



## **FINDING OF NO SIGNIFICANT IMPACT**

### **MEMORIAL TO VICTIMS OF THE UKRAINIAN FAMINE-GENOCIDE OF 1932-1933 DESIGN National Mall and Memorial Parks and the National Capital Region**

*August 2012*

Congress has authorized the establishment of a memorial to victims of the Ukrainian Famine-Genocide of 1932-1933 on a site in the District of Columbia that the National Park Service (NPS) manages as part of the National Park System. The Memorial can only be constructed if the Memorial sponsor, the Government of Ukraine, completes all legal requirements and the NPS issues a construction permit. Compliance with the National Environmental Policy Act (NEPA) is part of this process.

Congress authorized the Government of Ukraine to establish this memorial to honor the victims of the Ukrainian Famine-Genocide of 1932-1933. Pursuant to federal law, the Ukrainian Government proposes to establish the Memorial on land bound by Massachusetts Avenue, NW, North Capitol Street, NW, F Street, NW, and private property to the west of the site, in Washington, DC (the preferred site). This land is federally owned with the NPS presently administering the entire site. The NPS has prepared and issued two sequential Environmental Assessments (EAs) related to this project, consistent with recent practice for new memorials. The first EA considered the potential location for the memorial; and the second EA evaluated the impacts of the memorial design and construction on the preferred site.

The NPS hereby announces its Finding of No Significant Impact (FONSI) for Alternative 1, the Field of Wheat alternative, which is the alternative it has selected for implementation. NPS' FONSI is made in accordance with NEPA, the Council on Environmental Quality (CEQ) regulations at 40 CFR Part 1500, and the Department of Interior NEPA regulations in 43 CFR Part 46, and NPS Director's Order 12 (DO-12), which implements NEPA. The NPS has 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 several years and result in a conditional finding of No Adverse Effect (attached), pending review of the final design; notification by NPS of any preservation related issues raised by consulting parties; and further consultation with the District of Columbia State Historic Preservation Office (DC SHPO).

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. 109-340, 120 Stat. 1864 (October 13, 2006). The Memorial proposal was developed following this process, with the Ukrainian Government, as the 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). Construction permitting is to be obtained through the NPS. The Ukrainian Government is responsible for the construction and maintenance of the Memorial.

This FONSI completes the NEPA process undertaken by the NPS, which included the two sequential EAs. The site selection EA, dated July 2008, analyzed two alternative sites and a no action alternative. The 2008 site selection EA was adopted by the NCPC, which issued a mitigated FONSI for both alternative sites on September 26, 2008. On October 2, 2008, NCPC approved the site bound by Massachusetts Avenue, NW and F and North Capitol Streets SW as the Memorial site (the site identified in the 2012 EA as the preferred site). Initially NPS identified Reservation 196 at New Jersey Avenue, NW and 1<sup>st</sup> Street, NW as its preferred alternative, citing the presence of an existing landscaped plaza at Reservation 196 that would reduce the improvements necessary to develop the Memorial. Once NCPC

approved the Massachusetts Avenue, NW site, NPS then moved forward with plans to establish the Memorial at that site.

The second EA, dated May 2012, analyzed the environmental consequences of the alternatives considered for design and construction of the proposed Memorial within the context of the approved site. The comments on the first EA (2008) regarding archeological resources, views, and character of the site, and visitor use and experience informed the 2012 EA, the same way in which a re-issued EA benefits from the input on the initial EA. The public comments on this EA, for the Memorial design, are attached.

## SELECTED ALTERNATIVE

As part of the 2012 EA process, the NPS identified Alternative 1 as its preferred alternative in the EA and has selected it for implementation. The selected alternative is the refinement of a concept design chosen through a design competition that was conducted by the Government of Ukraine. The selected alternative evolved through coordination with NCPC, CFA, and the District of Columbia State Historic Preservation Office (SHPO).

The Memorial will be located on a 3,118-square foot site, located south of Massachusetts Avenue, NW, west of North Capitol Street, and north of F Street, NW in Washington, DC. To the east of the project site is the former Childs Restaurant building, now partially occupied by a bank. The overall site plan will include the Memorial sculpture and plaza, landscaping, interpretation, and widening of the public sidewalk.

**Memorial Design** – The Memorial design features a sculptural panel with a hardscape plaza and designed landscape. Stormwater at the site will be managed by sloping impervious surfaces toward vegetated areas, where it will be absorbed. Access points to the Memorial will be located along Massachusetts Avenue, NW and F Street, NW.

**Sculpture**- The six-foot-high sculpture will be a bronze relief of a field of wheat that extends approximately 35 feet in length. The wheat, which initially appears raised from the vertical plane, gradually recedes as a negative imprint into the sculpture. The visual disappearance of the wheat symbolizes the transition from an ample harvest to a horrible deficit. The words “HOLODOMOR 1932-1933” will extend from the wall.

The sculpture will be placed on a granite plinth of approximately 1.5 feet height for a combined height of 7.5 feet and will be backed by a granite wall. The granite wall will bend at wide angle and contain an interpretive panel. Along the rear (southern) side of the sculpture that faces F Street, NW, vertical stone panels will contain elements of visual interest, such as texture or a designed element.

**Plaza**- A linear plaza will be located north of the sculpture, extending the length of the Memorial site. The paved plaza, which will be approximately sixteen feet wide and will mimic the angle of the sculptural panel, will be of slate or other stone materials. The plaza will connect the concrete sidewalk west of the Memorial, Massachusetts Avenue, NW, and F Street, NW, allowing entry from each direction. The arrangement of the stone will be designed to evoke the image of plowed rows of wheat. A stone bench will be located near the sculpture. In addition to the interpretive panel that is incorporated into the backdrop wall, a second interpretive panel with further information will be placed near the Memorial entrance from Massachusetts Avenue, NW.

**Landscape**- The landscape of the site will feature two vegetated areas. The southern vegetated strip, which lies along F Street, NW, will contain a row of approximately eight trees to serve as a backdrop to the sculpture. Shrubs in this planting area will provide additional vegetation. To the north of the plaza, primarily along Massachusetts Avenue, NW, low-maintenance ground cover will allow for open views to the Memorial. Including sidewalk landscaping, vegetation will comprise 2,086 square feet of the site (approximately 31 percent), while impervious surfaces (including sidewalks) will comprise 4,602 square feet of the site (approximately 69 percent). Although the NPS site itself is only 3,118 square feet, the surrounding right of way was included in the landscape calculations because the existing sidewalk would be extended to the project site, removing some existing grass areas.

*Streetscape*- The streetscape treatment under the selected alternative will remain largely intact. In order to be consistent with the extension of sidewalks to property lines, as is found throughout the city, the paved area of the sidewalk along Massachusetts Avenue, NW will extend south to the edge of the NPS property, into what is now turf between the sidewalk and roll curb.

## OTHER ALTERNATIVES

The EA also analyzed the No Action Alternative, one other action alternative (Alternative 2), and design alternatives that were considered but dismissed. The No Action Alternative continues existing conditions and management of the site. All existing features would remain in their current condition and use. There would be no new development or re-configuration of the site. The No Action Alternative was dismissed from consideration because it did not meet the purpose and need of the project, as identified in the law to establish the Memorial to honor the victims of the Ukrainian Famine-Genocide of 1932-1933.

Alternative 2 also included a sculpture and plaza, but placed the sculpture as the central feature of the site. The bronze sculpture would feature an empty pair of hands, illustrating pleading for food. When combined with the base, the sculpture would total approximately ten feet in height. A paved circular plaza would surround the sculpture and would include three stone benches. The plaza would provide access from Massachusetts Avenue, NW and F Street, NW. The landscape of the Memorial would feature three trees on the western portion of the site, and two trees located on the eastern portion of the site, along with vegetated ground cover. The existing sidewalk would be extended to the site boundary. In summary, Alternative 2 would also meet the purpose and need of the project, but it does not relate as well to the context of the site.

There were three design alternatives, finalists from the design competition that were considered but dismissed. The Destroyed Sphere concept also placed a sculptural element in the middle of the plaza, similar to Alternative 2. In this design, the sculpture was of a large sphere with a portion sliced off and lying to the side. The design would be intended to convey that with such events as the Ukrainian Famine-Genocide, the people of the world, not just of Ukraine, cannot be whole. It was determined that the Destroyed Sphere alternative did not address the purpose and need of the project as effectively as the action alternatives, and was therefore dismissed from further consideration.

The Ritual Cloth concept featured a piece of cloth attached to a support system. A rushnyk, or ritual cloth, is a familiar garment in the Ukrainian tradition used at major life event: birth, marriage, or death. It is a symbol of wisdom and seniority. However, due to the practical limitations of using cloth as part of the Memorial, the design would not be considered permanent, which is in conflict with the NPS policies related to the operation and management of memorials. Therefore, the Ritual Cloth alternative was dismissed from further consideration.

