who formally enunciated the politics of inclusion there 143 years ago could not anticipate that their action would provide justification for a National Historic Landmark; nevertheless, the way that landmark has been developed is a fitting tribute to their near-utopian vision.
CASE STUDY 2:  
Old United States Custom House

THE OLD U.S. CUSTOM House, located at One Bowling Green in New York City, exemplifies the rich potential for interagency cooperation in conceiving and implementing plans for adaptive reuse. As the future site of the Smithsonian Institution’s Gustave Heye Center for the Study of the American Indian, the custom house project also highlights the need for historic preservation concerns to be incorporated in the planning of adaptive reuse projects early on. For while the Section 106 consultation process can accommodate some Federal undertakings at a later developmental stage, proposals for adaptive reuse clearly fall outside this rather amorphous category. With adaptive reuse, the compatibility of the existing structure with its projected function must be carefully weighed and assessed from a historic preservation and conservation standpoint, in addition to structural and environmental perspectives. When, as in this case, reuse plans involve both a National Historic Landmark and an internationally significant museum collection, this first emphasis takes on even greater importance.

The role of the Custom House in the economic development of the city and country cannot be overemphasized.

DESIGNED IN 1900 by the midwestern architect Cass Gilbert and open for business seven years later, the Custom House, called the most outstanding example of the Beaux-Arts style extant, served as the collection point for revenues coming through New York’s seaport for over

Old United States Custom House
New York, New York

How can adaptive reuse plans take into account the compatibility of the existing resource with its new function?

Lead agency: General Services Administration
Consultation initiated: Fall 1990
Property management issue: Adaptive reuse of National Historic Landmark
Resolution: Council comments issued

By the early 1970s, the Old U.S. Custom House had lost its original tenants and in 1972 was officially declared surplus.

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In the middle of the 18th century, Robert and Pierre Adam designed one of the most beautiful buildings in the world, the Beaux-Arts School. The building remains a symbol of French architectural prowess and is a testament to the importance of art and culture in society.

Since its completion, the building has been used for various purposes, including as a school, a library, and a museum. Today, it serves as a center for art and culture, attracting visitors from around the world.

The Beaux-Arts School is an example of the importance of education and the role it plays in shaping society. It is a reminder of the power of art and culture to bring people together and inspire change.
70 years. Its role in the economic development of the city and the country cannot be overemphasized. In 1852, for example, fully 80 percent of the Nation's import taxes came through New York and, since a customs collector's salary was calculated on a percentage basis, the New York official regularly earned more than the President of the United States. Although the significance of import taxes declined over time as the Federal Government found new sources of income, the U.S. Custom House continued to take an active part in the local and national economy, employing a large number of officials, or "collectors," and housing a variety of offices related to State and Federal finance. With post-World War II Treasury reforms and a national move to centralize Federal offices, however, the Old U.S. Custom House, like many of its counterparts in other large port cities, diminished in importance and, by the early 1970s, had lost its original tenants. In 1972, the Custom House officially became a surplus Federal building and passed into the hands of the General Services Administration.

Under the provisions of Federal law, GSA maintained and secured the historic building while soliciting interest from potential Federal tenants. Yet the building's enormous size, coupled with its exorbitant utility bills, dissuaded many initially attracted to its rich historical and architectural legacy. Although the building had been "discovered"
in the middle 1960s by local citizens who were distressed by the ongoing demolition of much of New York’s historic built environment and used as the focus of a campaign to accord special status to selected city buildings, its 1965 designation as a city landmark could not compensate for its perceived shortcomings. Shortly after assuming administrative responsibilities for the building, GSA initiated modest alterations, but these did not prepare the turn-of-the-century architectural masterpiece for modern use. Not until 1976 when the Custom House achieved National Historic Landmark standing and housed a major photographic exhibition emphasizing the potential of adaptive reuse did the building attract serious attention. It took over ten years, however, for the seven-story building, whose interior space equaled roughly one-quarter of the area of the Empire State Building, to find new tenants.

