



FINDING OF NO SIGNIFICANT IMPACT

Dwight D. Eisenhower Memorial

National Mall and Memorial Parks and the National Capital Region

Congress has authorized the establishment of a memorial to Dwight D. Eisenhower (the Memorial) on a site in the District of Columbia that the National Park Service (NPS) would ultimately manage as part of the National Park System. The Memorial can only be constructed if the Memorial sponsor, the Dwight D. Eisenhower Memorial Commission (EMC), completes all the legal requirements and the NPS issues a construction permit, and compliance with the National Environmental Policy Act (NEPA), is part of this process.

Congress authorized the EMC to establish this memorial to commemorate President Eisenhower's accomplishments and achievements as the Supreme Commander of the Allied Forces in Europe in World War II and as the 34th President, and perpetuate his memory and his contributions to the United States. Pursuant to federal law, the EMC proposes to establish the Memorial on land located at Maryland Avenue, SW at Independence Avenue between 4th and 6th Street, SW, near the US Capitol in Washington, DC (the preferred site). This land is federally-owned with the NPS presently administering a portion of the site. The balance is proposed to be transferred to the NPS so that NPS administers the entire site along with the Memorial once it is completed. The NPS and the EMC have prepared and issued two Environmental Assessments (EA's) to consider this location as the potential site and to evaluate the potential impacts of potential memorial designs on the preferred site.

The NPS hereby announces its Finding of No Significant Impact (FONSI) for Alternative 3, the Maryland Park/Tapestry alternative which is the alternative it has selected for implementation. NPS actions include its issuance of the construction permit for the establishment of the Memorial, and the acceptance of the transfer of jurisdiction of necessary lands. NPS' FONSI is made in accordance with NEPA, the Council on Environmental Quality (CEQ) regulations at 40 CFR Part 1500, the Department of Interior NEPA regulations at 43 CFR Part 46, and NPS Director's Order 12 (DO-12), which implements NEPA. The NPS also complied with the National Historic Preservation Act (NHPA) and other laws as it conducted the NEPA process.

Actions to comply with NHPA Section 106 have spanned years and resulted in the execution of a Memorandum of Agreement (MOA) (Attached). This MOA provides for consultation as the design is refined in the same way that an NHPA programmatic agreement for a complex undertaking might.

Establishment of new memorials in the greater Washington, DC area is governed by the Commemorative Works Act, 40 USC Ch. 89, (CWA), and specific laws authorizing the Memorial including Pub. L. 106-79, 113 Stat. 1212, (October 25, 1999) and Pub. L. 107-117, Section 8120, 115 Stat. 2230, (January 10, 2002). The Eisenhower Memorial proposal was developed following this process, with the EMC, as sponsor, responsible for designing the memorial, raising funds, , and obtaining review and approvals from the Secretary of the Interior through the National Capital Memorial Advisory Commission (NCMAC), the National Capital Planning Commission (NCPC), and the U.S. Commission of Fine Arts (CFA). The timing of the execution of the NHPA Section 106 MOA and this FONSI to complete the NEPA process is so that the NPS can issue to EMC the construction permit required by the CWA for EMC to construct the Memorial if EMC has satisfied all the legal requirements.

NEPA analysis was conducted through two sequential EA's, the first one, for site selection, dated June 2006; the second, on the memorial design at that site, dated September 2011. The EAs analyzed the environmental consequences of the alternatives considered for both the siting and designs of the proposed memorial. The 2006 EA was adopted by the NCPC which issued a mitigated FONSI August 31, 2006, and by the EMC and NPS in developing the analysis in the 2011 EA. Both EA's were used in the NHPA Section 106 process which began in 2006 and culminated with the execution in March 2012 of a

Memorandum of Agreement (MOA) following years of consultation meetings. Throughout the development of the NEPA analyses and in reaching its FONSI, the NPS considered comments from the public, from government agencies and commissions, and from participants in the NHPA Section 106 process.

As a practical matter, until a preferred site is selected for a particular memorial, it may be difficult to develop a design for the memorial itself because that design may be dictated in large part by the site's features and conditions and those of the surrounding area, its setting. Nevertheless, it is possible to assess both the memorial site and the design in one NEPA analysis and frequently that has been done. For this memorial, however, it made sense to first identify a preferred site, as was done in the 2006 EA, which was then followed by the analysis in the 2011 EA of proposed memorial designs at the preferred site. The appropriateness of this approach is highlighted by the differences between the assumptions made in the 2006 EA as to the memorial's design and what was proposed in the 2011 EA. Moreover, the 2011 EA was informed by the range of comments on both EA's, the same way in which a re-issued EA benefits from the input on the initial EA. The public comments on both the EA's and NPS' responses to comments are attached, with the NPS' responses to the 2006 EA comments updated.

SELECTED ALTERNATIVE

As part of the 2011 EA process, the NPS identified Alternative 3, the Maryland Park/Tapestry alternative, as its preferred alternative in the EA and has selected it for implementation. The overall project will include the Memorial design, the transfer of land, and closure of the portion of Maryland Avenue, SW that runs through the site. The Memorial will be located on an approximately 4.15-acre site which is bounded by Independence Avenue SW to the north, 4th SW to the east, 6th Street SW to the west, and the Lyndon Baines Johnson (LBJ) Building to the south. Maryland Avenue SW bisects the site diagonally. The site was chosen as the preferred location in the 2006 EA, and confirmed in the 2011 EA. The site allows flexibility of design for a landscaped plaza and small structures that will become a new visitor destination. Most importantly, the site offers multiple thematic associations with Eisenhower due to its surroundings.

Memorial Design- The overall site design focuses on a central element supported by a series of stone reliefs to narrate the story of Dwight D. Eisenhower and his accomplishments. Large trees will be installed to represent the strength and modesty of President Eisenhower. Cylindrical columns, eleven feet in width and an average height of 78 feet, will form three colonnades to help define the site within the larger context of the city. The colonnades will be aligned in a linear manner and will be used to structurally support and display stainless steel tapestries. The three tapestries will be located along 4th and 6th Streets and along the southern portion of the site. The tapestries will depict different Kansan landscape imagery and have been demonstrated to be substantially transparent. The 50-foot wide Maryland Avenue roadway, to be delineated by an allee of trees, will be closed to vehicular traffic. This design has been informed by the Section 106 process, and will continue to be refined as the project moves forward.

With the exception of Maryland Avenue, the columns will be located outside of the rights-of-way of adjacent streets. Of the ten columns at the Memorial, four will be inside the 160-foot long Maryland Avenue right-of-way. In order to evenly frame the U.S. Capitol, the two columns at the southwest portion of the site will be placed 47 feet on either side of the Maryland Avenue center line, leaving 94 feet between the columns.

The colonnade along the southern elevation of the LBJ Building will be inset to allow clear and uninterrupted views of the eastern and western ends of the building. For the rest of the building, the tapestries will be substantially transparent allowing views of the LBJ Building through the site. The focal point of the Memorial aligns with the center of the LBJ Building and connections from the Memorial to the LBJ Promenade align with entrances to the building.

In order to implement the design of the Memorial, the existing vegetation and soils at the site will be replaced. The 44 existing trees will be replaced by approximately 80 new trees, along with grass and landscape vegetation. The 0.9 acres of existing soils, along with existing pavement, will be replaced by 1.78 acres of an improved soil mix to better accommodate tree growth.

Essential visitor services will be provided in a building, with a footprint of approximately 2,400 square feet, containing a ranger contact station, public toilet facilities, mechanical systems, and book sales area. It will be located on the eastern side of the site and will align with the existing street wall along 4th Street. Nearby, a canopy, installed on the southern colonnade along 4th Street will, to provide a gathering area in inclement weather.

The implementation of the Memorial design requires changes to the existing site. The sunken courtyard which extends from the northeastern portion of the LBJ Building will be made smaller. Two relatively recent uses, the community gardens, which are a permitted special park use, and exercise course located on the NPS property at the northwestern portion of the site, will be removed.

Thematics - Three themes will be presented in the Memorial: Eisenhower's personal journey; Eisenhower as General; and Eisenhower as President. Quotations and imagery on the relief blocks and the tapestries will be used to reinforce these themes.

LBJ Promenade - A minimum 50-foot wide space along the southern end of the Memorial site, between the LBJ Building and the Memorial site, referred to as the LBJ Promenade, will serve as a transition between the contemplative setting of the Memorial and the building. It will provide pedestrian connections to 4th and 6th Streets, as well as the Memorial. The Promenade will also offer gathering space and an overlook to the Memorial below.

Alignment of Maryland Avenue - Establishment of the Memorial will change the alignment of Maryland Avenue between 4th and 6th Streets to return to its historic L'Enfant orientation centered on the U.S. Capitol, allowing direct vistas of the U.S. Capitol. Currently, Maryland Avenue west of the site is directly in line with the U.S. Capitol. Within the site, the roadway curves north to intersect mid-block with Independence Avenue. As part of the alternatives, the alignment of Maryland Avenue would return to its historic L'Enfant orientation with the U.S. Capitol. The Memorial will also close Maryland Avenue to vehicular traffic at the site.

Perimeter Security - Perimeter security features for the north side of the LBJ Building will be incorporated into the design. These features include a 50-foot setback, small pillars to prevent vehicular access, and limited entrance from the Memorial to the LBJ Promenade and Building.

Parking and Bus Access - The parking that is currently allowed along the length of Maryland Avenue, SW, within the project area will be removed. A bus pull-off large enough to accommodate two buses will be provided along 4th Street, adjacent to the Memorial.

Property Transfer - While the entire site is owned by the federal government, administrative jurisdiction is held by NPS, GSA, and the District of Columbia through its Department of Transportation (DDOT). NPS administers the site's northwest corner. GSA administers the plaza in front of the LBJ Building, in addition to the building. DDOT administers the Maryland Avenue, SW portion of the site including the roadway, parking areas, and the median.

The selected alternative will require DDOT to transfer jurisdiction for the existing street space that covers Maryland Avenue, SW, its spur road, and median area at the site. DDOT will also transfer jurisdiction over the Memorial site's sidewalks to NPS while retaining the sidewalks on 4th and 6th Streets adjacent to the Promenade. GSA will transfer the site area located north of the LBJ Building but retain the adjacent Promenade. Both GSA and DDOT's transfers of jurisdiction are now the subject of review and must be recommended by NCPC.

Once construction is completed the Memorial will be operated by NPS as a part of the National Park System. NPS operations, as at its other major memorials, will include staffing the ranger contact station that provides interpretation and education, managing the landscape and facilities maintenance, preservation of Memorial features, and other potential services appropriate within the National Park System for this site and as authorized by NPS. And as at other memorials, NPS will have an NPS cooperating association operate and manage the bookstore on-site.

OTHER ALTERNATIVES

The 2011 EA also analyzed the No Action Alternative and two other action alternatives for the design of the Eisenhower Memorial, along with two other alternatives that were considered but dismissed from further consideration.

The No Action Alternative represents a continuation of existing conditions, operations, and maintenance. Under the No Action Alternative, three separate agencies would continue to administer the area as they are now and no land would be transferred. The No Action Alternative was dismissed from consideration because it did not meet the purpose and need of the project, which is to establish a memorial to Dwight D. Eisenhower.

The two other action alternatives shared key elements of the Memorial design, but varied in the treatment of Maryland Avenue, SW, and neither included a tapestry element. Both Alternatives 1 and 2 include blocks of stone carved with bas reliefs with lintels placed over the blocks. Water features would be placed at the base of each block. Eight cylindrical columns would be placed in a circular colonnade in line with the relief blocks. A central grove of trees would be placed inside the colonnade. Additional trees would be located throughout the site. These alternatives differed in that:

Alternative 1: It would realign Maryland Avenue, SW to its historic location and 50-foot roadway width, also referred to as the cartway width. Because vehicular traffic would bisect the site, relief blocks would be placed on either side of Maryland Avenue with a memorial grove placed south of the roadway. Columns would be 12 feet in diameter and 65 feet in height. Overall, the landscape design is an urban civic park with a grid pattern of trees and hard pathways, representing a 0.06-acre increase in impervious surfaces at the site. Due to its open roadway configuration, it presented a less unified site that diminished the contemplative quality of the Memorial and thereby did not fulfill the design principles.

Alternative 2: It would close Maryland Avenue, SW to vehicular traffic to create a more cohesive civic space. The designed Memorial features, such as the reliefs, would encompass an expanded area. Two of the relief blocks would provide amphitheater-style seating on the sides facing away from the tree grove. The plant elements would have a more prominent presence leading to a stronger park setting, with trees arranged in a formal grid pattern. The limited hardscape elements and expanded vegetation would remove 0.61 acres of impervious surface at the site. It did not fully meet the design principles for the Memorial, and did not establish, as strongly as the preferred alternative, a unified site.

Design Alternatives Considered but Dismissed

Creation of a Square Bounded by Roadways: During the scoping process, some comments suggested adding a street along the southern border of the site to create a formal urban square, bounded by roadways on four sides. Such a square would be operationally consistent with others in Washington, DC and would evoke the L'Enfant Plan. This road would also serve to formally separate the Memorial from the LBJ Building, located just south of the site. However, under a standard configuration, the basement and many components of the LBJ Building's heating and cooling systems are located underneath what would become the street. In this configuration, extensive efforts would be required to make the new street technically feasible to carry the loads of vehicular traffic. Such a street would not be within the project's economic constraints. Additionally, security setbacks for the US Department of Education, housed in the LBJ Building, would necessitate the closure of the street, were it constructed, thus conflicting with the goal of a new roadway.

Retention of the Plaza: Because the existing plaza in front of the LBJ Building was designed in conjunction with the building, consideration was given to an alternative that retained the existing plaza in its current configuration. However, because the plaza would occupy more than 40 percent of the site, this would limit the Memorial to a triangular parcel of less than 51 percent of the site with another 9 percent of the site unusable due to the site components. The limited space for the Memorial would conflict with the stated purpose and need for the project a memorial to that preeminent figure in global history from during the 20th century, Dwight D. Eisenhower.

Site Selection Alternatives Considered but Dismissed

In 2001-2002, 24 potential sites for the proposed Dwight D. Eisenhower Memorial were identified in the District of Columbia. These sites were located within Area I, the central Monumental Core, and Area II, outside of the Core. The potential locations were also predominantly listed in NCPC's *Memorials and Museums Master Plan* as candidate sites for memorials. Two additional sites were alternately evaluated between 2002 and 2004 for a total of 26 sites considered and reviewed during a three-year site selection process.

