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May 22, 2015

Mr. David Maloney
State Historic Preservation Officer
District of Columbia, Office of Planning
1100 4th Street SW, Suite E650
Washington DC 20024

Dear Mr. Maloney:

The National Mall Coalition (formerly National Coalition to Save Our Mall) is responding to the National Park Service letter, dated May 8, 2015, stating its final determination of effect for the Dwight D. Eisenhower Memorial in Washington, DC, in accordance with Stipulation 11 of the 2012 Memorandum of Agreement (MOA) for the project.

The MOA acknowledges that "the undertakings will have an adverse effect on the L'Enfant Plan and the McMillan Plan" as well as the National Mall and adjoining federal buildings, and states that these adverse effects will be reduced through mitigation. The NPS letter of determination states that the final design "does not result in new adverse effects or intensify known adverse effects." We respectfully disagree.

Sections c, d, and e of Stipulation 11 of the MOA state that if the public objects in writing within the 14-day MOA review period to the NPS determination, then NPS will seek ways to resolve the objection. The Coalition believes that 1. The design does have additional adverse effects on the L'Enfant and McMillan plans beyond those identified in the MOA that still need to be considered, and 2. These additional adverse effects associated with the historic plans in fact intensify the adverse effects already identified in the MOA.

Coalition Board members architect Arthur Cotton Moore FAIA and art historian Dr. Judy Scott Feldman, both of whom have decades of expertise and experience of the L'Enfant and McMillan Plans, regularly participated in the NEPA and 106 process for the Memorial. We strongly believe that the Eisenhower Memorial can and should be a meaningful and respectful addition to these brilliant plans that give the nation's capital its unique urban design and symbolic quality, and to the American story embodied in those plans. But as citizen Consulting Parties in the statutory and legal NEPA and Section 106 process, we are concerned that:

1. The significance of the historic L'Enfant and McMillan Plans, and of Maryland Avenue to those plans, has never been seriously identified, described, or evaluated in the NEPA and Section 106 process. As a result, the full scope of adverse effects has never been identified or examined and the Memorial design has

been allowed to develop in a way that will cause major and lasting adverse impacts to Maryland Avenue and the L'Enfant Plan, as will be explained below.

2. Priority in determining what does and does not constitute an “adverse effect” has been skewed in favor of the Memorial design at the expense of the historic plans. The 2006 NCPC Design Principles, which are given great weight in the EAs determination of adverse effects, call for the “cohesive” design but are vague and inexplicably shy about demanding protection of the L'Enfant Plan.
3. This memorial design will compromise the original intent, historic significance, and aesthetic and symbolic power of the L'Enfant Plan. It will make highly noticeable changes to the character-defining features of Maryland Avenue and the L'Enfant Plan such that the integrity of those resources will be compromised and they may no longer be eligible for listing in the National Register. Worse, the Memorial design could serve as a precedent for further degradation of other L'Enfant avenues, including for on-going planning for Pennsylvania Avenue.

These concerns are not new. The Coalition and Mr. Moore have raised questions about the Memorial's effect on the sensitive Maryland Avenue site since before site selection. But now that the governmental Signatories to the MOA have agreed to the latest design, we feel we must make the case for protecting the L'Enfant legacy one more time and ask the District of Columbia and federal historic preservation authorities to give our comments serious consideration.

In the past, we have stated our concerns, in oral and written comments, about the Memorial design's desecration of the L'Enfant Plan, including in letters published in *The New York Times* and *The Washington Post*.

- The Coalition's comments on the 2011 EA raised serious concern that the purpose and significance of “historic resource” affected by the Eisenhower undertaking was not sufficiently and accurately identified as the historic plans but instead, and oddly, administratively -- as a “park unit” of NPS.
- The Coalition has asked what is the basis for references to the “historic” 50-foot cartway – in the NCPC Design Guidelines, EA, and MOA – when L'Enfant's original intention was for 160-foot wide avenues.
- In 2011, having done considerable scholarly research using the National Register Nomination for the L'Enfant Plan, the Coalition appealed to the DCHPO and NPS to update and revise that Nomination to supplement what we found to be inadequate documentation and analysis of the historic plans. The MOA calls for NPS to update that Nomination as mitigation for the Eisenhower Memorial adverse effects, which is an important step but, alas, too late to inform the discussion of the severity of adverse impacts by the Memorial on the L'Enfant Plan.
- Lastly, because the Coalition and other non-governmental Consulting Parties were not invited to sign the MOA drawn up in 2012, we feel our opinions have not been considered essential to the ongoing refinement of the Memorial design.