The Tear Drops on a Wheat Field concept would transform the project's existing grass panel to a field of wheat, which would be replanted each year. Within the field, clear crystalline light-filled spheres meant to resemble tear drops would be placed within the wheat field. No plaza would be installed. Due to the maintenance requirements of maintaining a field of wheat at the site, the Tear Drops on a Wheat Field alternative was dismissed from further consideration.

## SITE SELECTION ALTERNATIVES CONSIDERED BUT DISMISSED

In 2006, 21 potential sites for the proposed Memorial to Victims of the Ukrainian Famine-Genocide of 1932-1933 were identified in the District of Columbia. Eleven of the sites were identified in NCP's *Memorials and Museums Master Plan* as candidate sites for memorials, while another ten are Federal Reservations. The selection committee narrowed the options to three sites:

1. U.S. Reservation 30, at Pennsylvania Avenue between 18th and 19th Streets, NW
2. U.S. Reservation 82, at the intersection of Massachusetts Avenue, 2nd and D Streets, NE
3. U.S. Reservation 173, at the intersection of New York Avenue, 12th and I Streets, NW

On October 23, 2007, the National Capital Memorials Advisory Commission (NCMAC) did not approve the three sites offered by the Committee. NCMAC instead suggested as site adjacent to the existing Taras



Shevchenko Memorial (U.S. Reservation 57D, at the intersection of P, 22<sup>nd</sup> and Florida Avenue, NW) as an alternative, recommended a series of sites along Massachusetts Avenue, NW.

The Government of Ukraine rejected the Taras Shevchenko co-location proposal because that memorial represented a joyful purpose, whereas the current proposal represented the opposite. Ukraine found that Reservations 195 and 77A were too remote and in an area that lacked visibility. The Government of the Ukraine documented their findings in two separate Site Selection Studies of October 2007 and February 2008.

In a third site study of July 2008, the Government of Ukraine proposed four sites: Reservations 727, 173, 78, and 196. On July 9, 2008, the NCMAC voted to move two of these sites forward to NCPC and CFA for approval: Reservation 196, which was previously the NPS's preferred site, and an alternative, Reservation 78, which is now the Memorial site. Reservation 196 is identified as one of two parcels that make up Site #98 in NCPC's Memorials and Museums Master Plan (the Memorial to Victims of Communism is located on the other half of the site). NCPC approved the current Memorial site at Massachusetts Avenue, NW and F and North Capitol Streets, NW in September 2008.

#### **ENVIRONMENTALLY PREFERABLE ALTERNATIVE**

DO-12 requires the NPS to identify the environmentally preferable alternative in its EAs as well as in environmental impact statements (EIS). The NPS looks to the Council on Environmental Quality's *NEPA's Forty Most Asked Questions*, to define it as the alternative "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" (Q6a). The NPS has evaluated the impacts resulting from the different alternatives and has determined that the No Action Alternative best meets the conditions that will qualify as the environmentally preferable alternative.

The No Action Alternative would not impact biological or natural resources or cultural resources. It would not degrade the environment through disturbance of soils or removal of vegetation. Views and other elements of cultural resources would not be affected; the existing cultural and historic resources would continue to be managed similar to existing practices.

#### **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 and historic resources and the quality of the visitor experience, the following protective measures will be implemented as part of the selected action alternative.

NCPC included in its 2008 FONSI and approval of the Memorial site a series of mitigation measures. The approval of the site was "contingent upon the applicant's adherence to...measures outlined as mitigation in the Executive Director's Finding of No Significant Impact for the site selection." The Memorial site selection and design in this FONSI are consistent with the mitigation measures by respecting the context, scale, and building lines of the site and the vicinity, by incorporating green space, and by conducting an archeological survey.

The NPS sought concurrence of the DC SHPO that potential adverse effects would be mitigated through conformance with the design guidelines adopted in 2008 by NCPC. Section 106 consultation with SHPO identified other potential mitigation measures, which are included in the table below. By satisfying these guidelines and through further consultation with SHPO, NPS has furthered its NHPA responsibilities.

The NPS will 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	If during construction, archeological resources are discovered, all work in the immediate vicinity of the discovery will be halted until the resources can be identified and documented and an appropriate mitigation strategy developed. Consultation with the NPS and/or the NPS Regional Archeologist and DC Historic Preservation Officer, will be coordinated to ensure that the protection of resources is addressed. 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.
	Landscaping at the Memorial will utilize tree species that allow filtered views through their foliage.
	Landscape trees at the Memorial will be placed at locations that do not block views of the former Child's Restaurant building entry from Union Station and from adjacent streets.
Visitor Use and Experience	If during construction, sidewalks and travel lanes are closed, signage will be placed in appropriate locations to redirect visitors around the site. Similarly, if construction obscures the visibility of the Capital Bikeshare station of F Street, NW west of the project site, signs will be placed to help direct people to the station.

### Why the Selected Alternative will not have a Significant Effect on the Human Environment

As documented in the EA, the NPS has determined that the selected alternative, Alternative 1, the NPS preferred alternative, can be implemented without significant adverse effects. 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 EIS:*** Cultural and historic resources and visitor use and experience 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 one broad category of National Register of Historic Places (National Register) properties: historic structures and districts. The cultural resources in the project vicinity are included in the defined NHPA Section 106 Area of Potential Effect (APE). Eight historic structures and districts are within the APE and are listed in Chapter 3 of the EA.

With respect to historic buildings and structures, there will be long-term minor adverse impacts on the L'Enfant Plan of the City of Washington, which includes both the 1791 L'Enfant Plan and the McMillan Plan, through changes to the open character of the project site, Reservation 78, by the landscape trees and linear sculpture. Additionally, the Memorial will alter the views along Massachusetts Avenue, NW and North Capitol Street, NW and from Reservation 334, Union Station, by the placement of landscape trees and the linear sculpture. There will be no adverse effect to the L'Enfant Plan of the City of Washington under Section 106 because impacts have been minimized and mitigation through the size, type, and placement of Memorial features. Other, similarly scaled commemorative works are located along Massachusetts Avenue, NW including Victims of Communism, Mahatma Gandhi, Tomas Masaryk, Phillip Sheridan, Thomas Burke, and Robert Emmet.

There will be minor adverse impacts on the Gales School, the Old City Post Office, Union Station and Plaza, and Columbus Fountain through changes to the character of views from these resources to the project site created by the placement of trees and linear sculpture at the Memorial. There will be minor impacts on the former Childs Restaurant building by changes in views to the entrance of the building and changes in views from Union Station to the building as a result of the placement of landscape trees and the linear sculpture. There will be no impact on the Old Engine Company No. 3. There will be no adverse effect to the Gale School, the Old City Post Office, Union Station and Plaza, Columbus Fountain, the former Childs Restaurant building, and the Old Engine Company No. 3 under Section 106.

Construction activities at the site will be visible from historic resources in the vicinity but will not intrude on the L'Enfant Plan of the City of Washington vistas. The open space character of the site will be temporarily altered, resulting in short-term minor adverse impacts on the L'Enfant Plan of the City of Washington, the Gales School, the Old City Post Office, Union Station and Plaza, Columbus Fountain,

and the former Childs Restaurant building. Because these impacts are temporary, the selected alternative will not result in an adverse effect on historic resources under Section 106.

The selected alternative will offer visitors the opportunity to learn about the manmade famine in Ukraine and to commemorate the victims in an open outdoor environment. The selected alternative will enhance the visitor experience by providing education opportunities and additional visitor facilities, such as a plaza and seating. In addition, a wayside exhibit will be placed on Massachusetts Avenue, NW, adding additional learning opportunities, resulting in long-term beneficial impacts. The selected alternative will place trees and a linear sculpture along F Street, NW, thus changing the pedestrian experience to one with a less open character. As a result, there will be long-term minor adverse impact on visitor use and experience due to the more confined character of the pedestrian experience along F Street, NW. Short-term moderate adverse impacts such as interruption of available multi-purpose recreation space will occur due to limited site access during construction.

***Degree of effect on public health or safety:*** The selected alternative could result in impacts on both visitor and employee safety during construction and implementation because construction activities will be occurring and heavy equipment may be on site along with other construction-related equipment. To negate risks to the public and employees, during construction, the site will be fenced off and closed to the public and personnel not associated with the construction. In addition, there will be signage and public announcements will be made on the Park website and in the media to alert the public to the construction schedule and locations.

***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, 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. The site is outside the 100- and 500-year floodplains.

The National Historic Preservation Act (NHPA) Section 106 process was conducted concurrently and in coordination with the two EAs. This process led to the preliminary assessment of no adverse effect by the DC SHPO on February 6, 2012. This finding was included in the impact analysis and mitigations in the EA. NPS will continue to consult with the DC SHPO until designs for the Memorial are finalized.

***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 establishment of the Memorial were identified during the preparation of either EA or by the public during the respective public scoping and comment periods.

***Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks:*** No highly uncertain, unique, or unknown risks were identified during either preparation of either EA or through public scoping or comment.

