Description of document:	Written or emailed complaints, criticism, or concern received at the National Capital Planning Commission (NCPC) concerning the Martin Luther King, Jr. National Memorial, 1999-2011
Requested date:	26-December-2010
Released date:	06-January-2011, 13-January-2011 (see Note below)
Posted date:	31-January-2011
Date/date range of document:	25-July-1989 – 11-January-2011
Source of document:	Chief FOIA Officer National Capital Planning Commission 401 9th Street, NW, North Lobby, Suite 500 Washington, D.C. 20004 Fax: 202-482-7272 (To: Chief FOIA Officer, Subject: FOIA Request)
Note:	Initial release made on 06-January-2011. Additional material released 13-January-2011. This additional material appears at the end of this PDF file.

National Capital Planning Commission

401 9th Street, NW North Lobby, Suite 500 Washington, DC 20004 Tel 202.482.7200 Fax 202.482.7272 www.ncpc.gov

January 6, 2010

We are writing in response to your Freedom of Information Act request to the National Capital Planning Commission ("NCPC") dated December 26, 2010.

In your request you requested a copy of any written or emailed complaints or criticism or concern received at NCPC concerning the Martin Luther King, Jr. National Memorial. We have conducted a search of our records in response to your request, and have determined that the enclosed documents are all of the documents that are responsive. We are not refusing to release any responsive documents or invoking any exemptions.

This determination may be appealed administratively within sixty days of the date of this letter by writing the Chairman, National Capital Planning Commission, 401 9th Street, NW, North Lobby 5th Floor, Washington, D.C. 20004. You should clearly mark your envelope and letter: "Freedom of Information Appeal." NCPC's Freedom of Information Act regulations are available at 1 Code of Federal Regulations (CFR) Section 546. A copy may be accessed electronically at http://www.accecc.gpo.gov.

If you need any further assistance, please contact me at the above address, or you may reach me at (202) 482-7223.

Sincerely,

Anne R. Schuyler

Anne Schuyler
General Counsel and FOIA Officer

Enclosures

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

401 9th Street, NW
North Lobby, Suite 500
Washington, DC 20004
Tel 202 482-7200
Fax 202 482-7272
www.ncpc.gov

IN REPLY REFER TO:
NCPC File No. 5907

SEP 14 2005

Mr. John Parsons
Associate Regional Director
Lands, Resources and Planning
National Capital Region
National Park Service
1100 Ohio Drive, SW
Washington, DC 20042

Dear Mr. Parsons:

Thank you for the opportunity to participate in the review of the Environmental Assessment (EA) prepared for the Martin Luther King, Jr. National Memorial, on a site approved by the National Capital Planning Commission (NCPC) in December 1999.

My review of the EA finds the document essentially well supported by the information analyzed. Additionally, the Park Service has thoughtfully reviewed many of the issue areas initially discussed by the Commission in the 1999 approval of the memorial location, including potential historic impacts. Some characteristics of the alternatives reviewed by the EA, however, remain to be further appraised, especially as they pertain to the earthen berm that is proposed to frame the site. The historic landscape of West Potomac Park consists of level topography with expanses of grass stretching east to west through the Park and terminating at the edge of the Tidal Basin. As noted in the EA, few man-made elements are dedicated within this area; however, the Commission staff believes it would be of value to the EA process to identify the presence and attributes of features at the FDR Memorial near the Tidal Basin. A review of visual impacts from that memorial in relation to West Potomac Park's visual resources would assist in defining the comparative similar or dissimilar long-term potential effects of a new memorial. While the document includes a photograph of the proposed memorial site from the Jefferson Memorial, there should be specific text in section 4.2.3 analyzing any impacts on the view from (not just to) the Jefferson Memorial, especially since the view from the memorial would be altered by

hardscape, a proposed bridge, and a change in grade resulting from the proposed berm.

An additional issue to be further analyzed by the EA is the amount of vehicle parking within a reasonably convenient walking distance for the memorial. The EA concludes the proposed memorial would not have adverse cumulative parking impact on other memorials in the Monumental Core but then adds that various communication media could be used to inform prospective visitors of parking and access provisions for the new memorial. NCPC staff maintains the conclusion may be supportable, but further finds the perceived supply of parking should be better specified regarding whether it is reasonably situated near the memorial, and that a commitment be made by NPS to identify informational signage or other actions advising visitors about parking availability.

As specified by the EA, measures to mitigate the periodic flooding of the new memorial must be incorporated into the design. The Commission staff agrees that the memorial shall be developed to withstand the impacts of flooding given that the whole of the Tidal Basin is subject to flood events, and that the measures of protection be consistent with Executive Order 11988, Floodplain Management. Due to the lowering of the plaza from the existing level, there would be a slight but negligible net gain in flood storage area. Stormwater management has been specified by the Park Service EA to be incorporated into the site landscape.

Your consideration of our comments at this stage of the environmental review is most timely and I look forward to examining the final Park Service National Environmental Policy Act (NEPA) determination when available. If you have technical questions concerning the information related in this letter, you may contact Eugene Keller or Nancy Witherell, in the Office of Urban Design and Plans Review, at (202) 482-7251 or 482-7239, respectively.

Sincerely,

Patricia E. Gallagher, AICP
Executive Director

COMMISSION ACTION

NCPC File No. 5907

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

MARTIN LUTHER KING, JR. MEMORIAL
TIDAL BASIN, WEST POTOMAC PARK
Washington, D.C.

Submitted by the National Park Service

December 1, 2005

Commission Action Requested by Applicant

Approval of concept design plans pursuant to Public Law 104-333, Public Law 105-201, and Public Law 99-952, as amended and the Commemorative Works Act (40 U.S.C. 8905).

Commission Action

The Commission:

The Commission **comments favorably** on the overall design concept for the Martin Luther King, Jr. Memorial **except for**:

- The horizontal bridge of the Memorial Walk, adjacent to the "Mountain of Despair," which destroys the intended strong visual relationship between the signature "Mountain of Despair" and "Stone of Hope."

- The narrow entrance portal through the "Mountain of Despair" because it creates the potential to impede visitor movements through the memorial's main entrance.

- The Ranger and Visitor Information Kiosk.

Recommends that, the NPS and the MLK Foundation, as they develop preliminary design plans for the memorial:

- Redesign the entrance portal between the Mountain of Despair to remove the bridge of the Memorial Walk that interrupts views to the Stone of Hope and beyond, and to provide more space for visitor movement in this entry area.

- Provide more detailed photo simulations that clearly indicate the visual impact that the berm of the proposed memorial would have on views to the Tidal Basin and beyond.

- Coordinate with NPS on the size, location, and programmatic requirements for the Ranger and Visitor Information Kiosk.

Deborah B. Young
Secretary to the National Capital Planning Commission

STAFF RECOMMENDATION

NCPC File No. 5907

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

MARTIN LUTHER KING, JR. MEMORIAL
TIDAL BASIN, WEST POTOMAC PARK
Washington, D.C.

Submitted by the National Park Service

November 23, 2005

Abstract

The National Park Service (NPS), on behalf of the Martin Luther King, Jr. National Memorial Project Foundation, Inc. (MLK Foundation) has submitted a design concept for the Martin Luther King, Jr. Memorial to be located in West Potomac Park at the Tidal Basin.

Commission Action Requested by Applicant

Approval of concept design plans pursuant to Public Law 104-333, Public Law 105-201, and Public Law 99-952, as amended and the Commemorative Works Act (40 U.S.C. 8905)

Executive Director's Recommendation

The Commission **comments favorably** on the overall design concept for the Martin Luther King, Jr. Memorial **except for**:

- The horizontal bridge of the Memorial Walk, adjacent to the "Mountain of Despair," which destroys the intended strong visual relationship between the signature "Mountain of Despair" and "Stone of Hope."

- The narrow entrance portal through the "Mountain of Despair" because it creates the potential to impede visitor movements through the memorial's main entrance.

- The Ranger and Visitor Information Kiosk.

Recommends that, the NPS and the MLK Foundation, as they develop preliminary design plans for the memorial:

- Redesign the entrance portal between the Mountain of Despair to remove the bridge of the Memorial Walk that interrupts views to the Stone of Hope and beyond, and to provide more space for visitor movement in this entry area.

- Provide more detailed photo simulations that clearly indicate the visual impact that the berm of the proposed memorial would have on views to the Tidal Basin and beyond.

- Coordinate with NPS on the size, location, and programmatic requirements for the Ranger and Visitor Information Kiosk.

* * *

BACKGROUND AND STAFF EVALUATION

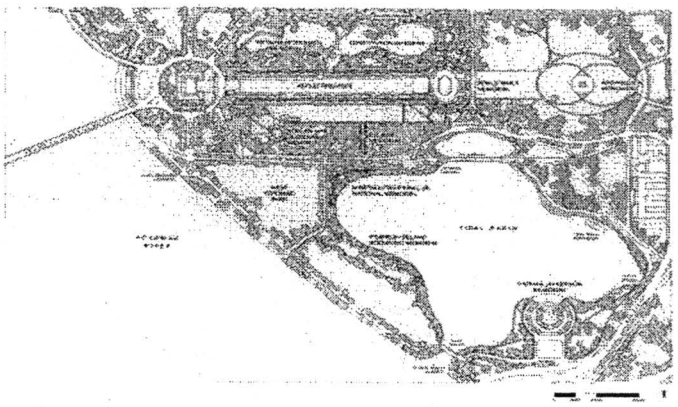
DESCRIPTION OF PROPOSAL

Background

The NPS has submitted, on behalf of the MLK Foundation, a design concept for the Martin Luther King, Jr. Memorial. The authorizing legislation was signed by President Clinton on November 12, 1996. The Commission approved the site for the memorial at its December 2, 1999 meeting.

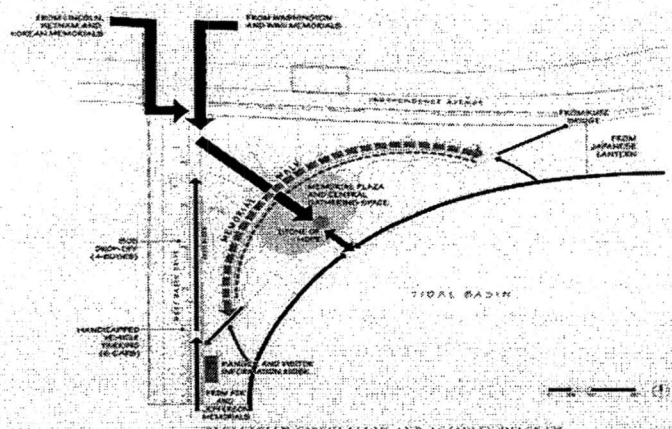
Site

The site for the memorial is a four-acre, triangular-shaped parcel of land located in West Potomac Park on the northwestern side of the Tidal Basin. The boundaries generally include Independence Avenue on the north, the Tidal Basin along the south and east, and a realigned West Basin Drive on the west. The larger setting includes views of the Washington Monument and across the Tidal Basin to the Jefferson Memorial. Views to the Lincoln Memorial are obstructed. The most memorable aspect of the site is the expansive view across the Tidal Basin while at the same time, the inlet of the Tidal Basin provides a sense of enclosure and intimacy.



MEMORIAL PRECINCT PLAN

Martin Luther King, Jr. National Memorial



PROPOSED CIRCULATION AND ACCESS DIAGRAM

Martin Luther King, Jr. National Memorial

Design Concept

The design concept for the Martin Luther King, Jr. Memorial is centered on an overall geometric relationship of a crescent superimposed within a triangle. The arching arms of the crescent visually embrace the adjacent Tidal Basin. The primary vehicle entrance to the memorial is from Independence Avenue on the north and from West Basin Drive on the west. Parking for four tour buses and six handicapped parking spaces are provided curbside along West Basin Drive.

The primary memorial pedestrian access is provided from the intersection of Independence Avenue and West Basin Drive. Additional access points are from a connecting walkway from Independence Avenue and from West Basin Drive. Finally, three access points are provided from the existing Tidal Basin walkway.

The memorial is comprised of several major elements:

- *Mountain of Despair* – This element is a large stone that is approximately 30 feet high and forms a portal for the main entrance to the memorial. This stone would be sliced open to provide an approximately 12-foot wide entry portal. The intention is to channel visitors through a narrow entrance that would open to the principal grand memorial space and the vista beyond to the Tidal Basin and the Jefferson Memorial.

- *Memorial Walk* – This element forms the crescent geometry of the memorial. It would be elevated to a maximum height of 14 feet as it forms a bridge in front of the opening of the mountain of despair. It would add to the feeling of being channeled and confined in the narrow principle entrance to the memorial plaza. This walkway would be 12 feet wide and incorporate 15 semi-circular niches along its northern side. As the crescent-shaped memorial walk lowers in height to approximately 3.5 feet at the ends of its arching arms, connecting walkways are attached and lead visitors to either the principal memorial plaza, West Basin Drive, Independence Avenue, or to the existing Tidal Basin walkway.

- *Water Wall* – This element forms the south side of the arching elevated memorial walk. It would extend approximately 468 feet. The intent of this wall is to provide a series of quotes from Dr. King's orations that would be inscribed on the wall. There would be approximately 11 polished granite wall panels that would contain inscriptions. These inscribed panels would be separated by a series of agitated waterfalls. The waterfalls would become more and more agitated as they increase in height as the visitors move toward the central entrance near the mountain of despair. A thin, calm sheet of water would flow over the inscriptions.

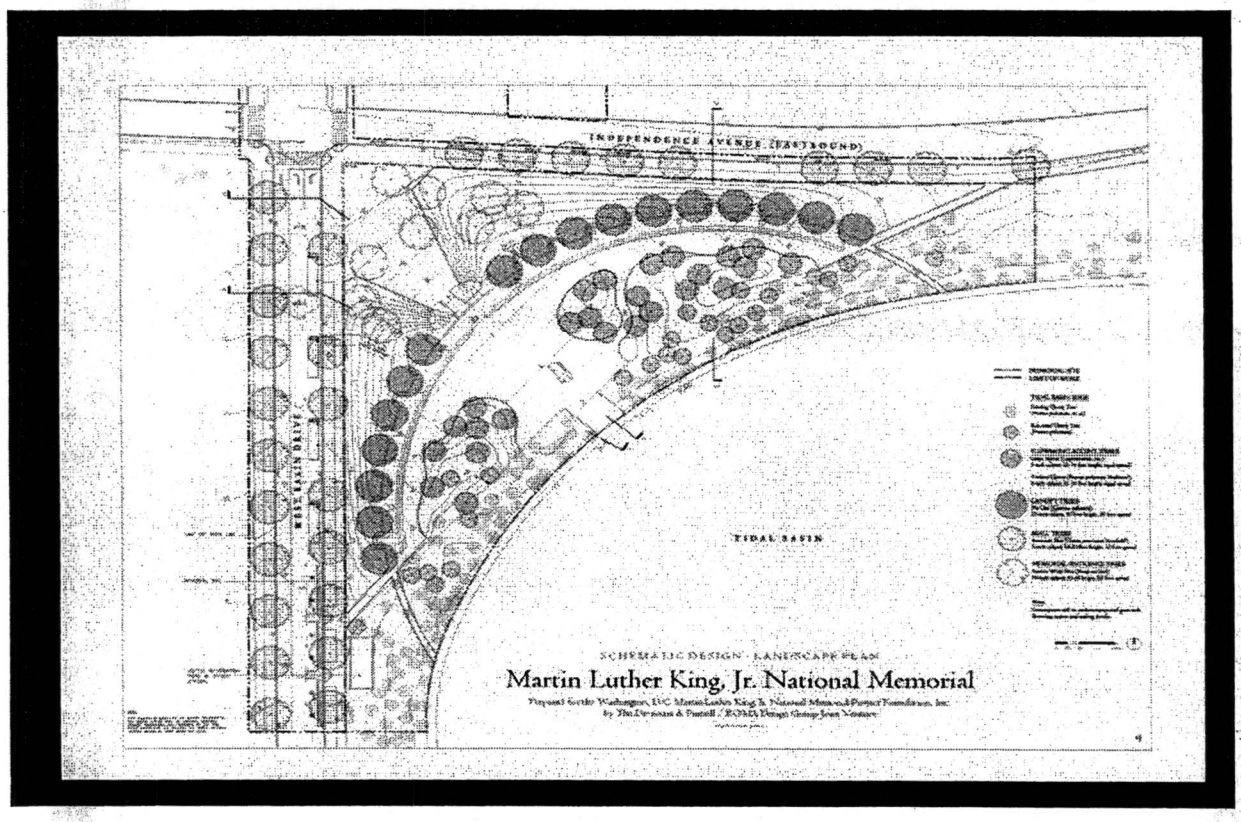
- *Niches* – The niches are intended to be places of repose, reflection, and observation. They would provide space to look out beyond the memorial towards the Tidal Basin and beyond. There would be a total of 15 niches, each with a radius of 7 feet, 6 inches and spaced approximately 34 feet apart.

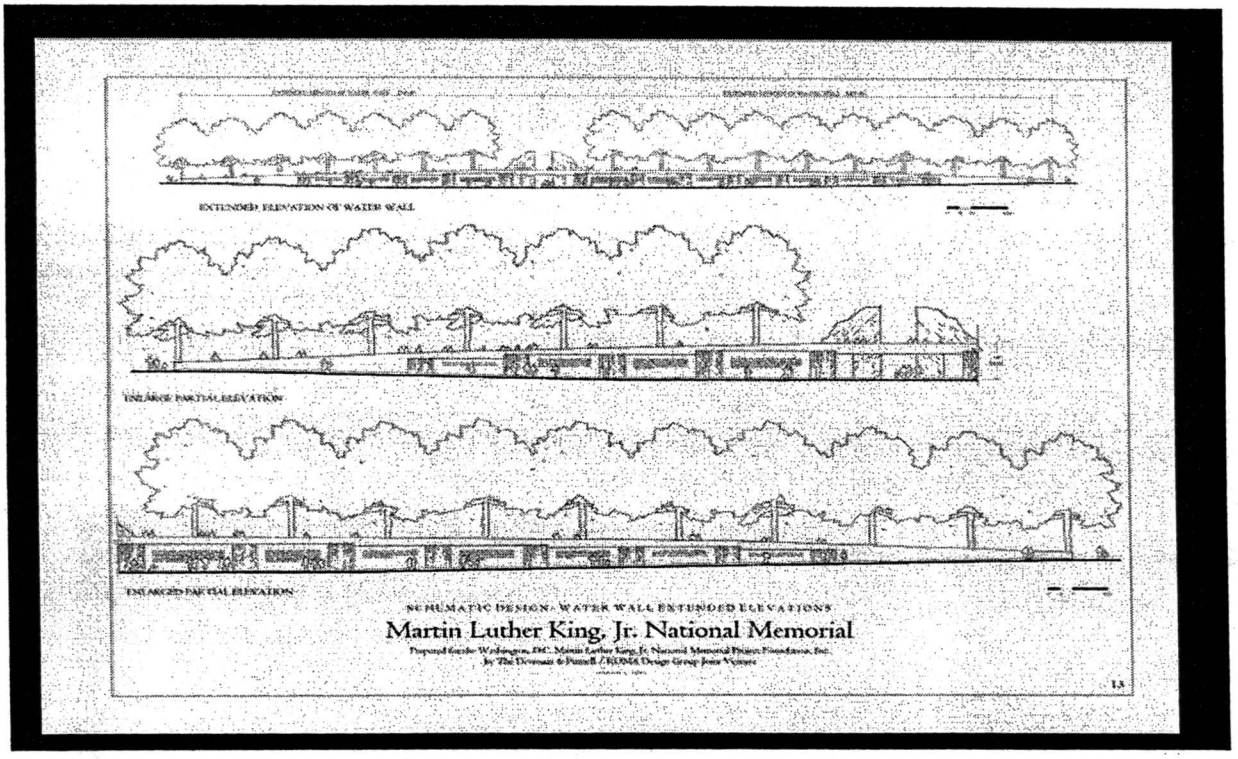
- *Stone of Hope* – The Stone of Hope is the principal element of the Memorial. This stone will be "sliced" from the Mountain of Despair and positioned within the memorial plaza.

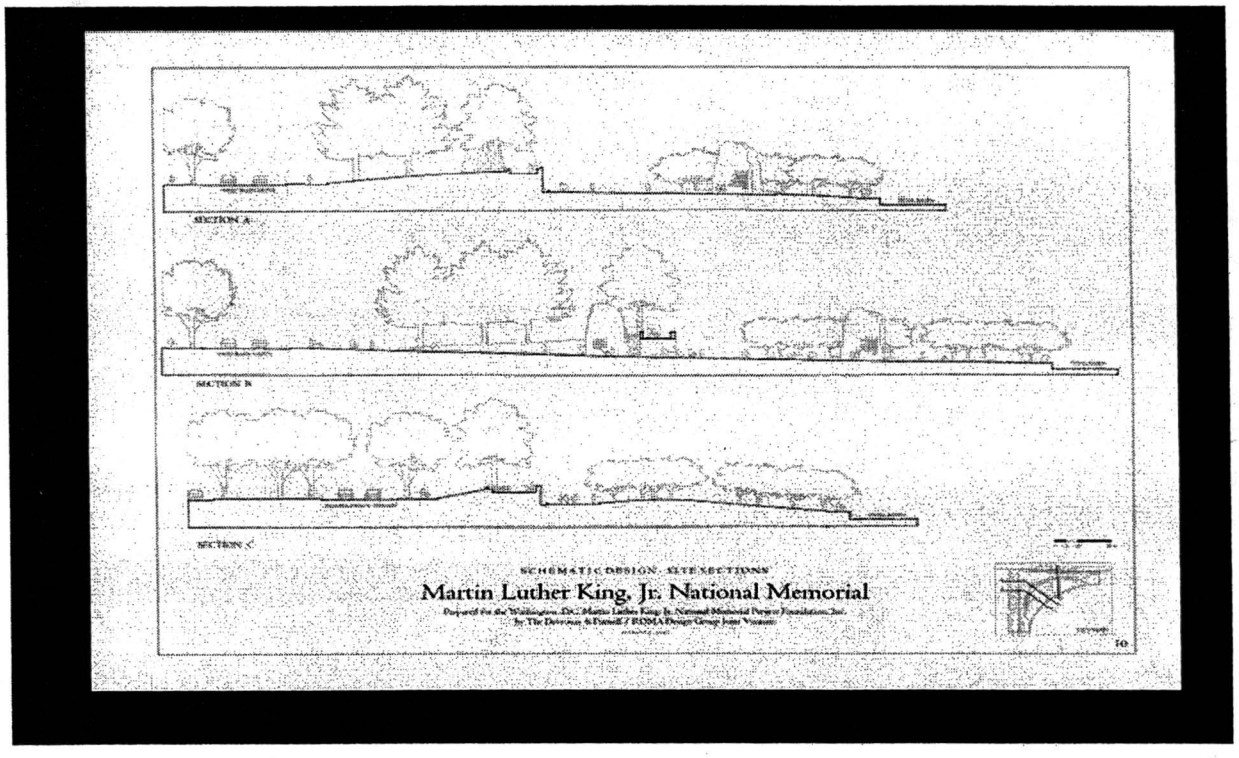
This element is also approximately 30 feet high. Two sides of the stone would be polished with inscriptions and the rough side facing the Tidal Basin would have a carving of Dr. King looking towards the Jefferson Memorial.

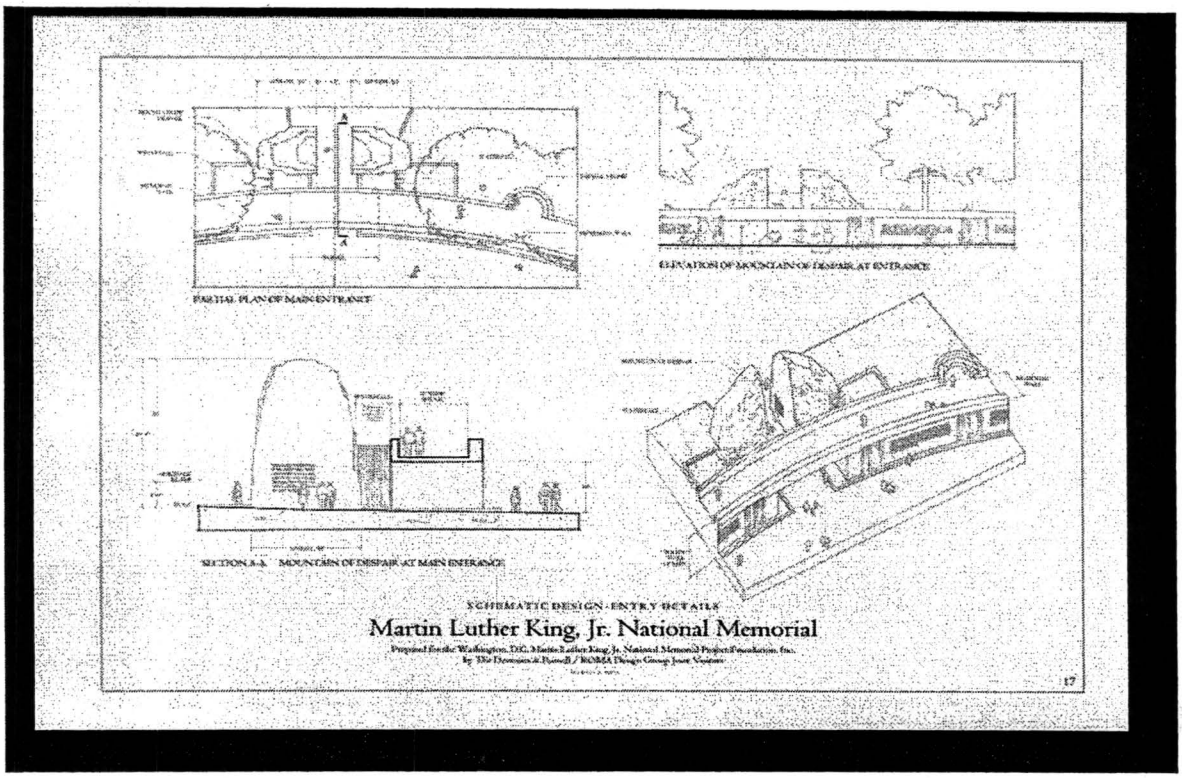
- *Landscaping* – Landscaping proposals for the memorial would provide a variety of new plant materials that include additional Yoshino Cherry trees, Crape Myrtle trees, Eastern White Pines, and American Elms. Several existing cherry trees would be relocated. Groundcover would be predominantly turf grass with flowering azaleas and trailing shrubs.

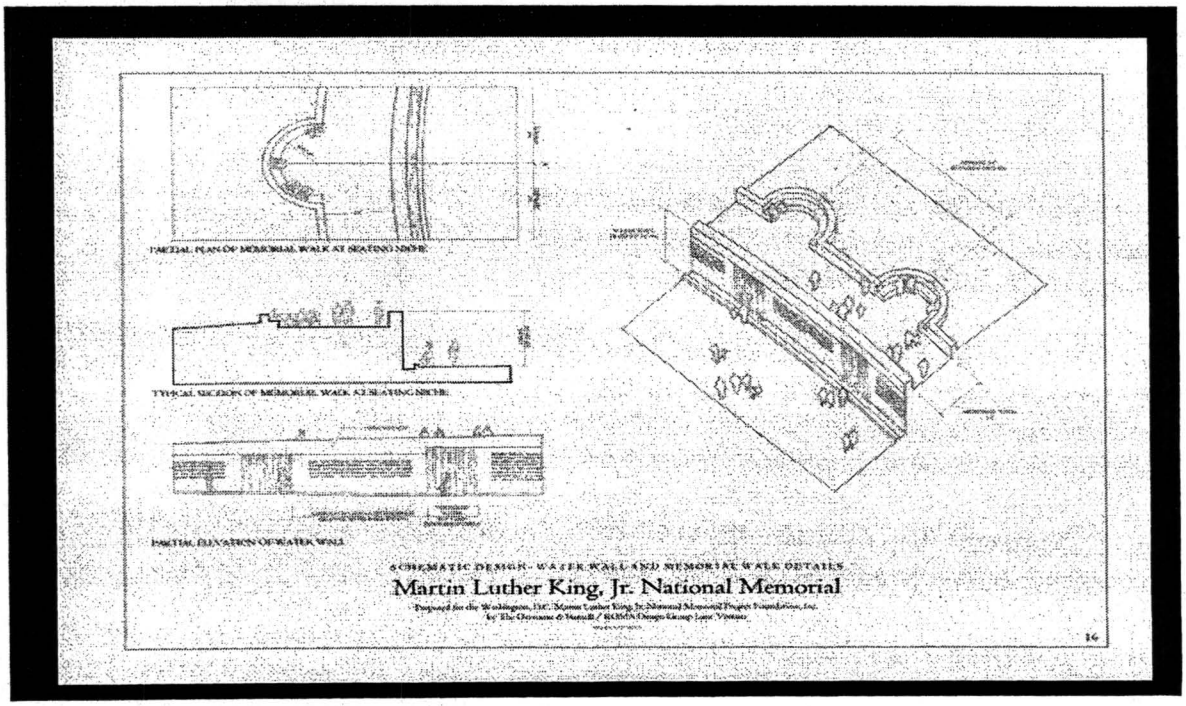
In addition to the memorial elements described above, the MLK Foundation is proposing a ranger and visitor information kiosk that would include space for a NPS ranger station, two restrooms, information dispensing area, and a gift shop.




EXTENDED ELEVATION OF WATER WALL
ENLARGE PARTIAL ELEVATION
ENLARGED PARTIAL ELEVATION
SCHEMATIC DESIGN - WATER WALL EXTENDED ELEVATIONS
Martin Luther King, Jr. National Memorial
13


SECTION A
SECTION B
SECTION C
SCHEMATIC DESIGN - SITE SECTIONS
Martin Luther King, Jr. National Memorial
10


PARTIAL PLAN OF MAIN ENTRANCE
ELEVATION OF MOUNTAIN OF DESPAIR AT ENTRANCE
SECTION A-A MOUNTAIN OF DESPAIR AT MAIN ENTRANCE
SCHEMATIC DESIGN - ENTRY DETAILS
Martin Luther King, Jr. National Memorial
17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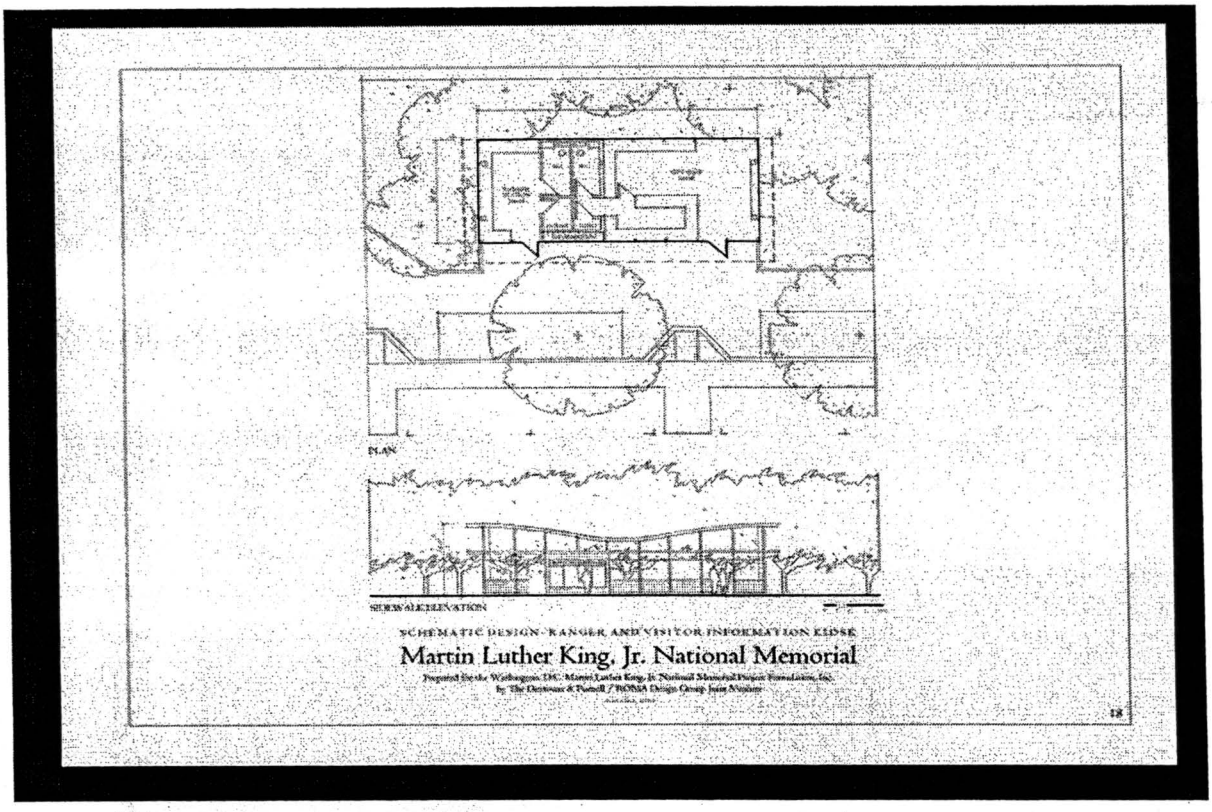
TYPICAL SECTION OF MEMORIAL WALK AT SEATING NICHE
PARTIAL ELEVATION OF WATER WALL
SCHEMATIC DESIGN - WATER WALL AND MEMORIAL WALK DETAILS
Martin Luther King, Jr. National Memorial
16



PREVIOUS COMMISSION ACTION

At its December 2, 1999 meeting, the Commission approved a four-acre site adjacent to the Tidal Basin for the Martin Luther King, Jr. Memorial. The Commission also approved design parameters for the eventual development of the memorial on this site that were jointly developed by NPS, NCPC, and the MLK Foundation:

- The size of the site will be approximately four acres. No less than three acres, excluding West Basin Drive, and no more than four acres, including West Basin Drive, shall be devoted to the MLK Memorial.

- The Tidal Basin side of the site will be defined by the western edge of the existing walkway along the Tidal Basin (i.e. where pavement meets grass), thereby excluding the walkway from the site; the northern boundary of the site shall be approximately 19 feet south of the curb along Independence Avenue.

- The Foundation, in collaboration with NPS, will provide a general design for and construction of a relocated West Basin Drive.

- All of the cherry trees along the Tidal Basin must be preserved with the understanding that three trees may be removed or repositioned if absolutely necessary for the purposes of access between the Tidal Basin walkway and the MLK Memorial at the location of the existing access way.

- No MLK Memorial element shall be placed in the Tidal Basin.

- The existing visual transparency from Independence Avenue to the Tidal Basin shall be maintained.

- The relationship of hardscape to softscape shall be no greater than one-third hardscape and no less than two-thirds softscape (this does not include West Basin Drive or the Tidal Basin walkway).

- No single element of the MLK Memorial shall exceed a height of 20 feet.

- There shall be no restroom facilities in the MLK Memorial.

- There shall be no vehicle parking at the MLK Memorial; however, space for no less than three buses and six disabled spaces must be accommodated along West Basin Drive, or other locations as specified by NPS.

PROJECT ANALYSIS

Staff is generally pleased with the overall design concept for the memorial and recommends that the Commission comment favorably on several elements of the design that include:

- The Mountain of Despair and the Stone of Hope are the signature elements of the memorial. At the entry portal, two stones are parted, and a single stone is pushed back in the horizon, appearing as the missing piece of what was once a single bolder. The Stone of Hope with the carving of Dr. King emerging, as the Stone of Hope emerged from the Mountain of Despair is a powerful relationship that is well conceived.

- Staff is particularly pleased with the landscape proposal in that it appears to seamlessly integrate the memorial's landscaping with the existing landscaping around the Tidal Basin. The landscape proposal would provide additional cherry trees, new Crape Myrtles, Pin Oaks, American Elms, and Eastern White Pines.

- The water wall, with its gradation of water intensity, is an effective metaphorical reference to Dr. King's orations. The use of "calm" and "agitated" water flow along the water wall provides both auditory and visual relief and variety. Further, the water elements of the memorial visually relate to the water of the Tidal Basin.

- The overall crescent-shape of the memorial creates a dynamic tension with this form superimposed within a triangular-shaped site. This shape also embraces the Tidal Basin.

- The provision of tour bus parking and handicapped parking along West Basin Drive is compatible with similar activities along West Basin Drive near the Franklin Delano Roosevelt Memorial. This is a good relationship in that all of these types of activities would be located along West Basin Drive and serve both memorials.

Although staff believes that the Martin Luther King, Jr. Memorial will be welcomed addition to, and compatible with other existing memorials in the area, there are several elements of the memorial that raise concern:

- As proposed, the bridge portion of the Memorial Walk adjacent to the Mountain of Despair has a major adverse impact on this signature element. The strength of the Mountain of Despair and Stone of Hope relationship is that the visitor should be able to clearly "see" that the Stone of Hope has emerged from the Mountain of Despair. The bridge element severely interrupts the dynamic visual tension that is intended to be created by these elements. Additionally, the horizontality of the bridge diminishes the necessary strong visual verticality of these stones. The bridge would also provide a place for visitors to stand above the primary important entrance to the memorial, thereby, further reducing the strong relationship between the Mountain of Despair and the Stone of Hope. NPS and the MLK Foundation should remove the bridge portion of the memorial walk.

- The main entrance walk area to the memorial goes from approximately 90 feet wide and narrows to approximately 10 feet wide when the visitor reaches the Mountain of Despair. This narrow passageway creates a high potential to create a bottleneck as visitors pause in the narrowest portion to read inscriptions that would be located on the flanking polished sides of the Mountain of Despair.

- Although the design parameters for the development of the memorial indicated that there shall be no museum facilities or restrooms at the memorial site, the proposal calls for a Ranger and Visitor Information Kiosk that would include a ranger station, two restrooms, information dispersing window, and a gift shop. Staff believes that there is a need for a ranger station and information dispersing window because similar activities are provided at other memorials. However, the gift shop component is not necessary nor is it encouraged. The MLK Foundation should coordinate with the NPS on size, location, and programmatic requirements for the Ranger Station and Visitor Information Kiosk.

Finally, although there were visual simulations of views to the Tidal Basin from Independence Avenue, staff requests that more detailed simulations from Independence Avenue be developed to clearly indicate where the important views to the Jefferson Memorial are located and how they would be impacted by the proposal

CONFORMANCE

Comprehensive Plan

The proposal is consistent with the Comprehensive Plan for the National Capital. Specifically, policies contained in the Parks and Open Space Element state that the federal government should:

Enhance the great cross-axes of the Mall, and protect them from inappropriate development (policy # 4, page 109).

Use monumental parks and landscapes to provide settings for public buildings, monuments, and memorials, and to create special environments for limited activities (policy # 5, page 109).

Site memorials in monumental and designed landscape parks in compliance with the Memorials and Museums Master Plan (policy #6, page 109).

Maintain East and West Potomac Park as an extension of the Mall, as a valuable recreational open space, and as a space that can be used for outdoor cultural events, gatherings, and celebrations (policy # 8, page 109).

National Environmental Policy Act

NCPC staff has analyzed, in conformance with the requirements of NEPA, the prepared Environmental Assessment (EA) of July 2005 completed by the Park Service. After complying with the procedural requirements of the Commission's Environmental and Historic Preservation Policies and Procedures, staff has prepared a Finding of No Significant Impact based on adoption of the EA.

The EA reviews two alternatives for implementing the Martin Luther King Jr. National Memorial; the preferred alternative to locate the memorial at a site at the Tidal Basin and the "No Action" alternative. Other alternative site locations are also reviewed by the EA, but the evaluation describes the judgment that the alternate locations did not achieve the purpose and need to establish and operate a national memorial to Dr. Martin Luther King, Jr. in Washington, D.C., that is envisioned as a contemplative space for the memorial.

With implementation of the proposed design, approximately two acres of the site would consist of green softscape and one acre of hardscape area (an additional one acre would be dedicated to the realignment of West Basin Drive and its associated sidewalks to the west). A bus drop-off area, with three bus parking spaces and six disabled parking spaces, would be provided. The entire memorial would be compliant for accessibility pursuant to the Americans with Disabilities Act.

With the No Action alternative, all existing features of the three-acre site would remain in their current available condition and use. There would be no new development or re-configuration of the site boundaries or open space. The existing configuration of the roadways and parking would also be maintained. The existing trees, including cherry trees, would not be affected and no new plantings would be added to the site. West Basin Drive would remain in its current configuration, as would the surrounding recreational fields. The existing pathways, fence lines, and site furniture would remain in their existing locations, without any improvements. The potential environmental consequences of a No Action Alternative have been considered in the NCPC staff review of the EA analysis.

Issues of the NCPC environmental evaluation of the EA focused primarily on alteration of site topography, cultural/architectural resource effects (including viewshed impacts), and the potential erosion and water resource impacts from construction of the memorial. The possible impacts and the identified National Park Service mitigation measures that will be included in the project development address the following:

Topography and Geology: Construction would primarily occur in previous fill material and disturbed soils. The topography, soils, and groundwater would be minimally affected in constructing the memorial. Soil cut-and-fill operations would be conducted particularly at the semicircular water wall, the Mountain of Despair, and the Stone of Hope. Land area slopes would be altered starting at Independence Avenue and extending through the Memorial Plaza (elevation eight feet) and ending at the cherry trees to avoid the Tidal Basin edge (elevation four feet). The Memorial Plaza would consist of hardscape and softscape altering the current road and grass terrain. However, at least 87,120 square feet (67%) of the memorial would consist of green space. Surface soils will be reworked and recompacted under structures, paving, and soil fill. The soils that would be disturbed are fill soils that were previously added to the site when the retaining wall for the Tidal Basin was created. Site grading would be balanced to the extent possible to minimize the need for importing or exporting soils during construction, and no storage of soil will be allowed on site. Ground settlement that may occur due to fill and loading would be controlled to an acceptable level by engineering techniques such as control of compaction, subgrade modification, and foundation design.

Geologic resources would not be adversely altered by the proposed memorial. Foundation piles would be driven 45 to 50 feet to reach bedrock and strengthen the stability of the area. The pilings and grade beams would be located to provide a sound and sufficient foundation for the memorial, particularly with respect to the Water Wall, Mountain of Despair, and Stone of Hope. The use of the noted foundation structures would also avoid settlement of the berm, and eliminate any shear condition for any utilities that may be routed within the berm and pass into the retaining wall.

Site soils would be subject to clearing and grubbing of vegetation and surface grading to prepare the site for the new facilities. Therefore, the preferred alternative would have a moderately minor impact on site topography, a minor impact on site soils, and no impact on site geology.

Mitigation
Temporary soil erosion impacts due to disturbed soil and vegetation would be mitigated by implementation of the measures described for water resources by the Park Service (see next paragraph). If encountered, contaminated soils would be collected, transported, and disposed of using appropriate best management practices (BMPs).

Water Resources: The proposed memorial will result in increased impervious surfaces; therefore, stormwater management will be required under current District of Columbia water quality regulations. The National Wetlands Inventory (NWI) categorizes the Tidal Basin as a lacustrine unvegetated wetland. The proposed memorial will not alter or impact the Tidal Basin, and there will be no dredging or filling of wetlands. The proposed memorial will not adversely

impact the floodplain of the Potomac River. Due to the lowering of the plaza from the existing level, there would be a very minimal net gain in flood storage area.

Staff review of the submitted project design has found the proposed alternative entails no significant displacement of floodplain storage area but that project elements will be subject to inundation during flooding. Site grading restrictions are being enforced by the National Park Service to minimize ground surface modifications; consequently, the flooding characteristics of the Potomac River at this location are not altered. Proposed memorial amenities included in the proposal will be designed to withstand flooding impacts. Natural landscape features and ground surface grading would allow positive drainage of the site and would adhere to the National Park Service objectives of minimizing flood effects to Park Service facilities. Establishment of the memorial within the floodplain is the only viable alternative given the locations available within West Potomac Park and the Mall for its creation. No long or short-term adverse impacts are associated with the occupancy and modification of Park floodplain area. NCPC staff has determined that the proposed action, to the maximum extent practicable, avoids indirect floodplain development through the design established for the memorial.

A critical action is defined by the Water Resources Council Floodplain Management Guidelines, developed to implement Executive Order 11988, Flood Plain Management. As defined, these are activities for which even a slight chance of flooding is too great. For example, if an action would create an added dimension to the flood, as would be the case for facilities producing or storing volatile or toxic materials, or if the occupants of a building located in the floodplain (hospitals, schools) were not sufficiently mobile to evacuate, the planned project would be regarded as a critical one. The loss of irreplaceable records or emergency services involved in a planned action would also be considered critical actions. NCPC has determined the proposed memorial is not a critical action as required by the evaluation of floodplain actions, in accordance with the Executive Order.

Mitigation

Prior to beginning construction activities, erosion and sedimentation control plans and a stormwater management plan would be prepared by the construction contractor and submitted to the D.C. Department of Consumer and Regulatory Affairs (DCRA). The erosion and sedimentation control plan would include measures to prevent erosion of cleared areas and the transport of soil and sediment.

To minimize the potential impact of the additional stormwater runoff that the increased surface area would generate, appropriate BMPs would be implemented by the National Park Service to control stormwater quality and quantity on the project site maintaining current stormwater discharge rates near the Tidal Basin watershed. Stormwater runoff collection and roadway drainage systems would be upgraded by the demolition and replacement of failing pipeline and appurtenances on-site.

To mitigate the periodic flooding of the memorial, provisions in the design would include design materials, element configurations, and the location of electrical and mechanical systems that would withstand the impacts of flooding, consistent with specifications of Executive Order 11988, Flood Plain Management. The Park Service anticipates that it will except the memorial

construction and operation as an action under its compliance procedures for floodplain review. That review indicates the action has no long-term impact to the functional aspects of the floodplain and will not involve critical loss of human life or activities should flooding occur.

Vegetation: Within the site construction of the memorial the plans would involve the disturbance of trees and grasses including approximately 85 existing deciduous trees. However, except for one specimen tree, the on-site trees are immature and small, and no habitat of rare, threatened, or endangered flora or fauna species would be disturbed.

The existing cherry trees next to the site at or near the Tidal Basin would be protected during construction. However, depending on slope and alignment, up to nine cherry trees would be relocated to allow for a handicapped ramp connecting the memorial to the Tidal Basin walkway. During construction of the memorial, the Park Service would establish and maintain clearance around trees using fences and other resources including structural platforms around the base of trees to minimize soil compaction. Upon completion of construction, grassland areas would be regenerated with sod, and substantial trees would be planted according to the memorial design, resulting in a net gain in planted woodland on the site.

With the Park Service establishment of appropriate BMPs, the vegetation disturbance would be minor and short-term. Additional vegetative species would be introduced in the project area. The re-vegetation plan will be prepared as directed by the Park Service in compliance with applicable District of Columbia regulations. This aspect of the project will be incorporated into future submissions to review agencies, such as NCPC.

Mitigation
To minimize the short-term impacts from tree and other vegetation removal, phased construction of ground surfaces will occur to minimize vegetation and ground surface exposure. To maximize the ecological value of new vegetation being added to the project, the new trees and shrubs would be clustered as depicted on the submitted project plans. Additional landscape plant material selections will be achieved by the Park Service as the design progresses into detailed preliminary and final plans.

Cherry trees will be protected by fencing during construction and will receive special care, including root pruning and mulching. Avoidance and protection of tree root zones will be maintained. During construction, foundation piles will be predrilled and heavy equipment will be strictly confined to areas of proposed development to limit disturbance of vegetation to the minimum extent necessary. Should dewatering prove necessary, special irrigation measures will be provided for cherry trees in the vicinity as monitored by the National Park Service.

Historic Resources: The National Park Service initiated consultation during the site selection phase with the District of Columbia State Historic Preservation Office (DC SHPO) in March of 1999, determining that there was a potential for an adverse effect on the landscape and National Register qualities of West Potomac Park. NPS renewed consultation with the DC SHPO on September 13, 2005, determining that "the proposed concept design would potentially have an adverse effect on the National Register qualities of West Potomac Park. The construction of an

earthen berm, above the historically flat topography of the park, will introduce another raised element into the historic landscape."

The Park Service NEPA review concluded that the proposed memorial would not adversely affect the Tidal Basin, which would remain a landscaped water element surrounded by cherry trees. Additionally, NPS concluded that the project would not affect the stone seawall at or near the Tidal Basin, which is a contributing structure to the West Potomac Park Historic District. Construction of the memorial, including all of its direct physical elements such as foundation piles and walkways, would not negatively impact the seawall.

The EA indicates an impact to the historic Japanese cherry trees, which are contributing elements to West Potomac Park. While up to nine recently planted cherry trees may be relocated, none of these trees will be eliminated. Although the proposed memorial plans would require modification to the recreation fields, the specific field locations and their configurations are not considered to be historic.

In terms of cumulative effects, the proposed memorial will not adversely impact other memorials in the area. The World War II Memorial, Washington Monument, Lincoln Memorial, Franklin Delano Roosevelt Memorial, and Jefferson Memorial will continue as distinct features within the overall landscape setting of the National Mall and West Potomac Park.

The historic landscape of West Potomac Park consists of a level topography and expanses of grass stretching from one natural or man-made water body to another. This green horizontal ground plain is punctuated and accentuated by canopy-deciduous trees, embellished with flowering trees, and interspersed with evergreens. The plant palette on the west side of the Tidal Basin provides the shade and pastoral quality that is the signature of the park.

