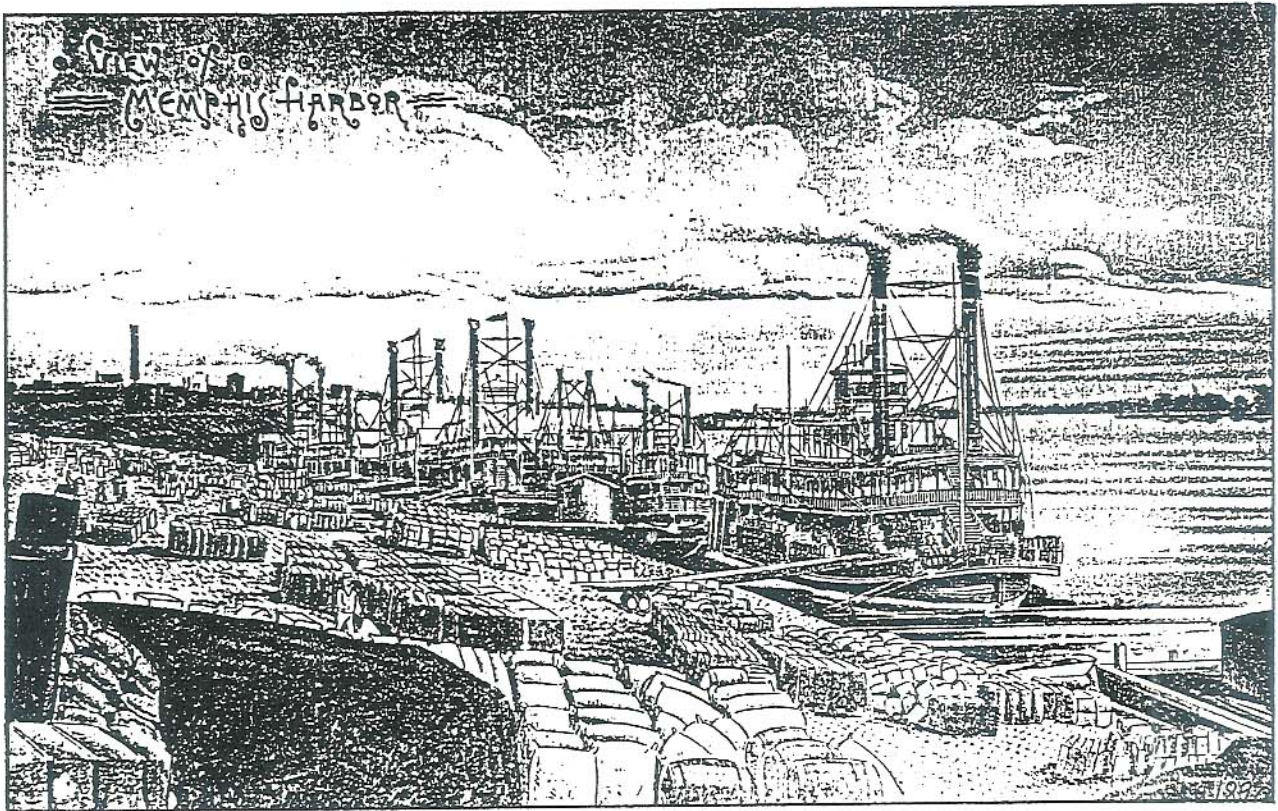


THE MEMPHIS LANDING
CULTURAL RESOURCE ASSESSMENT AND PRESERVATION PLAN,
CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE

PART 2: PRESERVATION PLAN

(DRAFT)



GARROW & ASSOCIATES, INC.

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Division of Engineering
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I. INTRODUCTION

The Memphis Landing is a part of Memphis that could be easily overlooked, especially by the casual visitor to the city. However, if one place can be cited as the definitive reason for the establishment of Memphis, the Memphis Landing on the Mississippi River is that place. Most Memphis residents know the role of the Landing in the formation of their city's history, and they hold it in special esteem.

Though a first view of the Landing may give only the impression of a vast area paved with stones at the river's edge, a closer examination will reveal the complex nature of this apparently simple place. Precise engineering and skilled craftsmanship were required to build the Landing, a structure estimated to have contained nearly a million stones at the time of its greatest extent, around 1881.