***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 a NPS precedent for future actions with significant effects nor represents a decision in principle about a future consideration. Moreover, the selected alternative was developed pursuant to a specific law authorizing the establishment of this particular Memorial.

***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 EA, future actions and projects within the project area that could affect cultural resources and visitor use and experience include the 801 New Jersey Avenue, NW development project, implementation of DC Streetcars, the U.S. Capitol Master Plan, and the Union Station Master Plan. It will not compound the effects of previous projects in this area.

There will be long-term beneficial impacts and negligible to moderate adverse cumulative impacts on cultural resources associated with the implementation of the Memorial design. There could be minor long-term adverse cumulative impacts on the L'Enfant Plan of the City of Washington as a result of



changes to view corridors caused by the Memorial's sculpture, landscape trees, and plaza when combined with the Columbus Plaza rehabilitation, the Union Station Master Plan, the 801 New Jersey Avenue, NW development project, and the DC streetcar program. Union Station and Plaza could experience long-term adverse minor cumulative impacts as a result of the placement of the Memorial sculpture, landscape trees, and plaza, while Columbus Fountain will experience long-term beneficial cumulative impacts through the overall improvement of the site.

The impacts on visitor use and experience associated with the construction of new facilities and implementation of plans and initiatives in the vicinity, when added to the impacts that will occur from the implementation of the selected alternative, will result in overall long-term beneficial cumulative impacts on visitor use and experience as a result of providing an additional visitor experience opportunity.

***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:*** As articulated in the EA, the project area is within and adjacent to several historic resources and objects that are listed on the NRHP. The Section 106 process was used to define the area of potential effect (APE) and identify cultural resources within it, analyze the alternatives and determine effects of the selected alternative, and identify minimization and mitigation actions. As previously discussed, the project will be located on Reservation 78, which is part of the L'Enfant Plan of the City of Washington. The project will change the existing open character of the site through the placement of Memorial elements. These changes will be mitigated by using landscape tree species that do not block views across the site and placing them in a way that affords filtered views. All adverse impacts to historic properties, including NRHP resources, can be mitigated to the negligible to minor level, which DC SHPO has determined through the NHPA Section 106 process (see attached form), to constitute no adverse effect. No destruction of scientific, cultural, or historic resources will be caused by the action as the site contains extensive fill (approximately 17 feet) that was added to develop the site for Union Station. A Phase 1A archeological study was performed for the site, and found that due to the depth of fill and the approximate construction disturbance to a depth of three feet, these potential remains would be unlikely to be encountered. If archeological resources are found during construction, any impacts to these will be mitigated by a program of archeological documentation during construction.

The NHPA Section 106 process also afforded the NPS the chance to hear from organizations and agencies starting in 2008 through consultations. NPS consulted with parties including representatives from NCPC, CFA, and SHPO. In addition, there were other opportunities for public involvement because the law authorizing the Memorial used the CWA process, which calls for a series of reviews and approvals made in meetings open to the public by NCPC, CFA, and the National Capital Memorial Advisory Commission following public notice.

The determination of no adverse effect stipulates that the SHPO shall review final Memorial designs before finalizing these findings. In approving any changes to the current design, the NPS shall review the proposed changes and make a determination as to whether the changes result in a new adverse effect that has not already been taken into account and/or an intensification of a known adverse effect that has already been considered and minimized. The NPS will then forward its determination and documentation to the SHPO for review and comment.

***Degree to which the action may adversely affect an endangered or threatened species or its critical habitat:*** As described in the EA, because of the urban nature of the site, and due to the fact that the proposed activities will be located entirely within previously disturbed or maintained landscapes, no impacts to any state- or federally-listed species are expected from implementation of the selected alternative.

***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 Memorial will be consistent with all laws, regulations, and requirements and is in furtherance of laws authorizing its establishment.

## **PUBLIC INVOLVEMENT**

Public involvement in this proposal spans many years, starting with the initial planning steps and the NEPA process for the first EA, including several opportunities for public comment. This EA process had been kicked off by public scoping which ran from November 22, 2011 to December 23, 2011, with a public scoping meeting on December 7, 2011. The process is now culminating with this EA, which was made available for public review from May 24, 2012, to June 27, 2012.

Outreach for this EA was accomplished using the methods that NPS has found to be most effective in the National Capital Region, including via mail and email to those who were on the original public scoping mailing list and to those added throughout the NEPA and NHPA Section 106 process. The NPS mailed copies of the EA to federal and District offices, to public members who requested copies, and hard copies of the EA were made available for public review. A digital copy was placed on the NPS Planning, Environment, and Public Comment (PEPC) website. During the EA processes, the NPS heard from two federal agencies and several individuals and organizations; NPS responses are attached. Although the NPS considered the comments it received, and those comments that resulted in changes or additions to the EA are contained in the errata section, the comments prompted no changes to the selected alternative or the impact analysis.

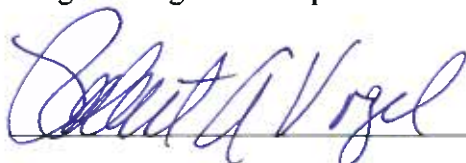


## CONCLUSION

The NPS has selected Alternative 1 for implementation in furtherance of the law authorizing the establishment of the Memorial. The impacts that will result from the selected alternative will not impair any park resources and values (see attached). This determination is based on the information gathered and the knowledge gained in considering this proposal through both this EA and also the first (2008) EA, which served as a foundation to this EA. The selected alternative does not constitute an action that normally requires preparation of an EIS; it 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 or historic resources or visitor use and experience. 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.

Based on the foregoing, an EIS is not required for this action and thus will not be prepared. Based on the findings of the 2012 EA, as well as all of the previous planning that has occurred, including the 2008 Site Selection EA, this is a finding of no significant impact.

Recommended:

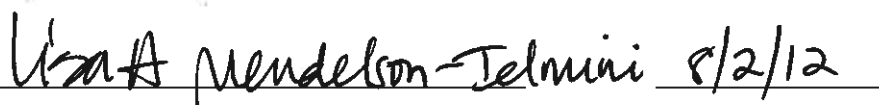



Robert Vogel  
Superintendent,  
National Mall and Memorial Parks

7/27/12

Date

Approved:

  
 Stephen E. Whitesell  
Regional Director  
National Capital Region

Date

## IMPAIRMENT STATEMENT

NPS Management Policies 2006, 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."

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 National Park Service 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." It also states that an impact to any park resource or value may, but does not necessarily, constitute impairment. An impact will be more likely to constitute impairment to the extent that it affects a resource or value show conservation is

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

An impact will be less likely to constitute an impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated.

Per section 1.4.6 of *Management Policies 2006*, park resources and values that may be impaired include:

- The park's scenery, natural and historic objects, and wildlife, and the processes and condition that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the Park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structure, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the Park was established.

Section 1.4.7 of *Management Policies 2006* states, "[i]n making a determination of whether there will be an impairment, an NPS decision maker must use his or her professional judgment. This means that the decision-maker must consider any EA or EIS required NEPA; consultations required under Section 106 of the NHPA; relevant scientific and scholarly studies; advice or insights offered by subject matter experts and others who have relevant knowledge or experience; and the results of civic engagement and public involvement activities relating to the decision.

NPS Management Policies 2006 further define "professional judgment" as "a decision or opinion that is shaped by study and analysis and full consideration of all the relevant facts, and that takes into account the decision-maker's education, training, and experience; advice or insights offered by subject matter experts and others who have relevant knowledge and experience; good science and scholarship; and,

whenever appropriate, the results of civic engagement and public involvement activities relation to the decision.”

As described in the EA, implementation of the NPS preferred 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.

This determination on impairment has been prepared for the preferred alternative described in Chapter 2 of this EA. An impairment determination is made for all resource impact topics analyzed for the Preferred Alternative. An impairment determination is not made for visitor use and experience or Park management and operations because impairment findings relate back to park resources and values, and these impact areas are not generally considered to be park resources or values according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values.

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. In reaching this determination, the design of the Memorial to Victims of the Ukrainian Famine-Genocide of 1932-1933 EA was reviewed to reaffirm the Park’s purpose and significance, resource values, and resource management goals and desired future conditions. Based on a thorough analysis of the environmental impacts described in this EA, the public comments received, and the application of the provisions of the NPS Management Policies 2006, the NPS concluded that the implementation of the selected alternative will not result in impairment of any of the resources and values of the National Mall and Memorial Parks. Although the action alternative entails physical changes and will add a new memorial to the existing the National Mall and Memorial Parks, the selected alternative will not have significant impacts to the project area’s natural resources, will not alter historic fabric, and will be in keeping with NPS management policies and goals.