We believe that continuing the consultation for the Memorial, and including more complete historical data on the L'Enfant and McMillan Plans to assist in determining additional adverse effects, will lead to a better resolution and a better Memorial.

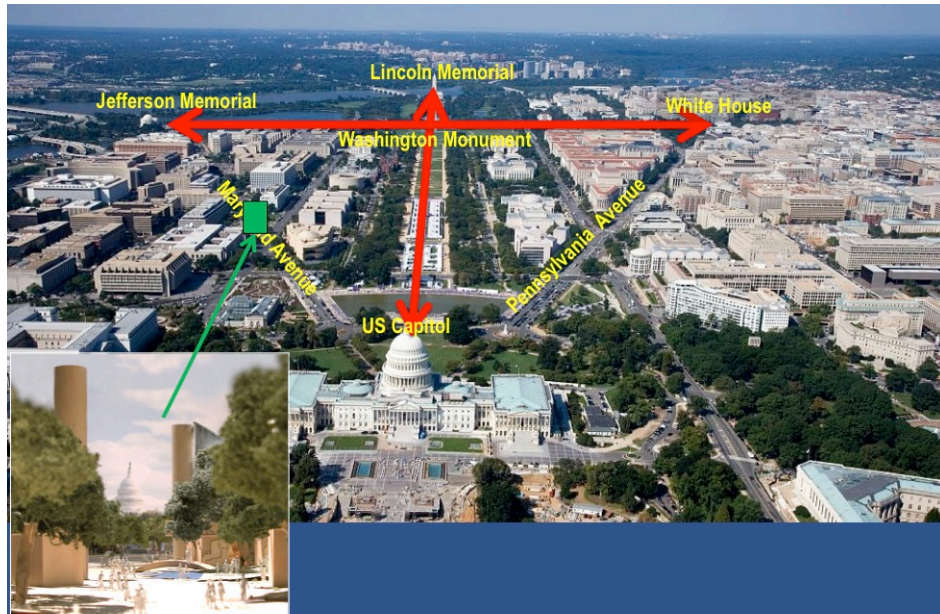
What Additional Adverse Effects and Intensified Adverse Effects? The MOA states that “the undertakings will have an adverse effect on the L'Enfant Plan and the McMillan Plan,” but does not

fully describe what those “adverse effects” are. In reviewing the L’Enfant and McMillan Plans (3-13, 3-14) and determining what constitutes an “adverse effect,” (4-29) the EA cites the “Contributing Vista” to the Capitol and Maryland Avenue as a “Contributing Major Avenue.” These are important. But they are only two of several historic qualities that give Maryland Avenue its multi-faceted design and symbolic significance in the historic plans, qualities which have not been evaluated during the NEPA and Section 106 process or in the EA. Each of these aspects described below is historically significant and all of them, together, contribute to the historic significance of Maryland Avenue as well as to the National Register qualities of the L’Enfant Plan. That significance is:

- a key design element of L’Enfant’s comprehensive Baroque-inspired city plan;
- a physical and symbolic companion (and mirror image) of Pennsylvania Avenue defining L’Enfant’s monumental core of the capital with the National Mall at its center;
- the southern geographic and symbolic boundary of the McMillan Plan’s expanded kite-shaped National Mall plan (what they called “the Mall system”);
- a continuous avenue thoroughfare linking the Capitol and the Tidal Basin;
- a broad open vista (and counterpart to that of Pennsylvania Avenue) to and from the preeminent symbolic structure in the nation’s capital, the U.S. Capitol;
- one of L’Enfant’s grand diagonal avenues, which he described (annotated on his Plan) as “160 feet in breadth” composed of an “80 feet in the middle for carriageway,” “30 feet of gravel walkway, planted with trees on each side,” and “10 feet of pavement on each side.” (See illustration below)

The current Memorial design not only causes adverse effects to each of these historic concepts described above. It violates all of them together, magnifying of the cumulative adverse effects to both Maryland Avenue and to the National Register qualities of the L’Enfant Plan, by:

- re-designing L’Enfant’s geometry to create an enclosed plaza in the middle of an avenue where none was intended. Elsewhere throughout the city, L’Enfant created rectangular public spaces and sites for monuments where avenues intersected – further to the west at the intersection of Maryland and Virginia Avenues, at Dupont Circle, and elsewhere. In this regard, the Commission of Fine Arts blog defending the Eisenhower Memorial misunderstands and misrepresents L’Enfant’s vision by likening the Eisenhower site to Dupont Circle (<http://www.cfa.gov/about-cfa/blog/2014/12/eisenhower-memorial-does-it-harm-dcs-planning-legacy>)
- destroying the complementary relationship to Pennsylvania Avenue intended in the L’Enfant Plan and in the McMillan Plan’s expanded Mall boundaries
- closing the avenue as a thoroughfare for vehicular traffic
- severing the physical and symbolic connection between the Capitol and Tidal Basin
- restricting the broad vista to and from the Capitol to 85% of L’Enfant’s 160-foot breadth
- narrowing L’Enfant’s 160-foot right-of-way and 80-foot carriageway to a 50-foot cartway
- creating a monument to Eisenhower that by its dominance of the Maryland Avenue location in close proximity to the Capitol, and its huge scale – essentially an “open room” with columns and tapestries rising to the height of the facades of adjoining federal buildings and museums --, gives President Eisenhower an outsized place in the narrative of American presidents that overshadows even the Lincoln and Jefferson Memorials and will confound and confuse visitors to the nation’s capital.



The diagram above illustrates the symbolic layout established by the 1791 L'Enfant Plan and the 1902 McMillan Plan, which is protected by the Commemorative Works Act and historic preservation laws and regulations. Inset is the design addressed by the MOA.

At right is L'Enfant's annotation on his Plan describing the width of his grand avenues as "160 feet in breadth" composed of an "80 feet in the middle for carriageway," "30 feet of gravel walkway, planted with trees on each side," and "10 feet of pavement on each side."



While the MOA does recognize adverse effects on the L'Enfant Plan and the McMillan Plan and proposes mitigation, that mitigation does not address these additional adverse effects. That is why we believe that including discussion of these new adverse effects will intensify the adverse effects already identified. For example, the fact that the mitigation proposed in the MOA includes provision to represent the "historic 50-foot cartway" and not L'Enfant's clearly specified dimensions proves that the point of reference for this determination was not the L'Enfant Plan's 160-foot right-of-way or even L'Enfant's 80-foot carriageway. What mitigation might be proposed to compensate for L'Enfant's more expansive idea for Maryland Avenue? The Coalition believes that further consultation can help answer that question.

What is the basis for giving priority to the Memorial design at the expense of the L'Enfant Legacy? The ongoing public consultation also will be able to help clarify historic preservation priorities and tensions between the Memorial design and the L'Enfant Plan. The historic plans are

protected by the Commemorative Works Act as well as Federal and District historic preservation laws and regulations. But the NEPA and 106 process so far appears to give greater weight to the Memorial than to the historic plans, both in terms of identifying adverse effects and in proposing mitigation for those adverse effects. For example:

- Of the 3 alternative configurations for the Memorial at the Maryland Avenue site, the Eisenhower Foundation rejected one that kept Maryland Avenue open and instead chose one that closed it to vehicles. The EA judges closing the avenue to vehicles not to be a negative effect on the L'Enfant Plan but a positive for the design: it will “create a more cohesive civic space” and “stronger park setting” and “a cohesive civic space and monument within the city” and “an urban room, a quiet and contemplative space.” (2-9; 2-17; 2-21)
- Regarding L'Enfant's 160-foot right-of-way, the EA acknowledges L'Enfant's concept in the Appendix but in assessing adverse effects it describes the “historic location and 50-foot roadway width” and “historic cartway” (2-9). The MOA cites as mitigation “a physical representation to recognize the 50-foot wide Maryland Avenue cartway.” The 50-foot width is based, NPS says, on the 1919 Baist's Real Estate Atlas for the District of Columbia (3-7) – an old map that, so far as we know, has no historic preservation significance with regard to the L'Enfant Plan. Curiously, the 1903 Baist map shows a 60-foot cartway while the 1919 shows 50 feet. Why are the Baist maps given greater weight than the L'Enfant Plan? Is this real estate map, and not the L'Enfant Plan, also the basis also for NCPD's 2006 Design Guidelines that the agencies use to evaluate adverse effects?
- The MOA states that “the placement of the tapestry and columns...have all been adjusted to minimize potential effects to historic properties.” While changes since 2012 have reduced the tapestry and column incursions on the vista, one column still remains in the L'Enfant right-of-way. It could easily be moved or removed. Other elements of the design that change and diminish other aspects of the historic character of the L'Enfant Plan could be revised or made reversible.