The existing visual permeability of the site is limited and varies according to the vegetative cover and season. The quality of existing views across the site also varies. The EA analysis maintains that with the proposed memorial, current filtered views to the Tidal Basin from Independence Avenue would be screened, particularly for motorists. However, views through the site would still be available to pedestrians who could experience the entry vista and other views that occur as a visitor to the memorial enters its environs and would note additional sub-area views that would be augmented by the presence of the memorial.

NCPC staff, in its comments to the Park Service on the EA, maintained that the view from the memorial would be altered by hardscape, a proposed bridge, and a change in grade resulting from the proposed berm. These results, in the determination of NCPC staff, would result in a partial direct adverse effect (displacement of cherry trees) change in character of a resource (West Potomac Park) and the replacement of views within the context of the Park as a whole. The National Park Service responded in the Service's environmental findings, still under development, that changes do result from the Martin Luther King, Jr. Memorial, but only to a limited degree. Their position is that the context is only partially altered because the berm is replacing an interrupted view that is affected by vegetation. They note that the FDR Memorial introduced a similar vegetated berm into a filtered or interrupted viewshed expanse of West Potomac Park in the 1990s, and has not adversely diminished any significant view resources

within the Park or has adversely affected the Jefferson Memorial. Additionally, they found that the hardscape features of the memorial will not be significantly discernable. They noted that the existing views from the Jefferson Memorial, in the direction of the Martin Luther King, Jr. Memorial, include the foreground expanse of the Tidal Basin, the large deciduous trees that rise above the new memorial site, and the upper portions of the Lincoln Memorial in the distant background. Park Service personnel did acknowledge that the Stone of Hope would likely be visible for the Jefferson Memorial—but would not dominate the overall view, since other elements are present in a larger scale and extent.

NCPC staff concludes that the alteration and impacts of the memorial must continue to be examined to ensure the preservation and continuity of the character of the existing historic landscape. NCPC staff can accomplish this through the request and review of additional studies of the height of the proposed memorial in relation to its setting and of vistas through the Martin Luther King, Jr. Memorial. Should the review find the measures effective, staff would recommend these actions to the Commission for implementation at the Commission's direction.

Mitigation

The National Park Service has yet to conclude the Section 106 compliance process. NPS has drafted a proposed Memorandum of Agreement and circulated it to agencies for comment. At present, the Park Service would ensure that the following measures be implemented in the preliminary and final design of the memorial:

- In the event that archaeological resources are uncovered during ground-disturbing activity, construction should be stopped until the appropriate archaeological studies have been completed.
- The National Park Service will continue to consult with the District of Columbia Historic Preservation Office (DC-SHPO), the Advisory Council on Historic Preservation, NCPC, and other parties to ensure that the Undertaking meets the Secretary of the Interior's Standards, or accomplish a Memorandum of Agreement (MOA) to complete the Section 106 compliance process

The draft MOA proposes terms by which the Park Service will conduct future design review and Section 106 consultation for the project with agencies and the interested public. The draft MOA also determines the Area of Potential Effect, the determination of effect, and the affected historic resources. The National Park Service held a consultation meeting on September 19, 2005 that included representatives from the Foundation, the DC SHPO, the Advisory Council on Historic Preservation, NCPC, The National Coalition to Save Our Mall, and the Committee of 100. The Park Service will continue to address historic preservation issues through Section 106 consultation as design development continues, with the goal of avoiding, minimizing, or mitigating adverse effects to West Potomac Park and of accomplishing a Memorandum of Agreement to complete the compliance process. NCPC staff has thoroughly reviewed the action and its impacts and concludes that continued implementation of the Section 106 process will reduce the impacts below the level of significance in consideration of those indicators specified by Section 9 of the Commission's environmental procedures.

Hazardous Materials: Soil borings in the proposed project area were achieved but detected no contaminated fill material. Should contaminants be found at any stage of utility demolition or site excavation, disposal efforts would be monitored by both the National Park Service and appropriate District of Columbia government officials.

Mitigation
To minimize the potential adverse impacts should any hazardous materials result from the construction stages of the project, the following measures would be provided by the Park Service in the submission of project plan to the District of Columbia Environmental Health Administration, Hazardous Waste Division and the District of Columbia Department of Consumer and Regulatory Affairs, to demonstrate a written plan:

- To remove and contain hazardous waste materials consistent with applicable handling regulations by licensed contractors and trained personnel.
- To accomplish environmental soil testing for contamination that includes analysis of soil samples by a certified lab, and development of provisions for removal and containment consistent with applicable regulations.
- That addresses hazardous materials to be removed and which would be shipped, consistent with applicable transfer regulations and procedures, to a hazardous waste disposal facility. There are a number of such facilities in the surrounding states that are licensed to handle such material.
- To segregate wastes to reduce quantities of hazardous waste.
- To haul hazardous wastes by a licensed hazardous waste hauler with permanent labeling.
- To dispose of hazardous and non-hazardous waste in accordance with all federal, state, and local regulations.

Noise: Noise effects from the preferred alternative would not significantly impact noise receptors of any Park area or adjacent memorial sites. Noise sensitive activities on and adjacent to the project site would be subject to noise from demolition, grading, and construction tasks associated with the proposed project.

The predominant existing source of noise in the project area is vehicle traffic and aircraft over-flight noise. The allowable noise levels of the District of Columbia regulations for construction and demolition activities (excluding pile driving) prescribe noise limits of 80 dB(A), and that may occur only from 7:00 a.m. to 7:00 p.m. during the standard work week.

Mitigation
To minimize the potential adverse impacts resulting from noise during the construction stages of the memorial, the following measures would be undertaken by the Park Service:

- Control construction-related noise at the source, through implementation of best management practices in construction specification requirements, as necessary to meet the District of Columbia noise standards.
- Monitoring of construction activities and the temporary discontinuation of construction, if necessary for ceremonies or special events in the area, as noted in the general

requirements of the contract documents developed by the National Park Service for the permit to construct the memorial.

Air Quality: The impact of the proposed memorial on ambient air quality would be mainly associated with temporary construction activities on the site. Because visitor parking will be limited, and most memorial visitors will arrive on foot or by Metrorail or tour bus, there would be negligible additional long-term motor vehicle air emissions. Only three designated bus drop-off spaces would be associated with the memorial and the resulting emissions from the buses would be minimal and not reach any threshold limit of oxide or particle impact established under the General Conformity Rule of the Clean Air Act Amendments of 1990.

Construction of the proposal may affect air quality as a result of construction equipment emissions, including transportation of trucks to and from the proposed site; fugitive dust from demolition and earthmoving; and the emissions from vehicles driven to and from the site by the construction workers. Based on the standard types of construction equipment that would be needed at the memorial during its erection, and in reviewing the standard air pollution emission factors (commonly referred to as AP-42 for construction activity), the estimated emissions for the proposed site are predicted to be less than the de minimis thresholds, and less than 10 percent of the projected area emissions, in accordance with U.S. Environmental Protection Agency criteria. Therefore, it is estimated by the EA evaluation that construction emissions resulting from the proposed construction would conform to the metropolitan Washington air quality attainment plan and that there would be no significant local or regional air quality impact from these sources.

Mitigation

Actions regarding any potential air management emissions under the proposed construction would include specification measures stipulated by the Park Service toward the use of alternative power sources during air episode events in the metropolitan air basin. These include:

- Use of electric power for construction would be provided by available commercial power sources, and limited, in-lieu of the use of onsite portable fossil-fueled generators when feasible.
- Water spray would be used on active grading areas and unpaved construction area roads to reduce or eliminate visible dust plumes.

Staff finds the environmental effects of the project attributes and the specified mitigation, as previously noted, supportable as characterized by the EA evaluation. Staff reviewed the action for extraordinary circumstances as sanctioned by NEPA and recommended adoption of the EA to the Executive Director and a Finding of No Significant Impact (FONSI) determined in accordance with the Commission's procedures.

Historic Preservation Act

The National Park Service (NPS) is serving as lead agency for both NEPA and NHPA compliance. In March 1999, at the time the Tidal Basin site was being considered, NPS wrote to the D.C. State Historic Preservation Officer (DC SHPO) determining that a memorial at that

location would potentially have an adverse effect on the landscape and National Register qualities of West Potomac Park.

On September 13, 2005 NPS wrote again to the D.C SHPO determining that the proposed concept design would potentially have an adverse effect on the National Register qualities of West Potomac Park: "The construction of an earthen berm, above the historically flat topography of the park, will introduce another raised element into the historic landscape." NPS noted that similar modifications to the 20th–century engineered fill have occurred at other memorials. "As the design development and consultation continue, other potential adverse effects may be identified."

The letter continues:

> Mitigation of the impacts associated with other raised elements in this flat landscape has been accomplished during the design approval process by considering height and visual openings in the design. The Foundation, National Park Service, NCPC and CFA have agreed to limit the access of the memorial design from the area of the historic cherry trees, allowing an entrance, not unlike that of the FDR Memorial, but considerably less than was introduced by the construction of the Thomas Jefferson memorial. This initial mitigation requirement is reflected in the submitted design and will be adhered to by the National Park Service in the ensuing design approval process.

NPS held a consultation meeting on September 19, 2005 that included representatives from the Foundation, the DC SHPO, the Advisory Council on Historic Preservation, NCPC, The National Coalition to Save Our Mall, and the Committee of 100.

NPS has since circulated a first draft of a Memorandum of Agreement to the agency signatories for their comments. The draft MOA proposes terms by which NPS will conduct future design review and Section 106 consultation for the project with agencies and the interested public. The MOA also determines the Area of Potential Effect, the determination of effect, and the affected historic resources. NPS, in consultation with the DC SHPO and other parties, has determined that West Potomac Park is the affected area. The historic resources are the contributing structures and features of West Potomac Park.

NPS's determination of effect is described in its draft MOA: "The NPS has determined that the Undertaking, which includes site regrading and construction of an earthen berm; the relocation or removal of 9 cherry trees; demolition, realignment and reconstruction of a portion of West Basin Drive and its signalized intersection with Independence Avenue may have an adverse effect on West Potomac Park, properties included in the National Register of Historic Places."

Staff notes that the current staff report includes the recommendation that photo simulations be undertaken to clearly indicate the visual impact that the berm of the proposed memorial would have on views to the Tidal Basin and beyond.

The memorial will become a prominent and much-visited attraction in Washington, and will have a strong presence in West Potomac Park, in an immediate setting that is now dominated by

the Jefferson Memorial and that also includes the FDR Memorial. The King memorial will take its place among these memorials. The goal of the Section 106 review is to avoid, minimize, or mitigation those effects, and to ensure that the King memorial complements the character of West Potomac Park and that the National Register qualities of West Potomac Park and its contributing historic resources are preserved.

CONSULTATION

Coordinating Committee

The Coordinating Committee reviewed the proposal on November 9, 2005. The Committee forwarded the proposal to the Commission with the statement that the project has been coordinated with all agencies represented, the participating agencies were: NCPC; the District of Columbia Office of Planning; the District Department of Transportation; the Department of Housing and Community Development; the Fire Department; the General Services Administration; the National Park Service and the Washington Metropolitan Area Transit Authority.

Commission on Fine Arts

At its October 20, 2005 meeting, the Commission of Fine Arts reviewed the concept design for the memorial. The Commission thought that generally the proposed design could be very powerful and that it was an appropriate landscape-oriented solution given its location on the Tidal Basin. They did, however, raise several issues that they felt should be studied further before giving concept approval (see attached).

bc: Ellen McCarthy, Director
D.C. Office of Planning

Frederick Lindstrom
Commission of Fine Arts

bcc: LMacSpadden
DBYoung
Reading File
Central File – 5907
Review File
PABrown:12/02/05

United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO:

D20 (NCR-LRP)

JUN 2 2006

NCPC
File No. 5907
Primary Stat. UDPR
Due Date

Copies:

CHAIRMAN
EXEC DIR.
OPA
GEN COUNSEL ✓
SECRETARIAT ✓
ADMIN.
DEPUTY DIR. ✓
COO
PRPD
PPID
UDPR ✓
TDAD

N.C.P.C. RECEIVED
2006 JUN 13 PM 1:43

Ms. Patricia E. Gallagher
Executive Director
National Capital Planning Commission
401 9th Street, N.W., Suite 500
Washington, D.C. 20576

Dear Ms. Gallagher:

We are writing on behalf of the Martin Luther King, Jr. National Memorial Project Foundation, Inc. (Foundation) to request that the National Capital Planning Commission place a revised design concept for the main entry at the Mountain of Despair portal into the memorial to honor Martin Luther King, Jr. on the agenda of the Commission's July 6, 2006 meeting. The materials that for this submission have been prepared by the Foundation and the ROMA Design Group and have been submitted under separate cover.

Should you require additional information, please feel free to contact me or Glenn DeMarr, Project Manager, in our Office of Lands, Resources and Planning at (202) 619-7027.

Sincerely,

Regional Director, National Capital Region

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WASHINGTON, D.C.
MARTIN LUTHER KING, JR.
NATIONAL MEMORIAL PROJECT
FOUNDATION, INC.

401 F Street N.W. • Washington, D.C. 20001-2637
Tel (202) 737-5420 • Fax (202) 737-5421
www.mlkmemorial.org

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2006 MAY 33 AM 11: 51

NCPC

NCPC
File No. 5907
Primary Stat.
Due Date UDPR

Copies:
CHAIRMAN
GEN COUNSEL
SECRETARIAT
ADMIN.
DEPUTY DIR. ✓
COO

June 1, 2006

Ms. Patty Gallagher
Executive Director
National Capital Planning Commission
401 9th Street, NW
North Lobby, Suite 500
Washington, DC 20004

Re: Submission for July 6, 2006 Public Hearing

Ms. Gallagher,

The Washington, DC Martin Luther King, Jr. National Memorial Project Foundation would like to present for your review and consideration a revised "entry concept" to the approved Design Concept dated March 1, 2006 and presented to the NCPC on April 6, 2006. It is the belief of the Foundation that this revised entry concept will accomplish two important visual experiences for visitors to the memorial.

First, the addition of a waterfall to the entry sequence not only opens and enlarges the view of the Mountain of Despair from the plaza, but also enhances and supports the imagery of the Stone of Hope emerging from the Mountain of Despair. Second, the waterfall element aids in the visual transition between the natural form and shape of the Mountain of Despair and the polished surfaces of the memorial wall. Both elements are made of granite, but distinctly different in appearance, and it is our belief that the waterfall proves an effective visual transition between the two.

Enclosed please find 4 copies of the approved Design Concept dated March 1, 2006 and two perspective drawings of the main entry concept. The first concept depicts the main entry as designed in the approved plan, while the second depicts the Foundation's preferred alternative, which encompasses a waterfall.

Sincerely,

Dr. Ed Jackson, Jr.
Executive Architect

Cc: John Parsons

COMMISSION ACTION

NCPC File No. 5907

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

MARTIN LUTHER KING, JR. NATIONAL MEMORIAL
TIDAL BASIN, WEST POTOMAC PARK
Washington, D.C.

Submitted by the National Park Service

July 10, 2008

Commission Action Requested by Applicant

Approval of preliminary site and building plans pursuant to Public Law 104-333, Public Law 105-201, and Public Law 99-952, as amended and the Commemorative Works Act (40 U.S.C. 8905).

Commission Action

The Commission:

Approves the preliminary site and building plans for the memorial's Visitor Contact Station/Bookstore/Restroom Building only, as shown on the NCPC Map File No. 1.51(73.10)-42570, and;

Notes that the Commission supports the overall design of the memorial, but is unable to move forward at this time because of unresolved issues surrounding the proposed introduction by the National Park Service of perimeter security elements that will impact the memorial design, and because the location of West Basin Drive is subject to change during the conclusion of the Section 106 consultation process;

Discourages the National Park Service from adding perimeter security to the design of the memorial because it is likely to disrupt the design concept for the memorial;
Defers preliminary approval of the memorial other than the Visitor Contact Station/Bookstore/Restroom Building, and requires the applicant to:

- Provide the final alignment and roadway design for West Basin Drive.

- Provide a design for proposed security elements for the memorial, if the National Park Service demonstrates that such security elements are necessary. The submission for perimeter security elements must include a threat assessment supporting the need for, and design and placement of proposed perimeter security elements in accordance with: the Commission's submission requirements; the Commission's National Capital Urban Design and Security Plan Objectives and Policies (adopted May 5, 2005); an analysis by the Park

Service of how such perimeter security measures are supported in the existing NEPA document for the memorial project (or supplemental NEPA documentation); and evidence of Section 106 compliance for the introduction of perimeter security elements.

- Provide preliminary and final design for the sculpture for the *Stone of Hope*.

Deborah B. Young
Secretary to the National Capital Planning Commission

STAFF RECOMMENDATION

NCPC File No. 5907

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

MARTIN LUTHER KING, JR. NATIONAL MEMORIAL
TIDAL BASIN, WEST POTOMAC PARK
Washington, D.C.

Submitted by the National Park Service

July 3, 2008

Abstract

The National Park Service (NPS), on behalf of the Martin Luther King, Jr. National Memorial Project Foundation, Inc. (the Foundation) has submitted preliminary site and building plans for the Martin Luther King, Jr. National Memorial to be located in West Potomac Park at the Tidal Basin. The three main elements of the preliminary design include the *Mountain of Despair*, the curved *Inscription Wall* forming the main plaza area of the memorial interior, and the *Stone of Hope* that features the likeness of Dr. King centered within the plaza. The preliminary plans submitted for the National Memorial further the design of the concept of the *Stone of Hope* breaking free from the *Mountain of Despair*. The preliminary plans now fully depict the Visitor Contact Building in its new location and design.

Commission Action Requested by Applicant

Approval of preliminary site and building plans pursuant to Public Law 104-333, Public Law 105-201, and Public Law 99-952, as amended and the Commemorative Works Act (40 U.S.C. 8905)

Executive Director's Recommendation

The Commission:

Approves the preliminary site and building plans for the memorial's Visitor Contact Station/Bookstore/Restroom Building only, as shown on the NCPC Map File No. 1.51(73.10)-42570, and;

Notes that the Commission supports the overall design of the memorial, but is unable to move forward at this time because of unresolved issues surrounding the proposed introduction by the National Park Service of perimeter security elements that will impact the memorial design, and because the location of West Basin Drive is subject to change during the conclusion of the Section 106 consultation process;

Discourages the National Park Service from adding perimeter security to the design of the memorial because it is likely to disrupt the design concept for the memorial;

Defers preliminary approval of the memorial other than the Visitor Contact Station/Bookstore/Restroom Building, and requires the applicant to:

- Provide the final alignment and roadway design for West Basin Drive.

- Provide a design for proposed security elements for the memorial, if the National Park Service demonstrates that such security elements are necessary. The submission for perimeter security elements must include a threat assessment supporting the need for, and design and placement of proposed perimeter security elements in accordance with: the Commission's submission requirements; the Commission's National Capital Urban Design and Security Plan Objectives and Policies (adopted May 5, 2005); an analysis by the Park Service of how such perimeter security measures are supported in the existing NEPA document for the memorial project (or supplemental NEPA documentation); and evidence of Section 106 compliance for the introduction of perimeter security elements.

- Provide preliminary and final design for the sculpture for the *Stone of Hope.*

* * *

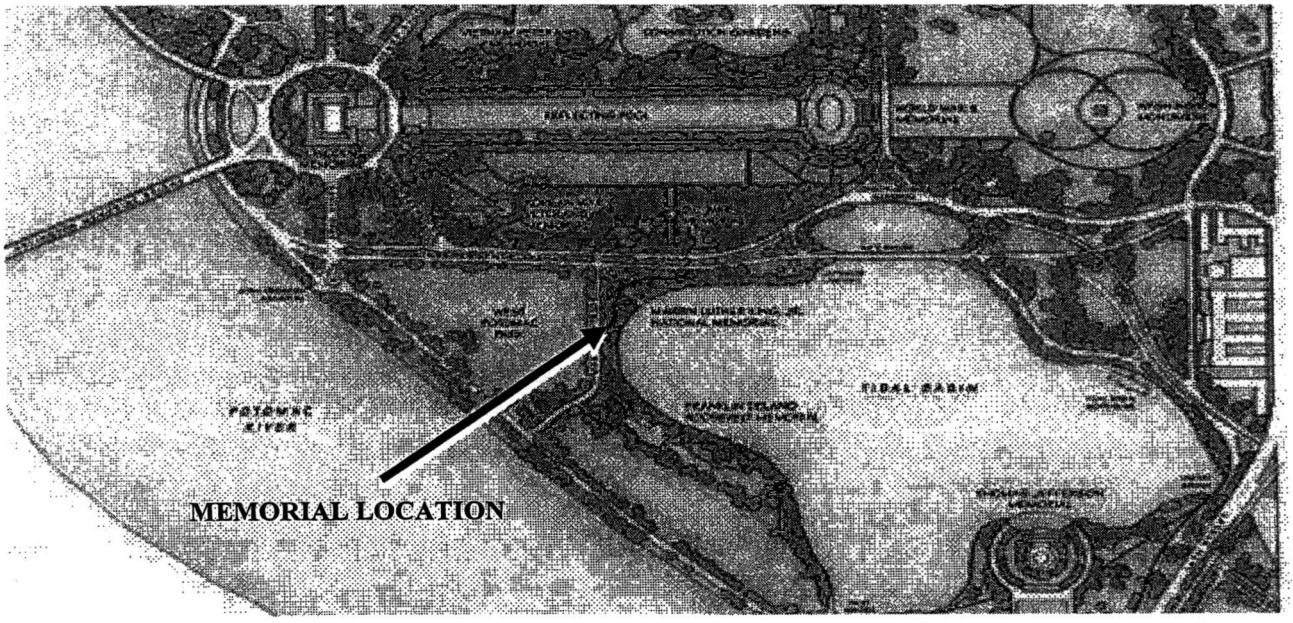
DESCRIPTION OF PROPOSAL

Background

The NPS has submitted, on behalf of the Martin Luther King, Jr. National Memorial Project Foundation, Inc. (the Foundation) the preliminary design for the Martin Luther King, Jr. National Memorial.

Site

The site for the memorial is a four-acre, triangular-shaped parcel of land located in West



PROJECT SITE VICINITY LOCATION

Potomac Park on the northwestern side of the Tidal Basin. The boundaries generally include Independence Avenue on the north, the Tidal Basin along the south and east, and a realigned West Basin Drive on the west. The larger setting includes views of the Washington Monument and across the Tidal Basin to the Jefferson Memorial.

The authorizing legislation for the memorial was signed by President Clinton on November 12, 1996. The Commission approved the site for the memorial at its December 2, 1999 meeting.

Preliminary Design Proposal

The preliminary plans submitted for the Martin Luther King, Jr. National Memorial implement a project design that is centered on a geometric relationship. The three main elements of the preliminary design include the *Mountain of Despair*, the crescent *Inscription Wall* forming the main plaza area of the memorial interior, and the *Stone of Hope* that features the likeness of Dr. King centered within the plaza. The preliminary plans now depict the revised location of a Visitor Contact Building for the memorial and its intended associated features of a circulation plaza and landscaping.

The primary vehicle approach to the memorial is maintained from Independence Avenue on the north and from West Basin Drive on the west. The principal memorial pedestrian access is provided from the intersection of Independence Avenue and West Basin Drive. Additional access points are from connecting walkways at Independence Avenue and from West Basin Drive further east and south of the main memorial entrance respectively.

The submitted preliminary plans further develop the design direction for the following elements of the memorial:

- The *Stone of Hope*, which features the relief sculpture of Dr. King, maintains its approved elevation of 30 feet-9 inches in height, and has been more fully designed as to its method of construction and its base composition and placement within the plaza pavement. Actual elevation design of the sculpture and physical details of the image in stone are still under development, and will be presented in the final project design submission to the Commission.

- The detailed building and interior space design of the visitor contact station and the expanded use of its area for public restrooms and a bookstore.

- Changes in the preliminary design for the entry plaza situated at the front of the memorial facing the intersection of Independence Avenue and West Basin Drive. The revision now provides a refined and landscaped edge to the entry, with the western plaza areas at West Basin Drive forming a forecourt granite wall that exhibits the title of the memorial and has curved end walls near the sidewalk at the forecourt entry along Independence Avenue and West Basin Drive.

- The memorial interior inscription wall lighting has been modified from the concept design to a continuous below ground light trench in the plaza at the base of the wall. Changes were introduced in response to issues about lighting coverage and the barrier created by the ground surface location of earlier light locations.

Of the preliminary design features, the location and details of the combined Visitor Contact/Bookstore/Restroom Building are the elements that the Commission has not earlier reviewed or commented on in detail. Moreover, because of the building's location, its connection to the memorial has required introducing a pedestrian crossing point across West Basin Drive. However, the important end-product of the building's location is that it will better focus the approach of a majority of memorial visitors to the central memorial forecourt. Thus, people will experience the memorial from the intended and most desirable direction, by approaching and passing through the *Mountain of Despair* portal pathway, and enter into the plaza featuring the *Stone of Hope*.

The Visitor Contact/Bookstore/Restroom Building, situated at the west side of West Basin Drive, is approximately 60 feet south of the forecourt entrance to the memorial. A 40-foot wide distinct paving pedestrian cross-walk connects the building and forecourt, and features cast-in-place concrete as the surface material.

The building's exterior consists of granite stone panels, decorative glazing, aluminum window walls, insulated glazing, metal wall panels, and a sun screen system of louvers. Doors are glass with metal framing at the Bookstore and Visitor Contact area, while at the Restrooms the doors are full metal clad hollow-core doors. Metal utility doors are exhibited on the west façade, at the utility rooms.

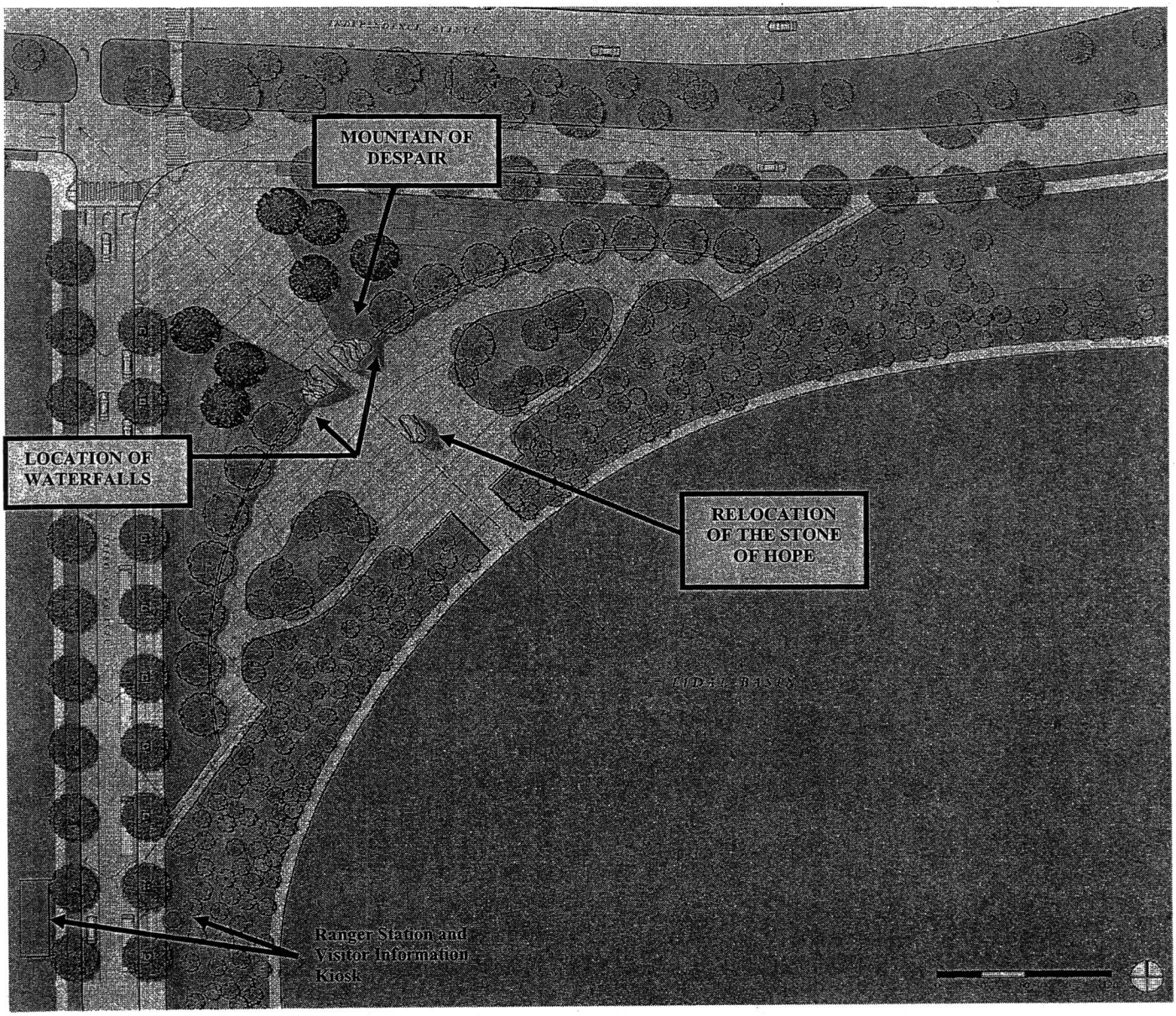
The building's stone panel exterior consists of 1¼ inch granite veneer backed by 2-inch rigid insulation. The glass curtain wall systems at the retail area are aluminum mullions spaced at 3 feet-10 inches square. The Bookstore's window area has an aluminum shade system of 4-inch wide louvers situated in the mid-height area of the window walls. The translucent curtain walls of the restrooms, at the south end of the building, are spaced on a metal frame module of 4 feet – 7 inches square. The Visitor Contact/Bookstore/Restroom Building roof consists of a flat, polymer-modified bituminous roofing built on rigid insulation over a metal deck. The highest level of the roof features a one-foot parapet that is faced in the granite veneer.

At the exterior building plaza, the area has an exposed aggregate concrete pavement that is covered by the 8 feet of overhang from the bookstore entrance. Three feet of overhang exists at the sides of the building, for about two-thirds the length, along the building's east and west facades. The plaza contains five granite benches and a high tree canopy that overshadows the seating areas.

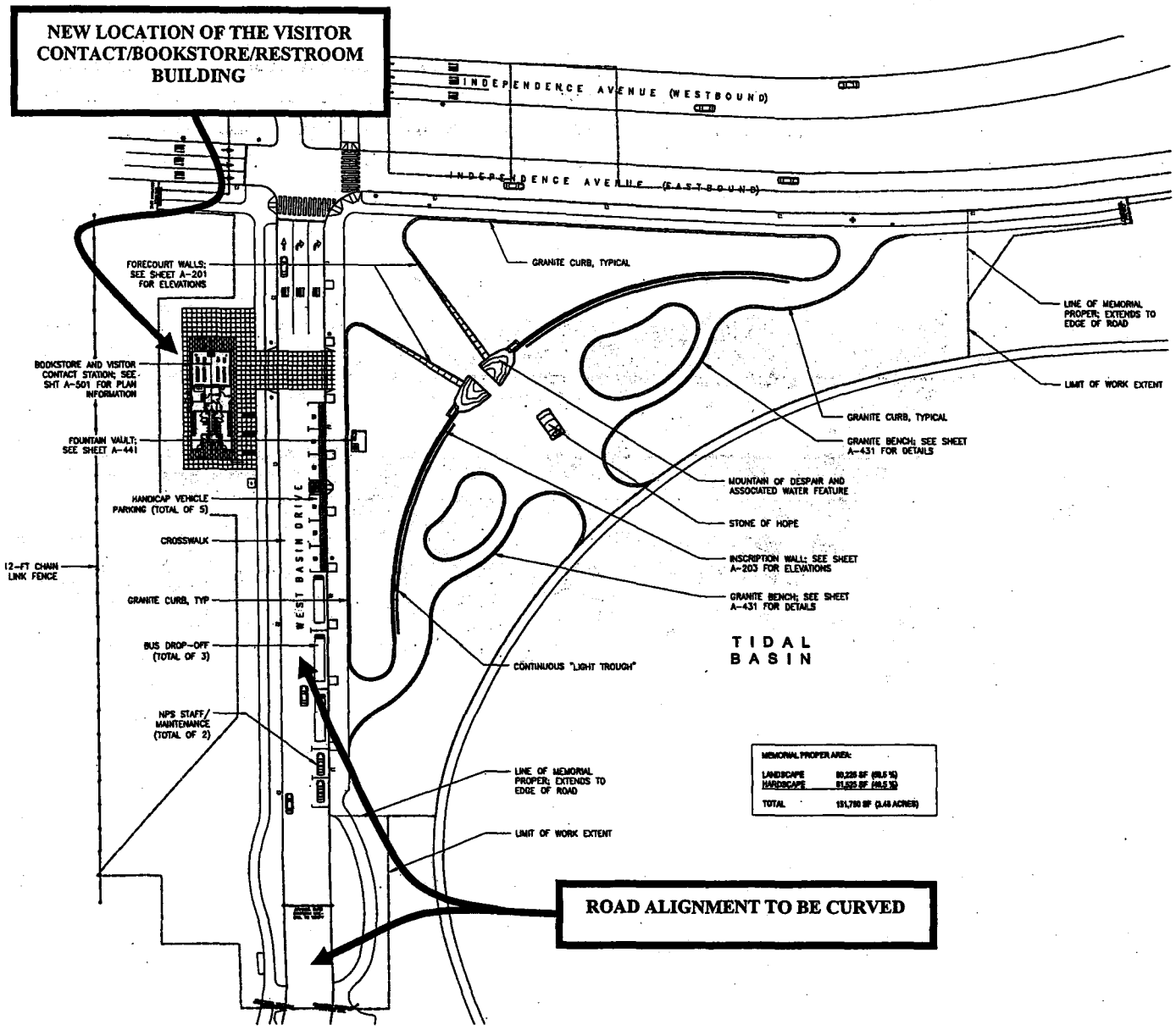
At the memorial itself, the most significant change is the night lighting scheme at the inscription wall that has been re-designed to place a "lighting trench" at the base of the wall. This covered trench contains the light fixtures focused to the elevated wall surfaces and is covered by a flush-

mounted louver that is level with the interior memorial plaza pavement. A detail of this system is shown on page 13.

The final aspect of the submission is the refinement of the plant material design of the memorial that now features additional cherry trees, particularly on the embankment of the memorial, and additional ornamental shrubs (Compact Pink Abelia and Dwarf Sweetspire) and Winter Jasmine that may overhang the inscription wall periodically. Moreover, additional canopy trees have been located at the forecourt area near West Basin Drive.



MARTIN LUTHER KING, JR. NATONAL MEMORIAL
2006 REVISED CONCEPT SITE PLAN



PRELIMINARY SITE AND BUILDNG PLAN OF THE MARTIN LUTHER KING, JR. NATIONAL MEMORIAL

The preliminary landscape plans identify all trees to be 4 to 6 inch caliper specimens and all shrubs to be 18 to 30 inches in height. The planting design of the memorial also features significant areas of bio-retention and soil permeability through the use of structural-cell subsurface structures placed under the West Basin Drive sidewalks and Visitor Contact/Bookstore/Restroom Building plaza.

PREVIOUS COMMISSION ACTION

At its December 1, 2005 meeting, the Commission commented favorably on the overall design concept for the Martin Luther King, Jr. Memorial except for:

- The horizontal bridge of the Memorial Walk, adjacent to the "Mountain of Despair," which destroys the intended strong visual relationship between the signature "Mountain of Despair" and "Stone of Hope."

- The narrow entrance portal through the "Mountain of Despair" because it creates the potential to impede visitor movements through the memorial's main entrance.

- The Ranger and Visitor Information Kiosk.

The Commission also recommended that the National Park Service and the Foundation, as they develop preliminary design plans for the memorial:

- Redesign the entrance portal between the Mountain of Despair to remove the bridge of the Memorial Walk that interrupts views to the Stone of Hope and beyond, and to provide more space for visitor movement in this entry area.

- Provide more detailed photo simulations that clearly indicate the visual impact that the berm of the proposed memorial would have on views to the Tidal Basin and beyond.

- Coordinate with the Park Service on the size, location, and programmatic requirements for the Ranger and Visitor Information Kiosk.

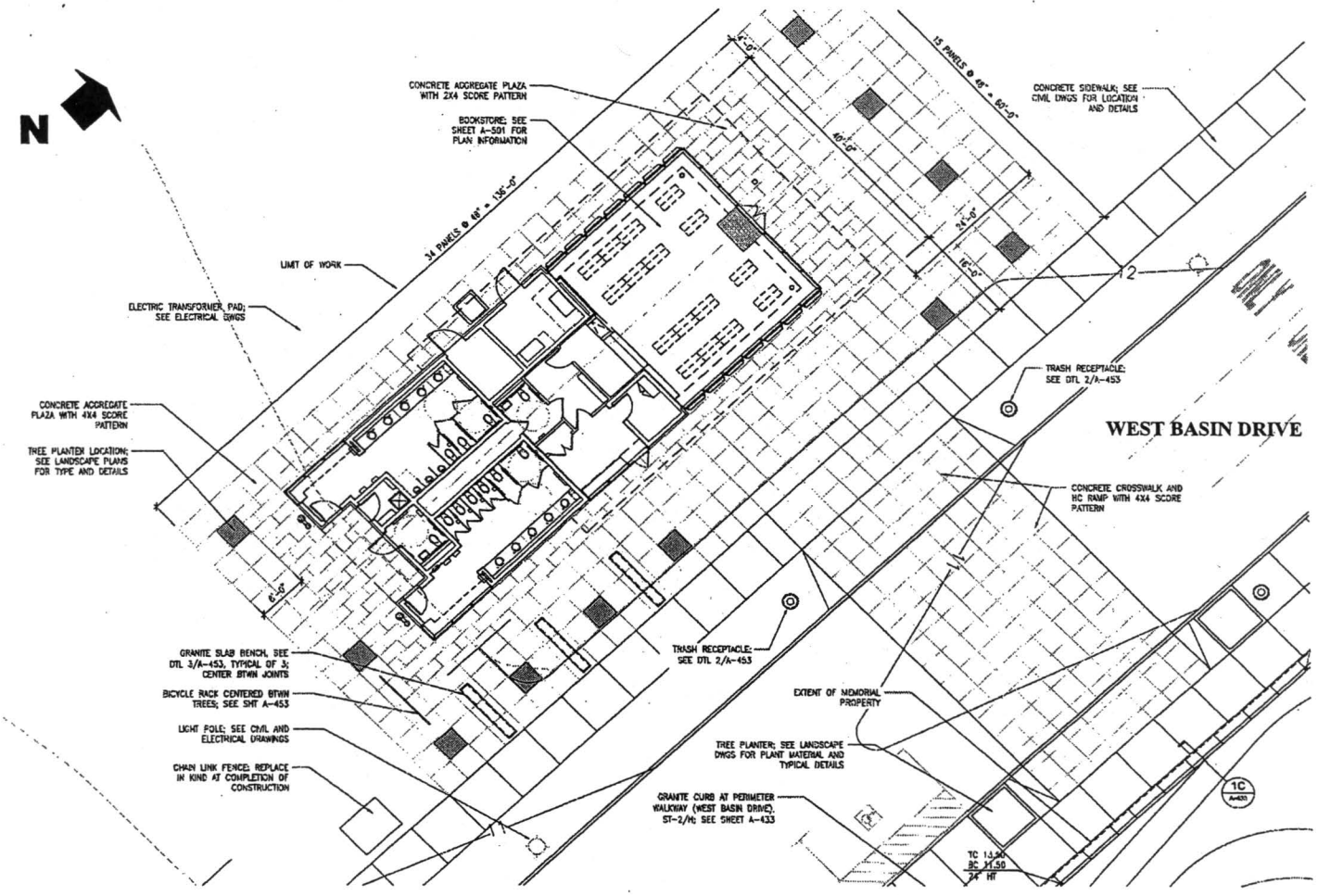
At the Commission's April 2006 meeting the Commission:

- Commended the Foundation for arriving at a simpler and refined focus to the Martin Luther King, Jr., Memorial. The revisions appropriately respond to the Commission's earlier review comments.

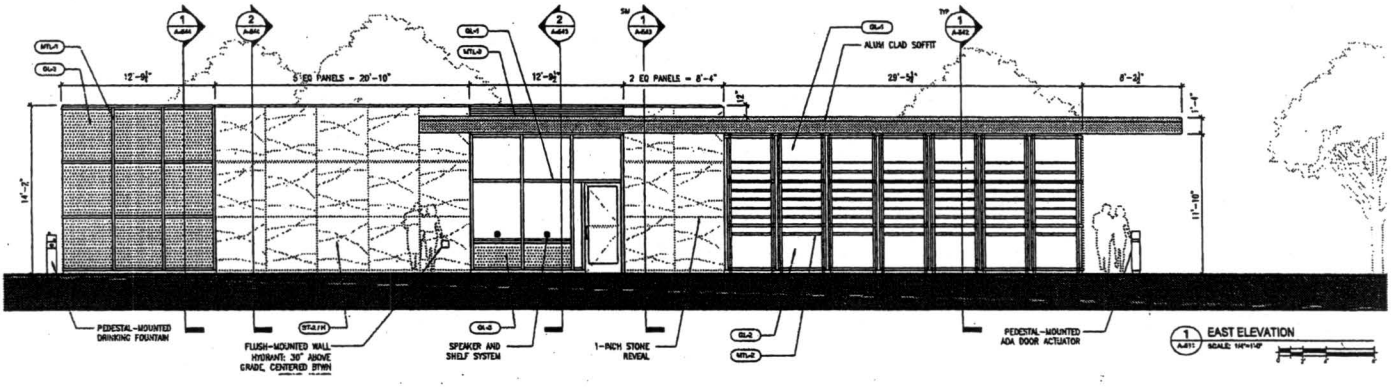
- Commented favorably on the revised design concept for the Martin Luther King, Jr. Memorial, as shown on NCPC Map File No. 1.51(73.10)-41988, and reminded the Foundation to coordinate with the Park Service on the size, location, and programmatic requirements for the Ranger and Visitor Information Kiosk.

- Recommended that the opening of the Mountain of Despair be returned to its original design concept of 12 feet, to reinforce the fundamental concept of the Stone of Hope appearing to have been pulled forward from the Mountain of Despair.

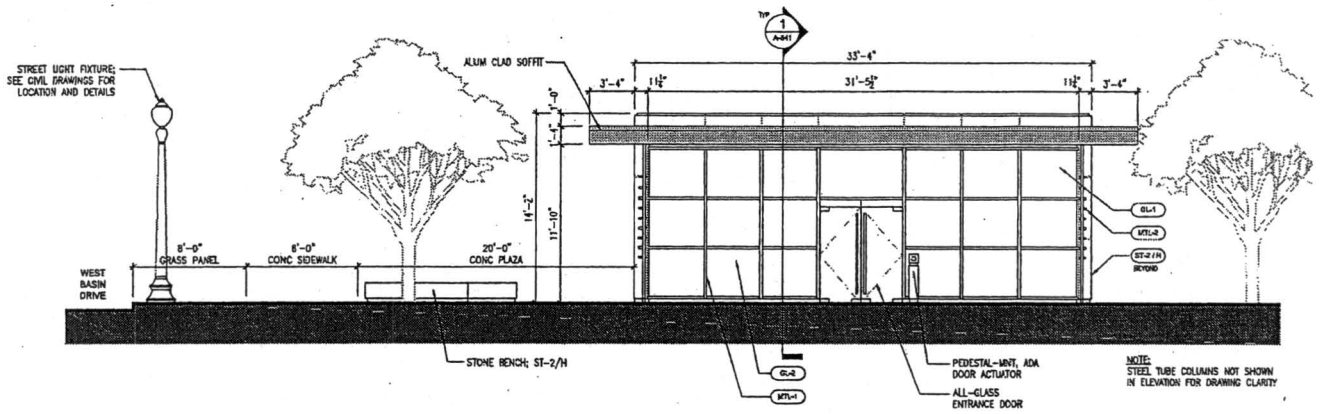
Review of the project at the Commission's December 2006 meeting resulted in the Commission commenting favorably on the revised design concept for the Martin Luther King, Jr. Memorial, as shown on the NCPC filed plans.



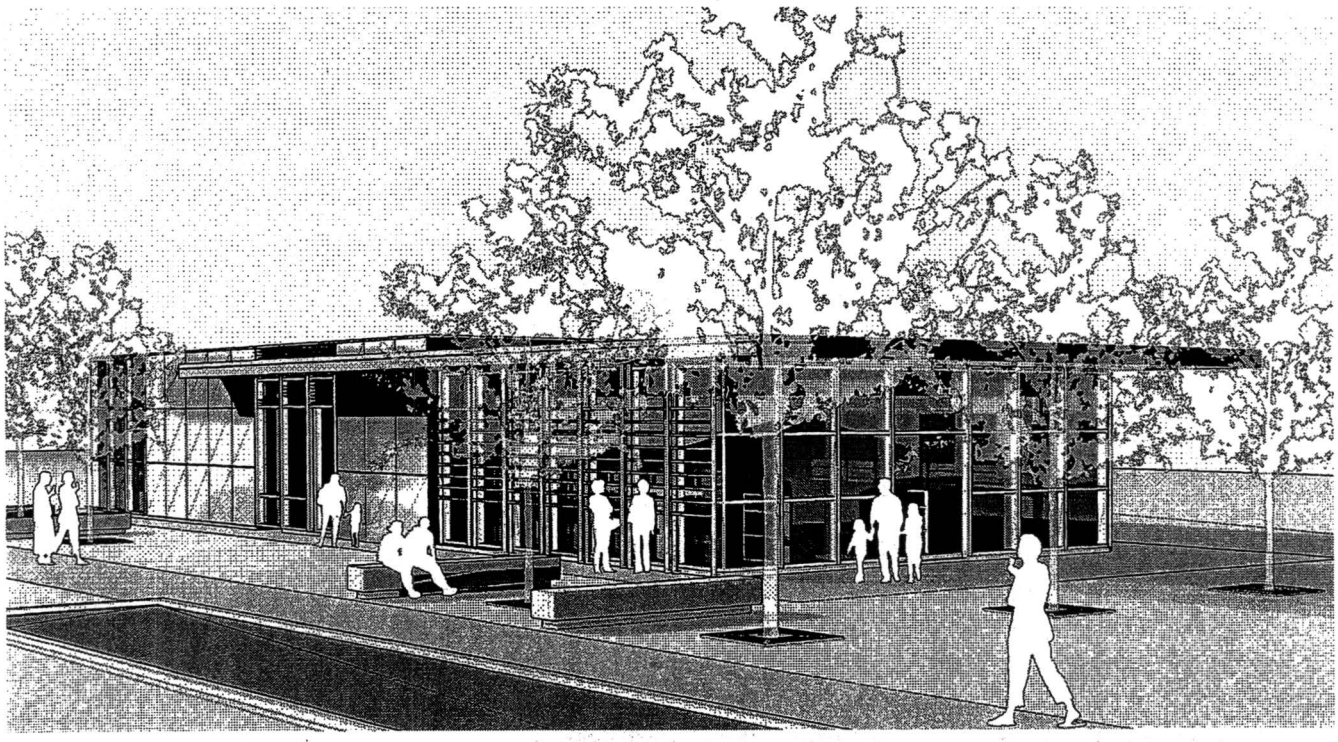
PRELIMINARY SITE AND BUILDING PLAN OF VISITOR CONTACT BOOKSTORE/RESTROOM BUILDING



EAST ELEVATION OF VISITOR CONTACT/BOOKSTORE/RESTROOM BUILDING



NORTH ELEVATION OF VISITOR CONTACT/BOOKSTORE/RESTROOM BUILDING



PERSEPCTIVE VIEW OF VISITOR CENTER/BOOKSTORE/RESTROOM BUILDING AS SEEN FROM NORTH

PROJECT ANALYSIS

Staff is pleased with the progress and preliminary design of the Martin Luther King, Jr. National Memorial. The design details included in the preliminary design for the building and many memorial features are highly refined and clearly noted. Furthermore, staff finds the preliminary design of the Visitor Contact/Bookstore/Restroom Building is light and simple in its material composition; subdued in its massing; and is appropriately located to best serve the memorial's visitors.

Staff has become aware in recent weeks that the Park Service and the Foundation are evaluating and may incorporate a realignment of the south end of West Basin Drive in order to achieve added curvature to the road at the southwest area of the memorial, pursuant to District of Columbia State Historic Preservation Office recommendations. Consequently the submitted plans for West Basin Drive are subject to change to reflect this evaluation, which is also the subject of further Section 106 consultation that began on June 30, 2008.

Of more significant concern is that staff has been informed by the Park Service in the past two weeks that a security evaluation of the present design is necessary and will likely result in security barriers at the three entry points to the memorial. At present, the Park Service is considering placing bollards into the memorial design, but has not yet settled on a security solution. NCPC staff has requested a security threat assessment be provided to justify the inclusion of security barriers if the Park Service decides to proceed with requiring them. Staff recommends that the imposition of security barriers into this carefully designed memorial is likely to change the nature of the memorial design enough that granting preliminary approval now would be premature. Consequently, staff recommends the Commission not approve the preliminary site plans for the memorial. In full, the following additional information is required to be submitted before staff can fully evaluate the effects of security elements and other outstanding design changes on the memorial design:

- A revised alignment and roadway design of West Basin Drive.
- Proposed design and location of security elements, if security is deemed necessary. The submission must include a threat assessment, evidence of compliance with NCPC submission requirements and design policies for perimeter security, and evidence of compliance with NHPA and NEPA.
- Proposed design changes for the sculpture for the *Stone of Hope*.