## Cultural Resources

### *Archeology*

There will be no impairment to archeological resources as a result of implementing the Preferred Alternative. Native American settlements are known to have existed in the vicinity of the project site. Urban development around the site occurred in the 18th century as part of the street grid. Over time, the site was covered by fill and has remained undeveloped. Alluvial deposits could have led to the preservation of prehistoric and historic archeological sites and features in this area. Beneath the layer of fill, archeological remains from the 18th or 19th centuries may be preserved. 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. Approximate construction disturbance to a depth of three feet, these potential remains will be unlikely to be encountered. Due to the depth of fill and the approximate construction disturbance to a depth of three feet, potential remains will be unlikely to be encountered. If archeological resources are encountered, all work in the immediate vicinity of the discovery will be halted until the resources can be identified and documented and an appropriate mitigation strategy developed. Consultation with the NPS and/or the NPS Regional Archeologist and the DC Historic Preservation Officer, will be coordinated to ensure that the protection of resources is addressed through archeological documentation and/or in-place preservation, followed by publication of results to the scientific community and the public. 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 Director’s Order 28: Cultural Resource Management.

### *Historic Structures and Districts*

There will be no impairment to any historic structures or districts as a result of implementing the Preferred Alternative. The Memorial site is bordered by streets identified in the historic L’Enfant Plan. Union Station and Plaza and Columbus Fountain, both of which are listed in the National Register of Historic Places, have visual connections to the site.



Overall, the selected alternative will result in minor adverse impacts on the L'Enfant and McMillan Plans from changes to view corridors along adjacent streets. The installation of the sculpture and trees at the site will alter the existing open space and views across the site, resulting in indirect minor adverse impacts on the Old City Post Office and negligible impacts on the Union Station and Plaza and Columbus Fountain. Overall, the selected alternative will result in negligible to minor adverse impacts to cultural resources. These impacts however, will not impair the natural or cultural integrity of the Park or will inhibit opportunities for enjoyment of the park.

#### Soils

The selected alternative will not result in an impairment of soils. The soils present in the project site include 25 feet of fill, having been placed there during the construction of Union Station. Open space with vegetation, consisting of a turfgrass panel, comprises approximately 3,035 square feet (0.07 acre) of the site. Because one of the purposes of NAMA is to preserve, interpret, and manage Federal Park lands in the national capital, including green spaces, soils are a resource necessary to fulfill the purposes of the park, as they are a key component of a functional green space. The selected alternative will decrease the amount of vegetated area by 1,696 square feet and will disturb the soils throughout the site. 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 in the project area. The selected alternative will replace the 3,035 square feet of vegetation comprised primarily of turfgrass and two trees, with 2,086 square feet of vegetated area and will add approximately eight additional trees. The selected alternative will result in the removal of existing turfgrass during construction, but these impacts will be short-term and will not harm the long-term viability of vegetation in the project area.

#### Water Resources

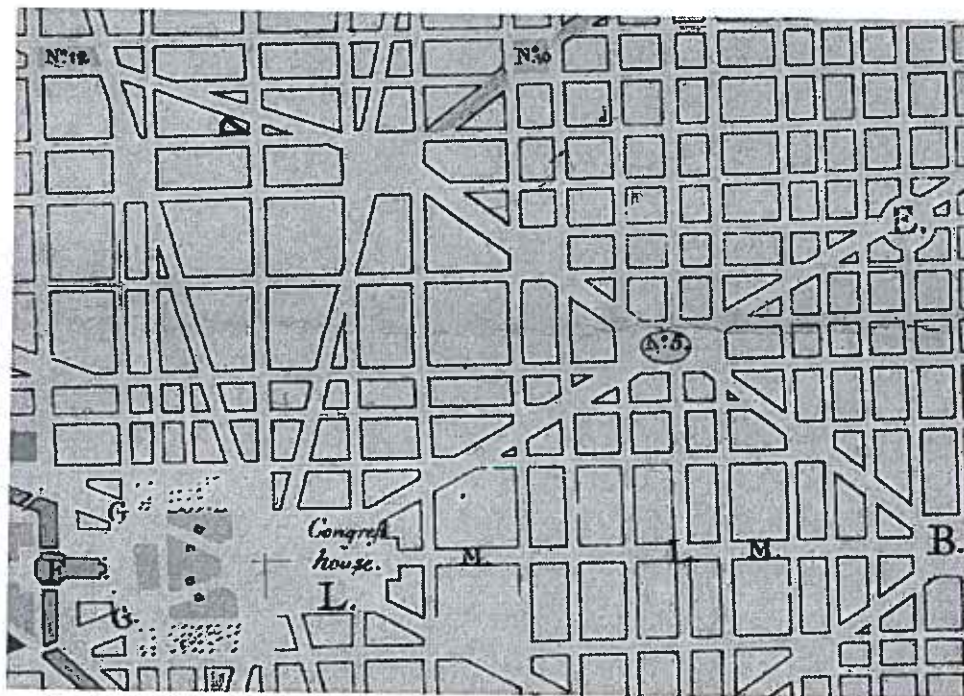
The selected alternative will not result in impairment of water resources. There are no bodies of water located at the project site. The Memorial will include excavation to a depth of approximately three feet, and will therefore be unlikely to encounter groundwater due to the estimated 25 feet of fill that was introduced to the site at the time of Union Station's construction. Impervious surfaces cover approximately 43 percent of the existing project site (including the sidewalks up to the curbs).

The selected alternative will increase the amount of impervious surface by acres, which will increase the amount of stormwater on-site. Depending upon the action alternative, impervious surface coverage at the project site will increase to approximately 69 percent of the project area. The Memorial will treat stormwater on-site by grading paved surfaces to redirect stormwater to vegetated areas. It is unlikely that groundwater will be encountered at the site during construction, based on the estimated 25 feet of fill at the site.

## ERRATA SHEET

This Errata Sheet contains clarifications for and corrections to the 2012 Memorial Design EA. The following changes to not alter the analysis in the EA.

1. Replacement of Figure 3-2 on page 3-4 with the following figure in order to accurately reflect the site location:



## COMMENTS

Commenter	Comment	Response
Memorial Design Comments- 2012		
The Committee of 100 of the Federal City.	Two design proposals are presented in the Environmental Assessment (EA) in addition to a No Action Alternative. In a formal sense and considered abstractly, a linear scheme seems to be a better fit at this site than does a centralized scheme. The Preferred Alternate, the Field of Wheat, is a linear scheme. It responds to both Massachusetts Avenue, NW and F Street, NW and is a graphic, eloquent and compelling piece of sculpture. Its sparseness and economy of means is fitting to the historical events it memorializes. The plaza, bench and planting plan can all lend a quiet dignity to the space.	Noted.
	<p>There is a major urban design influence to consider which is mentioned only in passing in the EA (p. 4-6): the I-395 Air Rights Development and Center Leg Freeway modifications, subject of a Department of Transportation EA, issued March, 2012. At present, F Street, NW is of secondary importance in this section of the city as it is terminated by the Center Leg Freeway two blocks to the west, at Second Street, NW. This condition will change in the future, however, as F Street, NW will be reopened across the Center Leg Freeway as part of the I-395 Air Rights Development.</p> <p>The character of a re-opened F Street, NW is at this time unknown, and could take different forms: a pedestrian path, a limited transit way, or a full reopening of F Street, NW connecting the Downtown East area with the center of Downtown. Technically outside the Secondary Area of Potential Effects, air rights development and changes to F Street, NW will undoubtedly impact the Ukrainian Memorial site in increased and changed traffic patterns and pedestrian circulation in addition to improved long distance views on F Street, NW and greater visual</p>	<p>Currently, F Street NW is interrupted by I-395 and Georgetown University Law School and, as a result, is not a continuous connection from the Memorial site to Downtown. I-395 lies between 2<sup>nd</sup> and 3<sup>rd</sup> Streets NW and Georgetown University Law School lies between 2<sup>nd</sup> Street, NW and 1<sup>st</sup> Street, NW.</p> <p>The I-395 Air Rights Development, as described in the I-395 Air Rights Project Environmental Assessment and FONSI (available at <a href="http://www.i395ea.com/ea-and-fonsi">http://www.i395ea.com/ea-and-fonsi</a>), will extend F Street, NW east across I-395 to 2<sup>nd</sup> Street, NW. Georgetown University will continue to occupy the F Street, NW corridor between 2<sup>nd</sup> Street, NW and 1<sup>st</sup> Street, NW; thus, F Street, NW will not function to connect the Memorial with Downtown. Therefore, pedestrian, transit, and vehicular patterns of the site are not expected to change substantially.</p> <p>F Street, NW adjacent to the Memorial is not considered a contributing vista of the L'Enfant Plan of the City of Washington and will therefore not result in cumulative impacts on this resource.</p> <p>Additionally, because F Street, NW will remain disjointed in the vicinity of the Memorial, the I-395 Air Rights Development will not affect visitor use and</p>