What weight has been given to statutory and legal protections for the L'Enfant Plan? The bias in the EA toward the Memorial's integrity at the expense of the historic plans would appear to contradict Congressional intentions for allowing a memorial on such a sensitive location at the foot of the Capitol. Congress in authorizing the Eisenhower Memorial did not exempt it from the Commemorative Works Act, which was intended to protect the L'Enfant and McMillan plans for the capital, or from other historic preservation laws and procedures. There should be further conversation about the role of the Act in the ongoing public consultation process.

Equally significant, federal and District of Columbia historic preservation laws and regulations also have strong protections of the L'Enfant Plan that have not been discussed during the public consultation or in the EA but should be. According to these regulations, the Eisenhower Memorial should be an opportunity to repair the current disjointed character of Maryland Avenue and reinstate L'Enfant's concept, not to impose a new, foreign architectural component into the historic fabric. The ongoing public consultation process should answer how the Memorial satisfies policies including the Comprehensive Plan for the National Capital, Federal Elements, Preservation and Historic Features, Historic Plan of Washington, D.C., pp. 166-168, with special attention to the third:

- “Promote continuity in the historic design framework of the nation's capital by protecting and enhancing the elements, views, and principles of the L'Enfant Plan” (Policy #2)

- “Protect the reservations that contain historic landscapes and features from incompatible changes or incursions” (Policy #5).
- Regarding “incompatible” changes, the government should “Restore historic streets and reservations that have been inappropriately disrupted or closed *to their original right-of-way or configuration* [our emphasis] at the earliest opportunity” (Policy #15).

Since the government agency Signatories to the MOA appear to have ignored or minimized these strong guidelines, perhaps it is time for a broader review by District of Columbia and/or federal historic preservation authorities. This would give the public the opportunity to testify and Consulting Parties a chance to make the case for protection of the L’Enfant Plan.

What is the responsibility of the NEPA and Section 106 documentation in accurately and adequately defining the historic resource and its significance? Finally, the Coalition asks that the relevant federal and District agencies clarify for us the role of the EA in identifying the “historic resource” that is being protected. We are confused and disappointed by the EA’s (and whole public process’s) cursory treatment of the visionary L’Enfant and McMillan plans for the capital, and what we think is too easy acceptance of Memorial elements that violate L’Enfant principles.

As citizen participants in the National Historic Preservation Act and NEPA and 106 processes, we look to the “Purpose and Significance” section of the environmental document to fully explain the historic resource affected by a federal undertaking. But that section of the EA (1-6) is not helpful. For example, it does not identify and explain the L’Enfant Plan, its creation by L’Enfant in 1791 working with President Washington, its planning principles and symbolic meaning, and the relationship of the Memorial site to those historic concepts. Instead, the “historic resource” is identified as a “park unit” and “part of the National Mall and Memorial Parks (NAMA)” -- the administrative NPS unit that manages the National Mall and all federal parkland in Washington’s core area. Surely NAMA is not the historic resource under study.

Similarly, the “Purpose” section defines not L’Enfant’s purpose but NPS’s: “to preserve, interpret, and manage federal park lands in the national capital.” The “Significance” section, where we expect to read in meaningful depth about the L’Enfant Plan’s significance to the nation and the American people, states “The areas under NPS stewardship are some of the oldest public lands in the United States ... NAMA is the setting for national celebrations, parades...” This reads more like a NPS management study than a Section 106 document. The “Draft Impairment Determination” (Appendix A) makes clear how the Memorial design conforms with NPS management policies: “The NPS has determined that implementation of the Preferred Alternative will not result in impairment of park resources and values of the National Mall and Memorial Parks.” But should NPS jurisdiction and management policies determine the preservation values we bring to the Section 106 process? We believe this question is relevant to the ongoing discussion about defining additional adverse effects and resolving them in the Section 106 and NEPA public consultation process.

We look forward to the opportunity to continue to participate in the Section 106 process and discussion.

Sincerely,



Judy Scott Feldman, PhD, Chair