As noted by the earlier description of the sculpture issues, staff was present on June 19th when the Foundation introduced a revised image to the *Stone of Hope* at the Commission of Fine Arts. Staff believes the Foundation and Park Service should submit that revision to NCPC for review at the September Commission meeting along with the other noted items.

Consequently, the staff recommends the Commission:

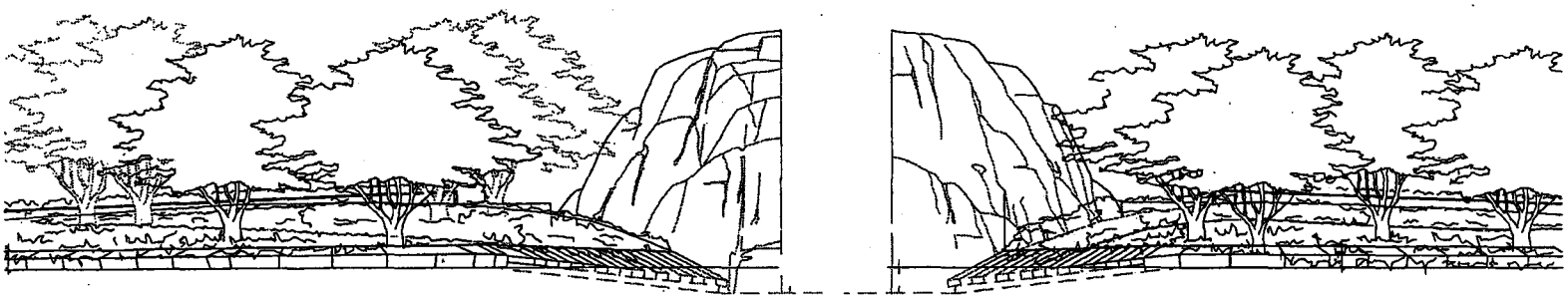
- **Approves** the preliminary site and building plans for the Martin Luther King, Jr. National Memorial Visitor Contact/Bookstore/Restroom Building, as shown on the NCPC Map File,

- **Confirms** with the applicant the Commission's full support for the overall further detailed design of the memorial site as identified by the present submission, but because of unresolved and incomplete information,

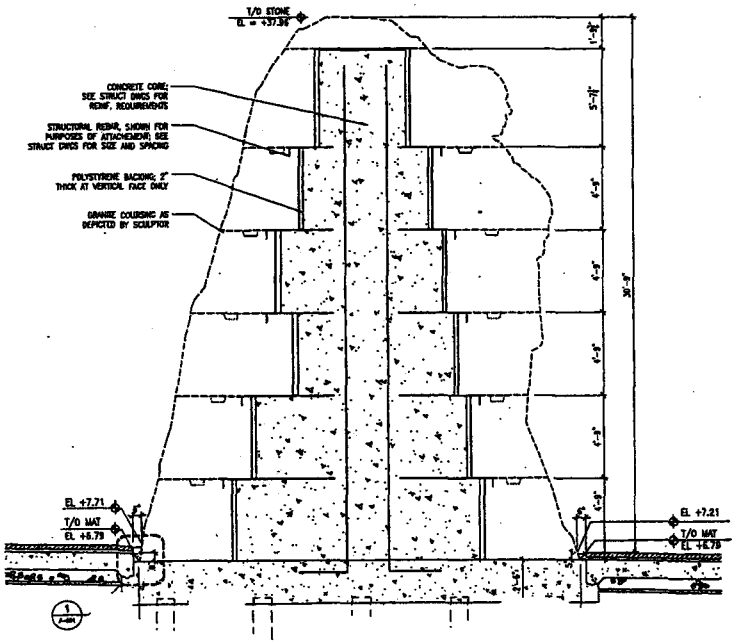
- **Should highlight** the lack of support from the Commission for any security measures at the memorial site,

- **Defers approval on the preliminary memorial site plan and requires the applicants to:**

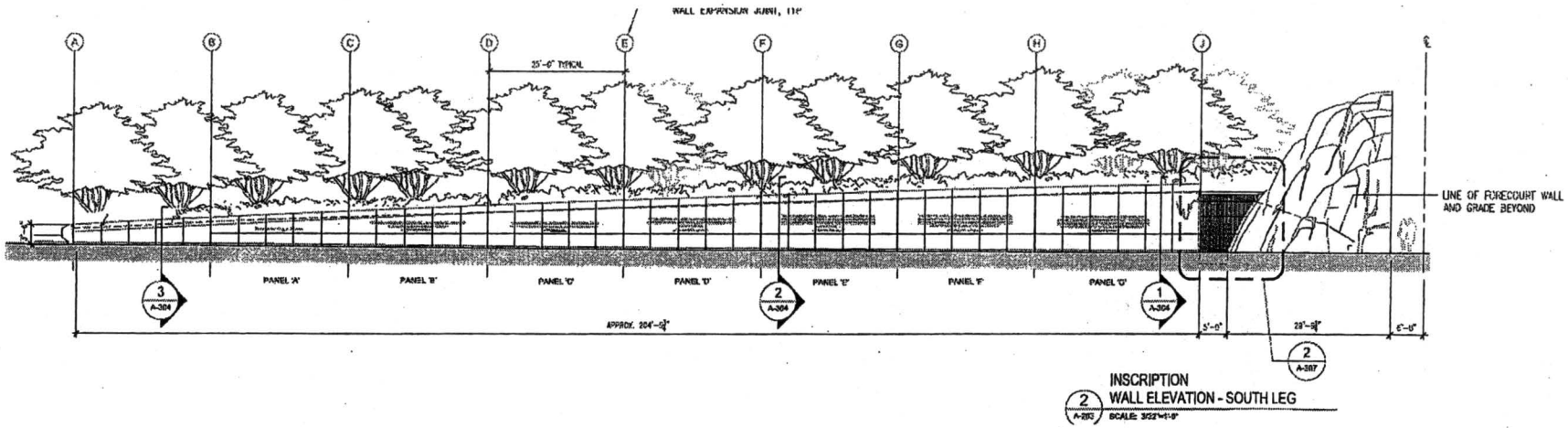
  - Provide final alignment and roadway design of West Basin Drive.
  - Provide preliminary and final design of security measures for the memorial if deemed necessary. The security measures submission must include a threat assessment report, design location of all security features, and a documented Park Service review of the measures in regard to site and environmental effects.
  - Provide preliminary and final design of the sculpture for the *Stone of Hope.*

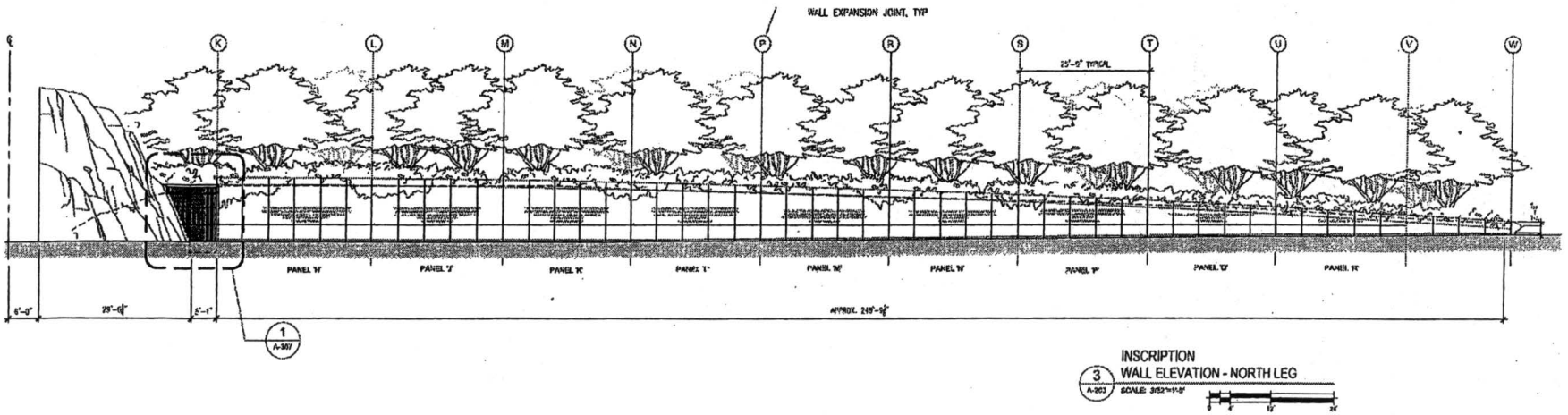


FORECOURT ELEVATION AND PLANTING AT THE MOUNTAIN OF DESPAIR ENTRY

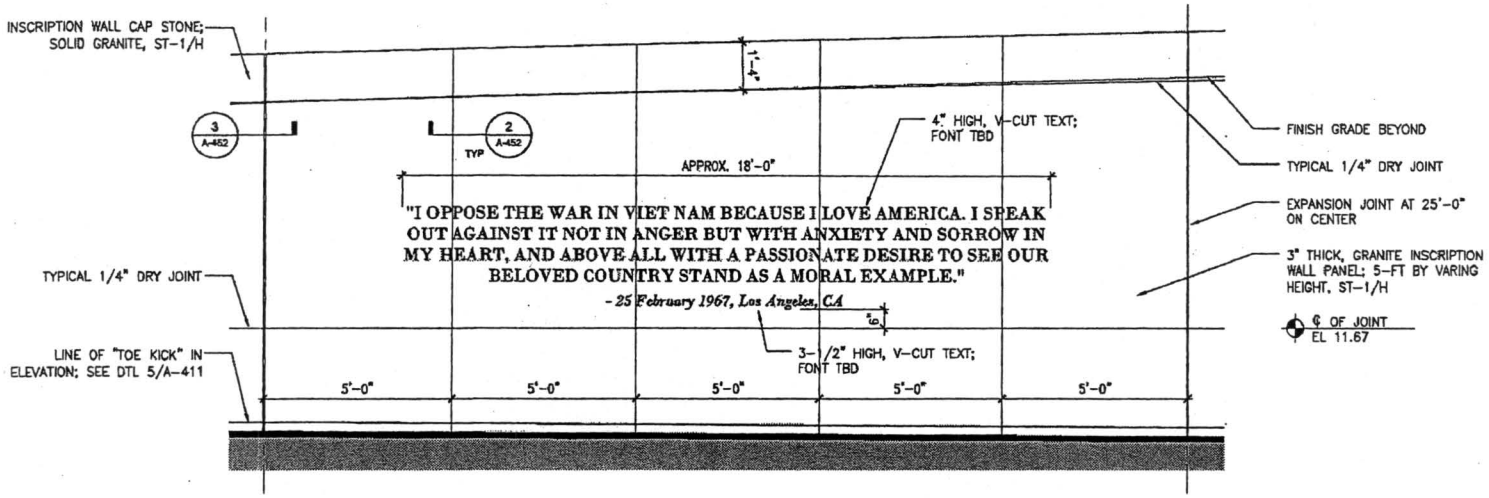


PRELIMINARY DESIGN OF STONE OF HOPE STRUCTURAL CORE AND FOUNDATION

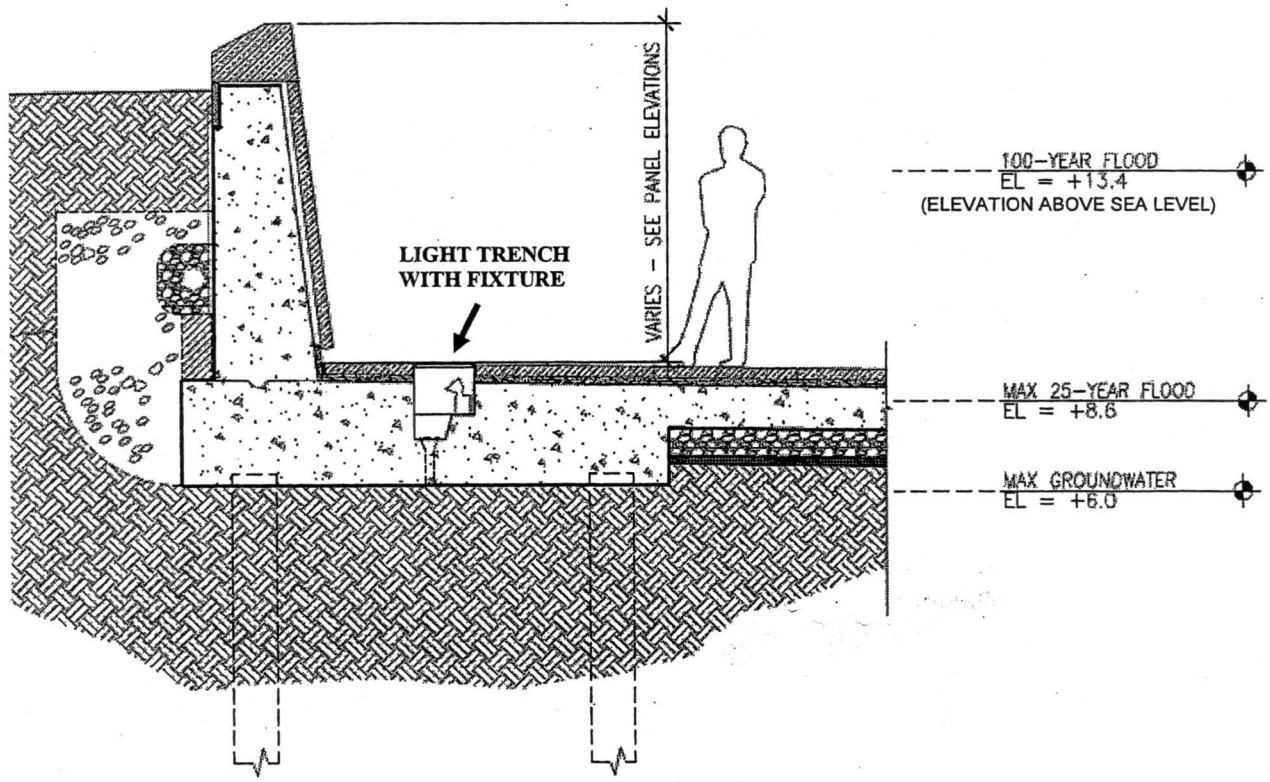




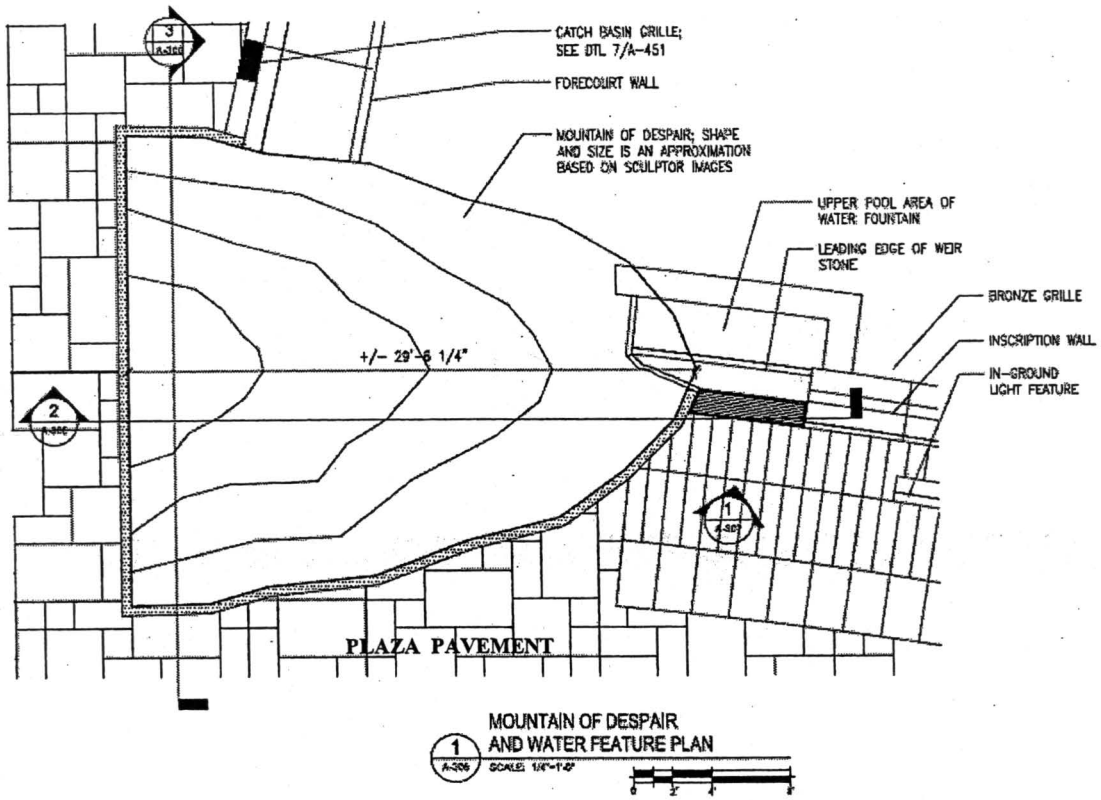
PRELIMINARY DESIGN OF INSCRIPTION WALL TEXT LOCATIONS AS DEPICTED IN INTERIOR ELEVATION

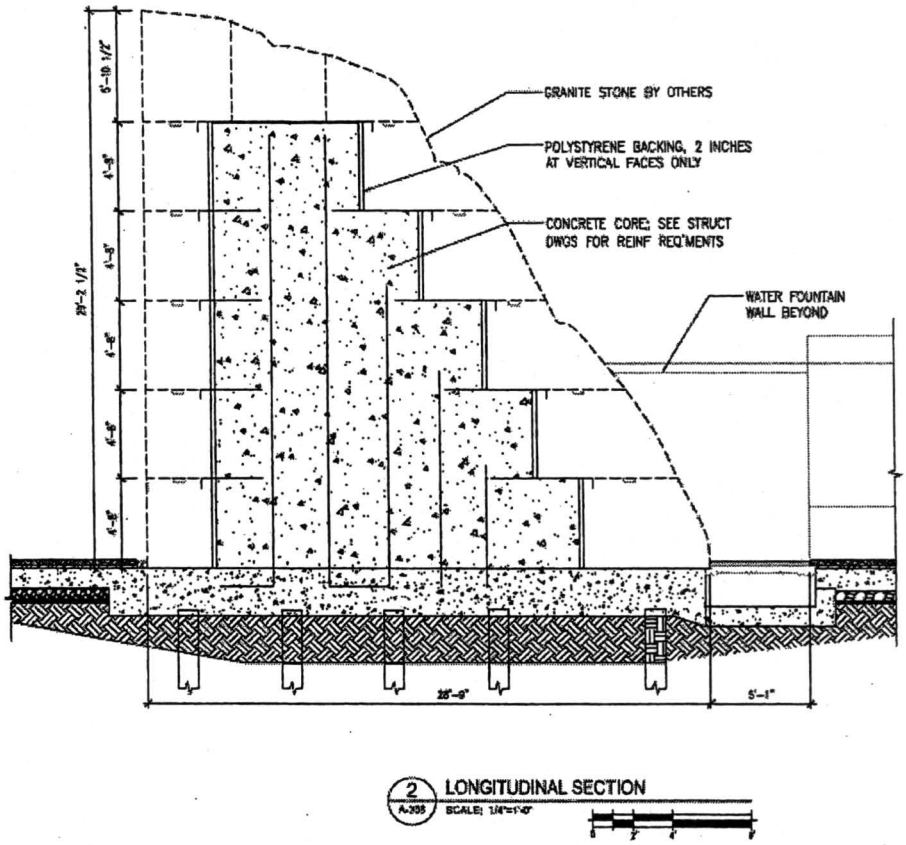


TYPICAL INSCRIPTION WALL PANEL WITH EXAMPLE OF TEXT LAYOUT



SECTION OF MEMORIAL WALL WITH GRANITE VENEER, LIGHT TRENCH, AND STRUCTURAL DESIGN WITH PILINGS





PRELIMINARY DESIGN OF MOUNTAIN OF DESPAIR AND ITS MEETING POINT AT WATERFALL --PLAN AND SECTION

CONFORMANCE

Comprehensive Plan

The proposal is consistent with the Comprehensive Plan for the National Capital. Specifically, policies contained in the Parks and Open Space Element state that the federal government should:

- Enhance the great cross-axes of the Mall, and protect them from inappropriate development (Policy No. 4, page 109).
- Use monumental parks and landscapes to provide settings for public buildings, monuments, and memorials, and to create special environments for limited activities (Policy No.5, page 109).
- Site memorials in monumental and designed landscape parks in compliance with the Memorials and Museums Master Plan (Policy No.6, page 109).
- Maintain East and West Potomac Park as an extension of the Mall, as a valuable recreational open space, and as a space that can be used for outdoor cultural events, gatherings, and celebrations (Policy No. 8, page 109).

National Environmental Policy Act (NEPA)

Staff finds that 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. Consequently, the Commission's Finding of No Significant Impact remains valid for environmental review purposes in compliance with the Commission's procedures. This finding does not cover the introduction of perimeter security elements into the memorial design.

The preliminary design maintains mitigation actions defined by both the NEPA analysis and the Commission staff comments on the EA. The concept issues of height of the berm and viewshed effects from that feature to and from the memorial have been addressed by the preliminary design implementation and in the further progress of the National Historic Preservation Act Section 106 Consultation process.

National Historic Preservation Act (NHPA)

The Park Service is serving as lead agency for the National Historic Preservation Act (NHPA) compliance. In March 1999, at the time the Tidal Basin site was being considered, NPS wrote to the D.C. State Historic Preservation Officer (DC SHPO) determining that a memorial at that location would potentially have an adverse effect on the landscape and National Register qualities of West Potomac Park.

On September 13, 2005 NPS wrote to the D.C. SHPO determining that the proposed concept design would potentially have an adverse effect on the National Register qualities of West

Potomac Park: "The construction of an earthen berm, above the historically flat topography of the park, will introduce another raised element into the historic landscape." NPS noted that similar modifications to the 20th–century engineered fill have occurred at other memorials. "As the design development and consultation continue, other potential adverse effects may be identified."

The letter continues:

> Mitigation of the impacts associated with other raised elements in this flat landscape has been accomplished during the design approval process by considering height and visual openings in the design. The Foundation, National Park Service, NCPC and CFA have agreed to limit the access of the memorial design from the area of the historic cherry trees, allowing an entrance, not unlike that of the FDR Memorial, but considerably less than was introduced by the construction of the Thomas Jefferson memorial. This initial mitigation requirement is reflected in the submitted design and will be adhered to by the National Park Service in the ensuing design approval process.

NPS held consultation meetings on September 19, 2005, January 2008, March and April 2008 that included representatives from the Foundation, the DC SHPO, the Advisory Council on Historic Preservation, NCPC, The National Coalition to Save Our Mall, and the Committee of 100.

The Park Service continues development of a draft of a Memorandum of Agreement that will be sent to the agency signatories for their comments. The MOA proposes terms by which NPS will conduct future design review and Section 106 consultation for the project with agencies and the interested public. The MOA also determines the Area of Potential Effect, the determination of effect, and the affected historic resources. NPS, in consultation with the DC SHPO and other parties, has determined that West Potomac Park is the affected area. The historic resources are the contributing structures and features of West Potomac Park.

NPS's determination of effect is described in its MOA: "The NPS has determined that the Undertaking, which includes site regrading and construction of an earthen berm; the relocation or removal of 9 cherry trees; demolition, realignment and reconstruction of a portion of West Basin Drive and its signalized intersection with Independence Avenue may have an adverse effect on West Potomac Park, properties included in the National Register of Historic Places."

The major part of the discussion to date in the last months relate to the visitor services contact facility design and the final alignment of West Basin Drive adjacent to the memorial. Comments from the previous consultations have enabled the NPS to resolve the location, and to amend the design to provide some shelter along the building perimeter. Staff notes there remains an issue of the location of the West Basin Drive and its final alignment that must be finalized for the completion of the Memorial Design and the MOA. Further consultation is also required on any proposed perimeter security elements.

COORDINATION

Coordinating Committee

OVERVIEW OF MEMORIAL LOOKING WEST

The Coordinating Committee reviewed the whole of the memorial on June 18, 2008, The Committee forwarded the proposal to the Commission with the statement that the project has been coordinated with all agencies represented, the participating agencies were: NCPC; the District of Columbia Office of Planning; the District Department of Transportation; the District of Columbia Office of Housing and Community Development; the General Services Administration; the National Park Service and the Washington Metropolitan Area Transit Authority.

Commission of Fine Arts

In its meeting of April, 17, 2008, the Commission of Fine Arts (CFA) reviewed the revised concept design for the Martin Luther King, Jr. National Memorial. The Commission members congratulated the applicant on the overall progress and recommended approval of many components of the memorial. However, the Commission made a strong recommendation to rework the depiction of Dr. King and considered the issue critical to CFA for memorial approval under the Commemorative Works Act.

At its meeting of June 19, 2008, the CFA reviewed a revised sculpture of Dr. King. The revised *Stone of Hope* now depicts Dr. King's form in its same basic appearance of the figure of Dr. King with crossed folded arms at his chest. The image remains centered on the Tidal Basin side of the *Stone of Hope*. The edges of the sculpture are brought forward to reduce the apparent amount of relief of the image thickness at its edges, and the base of the rough stone area has been elevated to just above the knee level of the figure on the left, as one views the figure. The sculpture will also carry a rough stone appearance on the left side in the area of the suit-coat pocket. Further, the face has been somewhat altered to remove some facial-lines around the mouth and cheek area of the head.

The CFA members did request a plaster or bronze maquette of the *Stone of Hope* be delivered for review by CFA at its next meeting, and a sample section of actual stone surface, with sculpted detail, be submitted to gauge the amount of carved relief contrast allowed by the selected stone. The members then moved to endorse the revised concept for the sculpture of the *Stone of Hope*.

WASHINGTON, D.C.
MARTIN LUTHER KING, JR.
NATIONAL MEMORIAL PROJECT
FOUNDATION, INC.

401 F Street N.W. • Washington, D.C. 20001-2637
Tel (202) 737-5420 • Fax (202) 737-5421
www.mlkmemorial.org

September 18, 2006

Mr. John Parsons
Associate Regional Director
National Park Service
National Capital Region
1100 Ohio Drive, SW
Washington, DC 20024

Re: Commission Staff Meeting, September 15, 2006

Mr. Parsons,

The Washington, DC Martin Luther King, Jr. National Memorial Project Foundation, Inc. would like to thank the National Park Service (NPS) for taking the time to meet on Friday, September 15, 2006. The following is a record of the issues discussed during the meeting.

The Foundation presented a package containing several drawings to the NPS, as well as to the staffs of both the Commission of Fine Arts (CFA) and National Capital Planning Commission (NCPC). The drawings presented were modified to better reflect the Foundation's current desire to reintroduce a water element into the memorial design.

- The Mountain of Despair was relocated 30 feet along the axis between the Lincoln and Jefferson Memorials to allow the crescent-shaped inscription wall to intersect the midpoint of the Mountain of Despair. The intent of this design change is to place more emphasis on the conceptual/thematic framework of the memorial experience by both visually and literally enhancing the relationship between the Mountain of Despair and the Stone of Hope.

- The Stone of Hope has been moved 20-25 feet towards the entry of the Memorial, again, to further illustrate the relationship and symbolism of the two major design elements.

In response to the suggestions provided at the meeting, the Foundation will further modify the drawings to incorporate the necessary adjustments, specifically:

- To ease the curb radius at the intersection of West Basin Drive and Independence Avenue to better accommodate the needs of tour bus traffic. This will also reduce the size of the processional approach to the main entry, and slightly reposition the pedestrian crosswalk on West Basin Drive.

- Reduce the height of the sloping stone entry walls to a continuous 6-inch curb, allowing the landscaped berms to meet the pavement, and enhancing the view of the Mountain of Despair from the exterior of the memorial.

- Adjust the width of the opening between the two halves of the Mountain of Despair to 12 feet, the same width as the Stone of Hope.

In addition to adjusting said drawings, the Foundation also intends to present to the Commissions detailed drawings of the water element describing flow, texture, shape, and collection and dispersion methods.

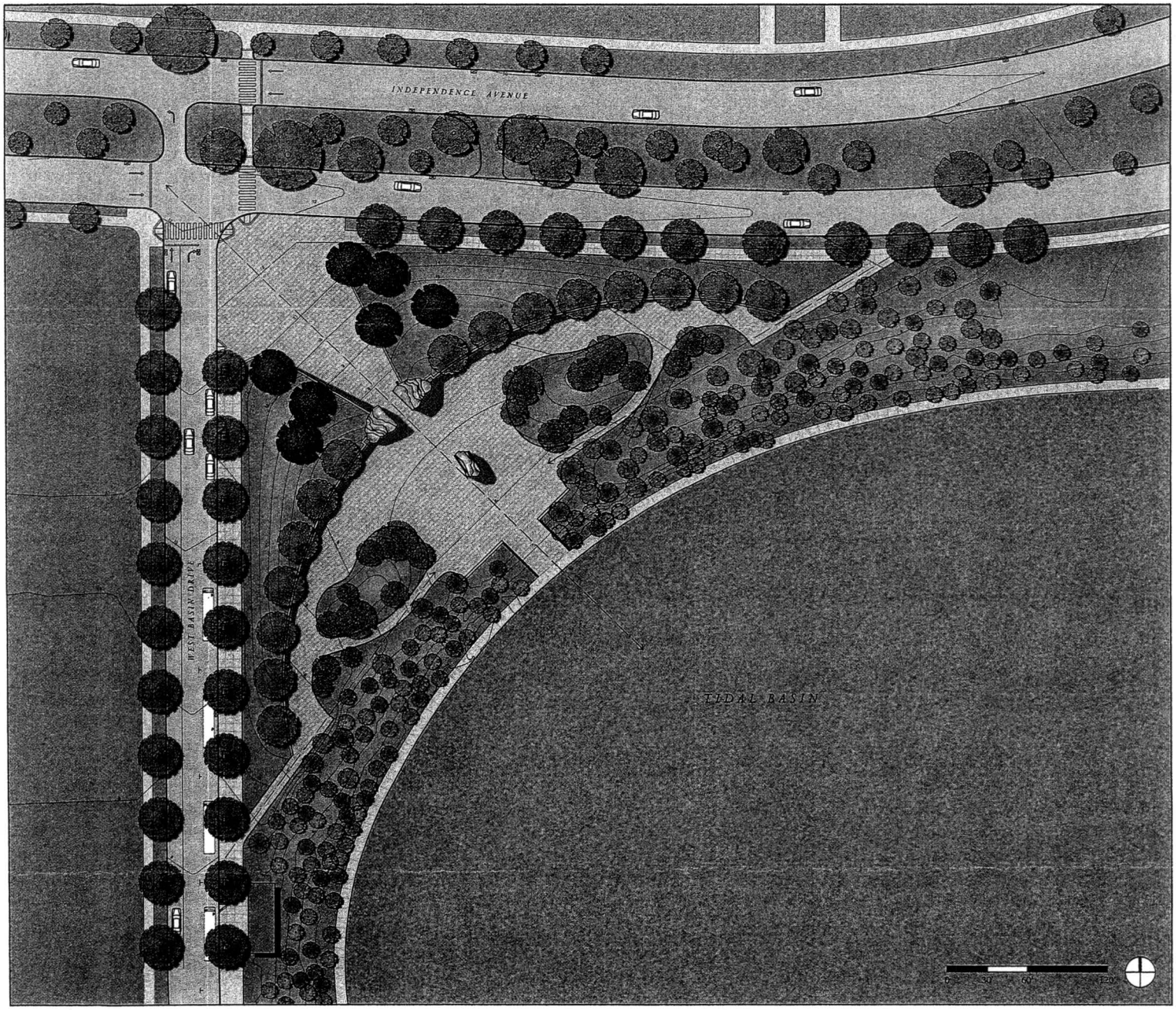
Finally, at the conclusion of the meeting several dates were discussed for the next submission to the Commissions. The Foundation will be prepared to submit to the CFA by October 5, 2006 for the October 19, 2006 Public Hearing. However, the Foundation is unable to attend the NCPC Public Hearing on November 2. Therefore the Foundation suggests submitting to the NCPC by November 3 for the December 7, 2006 hearing.

Please contact me at 202.654.4430 or ejackson@mlkmemorial.org with any concerns.

Sincerely,

Dr. Ed Jackson, Jr.
Executive Architect

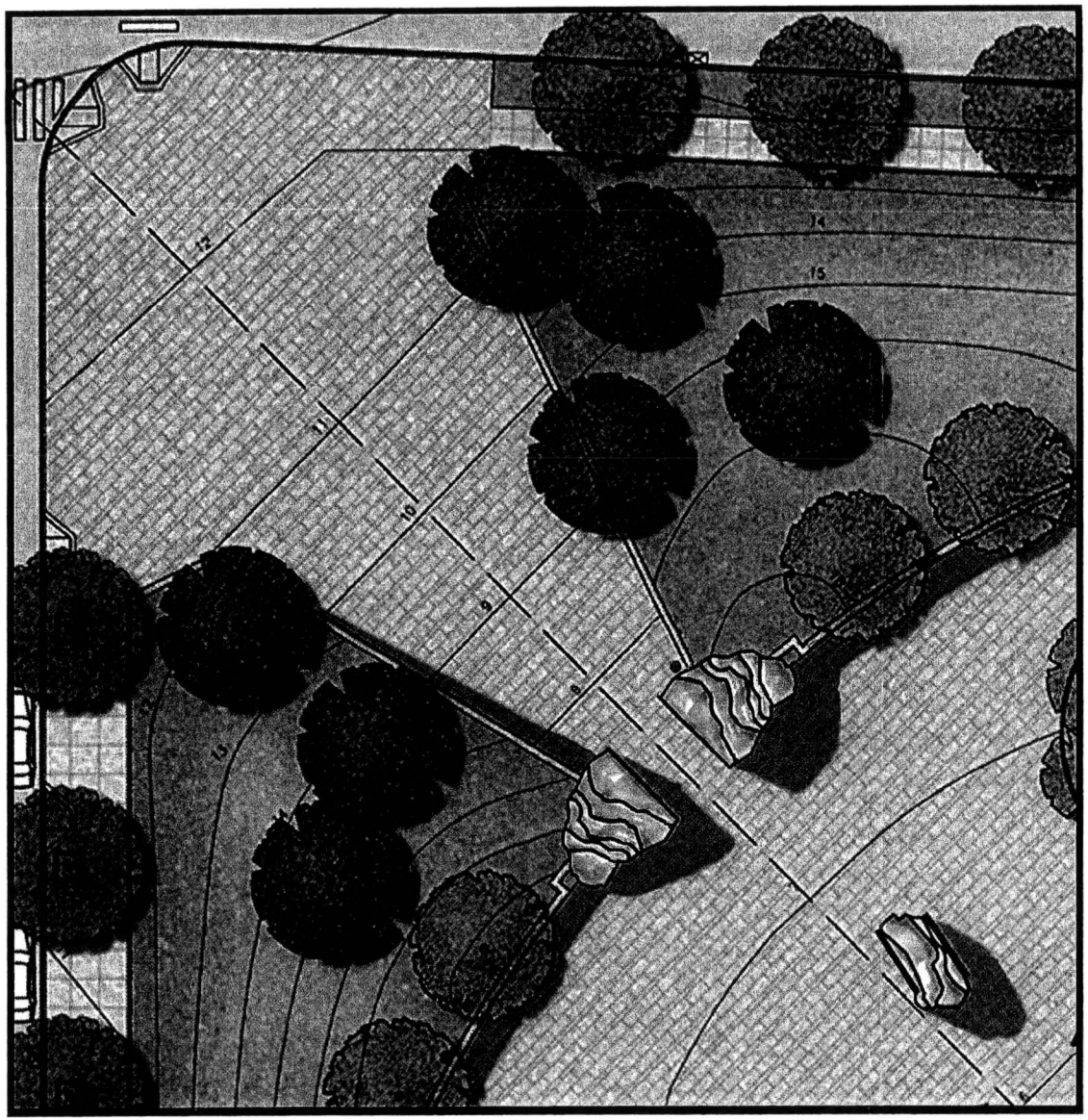
Cc: Vikki Keys, Acting Superintendent, National Capital Region, NPS
Thomas Luebke, Secretary, CFA
Frederick Lindstrom, Assistant Secretary, CFA
Christine Saum, Director, Office of Urban Design and Plan Review, NCPC
Eugene Keller, Community Planner/Environmental Officer, NCPC



SITE PLAN

Martin Luther King, Jr. National Memorial

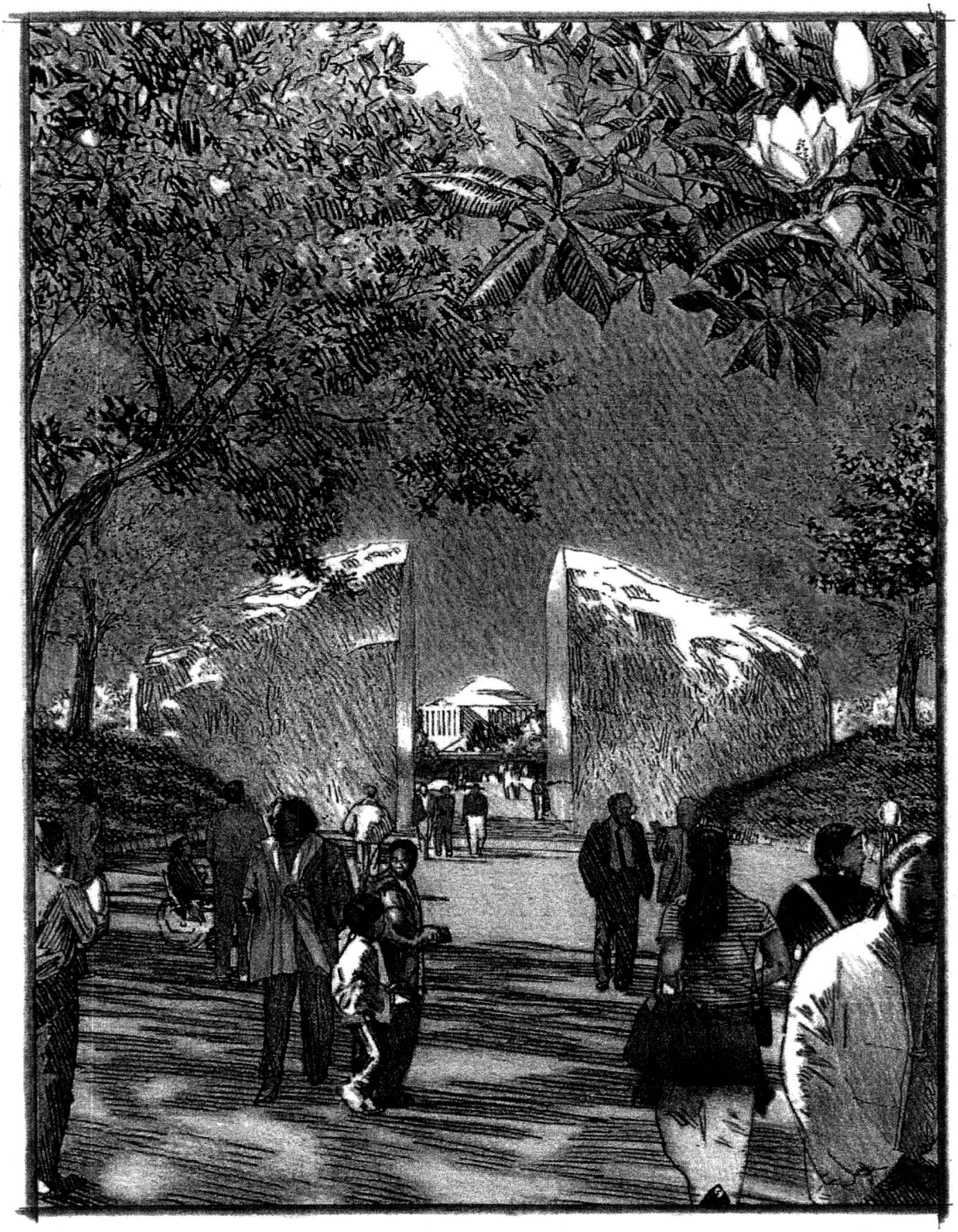
Prepared by the Washington, D.C. Martin Luther King, Jr. National Memorial Project Foundation, Inc.



ENTRY PLAN

Martin Luther King, Jr. National Memorial

Prepared by the Washington, D.C. Martin Luther King, Jr. National Memorial Project Foundation, Inc.



ENTRY THROUGH "MOUNTAIN OF DESPAIR"

Martin Luther King, Jr. National Memorial

Prepared by the Washington, D.C. Martin Luther King, Jr. National Memorial Project Foundation, Inc.

MAIN PLAZA FACING MOUNTAIN OF DESPAIR FOUNTAIN

Martin Luther King, Jr. National Memorial

Prepared by the Washington, D.C. Martin Luther King, Jr. National Memorial Project Foundation, Inc.

COMMISSION ACTION

NCPC File No. 5907

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

MARTIN LUTHER KING, JR. MEMORIAL
TIDAL BASIN, WEST POTOMAC PARK
Washington, D.C.

Submitted by the National Park Service

April 6, 2006

Commission Action Requested by Applicant

Approval of concept design plans pursuant to Public Law 104-333, Public Law 105-201, and Public Law 99-952, as amended and the Commemorative Works Act (40 U.S.C. 8905).

Commission Action

The Commission:

Commends the MLK Foundation for arriving at a simpler and refined focus to the Martin Luther King, Jr., Memorial. The revisions appropriately respond to the Commission's earlier review comments.

Comments favorably on the revised design concept for the Martin Luther King, Jr. Memorial, as shown on NCPC Map File No. 1.51(73.10)-41988, and reminds the MLK Foundation to coordinate with the Park Service on the size, location, and programmatic requirements for the Ranger and Visitor Information Kiosk.

Recommends that the opening of the Mountain of Despair be returned to its original design concept of 12 feet, to reinforce the fundamental concept of the Stone of Hope appearing to have been pulled forward from the Mountain of Despair.

Deborah B. Young
Secretary to the National Capital Planning Commission

STAFF RECOMMENDATION

NCPC File No. 5907

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

MARTIN LUTHER KING, JR. MEMORIAL
TIDAL BASIN, WEST POTOMAC PARK
Washington, D.C.

Submitted by the National Park Service

March 30, 2006

Abstract

The National Park Service (NPS), on behalf of the Martin Luther King, Jr. National Memorial Project Foundation, Inc. (MLK Foundation) has submitted a revised design concept for the Martin Luther King, Jr. Memorial to be located in West Potomac Park at the Tidal Basin.

Commission Action Requested by Applicant

Approval of concept design plans pursuant to Public Law 104-333, Public Law 105-201, and Public Law 99-952, as amended and the Commemorative Works Act (40 U.S.C. 8905)

Executive Director's Recommendation

The Commission:

Commends the MLK Foundation for arriving at a simpler and refined focus to the Martin Luther King, Jr., Memorial. The revisions appropriately respond to the Commission's earlier review comments.

Comments favorably on the revised design concept for the Martin Luther King, Jr. Memorial, as shown on NCPC Map File No. 1.51(73.10)-41988, and reminds the MLK Foundation to coordinate with the Park Service on the size, location, and programmatic requirements for the Ranger and Visitor Information Kiosk.

* * *

BACKGROUND AND STAFF EVALUATION

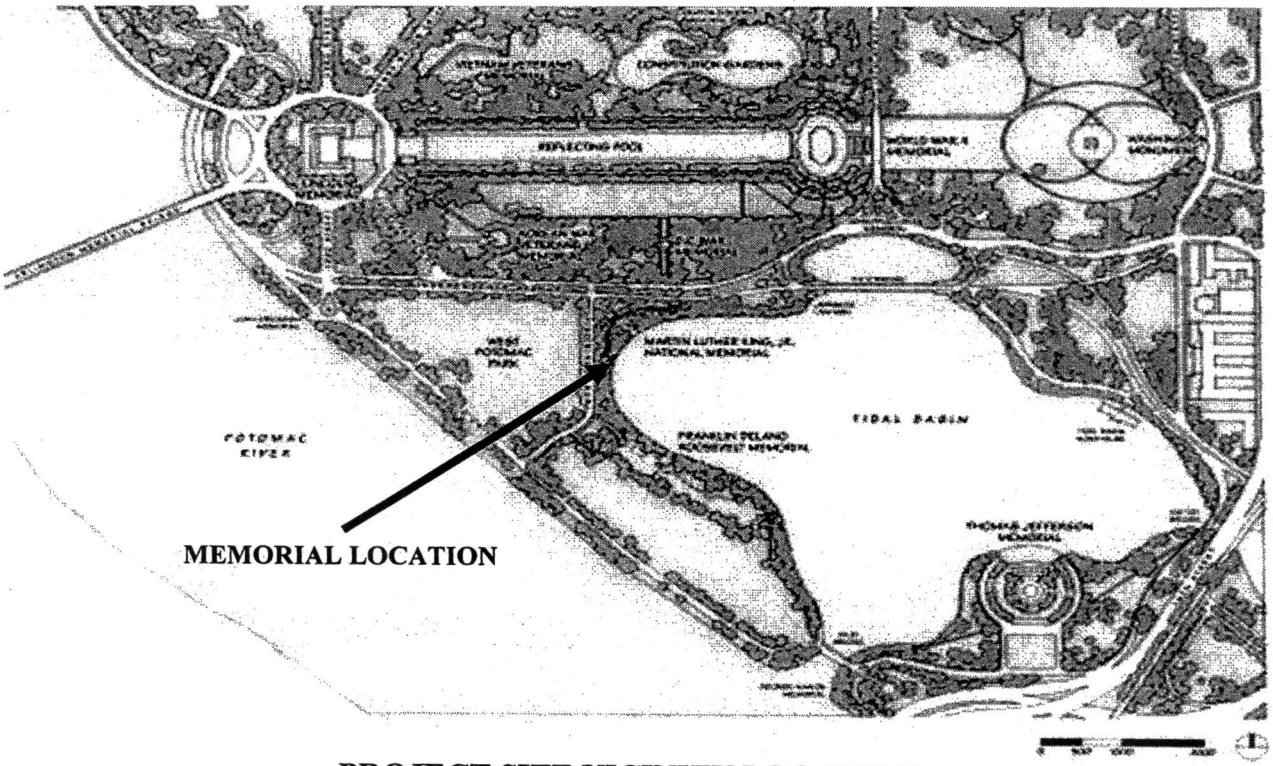
DESCRIPTION OF PROPOSAL

Background

The NPS has submitted, on behalf of the MLK Foundation, a revised design concept for the Martin Luther King, Jr. Memorial. The authorizing legislation for the memorial was signed by President Clinton on November 12, 1996. The Commission approved the site for the memorial at its December 2, 1999 meeting.

Site

The site for the memorial is a four-acre, triangular-shaped parcel of land located in West Potomac Park on the northwestern side of the Tidal Basin. The boundaries generally include Independence Avenue on the north, the Tidal Basin along the south and east, and a realigned



PROJECT SITE VICINITY LOCATION

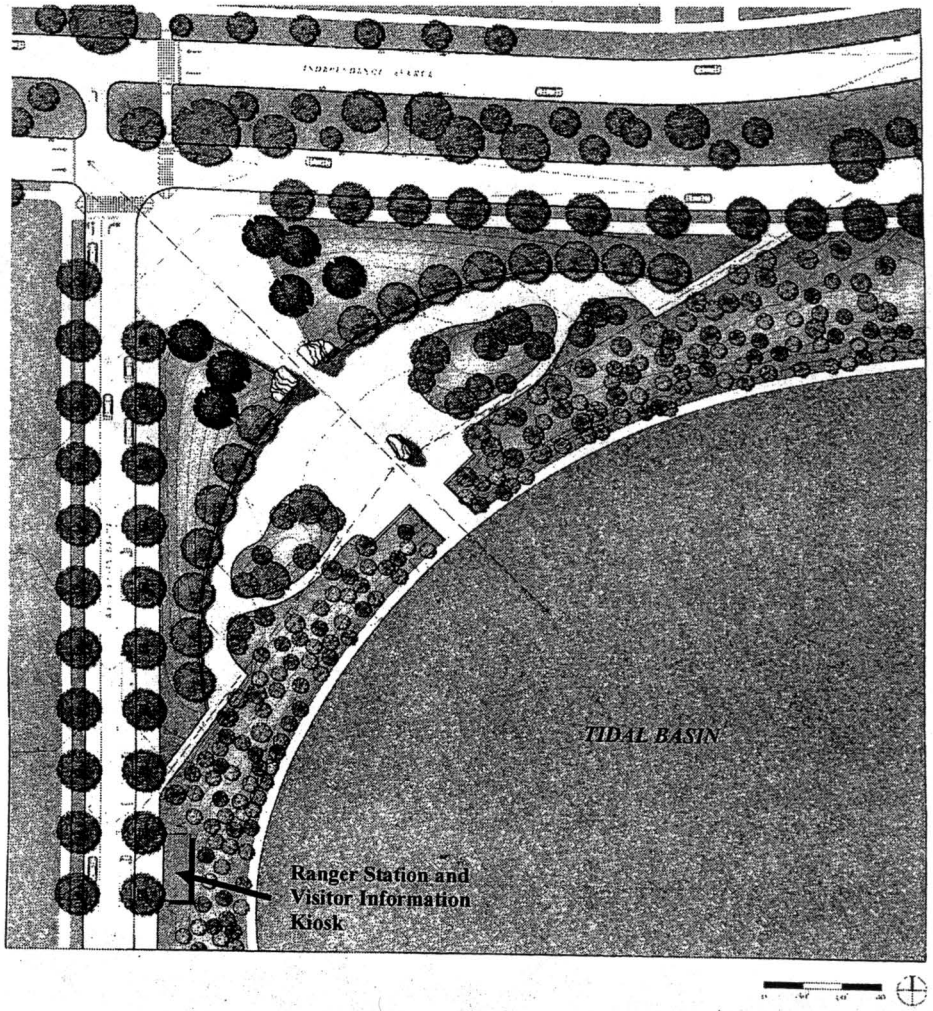
West Basin Drive on the west. The larger setting includes views of the Washington Monument and across the Tidal Basin to the Jefferson Memorial. Views to the Lincoln Memorial are obstructed. The most memorable aspect of the site is the expansive view across the Tidal Basin while at the same time, the inlet of the Tidal Basin provides a sense of enclosure and intimacy.