For more than a hundred years, the Memphis Landing was the city's principal gateway to the world, until more advanced technologies took over a portion of its role. Thousands of riverboats and flatboats have docked here, bringing to Memphis the products, services, and people to build this region and populate the expanding nation. To the settlers of the nineteenth century who migrated westward, the Mississippi River was a major physical and psychological barrier separating them from the promise of the West. There were only two major places to cross that barrier. In the north, the gateway was the landing at St. Louis; in the south, the gateway was the Memphis Landing.

This document is intended as a five-year plan for the preservation of the Memphis Landing, a property listed on the National Register of Historic Places in August 1979 as a contributing part of the Cotton Row Historic District. This plan was necessitated by the proposed relocation of the Tom Lee Monument from its present site in Tom Lee Park to a new site on the southern end of the Memphis Landing. Because the proposed relocation site is almost entirely within the boundaries of a federal waterway, the City of Memphis was required to file for a permit for the proposed project under the Federal Water Pollution Control Act of 1977 ("Clean Water Act"). Because the proposed relocation affected part of the Memphis Landing, a National Register property, the City needed to seek compliance with Section 106 of the National Historic Preservation Act of 1966. The need for compliance under this act was compounded by the discovery of a large archaeological site (40SY352) beneath the paving of the relocation site. Site 40SY352 was determined potentially eligible for listing, in its own right, on the National Register of Historic Places (Weaver et al. 1994).

The City and the permitting agency, the U.S. Army Corps of Engineers, Memphis District, sought the comments of the Tennessee Historical Commission and the Advisory Council on Historic Preservation, as required by the National Historic Preservation Act. A Memorandum of Agreement among all the affected parties was signed June 21, 1995. Among the many conditions agreed by the parties was the need for the City to prepare an assessment of the Landing as a historic resource and to prepare a preservation plan as a guide for the continued viability of the site and the design and construction of future projects in the area of the Memphis Landing.

The assessment phase of this analysis is reported in the first volume of this study (Weaver et al. 1995). It includes an extensive cultural history of the Landing, a detailed assessment of its existing conditions, a thorough examination of the geological characteristics of its paving materials, and a predictive model identifying areas of potentially significant archaeological remains.