In March 2002, sites 9-24 of the original site list were eliminated from consideration, leaving eight original sites for consideration in addition to one of the two sites noted above. At that time, nine of the 26 sites were recommended for further consideration including:

1. Maryland and Independence Avenues, SW
2. Freedom Plaza, NW
3. Constitution Gardens, NW
4. U.S. Park Police Stables, SW
5. 23rd Street and Constitution Avenue, NW
6. 1st / 3rd Streets, Pennsylvania/Constitution Avenues, NW
7. Constitution Avenue at 17th Street, NW
8. Inlet Bridge at West Potomac Park, SW

The Reserve, established in the 2003 Commemorative Works Clarification Act to prohibit new memorials from the central portion of the Mall, eliminated sites 3, 4, 5, 7, and 8 from consideration. Site 6 was eliminated separately due to its existing use by the Architect of the Capitol (AOC). By the fall of 2004, the EMC was considering four sites: (1) Maryland Avenue and Independence Avenue between 4th and 6th Streets, SW; (2) Freedom Plaza, Pennsylvania Avenue between 13th and 14th Streets, NW; (3) The Auditors Building (Site #25), and (4) collocation with the United States Institute of Peace (USIP) (Site #26). The EMC further studied these sites in greater detail. The EMC documented its findings in the Commission's *Site Selection Report*, dated November 8, 2005.

In April 2006, Congress authorized the Memorial to be located in Area I. These sites were in the prime areas for memorials within the District of Columbia, however were considered partially or fully occupied or had other constraints; this reduced their feasibility for further consideration. In 2006, NPS, in association with EMC, completed the *Proposed Dwight D. Eisenhower Memorial Site Selection Environmental Assessment* for the selection of the preferred site. As part of this EA process, the Maryland and Independence Avenues, SW site was the NPS preferred alternative, and the remaining three alternative sites were not considered for the following reasons:

The Freedom Plaza Site - #2: It is at Pennsylvania Avenue between 13th and 14th Streets, NW, designed as an open, raised plaza on 2 acres of NPS land, and located in the heart of the central business district next to the Federal Triangle. It is problematic as a site for this memorial. Reasons include the need to relocate the Pulaski Monument and the Dr. Martin Luther King, Jr. time capsule; the accommodation of special events and festivals held on the site; and that the noisy, crowded streets adjacent to the site would prevent a quiet tranquil space for contemplative reflection of Eisenhower's memory.

Auditors Building - #25: This is part of a federal complex on Independence Avenue between Raoul Wallenberg Place and 15th Street, SW. It has easy public access as it is near the National Mall and major museums. It is also near facilities with thematic relationships to Eisenhower: the Holocaust Museum and the World War II Memorial. The building itself is on the National Register of Historic Places (National Register). Obstacles to using this site for this memorial include that the building is already fully utilized by the US Forest Service and would require relocation of 300-400 employees; and that the complex is already designated as a memorial to the Honorable Sidney R. Yates, longtime chairman of the House Appropriations Interior Subcommittee and instrumental in the establishment of the nearby Holocaust Museum.

United States Institute of Peace - #26: This site is located at Constitution Avenue and 23rd Street, NW, close to the Lincoln Memorial, the Vietnam Veterans Memorial, and not far from the Korean War Veterans Memorial. Although the site is now occupied by the Institute's headquarters building, in 2004 there were serious negotiations between the EMC and the Institute to jointly develop the site for their respective projects. This collocation proposal ended, however, when the Institute obtained funding as a single entity and proceeded to construct its building.

Environmentally Preferable Alternative

NPS is required to identify the environmentally preferable alternative in its NEPA documents for public review and comment, although the NPS is not required to select it for action. NPS defines the environmentally preferable alternative as the one that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources. The NPS has evaluated the impacts resulting from the alternatives and has determined that the No Action Alternative qualifies as the environmentally preferable alternative.

The No Action Alternative would not impact biological or natural resources nor cultural resources. It would not degrade the environment through disturbance of soils or removal of vegetation, as would occur through the action alternatives. Views and other elements of cultural resources would not be affected by the No Action Alternative; the existing cultural resources would continue to be managed similar to existing practices. The action alternatives would all result in adverse impacts to historic resources although they would remove the existing deviation from the L'Enfant Plan: the Maryland Avenue, SW road spur, which would otherwise remain with the No Action Alternative. The No Action Alternative would continue to provide open and cultural space to the visiting public.

Mitigation Measures

The NPS places a strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. To help ensure the protection of natural and cultural resources and the quality of the visitor experience, the following protective measures would be implemented as part of the selected action alternative.

The NPS would place conditions in the construction permit and would implement an appropriate level of monitoring throughout the construction process to help ensure that protective measures are adequate, are being properly implemented, and achieve their intended results, and will make changes in the construction process and protective measures as warranted.

Mitigation Measures of the Selected Alternative	
Resource Area	Mitigation Measures
Cultural Resources: Archeology	The NPS will continue Section 106 consultation through a MOA executed by NPS, the DC SHPO, NCPC, and the EMC. Should cultural resources be found, archeological documentation and in-place preservation, followed by publication of the results to the scientific community and the public, will be instituted.
	The Eisenhower e-Memorial will include information about archeological resources.
	As will be detailed in the construction permit, if during construction, archeological resources are discovered, all work in the immediate vicinity of the discovery will stop until the resources can be identified and documented and an appropriate mitigation strategy developed. If necessary, consultation with the DCSHPO, NPS, and/or the NPS Regional Archeologist will be coordinated to ensure that the protection of resources is addressed.
Cultural Resources: Historic	In the unlikely event that human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act (25 USC 3001) of 1990 will be followed.
	The NPS will continue Section 106 consultation through a MOA, which will also outline measures seeking to avoid, minimize, or mitigate the impact of the proposed Eisenhower Memorial on the LBJ Building, the L'Enfant Plan, and adjacent historic properties.
	The design will incorporate a physical representation to recognize the historic 50-foot Maryland Avenue, SW paved roadway.
	The EMC will complete a survey and documentation of the LBJ plaza in accordance with the Historic American Landscapes Survey prior to construction of the Memorial.
Visual Resources	The Eisenhower E-Memorial will contain information on the governmental departments housed in the surrounding buildings.
	The NPS will continue Section 106 consultation through a MOA, which will also outline measures seeking to avoid, minimize, or mitigate the impact of the proposed Eisenhower Memorial on the LBJ Building and adjacent historic properties.
	The final design will be compatible in terms of size and scale of the built elements and help fulfill the design principles.
Soils	The design will incorporate a physical representation to recognize the historic 50-foot Maryland Avenue paved roadway.
	Prior to construction, an erosion and sedimentation control plan that establishes measures to prevent erosion of cleared areas and the transport of soil and sediment will be prepared. During construction, soils exposed by clearing, grading, excavation, or construction will be stabilized. Soils will be stockpiled using appropriate best management practices
	Soils excavated will be subject to sampling and testing, should indicators of petroleum-impacted soils present themselves

Mitigation Measures of the Selected Alternative	
Resource Area	Mitigation Measures
	during excavation and construction. If determined to contain petroleum hydrocarbons, the soils will be removed and disposed of in accordance with a DDOE-approved safety and remediation plan and appropriate regulatory notification will occur. Impacted soils will be segregated through field screening. Waste characterization samples will be collected. Soils will be disposed of at an appropriate waste disposal facility. Removal activities will be documented.
Transportation: Traffic	Temporary signage will be placed at key locations and intersections to alert and safely re-direct vehicles during construction.
Transportation: Parking	Visitors will be informed of parking areas and be encouraged to use alternate forms of transportation through pre-arrival information, such as on the website or in brochures. Signs directing motorists to parking would be posted.

Why the Selected Alternative Will Not Have a Significant Effect on the Human Environment

As variously documented in both the 2006 Site Selection EA and 2011 Memorial Design EA, the NPS has determined that the selected alternative at the Maryland Avenue, SW site can be implemented without significant adverse effects and impacts. As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

Impacts that may be both beneficial and adverse and which on balance may be beneficial, but that may still have significant adverse impacts which require analysis in an Environmental Impact Statement (EIS): Cultural resources, visual resources, park management and operations, soils, transportation, vegetation, visitor use and experience, and water resources will experience both beneficial and adverse impacts. However, no significant impacts were identified that will require analysis in an EIS.

The EA provides a detailed analysis on cultural resources for three broad categories of National Register properties: archeological resources, historic districts and structures, and cultural landscapes. Implementation will result in long-term negligible to moderate adverse impacts on archaeological resources because the site will be dug up and there is the potential for sub-surface archeological deposits in the GSA and NPS parcels, and that the installation of the blocks, reliefs, and large trees will involve excavating as much as 10 feet, as well as up to 60 - square feet of disturbance for each of the columns.

There will be moderate adverse impacts on the LBJ Building and its designed landscape due to the loss of historic fabric of the plaza and the alteration of historic spatial relationships between the building and its landscape as a result of the placement of the uninterrupted tapestry between much of the building and the Memorial landscape which would serve to physically divide them. There will also be moderate adverse impacts on the L'Enfant and McMillan Plans from the placement of built forms outside of the historic roadway that is Maryland Avenue, SW, but within the corridor right-of-way which would alter its openness and its associated primary view corridor. There will be minor indirect visual impacts on the Wilbur and Orville Wright Buildings and the Wilbur J. Cohen Building, all three of which have been determined eligible for inclusion in the National Register, and on the U.S. Capitol because it would alter the reciprocal views between the LBJ Building and surrounding historic properties, primarily due to the placement of the tapestries. Since the Memorial will not noticeably alter the visual context of the U.S. Botanic Garden, impacts on this resource will be negligible. There will be long-term indirect and minor adverse impacts on the National Mall cultural landscape due to indirect impacts on the National Air and Space Museum (Air and Space), and the Hirshhorn Museum which are located on the National Mall across Independence Avenue, SW, from the Memorial. These impacts will result from the ten columns and three tapestries that would reach an average height of 78 feet and would be highly visible from Air and Space and the Hirshhorn. However, the columns and tapestries would be placed within an existing urban context and would be consistent in height with adjacent buildings, including the LBJ Building to the south. The columns would not be seen from Union Square. Adverse impacts to archeology, historic structures and districts, and cultural landscapes will be mitigated through terms outlined within the construction permit, a phased approach to archeological investigation, and ongoing consultation through the Section 106 process as agreed to in the MOA.

There will also be minor to moderate adverse impacts to visual resources at the Memorial. There will be a long-term moderate adverse impact on the vista northeast on Maryland Avenue, SW because the monumental scale of the columns would exaggerate the relative size of the Capitol Building. Because these built forms at the edge of the vista would help frame the Memorial site, long-term adverse impacts

on the vistas along Independence Avenue, SW and north on 4th Street, SW will be minor. Adverse impacts will be moderate and long-term on the views southwest from the Mall at 4th Street, SW as a result of the landscape trees, two tapestries, and their supporting columns being visible along this corridor. There will be long-term moderate adverse impacts on views to and from the LBJ Building and surrounding visual context because of the Memorial elements.

There will long-term, minor adverse impacts on park operations and management. Implementation of selected alternative will place additional budgetary, maintenance, and staffing responsibilities on NPS and the Park unit, National Mall and Memorial Parks (NAMA), which will administer the Memorial because increases in funding and staffing will be required. As the park incorporates new operational needs into their annual budget and park staffing, these burdens will decline over time as they became incorporated into the long-term activities of NAMA and NPS.

There will be long-term beneficial impacts on soils by removing 1.07 acres of impervious surface and replacing it with soil, increasing the amount of productive soils. Existing soils will be disturbed during construction by removing existing pavement and vegetated areas, resulting in short-term minor adverse impacts on soils.

Maryland Avenue, SW will be closed to traffic, instead re-routing it around the site. The southern intersection of Maryland Avenue, SW and Independence Avenue, SW (the road spur), would be removed. These changes will minimally increase travel and wait times at nearby intersections, although these will be within acceptable levels of service. As a result of the roadway reconfiguration, two intersections would drop from Level of Service B to C and one intersection would improve from B to A. During construction, the movement of materials, equipment and workers to the site will occasionally constrict adjacent roadways resulting in short- and long-term minor adverse impacts on traffic.

Concerning parking, there will be long-term minor adverse impacts. The selected alternative will remove 67 parking spaces along Maryland Avenue, SW within the site, although adding two spaces on the site, as well as space to accommodate tour buses. Visitors are estimated to generate the need for fourteen more spaces which will be accommodated by garage and metered street curb parking within one block of the site. Construction of the Memorial will temporarily restrict parking along Independence Avenue, SW and 4th and 6th Streets, SW resulting in short-term moderate adverse impacts.

Grass, modest landscape plantings, community garden vegetable and flower plots, and 44 mature trees will be replaced by approximately 80 large trees and more extensive landscape plantings. Many immature trees, particularly those along the street, will be replaced by larger trees. The quality of the trees will improve and will be sustained due to improvements in soil and drainage. This will result in short-term moderate adverse impacts and long-term beneficial impacts on vegetation.

Providing another cultural attraction for visitors of the National Mall that is a landscaped gathering space with pedestrian attractions and bicycle racks will result in long-term beneficial impacts to visitor use and experience. Visitors will have the opportunity to learn about President and General Eisenhower in a quiet and contemplative environment. In contrast, the removal of community gardens and the exercise course will result in moderate adverse impacts to those who currently utilize them. There will be also short-term moderate adverse impacts due to construction noise and activity.

The design of the Memorial reduces the impervious surface area from 79 percent to 58 percent of the site, which will reduce the amount of stormwater on-site. The interior portion of the site will slope to drain internally to on-site stormwater storage facilities, which will decrease the amount of stormwater discharge from within the Memorial site. Overall, the selected alternative will result in short-term, minor adverse impacts and long-term negligible adverse impacts on water resources.

Degree of effect on public health or safety: The LBJ Promenade would form a minimum 50-foot buffer between the Memorial and the LBJ Building, to maintain a security stand-off area. The LBJ Promenade would provide an emergency evacuation route for the LBJ Building and provide access for emergency responders but not for emergency vehicles. GSA, from its review, determined that there is adequate emergency response access to the LBJ Building via 4th and 6th Streets, SW; the remaining three sides of

the building would have full fire department access. The issue of pedestrian safety is addressed under the impact topic of visitor use and experience.

During construction, there will be signage, and announcements on the park website and in the media to alert the public to the construction. To negate risks to the public and employees working in the LBJ Building, the entire site will be fenced off and closed to personnel not associated with the construction. Noise and dust generated from the construction site may, however, have short-term negligible adverse impacts to people in close proximity. Construction activities for the Memorial would disturb existing petroleum-contaminated soils at the site. Mitigation measures would include removal and treatment of any waste or materials found, and the wearing of protective gear by those who would potentially come into contact with such materials, in accordance with an approved safety plan. Such materials would not pose health risks to the public through best management practices and due to their location underground, posing little opportunity for contact with the public.