Revised Design Concept

The revised concept for the Martin Luther King, Jr. Memorial is still centered on an overall geometric relationship of a crescent superimposed within a triangle. The arching arms of the crescent visually embrace the adjacent Tidal Basin. The primary vehicle approach to the memorial is maintained from Independence Avenue on the north and from West Basin Drive on the west. Parking is continued in the revised design concept for four tour buses and six handicapped parking spaces along West Basin Drive.

The principal memorial pedestrian access is provided from the intersection of Independence Avenue and West Basin Drive. Additional access points are from a connecting walkway from Independence Avenue and from West Basin Drive. Finally, three access points are provided from the memorial perimeter.

The newly submitted revised design concept features three of the six major elements of the original memorial concept in response to both NCPC and Commission of Fine Arts concerns. The following elements comprise the revised concept:

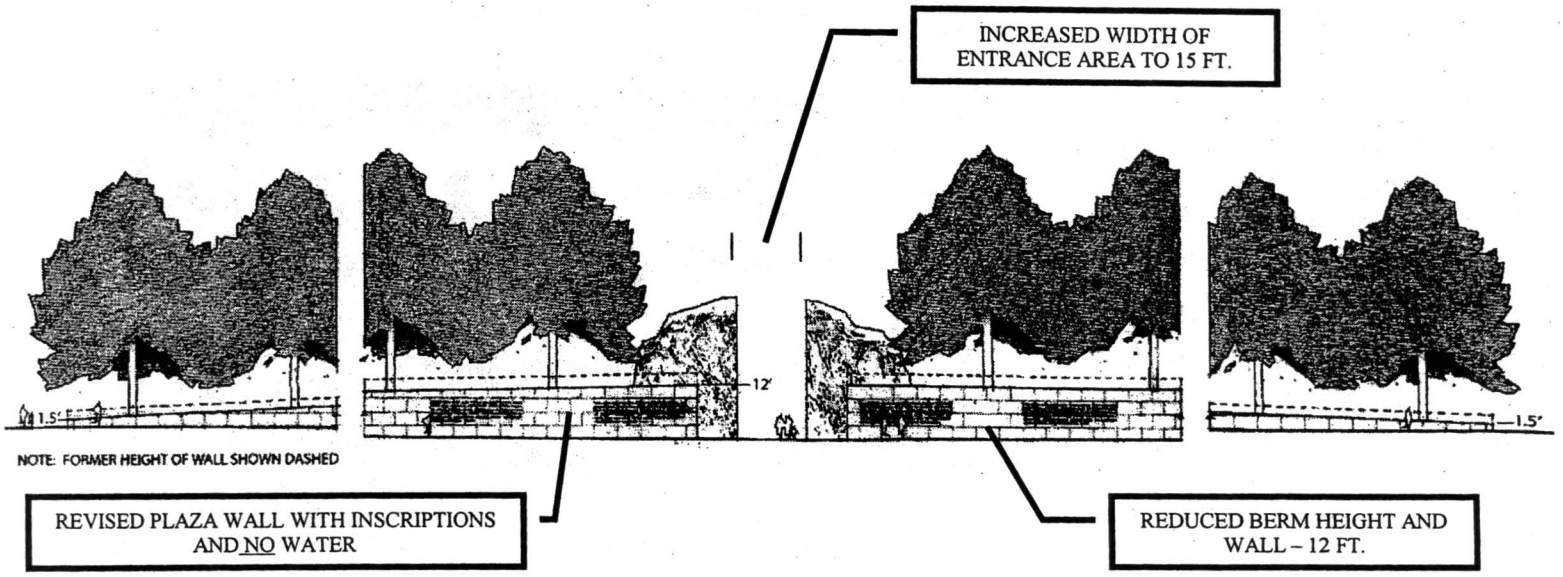


MARTIN LUTHER KING, JR. MEMORIAL
REVISED CONCEPT SITE PLAN

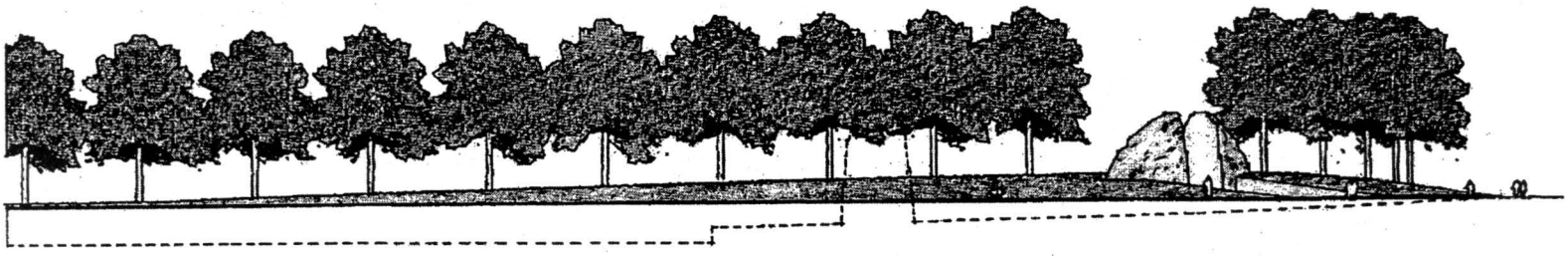
- *The Mountain of Despair* – This element is a large stone that is approximately 30 feet high and forms a portal for the main entrance to the memorial. This stone would be sliced open to provide a revised 15-foot wide entry portal and gathering point (increase of approximately 3 feet).

- *Stone of Hope* – The Stone of Hope is the principal element of the Memorial and remains as originally proposed.

- *Landscaping* – The landscaping proposal for the memorial would provide a variety of new plant materials that include additional Yoshino Cherry trees, Crape Myrtle trees, Eastern White Pines, and American Elms as originally proposed. Pavement areas have increased slightly and the earthen berm has been reduced in height by 2.5 feet throughout.

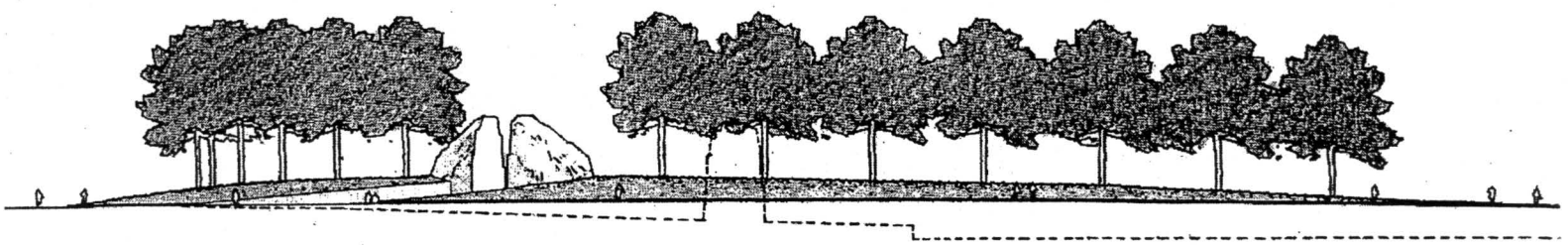


COMPRESSED ELEVATION OF REVISED MEMORIAL BERM, WALL HEIGHT, AND WIDENED "MOUNTAIN OF DESPAIR" ENTRANCE AREA, AS VIEWED FROM INTERIOR PLAZA



DASHED LINE INDICATES INTERIOR PLAZA LEVEL AND TIDAL BASIN WATER SURFACE

REVISED MEMORIAL BERM HEIGHT AS VIEWED FROM INDEPENDENCE AVENUE



DASHED LINE INDICATES INTERIOR PLAZA LEVEL AND TIDAL BASIN WATER SURFACE

REVISED MEMORIAL BERM HEIGHT AS VIEWED FROM WEST BASIN DRIVE

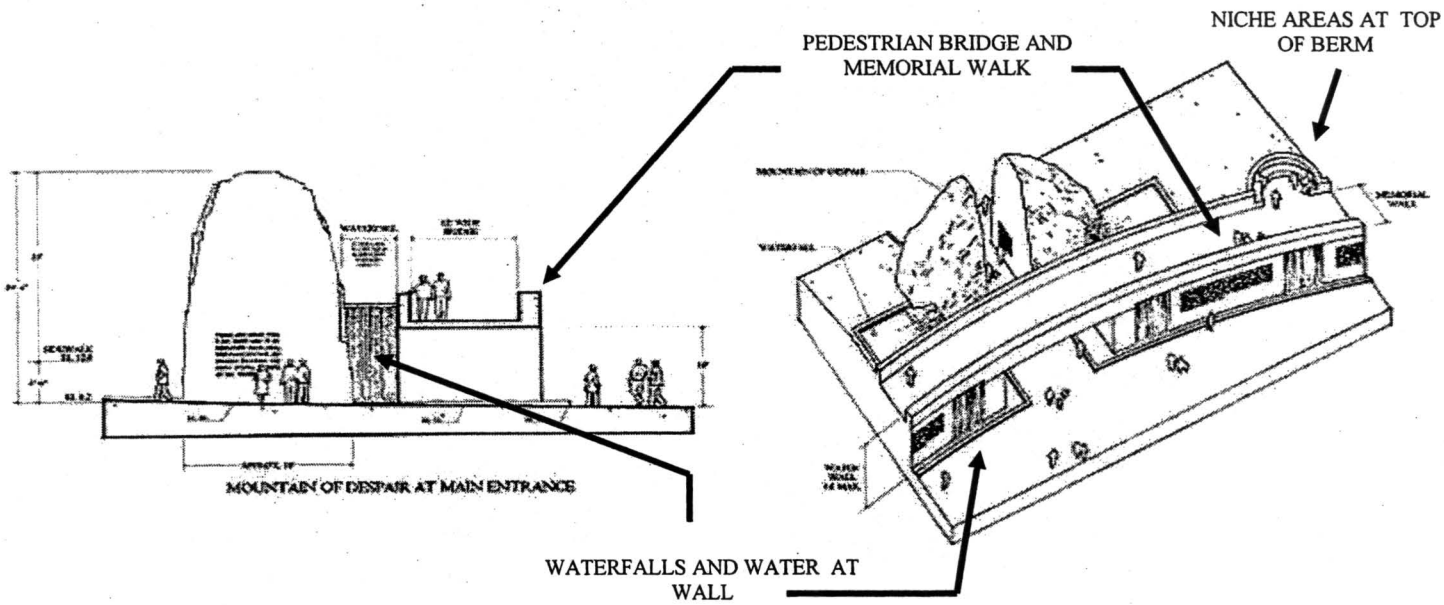
PERSPECTIVE STUDY VIEW OF MAIN MEMORIAL ENTRANCE DEMONSTRATING REMOVAL OF PEDESTRIAN BRIDGE AND NICHE AREAS AT RIGHT AND LEFT

The revised concept removes three earlier features that the Commission had expressed concern about and where requested to be modified. These were:

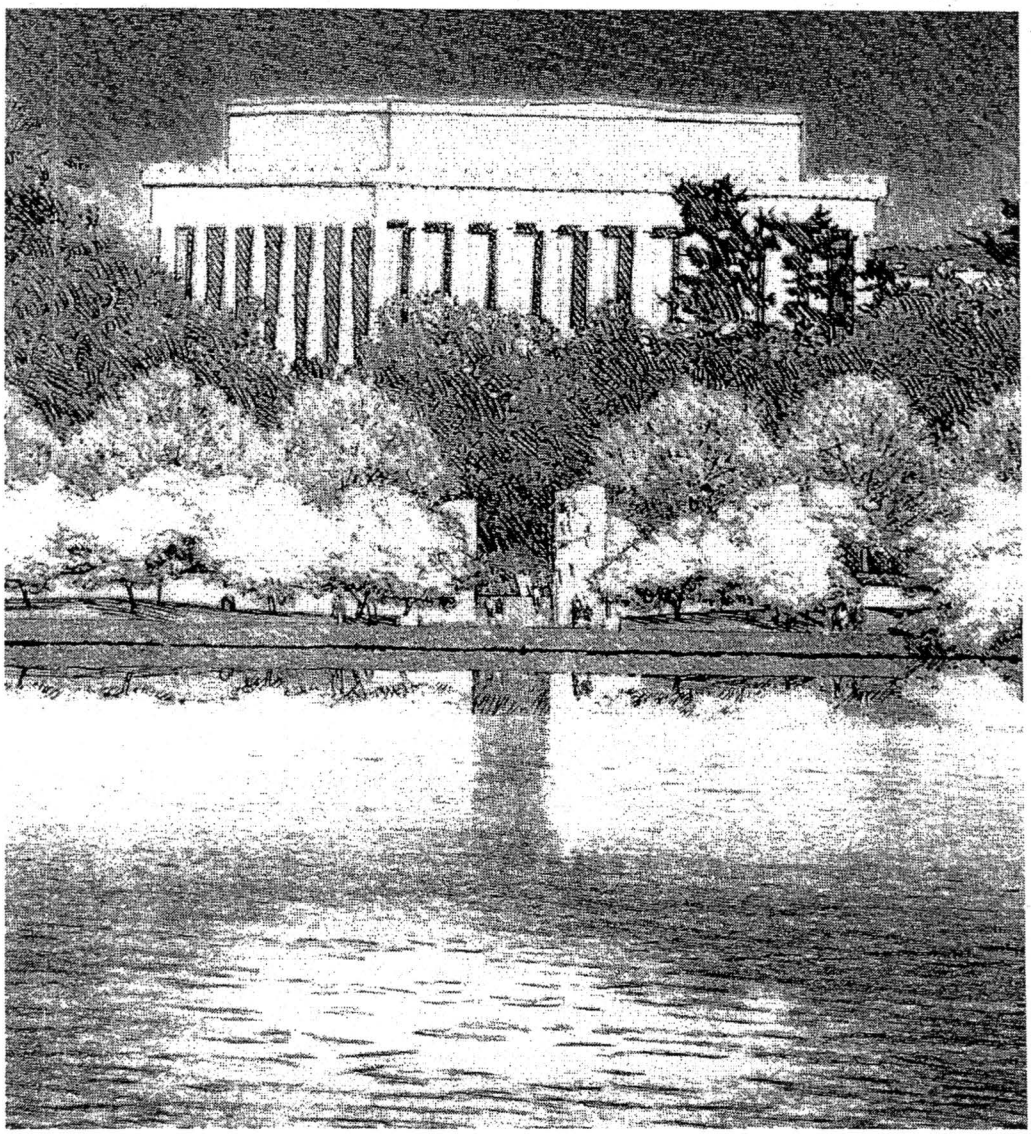
- *Memorial Walk* – This element was elevated to a maximum height of 14 feet as it formed a bridge in front of the opening of the mountain of despair. It connected the two elevated niche areas and walk at the top of the berm.

- *Water Element* – This feature formed the basis for the inscribed panels that would be separated by a series of agitated waterfalls. The waterfalls would become more and more agitated as they increase in height as the visitors move toward the central entrance near the "Mountain of Despair". A thin, calm sheet of water would flow over the inscriptions of the wall that creates the main plaza for the "Stone of Hope".

- *Niches* – The niches were intended to be places of repose, reflection, and observation. A walkway connecting each area and would provide space to look out beyond the memorial towards the Tidal Basin and beyond. There were proposed to be a total of 15 niches, each with a radius of 7 feet, 6 inches and spaced approximately 34 feet apart.



DETAILS OF WATER FEATURES, BRIDGE, AND MEMORIAL WALK THAT WERE REMOVED FROM THE MEMORIAL CONCEPT DESIGN



PERSPECTIVE STUDY VIEW OF THE REVISED MEMORIAL AS VIEWED ACROSS THE TIDAL BASIN FROM THE VICINITY OF THE JEFFERSON MEMORIAL

In addition to the three memorial elements described above in the revised concept, the MLK Foundation is proposing a ranger and visitor information kiosk that would include space for a Park Service ranger station, two restrooms, information dispensing area, and a gift shop.

PREVIOUS COMMISSION ACTION

At its December 1, 2005 meeting, the Commission commented favorably on the overall design concept for the Martin Luther King, Jr. Memorial except for:

- The horizontal bridge of the Memorial Walk, adjacent to the "Mountain of Despair," which destroys the intended strong visual relationship between the signature "Mountain of Despair" and "Stone of Hope."

- The narrow entrance portal through the "Mountain of Despair" because it creates the potential to impede visitor movements through the memorial's main entrance.

- The Ranger and Visitor Information Kiosk.

The Commission also recommended that, the National Park Service and the MLK Foundation, as they develop preliminary design plans for the memorial:

- Redesign the entrance portal between the Mountain of Despair to remove the bridge of the Memorial Walk that interrupts views to the Stone of Hope and beyond, and to provide more space for visitor movement in this entry area.

- Provide more detailed photo simulations that clearly indicate the visual impact that the berm of the proposed memorial would have on views to the Tidal Basin and beyond.

- Coordinate with the Park Service on the size, location, and programmatic requirements for the Ranger and Visitor Information Kiosk.

PROJECT ANALYSIS

Staff is very pleased and satisfied with the revisions to the design concept for the memorial and recommends that the Commission comment favorably on the revised concept submitted. The staff commends the MLK Foundation for arriving at a simpler and refined focus to the Martin Luther King, Jr., Memorial. The revisions appropriately respond to the Commission's earlier review comments. The changes achieve the following:

- The Mountain of Despair and the Stone of Hope are the signature elements of the memorial. At the entry portal, two stones remain parted with a more generous width to the pedestrian entry area than previously proposed, yet maintains the focused view through the foreground and into the plaza where the carving of Dr. King resides, emerging, as the Stone of Hope. The removal of the elevated bridge and memorial walk at the top of the landscaped berm is a very successful modification.

- Staff continues to be supportive and pleased with the landscape proposal that appears to seamlessly integrate the memorial's landscaping with the existing landscaping around the Tidal Basin. The revised design continues to maintain a landscape that establishes additional cherry trees, new Crape Myrtles, Pin Oaks, American Elms, and Eastern White Pines.

- The plaza wall at the berm (formerly the water wall, with its gradation of water intensity) now presents an opportunity of stronger visual focus to Dr. King's orations through the unimpeded inscribed text area on the stone surface of the vertical wall.

- The revised berm height (reduced by 2.5 feet) visually proves to be less imposing on the wide viewshed of the west end of the Tidal Basin and West Potomac Park, particularly with regard to the views from Independence Avenue.

Although staff strongly believes that the Martin Luther King, Jr. Memorial, as revised, will be a successful and most pleasing addition to the Tidal Basin and existing memorials in the area, there remains an element of the memorial that the Commission asked for re-evaluation in December. That component is the Ranger Station and Visitor Information Kiosk at the south boundary of the memorial.

Staff accepts that there is a need for a ranger station and information dispersing window because it has been demonstrated by the Park Service that similar activities are provided at other memorials. However, staff still maintains that the gift shop component is not necessary, nor is it encouraged. The December 2005 Commission review recommended that the MLK Foundation should coordinate with the Park Service on the size, location, and programmatic requirements for the Ranger Station and Visitor Information Kiosk and address these considerations at the memorial's preliminary design stage. Staff reiterates that recommendation and requests that the Commission remind the National Park Service and the MLK Foundation to resolve that evaluation and design solution for the Ranger Station and Visitor Information Kiosk before submitting of the memorial's preliminary design review information to the Commission.

CONFORMANCE

Comprehensive Plan

The proposal is consistent with the Comprehensive Plan for the National Capital. Specifically, policies contained in the Parks and Open Space Element state that the federal government should:

- Enhance the great cross-axes of the Mall, and protect them from inappropriate development (Policy No. 4, page 109).

- Use monumental parks and landscapes to provide settings for public buildings, monuments, and memorials, and to create special environments for limited activities (Policy No.5, page 109).

- Site memorials in monumental and designed landscape parks in compliance with the Memorials and Museums Master Plan (Policy No.6, page 109).

- Maintain East and West Potomac Park as an extension of the Mall, as a valuable recreational open space, and as a space that can be used for outdoor cultural events, gatherings, and celebrations (Policy No. 8, page 109).

National Environmental Policy Act

NCPC staff has analyzed, in conformance with the requirements of NEPA, the revised concept design. The staff finds the environmental effects of the project and the specified mitigation, as discussed in the project Environmental Assessment (EA) of July 2005 and adopted by the Commission in the November 2005 are still applicable, with no significant or appreciable change to the potential environmental impacts of the revised concept as compared to the original NEPA review. Consequently, the Commission's Finding of No Significant Impact remains valid for environmental review purposes in compliance with the Commission's procedures.

The revised concept design has responded to mitigation actions defined by both the NEPA analysis and the Commission staff comments on the EA. Primarily this involved the height of the berm and viewshed effects from that feature to and from the Memorial. The reduction in height of the proposed berm in the revised concept appropriately responds to this issue.

Removal of the use of water in the memorial contributes fully to reducing flooding impacts to the memorial's infrastructure, and minimizes excavation and foundation impacts of the planned memorial site due to the reduced need for large pump areas and piping, and the associated maintenance areas required to support those features.

Historic Preservation Act

The Park Service is serving as lead agency for both NEPA and NHPA compliance. In March 1999, at the time the Tidal Basin site was being considered, NPS wrote to the D.C. State Historic Preservation Officer (DC SHPO) determining that a memorial at that location would potentially have an adverse effect on the landscape and National Register qualities of West Potomac Park.

On September 13, 2005 NPS wrote again to the D.C SHPO determining that the proposed concept design would potentially have an adverse effect on the National Register qualities of West Potomac Park: "The construction of an earthen berm, above the historically flat topography of the park, will introduce another raised element into the historic landscape." NPS noted that similar modifications to the 20th–century engineered fill have occurred at other memorials. "As the design development and consultation continue, other potential adverse effects may be identified."

The letter continues:

> Mitigation of the impacts associated with other raised elements in this flat landscape has been accomplished during the design approval process by considering height and visual openings in the design. The Foundation, National Park Service, NCPC and CFA have agreed to limit the access of the memorial design from the area of the historic cherry trees, allowing an entrance, not unlike that of the FDR Memorial, but considerably less than was introduced by the construction of the Thomas Jefferson memorial. This initial mitigation requirement is reflected in the submitted design and will be adhered to by the National Park Service in the ensuing design approval process.

NPS held a consultation meeting on September 19, 2005 that included representatives from the Foundation, the DC SHPO, the Advisory Council on Historic Preservation, NCPC, The National Coalition to Save Our Mall, and the Committee of 100.

NPS continues to circulate a draft of a Memorandum of Agreement to the agency signatories for their comments. The draft MOA proposes terms by which NPS will conduct future design review and Section 106 consultation for the project with agencies and the interested public. The MOA also determines the Area of Potential Effect, the determination of effect, and the affected historic resources. NPS, in consultation with the DC SHPO and other parties, has determined that West Potomac Park is the affected area. The historic resources are the contributing structures and features of West Potomac Park.

NPS's determination of effect is described in its draft MOA: "The NPS has determined that the Undertaking, which includes site regrading and construction of an earthen berm; the relocation or removal of 9 cherry trees; demolition, realignment and reconstruction of a portion of West Basin Drive and its signalized intersection with Independence Avenue may have an adverse effect on West Potomac Park, properties included in the National Register of Historic Places."

Staff notes that the current submission responds to the recommendation that visual analysis be undertaken to clearly indicate the visual impact that the berm of the proposed memorial would have on views to the Tidal Basin and beyond.

The memorial will become a prominent and much-visited attraction in Washington, and will have a strong presence in West Potomac Park, in an immediate setting that is now dominated by the Jefferson Memorial and that also includes the FDR Memorial. The King memorial will take its place among these memorials. The goal of the Section 106 review is to avoid, minimize, or mitigation those effects, and to ensure that the King memorial complements the character of West Potomac Park and that the National Register qualities of West Potomac Park and its contributing historic resources are preserved.

COORDINATION

Coordinating Committee

The Coordinating Committee reviewed the proposal on November 9, 2005. The Committee forwarded the proposal to the Commission with the statement that the project has been coordinated with all agencies represented, the participating agencies were: NCPC; the District of Columbia Office of Planning; the District Department of Transportation; the Department of Housing and Community Development; the Fire Department; the General Services Administration; the National Park Service and the Washington Metropolitan Area Transit Authority.

Commission on Fine Arts

At its October 20, 2005, meeting the Commission of Fine Arts reviewed the concept design for the memorial. The Commission thought that generally the proposed design could be very

powerful and that it was an appropriate landscape-oriented solution given its location on the Tidal Basin. They did, however, raise several issues that they felt should be studied further before giving concept approval and are now addressed by the revised concept design.

At the Commission of Fine Arts March 16, 2006, meeting of that body there was full endorsement of the revised concept by the convening members. However, the CFA Chairman requested further evaluation and relocation of the proposed Ranger Station and Information Kiosk. The National Park Service responded indicating that issue assessment was already underway and will be responded to and indicated in future project development.

COMMISSION ACTION

NCPC File No. 5907

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

MARTIN LUTHER KING, JR. NATIONAL MEMORIAL
TIDAL BASIN, WEST POTOMAC PARK
Washington, D.C.

Submitted by the National Park Service

September 4, 2008

Commission Action Requested by Applicant

Approval of preliminary and final site and building plans pursuant to Public Law 104-333, Public Law 105-201, and Public Law 99-952, as amended and the Commemorative Works Act (40 U.S.C. 8905).

Commission Action

The Commission:

Approves the preliminary and final site and building plans for the Martin Luther King, Jr. National Memorial including the final design of the *Stone of Hope*, as shown on NCPC Map File No. 1.51(73.10)-42593, **except for** the security bollards because the submitted threat assessment is inconclusive in supporting the need for perimeter security at the Memorial.

Notes that additional environmental information regarding the potential effects of perimeter security on the Memorial and on West Potomac Park would assist the Commission in its decision-making;

Disapproves the design and location of the interior donor wall within the Visitor Support Building and requires the applicant remove the feature from the Memorial project in compliance with the Commemorative Works Act and the Commission's policies on donor recognition.

Deborah B. Young
Secretary to the National Capital Planning Commission

STAFF RECOMMENDATION

NCPC File No. 5907

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

MARTIN LUTHER KING, JR. NATIONAL MEMORIAL
TIDAL BASIN, WEST POTOMAC PARK
Washington, D.C.

Submitted by the National Park Service

August 28, 2008

Abstract

The National Park Service (NPS), on behalf of the Martin Luther King, Jr. National Memorial Project Foundation, Inc. (the Foundation), has submitted preliminary and final site and building plans for the Martin Luther King, Jr. National Memorial to be located in West Potomac Park at the Tidal Basin. The three main elements of the design include the *Mountain of Despair*, the curved *Inscription Wall* forming the main plaza area of the memorial interior, and the *Stone of Hope* that features the likeness of Dr. King centered within the plaza. The preliminary and final plans submitted for the National Memorial complete the design of the *Stone of Hope* and the *Mountain of Despair*. The final plans depict the Visitor Support Building in its completed design with finishes.

Commission Action Requested by Applicant

Approval of preliminary and final site and building plans pursuant to Public Law 104-333, Public Law 105-201, and Public Law 99-952, as amended and the Commemorative Works Act (40 U.S.C. 8905)

Executive Director's Recommendation

The Commission:

Approves the preliminary and final site and building plans for the Martin Luther King, Jr. National Memorial including the final design of the *Stone of Hope*, as shown on NCPC Map File No. 1.51(73.10)-42593, **except for** the security bollards because the submitted threat assessment is inconclusive in supporting the need for perimeter security at the Memorial.

Notes that additional environmental information regarding the potential effects of perimeter security on the Memorial and on West Potomac Park would assist the Commission in its decision-making;

Disapproves the design and location of the interior donor wall within the Visitor Support Building and requires the applicant remove the feature from the Memorial project in compliance with the Commemorative Works Act and the Commission's policies on donor recognition.

* * *

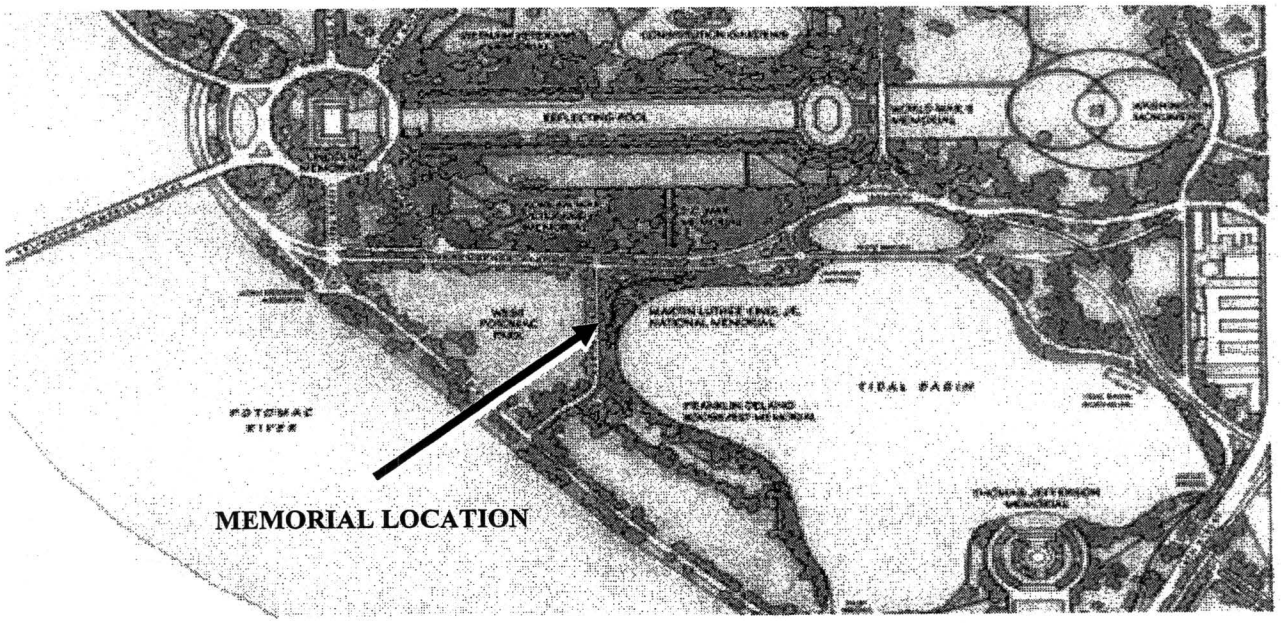
DESCRIPTION OF PROPOSAL

Background

The NPS has submitted, on behalf of the Martin Luther King, Jr. National Memorial Project Foundation, Inc. (the Foundation), the preliminary and final design for the Martin Luther King, Jr. National Memorial.

Site

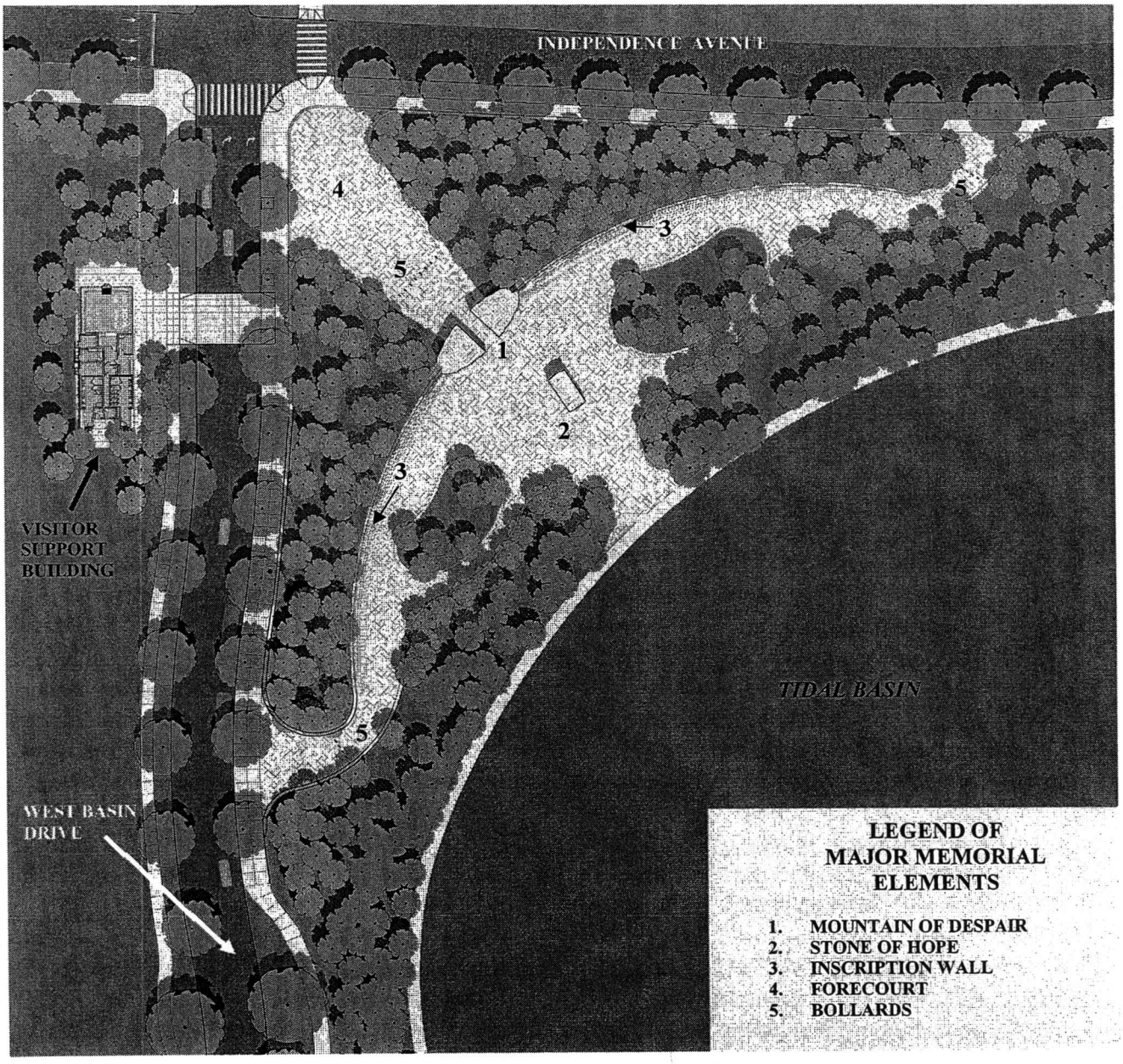
The site for the memorial is a four-acre, triangular-shaped parcel of land located in West



PROJECT SITE VICINITY LOCATION

Potomac Park on the northwestern side of the Tidal Basin. The boundaries generally include Independence Avenue on the north, the Tidal Basin along the south and east, and an area adjacent to the realigned West Basin Drive on the west.

The authorizing legislation for the memorial was signed by President Clinton on November 12, 1996. The Commission approved the site for the memorial at its December 2, 1999 meeting.



PRELIMINARY AND FINAL SITE AND BUILDING PLAN FOR THE MARTIN LUTHER KING, JR. NATIONAL MEMORIAL

Preliminary and Final Design Proposal

The submitted plans for the Martin Luther King, Jr. National Memorial implement a project design at its approved 1999 site. The preliminary and final plans demonstrate the further final design of the Visitor Support Building situated on the westside of West Basin Drive, and its intended associated features of a circulation plaza and landscaping at that location.

The primary vehicle approach to the memorial is maintained from Independence Avenue on the north and from West Basin Drive on the south. The principal memorial pedestrian access is provided from the intersection of Independence Avenue and West Basin Drive. Additional access points are from connecting walkways at Independence Avenue and from West Basin Drive further east and south of the main memorial entrance respectively.

The submitted preliminary and final plans complete the design direction for the following elements of the memorial:

- The *Stone of Hope*, which features the relief sculpture of Dr. King, maintains its approved elevation of 30 feet-9 inches in height, and has been completely designed as to its method of construction and its base composition and placement within the plaza pavement. Final elevation design of the sculpture and physical details of the image, including its latest minor revisions in stone, are provided in the submission.

- The final building plans for the visitor support structure are completed with its areas for public restrooms, a bookstore, and Park ranger visitor contact station.

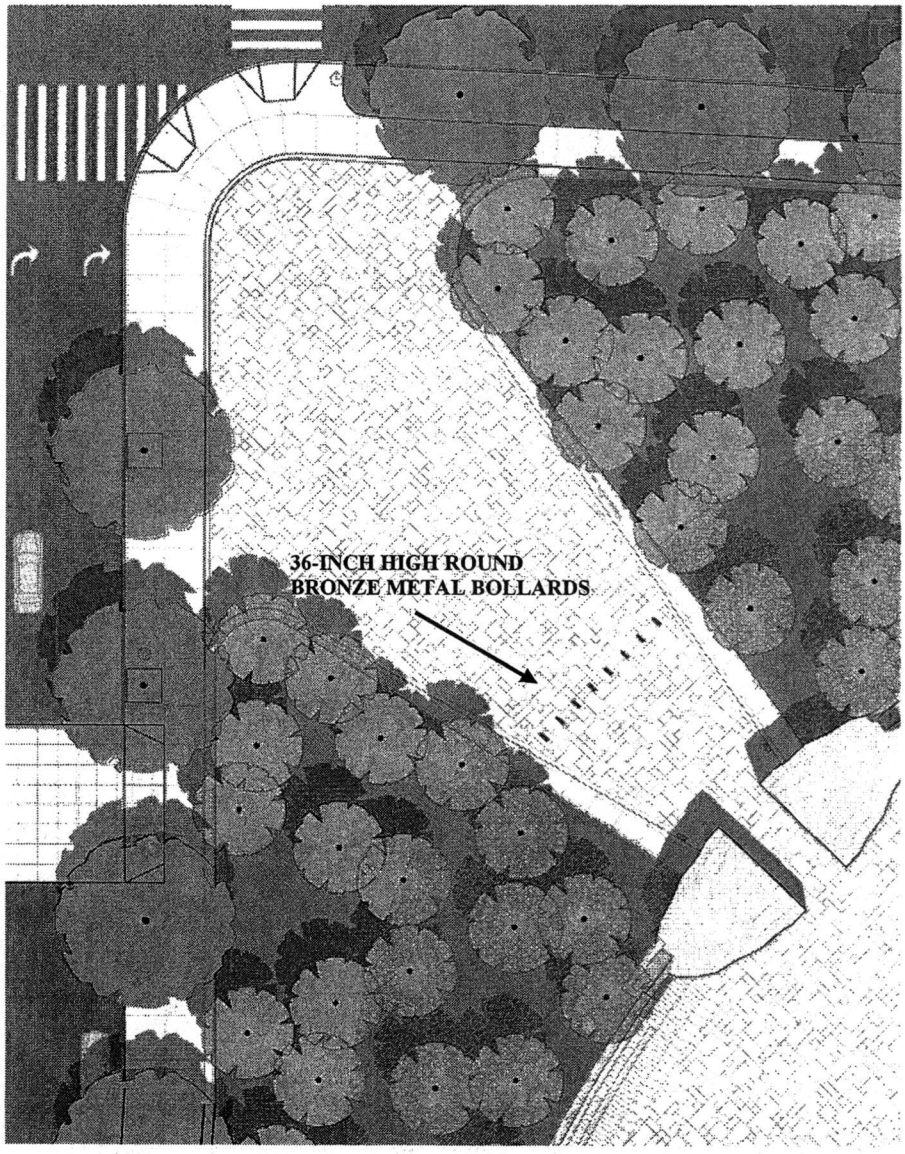
- Changes in the preliminary and final design for the entry plaza situated at the front of the memorial facing the intersection of Independence Avenue and West Basin Drive. This forecourt area now includes eight bollards located 37 feet from the *Mountain of Despair*. The revision responds to the Park Service determination of a potential security weakness to the entry of the memorial in the event of domestic terrorist activity utilizing a vehicle. The design of the bollards utilizes a 36-inch-high bronze metal finish, with each of the eight posts four feet from the other, and only 6.5 inches wide at the bollard top and 8.5 inches wide at the bottom. Four bollards are also located at each memorial side entry sidewalk for the same purpose and of the same finish, dimensions and spacing within the walkways. All bollards are fully within the memorial precinct.

- The memorial planting design has been slightly modified at the forecourt to introduce three Red Maple trees at each side of the forecourt to provided more shade to the overall forecourt area.

- The memorial final site design incorporates a curved alignment for West Basin Drive that has been accepted by the District of Columbia State Historic Preservation Officer and other review agencies as the vehicle access approach along the west perimeter of the memorial.

Of the submitted final design features, the location and details of the bollards and added trees are the memorial elements that the Commission has not earlier reviewed in detail, along with final design details of the Visitor Support Building. Additionally, the applicant now submits the final *Stone of Hope* sculptural design for the Commission's review.

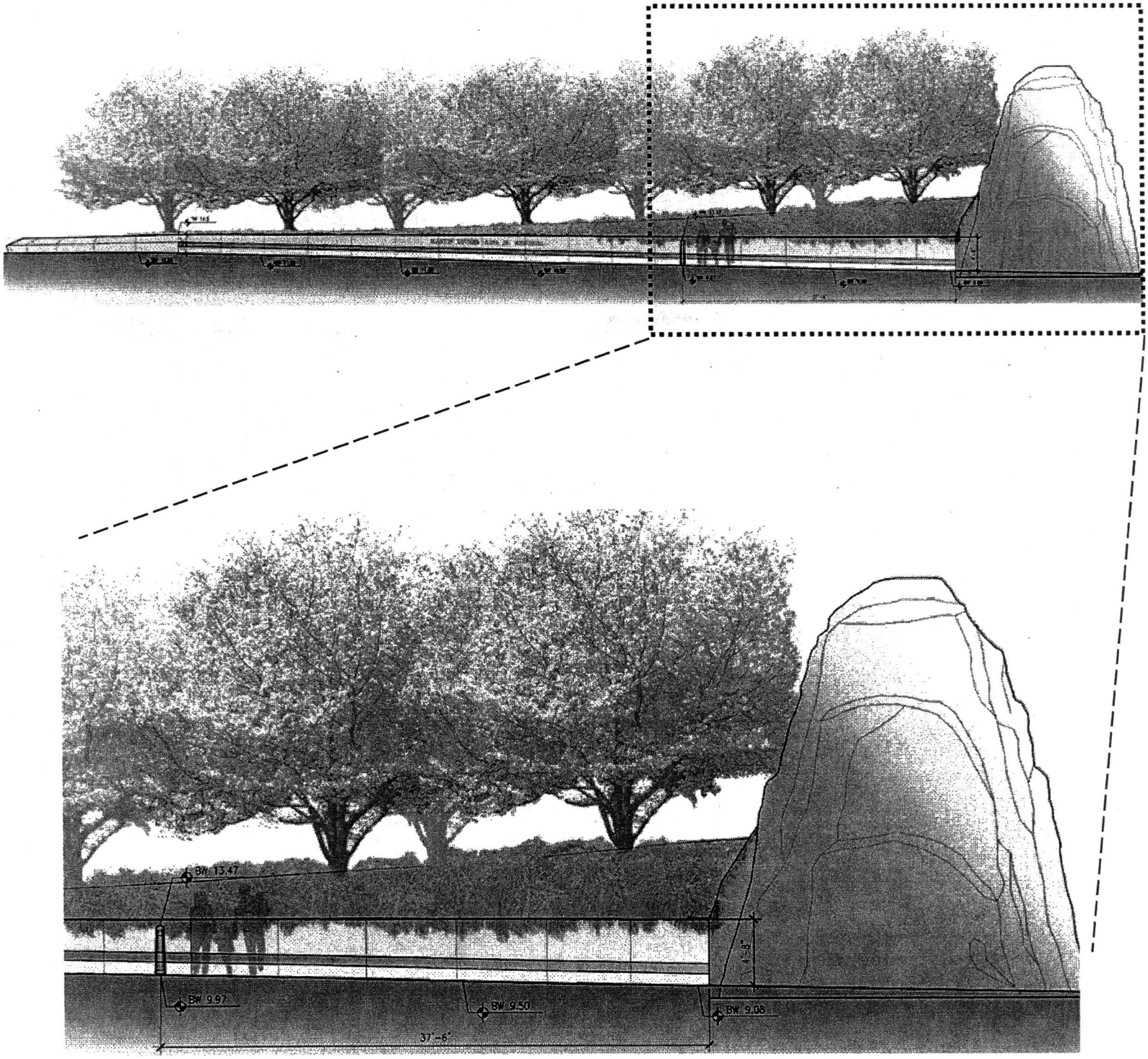
The Park Service has also responded to the request for a threat assessment supporting the need for, and placement of, proposed security elements in accordance with the Commission's submission requirements; the Commission's National Capital Urban Design and Security Plan Objectives and Policies (adopted May 5, 2005); and an analysis by the Park Service of how such perimeter security measures are supported in the existing NEPA document for the memorial project.



LOCATION OF EIGHT BOLLARDS AT MEMORIAL'S FORECOURT

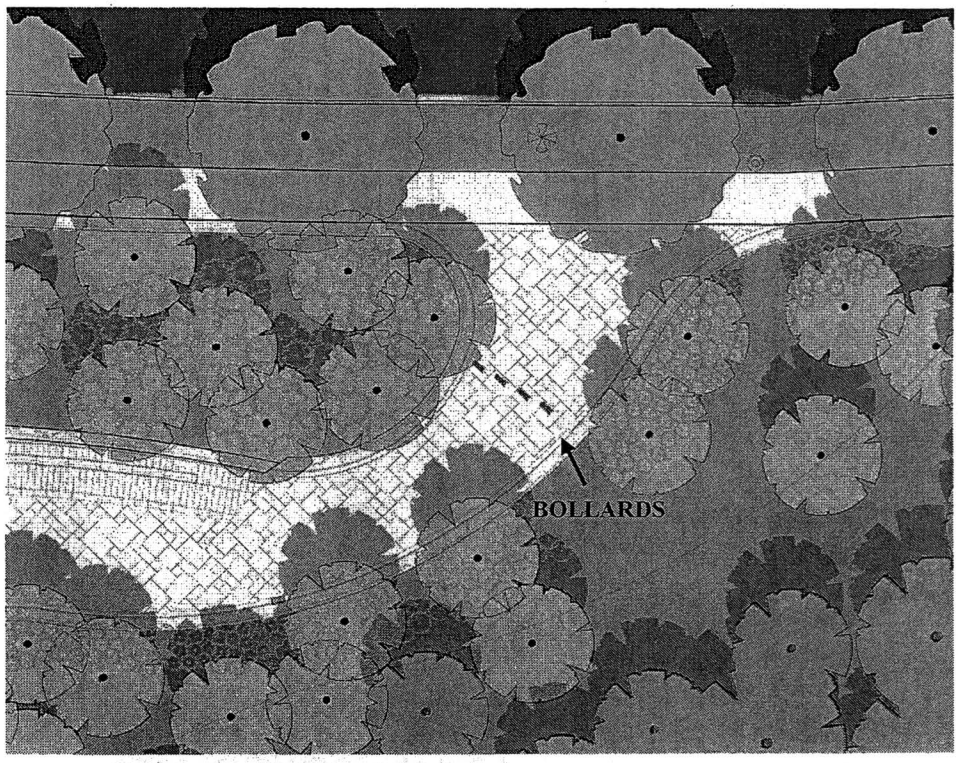
A revised Finding of No Significant Impact has been developed by the National Park Service, with evidence also of National Historic Preservation Act, Section 106 compliance for the introduction of security measures at the memorial. The drafted Memorandum of Agreement for Section 106 review discusses the use of a security barrier noting "the NPS has determined that the undertaking will constitute an adverse effect on historic properties through physical alteration of site features; relocation or removal of nine cherry trees; demolition and reconstruction of a portion of West Basin Drive;

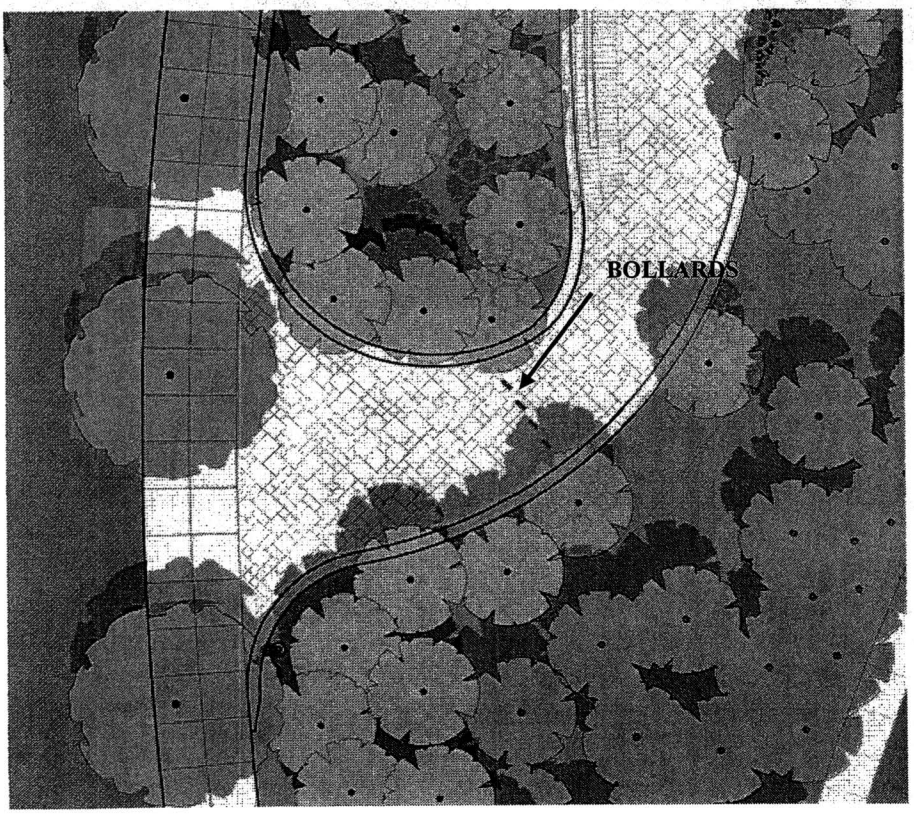
provision of a visitor support facility which includes a bookstore for interpretive purposes; and the potential realignment of West Basin Drive and introduction of security barriers."



