

**National Coalition to  
Save Our Mall**  
*Preserving Our Monument to Democracy*



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Washington, DC 20242 VIA EMAIL: [peter\\_may@nps.gov](mailto:peter_may@nps.gov)

**RE: MLK Jr. Memorial MOA**

Dear Mr. May:

The National Coalition to Save Our Mall is not prepared at this time to sign the MOA for the Martin Luther King Jr. Memorial project because of our concern about the lack of critical documentation and adequacy of the consultation process. We stated some of our ongoing concerns and questions in emails to the NPS on July 7 and August 6, 2008 and reiterate those and other questions below.

The Coalition supports creation of the Martin Luther King Jr. Memorial and has not opposed the Tidal Basin site, which was selected in 1999 before formation of our Coalition. Our greatest concern at this stage of design development is the Visitor Contact/Bookstore/Restroom facility, which was not part of the 2005 design so was not evaluated in the 2005 Environmental Assessment, and which may have serious adverse impacts on the historic resources, including on the Memorial itself.

We strongly disagree with NCPC staff's finding in the July 3, 2008 Executive Director's Recommendation that recommended preliminary approval of site and building plans for the bookstore/restroom structure since "the preliminary design does not constitute any appreciable change to the potential environmental effects and related mitigation outlined in the project's July 2005 Environmental Assessment (EA) adopted by the Commission in November 2005." Where is the documentation for that statement? The EA contains no plans, elevations, or views to support that opinion. In our view, NCPC should not have given preliminary approval. Since NCPC has not given preliminary approval to the Memorial itself, we recommend that NCPC reconsider its preliminary approval of the visitor facility until the EA is amended to document potential effects and the 106 consultation is completed.

Since a visitor contact element was first proposed in late 2005, after completion of the EA, it has changed from a small "kiosk" structure at the south end of the Memorial site into a substantial building, located across West Basin Drive (and, according to NPS, outside the original 4-acre approved parcel), with a much expanded program involving restrooms, storage, and a bookstore. **While the Memorial design itself has been scaled down and modified to preserve**

**historic vistas and views, the ancillary visitor support facility has grown progressively in size, program, and visibility** on this portion of the National Mall. In our study of the site, the proposed structure competes with the Memorial itself. It will detract from and diminish the contemplative experience of the Memorial and its powerfully evocative setting on the Tidal Basin. What does it say about the Memorial itself that NPS has determined that retail and interpretive facilities are needed?

Besides the bookstore component, we share with NCPC, DCHPO, and CFA concern about NPS's latest "refinement" to the Memorial design in the form of security bollards, not only because the decision to add security measures goes beyond NPS's stated policy to only secure the major icons on the Mall, but because it represents yet another incremental but significant change to the Memorial as well as additional adverse impacts on this important area of the National Mall—impacts that have not yet been identified or evaluated in a supplemental environmental document.

As stated our emails from July 7 and August 6, as well as during recent Section 106 consultations, the Coalition has questions about the lack of 106 consultation meetings during 2006 and 2007 during which NPS made substantive changes to the Memorial design, including addition of and modifications to the Visitor/Bookstore/Restroom structure. We believe that the Advisory Council on Historic Preservation has raised important questions about the adequacy of the Section 106 process in its July 22, 2008 letter to NPS and in its Case Digest from Spring 2008 that the NPS must still respond to and explain. That has not yet happened.

The Coalition has raised a number of serious questions about the lack of documentation for critical aspects of the latest design revisions for the MLK Memorial project. We still seek answers on several points before reevaluating our position regarding signing the MOA:

- What is the rationale and chronology for development of the visitor contact/bookstore/restroom structure?
- What exactly are the adverse impacts of this structure to the historic resources that will be mitigated in the MOA?
- What are the potential effects not only on West Potomac Park but also on the National Mall, of which this area is part?

More specifically, we have the following questions:

1. Is the bookstore/visitor facility structure considered part of the MLK Memorial undertaking? If so, was it authorized by Congress in the original memorial authorizing legislation, or is subsequent amendments to that legislation? If not, did Congress separately authorize a new multi-purpose structure for this area of the National Mall?
2. NPS representatives have stated that NPS decided in 2005 this bookstore/restroom/visitor service structure was needed to provide interpretive services. Where is the documentation of that determination? We can find no such documentation in the EA. On the contrary, the EA states (Section 4-5) that such facilities "would be inconsistent with the design parameters established for the site."
3. How was the decision made to move the building across West Basin Drive? What are the potential effects of this new location on traffic, pedestrian safety, recreational uses of the adjoining polo field?
4. Is the new bookstore location still within the approved 4-acre Memorial site? Where can we find diagrams showing this? If the bookstore is located outside the approved site, how was that decision made? Will NPS be seeking new site approval from NCMAC, CFA, and NCPC—and Congress?