An exhaust duct for the LBJ Building electrical and mechanical room is located at the existing plaza and would be relocated to the LBJ Promenade. This exhaust would not be hazardous or have temperature differential such that a pedestrian would be burned.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, wetlands, prime farmlands, wild and scenic rivers, or ecologically critical areas: No wetlands, floodplains, prime farmlands, wild and scenic rivers, ecologically critical areas, or significant ethnographic resources occur within or adjacent to the site and none will be impacted by the actions associated with this alternative. Requirements for addressing impacts to wetlands and floodplains are contained in Executive Order 11990 (Protection of Wetlands) and in NPS Director's Order 77-1: Wetland Protection; and Executive Order 11988 (Floodplain Management) and in NPS Director's Order 77-2: Floodplain Management. Because there are no wetlands found within the Memorial site, and it is located outside of the 100-year floodplain no additional compliance per these requirements was carried forward.

The cultural resources within the project area are included in the NHPA Area of Potential Effect (APE) and range from cultural landscapes and individual buildings to archeological sites. Nine individual buildings and two cultural landscapes are within the APE and are listed in Chapter 3 of the 2011 EA.

The Memorial will be located, in part, on the plaza that is part of the LBJ Building which is eligible for the National Register. It will displace the plaza and remove much of the historic fabric of the designed landscape at the LBJ Building, changing the historic spatial relationships between them. The Memorial design will alter reciprocal views between the LBJ Building and surrounding historic properties, primarily due to the placement of the tapestries. The views impacted will include those to and from the LBJ Building, the Wilbur J. Cohen Building, and the Wilbur and Orville Wright Buildings.

Overall, the changes to the site will result in a long-term moderate adverse impact on elements of the L'Enfant and McMillan Plans due to the placement of the built forms of four columns and the tapestry in the northeastern corner of the site, outside of the 50-foot wide Maryland Avenue, SW cartway, but within its historic 160-foot long right-of-way, will alter the openness of the right-of-way and its associated primary view corridor for pedestrians among the street trees that line Maryland Avenue, SW.

Degree to which effects on the quality of the human environment are likely to be highly controversial: No highly controversial effects in terms of scientific uncertainties as a result of the Memorial were identified during the preparation of the two EA's or from the public comments.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks: There were no highly uncertain, unique, or unknown risks identified during either preparation of the two EA's or from the public comments.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration: The selected alternative neither establishes an NPS precedent for future actions with significant effects nor represents a decision in principle about a future consideration. Each memorial project is unique; moreover it is pursuant to specific legislation and consequently has different requirements and presents different issues.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts: Implementation of the selected alternative will have no significant cumulative impacts. As described in the 2011 Memorial Design EA, other actions that could have incremental effects primarily include the construction, use, and occupation of other facilities on or near the National Mall, and the rehabilitation or renovation of existing facilities. Specific projects that have been proposed or are underway include the Mary E. Switzer Building renovation and site improvements; Federal Office Building 8 renovation and site improvements; the construction and establishment of the American Veterans Disabled for Life Memorial, the Vietnam Veterans Memorial Visitor Center, and the National Museum of African American History and Culture; completion of the construction of the Potomac Park Levee; completion of the Lincoln Memorial Reflecting Pool and Grounds rehabilitation project; completion of the Constitution Avenue Street improvements and the Madison Drive streetscape improvements. Other proposals and projects include the Jefferson Memorial seawall rehabilitation; the National Aquarium renovation; the Mall Turf rehabilitation project; the Jefferson Memorial vehicular security barrier project; the Washington Monument security screening facility; the redesign and renovation of Sylvan Theater and Constitution Gardens; the redesign of Union Square; and the National Gallery East Building exterior renovations. Moreover, there may be additional individual perimeter security projects within the area; DDOT may create a bike lane on 4th Street, SW; and GSA may be conveying for development and/or developing government property in Southwest Washington, D.C. Since the time of the 2011 there has now been announced a proposal to convert the Old Post Office Building into a Trump hotel.

If important archeological resources are encountered as part of these other projects, this could result in long-term negligible to moderate adverse impacts to archeological resources when combined with the impacts that will occur from implementation of the selected alternative. The impacts to historic resources associated with the ongoing or planned projects within the city, when added to the impacts that will occur from implementation of the selected alternative, could result in long-term moderate adverse cumulative impacts on historic resources.

The disposition of GSA parcels of land along Maryland Avenue, SW, to the west of the Memorial site, could result in a beneficial impact on views northeast on Maryland Avenue, SW if the diagonal streetscape becomes more defined and the street trees are consistently sited along the roadways. Alternatively, if the disposition of GSA property on Maryland Avenue, SW did not result in a more defined streetscape, the impacts on views northeast on Maryland Avenue would be negligible. These impacts, when combined with the long-term moderate adverse impacts on visual resources of the selected alternative, will result in long-term moderate adverse cumulative impacts on views northeast on Maryland Avenue, SW. There would be minor adverse cumulative impacts to views along Independence Avenue, SW because the features of the Memorial will only be slightly visible. There would be long-term moderate adverse cumulative impacts on views within the surrounding visual context and minor changes to the working environment of adjacent buildings.

Some of these proposed projects related to visitor use and experience are relevant to the Eisenhower Memorial. The American Veterans Disabled for Life Memorial is planned for a site two blocks east of the Eisenhower Memorial site. This would enhance the visitor experience, resulting in long-term beneficial impacts. No date has been set for the commencement of construction for this memorial. The National Museum of African American History and Culture for which ground has been broken, the proposed Vietnam Veterans Memorial Visitors Center, the redesign of Constitution Gardens and the Sylvan Theater area, the renovation of the National Aquarium and potentially Union Square, would all offer nearby attractions for visitors to the Eisenhower Memorial. The Mall Turf rehabilitation, the Jefferson Memorial Vehicular security barriers project, and the Washington Monument security screening would augment the existing visitor facilities. Overall, once these projects are past the construction phase they would enhance the visitor experience, resulting in long-term beneficial impacts. These impacts when added to the impacts that will occur from the implementation of the selected alternative will result in beneficial and adverse cumulative impacts on visitor use and experience.

There will be minor adverse cumulative impacts on park operations and maintenance. Over the long-term, those projects that are NPS' that would add to the impacts of the selected alternative, will likely improve NAMA's facilities and require less frequent maintenance. However, the operation of these

facilities would increase staff requirements. Budgets will be adjusted over time to support additional resources similar to the implementation of the Selected Alternative. For soils, vegetation, and water resources there will be short-term minor adverse cumulative impacts during construction, and long-term beneficial cumulative impacts on soils as a result of the improved soil mix, increased vegetation, and the overall decrease in impervious surface. Traffic in the area will experience short-term moderate impacts during construction. Once construction is complete, the impacts to transportation associated with nearby projects, when added to the impacts that will occur as a result of the Selected Alternative, will result in minor adverse cumulative impacts on transportation.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources: The Memorial site is on and adjacent to a number of historic resources that are listed on, or considered eligible, for the National Register. The plaza in front of the LBJ Building will be removed therefore losing much of the historic fabric of the designed landscape at the LBJ Building. This will be mitigated through the development of a Historic American Landscape Survey study for the plaza. All adverse impacts to historic properties, including National Register resources, can be mitigated to the negligible to moderate level. The construction permit issued by the NPS to EMC will require that if archeological resources are inadvertently found during construction, any impacts to these will be mitigated by a program of archeological documentation during construction.

The NHPA Section 106 process was formally initiated in June 2006, and has been conducted concurrently and in coordination with both the 2006 EA and the 2011 EA. On April 12, 2010, letters were sent to the DC SHPO and the Advisory Council on Historic Preservation (ACHP), initiating consultation with the overall design of the Memorial. NHPA Section 106 consulting party meetings were held on May 21, 2010, March 30, 2011, June 20, 2011, August 31, 2011, October 4 and 19, 2011, and November 16, 2011. The August, 2011 meeting resulted in the consulting parties providing a preliminary assessment of impacts on archeology, historic resources, and cultural landscapes, the findings of which were included in the impact analysis and mitigations in the EA. Subsequent Section 106 consulting parties meetings were held on October 4 and 19, 2011 and on November 16, 2011 in order to refine the assessment of effects to include adverse effects on the U.S. Capitol and to further identify minimization and mitigation measures. This process concluded with an MOA that was executed in March 2012.

Through the implementation of the MOA, adverse impacts to the LBJ Building, the L'Enfant Plan, and adjacent historic properties are expected to be long-term and moderate, and would not constitute a significant impact. Under NHPA Section 106, this will constitute a finding of "adverse effect."

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat: Due to the urban nature of the site and that the proposed activities will be located entirely within previously disturbed or maintained landscapes, no impacts to any District of Columbia or federally-listed species are expected from implementation of the Selected Alternative. On July 15, 2010, letters were sent to both the U.S. Fish and Wildlife Service and the District Department of the Environment regarding the potential for any state- or federally-listed species to be affected by the Eisenhower Memorial project. No responses were received.

Whether the action threatens a violation of federal, state, or local environmental protection law: The selected alternative violates no federal, state, or local environmental protection laws. The Eisenhower Memorial will be consistent with all laws, regulations, and requirements.

PUBLIC INVOLVEMENT

Extensive public involvement has occurred as part of the overall planning effort for the Memorial, including during both the site selection and memorial design planning processes. In addition to public involvement related to the NEPA process, there have been a number of meetings before NCMAC, NCPC, and CFA which were open to the public. Moreover, there have been NHPA Section 106 consultation meetings for years in which interested members of the public could attend. During the site selection process, public involvement included public scoping with a public meeting on February 16, 2006. The Site Selection EA was available for public review and comment from June 16 through July 17, 2006. Agencies, organizations, and individuals were notified by letter; hard copies of the EA were available at

three locations across the District; and electronic copies were available through the NPS's Planning, Environment, and Public Comment web site, PEPC.

The NPS received six comment letters on the 2006 EA from individuals, organizations, and government agencies, including the DC Office of the Fire Marshall. Summaries of these comments and updated NPS responses are attached. The issues raised by these comments were addressed in the 2006 EA or in the 2011 EA. No changes to the site selection EA were made as a result of the comments received.

Scoping for the Design EA ran from April 19, 2010 to May 30, 2010. A public scoping meeting was held April 22, 2010 with notice on the NPS PEPC website. Ten people attended the meeting. Public scoping comments were solicited by mail, email, and online via the PEPC website.

The Design EA was available for public review and comment from September 19, 2011 to October 19, 2011. Notice was emailed to the original public scoping mailing list and to those added to the list throughout the NEPA and Section 106 process. The NPS mailed copies of the EA to federal and District offices, to members of the public who requested it, hard copies were available for public review and a digital copy was on the PEPC website.

The NPS received five comment letters: four from governmental agencies and one from a non-profit organization; none from the general public. The comments requiring response are summarized and attached with the NPS' responses. No changes to the selected alternative or the impact analysis were made as a result of these comments.

CONCLUSION

The NPS has selected for implementation, alternative 3, the Maryland Park/Tapestry alternative, from the 2011 Dwight D. Eisenhower Memorial Design EA. The Memorial will be located on an approximately 4.15-acre site is bounded by Independence Avenue SW to the north, 4th SW to the east, 6th Street SW to the west, and square 492 (the LBJ Building) to the south. Maryland Avenue SW bisects the site diagonally. It has been determined through an exhaustive planning process spanning years that the impacts that will result from the selected alternative will not impair any park resources and values. The impairment determination has been prepared and is attached. The selected alternative does not constitute an action that normally requires preparation of an EIS. The selected alternative will not have a significant effect on the human environment. Negative environmental impacts that could occur are negligible to moderate in intensity. There are no significant impacts on cultural resources, aesthetics/visual resources, park operation and management, soils, traffic and transportation, vegetation, visitor use and experience, and water resources. The proposed action will not cause highly uncertain or controversial impacts, unique or unknown risks, or significant cumulative effects. Implementation of the selected alternative will not violate any federal, state, or local environmental protection law.

The selected alternative does not constitute a major federal action that significantly affects the quality of the human environment. Based on the foregoing of an EIS that is not required for this action, and thus will not be prepared. This is a finding of no significant impact.

Recommended:



Robert Vogel
Superintendent,
National Mall and Memorial Parks

3/4/12
Date

Approved:



Stephen Whitesell
Regional Director
National Capital Region

3.6.12
Date

IMPAIRMENT DETERMINATION

The NPS has determined that implementation of the selected alternative will not result in impairment of park resources and values of the National Mall and Memorial Parks (NAMA). Implementation includes the transfer of the Memorial site to NPS, the NPS issuance of the construction permit for the Memorial, construction of the Memorial by the Eisenhower Memorial Commission (EMC), and the Memorial's management and administration by the NPS after it is established. In making this determination, the NPS followed its interim July 6, 2010 impairment guidance.

According to *NPS Management Policies 2006*, Section 1.4.5, *What Constitutes Impairment of Park Resources and Values*, impairment is "an impact that, in the professional judgment of the responsible NPS Manager, will harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values." Section 1.7 explains the prohibition on impairment of park resources and values:

"While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them."

An impact to a park resource or value may, but does not necessarily, constitute impairment. And not all impacts in parks are under the control of NPS. In this instance, Congress has authorized this activity: the establishment of the Memorial, and some decisions for this memorial are, by law, made by other federal entities such as the National Capital Planning Commission (NCPC) and the U.S. Commission of Fine Arts (CFA). An impairment determination is made for all resource impact topics analyzed for the Preferred Alternative. As described in the EA, implementation of the NPS Preferred Alternative, which is the selected alternative, will not result in impairment of park resources or values whose conservation is (1) necessary to fulfill specific purposes identified in the park's establishing legislation, (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or (3) identified in the park's management plan or other relevant NPS planning documents as being of significance. A draft impairment determination was made publicly available with the EA, and there were no comments submitted in response.

The Memorial site is located in the District of Columbia within Area I as designated by the Commemorative Works Act (CWA). Area I is set aside for just those commemorative works to subjects determined by the Secretary to be of preeminent historical and lasting significance to the United States, and as authorized by Congress. In 2006, Congress authorized placement of the Memorial in Area I. Area I encompasses more than just NPS parkland, and the site selected for the Memorial is federal land near the National Mall that will be transferred to the NPS to become part of NAMA. The site of the Memorial will become one of the Park's non-contiguous areas. Unless otherwise specified, this impairment discussion covers both NAMA as it exists today and the Memorial site which will become part of NAMA.