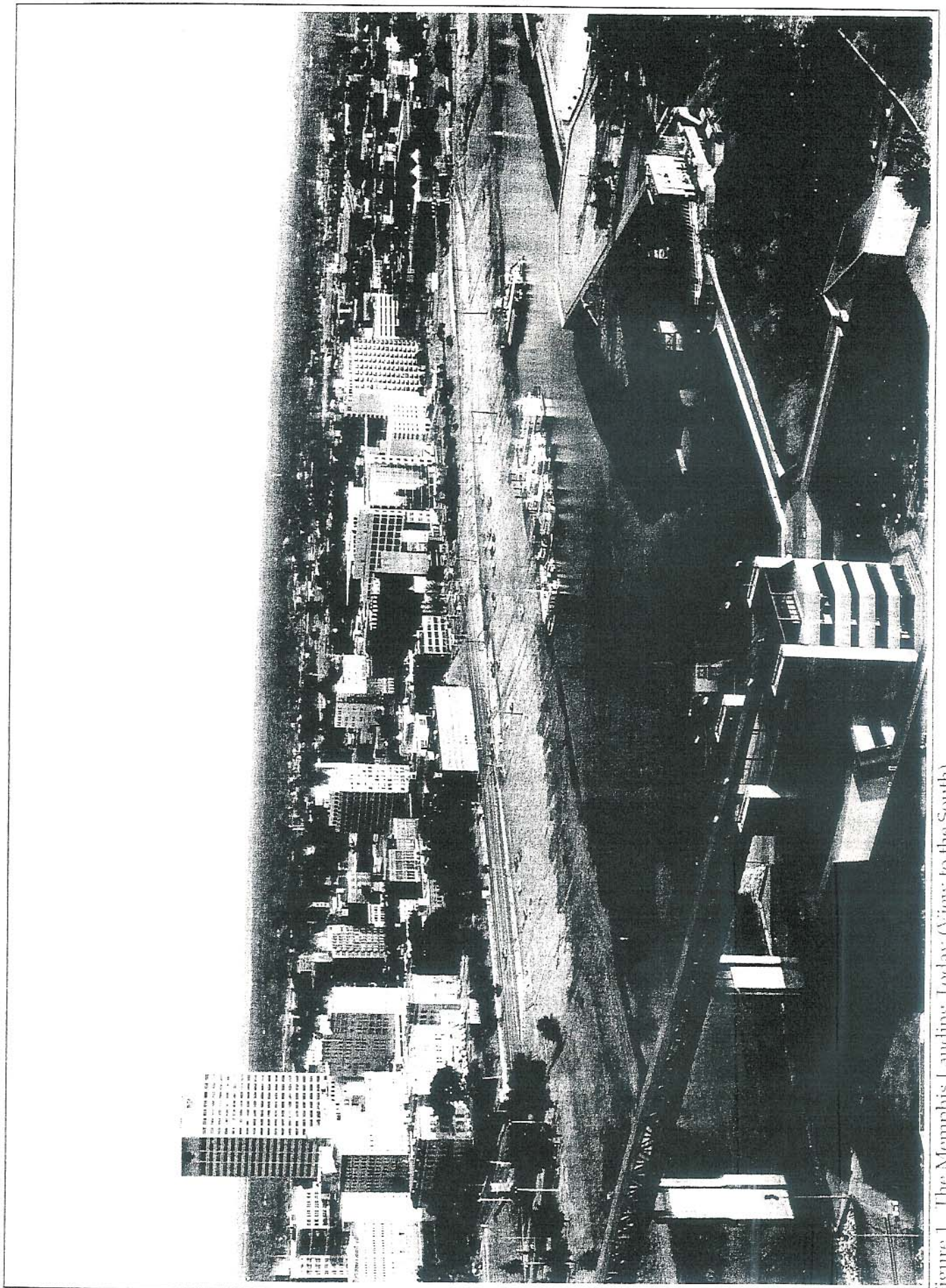


Figure 1. The Memphis Landing; Today (View to the South).

The second phase of this study, contained in this volume, presents the preservation plan for the Landing. The specific components of this plan, as called for in the Memorandum of Agreement, include but are not limited to:

- A plan for future potential economic development and long-term maintenance, including restaurants, boat docks, general accessibility, etc.;
- A plan for future renovation programs, including repair methods;
- A plan for interpretive booklets and exhibits.

PLANNING METHODOLOGY

As stated in the *Secretary of Interior's Standards for Preservation Planning*, published in 1983 and revised in October 1995 (pursuant to Section 110 of the National Historic Preservation Act of 1966, as amended), the purpose of a preservation plan is to organize the "identification, evaluation, registration and treatment of historic properties" in a logical sequence. Apart from the requirement that the plan identify and examine the significance of the resource (presented in the first volume of this report), the Standards state the following principle:

[I]mportant historic properties cannot be replaced if they are destroyed. Preservation planning provides for conservative use of these properties, preserving them in place and avoiding harm when possible and altering or destroying properties only when necessary.

This general principle has been adopted as the primary goal for the plan.

A crucial part of formulating this plan included soliciting views from the public, whether as users or stewards of the Mississippi River and the City of Memphis. The opinions and impressions of members of the traveling public were also solicited.

Members of the affected parties in the Memorandum of Agreement have participated in this process, including City government, the U.S. Army Corps of Engineers, and their agents. Every attempt has been made to discover the range of regulations that may affect the design of any project proposed on or around the Landing. Federal agencies contacted during this process include the U.S. Coast Guard, the U.S. Army Corps of Engineers, the Justice Department, the Environmental Protection Agency, the National Park Service, and the Advisory Council on Historic Preservation. Agencies in the State of Tennessee that have contributed to this plan include the Tennessee Department of Transportation, the Tennessee Department of Environment and Conservation, and the Tennessee Historical Commission. On the local level, input from the City of Memphis has been received from the Division of Engineering, the Office of Planning and Development, the Division of Housing and Community Development, the Memphis Park Commission, and the Memphis Fire Department. Each of these entities has provided valuable insights into the parameters of federal, state, and local policies that would have a bearing on proposed projects at or adjacent to the Landing.