FORECOURT SECTION AND DETAIL INDICATING BOLLARD LOCATION

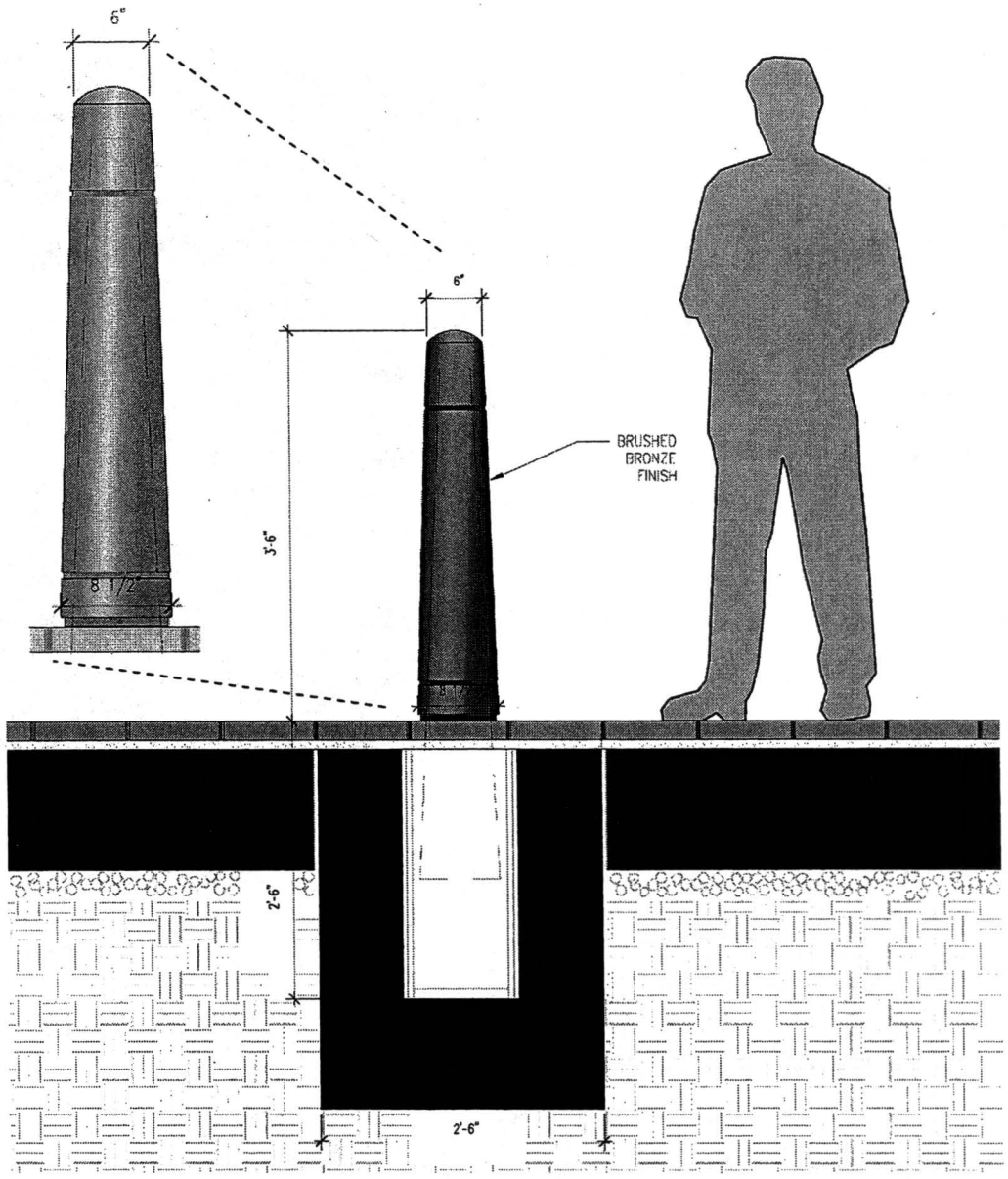
FOUR BOLLARDS AT NORTHEASTERN SIDE ENTRANCE WALKWAY





FOUR BOLLARDS AT SOUTHWESTERN SIDE ENTRANCE WALKWAY

The Visitor Support Building, situated at the west side of West Basin Drive, is approximately 40 feet south of the forecourt entrance to the memorial. A 40-foot wide distinct paved pedestrian cross-walk connects the building and forecourt, and features cast-in-place concrete as the surface material of the pedestrian cross-walk.



PROPOSED DESIGN OF BOLLARD

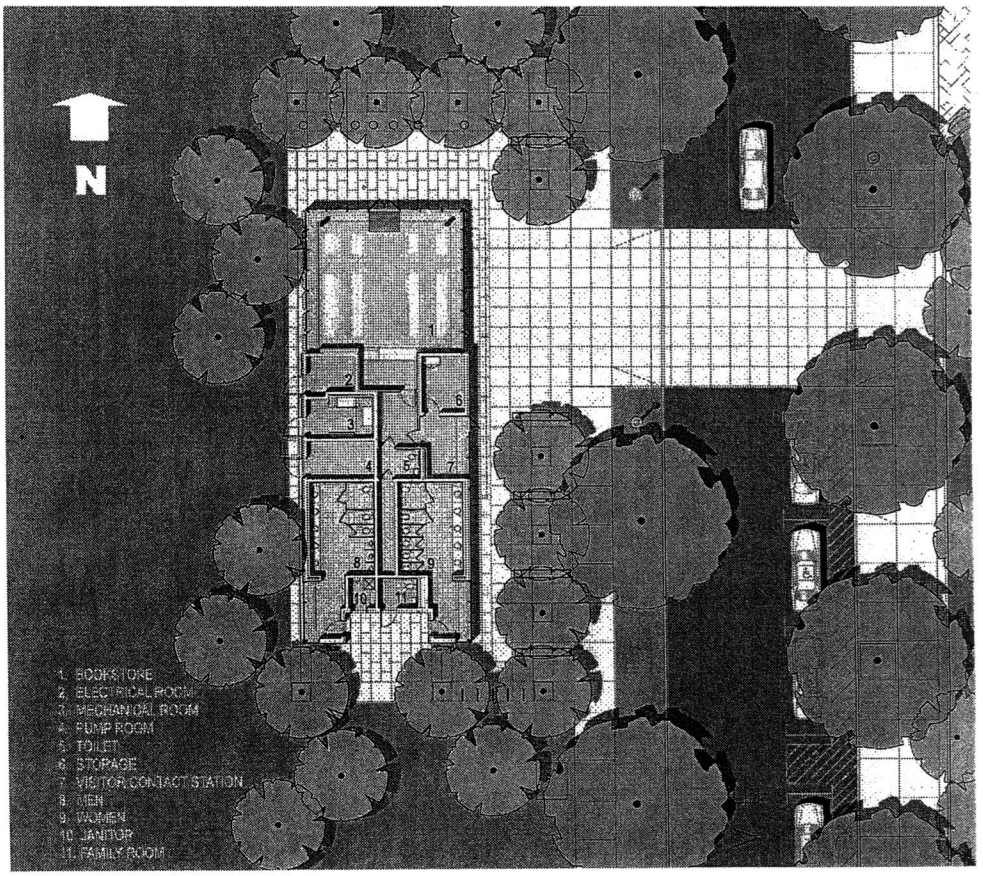
The building's final exterior consists of granite stone panels, decorative glazing, aluminum window walls, insulated glazing, metal wall panels, and a sun screen system of louvers. Doors are glass with metal framing at the bookstore and Park ranger area, while at the restrooms the doors are full metal clad hollow-core doors. Metal utility doors are exhibited on the west façade at the utility rooms. Roof overhangs have been increased slightly (1 foot).

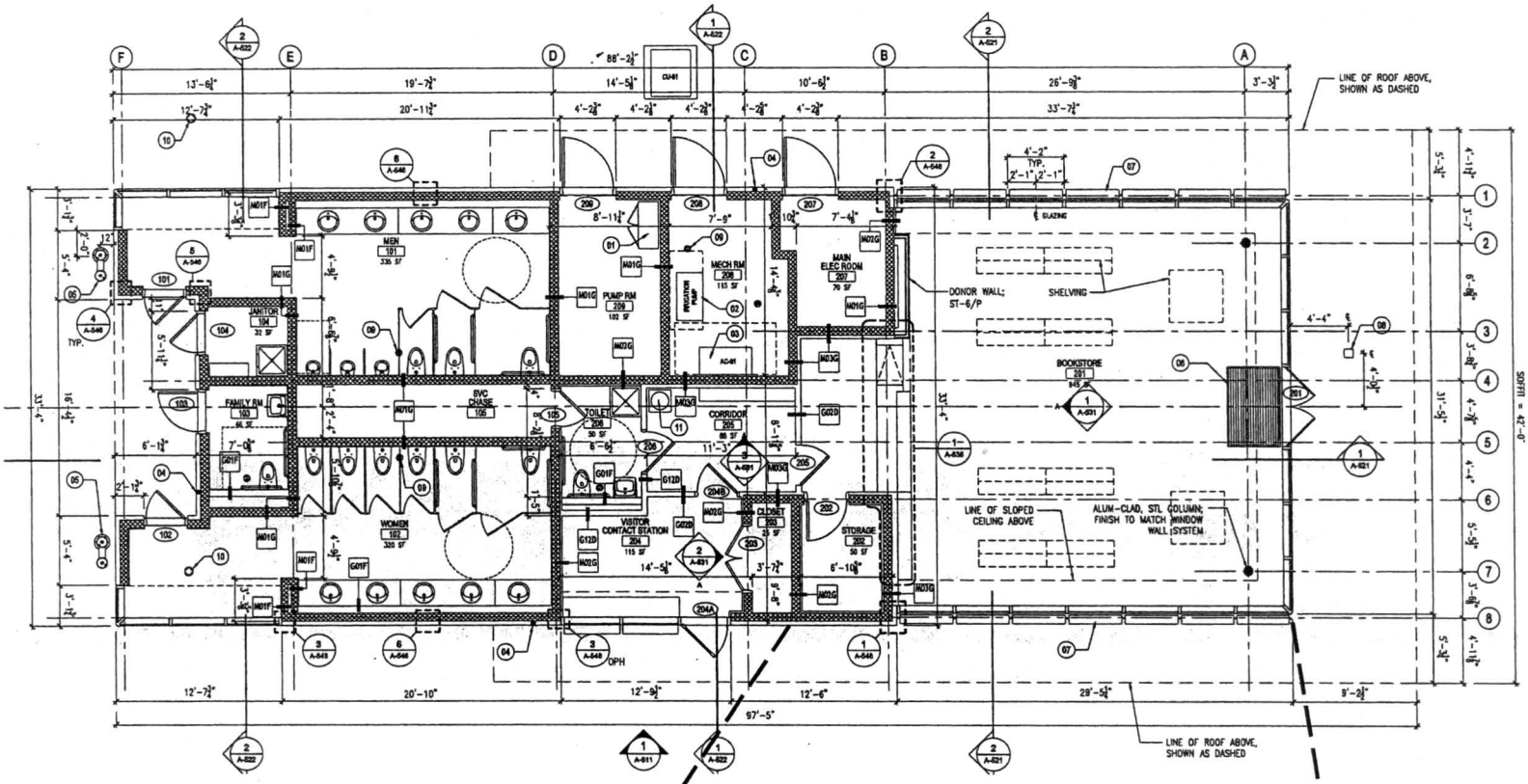
The building's stone panel exterior consists of 1¼ inch granite veneer backed by 2-inch rigid insulation. The glass curtain wall systems at the north end of the structure are aluminum mullions spaced at 3 feet-10 inches square. The bookstore's window area has an aluminum shade system of 4-inch wide louvers situated in the mid-height area of the window walls. The translucent curtain walls of the restrooms, at the south end of the building, are spaced on a metal frame module of 4 feet -7 inches square. The building roof consists of a flat, polymer-modified

bituminous roofing built on rigid insulation over a metal deck. The highest level of the roof features a one-foot parapet that is faced in the granite veneer. Total height of structure is 14 feet.

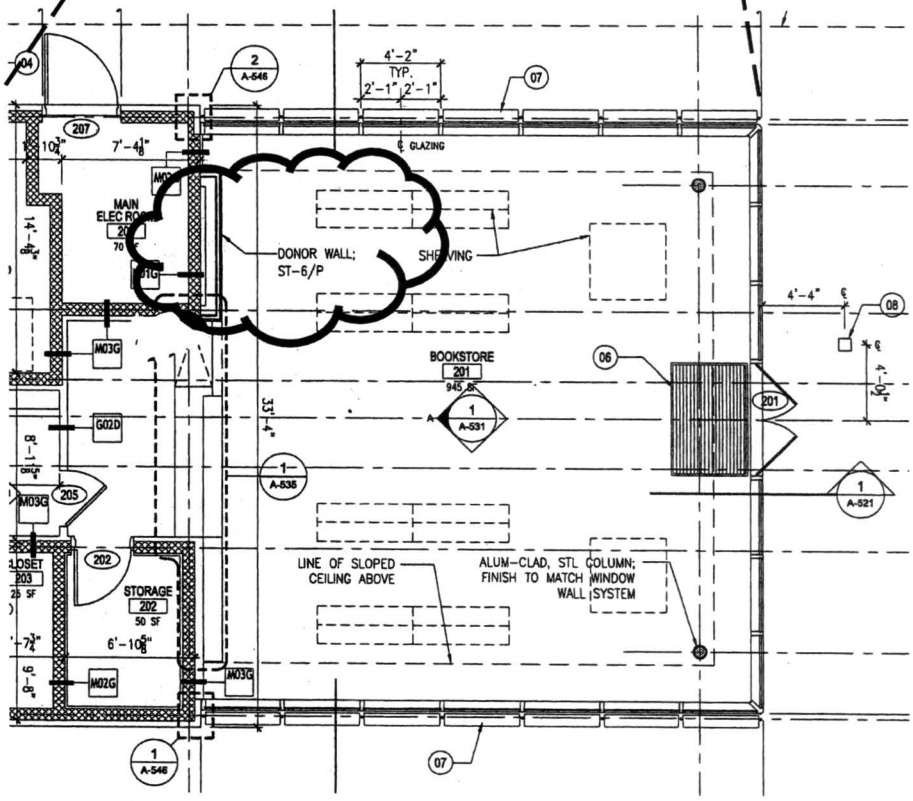
FINAL EAST BUILDING ELEVATION AS SEEN FROM MEMORIAL AND WEST BASIN DRIVE

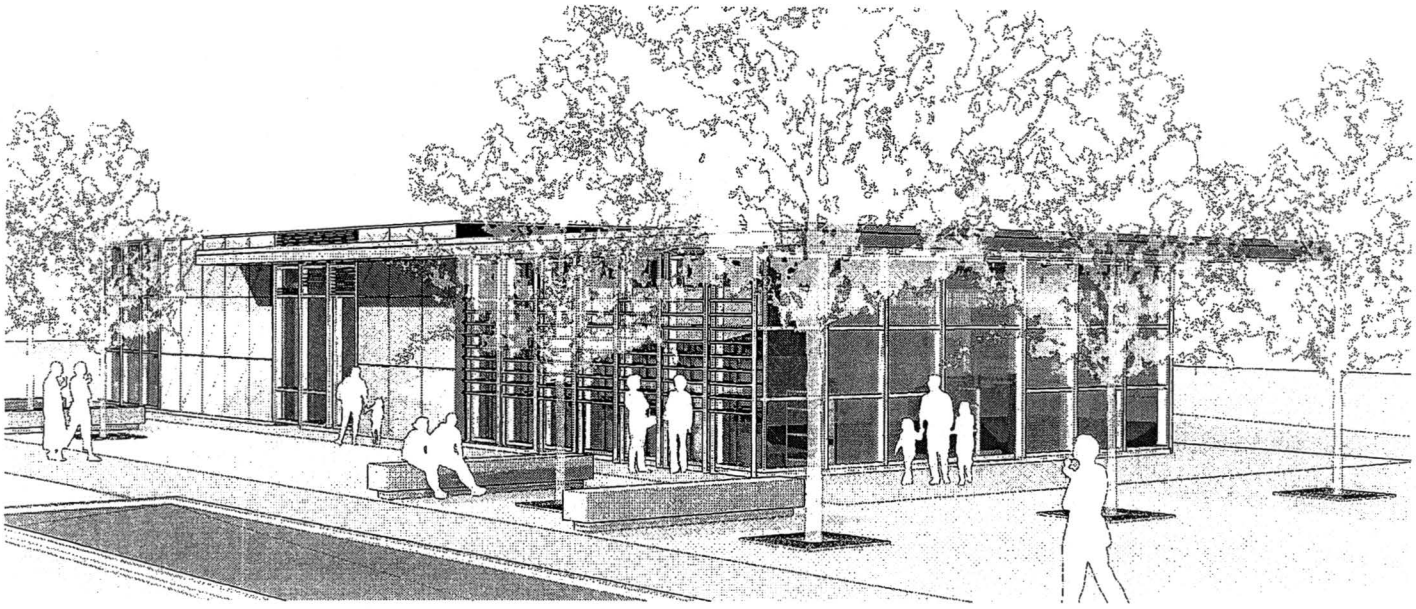
VISITOR SUPPORT BUILDING LAYOUT AND PLAZA DESIGN





VISITOR SUPPORT BUILDING DETAILED FLOOR PLAN, WITH DONOR WALL HIGHLIGHTED AT RIGHT





PERSPECTIVE VIEW OF VISITOR SUPPORT BUILDING AS SEEN FROM NORTH

The final design of the exterior building plaza exhibits exposed aggregate concrete pavement that is covered by the nine feet of overhang at the bookstore entrance. Four feet of overhang exists at the sides of the building, for about two-thirds the length, along the building's east and west façades. The plaza contains five granite benches and a high tree canopy that overshadows the seating areas.

As noted earlier, the forecourt planting is slightly modified by the introduction of three Red Maple trees on each side of the forecourt plaza. The addition of these trees, which feature a slightly higher growth profile, adds shade to the forecourt. Otherwise, the final landscape plans identify all trees to be 4 to 6 inch caliper specimens, as initially planted, and all shrubs to be 18 to 30 inches in height. The planting design of the memorial also features significant areas of bio-retention and soil permeability through the use of structural-cell subsurface structures placed under the West Basin Drive sidewalks and Visitor Support Building plaza.

PREVIOUS COMMISSION ACTION

At its December 1, 2005 meeting, the Commission commented favorably on the overall design concept for the Martin Luther King, Jr. Memorial except for:

- The horizontal bridge of the Memorial Walk, adjacent to the "Mountain of Despair," which destroys the intended strong visual relationship between the signature "Mountain of Despair" and "Stone of Hope."

- The narrow entrance portal through the "Mountain of Despair" because it creates the potential to impede visitor movements through the memorial's main entrance.

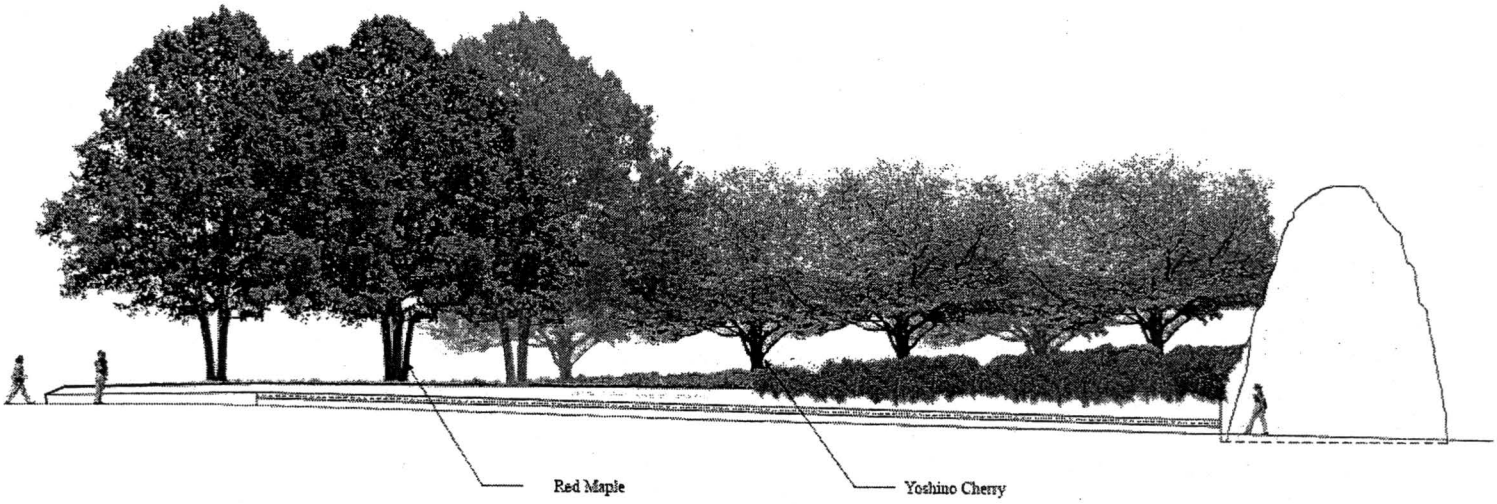
- The Ranger and Visitor Information Kiosk.

The Commission also recommended that the National Park Service and the Foundation, as they develop preliminary design plans for the memorial:

- Redesign the entrance portal between the "Mountain of Despair" to remove the bridge of the Memorial Walk that interrupts views to the "Stone of Hope" and beyond, and to provide more space for visitor movement in this entry area.

- Provide more detailed photo simulations that clearly indicate the visual impact that the berm of the proposed memorial would have on views to the Tidal Basin and beyond.

- Coordinate with the Park Service on the size, location, and programmatic requirements for the Ranger and Visitor Information Kiosk.



FORECOURT PLANTING MODIFICATION WITH RED MAPLE TREES (THREE ON EACH SIDE)

At the April 2006 meeting the Commission:

- Commended the Foundation for arriving at a simpler and refined focus to the Martin Luther King, Jr., Memorial. The revisions appropriately respond to the Commission's

earlier review comments.

- Commented favorably on the revised design concept for the Martin Luther King, Jr. National Memorial, as shown on NCPC Map File No. 1.51(73.10)-41988, and reminded the Foundation to coordinate with the Park Service on the size, location, and programmatic requirements for the Ranger and Visitor Information Kiosk.

- Recommended that the opening of the "Mountain of Despair" be returned to its original design concept of 12 feet, to reinforce the fundamental concept of the "Stone of Hope" appearing to have been pulled forward from the "Mountain of Despair".

Review of the project at the Commission's December 2006 meeting resulted in the Commission commenting favorably on the revised design concept for the Martin Luther King, Jr. National Memorial, as shown on the NCPC filed plans.

At the July 10, 2008 NCPC Meeting, the Commission:

- Approved the preliminary site and building plans for the memorial's Visitor Contact Station/Bookstore/Restroom Building only, as shown on the NCPC Map File No. 1.51(73.10)-42570, and;

- Noted that the Commission supports the overall design of the memorial, but is unable to move forward at this time because of unresolved issues surrounding the proposed introduction by the National Park Service of perimeter security elements that will impact the memorial design, and because the location of West Basin Drive is subject to change during the conclusion of the Section 106 consultation process;

- Discouraged the National Park Service from adding perimeter security to the design of the memorial because it is likely to disrupt the design concept for the memorial;

- Deferred preliminary approval of the memorial other than the Visitor Contact Station/Bookstore/Restroom Building, and required the applicant to:

    - Provide the final alignment and roadway design for West Basin Drive.

    - Provide a design for proposed security elements for the memorial, if the National Park Service demonstrates that such security elements are necessary. The submission for perimeter security elements must include a threat assessment supporting the need for, and design and placement of proposed perimeter security elements in accordance with: the Commission's submission requirements; the Commission's National Capital Urban Design and Security Plan Objectives and Policies (adopted May 5, 2005); an analysis by the Park Service of how such perimeter security measures are supported in the existing NEPA document for the

memorial project (or supplemental NEPA documentation); and evidence of Section 106 compliance for the introduction of perimeter security elements.

- Provide preliminary and final design for the sculpture for the *Stone of Hope.*

The applicant has submitted all information detailed in the items above as requested by the Commission's July 10th action. These include:

- A threat assessment of the memorial developed by the Department of Interior's office of Deputy Assistant Secretary for Law Enforcement and Security.
- A revised environmental finding supporting the review and evaluation of modifications of the memorial development dated August 2008.
- Further detailed final design of the relocation of West Basin Drive that is a required element of the memorial for access to the memorial site.
- The design and placement of proposed perimeter security elements in accordance with the Commission's submission requirements and the Commission's National Capital Urban Design and Security Plan Objectives and Policies.
- Submission of the preliminary and final design of the *Stone of Hope.*

PROJECT ANALYSIS

Staff finds the submitted project drawings of the preliminary and final design of the Martin Luther King, Jr. National Memorial are substantially complete to a 95 percent information level, with modifications fully noted. The final design details included in the submission for the building and many memorial features are highly refined and clearly noted. Staff continues to view the final design of the Visitor Support Building as light and simple in its material composition; subdued in its massing; and is appropriately located to best serve the memorial's visitors. Nevertheless, an issue remains with the structure that limits staff's ability to recommend final approval without modification. That issue is the presence of an interior donor wall located at the north end of the building within the bookstore. The existence of this feature is in direct conflict with the Commission's polices on donor recognition specified by the Commission in 1988. Specifically, the building's interior donor wall conflicts with policy 2 which cites: "Donor/sponsor contributions to memorials to be located on public lands in the National Capital shall not be visibly acknowledged anywhere at the memorial site, including in or on an associated memorial building," (see attachment). Furthermore and perhaps most significant, the Commemorative Works Act that directly applies to this memorial specifies at Section 8905, Site and design approval, (b) Decision Criteria, Item 7: "Donor contributions. - Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site." **Staff, consequently, finds the design and location of the interior donor wall within the Visitor Support Building unacceptable, and requests the Commission require the applicant remove the feature from the memorial project.**

Regarding the bollards proposed for inclusion in the final design, staff has analyzed information provided by the Park Service in support of incorporating the bollards into the Memorial and

recommends to the Commission that the information is inconclusive. Staff recommends that the Commission disapprove the proposed bollards at this time.

Additionally, staff is unconvinced that inclusion of bollards as shown on the drawings will fully address the security concerns outlined by the applicant. Given this and given the potential visual and physical intrusion that the bollards will have upon the Memorial; staff at this time cannot support the placement of bollards in the Memorial's forecourt or side entry walkways. Also, additional information on the potential visual and physical effects of the bollards would assist the Commission in its decision-making.

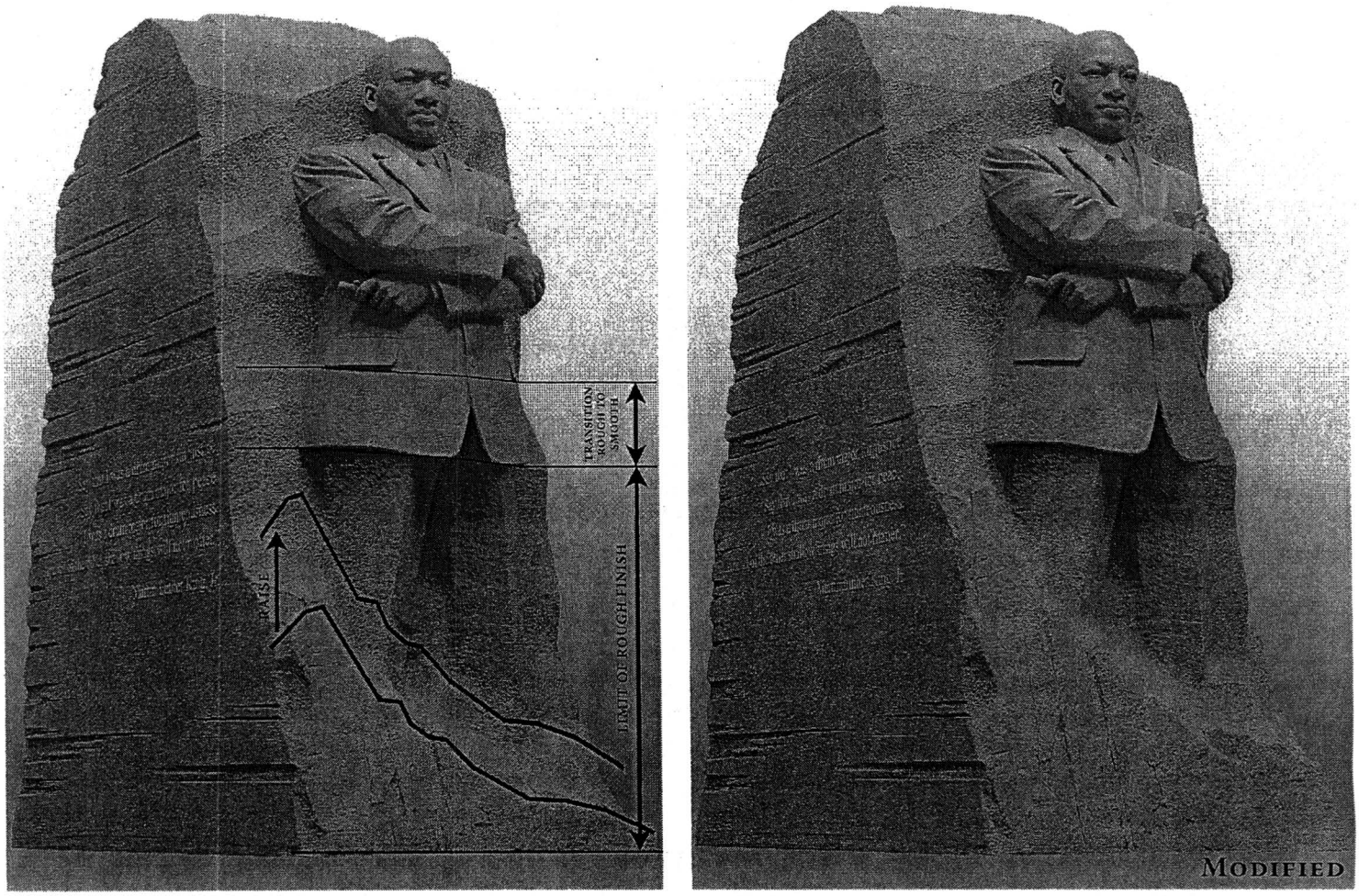
Staff acknowledges the applicant has investigated alternative approaches to addressing the inclusion of perimeter security at the Memorial. These alternate designs included creation of a landscaped "tiger trap" area at the front of the forecourt; the use of larger and more numerous bollards at the curb line of the Memorial site; the use of "boulder and rock" elements at the forecourt; and the use of site furniture–such as benches to establish a secure perimeter. Each approach was found by NCPC staff, the Commission of Fine Arts staff, and the consultants to the Foundation to be either out of place; disrupting to pedestrian pathways or viewsheds; more adverse to the simple design themes of the memorial; and further imposing toward the scale and pedestrian environment of the forecourt zone.

Pending additional information that more conclusively supports the need for perimeter security, **staff recommends approving preliminary and final design for the Memorial with the exception of the proposed bollards, and also recommends that additional environmental information regarding the potential effects of perimeter security on the Memorial and West Potomac Park would assist the Commission in its decision-making in this matter.**

The staff recommends this approach in support of the completed final design of the full memorial as a whole, and with the time constraints that are facing the Foundation to begin memorial construction.

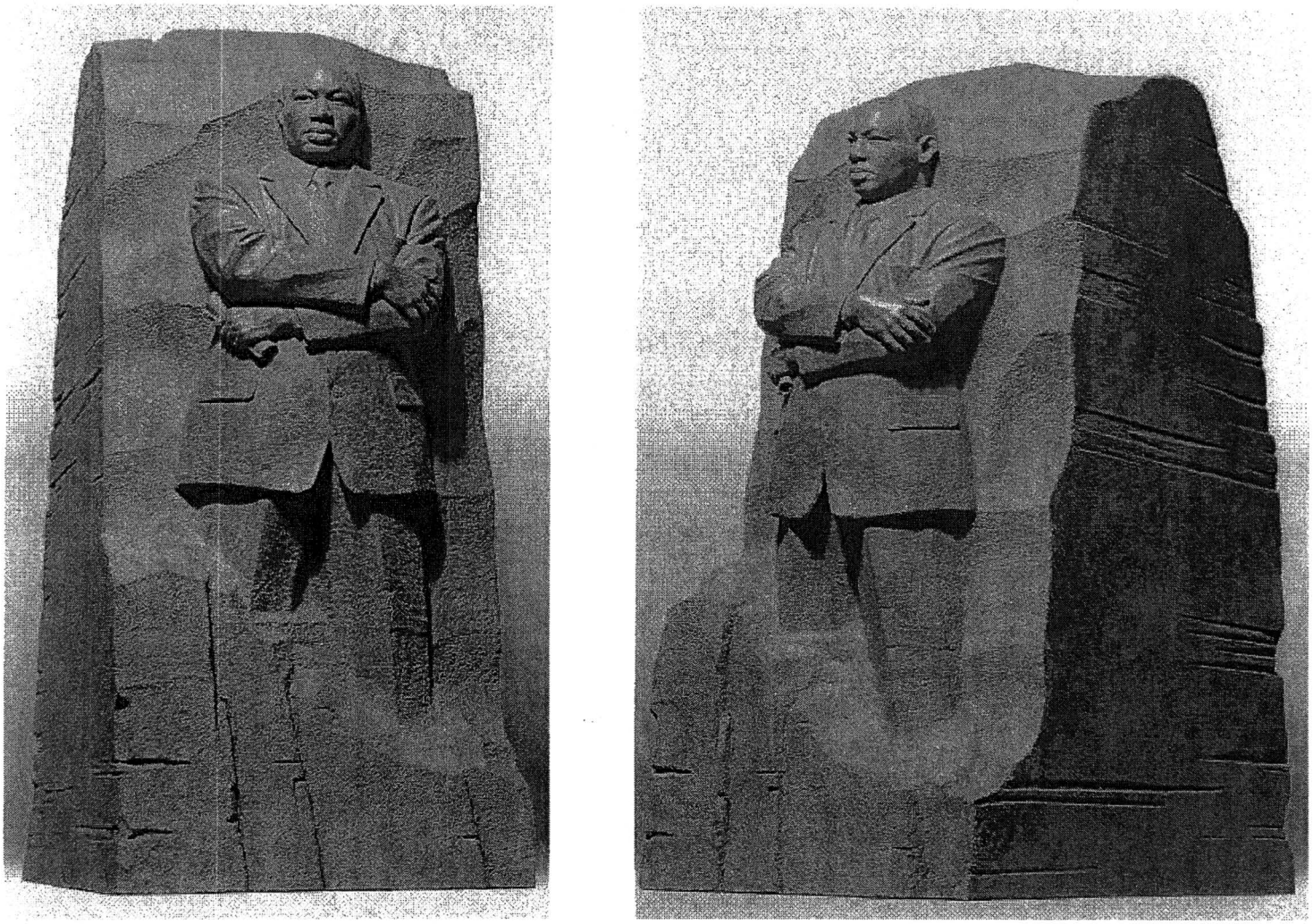
In the context of the complete memorial design, realignment of the south end of West Basin Drive to achieve added curvature to the road at the southwest area of the memorial has been finalized pursuant to District of Columbia State Historic Preservation Office recommendations. The Section 106 Memorandum of Agreement (MOA) has been completed, with a signed document agreed upon by the required signatories as to the status of West Basin Drive.

As noted by the earlier description of the sculpture issues in this report, the staff is pleased to observe the Foundation has submitted to NCPC the revised image for the *Stone of Hope* as requested. The revised *Stone of Hope* now depicts Dr. King's form in its same basic appearance of the figure of Dr. King with crossed folded arms at his chest. The image remains centered on the Tidal Basin side of the *Stone of Hope*. The edges of the sculpture are brought forward to



EARLY CLAY MODEL OF SCULPTURE WITH MODIFICATIONS NOTED ON ORIGINAL IMAGE OF DR. KING AT LEFT

reduce the apparent amount of relief of the image thickness at its edges, and the base of the rough stone area has been elevated to just above the knee level of the figure on the left, as one views the figure. The sculpture also carries a rough stone appearance on the left and right side in the area of the suit-coat pocket. Finally, Dr. King's face has been somewhat altered to remove some facial-lines around the mouth and cheek area of the head. **Images of the sculpture are revised and submitted, as requested, for final approval. Staff recommends their approval.**



UPDATED SCULPTURE IMAGE PORTRAYED IN BRONZE, AS OF AUGUST 2008

The final minor alteration to the memorial is the introduction of Red Maple trees to the front edge of the memorial forecourt, at the north and south walls near West Basin Drive. This revision, after further study by the Foundation as requested by CFA, established an increased shade area within the forecourt for the comfort of visitors. **Staff finds the revision acceptable.**

Consequently, the staff recommends the Commission:

- **Approves** the preliminary and final site and building plans for the Martin Luther King, Jr. National Memorial, as shown on the NCPC Map File, **except for** the bronze bollards at the forecourt and side entry walkways;

- **Approves** the *Stone of Hope,* as submitted to NCPC;

- **Disapproves** the design and location of the interior donor wall within the Visitor Support Building and requires the applicant remove the feature from the memorial project in compliance with the Commemorative Works Act and the Commission's policies on donor recognition.

CONFORMANCE

Comprehensive Plan

The proposal is consistent with the Comprehensive Plan for the National Capital. Specifically, policies contained in the Parks and Open Space Element state that the federal government should:

- Enhance the great cross-axes of the Mall, and protect them from inappropriate development (Policy No. 4, page 109).

- Use monumental parks and landscapes to provide settings for public buildings, monuments, and memorials, and to create special environments for limited activities (Policy No.5, page 109).

- Site memorials in monumental and designed landscape parks in compliance with the Memorials and Museums Master Plan (Policy No.6, page 109).

- Maintain East and West Potomac Park as an extension of the Mall, as a valuable recreational open space, and as a space that can be used for outdoor cultural events, gatherings, and celebrations (Policy No. 8, page 109).

National Environmental Policy Act (NEPA)

Staff finds that the preliminary and final 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. Consequently, the Commission's Finding of No Significant Impact remains valid for environmental review purposes in compliance with the Commission's procedures.

The submitted design maintains mitigation actions defined by the NEPA analysis of the EA. The concept issues of height of the berm and viewshed effects from that feature to and from the memorial have been addressed by the preliminary design implementation and in the further progress of the National Historic Preservation Act Section 106 Consultation process. The evaluation by staff of the location of the Visitor Support Building finds the 14-foot building height and the use of expanses of glass and exterior material finishes sustains the EA conclusions that the structure be small in scale and discreet. The EA specifically notes "An attractively designed structure located in the southwest corner of the site would enhance visitor comfort and

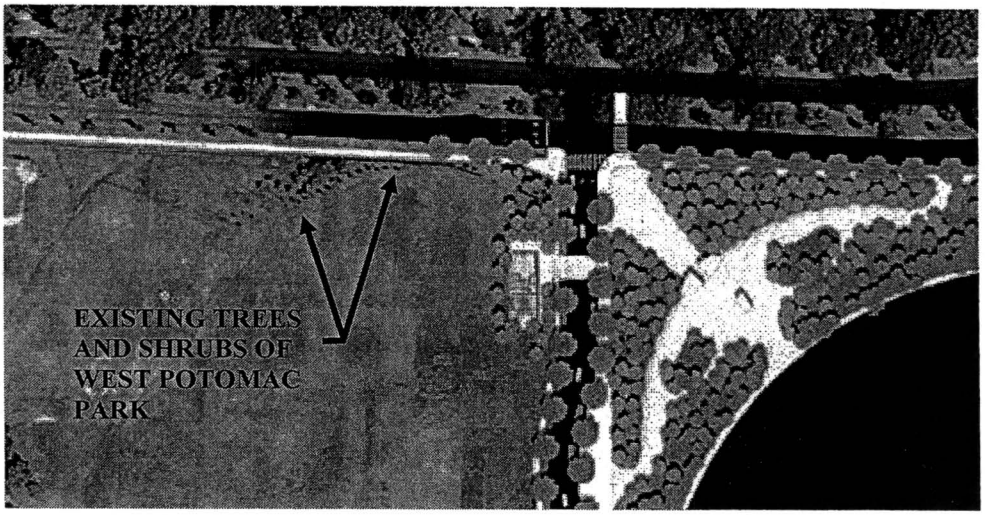
could also be used to house ranger or interpretive functions. Such a facility should be unobtrusive in scale, with a height similar to the memorial berm and a footprint of 1,750 square feet (approximately 1 percent of the site area)." The presently designed structure, at 2,932.5 square feet, is 1.9 percent of the memorial area and 1.6 percent of the complete project work site area. Staff finds the variation of the preliminary and final design, and the conceptual description of the possible structure in the 2005 EA, within the range of normally seen revision and refinement of building plans, as a project is brought to conclusion, and within less than one percent of a change in project site area as a result of its modifications. Consequently, no appreciable variance to the environmental outcome exists in regard to the structure.

The 2005 EA notes that visitors to the memorial would generate the need for a variety of on-site services, including restroom and interpretive facilities. Given that the nearest restrooms would be located more than 750 and 1,000 feet away at the World War II and FDR Memorials, respectively, numerous memorial visitors would be inconvenienced and discomforted by a lack of restroom facilities at the new memorial. Further, memorial visitors typically desire a bookstore or interpretive ranger to learn more about the subject matter. The EA cites that 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. However, NCPC project review of December 2005 noted the Park Service was reconsidering that policy in regard to this memorial. The EA of 2005 stated that because the memorial would attract more than 1.2 million visitors per year, restroom facilities should be provided as mitigation for memorial development.

Relative to its present location, as noted to all consulting parties under the NHPA Section 106 process, the Commission of Fine Arts (CFA) requested the Visitor Support Building be re-sited in November 2007. The CFA endorsed the relocation of the visitor support facility northward to be closer to the memorial entrance in April 2008. The members were critical of its earlier scale and location at the southwest, and also the building layout with its separated two-structure configuration, with an open shade-court centered between the walled buildings. CFA recommended consolidating the program into a single smaller building, compared to the central court configuration with flanking structures at each end.

In context to the building location near the forecourt entrance, the 2005 EA examines the viewshed area of West Potomac Park and observes: "Since the existing visual permeability of the site is limited and varies according to the vegetative cover and season, the quality of existing views across the site also varies. With the proposed memorial, current filtered views to the Tidal Basin from Independence Avenue would be screened, particularly for motorists. However, views through the site would still be available to pedestrians who could experience the entry vista and other views that the memorial would offer." Staff found the EA evaluation applicable to the Visitor Support Building area as it is adjacent to West Basin Drive and the memorial's forecourt. The preliminary and final site plans for the building maintain the character of varied vegetation screening and filtered views from Independence Avenue and West Potomac Park. Much of the existing vegetation northwest of the building is existing trees and shrubs adjacent to

Independence Avenue. It is supplemented by new additional plantings immediately north of the building site (see below). Thus, no change in the definition of the impact's context or intensity occurs as a result of the building location and the overall anticipated impacts as described by the existing EA. Consequently, the NCPC findings established from the EA remain unchanged.



EXISTING VEGETATION OF WEST POTOMAC PARK

On the issue of the introduced bollards, the Park Service has revised its findings and supplemented it with a description of the bollards located within the memorial and its site. The Park Service review notes the EA evaluation of forecourt pedestrian pathways and access to the memorial remains applicable. NCPC staff finds that the information submitted by the National Park Service regarding the bollards does not fully address the need for the bollards or the potential impacts to the memorial's design and operation.

National Historic Preservation Act (NHPA)

The Park Service is serving as lead agency for the National Historic Preservation Act (NHPA) compliance. In March 1999, at the time the Tidal Basin site was being considered, NPS wrote to the D.C. State Historic Preservation Officer (DC SHPO) determining that a memorial at that location would potentially have an adverse effect on the landscape and National Register qualities of West Potomac Park.

On September 13, 2005 NPS wrote to the D.C. SHPO determining that the proposed concept design would potentially have an adverse effect on the National Register qualities of West Potomac Park: "The construction of an earthen berm, above the historically flat topography of the park, will introduce another raised element into the historic landscape." NPS noted that

similar modifications to the 20th–century engineered fill have occurred at other memorials. "As the design development and consultation continue, other potential adverse effects may be identified."

The letter continues:

> Mitigation of the impacts associated with other raised elements in this flat landscape has been accomplished during the design approval process by considering height and visual openings in the design. The Foundation, National Park Service, NCPC and CFA have agreed to limit the access of the memorial design from the area of the historic cherry trees, allowing an entrance, not unlike that of the FDR Memorial, but considerably less than was introduced by the construction of the Thomas Jefferson Memorial. This initial mitigation requirement is reflected in the submitted design and will be adhered to by the National Park Service in the ensuing design approval process.

NPS held consultation meetings on September 19, 2005, January 2008, March and April 2008, and on June 30, 2008. At the most recent meetings, the parties had discussed a further review period that was initiated on or about July 17 and extended to August 11, 2008. The June 30th meeting included representatives from the Foundation, the DC SHPO, the Advisory Council on Historic Preservation, NCPC, The National Coalition to Save Our Mall, and the Committee of 100.

The Park Service completed a Memorandum of Agreement (MOA) on August 25, 2008. The MOA proposes terms by which NPS will conduct future design review and Section 106 consultation for the project with agencies and the interested public. The MOA also determines the Area of Potential Effect, the determination of effect, and the affected historic resources. NPS, in consultation with the DC SHPO and other parties, has determined that West Potomac Park is the affected area. The historic resources are the contributing structures and features of West Potomac Park.

NPS's determination of effect is described in its MOA: "The NPS has determined that the Undertaking, which includes site regrading and construction of an earthen berm; the relocation or removal of nine cherry trees; demolition, realignment and reconstruction of a portion of West Basin Drive and its signalized intersection with Independence Avenue may have an adverse effect on West Potomac Park, properties included in the National Register of Historic Places."

The major part of the discussion for completing the agreement in the last months related to the Visitor Support Building design and the final alignment of West Basin Drive adjacent to the memorial. Comments from the consultations and review have enabled the NPS to resolve the location, and to amend the building design to provide shelter along the building perimeter. Other consulting party questions and issues have been directly responded to by the Park Service (see attachment). Staff notes there remains an issue of final design details of the West Basin Drive and its final alignment that must be consulted upon by the Park Service pursuant to MOA requirements. Further consultation is also required for any security measures for the memorial.

COORDINATION

Coordinating Committee

The Coordinating Committee reviewed the final memorial design and its updated modifications on August 13, 2008, The Committee forwarded the proposal to the Commission with the statement that the project has been coordinated with all agencies represented, the participating agencies were: NCPC; the District of Columbia Office of Planning; the District Department of Transportation; the District of Columbia Office of Housing and Community Development; the General Services Administration; the National Park Service; and the Washington Metropolitan Area Transit Authority.

Commission of Fine Arts

At its meeting of June 19, 2008, the CFA reviewed a revised sculpture of Dr. King. The revised *Stone of Hope* now depicts Dr. King's form in its same basic appearance of the figure of Dr. King with crossed folded arms at his chest. The image remains centered on the Tidal Basin side of the *Stone of Hope*.

The CFA members requested a plaster or bronze maquette of the *Stone of Hope* be delivered for review by CFA at its next meeting, and a sample section of actual stone surface, with sculpted detail, be submitted to gauge the amount of carved relief contrast allowed by the selected stone. The members then moved to endorse the revised concept for the sculpture of the *Stone of Hope*.

The CFA has yet to review the further requested information on the *Stone of Hope* and the bollards at the memorial. The Commission meeting is scheduled for September 18, 2008.

NATIONAL CAPITAL PLANNING COMMISSION
801 PENNSYLVANIA AVENUE, N.W., SUITE 301
WASHINGTON, D.C. 20576

NCPC File No. 2904

POLICIES RELATING TO THE RECOGNITION OF PRIVATE CONTRIBUTIONS TO MEMORIALS, MUSEUMS, AND OTHER CULTURAL FACILITIES ON PUBLIC LANDS IN THE NATIONAL CAPITAL*

The National Capital Planning Commission has adopted the following policies as a guide to public agencies, memorial sponsors, special interest groups and private citizens soliciting private donations and/or contributed services for public projects in the National Capital. Although the Commission will review individual proposals for the recognition of donors and sponsors on their merits, it wants to alert these groups, prior to the solicitation of funds or contributed services, that it will not approve donor or sponsor acknowledgements which intrude on the integrity of the particular project or its environs.