NAMA contains some of the oldest elements of the National Park System that, in 1933, were put under the management of NPS, and some of the newest, such as the Martin Luther King, Jr. Memorial, dedicated in October 2011. NAMA includes the National Mall, many but not all of the memorials on federal land in Washington, D.C., the Pennsylvania Avenue NHS, and also named parks and parkland circles and triangles. NAMA and its areas are governed by the laws, regulations and policies for the National Park System, and those specific to some or all of these park areas, such as for the Memorial. In 2010, the NPS issued the *National Mall Management Plan/Environmental Impact Statement*. It provides that the Park's purposes include but are not limited to its roles in preserving and maintaining its historic open spaces and vistas, museums and memorials and other government buildings, the National Mall as a completed work of civic art, and providing a "monumental, dignified, and symbolic setting." *National*

Mall Plan, page 10. The National Mall's significance is articulated as, among other things, the home to our enduring national symbols, the center of our cultural heritage, the heart of our nation's capital, reflecting the historic L'Enfant and McMillan plans. *Id.*

In deciding there is no impairment, the NPS reviewed the location and design of the Eisenhower Memorial in light of laws specific to it as well as the Park's purpose and significance, resource values, and resource management goals and desired future conditions as identified in the *National Mall Plan*. This was based on a thorough analysis of the environmental impacts described in the two EA's for the Memorial, public comments, and information gained through the process under the CWA for this memorial. The NPS also considered the effects on some non-NPS resources and this is touched on in this document. The selected alternative will result in impacts to some of the Park resources analyzed for the Preferred Alternative. These impacts are short-term to long-term, beneficial, or negligible to moderate adverse, and are described below for each of the analyzed resources. These impacts are not key to the overall natural or cultural resources of the Park, nor would these impacts hamper opportunities to enjoy the Park.

Archeology - Overall, the selected alternative will not result in impairment to the Park's archeological resources. It will physically affect only those resources located at the site of the Memorial. Archeological resources at the site provide information about the history of the area, and are therefore necessary to the purpose and cultural integrity of the Park. Given the proximity of the project site to Tiber, Goose, and St. James Creeks: it is within 0.5 miles, prehistoric use of the area is likely. However, intensive urban development may have already impacted such sites and features. Given the historic development on the project site, it is possible that sub-surface features associated with the mid-19th to mid-20th century residential and commercial uses remain capped below fill. The selected alternative will involve excavating up to 10 feet for the installation of the blocks, reliefs, and large trees, as well as up to 60 feet for the columns. This excavation is required to fulfill the laws for the establishment of the Memorial since it is required in order to construct the Memorial. To ensure the protection of archeological resources and minimize any potential adverse impacts, all on-site work will be pursuant to an NPS-issued construction permit with conditions pertaining to the discovery and handling of archeological resources. Moreover, NPS is pursuing a phased approach to the identification and evaluation of archeological resources beginning with a Phase 1A study and geoarcheological consultation focusing on the areas of higher sensitivity for archeological resources, and applying the criteria of adverse effect as it pertains to Section 106 of the National Historic Preservation Act (NHPA). All work will follow the *Guidelines for Archaeological Investigations in the District of Columbia* (1998, as amended), the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (1983), and NPS Director's Order 28: Cultural Resource Management (1998). Additional mitigation may be developed through ongoing consultation pursuant to the Section 106 Memorandum of Agreement. Because of this phased approach, any impacts that may occur to archeological resources will not impact the overall integrity of NAMA's archeological resources. Nor will these impacts inhibit opportunities for enjoyment of the Park because the balance of NAMA will not be closed or affected during construction of the Memorial or thereafter, so NAMA will continue to fulfill the purposes for which it was created. The Memorial site will be closed during construction, however after the Memorial is established it will fulfill the specific purposes for which it was created by law, as a memorial to Dwight D. Eisenhower, Supreme Allied Leader in World War II, and 34th U.S. President.

Historic Structures and Districts - There will be no impairment to any historic structures or districts within NAMA as a result of implementing the selected alternative. The Memorial site is bordered and bisected by streets identified in the historic L'Enfant Plan. The National Mall is just to the north and it represents a physical expression of both the L'Enfant and McMillan Plans, therefore respecting the Plans is necessary to fulfill the Park's purpose. Overall, the selected alternative will result in beneficial impacts on the L'Enfant and McMillan Plans from the re-establishment within the Memorial site of the historic alignment of Maryland Avenue, SW, with the removal of a "road spur" that deviates from that alignment, and the removal of parking from the roadway. It will also result in moderate adverse impacts due to the placement of built forms at the edge of the Maryland Avenue cartway. There will be some minor indirect visual impacts and moderate adverse effects under NHPA Section 106 on the adjacent non-NPS historic resources and buildings, however, these will not inhibit the ability of the Park to fulfill the specific

purposes for which it was established; will not threaten the natural or cultural integrity of the park; nor inhibit opportunities for enjoyment of the park.

Cultural Landscapes – Implementation of the selected alternative will not result in impairment of the Park's cultural landscapes. The National Mall is a cultural landscape and a key component of the L'Enfant and McMillan Plans. In 2006, a cultural landscape inventory was completed for the Mall which identified the contributing features and confirmed its national significance as a cultural landscape, and a resource that is fundamental to the purpose of the Park, and it is a key element in the Park's cultural integrity and the visitor experience. There will be no impairment to the Mall cultural landscape since the Memorial will not change 4th Street, SW circulation as it approaches and crosses the Mall. Long-term adverse impacts on these buildings would be indirect and minor, and there would be no adverse effect under Section 106. The selected alternative will include ten columns and three tapestries that will reach an average of 78 feet in height and will be highly visible from the National Air and Space Museum and the Hirshhorn Museum, but not from Union Square which is part of the U.S. Capitol grounds. The columns will be placed within an existing urban context and will be consistent in height with adjacent buildings, including the LBJ Building to the south. The impacts to Park cultural resources resulting from selected alternative will not result in impairment to Park cultural resources. The impacts will not inhibit the ability of the Park to fulfill the specific purposes for which it was established; will not threaten the natural or cultural integrity of the Park; nor inhibit opportunities for enjoyment of the Park.

Visual Resources - Overall, the selected alternative will not result in an impairment of visual resources although there will be long-term moderate adverse effects on some vistas that are considered park resources and values. Two major view corridors that define the Memorial site, Maryland Avenue, SW, and 4th Street, SW, are recognized as contributing vistas within the National Register nomination for the L'Enfant Plan. Maryland Avenue, SW, which bisects the site, has visual connections to the U.S. Capitol. Other important views and vistas include Independence Avenue, SW and views from the National Mall. The National Mall represents a physical expression of the L'Enfant Plan, and is therefore necessary to fulfill the Park's purpose. The selected alternative will result in a long-term moderate adverse impact on the vista northeast on Maryland Avenue, SW due to the change in the framing of the U.S. Capitol; long-term minor adverse impacts to the vistas west on Independence Avenue, SW along the corridor, and north on 4th Street, SW with the altering of its tree lined character; and a long-term moderate adverse impact due to the changes to the historic view southwest from the National Mall at 4th Street, SW. There will also be long-term moderate adverse impacts on views to and from the LBJ Building as a result of the change in scenery that will result from the Memorial. These impacts however, are not necessary to fulfill specific purposes of the legislation to establish the Memorial or NAMA, nor are they key to the natural or cultural integrity of the Park nor will they inhibit opportunities for enjoyment of the Park.

Soils - The selected alternative will not result in an impairment of soils, and it will affect only soils at the Memorial site. The majority of the Memorial site is currently covered with 8 to 19 feet of fill material, followed by varying degrees of sand/silty clays, gravel, and sand. One of the purposes of NAMA is to preserve, interpret, and manage Federal parkland in the national capital. This includes maintaining green space, so productive soils, as a key component of a functional green space, are a resource necessary to fulfill the purposes of the Park. As such, they are an element that supports the opportunity for enjoyment of the Park. The selected alternative will decrease the amount of impervious surfaces by removing hardscape that was part of the pre-Memorial designed landscape and improve the soil matrix and drainage at the site, resulting in long-term beneficial impacts to soils in the project area. Although the proposed Memorial will result in soil disturbance and excavation, short-term impacts will only occur during construction and will not harm the long-term integrity of the soils in the project area.

Vegetation - The selected alternative will not result in impairment to vegetation. The total existing vegetated area of the Memorial site is 0.9 acres. The vegetation consists of landscaped grasses, shrubbery, 44 trees, and permitted community gardens. Since one of the purposes of NAMA is to preserve, interpret, and manage Federal parkland in the national capital as green space, vegetation is a resource necessary to fulfill the purposes of the Park. The selected alternative will replace the existing trees with around 80 new trees that will be more robust and, in some cases, larger. The Memorial landscape design incorporates specific tree species from the original palette of the historic landscape

design and the NPS and the EMC will continue to include or enhance such plantings in the final Memorial design for review by the CFA and the NCPC. The total vegetative area will increase to 1.78 acres. The selected alternative will result in the removal of existing vegetation, including the community gardens. These impacts will be short-term and will not harm the long-term viability of vegetation in the project area. Because the selected alternative will have overall beneficial impacts, moreover the community gardens were never a legislated purpose of NAMA nor of the Memorial, no impairment of vegetation will occur.

Water Resources - The selected alternative will not result in impairment to water resources. There are no wetlands or permanent bodies of surface water neither at the Memorial site nor in NAMA within .65 miles. In addition, the Memorial site is located outside the 100-year floodplain. Requirements for addressing impacts to wetlands and floodplains are contained in Executive Order 11990 (Protection of Wetlands) and in NPS Director's Order 77-1: Wetland Protection; and Executive Order 11988 (Floodplain Management) and in NPS Director's Order 77-2: Floodplain Management. Because there are no wetlands found within the Memorial site, and it is located outside of the 100-year floodplain no additional compliance per these requirements was carried forward. The selected alternative will reduce the impervious surface area of the Memorial site from 79 percent to 47 percent, which will reduce the amount of stormwater ponding. The interior portion of the Memorial site will slope to drain internally to on-site stormwater storage facilities, which will decrease the amount of stormwater runoff from within the Memorial site. Because the selected alternative will have fewer adverse impacts to water quality than the current condition, no impairment of this resource will occur.

ERRATA SHEET

This Errata Sheet contains clarifications for and corrections to the 2011 Memorial EA. The following are prompted by NPS' consideration of the attached comments. These changes do not alter the analysis in the EA.

1. Page 1-4, first paragraph, lines three through seven: Removed "The Finding of No Significant Impact concluded that the design of the Memorial "will respect the historic significance of Maryland Avenue and its historic vista through appropriate design guidance and development limitations." It also left open the possibility of NPS, NCPC, and the U.S. Commission of Fine Arts (CFA) to respectively develop design at the time of site approval."
2. Page 1-15, first paragraph, lines one through three: Removed "Subsequently, during the site selection process, the NPS FONSI for the site as a location for a landscaped memorial included provisions to allow for" and replaced with "Subsequently, the Site Selection EA analyzed the site as a location for a landscaped memorial, including"
3. Page 1-16, added:

L'ENFANT PLAN (1791)

The original comprehensive plan of Washington, D.C., was designed by Peter (Pierre) Charles L'Enfant in 1791 as the site of the federal city. L'Enfant developed a plan that featured ceremonial spaces and grand radial avenues while respecting the natural contours of land. The resulting plan was a system of orthogonal streets with intersecting diagonal avenues that connected the most significant and important landmarks in the city.

THE MCMILLAN PLAN (1901)

The ambitious McMillan Plan, created by the Senate Park Commission in 1901, sought to re-establish elements of the L'Enfant Plan, which included the restoration of the east end of the Mall, the correction of the awkward off-axis placement of the Washington Monument, the inclusion of the new "Potomac Park" (i.e., East and West Potomac Parks), and the removal of railroad tracks from the monumental core (Robinson & Associates 1999). The Commission envisioned the Mall as a formal tree-lined walk flanked by classical buildings, creating an unbroken vista between the Capitol and Washington Monument. The visual focal point of the McMillan Plan was the Mall, which the Commission proposed to extend westward and enhance as a formal, axial greensward. The McMillan Commission members interpreted the L'Enfant Plan as calling for treating the entire Mall, now referred to as the National Mall, as a continuous space to be set aside entirely for public use. A specific landscape treatment plan for the Mall consisted of a greensward flanked on either side by four rows of elm trees (Moore 1902).

4. Page 1-22, prior to the sentence "Therefore, transportation is analyzed as an impact topic in this EA." a new sentence will be added "Pedestrian and bicycle circulation will be discussed under the impact topic "Visitor Use and Experience."
5. Page 2-31, last paragraph, line 21: Replaced "floors" with "floor."