	<p>prominence of the Memorial site as F Street, NW debouches at North Capitol Street, NW. We believe that acknowledgement of this large scale urban intervention to the west will benefit the planning of the Memorial.</p>	<p>experience, and is therefore not considered in the cumulative impacts.</p>
	<p>The District Office of Planning (DCOP) has expressed concern about the pedestrian experience from F Street, NW, suggesting that "... the height and length of the sculpture block views across the site. . . " (p. B-4, comment 4) and urges a more open experience toward the Memorial for pedestrians along F Street, NW. Notwithstanding a paved walkway fronting on F Street, NW, the views in Figure 2-5 and Figure 2-6 suggest the wall—at 6'-0" in height on top of a 1'-6" base for a total height of 7'-6"—will block reciprocal views to F Street, NW. The height of the wall and its presence as viewed from F Street, NW could benefit from additional study and refinement in height and/or edge treatment.</p>	<p>The exact treatment and height of the linear sculpture has evolved. Additionally, since the time the comment was made by DCOP staff during the scoping process, the sculpture has been moved several feet north within the Memorial (away from F Street, NW) and pedestrian access from F Street, NW to the Memorial has been added.</p>
	<p>The line of trees along F Street, NW will provide a visual backdrop, create a sense of enclosure and provide welcome shade in the summer months. But in comparing the existing view along F Street, NW facing east (Figure 11, p. 3-11) with the proposed view (Figure 4-2, p. 4-21) it is evident that as proposed the front elevation of the National Postal Museum and Union Station beyond is partially obscured; additionally the visual sense of the opening out of F Street, NW at the North Capitol Street, NW intersection is altered. The selection of tree species, the species' mature height, form and placement (straight line v. staggered and setback from the street edge) are all important and contributing factors to the ultimate success of the Memorial and should be carefully considered to balance the internal needs of the Memorial with the street view and larger urban design considerations.</p>	<p>The landscape trees installed along F Street, NW under Alternative 1 (the preferred alternative) will affect views of the Old City Post Office and Union Station. However, rather than block views from F Street, NW to these historic resources, views will be filtered, as per the mitigation measure identified in the EA on page 2-15.</p> <p>The EA addresses the visual impact of the Memorial on North Capitol Street, NW on page 4-14 as part of the analysis for the L'Enfant Plan. The landscape trees will be set back approximately 60 feet from North Capitol Street, NW, and will not be located at the apex of the Memorial site at North Capitol Street, NW. As a result, the changes to views within the North Capitol Street, NW view Corridor will be minimal.</p> <p>It is anticipated that slight changes to the placement of landscape trees may occur as the Memorial design evolves and is formally reviewed by NCPC and CFA.</p>
	<p>We are intrigued by and look forward to detailed information concerning the treatment of the wall from F Street, NW, which will have its own special quality, or "elements of visual interest,</p>	<p>Comment noted. This feature of the Memorial will continue to evolve through the design process, including design approvals by NCPC and CFA.</p>

	such as texture. . . .” (p. 2-5). Perhaps the south face could even incorporate elements of the rich Ukrainian visual heritage.	
	From inside the Memorial space there are also concerns that the bas-relief, facing north, may receive sunlight only intermittently and perhaps only at certain times of the year. Have shadow studies been undertaken to assess changing light on the Memorial at different times of day and different times of year?	It has been noted that the bas-relief will receive limited sunlight at certain times of the day and year, although no formal shadow studies have been undertaken. However, given the physical depth of the sculpture, the visitor will be able to distinguish the intended effect of the relief.
	The Committee of 100 is concerned that transportation issues have been too easily excluded from the EA, viz.: “Although some vehicular trips may occur as a result of the Memorial at its opening and for special occasional special events, it is anticipated that the Memorial would not result in sustained changes to vehicular traffic” (p. 1-23). Given the heavy burden traffic congestion places on residents and visitors, the Memorial’s location at the confluence of three streets and the high probability of change as a result of the Center Leg Freeway modifications, it seems short-sighted not to have engaged in a more rigorous transportation study and probable visitor usage.	As identified in the EA, some minimal vehicle trips will occur as a result of the Memorial. The two primary roadways near the site, Massachusetts Avenue, NW and North Capitol Street, NW, are multi-lane principal arterial roadways. The limited increase in vehicular traffic as a result of the Memorial, particularly given the proximity of multiple public transit opportunities, will be negligible.  The I-395 development will result in changes to vehicular traffic in the area. However, such changes will occur independently of the Memorial. The Memorial, given the expected use of the site, will not generate a noticeable or measurable increase in traffic. Therefore, the changes to the traffic in the area will result from I-395 development, rather than the Memorial. As such, this topic was dismissed from further consideration.
	What for example are the visitor rates and transportation concerns at comparable urban infill memorials, such as the Victims of Communism Memorial and the National Japanese American Memorial? How will tour buses, both the smaller “trolley” type vehicle, as well as the larger inter-city coach, be accommodated? How will special event parking be handled? And how often would special events occur? Will they be off hours or at heavy traffic times? These and other questions have not been adequately considered in the EA.	Unlike the Victims of Communism Memorial and the National Japanese American Memorial, the Memorial to Victims of the Ukrainian Famine-Genocide 1932-1933 site is clearly visible from Union Station, a public transportation hub for the city. Additionally, Union Station is a stop on existing “hop on, hop off” bus tours that many visitors will use to reach the site.  Regarding inter-city bus coaches, Union Station also provides parking, as identified by the District of Columbia Department of Transportation. Additionally, motor coaches will not be allowed to park on North Capitol Street, NW during peak afternoon rush hours or in travel lanes along Massachusetts Avenue, NW in compliance with District of Columbia

		<p>parking restrictions.</p> <p>For occasional special events, visitors not using public transportation will likely park in nearby on-street metered parking, in the parking garage at Union Station, or in the parking garage on the unit block of E Street NW, one block south of the Memorial.</p>
	<p>One, the maps and diagrams are generally too closely cropped to the proposed Memorial and context is inadequate. See for example p. 2-16 ff., where there is a detailed discussion of alignments and spatial relationships but no drawings. It is true that one picture can be worth a thousand words and a larger amount of context would be helpful in evaluating alternatives and assessing the relationship of the memorial and its elements to the existing neighborhood, buildings, streets.</p>	<p>The cropping of the diagrams was intended to provide the necessary level of detail to understand the specific design elements of the Memorial. Taken together, the diagrams at various scales provide both detailed and contextual information.</p>
	<p>Two, Figure 3-2 p. 3-4 identifies the site in red on the L'Enfant Manuscript Plan. But it is shown east of North Capitol Street, NW when in reality the site is two blocks west at the southeast corner of what is shown on this plan as a rectangular block.</p>	<p>Comment noted. A revised graphic is included in the Errata Sheet for this EA.</p>
	<p>The Preferred Alternative offers the opportunity to create a memorable and welcome addition to the city's rich heritage of memorial spaces. The Committee of 100 on the Federal City appreciates the opportunity to comment on the Environmental Assessment for the Memorial to Victims of the Ukrainian Famine-Genocide 1932-1933 and we look forward to successive iterations of the memorial as the design moves forward and is further refined.</p>	<p>Comment noted.</p>
Architect of the Capitol	<p>After review of the Environmental Assessment and letter of description dated May 24, 2012, the Architect of the Capitol has no issues at this time.</p>	<p>Comment noted.</p>
Site Selection Comments- 2008		
National Association of	<p>The Environmental Assessment made no mention of the August 13, 2003 agreement between the U.S.</p>	<p>The NPS is appreciative of the donation of the amenity and maintenance services that have been provided since 2003. However,</p>



Realtors	<p>Department of the Interior, NPS, NCPC, and the National Association of Realtors. The ongoing relationship between NAR and Reservation 196 is framed by an agreement that conveyed to NAR the responsibility to design and maintain Reservation 196 as an integral element in the special composition of the block on which the NAR building resides. This agreement is central to the NAR concerns for the future use of Reservation 196.</p>	<p>the donation was not a conveyance of an interest, and the NPS and the NAR recognized in the agreement executed on October 28, 2003 that Reservation 196 is a potential site for a future memorial (Agreement, Part C.1.) and that the agreement could be defaulted and subject to termination if the site were converted to a monument or memorial. Also, through the design process, the NPS will endeavor to shape the proposed memorial so that it will be compatible with the existing improvements.</p> <p>The NAR entered into an agreement to design, use, and maintain U.S. Reservation 196 as a "public view park" as part of their application for zoning relief to construct their facility. The agreement is the culmination of variance decisions granted to the applicant by the Board of Zoning Adjustment (Board) Order 16930 affecting private land of Square 627, decided October 22, 2002. The Board Order does not dictate the management of the property and it specifies that the parcel could be used by the NPS for a memorial in the future.</p>
	<p>The Environmental Assessment's finding of no visual impact is without merit. Reservation 196 has been designed by noted landscape architect James van Sweden as a holistic landscape statement. The design is an element of the parti for the entire block. Its visual density is precisely balanced with the other three inseparable urban design elements on the site- the drop-off zone, the café and terrace, and the water feature. The integrity of this composition requires that it retain its wholeness without non-related thematic interventions, which would disrupt the existing harmonious relationship of the existing elements.</p>	<p>Views are analyzed in context of the existing quality of the view, and the change to the visual character. In the case of Reservation 196, the visual character of the view along New Jersey Avenue, NW will not be adversely affected because the Memorial will be designed in a way that will not interrupt existing views along New Jersey Avenue, NW and F and 1<sup>st</sup> Streets, NW with Memorial elements, similar to the existing site. Additionally, it is anticipated that the green edges of the parcel will remain as components of these visual corridors.</p>
	<p>The recommendation of Reservation 196 is in contradiction to the first principle of improving reservations with the development of memorials and monuments. Reservation 196 is a fully developed and maintained site. It has a mature oak tree, bountiful other landscaping, and an irrigation system and a historic iron fence. Other sites considered are stronger candidates for</p>	<p>The proposed memorial is anticipated to be a small commemorative element such that a figural sculpture which will not detract from the site or from the prominent views of the U.S. Capitol along New Jersey Avenue, NW. As a means to mitigate potential adverse impacts, NPS will work with the sponsor to ensure that the memorial is placed at the apex of the site so as not to impact the oak tree and in order to preserve as much of the garden as</p>