Policies

1. Private donations or contributed services to memorials, museums and other cultural facilities to be located on public lands in the National Capital may be acknowledged in one or more of the following ways:

   (a) Donor/sponsor names and/or the names of those whom donors/sponsors wish to commemorate may be inscribed on an honor roll and buried in a time capsule somewhere in or on the site.

   (b) Donors/sponsors may be appropriately recognized at dedication ceremonies, e.g., in speeches and/or on the program.

   (c) Responsible landholding agencies may give donors/sponsors certificates or plaques of appreciation that are suitable for display in their home or office.

2. Donor/sponsor contributions to memorials to be located on public lands in the National Capital shall not be visibly acknowledged anywhere at the memorial site, including in or on an associated memorial building.

3. Donor/sponsor contributions to non-building kinds of cultural facilities, such as gardens, to be located on public lands in the National Capital shall not be visibly acknowledged at the site itself.

4. Donor/sponsor contributions to museums and other cultural facilities that are to be located in public buildings in the National Capital shall not be visibly acknowledged on the exterior walls of the building itself or on its grounds.

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*Approved by the Commission at its meeting on December 1, 1988.

United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO:
D20 (NCR-LRP)

AUG 21 2008

National Coalition to Save Our Mall
9507 Overlea Drive
Rockville, Maryland 20850

Dear Ms. Feldman:

I am writing in response to your letter of August 11, 2008 regarding the Memorandum of Agreement for the establishment of the Martin Luther King Jr. Memorial. According to your letter, the greatest concern of the National Coalition to Save Our Mall at this stage of design development is the Visitor Contact/Bookstore/Restroom facility. I will attempt to address the major issues raised in your letter.

Initial Size and Location of the Visitor Services Facility

We must respectfully disagree with your assertion that the Visitor Services Facility was not part of the 2005 design. The December 2005 Concept Plan for the Memorial, as presented to the National Capital Planning Commission (NCPC), included a visitor services facility of approximately 3600 square foot (SF) which was intended to be similar to the 2800SF visitor services facility at the Franklin Delano Roosevelt (FDR) Memorial. The exact size, configuration, and location of the facility have changed over the course of design development, in part as a result of Section 106 consultation, but the basic program has not changed. In fact, the size of the facility has instead been reduced by approximately 15 percent to approximately 3100SF. Attached is a drawing which was part of the NCPC presentation as confirmation that the facility has been part of the program for the memorial since 2005.

Section 106 Consultation Meetings during 2006 and 2007

As you know, the initial Section 106 consultation meeting occurred in September 2005 upon release of the Environmental Assessment (EA). After the submission of the Concept Design to the Commission of Fine Arts (CFA) and the NCPC in the fall of 2005, the size, configuration, and location of the visitor services facility was refined through consultation with the staff of the commissions and through a series of Revised Concept submissions. The Revised Concept submission was approved by NCPC in December of 2006. Between January and November of 2007, the Martin Luther King, Jr. Foundation reorganized its design team, and it was not until the November that the design of the Memorial was again moving forward. In the February of 2008, the Section 106 process was recommenced and the consulting parties were re-engaged. For further illumination of the history of the development of the design of the visitor facility, attached is the chronology that was developed at your request during the Section 106 process.

Inclusion of the Visitor Services Facility in the Environmental Assessment

We must also disagree with the assertion that the visitor services facility is not addressed in the Environmental Assessment. The need for visitor services for the initial 2-5 million annual visitors to the Memorial and the expected long-term average of 1.2 million visitors per year is clearly expressed in the EA. Section 4.0, Environmental Consequences, provides the framework for the services that are to be provided by the memorial project. In particular, on page 4-5, the need for visitor services created by the memorial are described:

> Visitors to the Memorial, particularly families and the elderly, would generate the need for a variety of on-site service, including restroom and interpretive facilities. Given that the nearest restrooms would be located more than 750 and 1000 feet away, at the World War II and FDR Memorials, respectively, numerous Memorial visitors would be inconvenienced and discomforted by a lack of restroom facilities. In addition, Memorial visitors typically desire a bookstore or interpretive ranger or museum space to learn more about the subject matter.

Your letter correctly states that the provision of such visitor services at the site of a new memorial were inconsistent with a National Park Service (NPS) policy which had guided the establishment of design parameters for the memorial, as recognized in the EA:

> 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.

The discussion of visitor facilities does not end with this recognition, however. Rather the provision of the visitor facility is suggested as mitigation for the environmental effect of the newly created visitor needs:

> Because the Memorial would attract more than 1.2 million visitors per year, restroom facilities should be provided. An attractively designed structure located in the southwest corner of the site would enhance visitor comfort and could also be used to house ranger or interpretive functions.

The Visitor Services Facility is not a Visitor Center

NPS's Visitor Facility Planning Model (December 2004) describes the services that are typically found in a "Visitor Center", which include, but are not limited to a lobby, information desk, exhibit area, public restrooms, theater, interpretation offices, and support spaces. In contrast, the proposed visitor services facility for the Martin Luther King Jr Memorial includes only restrooms, mechanical space to support the Memorial, a ranger contact station, and a bookstore to serve the interpretive needs of the public. The proposed facility does not include an exhibit area, theater, or interpretive offices that are part of a typical NPS Visitor Center. It is also worth noting that according to the planning model, NPS Visitor Centers typically achieve a minimum size of 5000SF to 7000SF.

The NPS policy has been consistent with regard to what is or is not a Visitor Center. The restrooms/bookstore services that are currently provided at the Lincoln Memorial, the Washington Monument, the Jefferson Memorial, and at the FDR Memorial are basic services, necessary to the visitor experience. These facilities do not constitute Visitor Centers.

The Proposed Visitor Services Facility is Within the Boundaries of the Approved Site

During the Section 106 process and consultation with NCPC and the Commission of Fine Arts (CFA), the design has been refined and the Memorial has been reduced in scale. As a result of that refinement and the proposed reconstruction of West Basin Drive, the entire Memorial, including the visitor services facility, fits within the approved 4-acre site. Attached is a diagram based on the "Station and Offset Plan" from Construction Documents for the Memorial on which we have superimposed the dimensions of the 4-acre site as identified in the EA. As it is still within the limits of the originally-defined site, its impact to recreation in West Potomac Park is no greater than that of the original Concept Design. We also note that various locations for the visitor support facility were considered through the Section 106 process and ultimately the location west of the roadway was selected because it minimized impacts on the existing cherry trees and upon historic views within West Potomac Park. Finally, we note that the District of Columbia State Historic Preservation Officer (DCSHPO) has agreed that the visitor services facility creates no significant impacts beyond those of the Memorial itself, which the Memorandum of Agreement seeks to mitigate.

Further Responses Issues Raised by the Coalition

Your letter includes a list of ten specific questions, some of which have been addressed above. For the sake of completeness we have addressed any unanswered questions below.

1. The visitor support facility is considered part of the Memorial undertaking, as necessary support to the primary purpose of the Memorial as authorized by Congress.
2. The issue of the need for interpretive services was addressed in the narrative above.
3. The decision to locate the visitor facility west of West Basin Drive was made during 2006, between the March and December presentations to NCPC, as a result of consultations with NCPC, CFA, and the Memorial Foundation's design team. The effects on recreation are discussed above.
4. As discussed above, the visitor facility is within the 4-acre site.
5. As described above, the visitor facility conforms to the Commemorative Works Act.
6. The NPS definition of a Visitor Center is described above.
7. The National Mall Plan, now in progress, will address broader NPS policies with regard to the development of additional comfort facilities.
8. The proximity of restrooms at other memorials is addressed above and in the EA.
9. There is no universal policy regarding visitor support facilities at memorials – the need for such facilities is evaluated based on the location, subject matter, expected visitation, and other factors. Retail facilities are considered only to the extent that such services are necessary to the interpretation of the memorial. These policies are consistent with the Commemorative Works Act.

10. NPS's support of the proposed visitor services facility is based on the information provided above, not just on the premise that a portion of the Memorial site the former location of temporary buildings.

Conclusion

We appreciate the Coalition's comments on the development of the Martin Luther King Jr. Memorial and we hope that we have addressed your concerns regarding the visitor support facility. However, we also recognize that the Coalition, and other consulting parties, may wish to discuss further the development of the visitor support facility. Toward this end we have amended the MOA to include the treatment of the visitor services facility as one of the three issues subject to further consultation. We hope that the Coalition will agree to support the MOA as it has been amended.

I would like to thank you for your patience in working out the MOA and I want to thank you for agreeing to review this response expeditiously.

Sincerely,

Peter May
Associate Regional Director
Lands, Resources and Planning

Enclosures

United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

5907

IN REPLY REFER TO:
D20 (NCR-LRP)

SEP 2 5 2008

John V. Cogbill, III
Chairman
National Capital Planning Commission
401 9th Street, N.W.
North Lobby, Suite 500
Washington, D.C. 20576

Dear Mr. Cogbill:

This is to advise the National Capital Planning Commission (Commission) of how the National Park Service (NPS) intends to proceed in light of recent Commission action excluding necessary security provisions for Martin Luther King, Jr. National Memorial (Memorial). We believe that this action was outside the scope of the Commission's authority in rejecting the Department of the Interior (DOI) security threat assessment regarding the Memorial. Unfortunately, it may also result in derailing the establishment of the Memorial. This Commission action may jeopardize the ability of the Memorial's sponsors to obtain an administrative extension of its authority before it expires on November 12, 2008, and with it all existing site and design approvals.

As you know, the NPS recently submitted site and building plans for the Memorial for preliminary and final approval by the Commission. Those plans included security provisions, which the NPS and the DOI determined are necessary to protect the Memorial, its visitors, and the parkland of the National Park System where the Memorial will be located. The DOI moved to approve an amended version of the Commission's Executive Director's Recommendation, so as to remove the language "except for the security provisions because the submitted threat assessment is inconclusive in supporting the need for perimeter security at the Memorial." This motion by the DOI was seconded, discussed, but then it was neither voted upon by the Commission, nor removed from consideration by the DOI. Instead, the Commission adopted a new motion and voted to approve the plans except for the security provisions because the Commission opined that "the submitted threat assessment is inconclusive in supporting the need for perimeter security at the Memorial."

We recognize the Commission's ability to weigh in on the security features of this and other memorials pursuant to its authority under the Commemorative Works Act, which is to approve memorial site and design. We note that on September 18, 2008, the Commission of Fine Arts (CFA) issued final approval of the Memorial under this same authority, reserving the ability to reconsider the design of security elements, and we look forward to these future discussions with the CFA on this important subject. The recent Commission action, on the other hand, was

outside the scope of its authority, which does not extend to approving or disapproving NPS and Departmental threat assessment determinations. For this reason, at the upcoming October 2, 2008 Commission meeting, the DOI will move to amend the Commission's September 4, 2008 decision to include the security provisions. Should this motion fail, we believe it is unlikely that an administrative extension for this memorial can be granted because there will not be a final approval from this Commission.

The NPS and the DOI are committed to providing all security features that we deem necessary to protect the Memorial, the surrounding parkland, and its visitors, and these are what have been proposed. Security threat assessments like these are our responsibility and we have not learned anything that would allow us to change the threat assessment. Nevertheless, we appreciate the Commission's interest and concerns about security matters and we would welcome further discussions with the Commission about the design of the security provisions for this memorial. Moreover, as soon as it is available, we intend to provide the Commission with the Federal Bureau of Investigation's forthcoming threat assessment which supports our position, although this assessment may not reach the Commission before the next meeting.

We hope this information is useful to you as the Commission prepares for our next meeting. In the meantime, please contact Peter May, Associate Regional Director for Lands, Resources and Planning at (202) 619-7025 if you would like to explore with us the options for the Memorial and this vote prior to the upcoming Commission meeting.

Sincerely,

Lisa A. Mendelson-Telmini

Acting Regional Director, National Capital Region

COMMISSION ACTION

NCPC File No. 5907

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

MARTIN LUTHER KING, JR. MEMORIAL—REVISED CONCEPT
TIDAL BASIN, WEST POTOMAC PARK
Washington, D.C.

Submitted by the National Park Service

December 7, 2006

Commission Action Requested by Applicant

Approval of concept design plans pursuant to Public Law 104-333, Public Law 105-201, and Public Law 99-952, as amended and the Commemorative Works Act (40 U.S.C. 8905)

Commission Action

The Commission:

Comments favorably on the revised design concept for the Martin Luther King, Jr. Memorial, as shown on NCPC Map File No. 1.51(73.10)-42150.

Deborah B. Young
Secretary to the National Capital Planning Commission

STAFF RECOMMENDATION

NCPC File No. 5907

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

MARTIN LUTHER KING, JR. MEMORIAL—REVISED CONCEPT
TIDAL BASIN, WEST POTOMAC PARK
Washington, D.C.

Submitted by the National Park Service

November 30, 2006

Abstract

The National Park Service (NPS), on behalf of the Martin Luther King, Jr. National Memorial Project Foundation, Inc. (the Foundation) has submitted a revised concept design for a portion of the Martin Luther King, Jr. Memorial to be located in West Potomac Park at the Tidal Basin.

Commission Action Requested by Applicant

Approval of concept design plans pursuant to Public Law 104-333, Public Law 105-201, and Public Law 99-952, as amended and the Commemorative Works Act (40 U.S.C. 8905)

Executive Director's Recommendation

The Commission:

Comments favorably on the revised design concept for the Martin Luther King, Jr. Memorial, as shown on NCPC Map File No. 1.51(73.10)-42150.

* * *

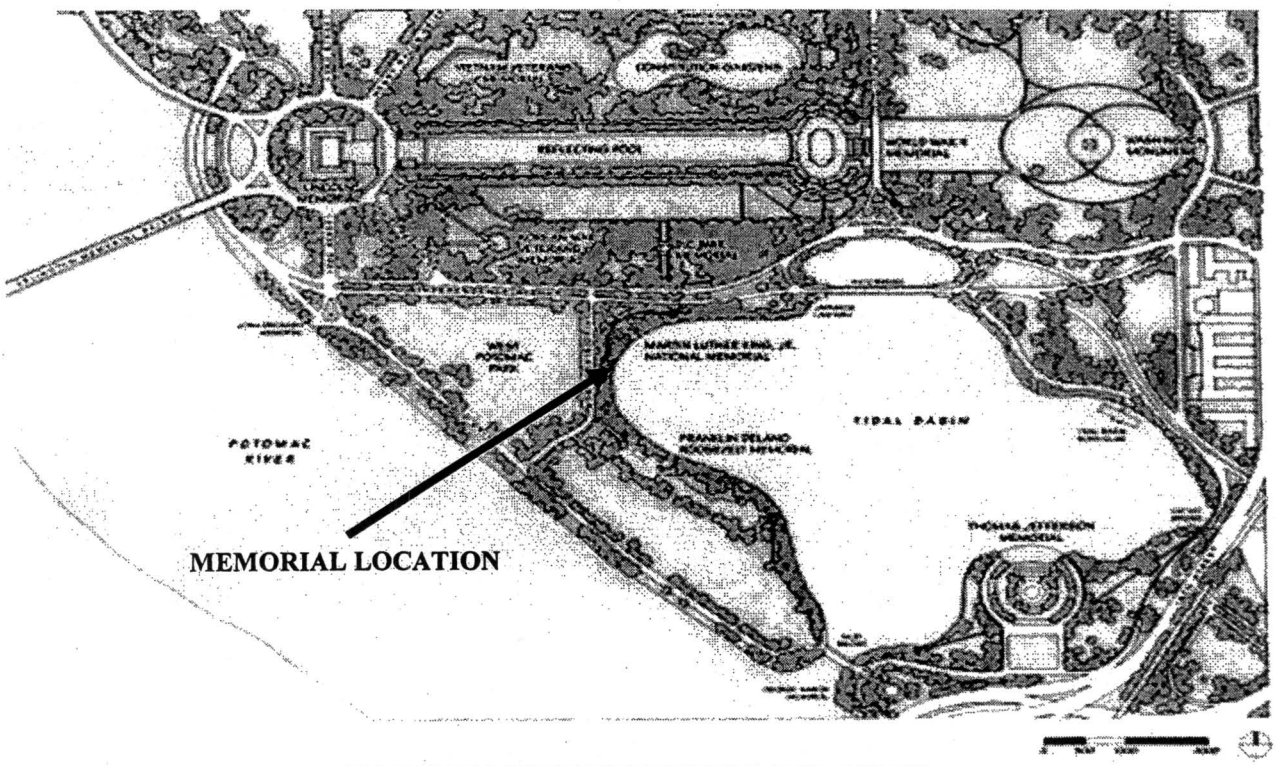
DESCRIPTION OF PROPOSAL

Background

The NPS has submitted, on behalf of the Martin Luther King, Jr. National Memorial Project Foundation, Inc. (the Foundation) a revised design concept for the Martin Luther King, Jr. Memorial. The authorizing legislation for the memorial was signed by President Clinton on November 12, 1996. The Commission approved the site for the memorial at its December 2, 1999 meeting.

Site

The site for the memorial is a four-acre, triangular-shaped parcel of land located in West Potomac Park on the northwestern side of the Tidal Basin. The boundaries generally include Independence Avenue on the north, the Tidal Basin along the south and east, and a realigned



PROJECT SITE VICINITY LOCATION

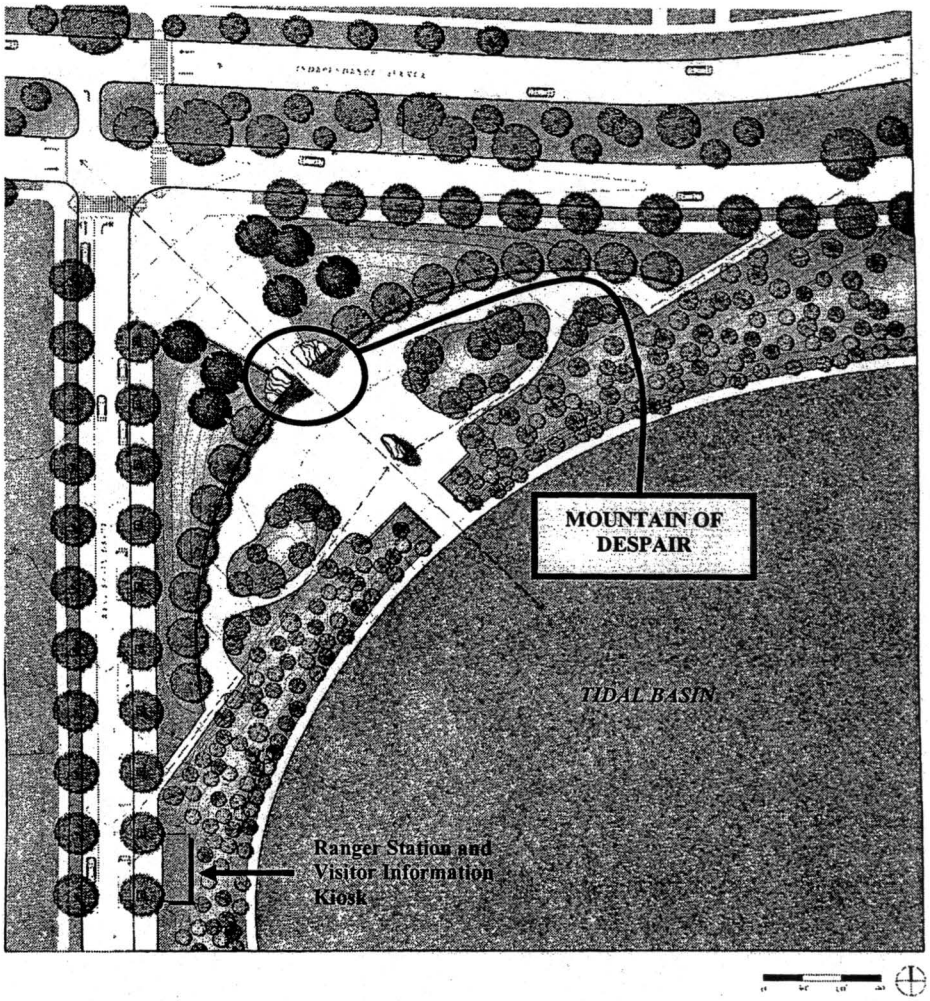
West Basin Drive on the west. The larger setting includes views of the Washington Monument and across the Tidal Basin to the Jefferson Memorial. Views to the Lincoln Memorial are obstructed. The most memorable aspect of the site is the expansive view across the Tidal Basin while at the same time, the inlet of the Tidal Basin provides a sense of enclosure and intimacy.

Revised Design Concept

The revised concept for the Martin Luther King, Jr. Memorial is still centered on an overall geometric relationship of a crescent superimposed within a triangle. The primary vehicle approach to the memorial is maintained from Independence Avenue on the north and from West Basin Drive on the west.

The principal memorial pedestrian access is provided from the intersection of Independence Avenue and West Basin Drive. Additional access points are from connecting walkways at Independence Avenue and from West Basin Drive further east and south of the main memorial entrance respectively.

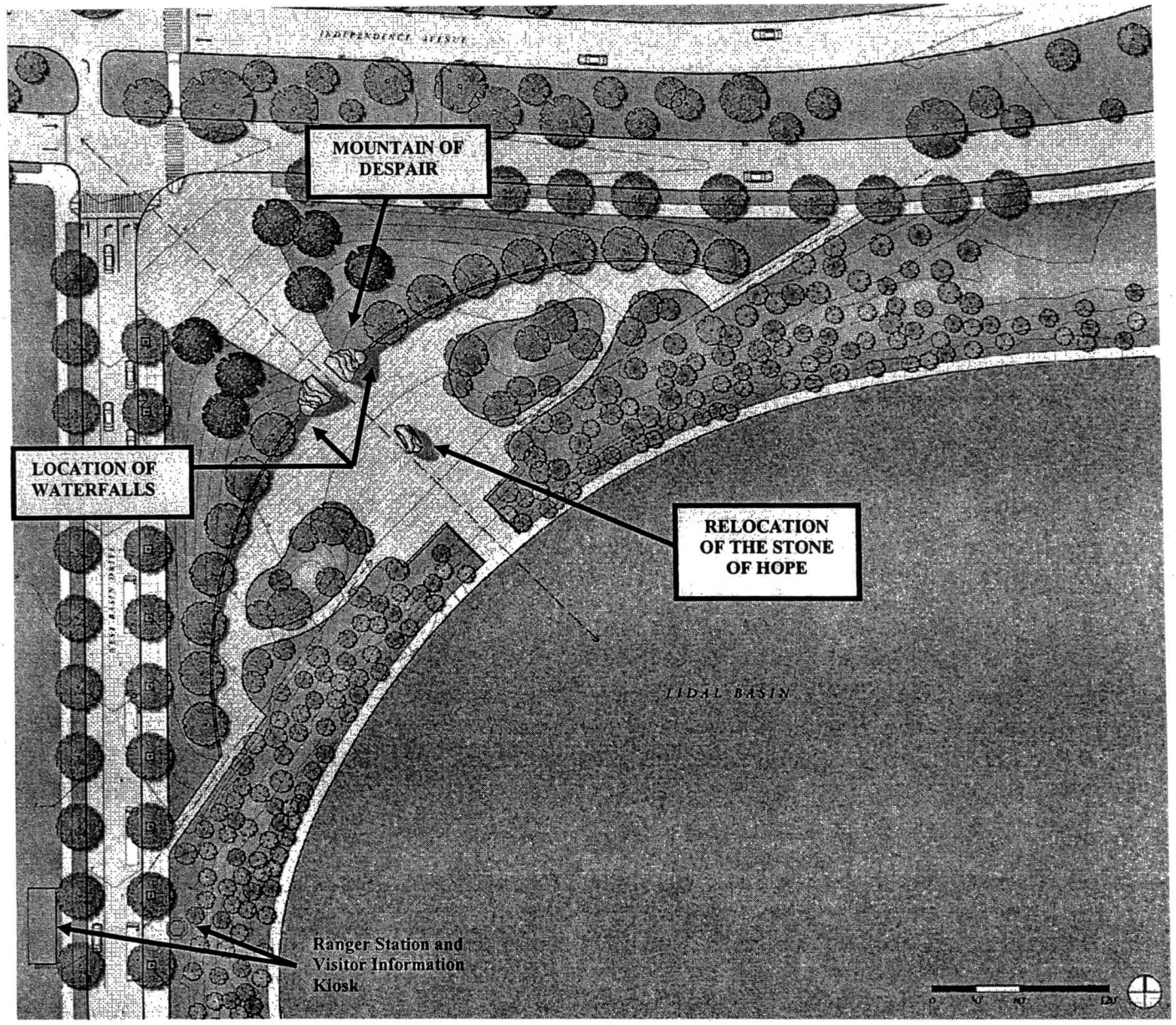
The newly submitted revised design concept features three changes to the memorial layout that was previously approved.



APRIL 2006 MARTIN LUTHER KING, JR. MEMORIAL CONCEPT SITE PLAN

The Mountain of Despair is a large stone approximately 30 feet high that forms a portal for the main entrance to the memorial. This stone is pierced and opened to provide a 12-foot wide entry threshold and now exhibits a simple one-level cascading waterfalls flanking the stones at the interior side of the memorial. The revision to re-introduce water to the portal area is indicated in the following graphic on page 4 and in the subsequent graphics that provide detail on the concept.

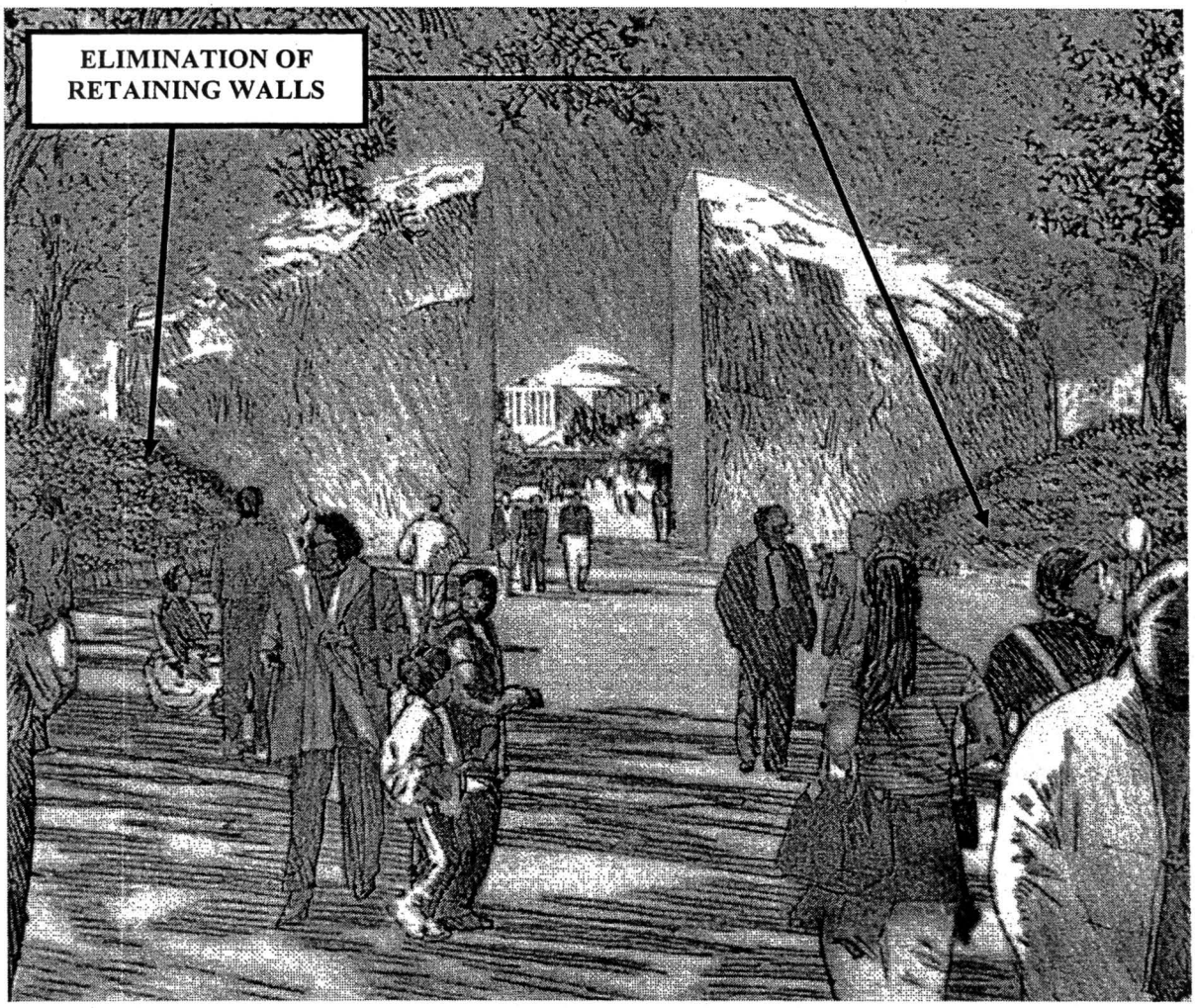
An additional change occurs at the front of the portal entry facing the intersection of Independence Avenue and West Basin Drive. The revision now provides a more naturalistic and landscaped edge to the Mountain of Despair, by eliminating the retaining walls that were originally featured at the front of the portal area along the entry plaza. This revision is demonstrated in the perspective highlighting that area on page 5.



MARTIN LUTHER KING, JR. MEMORIAL REVISED CONCEPT SITE PLAN

The final alteration in the concept is the relocation of the *Stone of Hope* that features the relief sculpture of Dr. King. This element is now moved approximately twenty feet closer to the

memorial entry point to strengthen the relationship of the stone to the *Mountain of Despair*. This refinement is demonstrated on the revised site plan.



REVISED ENTRY PLAZA EDGE AT THE EXTERIOR OF THE MOUNTIAN OF DESPAIR

PREVIOUS COMMISSION ACTION

At its December 1, 2005 meeting, the Commission commented favorably on the overall design concept for the Martin Luther King, Jr. Memorial except for:

- The horizontal bridge of the Memorial Walk, adjacent to the "Mountain of Despair," which destroys the intended strong visual relationship between the signature "Mountain of Despair" and "Stone of Hope."

- The narrow entrance portal through the "Mountain of Despair" because it creates the potential to impede visitor movements through the memorial's main entrance.

- The Ranger and Visitor Information Kiosk.

The Commission also recommended that the National Park Service and the Foundation, as they develop preliminary design plans for the memorial:

- Redesign the entrance portal between the Mountain of Despair to remove the bridge of the Memorial Walk that interrupts views to the Stone of Hope and beyond, and to provide more space for visitor movement in this entry area.

- Provide more detailed photo simulations that clearly indicate the visual impact that the berm of the proposed memorial would have on views to the Tidal Basin and beyond.

- Coordinate with the Park Service on the size, location, and programmatic requirements for the Ranger and Visitor Information Kiosk.

At the Commission's April 2006 meeting the Commission:

- Commended the Foundation for arriving at a simpler and refined focus to the Martin Luther King, Jr., Memorial. The revisions appropriately respond to the Commission's earlier review comments.

- Commented favorably on the revised design concept for the Martin Luther King, Jr. Memorial, as shown on NCPC Map File No. 1.51(73.10)-41988, and reminded the Foundation to coordinate with the Park Service on the size, location, and programmatic requirements for the Ranger and Visitor Information Kiosk.

- Recommended that the opening of the Mountain of Despair be returned to its original design concept of 12 feet, to reinforce the fundamental concept of the Stone of Hope appearing to have been pulled forward from the Mountain of Despair.

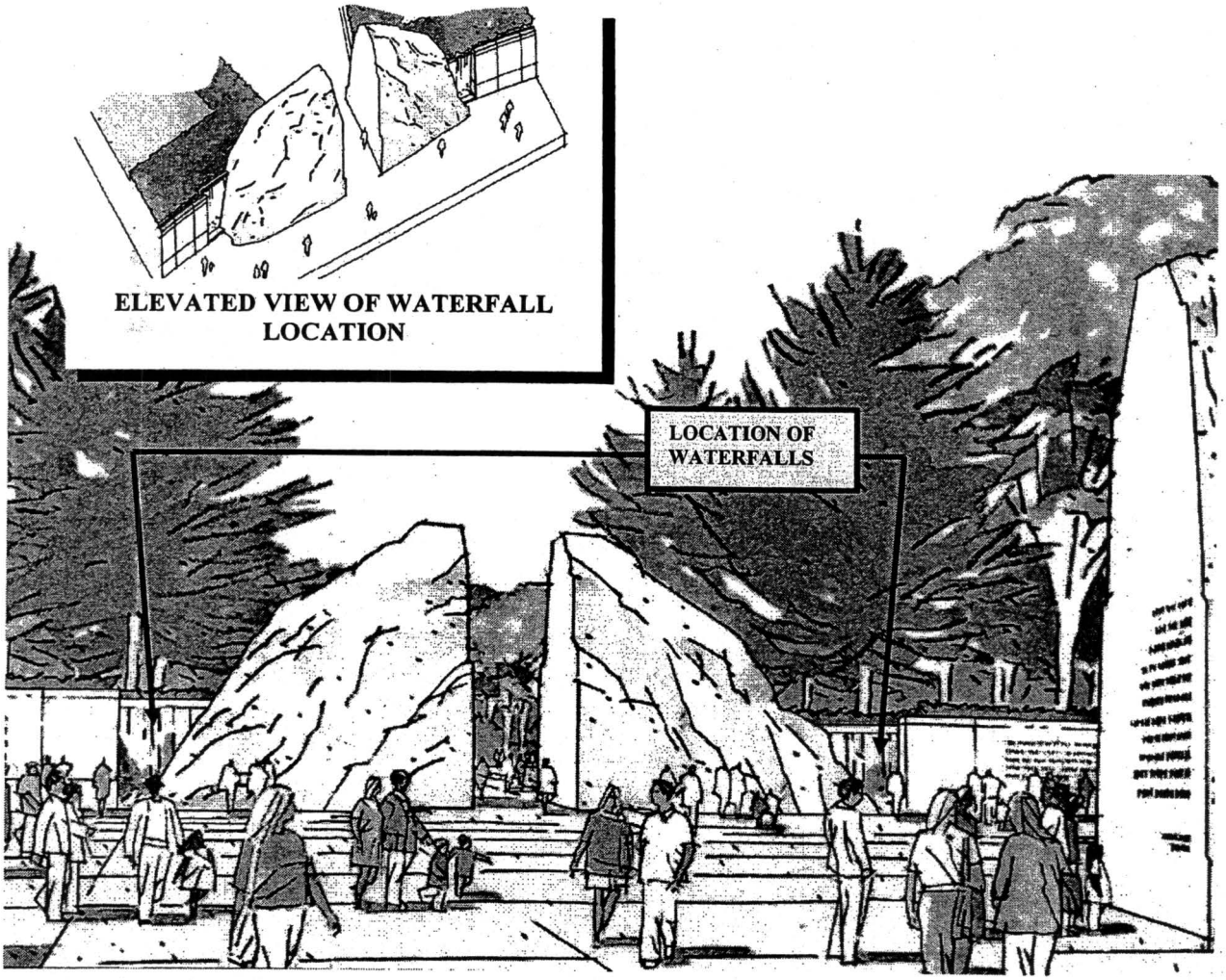
PROJECT ANALYSIS

Staff is very receptive to the idea of the re-introduction of water as a transitional element between the portal of natural stone and the finished inscribed wall with Dr. King's orations. The proposed form of the waterfall and its simple single-height cascade reinforces the simplicity of the other memorial forms, and also relates to the rising wall. Most importantly, the spatial presence, and impact of the strong vertical form of the main interior wall is now transitioned by a fluid and lighter element, which provides the contrast but harmonizing relationship of water and stone within the context of the interior finished wall. The design, with its simpler and restrained water form does not compete nor diminish the *Mountain of Despair*. And while staff enthusiastically supports the concept design refinements, staff is concerned about the interface of the fountain with the larger stones at the portal. Whether this touch-point is achieved by an

altered physical connection or requires a complete break-away from the larger stones of the portal appears to be the dilemma that the applicant has not yet resolved. Staff clearly recognizes the design refinement of the fountain can be pursued and submitted at the preliminary project design submission stage.

As an additional note, staff acknowledges the revised concept plan relocates the Ranger and Visitor Information Kiosk, shown on the revised concept site plan, but finds the submission does not described its exterior features or other design aspects for the two structures now indicated. Staff believes the preliminary design stage submission, as recommended in Commission's April 2006 review, should address those aspects of that project.

Consequently, **staff recommends the Commission comment favorably on the revised concept of the Martin Luther King, Jr. Memorial.**



INTERIOR PERSPECTIVE SKETCH VIEW OF THE RE-INTRODUCED WATERFALLS FLANKING THE MOUNTAIN OF DESPAIR

CONFORMANCE

Comprehensive Plan

The proposal is consistent with the Comprehensive Plan for the National Capital. Specifically, policies contained in the Parks and Open Space Element state that the federal government should:

- Enhance the great cross-axes of the Mall, and protect them from inappropriate development (Policy No. 4, page 109).
- Use monumental parks and landscapes to provide settings for public buildings, monuments, and memorials, and to create special environments for limited activities (Policy No.5, page 109).
- Site memorials in monumental and designed landscape parks in compliance with the Memorials and Museums Master Plan (Policy No.6, page 109).
- Maintain East and West Potomac Park as an extension of the Mall, as a valuable recreational open space, and as a space that can be used for outdoor cultural events, gatherings, and celebrations (Policy No. 8, page 109).

National Environmental Policy Act

Staff finds that the revised concept design does not constitute an 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. Consequently, the Commission's Finding of No Significant Impact remains valid for environmental review purposes in compliance with the Commission's procedures.

The revised concept design maintains mitigation actions defined by both the NEPA analysis and the Commission staff comments on the EA. Primarily this involved the height of the berm and viewshed effects from that feature to and from the memorial, and remains unchanged from the April 2006 approved design.

The reintroduction of water in the memorial will require excavation and foundation development that was fully analyzed by the July 2005 NEPA review. No significant adverse impacts result from the use of water at the memorial nor does the reintroduction of water features introduce qualities or effects outside the EA findings completed by the Commission in 2005.

National Historic Preservation Act

The Park Service is serving as lead agency for the National Historic Preservation Act (NHPA) compliance. In March 1999, at the time the Tidal Basin site was being considered, NPS wrote to the D.C. State Historic Preservation Officer (DC SHPO) determining that a memorial at that location would potentially have an adverse effect on the landscape and National Register qualities of West Potomac Park.

On September 13, 2005 NPS wrote to the D.C SHPO determining that the proposed concept design would potentially have an adverse effect on the National Register qualities of West Potomac Park: "The construction of an earthen berm, above the historically flat topography of the park, will introduce another raised element into the historic landscape." NPS noted that similar modifications to the 20th–century engineered fill have occurred at other memorials. "As the design development and consultation continue, other potential adverse effects may be identified."

The letter continues:

> Mitigation of the impacts associated with other raised elements in this flat landscape has been accomplished during the design approval process by considering height and visual openings in the design. The Foundation, National Park Service, NCPC and CFA have agreed to limit the access of the memorial design from the area of the historic cherry trees, allowing an entrance, not unlike that of the FDR Memorial, but considerably less than was introduced by the construction of the Thomas Jefferson memorial. This initial mitigation requirement is reflected in the submitted design and will be adhered to by the National Park Service in the ensuing design approval process.

NPS held a consultation meeting on September 19, 2005 that included representatives from the Foundation, the DC SHPO, the Advisory Council on Historic Preservation, NCPC, The National Coalition to Save Our Mall, and the Committee of 100.

The Park Service continues development of a draft of a Memorandum of Agreement that will be sent to the agency signatories for their comments. The draft MOA proposes terms by which NPS will conduct future design review and Section 106 consultation for the project with agencies and the interested public. The MOA also determines the Area of Potential Effect, the determination of effect, and the affected historic resources. NPS, in consultation with the DC SHPO and other parties, has determined that West Potomac Park is the affected area. The historic resources are the contributing structures and features of West Potomac Park.

NPS's determination of effect is described in its draft MOA: "The NPS has determined that the Undertaking, which includes site regrading and construction of an earthen berm; the relocation or removal of 9 cherry trees; demolition, realignment and reconstruction of a portion of West Basin Drive and its signalized intersection with Independence Avenue may have an adverse effect on West Potomac Park, properties included in the National Register of Historic Places."

Staff notes that the previous revised concept submission responded to the recommendation that visual analysis be undertaken to clearly indicate the visual impact that the berm of the proposed memorial would have on views to the Tidal Basin and beyond. Those aspects of the earlier April design remain unchanged.

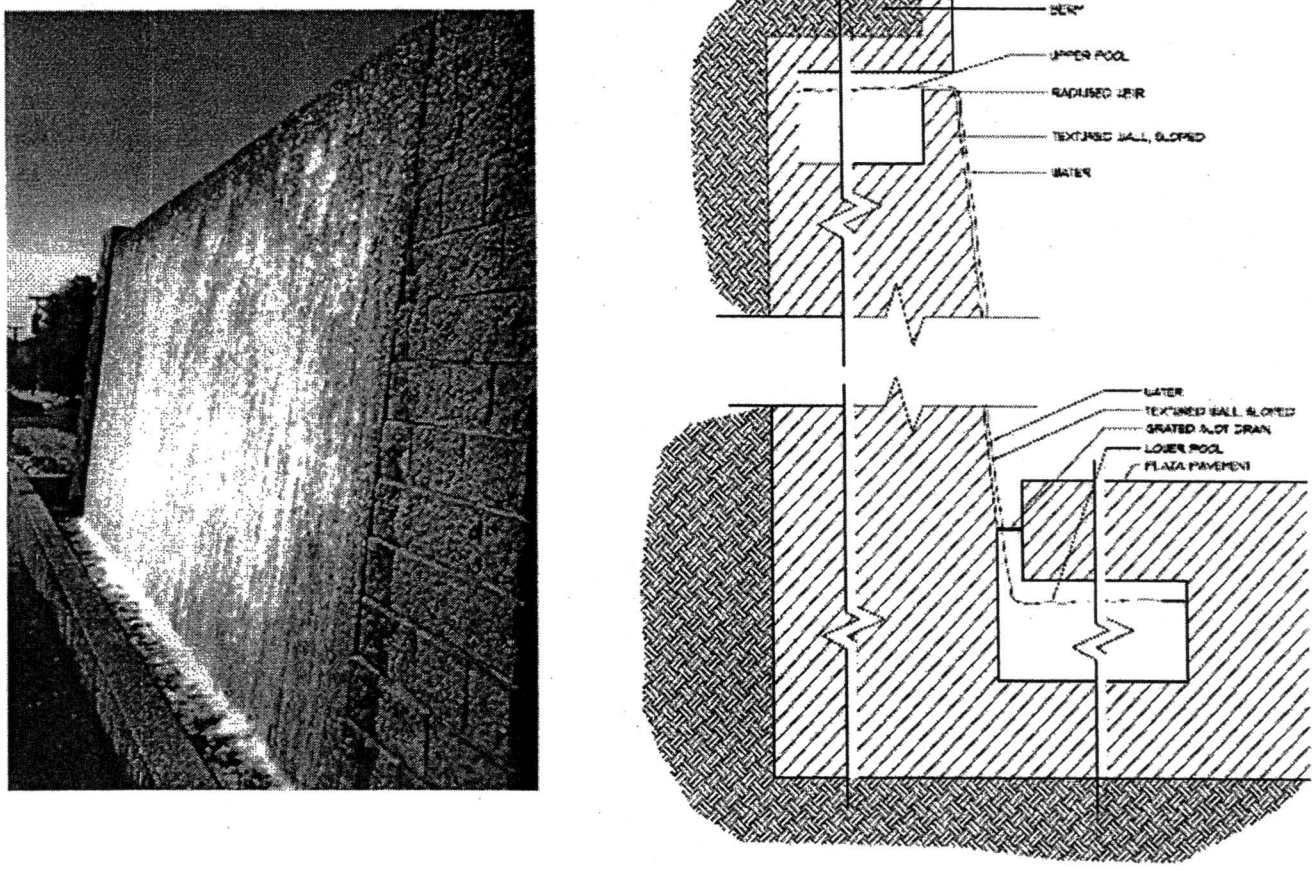
COORDINATION

Coordinating Committee

The Coordinating Committee reviewed the whole of the memorial on November 9, 2005, when a water feature of greater dimension existed within the memorial. The Committee forwarded the proposal to the Commission with the statement that the project has been coordinated with all agencies represented, the participating agencies were: NCPC; the District of Columbia Office of Planning; the District Department of Transportation; the Department of Housing and Community Development; the Fire Department; the General Services Administration; the National Park Service and the Washington Metropolitan Area Transit Authority.

Commission on Fine Arts

At its October19, 2006 meeting the Commission of Fine Arts reviewed the revised concept design for the memorial featuring the waterfalls. The Commission did not approve the proposed revision to add the two water features flanking the *Mountain of Despair*. The Commission requested that the design team continue its study of the crucial connection of the water, the Mountain, and the inscribed interior wall, recommending that several alternates be developed for their consideration. It was recommended one of the alternatives should investigate completely separating the wall from the *Mountain of Despair*.



EXAMPLE WATERFALL CONCEPT DETAILS
INDICATING FORM AND NATURE OF WATER FLOW

GIBSON, DUNN & CRUTCHER LLP
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A REGISTERED LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS
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August 11, 2009

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(202) 530-4212

Client No.
C 66571-00005

Dan Wenk, Acting Director
National Park Service
1849 C Street, N.W.
Washington, D.C. 20240

Re: *NPS's Lack of Response to June 24, 2009 Letter re: Martin Luther King Memorial: Proposed Visitor Facility and Bookstore*

Dear Mr. Wenk:

We are writing this letter to express our displeasure with the National Park Service's failure to respond to, or even acknowledge receipt of, our June 24, 2009 letter requesting a meeting to discuss outstanding issues with the Martin Luther King ("MLK") Memorial's proposed visitor facility and bookstore. The June 24 letter was sent to follow up on a December 2008 letter sent by the National Coalition to Save Our Mall, which raised concerns about the MLK Memorial visitor facility and bookstore. The National Park Service has also failed to respond to, or even acknowledge, the December 2008 letter. We are concerned and distressed that the National Park Service has, in almost seven months, made no efforts to address the legitimate concerns raised by the Coalition's letters. The questions raised by the Coalition are legitimate and should be dealt with in the ordinary course of business.

We still hope to be able to resolve the issues raised in both the Coalition's December 2008 letter and reiterated in our June 24, 2009 letter in an informal, personal meeting, and without resort to the courts. If, however, the National Park Service continues to ignore our requests for such a meeting and refuses to discuss the legitimate issues we have raised, we will be forced to explore other options for addressing these issues.

We strongly encourage the National Park Service to respond to this letter within the next seven days and begin the necessary dialogue to avoid involving the courts in this issue. As the design of the MLK Memorial's visitor facility and bookstore will be discussed at the August 25

Section 106 meeting, we urge the National Park Service to provide a prompt response so that we might discuss our concerns and input prior to that meeting.

Sincerely,

Joseph West

JW/tm

cc: Peter May, Associate Regional Director for Lands, Resources and Planning, National Park Service
Edward A. Boling, General Counsel, Counsel on Environmental Quality
Lois Schiffer, General Counsel, National Capital Planning Commission

Young, Deborah B.

From: NCPC General Information
Sent: Tuesday, July 08, 2008 6:50 PM
To: Young, Deborah B.
Cc: MacSpadden, Lisa N.; Hernandez, Athena W.
Subject: FW: Martin Luther King Memorial and Need for a New Independent National Mall Plan

FYI

From: Mark Beisse [mailto:mabeisse@gmail.com]
Sent: Tuesday, July 08, 2008 1:45 PM
To: NCPC General Information
Subject: Martin Luther King Memorial and Need for a New Independent National Mall Plan

Dear John V. Cogbill, III:

I have reviewed the National Capital Planning Commission information on the meeting Thursday about the proposed Martin Luther King Memorial and believe that there is immediate need for an independent National Mall review leading to the preparation of a new comprehensive plan refinement.

The proposed memorial has many elements that I support. I know the Tidal Basin area very well having visited the Thomas Jefferson Memorial and the Franklin Delano Roosevelt Memorial Park frequently while living for 18 years in the District of Columbia. I am an active supporter of similar efforts including the United States Institute of Peace headquarters building and the National Museum of the American Indian.

Please include in action the NCPC takes this week the recommendation to the National Park Service that it seek urgent authority from Congress to appoint a special panel to engage in an overall National Mall plan updating and ensure we exercise proper stewardship of individual memorials.