In 1989, the Smithsonian Institution selected the Custom House as the site of the Gustav Heye Center for the Study of the American Indian. While the primary museum is to be constructed on the Mall in Washington, DC, the Heye Center, which will open in 1993, will house the initial exhibits.

At first glance, the "fit" between the Custom House and the Smithsonian museum seemed ideal. Currently housed in the historic Audubon Building, the Heye collection had long been a subject of concern within the museum community. Inadequate climate controls, exhibit space, and a limited budget placed the spectacular collection objects and artifacts at high risk. By assigning it to the care of the Smithsonian, curators hoped to protect the collection from further deterioration and bring it the international acclaim so richly deserved.

To create extensive gallery space, designers planned to insert a plaster "envelope" on the second floor. Inadequate ventilation could cause deterioration of historic fabric.

Over the next year, the Smithsonian and the General Services Administration worked to identify and reconcile museum and building needs and in late October 1990 contacted the Council to initiate Section 106 review. By this point, many decisions had been made that had the potential to seriously affect the National Historic Landmark building. To provide for the extensive gallery space necessary to house the collection, the Smithsonian had developed plans to insert a plaster "envelope" within the circulation corridors on the second floor of the Custom House. This plan would involve extensive alteration of the building's monumental public spaces, which are embellished by magnificent historic murals and sculpture. Further, the inadequate ventilation of historic fabric concealed by the envelope could cause deterioration of those "hidden" features. Although GSA had proposed an exemplary fine arts restoration plan, the Council concluded that the project as a whole would adversely affect the NHL.

Given the delay in initiating the consultation process and the advanced stage of design plans—the Smithsonian intended to let contracts in early 1991—the Council concluded that it would be impossible to fully explore alternatives to the proposed design. Accordingly, on
February 7, 1991, Council Chairman John F. W. Rogers terminated Section 106 consultation with both agencies in favor of issuing Council comments directly. At the Chairman’s request, Council representatives toured the Custom House later that month and met with the consulting and interested parties. In a subsequent letter to the Secretary of the Smithsonian and the Administrator of GSA, the Chairman conveyed the delegation’s findings, which included the recommendations that the Smithsonian reevaluate the manner in which gallery walls were to be inserted, develop a stabilization plan for the area to be encased, and develop a comprehensive plan to monitor the historic fabric of the Custom House. It was also recommended that GSA, as the chief steward of federally owned and leased properties, should make a conscious effort to better educate its property managers regarding the treatment of historic buildings.

Shortly after the Chairman’s letter, the Smithsonian agreed to provide improved access to the historic fabric behind the gallery spaces and to design a separate utility system to ventilate the space between the new and existing walls.

An additional concession was to install a device at various windows so that moisture and temperature can be monitored. The Smithsonian will work with GSA to develop a cyclical schedule for the area’s visual inspection. Much of the NHL’s historic fabric will be concealed by the new gallery, but the Smithsonian has used the Council’s comments to minimize the multitude of adverse effects attendant with the original design.

That these problems could have been resolved earlier through the Section 106 process goes without question. By initiating the consultation process at the beginning of the adaptive reuse project, the Smithsonian and GSA could have benefitted from the Council’s considerable expertise in this area. Instead, by focusing almost exclusively on the optimum environment for the fragile museum collection as opposed to the relationship between that collection and its new home, the Smithsonian and GSA neglected the needs of the NHL and almost subjected it to serious—and unnecessary—alteration. The resolution of the Custom House project illustrates the potential of the Section 106 review process to identify and resolve short-term and long-range problems with adaptive reuse projects. It also emphasizes the need to balance new against historic functions in adaptive reuse projects from the beginning. Under the best of circumstances, competing needs can be reconciled without sacrifice on either side; however, more often than not, circumstances are not ideal. Responsible Federal property management should attempt the ideal balance first and then utilize the Section 106 process to help identify areas for compromise.
CASE STUDY 3: Chaille Block