The Preservation Plan does not attempt to design the Memphis Landing, but rather to recognize that significant adverse effects can be expected with any development and that parameters are needed to guide the design and implementation of any proposed development. All future projects for the Landing must consider "prudent and feasible alternatives" if they create an effect that is determined "adverse" for this historic resource. The findings of this plan should be referred to as early as possible in the contemplation of a project so that project design may accommodate pertinent preservation issues. The Preservation Plan proposes means that may

alleviate or minimize a potential source of adverse effect. These means are examples employed for the purpose of demonstration; they are not the only means available to resolve the issue or issues and should not be taken as such.

REGULATORY PARAMETERS ON THE PROJECT DESIGN PROCESS

The National Historic Preservation Act of 1966 was established as a planning tool for use in weighing the effects of "federally-licensed, permitted or assisted projects" on properties eligible for or listed on the National Register of Historic Places. Section 106 of the Act (16 USC § 470[f]) directs that:

the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any state . . . shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license . . . take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register.

Furthermore, the Advisory Council on Historic Preservation must have the opportunity to comment on the project. When a project is determined to pose an adverse effect to the historic resource, the law requires the applicable agency to consider "whether there is a feasible and prudent alternative to avoid or satisfactorily mitigate any adverse effect" (36 CFR 800.5[c]).

In the case of the Memphis Landing, at least two federal laws will require the granting of permits for any proposed projects:

- A permit under Section 10 of the River and Harbors Act of 1899, which relates to construction within a navigable waterway below the average high water mark;
- A permit under Section 404 of the Federal Water Pollution Control Act of 1977, also known as the "Clean Water Act."

These permits require compliance with Section 106 of the National Historic Preservation Act of 1966, as amended.

The Memphis Landing is a historic property that lies largely within the boundaries of the Mississippi River, which is a navigable waterway and thus is regulated by federal authorities. The fact that the Landing extends into an area of local jurisdiction does not separate the area of local jurisdiction from compliance with applicable federal standards. As a result, the project must comply with Executive Order 11593, which was made part of public law in 1991. The order states:

The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation . . .

Federal agencies are directed to:

- Administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations . . . ;
- Initiate measures necessary to direct their policies, plans and programs in such a way that Federally-owned sites, structures and objects of historical, architectural or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people . . . ;

- In consultation with the Advisory Council on Historic Preservation . . . institute procedures to assure that federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance.

In the case of the Memphis Landing, responsibility for compliance with these standards falls to the U.S. Army Corps of Engineers.

Other federal laws and regulations will apply to the Memphis Landing. Compliance with federal navigation laws and regulations is required to avoid having structures become hazards to navigation in the Wolf River Harbor. This concern is especially important during periods of low water. Environmental protection laws concerning the treatment of wastewater may require the use of pumping stations on or near the Landing to connect with the sanitary sewer system of the City. Most challenging, however, will be design issues posed by the Americans with Disabilities Act of 1990 and the Architectural Barriers Act of 1968, due to the systematic association of that part of the Landing that is owned locally and that part that is under federal jurisdiction.

Potential funding sources may carry their own internal regulations. Although funding provided under the Community Development Block Grant program requires compliance only with Section 106 of the National Historic Preservation Act, funding derived from the Intermodal Surface Transportation Enhancement Act (ISTEA) requires compliance with Section 4(f) of the Department of Transportation Act, which states that the agency will refrain from approving any program or project:

which requires the use of . . . any land from an historic site of national, state or local significance as so determined by . . . (Federal, state or local officials having jurisdiction thereof) unless:

- There is no feasible and prudent alternative to the use of such land, and;
- Such program includes all possible planning to minimize harm to such . . . historic sites

Finally, there are local requirements that may affect the design process. In addition to being required to comply with the local building code, the Landing is a historic resource within part of the locally designated Cotton Row Historic District. Any changes to the Landing will require review and approval by the Memphis Landmarks Commission before receiving a permit for construction. The Landmark Commission's Design Review Guidelines for the Cotton Row Historic District have been considered in the development of this plan. These guidelines, however, are subject to independent interpretation by the staff and members of the Landmarks Commission.