PUBLIC COMMENTS RECEIVED ON THE 2011 DWIGHT D. EISENHOWER MEMORIAL DESIGN ENVIRONMENTAL ASSESSMENT

COMMENTS	COMMENT	RESPONSE
National Coalition to Save Our Mall	The EA identifies the "historic resource" not as Maryland Avenue and the historic plans but instead as "National Mall & Memorial Parks," (p. 1-6) an administrative unit of the National Park Service. Instead of the historic "Purpose and Significance" of Maryland Avenue in the historic plans, the EA describes the administrative purposes of NPS to "preserve, interpret, and manage federal park lands..."	This section of the EA is not intended to identify historic resources; instead it describes the administrative park unit. Historic resources are identified and described in Section 3.1.2.
	The section on applicable "Laws, Executive Orders, Policies, and Other Plans" makes no mention of the L'Enfant and McMillan plans. It lists instead recent agency plans produced by the National Capital Planning Commission (1997 Legacy Plan, 2001 Memorials Master Plan, 2010 Framework Plan, 2010 CapitalSpace Plan) and by the NPS (the 2010 National Mall Plan) that have no status as historic plans.	While the historic L'Enfant and McMillan Plans are identified and described in Section 3.1.2, a description of these plans is added to the attached Errata sheet as entry number 3.
	"The Memorial would restore Maryland Avenue to its historic alignment, resulting in beneficial impacts on the L'Enfant and McMillan Plans" (page 2-39). What is the basis for this claim? This is despite the fact that all 3 Alternatives locate large vertical elements within the 160-foot L'Enfant vista.	The 20 th century "spur road" that deviates from the historic alignment and runs through the site will be removed so that the alignment of the street would more closely resemble the L'Enfant Plan than current conditions. Therefore, there would be beneficial impacts on the L'Enfant Plan. This beneficial impact do not mitigate the overall adverse effects of the Plan. The analysis also addresses the presence of built forms within the 160-foot right of way, stating that impacts from the location would result in adverse impacts.
	In the Coalition's view, the EA fails at the most fundamental level to correctly identify, describe, and acknowledge the historic resources affected by the Memorial Undertaking. This EA cannot legitimately be the basis for any decision making regarding the impacts of this Undertaking on historic properties.	Comment noted. Cultural resources including Historic Structures and Districts, Cultural Landscapes, and Archeology, are described in section 3.1 of the EA. Section 4.2 of the EA describes the impacts to cultural resources that would occur from the alternatives described in the EA. The EA process has also occurred in tandem with a very robust NHPA Section 106 process. Without more specific information regarding the "legitimacy" of the impact analysis, the NPS cannot make any further response.
Architect of The Capitol	The Architect of the Capitol expressed support of the selection of Alternative 3.	Comment noted. Alternative 3, the Maryland Park/Tapestry alternative, is the selected alternative.
Department of Education	The Department of Education expressed support for the tapestry design and column location.	Comment noted. Alternative 3, the Maryland Park/Tapestry alternative, is the selected alternative.
General Services Administration	The General Services Administration expressed support for the Memorial design [Alternative 3, the Maryland Park/Tapestry alternative], noting that the Memorial will enhance the urban character of the neighborhood through additional trees and vegetation and improve stormwater management.	Comment noted. Alternative 3, the Maryland Park/Tapestry alternative, is the selected alternative.
National Capital Planning Commission	The language added does not fully address the topic of emergency access and egress for the alternatives included in the current EA. The reference to "(Dafin, 2006)" pertains to communication regarding public safety of the memorial and its surroundings that took place during site selection, prior to any design being considered. The topic of public safety / emergency access and egress should be addressed in the current EA to confirm that the	While the reference cited in the EA, an email from the GSA Fire Protection Engineer, was established prior to the design of the Memorial, the facts on which the determination was made have not changed. The email assumed that the Memorial would prohibit direct access from the north side of the building, which would instead be

COMMENTS	RESPONSE
alternatives under consideration do not pose any significant impacts. In particular, emergency vehicle access, and specifically ladder truck access, to the north side of the LBJ Building needs to be analyzed, especially as it pertains to how the south tapestry in Alternative 3 may or may not obstruct access to the upper floors of the building in the event of a fire.	accessible via C, 4 th and 6 th Streets, SW. International Fire Code accepts the three sides of the building (C, 4 th , and 6 th Streets, SW) as adequate fire department access. It is, however, not anticipated that the south tapestry, located approximately 75 feet from the north side of the building, would impede access from the north.
The discussion of "Pedestrian and Bicycle Circulation" should still be moved to the "Transportation Systems" section of the EA as not every pedestrian and cyclist will be a visitor to the site. This would require moving the information regarding pedestrian and bicycle circulation in the "Affected Environment" and "Environmental Consequences" sections of the AE from "Visitor Use and Experience" to "Transportation."	NPS has decided to retain current EA organization of pedestrian/bicycle circulation issues. A sentence, however, will be added to "Transportation Systems" identifying where these topics are covered. See Errata sheet entry number 4.
As NCPD staff understands it, NPS did not issue a FONSI for site selection due to the inability to complete Section 106 with the DC SHPO. In a letter to NPS dated August 31, 2006, the DC SHPO stated "we do not believe it is necessary to make an official determination of effect for the project at this time." Based on NPS regulations, without officially concluding Section 106 the NPS was unable to issue a FONSI. This was recently confirmed with NPS staff.	Removed this reference in EA to a FONSI. See Errata sheet entry number 2.
The site selection EA does mention the possibility that the memorial could include a small amount of building space. The current EA should be modified to be consistent with this prior NEPA document.	The 2011 EA describes the small building throughout the document. See Section 2.2.2 in the EA.
Please clarify where in the EA construction related impacts to pedestrian, vehicle, and bicycle circulation; and access to the LBJ Building are addressed. The project will likely require the closing of the sidewalks along 4th and 6th Streets and Independence Avenue. Therefore, impacts to circulation volumes along these sidewalks should be analyzed.	The Traffic analysis, (page 4-77) states that alternatives would constrict rights-of-way in the immediate area during construction, and would therefore result in a short-term minor adverse impact. The Visitor Use and Experience analysis, (page 4-101) states that the alternatives would temporarily disrupt site use during construction and that the roadways would be removed during the construction process, closing it to visitors and result in short-term moderate adverse impacts.
Insert the following language into 4-25: "The design principles were created with the intent to avoid potential impacts. Consequently, a determination that an alternative contradicts the design principles and consensus cannot be reached through an MOA may indicate that the use of the site as a memorial would have significant impacts on the environment."	The NPS does not feel the need to include this suggested language. The NCPD Design Principles are described in detail on pages 2-25 through 2-29. In addition, the NPS believes that the selected alternative is consistent with the design principles, and continues its coordination with all pertinent agencies to strive that it remains consistent with these principles.
The threshold for determining consistency with this design principle is not whether an alternative "intrudes into the rights-of-way of 4th or 6th Streets or Independence Avenue" as currently stated in the EA. Rather, consistency with this design principle should be measured in terms of the location of memorial elements in relation to the building lines (established by the buildings that surround the site) along 4th and 6th Streets and Independence Avenue rights-of-way. Based on information contained in the site selection EA, testimony provided by the design team before NCMAC,	The design principles state that the memorial should "respect the building lines of the surrounding rights-of-way." This is accomplished at the Memorial site where the closest building element is located 31 feet from the Independence Avenue, SW right-of-way. The design team reviewed the broader setbacks along Independence Avenue, and at the Memorial site the materials outside the rights-of-way and sidewalks are consistent

COMMENTER	COMMENT	RESPONSE
	CFA, and NCPC, and the site geometry diagram created by the design team (see attachments) it is clear that the building line along Independence Avenue has long been understood to be the line established by the Wilbur Wright and Wilbur Cohen buildings. Therefore, the discussion of all three alternatives regarding consistency with this particular principle should be modified accordingly."	with locations elsewhere along the avenue.
	As has been expressed by NCPC staff at recent Section 106 meetings, much progress has been made with regard to this alternative's consistency with this particular design principle as a result of the reorientation of the east and west tapestries and centering of the Maryland Avenue vista on the Capitol. However, we still consider this alternative to be inconsistent as a result of the height of the columns and tapestries in relation to the proportions of the vista towards the U.S. Capitol.	This EA described aspects of the design that relate to the principles, but did not make determinations regarding the consistency of the alternatives with the design principles. These determinations will continue to be made by NCPC and will be informed by the NHPA Section 106 consultation process in the NHPA Section 106 MOA, executed on March 1, 2012. The EA focused on the impacts. Nevertheless, NPS has determined that the built elements, which are located 24 feet from the edge of the cartway and outside of the tree line, do not conflict with the design principles.
	"The upper floors of the LBJ Building would be unobstructed, as would the eastern and western portions of the Building's north elevation" isn't necessarily accurate as currently the views from the upper floors of the LBJ Building would be considered to be "unobstructed." Based on the current design of this alternative, only the top floor view could possibly be described as being unobstructed while the floors just below the first cornice would be partially obstructed by at least the structure of the tapestry and at times the "imagery" that is welded onto the structure.	Revised to "floor" in Errata sheet entry number 4. This change did not change the outcome of the impact analysis.
	This table should be reinserted into the EA containing a column that denotes each alternative's consistency with the design principles. This column should take into consideration the comments made by NCPC in its Concept review and the recent information presentation, and by NCPC staff at Section 106 meetings.	As discussed with NCPC prior to the release of the EA for public review, the table describing how each of the alternatives meets the NCPC design guidelines that was contained in a previous internal working draft shared with NCPC was simply replaced by narrative on EA pages 2-25 through 2-32.
	This section should discuss mitigation measures for impacts to pedestrian circulation during construction. Also, as noted above it should be clear in the EA that impacts to pedestrian circulation will occur.	Mitigations pertaining to pedestrian flows are provided on pages 2-34, 2-35. Impacts to pedestrian circulation are discussed on page 4-101.
	The section describing the transportation topic area should include an inventory of pedestrian and bicycle traffic on and around the site in order to assess the short and long term impacts of the Memorial, including impacts caused during construction.	Page 3-41, Visitor Use and Experience, inventories existing pedestrian and bicycle traffic in and around the Memorial. Impacts are discussed on page 4-101.
	As part of the Section 106 consultation process, there is still an ongoing discussion regarding the complete set of identified adverse effects associated with the preferred alternative. At the time these comments were prepared, the DC SHPO has still not responded to the determination of effects submitted by NPS on September 14, 2011. Not only does the result of this discussion influence the content of the EA, but the mitigation that is identified is also impacted by the results of this discussion. Therefore, the EA should be updated once all of the adverse effects have been identified and the discussion regarding mitigation is further along.	The MOA as executed on March 1, 2012, by all parties, including the DC SHPO, reflects their collective position on adverse effects and mitigation. In any event, this outcome does not result in the need for NPS to revise and recirculate the EA. It is not the policy of the NPS to issue a Draft EA, followed by a Final EA. The MOA has been considered in reaching this decision and FONSI.
	The Historic Resources section should be modified once the discussion of effects is formalized and the discussion of appropriate mitigation measures is further along.	The outcome of this discussion does not require the NPS to revise and recirculate the EA, and it is not the policy of the NPS to issue a Draft EA, followed by a Final EA.

COMMITTEE	COMMENT	RESPONSE
		These changes have been factored into the decision making as reflected in the FONSI.
	The rendered view looking east along Independence Avenue that has been included in the appendices of design review and information presentation submission booklets should be included in the EA as part of the analysis of visual impacts to this contributing corridor. (see attachments)	The EA at page 4-44 contains a rendered view looking west along Independence Avenue, SW that NPS believes is representative of the views along these corridors. NPS made the determination that the view included in the EA provided more information than what was presented in the submission photo. The referenced image provided in the submission book does not include all elements of the Memorial, such as trees, and is therefore not a more accurate representation of the view.
	Because of the significance of the Maryland Avenue vista, and based on the intensity definitions provide on page 4-17, the impacts of Alternative 1 on the Maryland Avenue vista should be described at a minimum as being "moderate." The columns would go beyond just being background elements within the viewshed. Given their height and anticipated diameter they would have a substantial presence within the view and appear to be very much part of the view if not become the dominant element. In addition, the scale of the columns relative to their placement directly on the edges of the cartway contributes to their impacts to this historic vista.	The impact thresholds on page 4-17 refer to Historic Resources, not views and vistas. On page 4-25, it states that these changes to the site would result in a long-term moderate adverse impact on elements of the L'Enfant and McMillan Plans and thus an adverse effect under Section 106. The Plans would remain on the National Register. Although the Memorial elements would be visible from Independence Avenue, SW and 4th Street, SW, the elements would not interrupt these two historic rights-of-way or their associated view corridors. In addition, the on-site building, placed parallel to 4 th Street, SW would reinforce the roadway's north-south alignment. Impacts to visual resources are described on page 4-43, where the long-term adverse impacts on this vista under Alternative 3 are characterized as moderate, since the Memorial would highlight the primary vista and would not block views of the Capitol dome. This moderate adverse impact on the Maryland Avenue, SW vista contributes to the overall moderate adverse impact on the L'Enfant Plan as discussed in Section 4.2.2.
	As noted at a recent Section 106 meeting, all three alternatives are assumed to have adverse effects on the L'Enfant Plan, including the contributing vista along Maryland Avenue toward the U.S. Capitol. Therefore, based on the intensity definitions provided on page 4-29, and our comment regarding the direct impacts of this alternative on Maryland Avenue, the analysis of the direct and cumulative impacts on the Maryland Avenue vista should be modified accordingly. This should also be done for Alternatives 2 and 3.	The impact analysis (page 4-25, 4-43 to 4-44) states that there would be an adverse effect on the L'Enfant Plan and the contributing vista along Maryland Avenue, SW, for alternatives 3, the selected alternative. The EA made the determination that Alternatives 1 and 2 resulted in no adverse effect under Section 106 (See pages 4-19 and 4-22).
	This response does not directly address the comment submitted regarding intensity of impacts of Alternative 2 to Maryland Avenue [based on comments provided on internal draft documents prior to the release of the Public EA.]. Based on the intensity definitions provide on page 4-29, we continue to believe the impacts of this alternative on this vista should be described as being "moderate."	Through its analysis, NPS determined that these changes would be noticeable in the context, but would not affect the resource's character-defining features or integrity. Therefore, the impacts were determined to be minor: see page 4-37 for rationale.

PUBLIC COMMENTS RECEIVED ON THE 2006 DWIGHT D. EISENHOWER MEMORIAL SITE SELECTION ENVIRONMENTAL ASSESSMENT

COMMITTEE	COMMENT	RESPONSE
Andrew S. Rehwinkel - Eisenhower Memorial Commission	Great presentation. Great job fielding comments and worries from various members of the community.	Comment noted.
Priscilla B. Roberts - Dwight D Eisenhower society	We have just attended an initial meeting of the Commission- We think the proposed site is ideal-and hope it is approved for the Eisenhower memorial. We think it should reflect the greatness of Eisenhower. If there is not to be an above ground shelter (and we think it would be good if there was an open air shelter) but more important Eisenhower should come to life- build an underground shelter complete with a replica of his headquarters in WWII- under London- the sand bags, his telephone, his chairs- medical cots, conference table he used with Churchill- show him as the General that saved the Free world- and because of his great leadership became the President- children today should see more than experience things and people electronically- they should be able to feel and touch his life- More later	Comment noted. The design and programming of the memorial was outside of the scope of the 2006 Site Selection EA. The design principles are explained in Section 2.5 of the 2011 Memorial Design EA.
John Burger - District of Columbia Fire and EMS - Office of the Fire Marshal	The office of the Fire Marshal would like to comment on 2 subjects: 1- Access to the Dept Of Education Building. This building currently has no access on the rear or back side of the structure. Access for fire apparatus is extremely important, and an access road between the DoE building and the DDE Memorial should be included. This would also provide access to the rear of the memorial for all public safety organizations.	Comment noted. The design and programming of the memorial was outside of the scope of the 2006 Site Selection EA. On page 1-24 of the 2011 EA, it is pointed out that GSA has reviewed the site and has determined that adequate emergency response access to the LBJ Building can be obtained via 4th and 6th Streets, SW; the remaining three sides of the building would have full fire department access.
	2- Water supply [hydrants]. Water supply should be assured during the construction phase as there are many important buildings surrounding the site and access to that water supply is critical. Additionally, water supply [hydrants] should be considered for the Memorial.	As described on page 1-26 of the 2011 Memorial Design EA; no breaks in utility service are anticipated. The number of hydrants that currently exist on the site will remain; no new hydrants are expected to be added.
Arthur Cotton Moore	As you know, I have been working on the realization of Maryland Avenue -- the missing avenue of the L'Enfant Plan? And I welcome the Eisenhower Memorial to its adopted site at Maryland and Independence Avenues; indeed, this memorial has the potential of a gateway to the city's grand new boulevard, which will be lined with apartment buildings, restaurants, offices, museums and several other memorials.	Comment noted.
	1. The comment that this alternative makes the site into triangles -- thereby limiting options on the memorial -- is not true because the triangle forms are inherent in the site. Even if traffic is routed to 6th Street, the 160' wide scenic vista of Maryland Avenue -- in which no structure can be built -- makes the site into two triangles, traffic or not. I do not expect that the alternative will affect the vista down Independence Avenue.	Comment noted. The design of the Memorial was outside of the scope of the 2006 Site Selection EA. The 2011 Memorial Design EA describes of the proposed memorial alternatives in Chapter 2 of, and the impacts to visual resources in Section 4.3.