5. How does the bookstore/restroom structure conform with the Commemorative Works Act and the Congressionally imposed moratorium on new visitor centers on the “Reserve” portion of the Mall, of which this area is part? How was that determination made? At a public meeting of the National Capital Memorials Advisory Commission?
6. NPS representatives have stated that the proposed bookstore/visitor facility is not a “visitor center.” How does NPS define a visitor center? Why is this structure not a visitor center? When the Coalition raised similar questions about the “food/gift kiosks” near the Lincoln Memorial, NPS representatives stated that a building is only a visitor center if NPS rangers occupy it. Won’t this structure include a ranger presence?
7. Based on what we hear from the public who walk or play sports on the Mall—as opposed to driving around in a tour bus—, restrooms should be located where pedestrians need them on the open space, not only at monuments for convenience of large tour groups. People should not have to seek out a monument to find restrooms. What is the NPS policy for locating restrooms for pedestrians and sports users?
8. NPS states that the public expects a bookstore and restrooms at memorials. But there is no shortage of restrooms in this part of the Mall, with modern facilities at the nearby FDR Memorial and the WWII Memorial. The FDR Memorial, a short walk from the MLK location, also includes a bookstore. Where is the documentation of additional need when nearby facilities are available?
9. Regarding public expectations, does NPS have a policy that supports bookstore and restroom facilities at all new (and existing) memorials? The public also expects retail including gifts and clothing. Does NPS have policies regarding which retail elements are allowed or preferred? How does any such policy conform to Congress’s determination in 2003 that the Mall is a “substantially completed work of civic art” and its moratorium policy?
10. The NPS appears to support locating the bookstore on this area based on a history of temporary buildings having been located there—including in the July 25, 2008 NPS email to consulting parties. (During the June 2008 106 meeting, the DCHPO stated flatly that the bookstore/restroom structure would have no adverse impact on the National Mall and pointed to photos of the site showing imprints of older temporary buildings.) However, those were intended to be temporary, not permanent structures, and cannot be the basis on which to justify new construction. Given this logic, new permanent structures could be justified for locations at the base of the Washington Monument and along both sides of the Reflecting Pool, where World War I and World War II “tempo” were located for many decades. Is the agency position tenable from a historic preservation perspective? Where is the documentation to support that view?

Finally, we have two questions about the context of the MLK Memorial project with regard to the larger context of the National Mall and NPS’s National Mall Plan.

First, does the NPS even consider the Memorial site to be part of the National Mall? The EA and NCPC documentation seems oddly ambiguous on this point. While we are pretty certain that Congress and the Memorial sponsor consider this site to be on the National Mall, most of the documentation mentions West Potomac Park as the affected historic resource but not the National Mall. NCPC’s July 3, 2008 EDR, p. 15., in documenting compliance with the Comprehensive Plan states that it will “Maintain East and West Potomac Park as an *extension* [our emphasis] of the Mall.” The Coalition, whose primary interest is in protecting the historic and cultural integrity of the National Mall, believes that this point must be clarified by all agencies and consulting parties. Any changes to this site on the National Mall must consider effects, and cumulative effects, within the larger context of the Mall as a unified historic concept.

Second, how does the proposed bookstore/restroom facility at the MLK Memorial site conform to NPS policies for visitor services for the Mall as a whole? Regarding restroom policy, in our August 4 email to NPS's Susan Spain, who is managing the 106 consultation for the National Mall Plan, we inquired about NPS policy regarding restrooms on the National Mall. We noted that the 2005 EA for the MLK Memorial mentioned restrooms but then ruled them out as contrary to NPS policy:

"Visitors to the Memorial...would generate the need for a variety of on-site services, including restroom and interpretive facilities. ... However, **such facilities would be inconsistent with the design parameters established for the site under a previous NPS policy that emphasized centralized restrooms in the Mall area.**" (EA, Section 4.1.4 -- the third page in the attached pdf)

Apparently there was a previous NPS policy not to have individual restrooms/bookstores and visitor facilities. Has that policy changed? What are the policies now governing NPS placement of new restroom and other facilities at the MLK Memorial and elsewhere, or for restoration of existing facilities in the National Mall Plan? The policies NPS is applying to the MLK Memorial and the National Mall Plan should be consistent.

In regard to visitor services/restroom policies, it would be helpful to the consulting parties involved in the MLK Memorial Section 106 review as well as NPS's National Mall Plan 106 consultation if NPS could provide the following:

- A chronology and rationale for the development of the Visitor Contact/Bookstore/Restroom facility for the MLK Memorial
- Any NPS policies governing locating restrooms and bookstores on the National Mall, and any changes to policy made in 2005 that led the NPS to add those facilities to the MLK Memorial.

The NPS has stated that it seeks to expedite review of the MLK Memorial project before authorization for the Memorial expires in November 2008. However, deadlines such as that are not justification for subverting the requirements for proper study and review. We feel strongly that NPS could potentially be jeopardizing the successful completion of the MLK Memorial design review process by its own decisions in recent years, including the bookstore structure and security. In our view, NPS should reevaluate the relevance of this structure and instead focus on achieving a successful completion of the Memorial itself.

Sincerely,



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