
CHAPTER 10



APPENDICES

APRIL 2002

10.1 Programmatic Agreement

PROGRAMMATIC AGREEMENT AMONG THE NATIONAL PARK SERVICE, NATIONAL CAPITAL PLANNING COMMISSION, DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING IMPLEMENTATION OF PERMANENT SECURITY IMPROVEMENTS TO THE WASHINGTON MONUMENT AND ITS GROUNDS

WHEREAS, the National Park Service (NPS) proposes to amend the 1993 Washington Monument Grounds Development Concept Plan (DCP) to include the construction of permanent security improvements for the Washington Monument and its Grounds (Monument) by implementing the concept plan developed by the Olin Partnership (Undertaking) and accepted by the NPS on December 19, 2001; and

WHEREAS, the major components of the Undertaking include constructing paths and retaining walls approximately 400 feet from the base of the Monument, an underground visitor screening facility, a skylight above this facility, a tunnel connecting the facility to the Monument and alterations and/or additions to the Monument Lodge; and

WHEREAS, on August 31, 1993, the District of Columbia State Historic Preservation Officer (SHPO) concurred in the NPS determination that the 1993 DCP's proposed improvements, at a conceptual stage, would have no adverse effect on the Monument, provided that the design of each of the components would be subject to further Section 106 review; and

WHEREAS, certain components of the Undertaking, as proposed, are consistent with the approved 1993 DCP although the 1993 NPS determination of no adverse effect is not applicable to this Undertaking; and

WHEREAS, the National Capital Planning Commission (NCPC) on February 7, 2002, the Commission of Fine Arts (CFA) on February 21, 2002, and the District of Columbia Historic

Preservation Review Board (HPRB) on February 28, 2002, approved the design concept for the Undertaking; and

WHEREAS, the NPS has determined that the Undertaking will have an effect on the Monument, a property listed on the National Register of Historic Places, and may have an effect on the Mall, Ellipse, L'Enfant Plan and West Potomac Park, properties listed in the National Register, and has consulted with the Advisory Council on Historic Preservation (Council) and the SHPO pursuant to Section 800.14(b)(3) of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) (NHPA); and

WHEREAS, pursuant to 36 CFR § 800.14, this Programmatic Agreement (Agreement) sets forth the process by which NPS will meet its responsibilities under Section 106 of the NHPA; and

WHEREAS, by entering into this Agreement, NCPC hereby designates NPS as lead federal agency for the Undertaking pursuant to 36 CFR § 800.2(a)(2), and

WHEREAS, the consultative process provided for in this Agreement will facilitate, but not substitute for, public participation in the preparation of a supplemental environmental assessment (EA) pursuant to the National Environmental Policy Act (NEPA); and

WHEREAS, this Agreement embodies short time frames due to the fundamental interest in improving the aesthetics of the existing temporary security measures in the Nation's Capital as well as the need for enhanced permanent security improvements to the Washington Monument and its Grounds; and

WHEREAS, the CFA, National Coalition to Save Our Mall, Committee of 100 on the Federal City, D. C. Preservation League, American Society of Landscape Architects, Washington National Monument Association, National Trust for Historic Preservation, Guild of Professional Tour Guides, and Advisory Neighborhood Commission 2A (Consulting Parties) have been invited to participate in the consultation process for this Agreement and to concur in this Agreement as jointly developed by the Signatories and Consulting Parties;

NOW THEREFORE, the NPS, the NCPC, the Council, and the SHPO (Signatories) agree that in accordance with 36 CFR § 800.14(b), the following stipulations will govern implementation of the Undertaking and resolution of effects:

1. Taking into account the information obtained through the NEPA analysis and the studies referenced in Stipulations 8, 9 and 10, NPS shall ensure that the development of the design is compatible with the qualities of the Monument, the surrounding cultural landscape, the Monument Lodge, and other historic features of the Monument Grounds that qualify this as well as adjacent historic properties for the National Register of Historic Places; and, to the extent feasible, is consistent with the recommended approaches to rehabilitation set forth in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings; and, to the extent feasible, is consistent with the recommended approaches to cultural landscape treatments set forth in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Cultural Landscapes (Secretary's Standards).
2. Upon execution of this Agreement, the NPS shall convene a meeting of the Signatories and Consulting Parties to identify, discuss and consider potential effects of the Undertaking on the historic properties and to outline the preliminary schedule of events in the planning and design process. NPS shall provide the Signatories and Consulting Parties a written schedule of events in the planning, design and review process as soon as practicable.
3. Upon submission of any design plans, including proposed changes to the Olin Partnership concept, to CFA, NCPC, or HPRB at each stage of review and approval, NPS shall notify the representatives of the Signatories and Consulting Parties who have concurred with this Agreement (Concurring Parties) and shall make such plans and supporting documentation available to them for review, unless identical plans have already been reviewed by the Signatories and Concurring Parties in accordance with this Stipulation. This review shall be based upon the Undertaking's effects on historic properties and its conformance with the Secretary's Standards pursuant to Stipulation 1. Should any Signatory or Concurring Party respond within five (5) calendar days of NPS notification with comments for further

consideration, including alternative approaches to meeting the Secretary's Standards, NPS shall invite all Signatories and Concurring Parties to attend a consultation meeting within the following five (5) calendar days to address or resolve concerns. If parties choose not to attend the meeting within said five (5) calendar days, written comments will be accepted during that period. NPS shall consider the views of all Signatories and Concurring Parties and document its consideration of these views prior to review of a design proposal by the CFA, NCPC, or HPRB.