COMMENTER	COMMENT	RESPONSE
	<p>2. The comment on page 2-18 and illustration on page 2-19 that the scenic vista is limited to a 60' wide "historic cartway/view corridor" is not our understanding. Approximately 9 or 10 new buildings have been constructed recently on Maryland Avenue, and all have strictly respected the 160' scenic vista with no encroachments, and were built in full anticipation of the exclusive reservation for the future 160' wide avenue. The Maryland Avenue Alternative certainly respects the 160' ROW -- as should any future development of this site.</p>	<p>Comment noted. The design of the Memorial was outside of the scope of the 2006 Site Selection EA.</p> <p>The Selected Alternative described in the 2011 Memorial Design EA does include design elements within the 160-foot Maryland Avenue right-of-way.</p> <p>The NPS's decision to select this alternative for implementation came after thorough analysis of the different alternatives and after exhaustive consultation and coordination through the process before the federal commissions for memorials, the NEPA and NHPA Section 106 processes in which agencies, local groups, interested parties, and individuals participated. This consultation and coordination will continue throughout the design and construction phases of this project. Chapter 5 of the 2011 Memorial Design EA describes the consultation and coordination that has occurred to date.</p>
	<p>3. The Maryland Avenue Dominant Alternative [as described in the 2006 Site Selection EA] follows the L'Enfant Plan, the McMillan Plan, and the Legacy Plan, which was prepared and recently reaffirmed by, the NCPC. Furthermore, it is the exact mirror image of the intersection of Pennsylvania and Constitution Avenues -- an intersection which respects the dominant angular Avenue, and at the same time, functions very well from a traffic standpoint. Mr. Alan Harwood of EDAW, the EA consultant, maintained at one meeting that Independence Avenue carries more traffic than Constitution. Alas, with the closing of Pennsylvania Avenue in front of the White House and E Street below the White House, the traffic on Constitution has considerably increased and the intersection -- the mirror of this alternative -- continues to perform well.</p>	<p>Comment noted. Traffic analysis was conducted in the 2011 Memorial Design EA and the traffic impacts were analyzed and described in Section 4.6 of the EA.</p>
	<p>Using my drawing in the EA without my explanation (or attribution or permission) unfairly obscures the amenity and practical benefits of our Maryland Avenue Plan, and this alternative, to all new participants in this EA effort; those benefits are, however, well known to all who have been involved.</p> <p>By refining more precisely the general configuration, utilizing a professional survey, which the Memorial group now has, the amount of land available for this Memorial -- after eliminating the 160' ROW -- should be the same as existing whether traffic uses the ROW or not. My drawing intended only to suggest that there might be a third possible triangular area which could be used for this memorial's programs linking the Air and Space Museum, at the designer's option. The two triangular areas which result from this configuration on the drawing to the right (east of 4th Street) were new options for new memorials unrelated to the Eisenhower. (I hereby request the opportunity to provide an explanation of my drawing which will be included in future printings of the EA, and which would be mailed to all current recipients of the EA.)</p>	<p>Comment noted. The figure was cited as originating from the 2006, Maryland Avenue Proposal. Rationale why this configuration alternative of Maryland Avenue was not carried forward is provided on pages 2-12 to 2-13 of the 2006 Site Selection EA.</p> <p>The 2006 Site Selection EA was delivered to the public as a final EA. No additional versions of the EA were released. NPS would have accepted further explanation of the drawings during the public comment period of this EA, or through the other opportunities to comment on this EA as well as the 2011 Memorial Design EA.</p>

COMMENTS	COMMENT	RESPONSE
	<p>As a professional designer and planner working in the area of the proposed Memorial, I strongly believe we all should consider it our joint responsibility not only to protect, respect, and uphold the historic L'Enfant, McMillan, and Legacy Plans? But to decisively discourage any proposal contrary to those plans -- such as closing a L'Enfant/McMillan grand avenue? Since they are the very platform of planning for our nation's capitol.</p> <p>The Eisenhower Memorial in no way needs to depend on planning alternatives to honor our beloved President who possessed the best of American values -- it needs only to look at how a creative designer solved the separation of parcels in the National Gallery East and West wings, where a presumed negative has turned out to be a real positive.</p>	<p>Comment noted.</p> <p>Comment noted.</p>
Barbara Zartman - The Committee of 100 on the Federal City	<p>The preferred alternative calls for the closing of a L'Enfant Street, retaining only the View Corridor, but citing its potential use for landscaping, sculptures, and artworks. Such structures fight, rather than contribute to, a sense of the historic roadway.</p> <p>As the memorial becomes a reality and visitors attend the site, this "preservation" will have little meaning as Maryland "Avenue" becomes a pedestrian park. Pressures to further burden this 60' corridor with other functions will eradicate the very goal that the EA acknowledges is important.</p> <p>The Committee has been a staunch defender of the L'Enfant Plan, often referred to deferentially even as development plans call for closing its streets. We believe its original contribution to the very character of the Nation's Capital is beyond measure; we believe it continues to this day to deserve the highest protections. This memorial must be designed with retention of Maryland Avenue, moved to another site, or postponed.</p> <p>This is not to say that we would support the "Maryland Avenue Dominant" alternative [as described in the 2006 Site Selection EA]. While we and others would wish such a restoration of its original character would be possible, it is not an alternative for today. The inability to effect such a restoration should not, however, be used as an excuse to close this portion of a L'Enfant Street entirely.</p> <p>We must take strong exception to the way in which this "consultation" has taken place. Despite repeated written and phoned requests, we have received no material until this EA arrived by FedEx just days before the comment period closed on July 17. Obviously this precluded our ability to participate in the June 29 event and to research portions of the EA for comment.</p> <p>Both I and C100 Chairman Don Hawkins have requested that materials and notices be sent to me at either my email or postal address, but not a single communication related to this project has come. In light of the years of involvement in 106 and EA/EIS processes during which communication has never been a problem, I call into question the due diligence of this EA process, as well as the adequacy of the "integrated" 106 review.</p>	<p>Comment noted. The design and programming of the memorial was outside of the scope of the 2006 Site Selection EA.</p> <p>The EA does acknowledge that the changes to the site would result in a long-term moderate adverse impact on elements of the L'Enfant and McMillan Plans and thus an adverse effect under Section 106. The Plans would remain on the National Register. Although the Memorial elements would be visible from Independence Avenue, SW and 4th Street, SW, the elements would not interrupt these two historic rights-of-way or their associated view corridors. In addition, the on-site building, placed parallel to 4th Street, SW would reinforce the roadway's north-south alignment.</p> <p>The NPS's decision to select this alternative for implementation came after thorough analysis of the different alternatives and after exhaustive consultation and coordination through the process before the federal commissions for memorials, the NEPA and NHPA Section 106 processes in which agencies, local groups, interested parties, and individuals participated. This consultation and coordination will continue throughout the design and construction phases of this project. Chapter 5 of the 2011 Memorial Design EA describes the consultation and coordination that has occurred to date.</p> <p>The Committee of 100 has been one of the key groups that has been involved in the both the 2006 Site Selection EA and the 2011 Memorial Design EA processes, as well as the extensive NHPA Section 106 process.</p>

**MEMORANDUM OF AGREEMENT
AMONG
THE NATIONAL PARK SERVICE
THE NATIONAL CAPITAL PLANNING COMMISSION
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
THE EISENHOWER MEMORIAL COMMISSION
REGARDING
THE ESTABLISHMENT OF THE EISENHOWER MEMORIAL
WASHINGTON, D.C.**

WHEREAS, through Public Law 106-79, 113 Stat. 1212, (October 25, 1999), and as amended by Public Law 107-117, Section 8120, 115 Stat. 2230, (January 10, 2002), Congress has authorized the Eisenhower Memorial Commission (EMC) to establish a national memorial to Dwight D. Eisenhower (the Memorial or Project) in the District of Columbia to commemorate his accomplishments and achievements as the Supreme Commander of the Allied Forces in Europe in World War II, and as the 34th President of the United States and to perpetuate his memory and his contributions to the United States; and

WHEREAS, the Memorial is being established pursuant to the Commemorative Works Act, 40 USC Chapter 89 (CWA); and

WHEREAS, the purposes of the CWA include that memorials are designed and located to preserve the integrity of the comprehensive design of the L'Enfant and McMillan plans and the protection of open space (40 USC 8901), and also cultural and natural resources (40 USC 8905(b)(2)(B)); and

WHEREAS, the establishment of the Memorial is subject to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) (NHPA) and its implementing regulations, 36 C.F.R. Part 800; and

WHEREAS, the National Park Service (NPS) undertaking is the issuance of a construction permit for the Memorial pursuant to the CWA; and

WHEREAS, the National Capital Planning Commission (NCPC) undertaking is the approval of the design of the Eisenhower Memorial pursuant to the CWA; and

WHEREAS, the General Services Administration (GSA), which has jurisdiction over the Lyndon Baines Johnson Department of Education Building (LBJ Building) and its adjacent northern plaza where the Memorial will be constructed, has designated NPS as the lead federal agency to act

on its behalf, fulfilling its responsibilities under Section 106 pursuant to 36 CFR 800.2(a)(2), and has been invited to concur in this Agreement; and

WHEREAS, the Memorial site entails the unification of six parcels of federal property: (1) a part of U.S. Reservation 5, (2) the length of Maryland Avenue, SW between 4th and 6th Streets, SW, (3) part of Square 492, (4) the east sidewalk space of 6th Street, S.W. between Maryland Avenue and Independence Avenue, S.W., (5) the south sidewalk space of Independence Avenue, S.W. between 6th Street and Maryland Avenue, S.W., and (6) the west sidewalk space of 4th Street, S.W. between Maryland Avenue, S.W. and a revised north line of Square 492; and

WHEREAS, the NPS, the NCPC and the District of Columbia State Historic Preservation Office (DC SHPO), together with the Consulting Parties, defined the undertakings' area of potential effect (APE) to include the parcels, buildings, and view corridors surrounding the Memorial site as described in Appendix A; and

WHEREAS, the NPS and the NCPC have consulted with the DC SHPO and determined that the undertakings will have an adverse effect on the L'Enfant Plan and the McMillan Plan (collectively referred to as the Plan for the City of Washington), the National Mall, the LBJ Building and its northern plaza, the Wilbur Wright Federal Building, the National Air and Space Museum, and the Wilbur J. Cohen Building, which are listed or eligible for listing in the National Register of Historic Places; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), the NPS has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect determination and provided the documentation specified in 36 CFR § 800.11(e), and the ACHP has chosen to participate in consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, the EMC, as the Memorial sponsor authorized to establish, design and construct the Memorial has participated as a Consulting Party in the process pursuant to 36 CFR 800.2(c)(4) and is presently the only invited signatory to this Agreement; and

WHEREAS, this Agreement provides for involvement by both EMC and Invited Signatories, rather than just EMC throughout even though EMC is presently the only Invited Signatory, so that other Invited Signatories can be added to this Agreement without having to amend it to identify their role; and

WHEREAS, the Architect of the Capitol, the U.S. Commission of Fine Arts (CFA), the National Historic Landmark (NHL) Program Coordinator, the U.S. Department of Education (DEd), the Smithsonian Institution (SI), the District of Columbia Office of Planning, the Committee of 100 on the Federal City, the Association of the Oldest Inhabitants of the District of Columbia, the National Coalition to Save our Mall, the National Civic Art Society, and others have also

participated as Consulting Parties in the process, with the list of Consulting Parties as compiled by NPS in Appendix B; and

WHEREAS, the NPS may only issue a permit to the EMC to construct the Memorial when the EMC has met the requirements of the CWA; and

WHEREAS, once the EMC establishes the Memorial it will be administered and managed by the NPS as part of the National Park System; and

WHEREAS, the EMC and the NPS conducted a site selection process in 2001-2002 and chose for further analysis the site across Independence Avenue, S.W., from the National Air and Space Museum and the National Mall as its preferred site in 2005; and

WHEREAS, In June 2006, the NPS and the EMC released for public comment the *Proposed Dwight D. Eisenhower Memorial Site Selection Environmental Assessment* (Site Selection EA) pursuant to the National Environmental Policy Act (NEPA), which analyzed the potential environmental impacts of the preferred site; and

WHEREAS, the NPS initiated early Section 106 consultation with the DC SHPO by letter dated August 9, 2006; and

WHEREAS, NCPC adopted the Site Selection EA and issued a Finding of No Significant Impact (FONSI) pursuant to NEPA on August 31, 2006 for the preferred site, finding that with the specified mitigation measures identified in the FONSI, which included Design Principles (Appendix C) developed by NCPC staff with input provided by the DC SHPO and the Consulting Parties during the site selection Section 106 consultation process, and enforced by NCPC in design reviews for the Memorial, no significant impact on the human environment would occur due to use of the site for a memorial; and

WHEREAS, on September 7, 2006, in a meeting before the public, NCPC voted to approve the location for the Memorial at the preferred site provided that the applicant design the Memorial using the Section 106 consultation process to meet, to the Commission's satisfaction, the aforementioned design principles; and

WHEREAS, on September 21, 2006, in a meeting before the public, the CFA voted to approve the location for the Memorial at the preferred site; and

WHEREAS, following the selection of the Memorial site, the NPS initiated the second phase of consultation on the design of the Memorial with the DC SHPO by letter dated April 12, 2010, and provided opportunities for the Consulting Parties and the public to participate in the Section 106 process by notifying and conducting Section 106 consultation meetings, notifying

and participating in agency review meetings that were open to the public, and by soliciting written comments; and

WHEREAS, the National Capital Memorial Advisory Commission (NCMAC), in accordance with its responsibilities under the CWA, was consulted in meetings before the public regarding the design on April 20, 2010, February 16, 2011, and September 14, 2011, and determined at the September 14, 2011 meeting that the EMC fulfilled its consultation requirement under CWA ; and