**Located in Miami’s** downtown near the Old Federal Courthouse and U.S. Post Office Building, indi-

dividually listed in the National Register of Historic Places, historic Chaille Block exemplifies an archi-

tectural style—and a lifestyle—unique to early southeast Florida. Built in 1910 for commercial use, 

Chaille Block is near the circa 1905 home of William Chaille, one of the city's first commissioners, and down 

the street from the distinguished Central Baptist Church, founded in 1894 and predating Miami's incor-

poration by two days. Constructed from native materials that have stood the test of time, Chaille Block and its 

associated properties recall turn-of-the-century Miami, before its racetracks, flamingos, and Art 

Deco cityscape became national icons.

Yet Chaille Block, like much of south Florida's historic built environment, has fallen prey to progress. Its once 

elegant pedestrian arcade and generous balconies, reminiscent of Caribbean architecture, seem anachronistic in 

these days of universal air conditioning, and the handful of small shops at ground level are hard pressed now 

that shopping malls have diverted traffic from the old downtown. William Chaille's private residence, re-

incarnated as Abe's Rooms, boasts rentals by the day, week, or month, and the Central Baptist Church ex-

erts its spiritual authority to an ever-shrinking congregation. At first glance, Chaille Block and its immediate 

surroundings have little to recommend them. A Miami Herald article observed that the buildings "are falling 

apart. Upstairs windows have been blocked and boarded shut, overhanging balconies abandoned, pressed 
tin ceilings corroded from decades of unrepaired roof leaks."

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FBOP viewed the area's deterioration as positive for their purposes.

The Federal Bureau of Prisons (FBOP), however, saw things differently. Searching in 1989 for a central location to build a 1,000-bed Metropolitan Detention Center (MDC), necessitated by south Florida's flourishing drug trade and growth of violent crime in general, the FBOP viewed the area’s state of deterioration as a positive good.

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**Chaille Block, Miami, Florida**

What happens when the preservation of a historic resource poses a security threat to the local community?

Lead agency: Federal Bureau of Prisons
Consultation initiated: Fall 1990
Property management issue: Siting new construction
Resolution: Memorandum of Agreement completed
The building on the left was constructed in 1929 and is currently owned by the city of Los Angeles. It was originally the site of the Alhambra Court, a former movie theater. The building has been renovated and now serves as a community center and cultural hub.

The second building, located on the right, was constructed in 1932 and is also owned by the city of Los Angeles. It was originally the site of a bank and is now used as a historical museum. The building has been preserved in its original state, providing visitors with a glimpse into the city's past.

Both buildings are significant landmarks in Los Angeles and are protected as historical resources. They serve as important cultural and community centers, preserving the city's history and promoting community engagement.
Other factors weighed heavily in its favor. Proximity to the U.S. Courthouse, for example, meant that prisoners would not have to be transported long distances to await trial, saving the government time and money and providing a higher degree of security for city residents. GSA’s plans to construct a new Federal Law Enforcement Building adjacent to the proposed prison further enhanced the appeal. With the consolidation of several key Federal offices, including the U.S. attorney general’s office and the Bureau of Tobacco and Firearms, downtown Miami stood to improve an existing legal corridor.

Equally important, Chaillé Block had few defenders as compared to the other sites under consideration. The preferred location for the MDC, one block away near the New World School of Art, for example, drew harsh criticism from students and school officials. A second location under FBOP consideration, the site of a network television tower, was deemed too expensive. Chaillé Block, on the other hand, apparently was up for grabs. Its handful of remaining tenants suggested they would not put up a fight and, given its pervasive decline, it seemed unlikely to find an outside champion. Under these circumstances, the FBOP decided to acquire the block, demolish it, and build a multi-story detention center that was compatible with area office buildings.