Sincerely,
Mark A. Beisse
2205 NE 92nd Street
Seattle, Washington 98115

9/24/08

We are extremely disappointed that you have approved a sculpture dedicated to Dr. Martin Luther King, Jr. in the shape of a Crescent - which is completely out of sync with the other building in our Capitol city - and is, as one of your noted, reminiscent of a "totalitarian State." This is a tragic move on your part and Dr. King himself would not be pleased. He would much prefer a scripture verse engraved as it has been on his memorial waterfall fountain in Alabama - Amos 5:24 "But let judgment run down as waters, and righteousness as a mighty stream"

5901

CENTRAL FILE COPY

File No: 5907

ANDREA C. FERSTER
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WASHINGTON, D.C. 20037

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December 31, 2008

Ms. Mary Bomar, Director
National Park Service
1849 C Street, N.W.
Washington, D.C. 20240

Dear Ms. Bomar:

This letter is written on behalf of the National Coalition to Save Our Mall, a nonprofit, charitable organization founded in 2000 that works to protect and enhance the integrity of the National Mall, concerning the proposal by the National Park Service ("NPS") to include a visitors facility/restrooms/bookstore structure as a component of the Martin Luther King, Jr. ("MLK") Memorial Project in Washington, D.C. While the National Coalition to Save Our Mall strongly supports creation of the MLK Memorial itself, the organization believes that the belated inclusion of a visitor facility in the MLK Memorial violates the Commemorative Works Act, 40 U.S.C. § 8908(c), and the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4332(2)(C).

Background

In July 1998, Congress passed and President Clinton signed into law authorization to establish a memorial to honor Martin Luther King, Jr. in Area I of the Mall, pursuant to the Commemorative Works Act. Pursuant to that authority, the National Capital Planning Commission ("NCPC"), the Commission on Fine Arts ("CFA"), and the National Capital Memorial Commission ("NCMC") proceeded with the evaluation and selection of a site.

On October 21, 1999, a joint CFA/NCPC-NPS task force agreement established 11 design parameters, which were approved by the NCPC and CFA in December 1999, including the following:

4. "All of the cherry trees along the Tidal Basin must be preserved" although "[i]t is understand that one to three trees may be removed or repositioned if absolutely necessary for purposes of access between the tidal Basin walkway and the Memorial at the location of the existing access way"

8. "No element of the Memorial shall exceed 20 feet in height"

9. "There shall be no bookstore, museum, or other rooms located at the Memorial, above or below grade."

10. "There shall be no restroom facilities at the Memorial."

2005 Environmental Assessment ("EA"), at 1-11. In December 1999, the NCPC, CFA, and NCMC also approved a four-acre site for the memorial in west Potomac Park, west of the Tidal Basin, subject to these approved design parameters. EA, at 2-4.

The design of ROMA Design Group was selected in September 2000 following a design competition. The memorial itself will be on a 3-acre triangular area bounded by Independence Avenue, a relocated West Basin Drive, and the western edge of the Tidal Basin walkway. *Id.* at 2-6. Its main features include a central plaza partially enclosed by earthen berms, a symbolic entranceway ("the Mountain of Despair," and a large sculptural element – "the Stone of Hope" -- a 30+-foot boulder sculpted with Dr. King's image and writings. *Id.* Two acres of site would be landscaped green softscape. An additional 1 acre is dedicated to the realignment of West Basin Drive and associated sidewalks. *Id.* The winning design did not include a visitor facility and satisfied each of the 11 design parameters.

The NPS prepared an EA in July 2005, based on the Roma Design. In the section titled "visitor use and experience," the EA contained a brief discussion about the need for "a variety of on-site services, including restroom and interpretative facilities," particularly for families and the elderly. The EA acknowledged that "Such facilities would be inconsistent with the parameters established for the site under a previous NPS policy that emphasized centralized restrooms in the Mall area." EA, at 4-6. Nonetheless, in the sub-section entitled "mitigation," the EA stated that "an attractively designed structure located in the southwest corner of the site would enhance visitor comfort and would also be used to house ranger or interpretative functions. Such a facility should be unobtrusive in scale, with a height similar to the memorial berm and a footprint of 1,750 square feet (approximately 1 percent of the site area)." EA, at 4-5. The EA also stated that the Memorial would have no effect on cherry trees. EA, at 4-7.

In December 2005, the design of the Memorial was revised to include a visitor facility containing a bookstore, interpretive center, and restrooms. NPS's FONSI, at 4-5. Subsequently, the NPS consulted with the D.C. State Historic Preservation Officer ("SHPO") pursuant Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f. The Section 106 consultations resulted in design changes to the visitor facility to reduce its impacts on the Mall's historic features. The facility, as finally approved, will be 14 feet high and approximately 3,000 square feet,[1] which is 1.9 percent of the Memorial area and 1.6 percent of the completed project work site. *See* NCPC Finding of No Significant Impact ("FONSI"), at 3.

[1] According to the NCPC, the visitor support building will be 2,932.5 square feet. NCPC FONSI, at 3. According to the NPS, the visitor facility will be 3,100 square feet. Letter from Peter May, NPS, to Judy Scott Feldman, at 3 (Aug. 21, 2008).

Despite these changes, the NPS never supplemented its EA and FONSI to evaluate these impacts or determine whether the cumulative impact of these changes results in a significant impact on the environment. Instead, the NPS and the NCPC reviewed the final plans for the project, and prepared Findings of No Significant Impact ("FONSIs") in August 2008. The NPS's FONSI did not evaluate the impacts of the visitor's facility, or even disclose its size, but continued to treat it as "mitigation." NPS' FONSI, at 4. The NCPC's FONSI address the visitor facility and the relocated West Basin Drive (but not the security bollards), asserted its evaluation included the visitor facility and the relocated West Basin Drive (but not the security bollards), and concluded that these additions to the Memorial "do not constitute any appreciable change to the environmental effects and related mitigation outlined in the project's July 2005 Environmental Assessment (EA)." NCPC FONSI, at 3. With respect to the visitor's facility, the NCPC's FONSI assumed that the impact of the visitor's facility had been evaluated in the EA, albeit at different location and smaller size, and concluded that the final design reduces the potential environmental impact further and that there are "no appreciable changes to the environmental outcome relative to the visitor support facility and location." *Id.*

Discussion

A. Violation of NEPA

The first issue is whether the NPS violated NEPA by failing to fully assess the impacts of the proposed "visitor facility."

While the 2005 EA discusses the possibility of an "unobtrusive" visitor facility of no more than 1,750 square feet, the facility as finally designed is nearly double this size. Moreover, the 2005 EA made no attempt to evaluate the impact of the visitor facility on the natural, cultural, or aesthetic resources of West Potomac Park, or on water quality and viewsheds, but instead characterized the visitor facility as "mitigation." However, the NEPA regulations promulgated by the Council on Environmental Quality ("CEQ") define "mitigation" as a way to avoid, minimize, rectify, or compensate for the impact of a potentially harmful action. 40 C.F.R. §§ 1508.20(a)-(e). In order to be effective, a mitigation measure must be supported by analytical data demonstrating why it will "constitute an adequate buffer against the negative impacts that may result from the authorized activity." *See Nat'l Parks & Conservation Ass'n v Babbitt*, 241 F.3d 722, 734 (9th Cir. 2001).

In this case, while the lack of on-site restrooms, a bookstore and ranger station may detract from the "visitor's experience" in terms of comfort or convenience, the absence of these facilities does not rectify or minimize any potential *environmental* impact. As the CEQ regulations make clear, the project's "effects" (which are synonymous with "impacts") are limited to "ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social or health, whether direct, indirect, or cumulative." 40 C.F.R. § 1508.8(b). While the NEPA document should consider *environmental* impacts on the visitor experience (such as impacts to views,

aesthetics, noise, air quality, and cultural resources),[2] potential visitor discomfort and inconvenience due the lack of an on-site book store alone cannot constitute an effect on the environment that should be mitigated. Therefore the visitor's facility does not mitigate any effects on the human environment.

Moreover, neither the NPS's FONSI nor the NCPC's FONSI cure the flaws in the 2005 EA. The NPS's FONSI, like the EA, continues to treat the visitor facility as "mitigation" and does not even disclose the increased size. The FONSI prepared by the NCPC does address the visitor facility and the relocated West Basin Drive (but not the impacts of the addition of security bollards), and concludes that "the action poses a minor range of activity and does not present any major or significant adverse effects." NCPC FONSI, at 6. However, the NCPC's FONSI does not evaluate the impacts of visitor facility itself based on the assumption that the impacts of a smaller facility were evaluated in the 2005 EA, and only evaluated whether the subsequent design changes to the Memorial would "constitute any appreciable change to the environmental effects and related mitigation outlined in the project's July 2005 Environmental Assessment (EA)." FONSI, at 3. Agencies "may not avoid preparing an EIS by making conclusory assertions that an activity will have only an insignificant impact on the environment." *Ocean Advocates v. U.S. Army Corps of Eng'rs*, 402 F.3d 846, 864 (9th Cir. 2005). "If an agency opts not to prepare an EIS, it must put forth a 'convincing statement of reasons' to explain why a project's impacts are insignificant" in an EA. 40 C.F.R. § 1501.4(a), (b), (e). Accordingly, the FONSI does not correct the initial defect in the EA.

The NPS' NEPA compliance is also flawed because the inclusion of the visitor facility violated the design parameters established for the Memorial. While these design parameters are not independently actionable,[3] the NPS' environmental policies provide that "conflict with an up-to-date and valid park plan, statement of purpose and significance, or other policy" is a reason for eliminating an alternative. NPS, Director's Order 12 and Environmental Handbook, Section 4.5.E.6.(d).[4] In this case, the visitor facility violates two of the 11 design parameters: specifying that "[t]here shall be no bookstore, museum, or other rooms located at the Memorial, above or

---

[2] *See Grand Canyon Air Tour Coalition v. F.A.A.*, 154 F.3d 455, 466 (D.C. Cir. 1998) (evaluating impact of noise on visitor experience of Grand Canyon); *Greater Yellowstone Coalition v. Kempthorne*, 577 F.Supp.2d 183, 205 (D.D.C. 2008) (evaluating impact on air quality on visitor's experience); *Sierra Club v. Mainella*, 459 F.Supp.2d 76 (D.D.C. 2006) (rejecting NPS rationale that it did not need to evaluate impact of surface drilling in areas remote from a visitor center on "visitor experience").

[3] Agency guidelines that were not developed pursuant to delegated legislative authority and were not promulgated under the APA's rulemaking requirements do not have the force of law. *Coliseum Square Ass'n, Inc. v. Jackson*, 465 F.3d 215, 229-30 (5th Cir. 2006).

[4] Likewise, the CEQ regulations provide that an EIS must "discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law." 40 C.F.R. §1506.2(d).

below grade," and that "[t]here shall be no restroom facilities at the Memorial."[5]

Neither the NPS's EA nor the FONSI acknowledge this conflict. To the contrary, the EA asserts that the Memorial will "conform with established design parameters for height, bulk, number of stories, and open space of the proposed Memorial." EA, at 4-2. The NCPC's EA acknowledged an inconsistency with a separate policy emphasizing centralized restrooms in the mall area, but stated that evidently the NPS "was reconsidering that policy in regard to this Memorial." NCPC FONSI, at 3. However, neither FONSI indicate that the design parameters for the MLK Memorial have been "reconsidered," or deal with the final design's inconsistency with these parameters.

According to the NEPA regulations of the Council on Environmental Quality, the "significance" of a proposed action must be analyzed in the appropriate context and intensity, taking into account "[u]nique characteristics of the geographic area such as proximity to historic or cultural resources, park lands . . ." 40 C.F.R. § 1508.27. As the NPS's environmental policies make clear, an assessment of whether a proposed action may significantly affect the environment should take into account "[t]he degree to which the action may adversely affect historic properties in or eligible for listing in the National Register of Historic Places, or other significant scientific, archeological, or cultural resources." NPS, Director's Order 12, Handbook on Environmental, Section 4.2.B.8, at 45.

Here, the NPS did not evaluate the impact of the visitor facility either as an impact itself, or in the context of the relevant design parameters and unique characteristics of the National Mall. While the MLK Memorial was found during the Section 106 process to have an adverse effect on West Potomac Park, albeit one that "is limited and being mitigated," according to the NPS, the DC SHPO apparently "agreed that the visitor services facility creates no significant impacts beyond the Memorial itself." Letter from Peter May, NPS, to Judy Scott Feldman, at 3 (Aug. 21, 2008); NCPC FONSI, at 4. Accordingly, the NPS's conclusion in the FONSI that the MLK Memorial and visitor facility will not have a significant impact on the environment was not based on consideration of the relevant factors and does not make a convincing case that the impacts of the visitor facility are insignificant.

B. Violation of the Commemorative Works Act.

The next issue is whether the visitor's facility violates the Commemorative Works Act Clarification and Revision Act of 2003, which establishes as the "Reserve" the area extending from the U.S. Capitol, the Lincoln Memorial, the White House, and the Jefferson Memorial, and

[5] Moreover, the NPS's management policies provide that, "[w]hen necessary to provide visitor information and interpretive services, visitor centers may be constructed at locations identified in approved plans." NPS, "Management Policies," Section 9.3.1.3 (Aug. 31, 2006). Assuming that the visitor facility constitutes a "visitor center" (*see* discussion below), the inclusion of this facility as part of the Memorial also violates the established design parameters also violates the NPS' management policies.

provides that after the date of that act, "no commemorative work or visitor's center shall be located within the Reserve." 40 U.S.C. § 8908(c). The 1998 legislation authorizing the establishment of the MLK Memorial does not specifically authorize a visitor center. The visitor facility was included in the design in 2005, after the passage of the moratorium in visitor's center enacted by the Commemorative Works Act Clarification and Revision Act of 2003. There is nothing in that statute that "grandfathers" previously-approved memorials from the prohibition. Therefore, arguably, the MLK Memorial cannot include a visitor center unless one is specifically authorized by Congress.

The NPS implicitly recognizes that the MLK cannot lawfully include a "visitor center" by arguing that the visitor facility "does not rise to the broader level of services that are typically found in a 'Visitor Center.'" NPS FONSI, at 4. As the record makes clear, the MLK memorial includes a "visitor support building," which will be 3,100 square feet, and will have a "rest rooms, mechanical space to support the memorial, a ranger contact station, and a book store to serve the interpretative needs of the public." Letter from Peter May, NPS, to Judy Scott Feldman, at 2 (Aug. 21, 2008). According to the NPS, in order to be a visitor's center, it must also "include a lobby, exhibit area, theater, interpretative offices and approach a minimize size of 5000SF to 7000SF." NPS FONSI, at 4. The NPS therefore assumes that the inclusion of the visitor facility does not violate the prohibition on "visitor centers" enacted by the Commemorative Works Act Clarification and Revision Act of 2003.

However, the NPS' argument that the visitor facility contemplated for the MLK memorial is not a "visitor center" is not supported by the NPS' own management policies. According to this policy, there is no facility that can be generically defined as a "visitor's facility." Rather, there are four specific types of "visitor facilities": (1) "information and interpretative facilities," (2) "overnight accommodations and food services, (3) "comfort stations" (toileting facilities), and (4) "other visitor's facilities, (picnic and other day use area, facilities for water recreation, and skiing facilities). NPS, "Management Policies 2006, Guide to Managing the National Park System," Section 9.3 (Aug. 31, 2006) (www.nps.gov/policy/mp/policies.html[6] The facility at the MLK Memorial bests fits the category of "information and interpretative facilities." *Id.* Section 9.3.1.

The NPS' management policies further identify seven specific types of "information and interpretative facilities": (1) signs, (2) "entrance stations" (used for fee collection), (3) "visitors centers," (4) "amphitheaters" (including campfire circles); (5) "wayside exhibits" (exhibits placed along roads and trails), (6) "viewing devices " (such as binoculars and telescopes), and (7) "facilities for arts and culture" (such as concerts, films, lectures, plays, craft shows, and art exhibits). *Id.* The proposed visitor facility is clearly neither an "amphitheater," a "viewing device," or a "facility for arts and culture," and it includes too many interpretative functions and information services (e.g. the book store and ranger contact station) to be a "wayside exhibit" or

[6] The "visitor's facility planning model" is apparently a computer-based planning tool that assists in the NPS is identifying the appropriate size and interior space needs in planning visitor facility.

a "comfort station."

By contrast, the proposed visitor facility *does* meet the definition of "visitor center" in the NPS's Management Policies. These policies define "visitor center" as a type of "information and interpretative facility" whose functions "*may* include," "*[a]s appropriate*":

> information services, sales of educational materials and theme-related items, audiovisual programs, museums, museum collections storage, exhibits, and other staffed or self-help programs and spaces necessary for a high-quality visitor experience. Additionally, the need for restrooms, drinking fountains, and other basic visitor requirements will be considered during the planning and design stage. The size and scope of all visitor centers will be evaluated using the Visitor Center Planning Model or similar tool before submitting any visitor center project to the Director for approval.

Id. Section 9.3.1.3 (emphasis added).

The NPS nonetheless argues that a facility that contains a book store and interpretative space at a ranger contact station, and mechanical space to support the memorial does not satisfy the definition of "visitor center" because it does not have a lobby, exhibit area, or theater, and is less than 5000 square feet. Letter from Peter May, NPS, to Judy Scott Feldman, at 2 (Aug. 21, 2008); NCPC FONSI, at 3. However, as the NPS' own Management Policies makes clear, classification as a visitor center turns on whether the facility "includes" interpretative functions and information services, such as "sales of educational materials." Nothing in this definition suggests that a visitor center must include a lobby, exhibit area, or theater, or require a set amount of space devoted to these functions. Accordingly, the "visitor facility" constitutes a "visitor center" for purposes of the NPS' management policies. Since there is no other definition of "visitor center" under the Commemorative Works Act, the NPS definition should control.

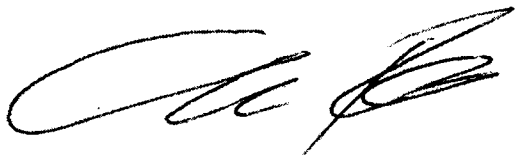
Indeed, not only does the provision of the visitor center violate the Commemorative Works Act, the provision of this facility also violates the NPS's Management Policies. These management policies provide that visitor centers "will be constructed only when it has been determined that indoor media are the most effective means of communicating major elements of the park story and that a central public contact point is needed." NPS, "Management Policies," Section 9.3 1.3. Further, "To minimize visual intrusions and impacts on major park features, visitor centers will generally not be located near such features." *Id.*

Here, the visitor support building is located within the three-acre MLK Memorial project area. Indeed, in April 2008, the facility was in fact re-located so as to be even closer to the MLK Memorial. While the EA suggests that on-site rest rooms are necessary for families and elderly persons who would be unable to walk 750 feet to the facilities at the FDR Memorial, this need could have been met simply by providing on-site rest room facilities. There is no showing in the

record that an *on-site* book store, ranger station, "mechanical space," or interpretative facilities are in any way "necessary." Accordingly, inclusion of the visitor facility in the final plans for the MLK Memorial violates the Commemorative Works Act, 40 U.S.C. § 8908(c).

Accordingly, the NPS violated the Commemorative Works Act, NEPA and its own regulations by approving the visitor facility component of the MLK Memorial. We therefore request that the NPS immediately take action to cure the aforementioned violations of law by rescinding its August 22, 2008 Decision Notice and FONSI for the project.

Very truly yours,



Andrea C. Ferster,
Attorney for National Coalition to Save Our Mall

cc: Peter May, Associate Regional Director for Lands, Resources and Planning, National Park Service
Edward T. Boling, General Counsel, Counsel on Environmental Quality
Lois Schiffer, General Counsel, National Capital Planning Commission

NCPC

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North Lobby, Suite 500
Washington, DC 20004
Tel 202 482-7200
Fax 202 482-7272
www.ncpc.gov

October 4, 2007

The Honorable Peter Welch
U.S. House of Representatives
1401 Longworth House Office Building
Washington, D.C. 20515-4501

Dear Representative Welch:

Thank you for your kind letter of September 26, 2007. We very much appreciate your recognition of the National Capital Planning Commission and its work in helping to make the Martin Luther King Jr. Memorial a reality. As you know, we have reviewed and approved plans for the Memorial, and we look forward to that memorial taking its rightful place on the Mall.

Your letter also reminded us that Vermont granite is a part of some of the most significant monuments and memorials around our country, including the Vietnam Veterans Memorial in Washington. There is no doubt about the quality and beauty of Vermont granite.

You may recall that, under the Commemorative Works Act, sponsoring organizations (the landowners of the land on which the memorial will be located) bring their site locations and design proposals to us and to other organizations, such as the Commission of Fine Arts, for review and approval. While there are a number of design criteria specified in the Commemorative Works Act, neither the National Capital Planning Commission nor the Commission of Fine Arts is in a position to select or designate the types of materials to be used. The choice of materials is left up to the designer, the memorial sponsor, and the government agency that owns the land and that will ultimately be the host for the memorial.

We very much appreciate your interest in the National Capital Planning Commission and this most important memorial. We would look forward to answering any questions that you might have and providing any additional information as may be necessary.

Sincerely,

John V. Cogbill, III
Chairman

NCPC

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North Lobby, Suite 500
Washington, DC 20004
Tel 202 482-7200
Fax 202 482-7272
www.ncpc.gov

October 4, 2007

The Honorable Bernard Sanders
United States Senate
SD-332 Dirksen Senate Office Building
Washington, D.C. 20510-4503

Dear Senator Sanders:

Thank you for your kind letter of September 26, 2007. We very much appreciate your recognition of the National Capital Planning Commission and its work in helping to make the Martin Luther King Jr. Memorial a reality. As you know, we have reviewed and approved plans for the Memorial, and we look forward to that memorial taking its rightful place on the Mall.

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Sincerely,

John V. Cogbill, III
Chairman

NCPC

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Washington, DC 20004
Tel 202 482-7200
Fax 202 482-7272
www.ncpc.gov

October 4, 2007

The Honorable Patrick J. Leahy
United State Senate
SR-433 Russell Senate Office Building
Washington, D.C. 20510-4502

Dear Senator Leahy:

Thank you for your kind letter of September 26, 2007. We very much appreciate your recognition of the National Capital Planning Commission and its work in helping to make the Martin Luther King Jr. Memorial a reality. As you know, we have reviewed and approved plans for the Memorial, and we look forward to that memorial taking its rightful place on the Mall.

Your letter also reminded us that Vermont granite is a part of some of the most significant monuments and memorials around our country, including the Vietnam Veterans Memorial in Washington. There is no doubt about the quality and beauty of Vermont granite.

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We very much appreciate your interest in the National Capital Planning Commission and this most important memorial. We would look forward to answering any questions that you might have and providing any additional information as may be necessary.

Sincerely,

John V. Cogbill, III
Chairman

Congress of the United States

Washington, DC 20515

~~570~~ 5907

September 26, 2007

Mr. Roderick D. Gillum
Chairman
Washington, D.C. Martin Luther King Jr. Memorial Foundation
401 F Street NW, Suite 334
Washington, D.C. 20001

Mr. John V. Cogbill III
Chairman
National Capital Planning Commission
401 9th Street, NW
North Lobby, Suite 500
Washington, DC 20004

Dear Messrs. Gillum and Cogbill:

Thank you for all of the work that you have put into the development and design of the Martin Luther King Jr. Memorial. This memorial undoubtedly will become a hallmark of our nation's capital, as well as an extraordinary tribute to one of America's greatest heroes. We would like to share with you, though, our strong belief that this great American monument should be built with American products.

Barre, Vermont, often referred to as the "Granite Capital of the World," produces the world's finest granite. Barre granite has been used in some of the most significant monuments and memorials around the country, including the Vietnam Veterans Memorial in Washington. Furthermore, Barre manufacturers provide their employees with excellent wages and ensure the highest safety standards at their facilities.

Therefore, we strongly urge the memorial's designers and artists to use American granite in the construction of this important project. In addition, we invite you to visit Vermont and tour our world famous granite quarries in Barre at your earliest possible convenience.

Thank you for your time and attention to this matter. Please contact us if you have any questions about our requests. We look forward to hearing from you and welcoming you to Vermont soon.

Sincerely,

PETER WELCH
United States Representative

PATRICK LEAHY
United States Senator

BERNARD SANDERS
United States Senator

5907

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

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March 12, 2007

Mr. Joe Hurwitz
19159 Stedwick Drive
Gaithersburg, MD 20886

Dear Mr. Hurwitz:

I am responding to your letter of March 8, 2007 expressing your disappointment in the selection process and choice of sculptor by the Martin Luther King, Jr. Foundation.

Please know that this is a very important memorial. However, NCPC does not participate in the selection of sculptors, architects or designers for projects that are submitted for its approval. We are forwarding a copy of your letter and photos to the Foundation.

Sincerely,

John V. Cogbill, III
Chairman

cc: Harry Johnson, President
Martin Luther King, Jr.
National Memorial Project Foundation

March 8, 2007

Honorable John V. Cogbill III, Chairman
National Capitol Planning Commission
401-9th Street NW Suite 500 N
Washington DC 20004

The Honorable John V. Cogbill III,

I am writing to you today to express my disappointment in the selection process and the choice of sculptor chosen by the MLK, Jr. Foundation's architects. I believe everyone involved in the completion of the Mall memorial sincerely wants the best possible result. So do I. When it comes down to it, I don't care if the best sculpture ever made of Dr. King is made by a Chinese communist sculptor, or even a Martian. However, the all-too-predictable result of selecting a School of Socialist Realism sculptor, is a socialist realist image, a Chairman King on the Mall – or, more likely, "Mao on the Mall," or "Made in China on the Mall." There is a very real chance that this sculpture of Reverend King, as approved by the U.S. Commission of Fine Arts, will be an object of national ridicule and opprobrium.

I am an American sculptor who feels that somewhere in this country of ours, if an open competition had been announced, that an American – possibly a black American sculptor – might have produced the winning result. No such opportunity was permitted by the Memorial Foundation. (I've included photos of my sculptural effort, copies of a letter sent to the U.S. Commission of Fine Arts, and a copy of the newspaper article in question for easier reference.)

If you have any questions or comments, please call me at 301.948.0580 or 240.605.4141 or write the address below.

Sincerely,

Joe Hurwitz
19159 Stedwick Dr.
Gaithersburg MD 20886

March 4, 2007

Hon. Carle A Powell III, Chairman
U.S. Commission of Fine Arts
National Building Museum
401 F St NW Ste 312
Washington DC 20001-2728
202.504.2200

The Honorable Mr. Powell,

I read with disappointment a picture article in the Washington Times of 2/16/07 by Associated Press reporter Brett Zongker, entitled "Chinese sculptor picked to create King memorial," that informs us that master sculptor, Lei Yixin, schooled in the tradition of Socialist Realism, one of nine sculptors called "national treasures" by the communist government of China (and famed for his portrayal of Chairman Mao) was chosen by architects with the memorial foundation at a stone-carving symposium in July 2006.

Lei Yixin, in the photo accompanying the article, is shown beside his maquette of Dr. King, which is, in fact, masterfully executed, and is a good likeness of Dr. King. The article goes on to state that on 2/15/07 the U.S. Commission of Fine Arts approved this sculpture, an important step in the many sign-offs required for a new Mall monument.

Official approval notwithstanding, I object to this selection for these reasons:

The portrayal shows Dr. King as a massive physical champion of civil rights - looking like a Mr. T meets Mr. Clean, in a posture of boastful victory, chest puffed out, arms tight across his chest, hands powerfully gripping his arms, feet wide apart like a middle linebacker, head up with an all-conquering gaze on his face – rather than a spiritual champion of civil rights, whose power springs not from a pumped-up physical strength but from a rock-solid faith in a strength from without – his unwavering faith in God. How could Mr. Lei alter his model to show spiritual, not physical strength? Bring Dr. King's feet closer together, relax his arms and the steely grip of his hands, deflate his chest, lower his head some and give him a thoughtful, contemplative look. One can go only so far in secularizing Reverend King. Take the cleric's robe off. Show him in just suit and tie. But bleach every hint of religion out of him and there's no more Dr. King.

In addition to my disapproval of the sculpture itself, I object to the process of its selection. Why wasn't there an international sculpture competition to pick the best completed sculpture model like there was for the design project as a whole? Why in the world was a communist sculptor picked? Who thinks Dr. King approved of Chairman Mao's human rights practices? Why would the Commission think politics doesn't matter?

I am an American sculptor who welcomes competition of this sort. Yes, I have an iron in this matter. I was looking forward to it. Enclosed are photos of my effort. Yes, it looks like Dr. King, and, no, it doesn't make him look full of himself, and, no, I'm not the only American sculptor who can do this, and I'm not the only American sculptor who might feel this way.

Moreover, why wasn't a group of prominent sculptors assembled to help with the selection of the sculpture? Why was this selection left to architects? There have been dramatic technical advances in sculpture, enabling a sculptor to produce a plaster model and having it enlarged up to ten times to be executed with computer-aided carving machines in stone: Visit the websites of the non-profit Digital Stone Project, www.digitalstoneproject.org and www.infodigitalstoneproject.org,

If you have any questions or comments please call me at 301.948.0580 or 240.605.4141 or write the address below.

Sincerely,

Joe Hurwitz
19159 Stedwick Dr.
Gaithersburg MD 20886

problems yesterday.

Metro spokesman Steven Taubenkibel said Metrorail trains were operating normally, and Metrobuses were able to run their posted routes.

He also said MetroAccess drivers have been able to respond to their calls for regular service.

The transit agency faced some weather-related problems yesterday, but service was adjusted to accommodate customers. Metrorail's morning commute period was extended until 11 a.m. because so many of the region's employers opened later than usual.

Metrobus operators also had to stay on snow-emergency routes because of icy conditions on many streets. Dozens of buses were temporarily stuck.

VIRGINIA

ALEXANDRIA

Officials look to close power plant

Alexandria officials are using a federal report to help support their efforts to close the Mirant Potomac River Generating Station.

The study suggests that sulfur dioxide released by the coal-burning power plant could pose health problems for people with asthma.

An official from the Federal Agency for Toxic Substances and Disease Registry has encouraged the city's health director to issue advisories informing people of hazards posed by certain air pollutants.

Alexandria is pursuing several legal efforts to force closure of the plant.

Mirant has insisted that emissions from the plant do not pose a health risk to the community.

CHESAPEAKE

Virginia man among 'Idol' semifinalists

It's down to 24 semifinalists on "American Idol."

And among those semifinalists is Chris Richardson, 22, of Chesapeake.

The Fox talent show trimmed down the competition Wednesday night, leaving 12 men and 12 women to vie for the "Idol" title and a record contract. The decision-making finale will be held in May.

The last Virginia finalist was Elliot Yamin of Richmond, who made it to the final three last year.

Associated Press

Lei Yixin, a master sculptor from China, will carve Martin Luther King's likeness on beige granite found in China's Fujian province. The project is expected to be completed in 2008.

Chinese sculptor picked to create King memorial

By Brett Zongker
ASSOCIATED PRESS

A master sculptor from China was chosen yesterday to carve the image of Martin Luther King for a memorial to the slain civil rights leader to be built on the Mall.

Lei Yixin, one of nine sculptors considered national treasures in China, will carve King's likeness in the memorial's 28-foot granite "Stone of Hope," memorial officials said.

The sculpture, depicting a determined King with crossed arms, will be carved over the next year from a beige type of granite found in China's Fujian province.

Earlier yesterday, the U.S. Commission of Fine Arts, one of the groups that oversees the architecture of the nation's capital, approved the sculpture's design and 14 quotations from King to be included in the memorial. The project will occupy a 4-acre plot on the Tidal Basin facing the Jefferson Memorial and is expected to be completed in 2008.

Mr. Lei has carved sculptures of many national figures in China, including Chairman Mao Zedong, the father of China's Communist Party. Several of his works are included in China's National Art Gallery collection.

"Martin Luther King is well known all around the world. In China, everyone knows about him," Mr. Lei said through a translator. He said he remembers reading about King's "I Have a Dream" speech in school.

Architects with the memorial foundation found Mr. Lei at a stone-carving symposium in July 2006 and said he was recommended by many of his peers.

"When I was assigned to the task, I felt tremendous pressure and responsibility," Mr. Lei said. "This is the most important project I have ever had."

Ed Jackson Jr., executive architect for the memorial foundation, said he recently visited Mr. Lei's studio in China and found all four walls covered with pictures of King.

"We said we want you to capture the integrity and the spirit of the man," Mr. Jackson said he told Mr. Lei. "He was like a sponge."

Quotations will provide part of the backdrop for the King sculpture. They were chosen by the memorial's council of historians, including prominent professors and black leaders.

About $79 million has been raised for the memorial, which was authorized by President Clinton in 1998; $100 million is needed for construction.

the 6-year-old went upstairs and then came back down saying a man was stealing their safe.

The mother then called her husband, who was a short distance away, on her cell phone.

As the husband arrived home, he saw a man fleeing with the safe in a garbage bag and tried to hold him until police arrived, but the suspect managed to escape. He left behind his coat, which contained stolen jewelry.

Mr. Revels was later found and arrested without incident at Frostburg State University's athletic facility. All stolen property was recovered.

He was being held on $200,000 bond at the Allegany County Detention Center.

OCEAN CITY

Police probe special treatment

Ocean City police have begun an internal investigation into an anonymous charge that officers acted improperly when they failed to arrest Mayor Rick Meehan's daughter on drunken-driving charges in 2005.

The Salisbury Daily Times said it received an unsigned document saying Ocean City Police didn't act properly when Kellie Meehan, 26, was stopped and cited for speeding. At the time, Mr. Meehan was Town Council president.

Mr. Meehan said his daughter told police that she had had a few beers, and they called him to take her home as a safety precaution. He said his daughter never mentioned her father's title.

"I had no knowledge of this happening at the time. I'm turning it over to Internal Affairs, and they're going to get to the bottom of it," Ocean City Police Chief Bernadette DiPino told the Daily Times.

LAUREL

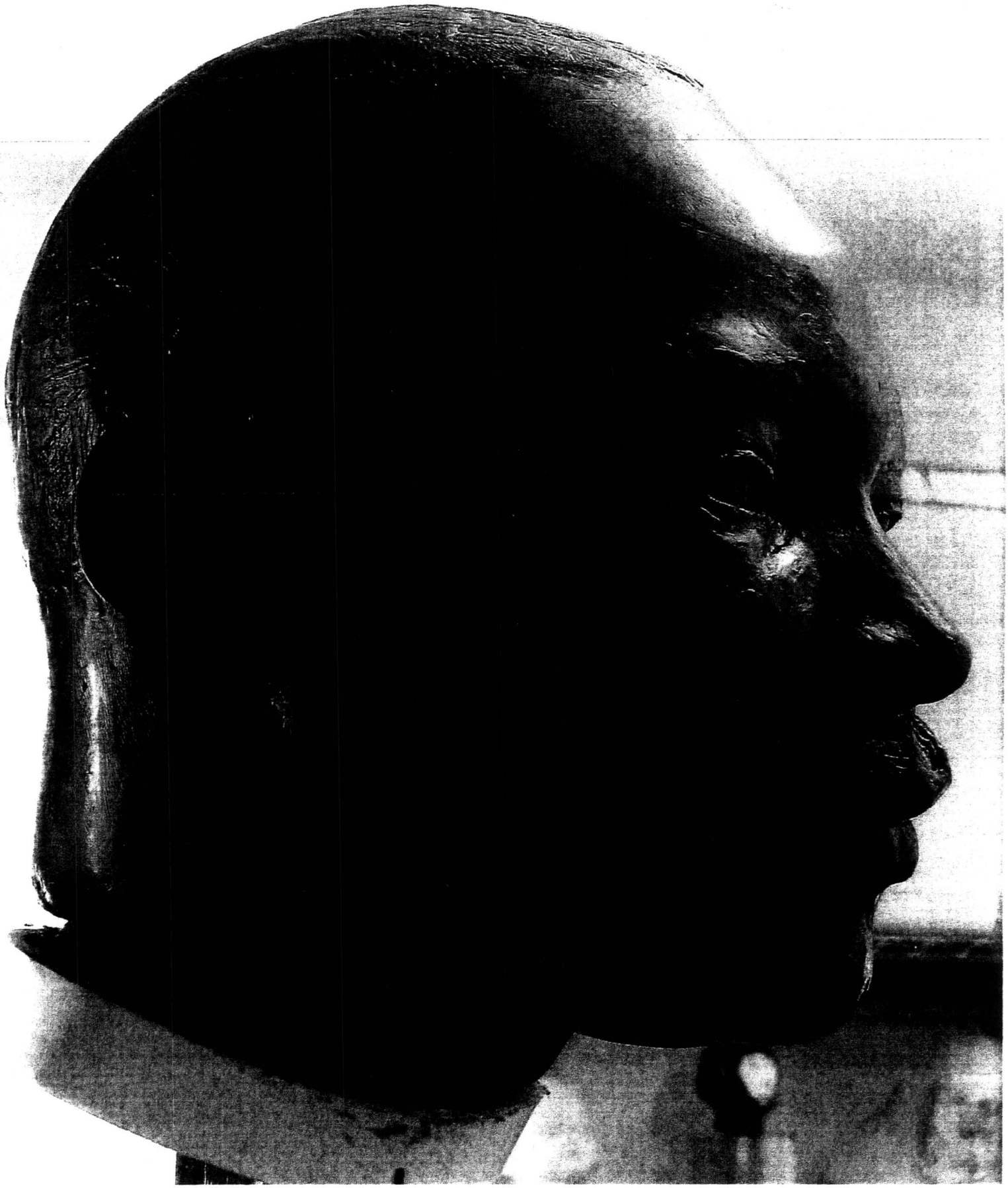
Landmark restaurant damaged by fire

The Bay-n-Surf Restaurant caught fire early yesterday morning.

The blaze broke out about 6:30 a.m. at the restaurant in the 14000 block of Baltimore Avenue and severely damaged its rear section.

Prince George's County fire department spokesman Mark Brady said damage is estimated at about $200,000.

The cause of the fire has not been determined, but



bc: Earl A. Powell, III
Chairman
Commission of Fine Arts

Central File –5907
Reading File

Testimony on the Martin Luther King, Jr. National Memorial
before the National Capital Planning Commission
by the
National Coalition to Save Our Mall

October 26, 2009

The National Coalition to Save Our Mall fully supports the concept and the execution of the MLK memorial. Our concern regarding the security planter is the configuration of the security walls in relationship to the visitor services structure, as we described in our October 22 letter to the National Park Service. We hope you have been able to review that letter and our October 19th comments on the new Environmental Assessment for the project.

The Park Service is asking final approval for the security component alone. And the Executive Director's Report supports final approval. But we believe this Commission has a larger responsibility in its decision today – and an opportunity to assert its planning authority on the longstanding problem of the proliferation of bookstores and visitors centers on the Mall.

Even though the visitor facility is not before you, it is part of the project to which you have given inadequate review. Today you are being asked to add to the piecemeal approval of this project. As you are aware, the Coalition strongly disagrees with the NPS decision to include a house-size structure across the street from the Memorial and visible from within the "contemplative" area of the memorial to sell books and souvenirs, and house bathrooms, a ranger station, and mechanical room. **Not only does the structure violate the Commemorative Works Act – as we explain in our comments on the 2009 EA – but its functions can also be accomplished through less intrusive means.**

The needs for restrooms and books can be met more simply, for example with a smaller kiosk for pamphlets, books, and CDs, and by renovating and expanding existing bathrooms across Independence Avenue, without coming close to violating the CWA. Or, as with the Vietnam Memorial visitors center, any new structure could be required to be built underground. None of these alternatives are examined in the 2005 or 2009 EA and they were not discussed during the public consultation meetings to which all parties, not just government agencies, were invited.

In our comments on the 2009 EA, we also point out that the visitor facility violates NCPC's own policies. Page 8 of the EA states that the visitor facility is consistent with the Memorials & Museums Master Plan. In fact, NCPC advises that these type of facilities "be limited to only small information **kiosks and restrooms facilities and should not contain buildings or interior spaces housing exhibits, displays collections or other interpretive products and programs** normally found in museums, visitor centers or education centers." (Design policy 7, page 32)

While the National Park Service is asking the Commission only to review the security component of the project, we believe the new 2009 environmental document, which supercedes the 2005 document, requires the Commission to retake its vote on the Memorial and visitor facility. NCPC based its 2008 decision on the 2005 environmental document that mentioned the possibility of a visitor facility **but made no attempt to evaluate its impact on the natural, cultural, or aesthetic resources** of West Potomac Park and the Mall, as required by the National Environmental Policy Act. Even the new EA is incomplete as it does not show a single elevation of the structure or evaluate impacts of the visitor facility on views to and from the Memorial, the open space, and the 100-year flood plain.

This Commission could de-couple the visitor facility from the Memorial itself – as it did in 2008 with the security component – and give final approval to the Memorial and security, letting the Memorial itself move forward. De-coupling the visitor facility would give the Park Service and the NCPC the time to revise the new EA, consider alternatives, and develop and open for comment its Mall Plan, which should be addressing policy questions of restrooms and visitor facilities – before erecting yet another structure on the Mall.

For the National Coalition to Save Our Mall,

Judy Scott Feldman, PhD
Chair
9507 Overlea Drive
Rockville, MD 20850
301-340-3938/ jfeldman@savethemall.org

National Coalition to
Save Our Mall
Preserving Our Monument to Democracy

Judy Scott Feldman, PhD
Chair
National Coalition to Save Our Mall
9507 Overlea Drive
Rockville, MD 20850
August 11, 2008

Peter May
Associate Regional Director
Lands, Resources, and Planning
National Park Service - National Capital Region
1100 Ohio Drive SW
Washington, DC 20242 VIA EMAIL: 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 "tempos" 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,

Judy Scott Feldman

Judy Scott Feldman, PhD
Chair
National Coalition to Save Our Mall

National Coalition to
Save Our Mall
Preserving Our Monument to Democracy

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SaveTheMall.org

August 28, 2008

John V. Cogbill, III
Chairman
National Capital Planning Commisison
401 9th Street, NW
North Lobby, Suite 500
Washington D.C. 20004

Dear Chairman Cogbill and Commissioners:

The National Coalition to Save Our Mall supports creation of the Martin Luther King Jr. Memorial on the National Mall. We have been participating in the Historic Preservation Section 106 public consultation process and have provided written comments on the 2005 Environmental Assessment for the project. In our opinion, the proposed Visitor Facility (bookstore/restroom) component—added to the project in 2005 and enlarged in size, location, program and design since that time—overwhelms the site and detracts from the Memorial itself and should not be given final approval by the National Capital Planning Commission. We have additional questions and concerns we hope NCPC will take into serious consideration during its September 4 review of the MLK Memorial project.

In our August 11, 2008 letter to the National Park Service, which is attached, we stated our view that NPS should not have sought on July 3, 2008 preliminary approval of site and building plans for the Visitor Facility component of the Memorial project, and that the NCPC should not have given approval. The decision was premature and should now be reconsidered.

<u>NPS's Legal Authority and Environmental Documentation for the Visitor Facility</u>

We ask that you read our August 11 letter to the NPS in which we raise a number of questions and concerns, in particular about the Visitor Facility element, including:

- What is NPS's legal authority for adding a Visitor Facility to the Memorial's program in 2005, two years after Congress enacted a moratorium on memorials and visitor centers on the National Mall?
- The July 2005 Environmental Assessment does not document or evaluate any effects on the site of the Visitor Facility, which was added to the program only after the EA was completed and mentioned the need for such a facility. Is there a supplemental environmental document that actually studies the Visitor Facility's location, size, program, style, and effects on views, vistas, public safety, traffic,

lighting, and on the visitor experience of the memorial itself? Has it been put out for public comment? We know of no such document.

- There was, to our knowledge, no Section 106 public consultation meetings between September 2005 and March 2008, during which time NPS apparently made decisions about adding, locating, and designing the Visitor Facility in informational (nondecisional) meetings with NCPC, the Commission of Fine Arts and the DC Historic Preservation Office--decisions essentially making the facility a "done deal" before public consultations were recommenced in 2008 and our Coalition and other consulting parties had any opportunity to question the location, program, and design of the structure. Meaningful public comment was not possible.

In his August 21, 2008 reply to the Coalition's letter, Peter May of NPS confirms that decisions about the size, configuration and location of the visitor facility were made by NPS and refined through consultation with NCPC staff before consulting parties were re-engaged in 2008. He states NPS's position justifying the adequacy of the EA as well as the Visitor Facility's conformance with the moratorium, since, according to NPS definitions, it is not considered a visitor center. We wonder if Congress intended such subtle distinctions between a "visitor center" and a "visitor facility" or bookstore/restroom structure. See our further comments below.

In his letter, Mr. May also appears to **dismiss the need for any environmental review at all** of the Visitor Facility, citing that the DC Historic Preservation Officer "has agreed that the visitor services facility creates no significant impacts beyond those of the Memorial itself, which the Memorandum of Agreement seeks to mitigate." But what is the documented evidence to support that astonishing claim by NPS and DCHPO—that a new substantial structure, separate from the Memorial itself, creates no significant impacts? Clearly, this determination needs to be explained and demonstrated, and that has not yet happened.

Based on the "Note to the Public" posted on the NCPC website, it appears that NCPC agrees with NPS's conclusions about the adequacy of the EA and the Section 106 process. Indeed, during the June 2008 Section 106 consultation, the representative from NCPC stated that it was not the job of NCPC or any project review agency to question the NPS's decision to add the Visitor Facility to the Memorial program. Why is that? Did that (in our view erroneous) deferral to NPS's supposed prerogative essentially short-circuit the proper Section 106 and NEPA review? Does NCPC see itself as an advocate for federal agencies? If so, how can NCPC carry out an objective urban planning review including due priority to preservation of historic resources?

<u>The Commemorative Works Act, the Moratorium, and Congressional Intent</u>

Has the NCPC evaluated the project's conformance with the Commemorative Works Act and with the Commemorative Works Clarification and Revision Act of 2003? We see no mention or discussion in the July 3, 2008 Executive Director's Recommendation and have not had the opportunity review any more current EDR. Has the NCPC evaluated

how the Memorial itself and the Visitor Facility element satisfy provisions of the CWA of 1986, particularly its protection of open space and historic resources? Has NCPC studied the Visitor Facility's compliance with the Congressional moratorium? What is the reasoning? Has NCPC sought Congress's advice regarding Congress's intent in imposing the moratorium? Is this structure in keeping with NCPC's own policy statement that the Mall is "a completed work of civic art"?

Regarding the Congressional moratorium, it is worth noting that the moratorium is contained in Title II of Public Law 108-126 that authorized, in Title I, a visitor center at the Vietnam Veterans Memorial. The language in that law—which both imposes a moratorium and exempts from it the Vietnam visitor center—raises questions in our mind about whether the MLK visitor facility can be considered in compliance with the CWA.

- In the legislation itself for that visitor center, it states the purpose of the Vietnam visitor center is "to better inform and educate the public about the Vietnam Veterans Memorial and the Vietnam War." The proposed facility at the MLK Memorial is intended to perform a similar function. How is it not a visitor/education center?
- With PL 108-126, Congress authorized the addition of a visitor center at the Vietnam Veterans Memorial. Did Congress specifically authorize a visitor facility at the MLK Memorial?
- The legislation also states that for the visitor center, the Commemorative Works Act "shall apply, including provisions related to the siting, design, construction, and maintenance of the visitor center." Congress's intent is clear about the applicability of the CWA. Where is the documentation showing that NCPC has similarly applied the CWA to its evaluation of the MLK Visitor Facility?
- PL 108-126 states that "the visitor center shall be considered a commemorative work for the purposes of that Act." Based on this, is the MLK Visitor Facility also to be considered a commemorative work, in which case it would require a special legal exemption from the moratorium? If not, what is the reasoning?
- PL 108-126 does not define "visitor center" but it is very clear as to what constitutes a "commemorative work"—which the Vietnam Visitor Center was considered to be one. **"The term 'commemorative work' means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove..."** Surely, such clear intent to forbid these kinds of elements on the Mall would apply also to a Visitor Facility structure of the size and kind proposed by NPS for the MLK Memorial.

We have asked Congressional staff in relevant oversight committees their opinion about NPS's legal authority to include the Visitor Facility as part of the MLK Memorial project and we anticipate a response in the near future. In our view, this means NCPC should not give final approval at this time.

Inconsistencies between NPS and NCPC regarding the Visitor Facility's location and effects on the 4-acre site

According to the August 21, 2008 letter from NPS to the Coalition, "the entire Memorial, including the visitor services facility, fits within the approved 4-acre site." However, during the June 2008 Section 106 meeting, a NPS representative made a point of clarifying that the Visitor Facility lies just beyond the boundaries of the site. And NCPC's July 3, 2008 EDR describes the site whose "boundaries generally include Independence Avenue on the north, the Tidal Basin along the south and east, and a realigned West Basin Drive on the west." The EDR's plan clearly marks the east curb of West Basin Drive as the "extent of memorial property." The Visitor Facility, though, is west of the realigned West Basin Drive. Is the Visitor Facility part of the memorial site or not? If outside, by what authority is the Memorial now occupying more of the open space of West Potomac Park and the National Mall?

NPS, in asserting that the Visitor Facility lies within the original 4-acre site, states that therefore "its impact to recreation in West Potomac Park is no greater than that of the original Concept Design." But the Concept Design shown to NCPC in December 2005 included a visitor facility at the south end of the Memorial, *east* of West Basin Drive—within the boundaries of what NCPC has identified as the site footprint. How does NCPC reply to NPS's assertion? Does the new site not impact or reduce recreation space? What about other impacts—open space, views and public safety, for example?

Unexplained changes to the scope since completion of the EA

The EA lists the Design Guidelines that were developed by the memorial sponsor and the NPS. These specifications were evaluated in the environmental document. But the current design is different in significant ways that have not been evaluated in any supplemental environmental document. For example, the Design Guidelines (EA 1-11) state:

- "No element of the Memorial shall exceed 20 feet in height." Our understanding is that certain elements now are 28 feet in height or more (approximately a 30% increase). What effect will that considerable increase in height have on views? Where is the documentation of effects?
- "There shall be no bookstore, museum, or other rooms located at the Memorial, above or below grade." However, now the project includes a Visitor Facility.
- "There shall be no restroom facilities at the Memorial." Now there are proposed restrooms.
- The EA states that a bookstore and restrooms are expected by visitors but that they "would be inconsistent with the design parameters" and "previous NPS policy that emphasized centralized restrooms in the Mall area." Did NPS change policies to accommodate this new addition to the memorial project?
- Under "Mitigation" the EA states "restroom facilities should be provided...should be unobtrusive in scale." But adding the Visitor Facility structure cannot be simply seen as mitigation. **It is a substantial adverse effect in its own right.**

Yet, the EA never evaluates this structure with plans, elevations, views, and the like.