WHEREAS, the NPS notified the public and conducted a combined NEPA Scoping and Section 106 consultation meeting on April 22, 2010 in order to inform the public of the Memorial design and to solicit verbal and written comments, followed by Section 106 consultation meetings held on May 21, 2010, March 30, 2011, June 20, 2011, August 31, 2011, October 4 and 19, 2011, and November 16, 2011 to provide additional opportunities for Consulting Parties to comment on historic preservation concerns regarding the Memorial; and

WHEREAS, on January 27, 2011 in a meeting before the public, the CFA, in accordance with its responsibilities under the CWA, approved the concept plan; and

WHEREAS, on February 3, 2011 in a meeting before the public, the NCPC, in accordance with its responsibilities under the CWA, reviewed and commented on the concept plan; and

WHEREAS, the NPS, in an effort to avoid, minimize, and mitigate adverse effects on historic properties, has considered recommendations proposed by the NCPC, the DC SHPO, the ACHP and the Consulting Parties, including reduction of the encroachment into Maryland Avenue, SW, and has requested the EMC to address the recommendations through design modifications; and

WHEREAS, on September 15, 2011, in a meeting before the public, the CFA approved a revised concept plan; and

WHEREAS, the NPS and the EMC, in cooperation with the NCPC, released the Dwight D. Eisenhower Memorial Design EA (the second EA for the Memorial) for public review and comment on September 19, 2011; and,

WHEREAS, the NCPC, as a cooperating agency on the Dwight D. Eisenhower Memorial Design EA for purposes of fulfilling its responsibilities under NEPA, will issue a FONSI prior to its approval of the preliminary Memorial design; and

WHEREAS, through the process of consultation and design analysis, the placement of the tapestry and columns, the central Memorial core of relief blocks and landscaping, and the tapestry material, have all been adjusted to minimize potential effects to historic properties,

and these adjustments are reflected in the Memorial plans dated December 2011 and attached hereto as Appendix D (December 2011 plans); and

WHEREAS, it is anticipated that design refinements may evolve during the ongoing design review process; and

WHEREAS, it is anticipated that the December 2011 plans will be part of a formal submittal by the EMC, through the NPS, to the NCPC for preliminary design review in early 2012; and

WHEREAS, the design of the Memorial is approved through a multi-step process pursuant to the CWA; and, in accordance with the CWA, the NCPC and the CFA can approve, reject, or require modification of memorial designs and plans; and

WHEREAS, modifications made at any of these steps, either by the EMC in its submission to the NCPC and the CFA, or resulting from NCPC and/or CFA decisions, can lead to changes in the level of effects to historic properties from the Memorial; and

NOW, THEREFORE, the NPS, the NCPC, the EMC, the DC SHPO, and the ACHP agree that the undertakings and the Project shall be carried out in accordance with the following stipulations in order to take into account the effects of the undertakings on historic properties.

STIPULATIONS

The NPS and NCPC shall work together to ensure that the following measures are carried out:

MITIGATION

The mitigation measures described below shall be addressed in the Memorial's final design documents that will be submitted for review to the CFA and the NCPC at a time to be determined by the NPS and the EMC.

1. Maryland Avenue, SW. A physical representation to recognize the 50-foot wide Maryland Avenue cartway will be incorporated into the Memorial design through the placement of trees, benches, sidewalks, or other means. The current Memorial design, dated December 2011, incorporates trees, benches, and plantings to recognize the Maryland Avenue cartway. The NPS and the EMC shall continue to provide or enhance such recognition in the final design for review by the CFA and the NCPC.
2. Plant Materials. In developing the final design for the Memorial, the NPS, NCPC, and EMC shall consider incorporating tree and shrub species from the original LBJ Building Plaza palette. The Memorial landscape design, dated December 2011, incorporates specific tree species from the original palette and the NPS and the EMC shall continue to include or enhance such plantings in the final design for review by the CFA and the NCPC.

3. Night Lighting. The NPS and EMC shall respect the nighttime hierarchy of lighting in Washington to ensure that the Memorial does not affect the visual prominence of the US Capitol, and the museums, memorials, monuments, and other prominent features on the National Mall, at night. The lighting plan component of the current Memorial design, dated December 2011, is intended to exhibit deference to the surrounding context and the NPS and the EMC shall continue to respect the hierarchy of lighting in Washington in the final design for review by the CFA and the NCPC.
4. E-Memorial. As part of the Memorial, the EMC will develop an "E-Memorial" which is a web-based resource for disseminating additional information about Dwight D. Eisenhower, including his legacy, values, and ideals, in greater depth than can be represented in the physical memorial alone. Prior to completion of the physical Memorial, the NPS and the EMC shall prepare and post information about the history of the Memorial site and its development on the E-Memorial website. This portion of the website will be retained as a permanent component of the E-Memorial. The E-Memorial will include commentary on Eisenhower's contributions to the governmental departments housed in the surrounding buildings. The interpretation will include photographs, narratives, and quotations.
5. On-site interpretation. As part of the Memorial, the NPS and the EMC shall maintain the historic record concerning the Memorial site and why it was selected for the commemoration of Dwight D. Eisenhower. Such information will be made available to the visitor through interaction with NPS park rangers, printed materials, graphic displays, electronic information, or other media but shall not include physical representation of the thematic relationships between Eisenhower and the site context within the Memorial design itself.
6. Historic American Landscapes Survey (HALS) Documentation. Prior to the issuance of the construction permit by the NPS, the EMC will complete a survey and prepare and submit to NPS and DC SHPO documentation, including plans, photographs, and measured drawings, of the LBJ plaza in accordance with the HALS documentation standards. Once drafted by the EMC, NPS and DC SHPO will review and approve the document before it is finalized.
 - a. Within 90 days of receiving comments from the NPS and the DC SHPO, the EMC will revise and file the complete set of documentation as approved and finalized with the Secretary of the Interior and release it for public use via the E-Memorial.
 - b. Upon acceptance of the complete set of documentation with the Secretary of the Interior, the NPS will deposit it in the HABS/HALS Collection, at the Library of Congress Prints and Photographs Division.
7. National Register and DC Landmark Nominations. Pursuant to Section 110 of the NHPA and in alignment with GSA's national nominations priorities, a nomination for the Lyndon

Baines Johnson Department of Education Building shall be prepared and submitted to the National Register of Historic Places by GSA following review and approval by GSA's Regional Historic Preservation Officer and Federal Preservation Officer.

8. National Historic Landmark Nomination. Prior to issuance of a construction permit, EMC shall provide funding not to exceed \$50,000 for the NPS and/or the DC SHPO, under the appropriate authority, to contract with a qualified consultant meeting the *Secretary of the Interior's Qualification Standards* to research and update the National Register Nomination prepared jointly by NPS and the DC SHPO for the Plan of the City of Washington, and later expanded by the DC SHPO to augment the documentation of the original Appropriations, McMillan Plan, associated vistas, minor streets, contributing reservations, and other features as a draft NHL Nomination. Among other items, the updated NHL nomination will address physical changes to the Plan that have occurred since the draft NHL nomination was completed and identify the elements that should be considered contributing features. The selected consultant will submit the draft nomination for review and comment by the DC SHPO before finalization and submission to the Keeper of the National Register by the NPS.
9. Southwest Federal Center Heritage Trail Assessment Study. The NCPC will prepare an assessment study for a Southwest Federal Center heritage trail, a self-guided walking tour, similar to those found throughout Washington, D.C., that could convey information related to the social, cultural, architectural, and planning history of the Southwest Federal Center, including information on those historic resources that will be adversely affected by the Memorial. The study would be funded or conducted by the NCPC, and would provide a preliminary look at the research, outreach, collaboration, and resources that would be necessary to design and implement a Southwest Federal Center heritage trail and could be used to garner federal and local support, identify potential funding sources, and inform future planning.

DESIGN CONSULTATION

10. Additional Design Consultation. After the preliminary design of the Memorial is reviewed by the NCPC, consultation on the Memorial design will continue with the Signatories, Invited Signatory(ies), and Consulting Parties regarding design refinements and other measures that could further avoid, minimize or mitigate adverse effects on historic properties. Issues identified for additional consultation include, but are not limited to: (a) further development of the central core elements, including relief blocks, images, and text; (b) further development of the landscape treatment of the site, including green space, plazas, walkways, and elements included to recognize the historic alignment of Maryland Avenue, SW; (c) night lighting of the Memorial; (d) the architectural development of the support building that will house the ranger contact station, the interpretive sales space, and the public convenience facilities; (e) further development of the design for the LBJ Building Promenade; and (f) changes made to the design in response to, or required by, NCPC's preliminary design review. Following this

consultation, the NPS will inform the Signatories, Invited Signatory(ies), and the Consulting Parties on the outcome, via electronic media.

11. Final Design. After the preliminary design of the Memorial is reviewed by NCPC and consultation as outlined in Stipulation 10 has occurred, but prior to the EMC's submission of the final design documentation to the NCPC or the CFA through NPS, the EMC shall provide the proposed final design documentation to the NPS for consideration and consultation. The determinations of effect related to any changes made to the December 2011 plans to be considered as part of the NCPC and CFA review and approval process will be made through the following steps:

- a. NPS shall review the final design documentation focusing on any proposed changes from the December 2011 plans and make a determination as to whether the final design may result in new adverse effects that have not already been resolved and/or the intensification of known adverse effects to historic properties.
- b. The NPS shall forward, via electronic media, its determination in 11.a., and the EMC's final design documentation to the Signatories and Invited Signatory(ies) for a 14-day review and comment period. NPS will also post its determination and the final design documentation at that time on NPS' Planning, Environment & Public Comment (PEPC) website to notify Consulting Parties and the public so that they may review and comment.
- c. If the NPS determines that no new adverse effects may result or no known adverse effects to historic properties would be intensified, and no Signatories, Invited Signatory(ies), Consulting Parties or the public objects within the 14-day review period, the NPS shall submit the final design documentation to NCPC and CFA for their formal approvals.
- d. If the NPS determines that no new adverse effects may result or no known adverse effects to historic properties would be intensified and a Signatory or Invited Signatory objects in writing within the 14-day review period, the NPS shall notify the Signatories and Invited Signatory(ies) to consult with the objecting party to seek ways to resolve the objection. If the NPS determines that the objection cannot be resolved, the NPS shall follow the procedures in the Dispute Resolution clause of this Agreement.
- e. If the NPS determines that no new adverse effects may result or no known adverse effects to historic properties would be intensified and a Consulting Party or the public objects in writing within the 14-day review period, the NPS shall consider the objection and notify the Signatories and Invited Signatory(ies), and submit the written objection(s) and any NPS position on the objection, with the final design documentation being submitted to NCPC and CFA for their formal approvals.

- f. If the NPS determines that a new adverse effect may result or a known adverse effect to a historic property would be intensified, the NPS shall immediately advise and provide the EMC an opportunity to revise the final design documentation to avoid, minimize, or mitigate the new or intensified adverse effect, and to submit a revised final design documentation package for review by NPS. After EMC has made and carried out its decision, if NPS determines that unavoidable adverse effects to historic properties may result or be intensified, NPS shall consult with the Signatories and Invited Signatory(ies) to determine whether the final design documentation warrants an Amendment to this Agreement to identify additional measures that will be carried out to avoid, minimize or mitigate any new or intensified adverse effects.
- g. If the Agreement is amended, NPS will notify the Consulting Parties, the public, and NCPC and CFA and provide or post the Amendment on PEPC. Otherwise, NPS shall submit the final design documentation to NCPC and CFA for their formal approvals.

ARCHEOLOGY

- 12. **Archeological Resources.** The NPS, through the EMC, will continue to pursue a phased approach to the identification and evaluation of archeological resources starting with a geoarcheological investigation that will include the collection and analysis of soil borings to determine the presence of fill and undisturbed soil locations. The investigations will be conducted by an archaeologist that meets or exceeds the pertinent qualifications in the *Secretary of the Interior's Professional Qualification Standards*, 36 CFR Part 61. In accordance with the Archeological Resource Protection Act (ARPA), upon receipt of an application from the EMC archeological contractor and the subsequent 90-day review allowed under the law, the NPS will issue a permit to the contractor to ensure that all archaeological work will follow the *Guidelines for Archaeological Investigations in the District of Columbia* (1998, as amended), the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (1983), and *NPS Director's Order 28: Cultural Resource Management* (1998). Should archeological sites eligible for the National Register be discovered, the NPS will follow the procedures in the Unanticipated Discoveries stipulation of this Agreement.
- 13. **Unanticipated Discoveries.** The NPS will include provisions to this effect in the construction permit for the treatment of unanticipated archaeological discoveries, including human remains, during excavation, construction, or other ground-disturbing activity resulting from construction of the Memorial. The Project Area for the site improvements is identified as the "Project Site" in Appendix A.
 - (a) In the event that a previously unidentified archaeological resource is discovered during activities in the Project Site, the EMC will immediately halt all ground-

disturbing activities in the area of the resource and in the surrounding area where further subsurface remains can reasonably be expected to occur.

- (b) The EMC will notify the Superintendent, National Mall and Memorial Parks, the NPS Regional Archeologist, and the DC SHPO via email and by telephone immediately upon discovery of previously unidentified archaeological resource. The NPS and DC SHPO or a representative will visit the site within 48 hours of such notification, inspect the work site, and determine the nature and extent of the affected archaeological property and establish a resource area. Construction may then continue in the project area outside the newly established boundaries of the resource area.
- (c) Within 3 working days of the original notification of discovery, the NPS, in consultation with the DC SHPO, will determine the National Register eligibility of the resource.
- (d) The NPS, in consultation with the DC SHPO, will ensure compliance with 36 CFR 800.13. Work in the resource area shall not proceed until either: (a) the development and implementation of an appropriate data recovery or other recommended mitigation procedures; or (b) the determination is made that the located archeological remains are not eligible for inclusion on the National Register.
- (e) The EMC shall be responsible for preparation for curation of materials and records resulting from data recovery in accordance with the stipulations in the ARPA permit and in accordance with 36 CFR Part 79. All associated reports will meet contemporary professional standards, according to the *Department of the Interior's Format Standards for Final Reports of Data Recovery Programs* (42 FR 5377-79), and also meet the standards as set out in *Guidelines for Archaeological Investigations in the District of Columbia* (1998, as amended). All collections materials and records will be curated at the NPS Museum Resource Center in Landover, MD.
- (f) The EMC shall immediately notify the US Park Police (USPP), Superintendent, National Mall and Memorial Parks, and the NPS Regional Archeologist if human remains are discovered during construction. The USPP shall ensure that all ground-disturbing activities in the immediate area of the discovery ceases immediately and stays halted in accordance with the protocols established by the USPP and the District of Columbia Metropolitan Police Department. The NPS shall also ensure that the Secretary of the Interior's guidelines on human remains are followed. If the remains are assumed to be Native American, the Native American Graves Protection and Repatriation Act of 1990 through the implementing regulations at 43 CFR Part 10 will govern the NPS procedures and outcomes.