	development /improvement.	possible. Plantings disturbed during the construction should be replaced to the greatest extent possible. In addition, the scale and design of the Memorial should also be appropriate to integrate with existing garden setting and the adjacent NAR building.
	The limiting of an environmental impact statement evaluation exclusively to Reservation 196 and the Massachusetts Avenue, NW and North Capitol Street, NW site deprives the review processes of a full vocabulary of site possibilities. Narrowing the EA process to Reservation 196 and the Massachusetts Avenue, NW and North Capitol Street, NW site suggests that they are the best and only sites suitable for the purposes and stature of the Ukrainian Memorial. To the contrary, there are numerous sites in the Memorials and Museums Master Plan that can carry the meaning of this memorial statement. For example, the sites on the northeast side of New Jersey and Massachusetts Avenues, NW at G Street, NW have a synergy with the Victims of Communism Memorial and could meld with this statement to create a powerful thematic precinct and eastern gateway. Such a gateway composition exists on the western end of Massachusetts Avenue, NW and is formed by the juxtaposition of the Mahatmas Gandhi and Tomas Garrigue Masryk memorials on 21 <sup>st</sup> and 22 <sup>nd</sup> Street, NW.	The Government of Ukraine considered the 100 potential sites identified in NCPC's Memorial s and Museums Master Plan. 24 potential memorial sites were presented by the Government of Ukraine in October 2007 for consultation with NCPC. In February 2008, the Government of Ukraine focused on three sites and was encouraged to study four sites. On July 9, 2008, NCMAC approved Reservation 196 and Reservation 78.
	The finding of no negative environmental impact is contravened by the facts inherent in a fully developed site. To allow the intervention of the Ukrainian Memorial on Reservation 196 will demolish an established landscape including excavation that will affect the root system of the mature oak tree.	As a means to mitigate potential adverse impacts, NPS will work with the sponsor to ensure that the memorial is placed at the apex of the site so as not to impact the oak tree and in order to preserve as much of the garden as possible. Plantings disturbed during the construction should be replaced to the greatest extent possible. In addition, the scale and design of the Memorial should also be appropriate to integrate with existing garden setting and the adjacent NAR building.
	The public process has not been transparent and advertised to encourage the participation of NAR, particularly in light of the 2003 design and maintenance agreement between the NAR and NBPS. It was by chance	As required by law and internal policies, the NPS made a good faith effort to contact the public by releasing the EA to the local ANC on July 29, 2008 and posting it on the PEPC website for a 30 day comment period. NPS also mailed out

	that the NAR became aware of the interest of the NPS in Reservation 196 for the Ukrainian Memorial. At the time that NAR became aware of this ongoing series of actions, the deliberations of the NCPC were concluded and the NCPC review process was nearing conclusion. This review of the EA is the first formal opportunity that the NAR has had to input into the review process. The CWA and the Federal Guidelines encourage a full public vetting of the review processes.	notifications about the availability of the EA on PEPC to interested parties, including a representative of NAR. That NAR representative was also contacted by telephone on August 8, 2008. In order to ensure that the NAR had a full 30 days to comment, the comment period was further extended to September 8, 2008. In addition, the NPS met with representatives of NAR on August 20, 2008.
	It is our hope, and we believe it is more appropriate that such a monument will be more congruent with the housing-related theme of NAR's building and its adjoining plaza. For example, NAR joined America this year in celebrating the 40 <sup>th</sup> anniversary of the passage of the federal Fair Housing Act and is currently in the process of conceptualizing a monument that would commemorate that historic event. A monument of that nature for Reservation 196 would inspire and educate visitors to the site, and be far more in keeping with the theme of the plaza.	The NPS does not select or introduce commemorative proposals. Instead, per the CWA, memorial sponsors seek support by Congress and the enactment of law to authorize a commemoration. Once authorized, the memorial sponsor works with the NCMAC to review and select potential sites. The potential site must then be approved by NCPC and CFA. The effort to honor the victims of the Ukrainian famine-genocide was sponsored on February 5, 2003 in the 108 <sup>th</sup> Congress by Congressman Sander Levin in H.R. 591 and enacted into law on October 13, 2005 by President George W. Bush. Should the NAR seek to commemorate a specific event, the standards and procedures for doing so are provided within the CWA, Public Law 99-652, as amended.
	In closing, Reservation 106 is currently a well-designed and maintained site that would gain little positive impact by the incorporation of the Ukrainian Famine Memorial. For the reasons described above, we urge you to remove from consideration Reservation 196 as the potential site of the Ukrainian Famine Memorial.	Comment noted.
Capitol Plaza Tenants' Association, Inc.	Our comments are intended to express opposition to the placement of the memorial at the site known as Reservation 196.	Comment noted.
	This small triangular garden is the only remaining open "green" space in the immediate vicinity, and has come to be viewed as an oasis by the residents of Capitol Plaza apartments and hotel guests in the area. The beautiful majestic oak tree, simple landscaping of flowers and shrubs, and the unique	The proposed memorial is anticipated to be a small commemorative element such that a figural sculpture which will not detract from the site or from the prominent views of the U.S. Capitol along New Jersey Avenue, NW. Such a modest figural element will not significantly alter the character, including the feeling of open



	<p>shape of the site truly lends a feeling of open space, light, air, and nature to our small corner of the downtown community which is being completely overtaken by concrete and glass as the surrounding development encroaches any remaining views of the ground and sky.</p>	<p>space, light, light, air, and nature, of the site and its environs. As a means to mitigate potential adverse impacts, NPS will work with the sponsor to ensure that the memorial is placed at the apex of the site so as not to impact the oak tree and in order to preserve as much of the garden as possible. Plantings disturbed during the construction should be replaced to the greatest extent possible. In addition, the scale and design of the Memorial should also be appropriate to integrate with existing garden setting and the adjacent NAR building.</p>
	<p>For more than a decade prior to the construction of the NAR Building, the site was unkempt and plagued with trash, drug dealers, prostitutes, and served as a 24/7 congregation point for the homeless. Since the Realtors have taken over maintenance of the site, it is always clean and well-maintained, and even more importantly, under constant surveillance from the Realtor's Building security personnel. We are concerned that placement of the memorial on this site will threaten the level of maintenance and security which the community has come to expect and appreciate. We waited and endured unsightly and unsafe conditions at this site for many years until the Realtors adopted this small patch of land. We are concerned that splitting the site to accommodate the memorial would also entail splitting responsibilities for maintenance, which may then recreate those unsightly and unsafe conditions.</p>	<p>Public Law 109-340 that authorized the proposed memorial provides that "the United States Government shall not pay any expense for the establishment of the memorial or its maintenance." Consistent with the law, the Government of the Ukraine will assume maintenance costs for the memorial site. If the design that is ultimately approved by the NPS, NCPC, and CFA can be successfully integrated into the existing improvements on Reservation 196 to the NAR's satisfaction, there is no impediment to allowing the Government of the Ukraine, the NPS, and the NAR to form a new maintenance partnership.</p>
	<p>Since a design plan for the actual memorial is not yet available for public inspection, there are many concerns and questions regarding the scale and features of the design, especially any features that may again serve as a beacon for the homeless, for example seating accommodations. We in the neighborhood are already picturing the sad irony of having homeless American citizens eating scraps of food from the trash cans and/or panhandling for food and money at the foot of a memorial erected to remember victims of a famine that occurred almost a century ago in a far away land. Although not mentioned as</p>	<p>The urban vitality that has resulted from the success of the open space plan immediately to the south of Reservation 196 has contributed greatly to the decrease in crime and panhandling. As mentioned above, the proposed memorial will be designed in a manner to preserve the garden setting to the greatest extent possible so as not to compromise the success of the open space. The low, cast iron fence, which was installed around the reservation to maintain views through it while keeping homeless individuals from lingering in its interior garden, will also be maintained to the greatest extent possible. In addition no benches are envisioned for</p>