4. Prior to submission of preliminary design plans for the Undertaking to NCPC for approval in accordance with NCPC's Project Plans Submission Requirements, and subject to waiver as provided therein, NPS shall submit to NCPC documentation demonstrating significant progress in the consultation process for the Undertaking described in Stipulations 1, 2 and 3 and shall have completed the supplemental EA and final determination of the project's environmental impacts in accordance with the NCPC action approving the design concept for the Undertaking dated February 7, 2002.
5. Prior to submission of preliminary design plans for the Undertaking to NCPC for approval, NPS shall provide to the Signatories and Concurring Parties all of the documentation that has been accepted by the NPS for inclusion in the Washington Monument Grounds Cultural Landscape Report and Monument Lodge Historic Structures Report described in Stipulation 8 and all of the documentation that has been accepted by the NPS for inclusion in the structural and geotechnical studies described in Stipulation 9. The NPS shall use its best efforts to complete such reports in accordance with schedule described in Stipulation 6 and concurrent with submission of preliminary design plans to NCPC.
6. As design development proceeds, NPS shall identify components of the Undertaking as they come up for review pursuant to Stipulation 3 of this Agreement, including changes to previously reviewed components of the Undertaking, and shall notify the Signatories and Concurring Parties of the schedule for all applicable reviews of such components by CFA, NCPC, HPRB and the Signatories and Concurring Parties.

7. Signatories and Concurring Parties shall provide NPS with the name and contact information of the individual who will represent the organization or agency for purposes of review pursuant to the Agreement and shall inform the NPS of any change in representation during the course of this Agreement. Signatories and Concurring Parties are urged to have these individuals, or a representative with the authority to speak for their organizations or agencies, available to attend all meetings referenced in Stipulation 3.
8. Upon acceptance by the NPS for purposes of informing decisions relating to the Undertaking, copies of the Washington Monument Grounds Cultural Landscape Report and the Monument Lodge Historic Structures Report currently under development shall be provided to the Signatories and Consulting Parties.
9. As they are accepted by the NPS for purposes of informing decisions relating to the Undertaking, copies of studies pertaining to the structural and geotechnical aspects of any underground construction and alteration to the Monument's foundation shall be provided to the Signatories and Consulting Parties.
10. NPS may identify additional studies to be undertaken. In such cases, NPS shall notify the Signatories and Consulting Parties of the schedule for completing any such studies and shall provide copies of the studies to the Signatories and Consulting Parties, as they are accepted by the NPS.
11. NPS will make its best efforts to provide to Signatories and Consulting Parties in a timely fashion documents pursuant to this Agreement. NPS may, at its discretion, withhold documents relating to this Undertaking in accordance with any applicable laws.
12. NPS, in consultation with the SHPO, may invite additional Consulting Parties to participate in this Agreement. Such Consulting Parties may become Concurring Parties by signing a copy of this Agreement and returning it to the NPS.

13. Participation or concurrence by NCPC in this Agreement or the process described herein shall not obligate or in any way affect the discretion of NCPC in reviewing any aspect of the Undertaking at any stage in the review process pursuant to D.C. Code § 4-532.
14. The Signatories may amend this Agreement by unanimously agreeing to the amendment(s) in writing. NPS, the SHPO or the Council may unilaterally terminate this agreement by providing fifteen (15) days notice to all Signatories and Concurring Parties. Upon such termination, NPS will comply with Section 106 through a new programmatic agreement or through the process under Subpart B of 36 CFR Part 800 (2001).
15. NCPC may withdraw its participation in the Agreement and revoke its designation of lead agency status, and any Concurring Party may withdraw from consultation pursuant to this Agreement, at any time upon written notice to all Signatories and Concurring Parties.
16. The NPS shall seek and consider the views of the public on this Undertaking, in conjunction with public comment on the EA, and shall make information with regard to the Undertaking available to the public through a variety of means, such as mailings, print media, Internet, and reading copies at NPS, NCPC and/or other locations.
17. This Agreement constitutes the entire agreement and understanding among the Signatories and Concurring Parties relating to the Undertaking.

Pursuant to 36 CFR § 800.14, by executing and implementing the Agreement, NPS shall be deemed to have taken into account the effects of the Undertaking on historic properties and to have provided the Council a reasonable opportunity to comment in accordance with Section 106 of the NHPA for all components of the Undertaking.

NATIONAL PARK SERVICE

By: **SIGNED BY DON MURPHY** Date **4/4**
Fran Mainella, Director

By: **SIGNED** Date **4/4**
Arnold Goldstein, Superintendent, National Capital Region

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date _____
John L. Nau, III, Chairman

DISTRICT OF COLUMBIA HISTORIC PRESERVATION OFFICER

By: **SIGNED** Date _____
Gregory McCarthy, Historic Preservation Officer

NATIONAL CAPITAL PLANNING COMMISSION

By: **SIGNED** Date **4/4**
John V. Cogbill, III, Chairman
Concur:

NATIONAL COALITION TO SAVE OUR MALL

By: _____ Date _____
Judy Scott Feldman, Chair

COMMITTEE OF 100 ON THE FEDERAL CITY

By: _____ Date _____
Don Hawkins

WASHINGTON NATIONAL MONUMENT SOCIETY

By: _____ Date _____
James Symington, First Vice President

D.C. PRESERVATION LEAGUE

By: _____ Date _____
T. David Bell, AIA, President

NATIONAL TRUST FOR HISTORIC PRESERVATION

By: _____ Date _____
Richard Moe, President

AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS

By: _____ Date _____
Marcia F. Argust, Director, Public & Government Affairs

GUILD OF PROFESSIONAL TOUR GUIDES

By: _____ Date _____
Maureen Cyron, Government Liaison

ADVISORY NEIGHBORHOOD COMMISSION 2A

By: _____ Date _____
Dorothy Miller, Commissioner, ANC-2A

10.2 References

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10.3 List of Preparers

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