\textbf{The Miami community voiced a surprising degree of resistance to demolition.}

FBOP officials were, therefore, surprised at the degree of resistance their decision occasioned from the Miami community, although history suggests that this reaction was perfectly in keeping with community sentiments. When the Miami Department of Transportation sought to run its “people mover” directly through the Chaillé area ten years earlier, it citizens protested strongly. Now familiar with the Department of Transportation’s track record of entrenched opposition to local officials and preservationists did not hesitate to assert their prerogative under Section 106. In a series of public and private discussions, Chaillé advocates asserted that the block’s failure to conform to conventional perceptions of historically significant structures did not mean it lacked importance. On the contrary, residents represented by the Miami Heritage Conservation Board held up the block’s distinctive appearance as a unique example of Florida’s history, a rare specimen of Miami’s first generation, or pre-boom, architecture, especially downtown. The issue, FBOP emphasized during subsequent discussion, was that of security; the MDC had to be capable of withstanding internal or external assault. Under these circumstances, FBOP, in consultation with structures experts, concluded that demolition of the Chaillé Block was the only plausible plan on the grounds that in its current state, it would pose a very real security risk to the greater community. After conversations with city officials, local preservationists and the SHPO, FBOP agreed to retain 14 feet of the building’s facade for display of historic photographs, yet this solution was far from ideal. From a preservation standpoint, retention of the small portion of the block’s historic facade was virtually indistinguishable from total demolition as the original buildings would not be used – just skins with totally new construction behind.

\textbf{Still the question} remained: how could the Federal Government’s concern with protecting the Miami community be reconciled with that community’s desire to protect Chaillé Block? The Section 106 process pointed the way to effective resolution of the conflict. During an onsite meeting in November 1990, Council staff persuaded FBOP to reopen the discussion and
examine alternative uses for the Chaille buildings, including their outright incorporation into the new structure. Following the meeting, FBOP discovered and created uses for the buildings at issue and agreed to restore the facades and significant interior detailing. The new plan would preserve 34 feet of the block, measured from the facade line, and put the first-floor space to active use.

**A compromise was developed through Section 106 consultation.**

The subsequent Memorandum of Agreement, drafted by Council staff, mandated documentation of the Chaille buildings and Old Federal Courthouse and Post Office according to the standards set forth by the Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) Division of the National Park Service. It also contained provisions for the protection of archeological sites that might be uncovered during the construction process. During the period preceding construction, the area will be secured against the weather and unauthorized visitors. FBOP will consult with the city and SHPO concerning the character-defining elements of the buildings which will be incorporated into the MDC and protect them from damage during the construction process. Finally, the MOA provides for the systematic review of FBOP designs at specific stages by the Miami Heritage Conservation Board, a key player throughout the consultation process, and sets forth a time frame and comment procedure for the review process.

**Creative compromise allowed old and new to coexist.**

**THE MOA WAS SIGNED** by the Executive Director on February 2, 1991. In late spring, the Council received revised concept drawings for the Miami Center which show the retention of the Chaille Block to a depth of 34 feet and the use of the first floor space for offices. The block would accommodate various functions that do not require tight security, such as a credit union, employee fitness facilities, employment offices, and probation offices. The design will be refined through additional review before the Miami Heritage Conservation Board and the Florida SHPO; design review will address such things as finish details of the new building mass immediately behind Chaille Block and the restoration details for the block itself.

The FBOP decision to incorporate Chaille Block into the design of its new facility illustrates the positive potential of compromise as mediated through Section 106. It also emphasizes the significant impact and strong leadership in historic preservation the Federal Government can exemplify through the construction of new facilities. In the case of the Miami MDC, FBOP eschewed the easiest and most economical approach to Chaille Block--demolition--in favor of a design more sensitive to the historic area. This path enabled FBOP to satisfy community historic preservation concerns as well as its own needs for expansion. Most important, it indicates the profound role Federal agencies play in shaping the local environment. When agencies are willing to entertain the notion of compromise, Federal undertakings can redound to the public good. Conversely, particularly when they involve new construction, undertakings can rob a community of its historic built heritage. At Chaille Block, creative compromise allowed the old and the new to coexist to the benefit of downtown Miami.