	<p>a factor in the EA, it is critical to note that this site is situated one block north of one of the largest homeless shelters in the city and a new 400-bed shelter just one block south planned for the former Gales School on the corner of Massachusetts Avenue.</p>	<p>the area around the memorial at this site.</p>
	<p>Mentioned in the EA and several times at the site meeting held on August 20<sup>th</sup>, was the placement of the memorial with a line of sight to the U.S. Capitol Building was one major consideration for the New Jersey Avenue, NW site. It should be noted that while one does have a clear line of sight to the Capitol Building if standing in the roadway, any photos taken from the vantage point of the proposed memorial would likely also prominently feature the liquor store on the corner of E Street, NW and New Jersey Avenue, NW, as well as groups of people enjoying lunch, dinner, and nightly happy hours with conspicuous consumption of alcoholic beverages at the outdoor patio of Billy Goat Tavern, which abuts the site. This establishment has become a favorite social gathering point for Georgetown laws students, guests and conference attendees visiting the several surrounding luxury hotels, workers from the surrounding office building, and residents of Capitol Plaza apartments.</p>	<p>Comment noted. Reservation 196 is part of a vibrant urban area, where ground-floor retail and restaurants are commonplace. This condition is found throughout Washington, DC, including locations that include memorials. In contrast, the view of the U.S. Capitol is noteworthy as a rare opportunity to frame such a memorial with an iconic national symbol.</p>
	<p>Land Use: In regard to the New Jersey Avenue, NW site, the document completely fails to mention the close proximity of the residential building known as Capitol Plaza in describing the mixed use area. In addition, although the proximity to the Washington Court Hotel was listed in the description of the Massachusetts Avenue, NW site, the document did not mention the hotel's proximity to the New Jersey Avenue, NW site or that the hotel's main and only entrance is sited directly across the street from the New Jersey Avenue, NW site.</p>	<p>The area of the memorial is described as mixed-use, which was intended to include residential uses. Furthermore, the EA states that "land uses in the immediate vicinity include commercial (luxury hotels)..."</p>
	<p>Visual Resources: In describing the New Jersey Avenue, NW site, the EA states that "visitors standing at the apex of the triangular parcel are afforded views of Union Station and the U.S. Postal Museum." This is simply not</p>	<p>The view north from the New Jersey Avenue, NW site is erroneously described in the Site Selection EA. Instead, views north include the Georgetown University Law School, mixed-use buildings, open</p>

	<p>true from the New Jersey Avenue, NW site, although it is accurate for the Massachusetts Avenue, NW alternative.</p>	<p>space, and the roadway network.</p>
	<p>Roadways and Traffic: Although not mentioned in the EA, the neighborhood is already overly congested with New Jersey Avenue, NW and 1<sup>st</sup> and E Streets, NW frequently being used as tour bus staging areas for large conferences at the hotels and during large events held on the Mall; this is in addition to the regular traffic patterns from rush hour commuters using New Jersey Avenue, NW to access I-395 and I-95 via New York Avenue.</p>	<p>Due to the small scale and nature of the proposed memorial, it is anticipated that impacts to traffic and parking would be minor.</p>
	<p>Visitor Parking: Although the EA states that there would be no negative impact on the neighborhood street (metered) parking, it is difficult to make this assessment given that the memorial design is not yet complete. Construction of the memorial at this site may indeed impact what little street parking exists for the neighborhood residents and workers as it is likely that placement of ingress and egress to the memorial would require elimination of a few parking spots both on 1<sup>st</sup> Street, NW and New Jersey Avenue, NW.</p>	<p>The EA acknowledges that there would be short-term impacts as a result of potential closures of parking spaces during construction. However, such closures would be temporary. As mitigation, efforts will be made to coordinate any parking changes in the area with DDOT.</p>
	<p>Geophysical Resources: there is a concern that potential soil erosion and run-off during the construction phase, as well as having a long-term impact resulting from any paving of the site that would endanger the stability of the mature and very large oak tree, which anchors and serves as the focal point of this triangular garden.</p>	<p>The EA states that construction could contribute to erosion through the run-off of soils. The EA goes on to state that "through the utilization of best management practices during construction, erosion and resulting runoff would be minimized."</p> <p>Regarding the existing oak tree, the EA identifies as mitigation "The design and construction of the proposed Memorial will include efforts to retain as much current vegetation as is possible to minimize disturbance" and "existing vegetation on the site would be protected through appropriate coverings and buffers during the construction phase."</p>
	<p>Throughout the entire Site Selection EA, many of the individual site selection criteria mentioned as factors for selecting the New Jersey Avenue, NW site are predicated on the possible future re-opening of F Street and using</p>	<p>The consideration of Reservation 196 as the preferred site for the Ukrainian Memorial was not predicated upon the proposed F Street, NW reconnection project for which no time line has been established. It was mentioned in the EA as</p>

	<p>the air rights to build over I-395 to create a thoroughfare connecting the NE and NW quadrants of the neighborhood. Although a key factor of the Downtown Action Agenda, there is no guarantee that this plan will ever manifest into reality, or if so, when that might actually happen. Until then, if the memorial were to be built on the New Jersey Avenue, NW site, it would remain obscure and be seen only by those who live or work in the neighborhood and by the occasional tourist who wandered off the beaten path, typically because they made a wrong turn and got lost trying to find Union Station.</p>	<p>a potential future project that, were it ever realized, would further enhance Reservation 196 as a good site for a future memorial.</p>
NCPC	<p>EA page 3-1. The site is "an undeveloped, open, landscaped parcel. .. One large, mature oak tree anchors the parcel and is surrounded by a mix of flowers, grass, and shrubs ... The site is situated in front of the National Association of Realtors (NAR) headquarters building ... "</p> <p>NCPC Comment: The northern portion of the site is currently landscaped and maintained as a garden. This park is part of a successful open space program which also includes several elements south of the Reservation: an outdoor public seating area, water feature, private outdoor dining area, restaurant and coffee shop. Any memorial design that would significantly modify this garden may result in impacts that need to be mitigated.</p> <p>The National Park Service (NPS) has entered into a maintenance agreement with the National Association of Realtors (NAR) for Reservation 196 whereby NAR has improved and maintains the site. According to Section C, conversion of the site to a monument or memorial would constitute a default of the agreement. Management of the site should be addressed as the design phase proceeds. For more information, see National Park Service and National Association Agreement for Reservation 196 of October 23, 2003.</p>	<p>The proposed memorial is anticipated to be a small commemorative element such that a figural sculpture which will not detract from the site or from the prominent views of the U.S. Capitol along New Jersey Avenue, NW. As a means to mitigate potential adverse impacts, NPS will work with the sponsor to ensure that the memorial is placed at the apex of the site so as not to impact the oak tree and in order to preserve as much of the garden as possible. Plantings disturbed during the construction should be replaced to the greatest extent possible. In addition, the scale and design of the Memorial should also be appropriate to integrate with existing garden setting and the adjacent NAR building.</p>
	EA page 4-1. Selection of this site	The location of a proposed memorial



	<p>would "transform the triangular parcel into a landscaped commemorative space. Creating a point of interest for visitors on the site would improve the open space and encourage visitors to admire the Memorial while offering them a place of contemplation. Selection of the site for future placement of the proposed Memorial would result in a slight positive impact ... "</p> <p>EA page 4-7. "It is expected that the Memorial would be located near the center of the landscaped parcel."</p> <p>NCPC Comment: The reservation is part of a successful open space program currently, as outlined above. With the location of new office buildings and tenants, this area along New Jersey Avenue NW has experienced substantial revitalization over the last ten years; however, other uses that generate much-needed vibrancy, such as restaurants, retail, cultural attractions and green spaces, have yet to be established at significant levels.</p> <p>Based on the District Elements of the Comprehensive Plan (see Central Washington Area Element), this neighborhood, called Downtown East, Judiciary Square, "suffers from a weak sense of identity ... and contains a large number of parking lots, curb cuts, and buildings that are devoid of ground level activity" (16.35). The small nucleus of activity which includes Reservation 196 is one of the exceptions. It offers residents, visitors and employees a unique amenity for the neighborhood.</p> <p>Thus, a memorial could negatively impact the reservation and the surrounding area, depending on the success with which the memorial design relates to the reservation's existing conditions and its surroundings. The placement of the memorial within the site should support the continued success of these limited amenities, which may require locating it at the far north of the site or along the reservation's east or west edges toward the north end of the</p>	<p>would be consistent with the existing green space. In addition, it would serve as a cultural attraction.</p> <p>The EA states that it would retain the existing vegetation to the extent possible, which would minimize hardscape elements and would relate to the reservation's existing conditions.</p>
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	<p>site. A memorial at this location should include significant amounts of vegetation rather than hardscape.</p> <p>EA page 4-13. "It is expected that the one existing mature oak tree located towards the rear and center of the site would be undisturbed by placement of the Memorial ... The design and construction of the proposed Memorial will include efforts to retain as much current vegetation as is possible to minimize disturbance."</p> <p>NCPC Comment: Preservation of the oak tree is critical to the success of this site. It provides shade and may serve as a meaningful transition element between a future memorial and the public, active uses to the south of the site (outdoor seating area, etc.). Where possible, NCPC supports the conservation of trees and other vegetation, as outlined in the Federal Elements of the Comprehensive Plan (see Parks and Open Space).</p> <p>Retention of the flowers, plantings and other vegetation, or their replacement in kind, is also important for the success of the site and the success of the area, where there are few gardens and active green spaces. These considerations should be taken into account in the selection of site and the development of mitigation measures for any memorial design for the site.</p>	<p>As a means to mitigate potential adverse impacts, NPS will work with the sponsor to ensure that the memorial is placed at the apex of the site so as not to impact the oak tree and in order to preserve as much of the garden as possible. Plantings disturbed during the construction should be replaced to the greatest extent possible. In addition, the scale and design of the Memorial should also be appropriate to integrate with existing garden setting and the adjacent NAR building.</p>
	<p>EA page 3-1. Land Use (description of site), EA page 4-1. Land Use Impacts (description of site)</p> <p>NCPC Comment: This site has a visible relationship to the small, historic commercial building at its western edge, currently leased as a Sun Trust Bank. As a matter of urban design, it may be challenging to successfully design a memorial on the Reservation which integrates the site's apex with this small historic building and with the rest of the block.</p> <p>In addition, given the nature of this memorial's purpose, it will be difficult to meet the applicant's goal to design a contemplative space in such a highly trafficked, visible site. This site may be more appropriate for a memorial that can connect to its surroundings both thematically (subject matter) and</p>	<p>The Massachusetts Avenue, NW site would have some particular design challenges, including the creation of a contemplative space and the relationship between the former Childs Restaurant building and the grass panel. However, these issues have been addressed through the design process. Additionally, the DC SHPO reviewed the designs to ensure that there are no adverse effects on the building.</p>