ADMINISTRATION

14. Updates. The NPS will update the Signatories, Invited Signatory(ies), the Consulting Parties, and the public on the Project and the actions taken to implement the terms of this Agreement until its completion on an annual basis, at minimum, via the PEPC.
15. Duration. This Agreement will be valid for a period of five years from the date of execution by the last Signatory.
16. Dispute Resolution. Should any Signatory or Invited Signatory object in writing to the NPS or the NCPC regarding any action carried out in accordance with this Agreement, the Signatories and Invited Signatory(ies) shall consult to resolve the objection. Between NPS and NCPC, the one responsible for carrying out the action that is the subject of the objection has the lead in the dispute resolution unless otherwise decided between the two. In any event, both may participate. Should the Signatories and Invited Signatory(ies) be unable to resolve the disagreement, the NPS and/or the NCPC shall forward its background information on the dispute as well as NPS' and/or NCPC's proposed resolution of the dispute to the ACHP. Within 45 days after receipt of all pertinent documentation, the ACHP shall provide the NPS and the NCPC with written recommendations, which the NPS and the NCPC shall take into account in reaching a final decision regarding the dispute, or notify the NPS and the NCPC that it shall comment pursuant to 36 CFR 800.7(c) and then proceed to comment. The NPS and NCPC shall take the ACHP comments into account, in accordance with 36 CFR 800.7(c)(4). Any ACHP recommendation or comment shall be understood to pertain only to the subject matter of the dispute; the NPS' and the NCPC's responsibility to carry out all actions under this Agreement that are not subjects of the dispute shall remain unchanged.
17. Amendments. This Agreement may be amended when an amendment is agreed to in writing by all Signatories and the Invited Signatory(ies). The amendment will be effective on the date of the last signature.
18. Termination. If any Signatory or Invited Signatory to this Agreement determines that the terms of the Agreement cannot be or are not being carried out, that party shall so notify the other Signatories and Invited Signatory(ies) in writing and consult with them to seek resolution or amendment of the Agreement. If within sixty (60) days a resolution or amendment cannot be reached, any Signatory or Invited Signatory may terminate the Agreement upon written notification to the other Signatories and Invited Signatory(ies). Once the Agreement is terminated, and prior to work continuing on the Undertakings, the NPS and also GSA, and the NCPC must either execute a new Agreement or request, take into account, and respond to the comments of the ACHP per 36 CFR 800.7. They are not required to select the same option. The NPS, GSA and the NCPC will each notify the Signatories and Invited Signatory(ies) as to the course of action it will pursue.

19. Anti-Deficiency Act. The obligations of federal agencies under this Agreement are pursuant to 31 USC 1341(a)(1), therefore nothing in this Agreement shall be construed as binding the United States to expend in any one fiscal year any sum in excess of appropriations made by Congress for this purpose, or to involve the United States in any contract or obligation for the further expenditure of money in excess of such appropriations.

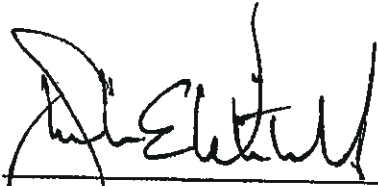
Execution of this MOA by the NPS, the NCPC, the DC SHPO, and the ACHP and implementation of its terms evidence that the NPS and GSA, and the NCPC have taken into account the effect of these undertakings on historic properties and afforded the ACHP a reasonable opportunity to comment, and thereby satisfied their Section 106 responsibilities.

SIGNATURES FOLLOW ON SEPARATE PAGES

Attachments:

- Appendix A: Area of Potential Effect**
- Appendix B: List of Consulting Parties**
- Appendix C: Design Principles**
- Appendix D: December 2011 design**

Eisenhower Memorial Memorandum of Agreement



Stephen E. Whitesell

Regional Director, National Capital Region, National Park Service

3.1.12

Date

Eisenhower Memorial Memorandum of Agreement



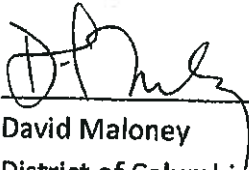
2/27/12

Marcel Acosta

Date

Executive Director, National Capital Planning Commission

Eisenhower Memorial Memorandum of Agreement



David Maloney
District of Columbia State Historic Preservation Officer

2/28/2012
Date

Eisenhower Memorial Memorandum of Agreement

Carl W. Reddel

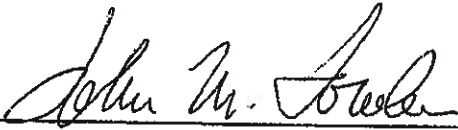
Carl Reddel

Executive Director, Eisenhower Memorial Commission

28 Feb 12

Date

Eisenhower Memorial Memorandum of Agreement




John Fowler

Executive Director, Advisory Council on Historic Preservation

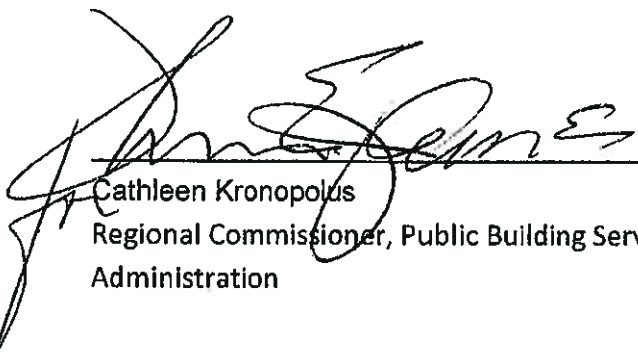


Date

CONCURRING PARTY

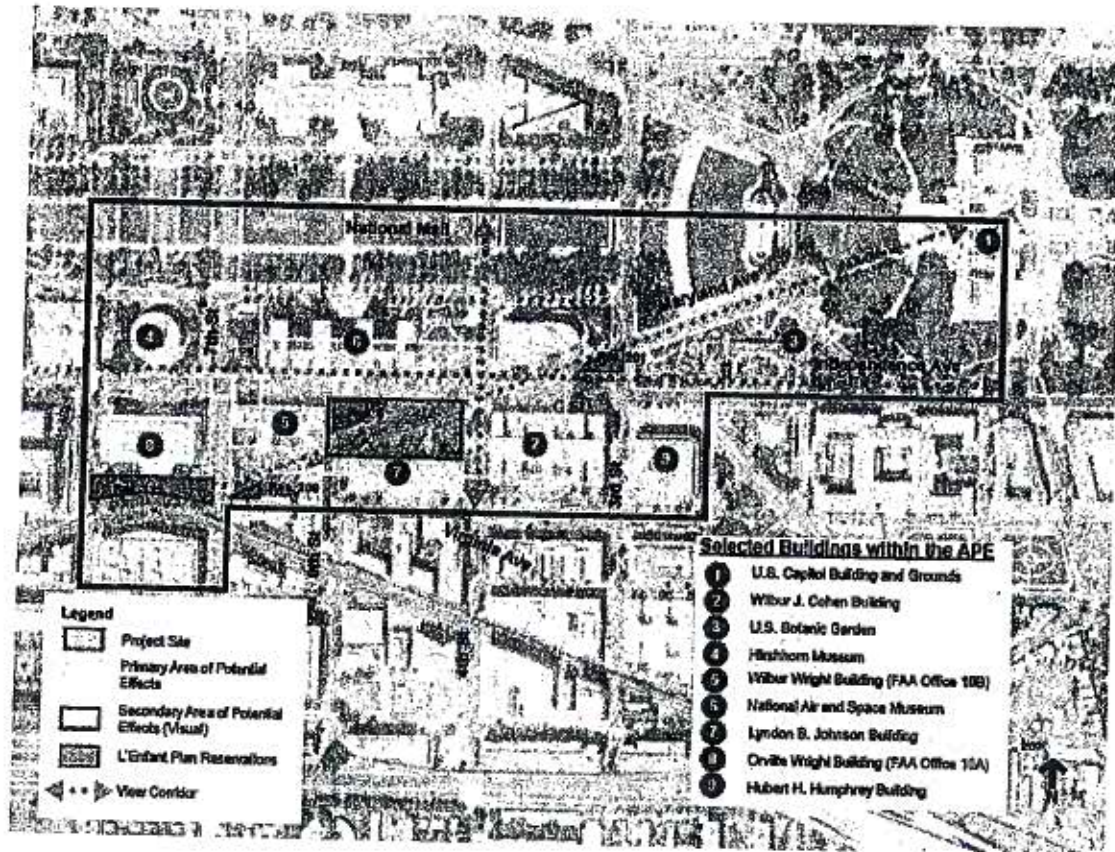


Beth L. Savage
Date 9/27/12
Director, Center for Historic Buildings, Federal Historic Preservation Officer, Office of the Chief Architect, Public Building Service, General Services Administration



Cathleen Kronopolus
Date 2/27/12
Regional Commissioner, Public Building Service National Capital Region, General Services Administration

Appendix A: Area of Potential Effect – including selected buildings within the APE listed or likely eligible for listing in the National Register of Historic Places



Appendix B: Consulting Parties for the Eisenhower Memorial Project

National Park Service

Peter May, Associate Regional Director
Perry Wheelock
Joel Gorder
Stephen Lorenzetti
Jennifer Talken-Spalding

State Historic Preservation Office (SHPO), District of Columbia Office of Planning

Harriet Tregoning, Planning Director
David Maloney, State Historic Preservation Officer
Andrew Lewis

Advisory Council on Historic Preservation

Katry Harris

GSA

Mina Wright
Nancy Witherell, Historic Preservation Officer
Gary Porter
Suzanne Hill
Angela Mar

National Capital Planning Commission (NCPC)

David Levy, Director Urban Design and Plan Review Division
Jennifer Hirsch, Historic Preservation Officer
Shane Dettman, Planner

U.S. Department of Education

John McGrath

Commission of Fine Arts (CFA)

Thomas Luebke, Secretary
Frederick Lindstrom
Sarah Batcheler
Tony Simon

Smithsonian Institution

Sharon Park, Cultural Resource Specialist

Architect of the Capitol

Troy Brown

National Coalition to Save our Mall

Judy Scott Feldman, President

Committee of 100 on the Federal City

Don Hawkins

Eisenhower Memorial Memorandum of Agreement

National Civic Art Society

Milton Grenfell

Justin Shubow

Howard Segermark

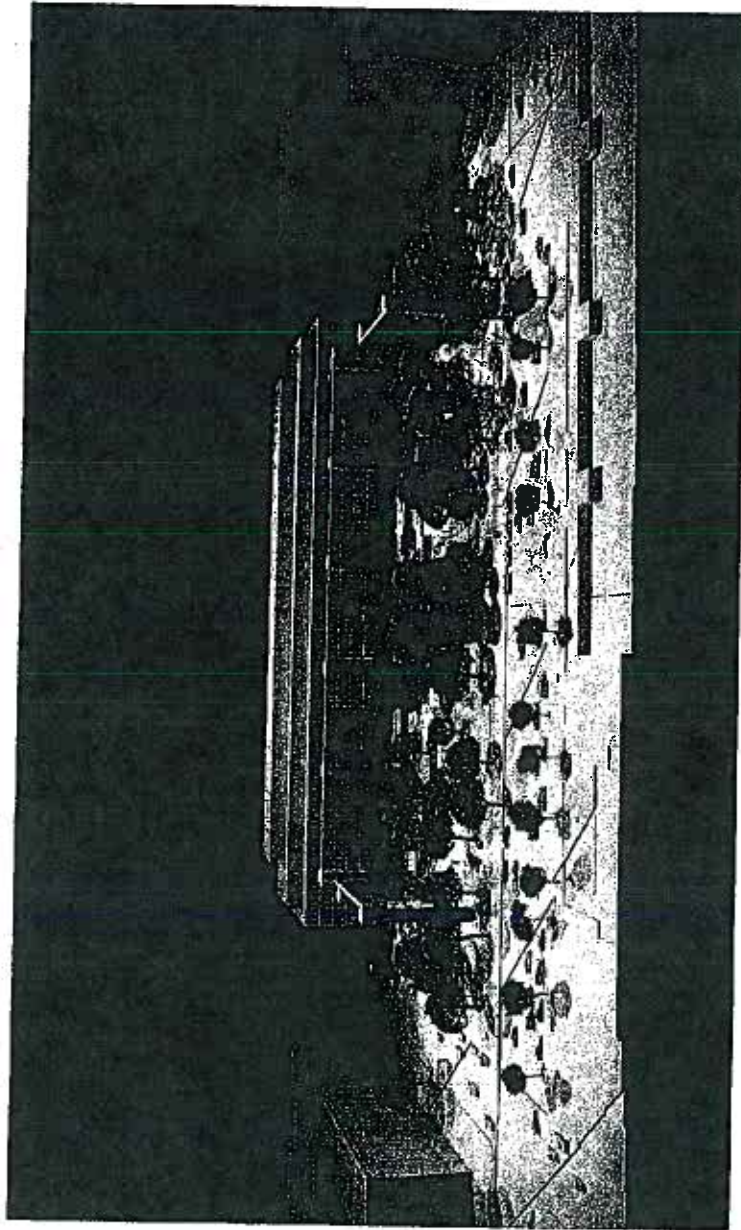
Individuals

Arthur Cotton Moore

Appendix C: Design Principles

1. Preserve reciprocal views to and from the U.S. Capitol along Maryland Avenue.
2. Enhance the nature of the site as one in a sequence of public spaces embellishing the Maryland Avenue vista.
3. Create a unified Memorial site that integrates the disparate parcels into a meaningful and functional public gathering place that also unifies the surrounding precinct.
4. Reflect L'Enfant Plan principles by shaping the Memorial site as a separate and distinct public space that complements the DED Headquarters and other surrounding buildings.
5. Respect and complement the architecture of the surrounding precinct.
6. Respect the building lines of the surrounding rights-of-way and the alignment of trees along Maryland Avenue.
7. Incorporate significant green space into the design of the Memorial.

Appendix D: December 2011 Design



DECEMBER 2011 DESIGN: AERIAL VIEW

EISENHOWER MEMORIAL
Geddy Partners • AECOM Joint Venture

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DECEMBER 2011 DESIGN: SITE PLAN