	<p>through integration of design.</p> <p>In addition, this site is important as the first reservation west of Union Station. It is a significant entrance point from Union Station to Northwest DC through Massachusetts Avenue and may be more appropriate for a memorial that recognizes an American rather than international theme.</p>	
	<p>EA page 4-2. "Selection of the Massachusetts Avenue Site would ... transform the underutilized triangular parcel into a landscaped commemorative space. The site is currently an undeveloped, open grassy parcel available for passive recreation. Creating a point of interest for visitors on the site would improve the open space, which is currently lacking any defining characteristics. The addition of commemorative elements would improve the space and encourage visitors to admire the Memorial while offering them a place of contemplation. Selection of the site for the future placement of the proposed Memorial would result in a positive impact on the site."</p> <p>NCPC Comment: This site may be improved by the addition of a memorial and also maintenance and additional landscaping. However, its current expression as a flat, open green lawn emphasizes the small historic building to the west and the buildings along the rest of the block and beyond. This lawn, without development, achieves a certain effect, which may be impacted by the addition of a memorial element.</p>	<p>Comment noted. It was anticipated that through the Section 106 consultation process, the extent to which changes to the grass panel will alter the setting of the former Childs Restaurant building would be minimized. At this time, DC SHPO has issued a preliminary determination of no adverse effect.</p>
	<p>EA page 3-1. "While these two potential sites are not identified in NCPC's Memorials and Museums Master Plan, the characteristics of both the New Jersey Avenue and Massachusetts Avenue sites are consistent with the purpose and intent of the plan."</p> <p>NCPC Comment: Along with Reservations 77 A and 77B, Reservation 196 is identified as Site #98 in the Memorials and Museums Master Plan. The Plan identifies an opportunity to incorporate small scale memorial elements within the</p>	<p>Comment noted. The Site Selection erroneously identifies Reservation 196 as not in the Memorials and Museums Master Plan, although it is identified as site #96 in that document.</p>

	<p>identified triangular parks.</p> <p>EA page 3-5. "Because both potential sites are under federal ownership, they are not subject to local zoning regulations. Development of federal property is under the purview of the National Capital Planning Commission. pursuant to the District of Columbia Zoning Enabling Act of 1938."</p> <p>NCPC Comment: NCPC's approval of site is pursuant to the National Capital Planning Act, 40 U.S.C. 8722 and the Commemorative Works Act, 40 U.S.C. 8905.</p>	<p>Comment noted. This citation was addressing federal development in general. The Site Selection EA should have included the reference to NCPC's approval authority from the CWA and the National Capital Planning Act.</p>
	<p>EA page 5-3. Under the Notification List, the NAR is not identified. Given the existing contract for Reservation 196, NAR should be notified and included in discussions. Other land-owners proximate to both sites should also be notified.</p>	<p>NPS also mailed out notifications about the availability of the EA on PEPC to interested parties, including a representative of NAR. That NAR representative was also contacted by telephone on August 8, 2008. In order to ensure that the NAR had a full 30 days to comment, the comment period was further extended to September 8, 2008. In addition, the NPS met with representatives of NAR on August 20, 2008.</p>
	<p>EA page 5-3. Under the Notification List, David Levy is identified as NCPC's Executive Director, Acting. David Levy is the Director of Urban Design and Plan Review at NCPC.</p>	<p>Comment noted.</p>
	<p>As the project moves forward into the design phase, NCPC staff requests that NPS address the following through supplemental environmental documents and project design:</p> <ol style="list-style-type: none"> <li>1. Potential impacts on pedestrian and vehicle circulation due to visitation (include tour buses and special events). Visitation to events in other cities where Ukrainian Famine memorials are located should be taken into account.</li> <li>2. Maintenance Issues. According to the law that authorizes the memorial, the Ukrainian Government is responsible for cost of construction and maintenance. A maintenance plan for the site(s) should be addressed.</li> </ol>	<p>The 2012 Memorial Design EA summarized visitor use and experience and transportation systems, including roadways, parking, and pedestrian and bicycle access. Prior to opening of the Memorial, NPS and the Ukrainian Government will sign an agreement document identifying requirements and responsibility for maintenance.</p>
DC SHPO	<p>This project seeks to locate a memorial on one of two triangle parks administered by the NPS, Reservation 196, or 77 A. Neither park has been the subject of archaeological investigations in the past. Both are currently small, grassy, open areas bordered by</p>	<p>A Phase 1A Archeological Assessment for the Massachusetts Avenue, NW site was completed in June 2012. Research conducted for this study determined that the history of fill and of construction disturbance at the site makes the likelihood of encountering archeological remains at</p>



	<p>sidewalks. Reservation 196 also has a large shade tree present. An EA was completed by EDAW for this project but does not consider archeological potential of the parks. Regarding archaeology, the EA states that: "Due to the location of the sites being considered for the proposed Memorial, several environmental issues were determined not to require further analysis." This is an unacceptable conclusion because the memorial-whose dimensions, type, description, etc. are yet undefined may impact archaeological resources. Leaving archaeology out of the EA gives the false impression that neither park has archaeological potential.</p>	<p>shallow depths. Given the limited depth of the excavation proposed (three feet), the present project is not likely to have an effect on significant archaeological resources.</p>
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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
STATE HISTORIC PRESERVATION OFFICE



DC STATE HISTORIC PRESERVATION OFFICE  
FEDERAL AGENCY SECTION 106 REVIEW FORM

TO: Mr. Glenn DeMarr, National Park Service

ADDRESS: Via email to [glenn\\_demarr@nps.gov](mailto:glenn_demarr@nps.gov)

PROJECT NAME/DESCRIPTION: Ukrainian Famine Memorial 1932-1933 Design

PROJECT ADDRESS/LOCATION DESCRIPTION: U.S. Reservation 78; Massachusetts Avenue  
and North Capitol Street, NW

DC SHPO PROJECT NUMBER: 11-379

The DC State Historic Preservation Office (DC SHPO) has reviewed the above-referenced federal undertaking(s) in accordance with Section 106 of the National Historic Preservation Act and has determined that:

☐ This project will have **no effect** on historic properties. No further DC SHPO review or comment will be necessary.

☐ There are **no historic properties** that will be affected by this project. No further DC SHPO review or comment will be necessary.


☐ This project will have **no adverse effect** on historic properties. No further DC SHPO review or comment will be necessary.

☒ This project will have **no adverse effect** on historic properties **conditioned upon** fulfillment of the measures stipulated below.

☐ Other Comments / Additional Comments (see below):

Based upon our review of the project designs and our discussions with NPS staff and the project architects, the DC SHPO believes that the proposed memorial is unlikely to constitute an adverse effect on historic properties. However, since further design refinements will probably be required, our "no adverse effect" determination is conditioned upon the NPS providing our office with updated submittals, notifying us of any preservation-related concerns expressed by consulting parties, and consulting further with us, as appropriate, to finalize designs for the memorial.

BY:

  
C. Andrew Lewis  
Senior Historic Preservation Specialist  
DC State Historic Preservation Office

DATE: February 6, 2012