In conclusion, there are substantial gaps and inconsistencies in information and environmental documentation for the MLK Memorial project that do not allow for any final decision to be made at this time. We are aware that Congressional authorization for the Memorial expires in November 2008 and that NPS is rushing to meet that deadline. We have no doubt, however, that Congress would reauthorize this Memorial, which has so much national public support. Meeting artificial deadlines should not be the basis of any official decision, especially when so many substantive questions remain unresolved.

Sincerely,

Judy Scott Feldman

Judy Scott Feldman, PhD
Chair and President

Enclosure

NCPC

File No. 5907
Primary Stat. OPR
Due Date

Copies:

CHAIRMAN ✓
EXEC. DIR. ✓
PUB. AF. ✓
GEN COUNSEL ✓
SECRETARIAT ✓

ASST EXEC DIR (PROJECTS) ✓
ASST EXEC DIR (OPERATIONS) ✓
LONG RANGE PLANNING
PLANS REVIEW ✓
TDA SUPPORT

Bacharach ist ein besonders altertümliches Städtchen, überragt von der Burg Stahleck.

Bacharach is a particularly ancient town and overshadowed by the Burg Stahleck.

Bacharach est une ancienne petite ville pleine de particularités dominée par le Burg Stahleck.

PHOENIX AZ 850 PM 1 FEB 1998

N.C.P.C. RECEIVED FEB 6 PM 4:22

Feb 1 00

Dear Sirs:

I ask that you cancel plan to erect a memorial to Martin Luther King anywhere near the Washington Monument or Jefferson Memorial.

I greatly admire King but those two memorials should not be defaced.

H.B. Christianson

20423
Jan 4
853

National Capitol
Planning Commission
801 Pennsylvania Ave NW
Washington, D.C.
20576

To: NATIONAL CAPITAL PLANNING COMMISSION
From: Glenn Sizemore@CM-AVPK@UTF
Cc:
Subject: PROPOSED MEMORIAL TO MARTIN LUTHER KING JR.
Attachment:
Date: 12/2/99 9:38 AM

NCPC
File No. 5907
Primary Stat. DPR
Due Date

Copies:

CHAIRMAN ✓	ASST EXEC DIR. (PRGRMS)
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GEN. COUNSEL ✓	PLANS REVIEW ✓
SECRETARIAT ✓	TDA SUPPORT
	ADMIN

RICHARD G.SIZEMORE
[redacted]
AVON PARK, FL
[redacted]

I HAVE NO OBJECTION TO A MEMORIAL BEING BUILT TO HONOR MARTIN LUTHER KING JR FOR HIS SIGNIFICANT CONTRIBUTION TO PROMOTE CIVIL RIGHTS IN AMERICA. I DO HAVE A PROBLEM WITH HIS MEMORIAL BEING BUILT IN AN AREA THAT HAS ALWAYS BEEN PERCEIVED BY THE AVERAGE AMERICAN AS RESERVED FOR PAST "GREAT" PRESIDENTS AND HOPEFULLY SOME DAY FUTURE "GREAT" PRESIDENTS OF THESE UNITED STATES.

MARTIN LUTHER KING JR WAS A "GREAT" MAN AS FAR AS THE CIVIL RIGHTS MOVEMENT IS CONCERNED, BUT A PRESIDENT OF THE UNITED STATES HE WASN'T. THEREFORE HIS MEMORIAL SHOULD NOT BE IN CLOSE PROXIMITY OF THE EXISTING PRESIDENTIAL MEMORIALS. IF WE AS A SOCIETY ARE GOING TO START ERECTING MEMORIALS (ESPECIALLY IN WASHINGTON DC) FOR CERTAIN "GREAT" MEN OR WOMEN OF OUR TIMES, THEN MAYBE THE PLANNING COMMISSION SHOULD GO AHEAD AND SET ASIDE AN AREA FOR THESE FUTURE MEMORIALS TO BE BUILT.

LETS KEEP OUR EXISTING PRESIDENTIAL MEMORIALS AND IMMEDIATE AREA FOR THE PAST AND HOPEFULLY FUTURE "GREAT PRESIDENTS" THAT HAVE SERVED AND HOPEFULLY WILL SERVE THESE UNITED STATES OF AMERICA.

SINCERELY,

GLENN SIZEMORE
620 S. MARION RD
AVON PARK, FL 33825

E-MAIL leesize@strato.net
(LOWER CASE)

NCPC
File No. 5907
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GEN. COUNSEL ✓	PLANS REWIEW ✓
SECRETARIAT ✓	TDA SUPPORT
	ADMIN.

December 2, 1999

Mr. Harvey B. Gantt
Chairman
National Capital Planning Commission
801 Pennsylvania Avenue, N.W., Suite 301
Washington, D.C. 20576

Dear Mr. Gantt,

Those of us following the process of site selection for the proposed Martin Luther King, Jr., Memorial appreciate the effort the staff and Commissioners at the National Capital Planning Commission have put into identifying the right location. The choices have been disappointingly limited to two, Constitution Gardens and the Tidal Basin, and the Tidal Basin site you are considering today is nobody's first choice. This memorial is too important, however, to be decided behind closed doors and with such limited options.

That is why additional actions should be taken now to make the site selection process a solid foundation for the long memorial building process that will follow in coming years. What is needed is thinking as bold as the Civil Rights Movement, as visionary as Dr. King, as clear-sighted as those who stood up to be counted in a struggle that reverberates in our own time.

Washington is in the midst of a building boom, new growth, and record-setting tourism. All parts of the city are involved in efforts to restore neighborhoods, revitalize the L'Enfant Plan, and implement concepts consistent with your Legacy Plan and the recent proposals of the Joint Task Force on Memorials. Now is the opportunity to inject that vision and optimism for the future into the deliberations regarding site selection for the memorial. Dr. King's mission and message of freedom and civil rights is not history; it is very much with us today and will be well into the future. The proposed memorial will play an active part in American public life, as the site of public demonstrations, rallies, and celebrations on a scale unequaled except perhaps at the Lincoln Memorial. Do we want to think of this as the last memorial of 20th century Washington, following the old ways and old vision? Or should it be the first of the new century, forging – in the spirit of Dr. King – new ground?

How could such a goal be reached? The following are four suggestions:

1. Look beyond the limited sites the National Park Service showed the memorial's sponsors. Consider approving two or three sites, one or more within the Mall area, as designated by Congress, others in prominent or soon-to-be prominent locations throughout the city. Consider that by the time the Memorial is finally completed, the Potomac and Anacostia waterfronts, South Capitol Street, the Navy Yard, Anacostia and other neighborhoods will be growing towards a new future. Traffic-clogged Independence Avenue, however, will still cut off the Tidal Basin from the heart of the city and the FDR memorial will no longer be the tourist attraction it is now during its first two years. An additional benefit of multiple sites is that they would open up possibilities for the design competition, allowing a variety of approaches to Dr. King's legacy – an urban and dynamic message versus a quiet and contemplative one.

2. Involve the city in the process. The memorial will have special significance to the city's residents who witnessed the 1963 March on Washington and whose neighborhoods suffered riots and devastation following Dr. King's assassination in 1968 and from which many areas of the city are emerging only now, 30 years later. The mayor and new planning director have vigorously promoted proposals for planning and neighborhood revitalization, ideas consistent with the Task Force's ideas

and the Legacy Plan. There is an opportunity here for the Memorial to be meaningful part of the revitalization of the Nation's Capital.

3. Involve the professional community and public at all stages, and before final decisions are made. Planners and architects, historians, professional tour guides, and other citizens living and working in the Washington area have expertise and knowledge that could be put to good use. They could assist the memorial's sponsor in defining Dr. King's legacy, selecting the best sites for the Memorial, and opening a two-way dialogue between the public and those involved in design review. Involving such groups at early and all stages of project development would mean that public input could be a positive and meaningful contribution, instead of what is currently the case, a reaction to what is already decided and unlikely to be changed.

4. Involve young people and think about the impact of the memorial on future generations. As a teacher of college students, I cannot overemphasize what I have found to be a generational divide. I have in the past testified that many of my students believe that the most appropriate memorial for the Rainbow Pool site on the Mall would be one to Martin Luther King, Jr., and not to World War II. Whatever we may argue about their ignorance about the war and its impact on world in our century, nonetheless this is a common and heartfelt view. It is they, and future generations who know Dr. King not through the lens of personal memory and emotion but through the longer lens of history, who will make this a living memorial or one that dies with the last members of Dr. King's generation. The city is full of young people; call on them.

These four suggestions are consistent with the Comprehensive Plan and the Legacy Plan and with the Commemorative Works Act passed by Congress in 1986. It is worth emphasizing that in that Act Congress made an important statement about the role of memorials in society, that they be not monuments to ourselves and our personal memories but to persons or concepts whose significance has stood the test of time. Public involvement is the only way to assure this.

Instead of voting for one site today, take this holiday season now upon us as a time of reflection, of looking back and looking forward. Dr. King's birthday comes soon thereafter, just over a month from now. Why not commemorate his birthday and federal holiday with a public meeting – perhaps modeled on the town meeting Mayor Williams held at the Convention Center a few weeks ago. Host a full-fledged discussion, led by historians and civil rights veterans, of what role this memorial should play in the Nation's Capital.* These opinions and ideas could provide the foundation for a reevaluation by both Alpha Phi Alpha Fraternity and the federal agencies charged with the care and preservation of the Monumental Core and the entire city. Whatever debate follows in coming years – and just as certainly as the man and the civil rights movement, this memorial will stir debate –, there will be no second-guessing or regrets, because the proper, public, solid groundwork will be in place.

Thank you for your consideration.

Yours truly,

Judy Scott Feldman

* Perhaps *The Washington Post* could do a public service by providing an article on the plans and players, a brief presentation of the Mall's historical importance, and the question of Dr. King's place in American history

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NCPC
File No. 5907
Primary Stat. OPR
Due Date

December 1, 1999

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	ADMIN

Mr. Reginald W. Griffith
Executive Director
National Capital Planning Commission
Via fax 3 pages

Dear Mr. Griffith:

I am looking forward to the opportunity to testify before the Commission tomorrow on the King Memorial.

This morning's **Philadelphia Inquirer** editorial on tomorrow's NCPC vote on the site of the King memorial raises some of the important questions. The strengths of the Lincoln Memorial site are well argued in the **Tennessean** column. I am testifying tomorow, but wanted you to have this in advance. Thank you for your consideration..

Sincerely yours,

Stuart F. Feldman

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Statement to the National Capital Planning Commission

The Proper Site for the Dr. Martin Luther King, Jr. Memorial

"Should King sit side by side with Lincoln?"

Suggested Ways to Answer the Question

December 2, 1999

I appreciate the opportunity to appear before this distinguished Commission, as it again considers the placement of the Dr. Martin Luther King, Jr. Memorial.

A tremendously important piece of federal land may be dedicated to the King memorial forever, today. A new national symbol will be created. The question is where is the place where this monument can do the most good for the nation, thereby repeating the benefits of the Washington, Lincoln and Vietnam Memorials? I believe the Commission needs to hear from historians, civil rights leaders and architectural thinkers, before it decides, and should postpone its vote, for in my mind the answer still needs work. As I have said in testimony to the Committee on the Moratorium on Monuments, no outside experts have been heard from in this process. Their breath of vision needs to be part of this process, as does more of the public. They may even offer a third site that all will approve.

Today, I speak still on behalf of the many people who assisted me in my ten year effort as a volunteer to help see that the King Memorial became law. Many of those people supported the idea in the belief that the Memorial would join the legacies of Dr. King and President Lincoln. They thought we would place our national ideals squarely before us on the great national Mall. Whatever you decide, all of us will help Alpha Phi Alpha raise money for the King monument and work to see that it is as great as can be.

When I spoke on July 1, I made the argument that King and Lincoln's legacies should be joined and will only briefly treat it now. In doing so, I will quote from young Tom Beierle, who works for Resources for the Future. He wrote Harvey Gantt yesterday:

> "Only a site associated with the Lincoln Memorial would pay full tribute to the struggle for liberty that spanned the century between the two great leaders, King and Lincoln, and challenge us to continue to pursue Dr. King's dream.

The Lincoln Memorial is immensely powerful in its austerity. We are at once dwarfed by the great ideals inscribed on its wall but inspired by the expansive vista across the national mall. It challenges us to think beyond ourselves to the great experiment that is the United States. In short, it does in architecture what Dr. King did in life and what his "I Have a Dream" speech did in America's soul. There is no more fitting place to pay tribute to Dr. King, his dream and our nation's history."

Finally, King's "I Have a Dream" speech is the Second Emancipation Proclamation. As Colin Powell has said:

"Abraham Lincoln freed the slaves, but it was Martin Luther King who freed the whites and freed the American people."

Yesterday's **Philadelphia Inquirer** carried an editorial (attached) on the question facing you today. It noted the fact that the Mall was becoming crowded with war memorials. In light of that editorial, I will make another argument I made before. The fight for freedom comes in a variety of forms. The King Memorial should embody the quest for freedom as did Dr. King's life. Putting the struggle for equality at the Reflecting Pool will balance the war motif that will use much of the ceremonial space between the Lincoln Memorial and the Washington Monument grounds. America is concerned with great ideals, which its wars were fought to defend. Equality is one such great, continuing national ideal, that Dr. King and his allies advanced enormously, but which we are still striving to realize.

A Conception for the King Memorial

I will again describe the concept of one imaginative person for a memorial related to the Lincoln Memorial. A possible King Memorial could consist of two, twelve to fourteen feet walls on either side of the steps leading down to the Reflecting Pool. On the South Side, the text of the "I Have a Dream" speech would be memorialized in stone. On the North Side, excerpts from other speeches would be carved on that wall, just as Lincoln's Second Inaugural and Gettysburg Addresses are written on the walls of his memorial.

A slightly larger than life size sculpture of Dr. King, about seven feet high, would stand either adjacent to the "I Have a Dream" speech or in the center of the steps leading down to the Reflecting Pool. Tying the elements together, there would be a fountain whose source would come from the earth, with the water flowing down the steps to the Reflecting Pool, in the center of the steps.

That concept is the suggestion of one person. Others will suggest wonderful ideas when the Alpha Phi Alpha competition begins. Another space that should be considered is on the right hand side of the Reflecting Pool facing the Capitol. There is an alley of trees there in which a more elaborate memorial to Dr. King could be done, as Carter Brown suggested at the March 23rd hearing. And it can be related to the King speeches carved at the steps going down to the Reflecting Pool.

Further Observations

John Dixon Hunt, the Chairman of the Landscape Architecture Department of the University of Pennsylvania, has proposed that the competition for the King Memorial include more than one site. In that way, the Commissions, the sponsor and the public would be able to select the most fitting design and place. Carter Brown suggested a similar idea.

Monuments are dialogues between the past, the future and the present, Paul Resnik, another volunteer, has argued to me. The great monuments relate to one another. In terms of the man-made urban landscape it is critical they relate to one another. Monuments should tell a continuing story. When you write a news story you have to line up words, sentences, paragraphs to get to the point.

As a society we are stamping our vision on that hallowed ground that is the Mall. Through our emblems we are placing the symbols of our civil religion. The Mall is the place where we display the moral values of which we are most proud. Politically these are our most sacred ideas. The Mall is the church of our civic religion.

The Mall is the heart of our nation. We must treat it with the respect it deserves, and put the national stories that are most essential to our image of ourselves there.

When you considered the Tidal Basin location in July, eight of you had serious concerns and voted against it. Now you are again considering it, after you have re-examined the site and tried to find ways to make it work. I worked on getting the legislation passed for ten years, and George Sealey of Alpha worked far longer, as did some of his colleagues. One or two months longer in search of the right site may seem costly, but fits into the scale of things. This decision is for the ages, as are Lincoln and King.

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Attachments to NCPC Testimony (12/2/99)

1. **Philadelphia Inquirer** editorial 12/1/99

2. Dwight Lewis column **Nashville Tennessean** 10/31/99

3. John Egerton, future **Washington Post** piece, linking King and Lincoln

4. Illustrative list of historians, architects and civil rights leaders

5. John Dixon Hunt letter, Univ. of Pennsylvania School of Architecture

Philadelphia Inquirer

WEDNESDAY, DECEMBER 1, 1999 www.philly.com

To honor Dr. King

Tomorrow, the site for a national memorial to the Rev. Dr. Martin Luther King Jr. may be picked, after a fitful, confusing process little noted by the public. That doesn't mean the likely choice, a spot near the Franklin Delano Roosevelt Memorial and the Tidal Basin, is bad. But it requires a leap of imagination and faith.

Unlike the other sites considered, this spot is not on the Mall, where the 1963 March on Washington led by Dr. King captured the nation's conscience. It's not near the Lincoln Memorial, where Dr. King delivered a speech that is the one piece of American oratory quoted as often as Lincoln's Gettysburg Address.

West Potomac Park, until the FDR Memorial, was off the usual tourist path. It is in a flood plain, noisily beneath the path of planes using National Airport.

Its benefits? For a tribute to the apostle of nonviolence, this spot provides more space, real and psychic, than a Mall becoming chockablock with war memorials.

The King memorial must, above all, make this point: Dr. King is a hero of epochal greatness for all of America, not just for one race or one cause. His was a message to free, to heal, to inspire all people.

The risk is that this site might turn the King memorial into a place one must make a point of seeing, rather than an integral part of every visitor's loop.

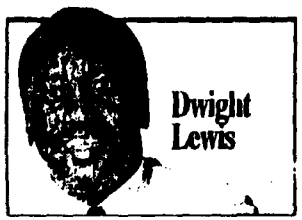
The hope, as outlined by Ed Jackson, a spokesman for the nonprofit planning the memorial, is that the Tidal Basin site will help push an organic growth of the Mall, creating what he calls "a path of leaders," from Jefferson to FDR to King to Lincoln. This quartet, he argues, best expressed the ideals for which the soldiers honored along the Mall's main axis fought.

Tomorrow's key vote will be by the National Capital Planning Commission, one of three agencies that have batted this site decision about. If the commission fixes on the Tidal Basin location, which has the blessing of Coretta Scott King, it should be with a solemn vow to ensure that Mr. Jackson's vision comes to pass, that the King memorial proves central, not peripheral.

If that vow seems shaky, don't OK the site. Step back. Get advice from top historians and architects. Think it through.

THE TENNESSEAN
ISSUES
SUNDAY, OCTOBER 31, 1999

Should King sit side by side with Lincoln?



Dwight Lewis

Should the legacy of Martin Luther King Jr. be linked forever with that of Abraham Lincoln, one of America's greatest leaders?

That's the question currently being debated these days as federal officials and others try to determine the best location for the proposed Martin Luther King Memorial in Washington.

Some, including the Martin Luther King Jr. National Memorial Project foundation, favor the Tidal Basin site between Washington's Independence Avenue and the Franklin D. Roosevelt Memorial.

Others favor locating the it near the Lincoln Memorial.

"On Aug. 28, 1963, close to a quarter-million courageous American citizens marched into this city to petition their government for a redress of grievances," Nashville author and historian John Egerton said recently. "Their leaders were African Americans, Dr. King most memorably, and their numbers included people from every class, calling and color.

"All along the reflecting pool they stood, gazing up, listening, cheering as one great speaker after another stood in the shadow of the brooding martyr Abraham Lincoln and dreamed aloud of an America equal to its promises."

Egerton added: "There is only one truly appropriate site for the King Memorial. It should be adjacent to the Lincoln Memorial, linked in physical proximity as in history. Visitors could then read and ponder Lincoln's Gettysburg Address and his second inaugural address, followed by King's 'I Have A Dream' speech, and feel the powerful connection between the two.

"What Lincoln and the preserved Union were to the 19th century, King and the civil rights movement have been to the 20th: crowning events, defining moments, each personified by a singular figure who symbolizes our one nation, still striving to be indivisible."

Stuart F. Feldman, who lives in Philadelphia ~~and is se~~nior vice president of the board for the National Constitution Center, agrees.

Feldman has been working as a volunteer for this project since 1988. In October 1996, he told me: "The words of his (King's) immortal 'I Have A Dream' speech should be carved in stone at a site by the Reflecting Pool near the Lincoln Memorial.

"People who go there to read Lincoln's thoughts would be able to ponder the truths that King spoke from atop the Lincoln Memorial's steps nearly a century after Lincoln's assassination."

When I talked to Feldman over the telephone, he added: "It was King and the civil rights movement he led that, nearly a century later, finished Lincoln's work."

The four groups directly involved in trying to decide where the King memorial should be located — the MLK Memorial Project Foundation, the National Park Service, the U.S. Commission of Fine Arts, and the National Capital Planning Commission — have not been able to reach an agreement on the most appropriate site. Congress has already voted that it be built, with private funds.

"The Tidal Basin site is totally disconnected from the Lincoln Memorial," Feldman told me Friday. "Monuments and buildings must be related to tell our national story, instead of arbitrarily placing pieces of history on the landscape."

Feldman is correct. And he's right, too, when he suggests that Interior Secretary Bruce Babbitt should assemble a group of folks — some civil rights leaders, architects and planners, historians and writers, and citizens of Washington — to advise him and the National Capital Planning Commission on what is the most appropriate site for the King memorial.

I'm sure that the four groups working on the proposed site have good intentions, but maybe others could help them come up with an answer.

After all, Martin Luther King Jr. was one of America's, and the world's, greatest citizens, and with young people visiting the nation's capital day in and day out, every day without a King memorial there is a day when a chance to tell his story is lost. ■

(Lewis is a columnist, a regional editor for The Tennessean, and a member of the newspaper's editorial board. E-mail to Lewis can be sent to dlewis@tennessean.com)

JOHN EGERTON • 4014 Copeland Drive • Nashville, Tennessee 37215

December 1, 1999

fax to: Mr. Harvey Gantt, Chairman
National Capital Planning Commission
202-482-7272

Dear Mr. Gantt:

As you prepare to convene the National Capital Planning Commission tomorrow for a vote on the site of a Washington memorial to Dr. Martin Luther King and the heroes of the Civil Rights Movement, I beg your consideration of the following opinion, which is scheduled to appear soon in the *Washington Post*:

The 1963 March on Washington, highlighted by Dr. Martin Luther King's "I Have a Dream" oration from the steps of the Lincoln Memorial, still lingers in the mind 36 years later as one of the most dramatic events in this nation's history. It was a turning point in the long struggle of the African-American minority to claim and assert their equity as citizens.

It may also have been the moment of Dr. King's greatest glory, for not just the quarter-million people assembled there but millions more watching on television saw and heard his eloquent rendering of an idea whose time had come, the dream of an America equal to its promises. This 33-year-old black minister from the South had come to symbolize the approaching liberation of all Americans, whatever their class or color, from the paralyzing myth of white supremacy.

The spirit of the March on Washington was that of a people's movement, in the finest tradition of the American democratic experiment. You cannot read accounts of this historic event without hearing the echoing assurances of the Bill of Rights, including the first of these: " . . . the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The very meaning of our motto, *E Pluribus Unum*—Out of Many, One—was given life and breath by 250,000 representatives of We the People.

Telephones: Area 615 - 297-8614 (office), 297-8607 (home)

As the best-known leader among these petitioners, Reverend King had the most prominent role to play that day, and his address—the now-immortal "I Have a Dream" speech—ranks with Lincoln's Gettysburg address among the most famous orations in our nation's history. Now, at last, more than thirty years after his death, we can all take reassurance and pride in the news that there is soon to be a monument to Dr. King in Washington.

Such a memorial could be placed almost anywhere in Washington—this is, after all, our City of Monuments. But in the clear light of history, there is only one truly appropriate site for it: on the Mall, beside the Reflecting Pool, adjacent to the Lincoln Memorial. It was to this place that the marchers came from all over America on August 28, 1963. It was here that the Reverend King and his compatriots, standing in front of the President who preserved the Union, gave us a living vision of our "one Nation, under God, indivisible, with liberty and justice for all." And, in due time, it was here in this city that the U. S. Congress did pass and President Lyndon B. Johnson did sign the monumental Civil Rights Acts of 1964 and 1965.

All these events and developments—the march, the speech, the legislation—will surely be used as featured elements in the King Memorial's interpretation. But if the monument were to be placed elsewhere in the city, how could it then be satisfactorily explained that a site near the Lincoln Memorial, where these history-making events took place, was rejected in favor of a less meaningful and appropriate location?

This is a unique opportunity to honor the memory of a great American and the countless thousands who marched with him to secure the blessings of the Bill of Rights for every person in the land. The Martin Luther King Memorial should feature a statue of Dr. King delivering his oration, and the full text of the "I Have a Dream" speech should be engraved there, just as President Lincoln's Gettysburg address and his second inaugural address are chiseled in stone at the Lincoln Memorial.

The King Monument should be located adjacent to Lincoln's, alongside the Reflecting Pool where the vast throng stood to listen in 1963. And in keeping with the history of that time and the spirit of liberty that has kept hope alive in generations of Americans for four centuries, there should be engraved at this shrine the names of hundreds, perhaps thousands of people, famous and anonymous, who took an active part in making the March on Washington and the Civil Rights Movement a monumental success.

In this manner, the powerful connection between Lincoln and King can be forever sealed: the martyred President whose eloquence and courage saved the Union in the 19th century, and the martyred preacher, equally eloquent and courageous, who saved it in the 20th. It would be a tragic and unnecessary lapse of common sense if this link across time were to be severed by the misplacement of the Martin Luther King Memorial.

Mr. Gantt, this is more than a lifetime decision—it will define for all time the national expression of historic significance attached to Dr. King and the Civil Rights Movement. I pray that you and all the other commissioners with act with Solomonic wisdom.

Sincerely yours,

John Egerton

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11/16/99

Illustrative List of Attendees for a Discussion of the Site of the M. L. King Memorial

Civil Rights Leaders

Rep. John Lewis, Speaker at the March on Washington

Kweisi Mfume, President, NAACP

Hugh Price, National Urban League

Rev. Peter Gomes, Prof. at the Divinity School and Chaplain Harvard University

Correta Scott King, The King Center

Rev. Jesse Jackson

Elaine Jones, Esq. Chief Counsel NAACP Legal Defense Fund

Julian Bond, Prof. Univ. of Virginia, Chairman of the Board, NAACP

Architects and Planners

Vincent Scully, Prof. of Architectural History (Ret.) Yale University. He has given great thought to the issue of placement of civic monuments and written extensively.

Prof. Nathan Glazer, editor The Public Face of Architecture, which treats issues like the King site

John Chase, prominent Houston architect, African-American, former member Commission of Fine Arts

Neil Porterfield, Architect, Chairman Departments of Architecture and Landscape Arch., Penn State, former member Commission of Fine Arts

Richard Sennett, Prof. at N.Y.U., prolific author on questions of the public sphere

Rebecca Stevens, NPS, historian of the Mall, architect Washington Monument restoration

Robert Venturi, noted architect and architectural thinker

Ada Louise Huxtable, architecture commentator, former New York Times critic

Maya Lin, designer Vietnam, and Montgomery civil rights memorials

Paul Goldberger, architectural critic, The New Yorker, former NY Times critic

Historians and Writers

Taylor Branch, biographer of Martin Luther King, Jr.

Prof. Christopher Edley, former coordinator Pres. Clinton's initiative on race

Toni Morison- novelist

John Egerton, chronicler of the civil rights movement, Speak Now Against the Day

Prof. Charles Johnson, author Dreamer, novel about last years of King's life, Univ. Washington

Prof. Henry Louis Gates, Harvard

Prof. Eric Foner, Columbia Univ. expert on Reconstruction

Prof. John Hope Franklin and other members of President Clinton's race initiative commission

Prof. James Horton, Dept. of History, George Washington, African-American

Prof. Arthur Schlesinger, Jr.

Gary Wills, author of Pulitzer Prize winning book on the importance of the Gettysburg Address, and September Atlantic article on Lincoln's Second Inaugural Address

Prof. Roger Wilkins, Dept. of History, George Mason University

Citizens of Washington

James Gibson, civic leader, former President Meyer Foundation, African American, former member NCPC

Gen. Colin Powell

The panel should first be shown the sites on the Mall discussed, including the Lincoln Memorial. The proponents should have a brief period to explain their views, with the sponsors having the most time. Note: This list contains many busy people. Extra names are included as it will be difficult to assemble a group on short notice.

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John Dixon Hunt, Ph.D.
Professor and Chair
E-mail: jdhunt@pobox.upenn.edu

November 29, 1999

Harvey B. Gantt, Chairman
National Capital Planning Commission
Suite 301
801 Pennsylvania Avenue NW
Washington, DC 20576

Dear Mr. Gantt,

I am writing about the siting of the proposed Martin Luther King Memorial on the Mall in Washington. I have been told of the various possibilities by Mr. Stuart F. Feldman. While I am personally of the opinion that the Memorial would be most aptly sited where the Rev. King's famous and wonderful speech was delivered – i.e. immediately adjacent to the Lincoln Memorial, my experience in landscape design and especially as chair of a landscape design department suggests other perspectives.

The siting of the King Memorial, which will presumably need to include at the very least the famous words of "I have a dream", will inevitably determine its form. And the form of the Memorial would need to address its proposed siting as well as its content. It would seem therefore a useful strategy to include as part of the design competition brief not only the program for the Memorial in itself, but also the issue of its siting. Indeed, perhaps specific locations could be listed in the competition brief, as is often done, including the Lincoln Memorial, the site near the Tidal Basin that (I gather) the Sponsors favour and a few others that have been proposed during previous discussions. This would elicit from competitors a richer set of proposals, having regard to siting and content; additionally, an exciting and specifically sited design for the latter may well convince judges that a particular site is the best one.

Yours sincerely,

John Dixon Hunt
Former Director of Landscape Studies, Dumbarton Oaks
Editor of *Studies in the History of Gardens and Designed Landscapes*

Cc: Mr. Harvey B. Gantt, North Carolina
Mr. Stuart F. Feldman

JOHN EGERTON • 4014 Copeland Drive • Nashville, Tennessee 37215

December 1, 1999

fax to: Mr. Harvey Gantt, Chairman
National Capital Planning Commission
202-482-7272

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All these events and developments—the march, the speech, the legislation—will surely be used as featured elements in the King Memorial's interpretation. But if the monument were to be placed elsewhere in the city, how could it then be satisfactorily explained that a site near the Lincoln Memorial, where these history-making events took place, was rejected in favor of a less meaningful and appropriate location?

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Mr. Gantt, this is more than a lifetime decision—it will define for all time the national expression of historic significance attached to Dr. King and the Civil Rights Movement. I pray that you and all the other commissioners with act with Solomonic wisdom.

Sincerely yours,

John Egerton

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The Progressive Review

NCPC
File No. 5907
Primary Stat. OPR
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December 1, 1999

The NCPC
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To the Commission:

I am writing to lend my support to creating a memorial to Martin Luther King Jr. at or near the Lincoln Memorial. I understand that consideration is also being given a site near the Tidal Basin, but it seems this would be a far less desirable location.

I have visited, on a number of occasions, the new FDR Memorial as I am an admirer of Roosevelt as I am of King. While the monument is impressive, I have an unavoidable sense that it is in a second-class location, in the back of the Mall bus, so to speak. I imagine school children, having been taught what a great individual Dr. King was, wondering why his monument has been put in such an inconspicuous spot.

While there is a trade-off between space and position, the symbolic impact of a smaller monument in direct proximity with the Lincoln Monument would be immense, serving as iconographic witness to the dream of which Dr. King spoke at that very location.

Sincerely,

Sam Smith
Editor

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November 30, 1999

NCPC
File No. 5907
Primary Stat. OPR
Due Date

By Fax: 202.482.7272

National Capital Planning Commission
801 Pennsylvania Avenue, N.W.
Suite 301
Washington, DC 20576

Copies:
CHAIRMAN, EXEC. DIR., PUB. AF., GEN. COUNSEL, SECRETARIAT, ASST. EXEC. DIR. (PRGRMS), ASST. EXEC. DIR. (MGMT), LONG RANGE PLNG., PLANS REVIEW, TDA SUPPORT, ADMIN.

Re: Martin Luther King Memorial

Dear NCPC:

I would like to add my voice in support of the proposal by Stuart Friedman and my colleague, Professor John Dixon Hunt, to hold a competition for the best architectural proposal for a memorial for Martin Luther King without limiting it to one specific site decided in advance. From what I have read, it seems presumptuous to decide on one location in advance according to the expressions of one interest group, however influential it may be. Instead, it seems appropriate to give architects the latitude to choose among several appropriate sites and then to select the most appropriate design. Surely, a decision of this magnitude deserves careful consideration and an open competition. On the merits, I am also persuaded that Stuart Friedman has advanced some very strong historical arguments in favor of locating a new Martin Luther King Memorial near the Lincoln Memorial.

Sincerely,

Eric W. Orts
Associate Professor

cc:

Stuart Friedman (by fax: 215.546.3834)
John Dixon Hunt w/attachment (by intramural mail: Landscape Architecture)
Kenneth Shropshire w/attachment (by hand)
Elijah Anderson w/attachment (by fax: 3.2081)

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11/26/99

Should the Legacy of King be Linked Forever with that of President Lincoln?

The National Capital Planning Commission's Crucial Vote December 2 on the Location in Washington of the M.L. King Memorial

A group of people are working to see that the memorial to Dr. King that Congress authorized in 1998 is built at the right place. The choice is between a site at the Lincoln Memorial steps going down to the Reflecting Pool and one beyond the Polo Field at the Tidal Basin. I feel, as do many others, that history requires that the Lincoln Memorial Reflecting Pool area be selected. The Alpha Phi Alpha fraternity, with which I worked for ten years as a volunteer, to get the legislation passed, and, I believe, Mrs. King prefer the Tidal Basin. We would very much like to get your advice and help.

A more expansive memorial can be built at the Tidal Basin. But, as has been pointed out, the people that most need to reflect on the hundred years that it took after the Civil War to get voting and other civil rights for African-Americans, are unlikely to go to a distant memorial at the Tidal Basin. The Tidal Basin site was voted down 8-4 on July 1 by the NCPC. I was the only public witness. I wrote to Secretary Bruce Babbitt in early September requesting that he convene a meeting, of the two commissions involved, the National Park Service and the sponsors, to discuss with Civil Rights leaders, historians and architectural thinkers where the memorial should be placed to do the most good for the country. That has never happened.

Dwight Lewis's recent column in the **Nashville Tennessean** and my briefing memo, as well as the backup articles, should explain the situation.

I feel strongly that King's "I Have a Dream" speech is the Second Emancipation Proclamation. As Colin Powell has said:

> "Abraham Lincoln freed the slaves, but it was Martin Luther King who freed the whites and freed the American people."

It is vital to link the legacies of King and Lincoln, and the speeches in Lincoln's Memorial with King's. The Tidal Basin site is totally disconnected from the Lincoln Memorial. Monuments. Monuments and buildings must be related to tell our national story, instead of arbitrarily placing pieces of history on the landscape. J. Carter Brown, Chairman of the Commission of Fine Arts, has written:

"The Lincoln Memorial site would be the highest tribute the nation could give to any individual... The memorial to King there would need to gain its power, strength and poetry from physical understatement and overwhelming historical resonance."

A Possible Design- One suggested King Memorial would consist of two marble tablets flanking the steps leading down to the Reflecting Pool. The text of the immortal "I Have a Dream" speech would be etched on the south tablet, where hundreds of thousands on the March on Washington heard it delivered. On the north tablet, excerpts from the words of the "I Have Been to the Mountain Top" and other major speeches would be carved.

A slightly larger-than-life size sculpture of Dr. King would stand adjacent to the "I Have a Dream" speech or at the center of the steps. Unifying the elements would be a fountain that comes from the earth, from which the water would flow down the steps to the Reflecting Pool.

The Crucial Vote- Harvey Gantt, the NCPC Chairman and the executive director Reginald Griffith strongly backed the Tidal Basin site and will presumably do so again. The National Park Service has resisted anything being built close to the Lincoln Memorial. But Brown, who is just as aware of the aesthetic concerns as the NPS, has supported the idea. One possible compromise has been suggested by Professor John Dixon Hunt, Chairman of the Department of Landscape Architecture at the University of Pennsylvania. He suggests holding the architectural competition with a choice of several sites and designs to match those sites. Another possibility is to postpone the vote, until witnesses from the fields of Civil Rights, historians and architectural thinkers can be assembled and testify.

Please write or fax the NCPC, the Washington Post and Secretary of the Interior Bruce Babbitt with your views. Two paragraph letters are best.

Addresses: 1. The NCPC- 801 Penna. Ave NW Suite 301, Wash. DC 20576 Fax 202 482-7272, E-Mail NCPC.Gov

2. The Washington Post, Letters to the Editor 1150 15th ST. NW, DC 20071 no faxes but E-mail to washingtonpost.com

3. Secretary Bruce Babbitt, 1849 C St. NW Wash, DC 20240

Please send me a copy of anything you write. My fax is the same as my phone number but you must call first. E Mail Gibaa@aol.com

The TENNESSEAN
ISSUES
SUNDAY, OCTOBER 31, 1999

Should King sit side by side with Lincoln?

Dwight Lewis

Should the legacy of Martin Luther King Jr. be linked forever with that of Abraham Lincoln, one of America's greatest leaders?

That's the question currently being debated these days as federal officials and others try to determine the best location for the proposed Martin Luther King Memorial in Washington.

Some, including the Martin Luther King Jr. National Memorial Project foundation, favor the Tidal Basin site between Washington's Independence Avenue and the Franklin D. Roosevelt Memorial.

Others favor locating the it near the Lincoln Memorial.

"On Aug. 28, 1963, close to a quarter-million courageous American citizens marched into this city to petition their government for a redress of grievances," Nashville author and historian John Egerton said recently. "Their leaders were African Americans, Dr. King most memorably, and their numbers included people from every class, calling and color.

"All along the reflecting pool they stood, gazing up, listening, cheering as one great speaker after another stood in the shadow of the brooding martyr Abraham Lincoln and dreamed aloud of an America equal to its promises."

Egerton added: "There is only one truly appropriate site for the King Memorial. It should be adjacent to the Lincoln Memorial, linked in physical proximity as in history. Visitors could then read and ponder Lincoln's Gettysburg Address and his second inaugural address, followed by King's 'I Have A Dream' speech, and feel the powerful connection between the two.

"What Lincoln and the preserved Union were to the 19th century, King and the civil rights movement have been to the 20th: crowning events, defining moments, each personified by a singular figure who symbolizes our one nation, still striving to be indivisible."

Stuart F. Feldman, who lives in Philadelphia and is senior vice president of the board for the National Constitution Center, agrees.

Feldman has been working as a volunteer for this project since 1988. In October 1996, he told me: "The words of his (King's) immortal 'I Have A Dream' speech should be carved in stone at a site by the Reflecting Pool near the Lincoln Memorial.

"People who go there to read Lincoln's thoughts would be able to ponder the truths that King spoke from atop the Lincoln Memorial's steps nearly a century after Lincoln's assassination."

When I talked to Feldman over the telephone, he added: "It was King and the civil rights movement he led that, nearly a century later, finished Lincoln's work."

"The four groups directly involved in trying to decide where the King memorial should be located — the MLK Memorial Project Foundation, the National Park Service, the U.S. Commission of Fine Arts, and the National Capital Planning Commission — have not been able to reach an agreement on the most appropriate site. Congress has already voted that it be built, with private funds.

"The Tidal Basin site is totally disconnected from the Lincoln Memorial," Feldman told me Friday. "Monuments and buildings must be related to tell our national story, instead of arbitrarily placing pieces of history on the landscape."

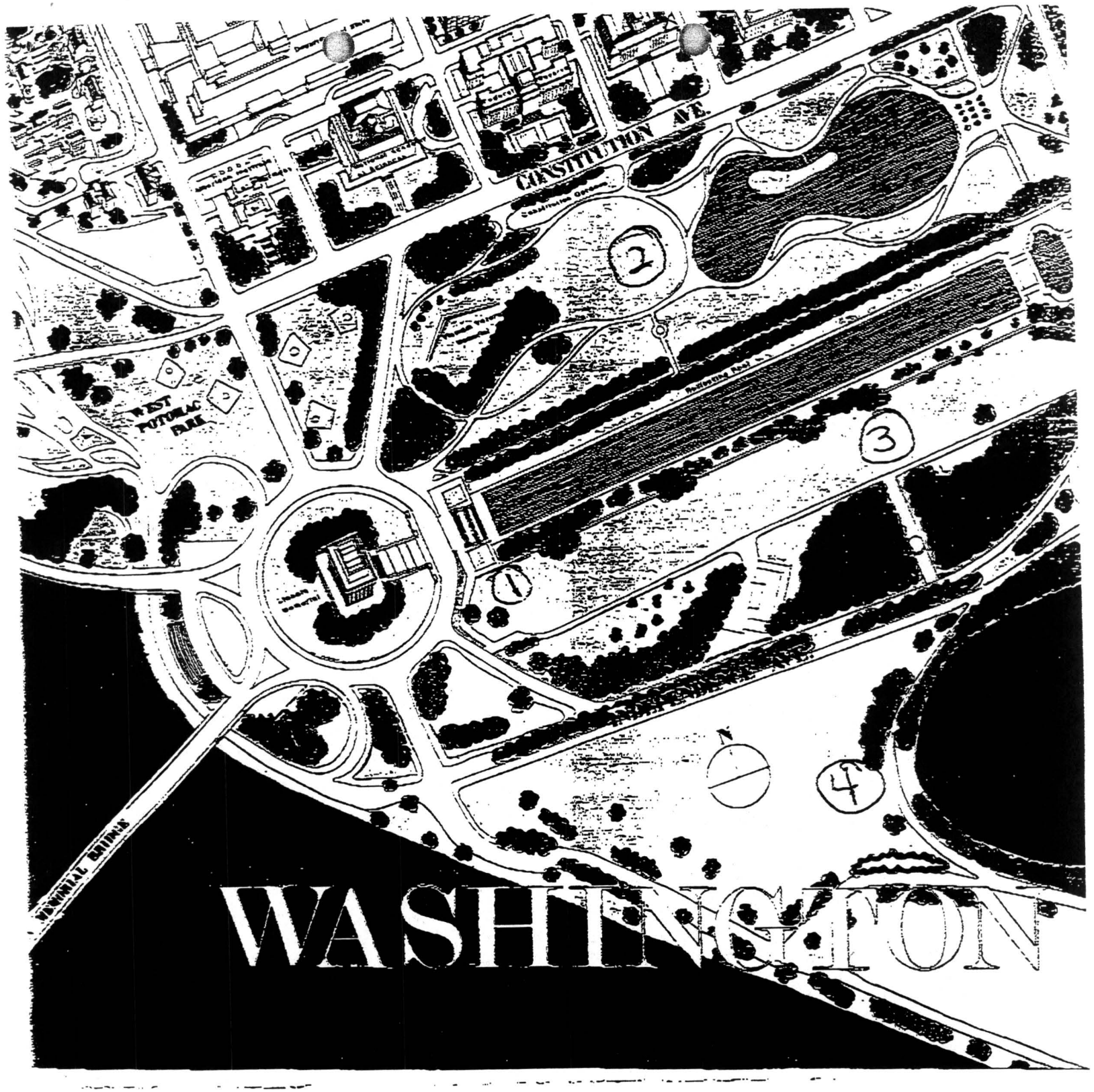
Feldman [illegible]

he's right, too, when he suggests that Interior Secretary Bruce Babbitt should assemble a group of folks — some civil rights leaders, architects and planners, historians and writers, and citizens of Washington — to advise him and the National Capital Planning Commission on what is the most appropriate site for the King memorial.

"I'm sure that the four groups working on the [illegible] posed site have good in[illegible]tions, but maybe others could help them come up with an answer.

After all, Martin Luther King Jr. was one of America's, and the world's, greatest citizens, and with young people visiting the nation's capital day in and day out, every day without a King memorial there is a day when a chance to tell his story is lost. ■

(Lewis is a columnist, a regional editor for The Tennessean and [illegible])



Possible Sites

1. The Relecting Pool Steps

2. West Constitution Gardens preferred by the National Park Service

3. South side of the Reflecting Pool to be coupled with 1

4. The Tidal Basin site supported by Alpha Phi Alpha

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11/22/99

Time is Running Out on a Wise Decision Making Process for the Site of the Martin Luther King Memorial
NCPC to Hold Decisive Vote on December 2 on the Site

Time is running out to set up a wise decision making process for the site for the Martin Luther King memorial on Washington's Mall that Congress authorized in legislation passed in 1996 and 1998. The NCPC will take the decisive vote on the site on December 2.

1. **The Site Selection Process-** Once a project is approved by Congress, there are three commissions– The National Capital Memorial, the National Capital Planning and the Commission of Fine Arts, the National Park Service, and ultimately, the Secretary of the Interior, in this awkward site selection decision making process. The National Capital Memorial Commission approved the idea and seems to have no current role. The NPS is the steward of the Mall and its environs.

The site selection process has been lengthy. The Alpha Phi Alpha fraternity (the sponsor) last fall requested a site at the east end of the Constitution Garden Lakes (17th and Constitution). That was approved by the NCPC. Then the fraternity changed its position and asked for the site at the Tidal Basin: NCPC rejected that by one vote. The NCPC continued to back the Constitution Gardens Site. The Commission of Fine Arts, on March 23, rejected the East Constitution Gardens site, put the Tidal Basin on hold, and encouraged the fraternity to consider a site close to the Lincoln Memorial.

A task force was formed from the commissions, the NPS and the fraternity. I understand that only limited consideration, at best, was given to a Lincoln Memorial site. The NPS is opposed to building anything close in: Secretary Babbitt can overrule that position. The task force recommended the Tidal Basin site and the CFA approved it. It then returned to the NCPC, where it was rejected. The fraternity still prefers the Tidal Basin, as does Mrs. Coretta Scott King, I think. She is the Chairman of the fraternity effort, although I don't believe that has been announced publicly. A larger monument can be built at the Tidal Basin, but it is disconnected from the Lincoln Memorial and the history made there.

2. Absence of Larger Views- The Tidal Basin site, adjacent to the Polo Field, was rejected on July 1 by an 8-4 vote in the NCPC, with thoughtful views expressed by opponents and proponents on the commission. However, Harvey Gantt, Chairman of the NCPC, is working to form a consensus within the commission for the Tidal Basin. At the meeting of the NCPC October 7, he set up an internal task force to try and meet the objections to the Tidal Basin site–

if they can be met. Neither historians, civil rights leaders, nor leading architectural thinkers (other than those few architects on the commissions and their staffs), have contributed to the process. I wrote to Secretary Bruce Babbitt, early in September, proposing that he convene such a group of thinkers to meet with the relevant commissions and Alpha. J. Carter Brown, former Director of the national Gallery of Art and long-time Chairman of the Fine Arts Commission called the Lincoln Memorial area "the highest tribute."

When I testified before the NCPC on July 1, I was the sole public witness. On March 23 before Fine Arts, there was one other witness, Judy Scott Feldman an Assistant Professor at American University. She brought along one of her students (it was a class project) and the student testified briefly. Ms. Feldman offered some excellent observations about the basic questions, which have yet to be answered (see attached list and JSF memo and letter to Secretary Babbitt).

3. **The Sponsor-** The Alpha Phi Alpha fraternity has played a crucial leadership role, originating the idea of a King memorial. George Sealey, Jr. led the effort from its inception in 1984, until the first piece of legislation passed in late 1996. John Carter, a retired telephone executive in Atlanta, leads the effort now. The fraternity must conduct the design competition and raise the money.

When my op-ed piece ran in the *Washington Post* in 1989, Sealey called and asked me to join with Alpha. I did as a volunteer and worked to get the legislation passed (Rep. Connie Morella was the leader, along with Senators Warner and Sarbanes). The fraternity had no site in mind when I met with them, but we used my article as a major legislative tool, and there appeared to be considerable backing for the Lincoln Memorial area. When I discuss the issue with people, almost all of them favor the Lincoln Memorial.

4. **A Solution-** The site selection for the King Memorial is very important. Strong views have been presented, but thoughtful experts need to be heard from. The Secretary of the Interior should assemble historians, civil rights leaders and architectural thinkers. They would meet with the Commissions and the sponsors and discuss the topic. With their insights added, a better decision will be made that will serve the long-time interests of the nation. This memorial is forever. Important monuments and building should be related to tell a national story. People that have spent much of their lives thinking about these issues must be heard, before the site is approved, the architectural competition is launched and the stones are put in place.

5. A Possible Design- One suggested King Memorial would consist of two marble tablets flanking the steps leading down to the Reflecting Pool. The text of the immortal "I Have a Dream" speech would be etched on the south tablet, where hundreds of thousands on the March on Washington heard it delivered. On the north tablet, the words of the "I Have Been to the Mountain Top" speech would be carved.

A slightly larger-than-life size sculpture of Dr. King would stand adjacent to the "I Have a Dream" speech or at the center of the steps. Unifying the elements would be a fountain that came from the earth, from which the water would flow down the steps to the Reflecting Pool.

to honor Dr. King

Phila. Inquirer 9/10/99

By Carol D. Leonnig
INQUIRER WASHINGTON BUREAU

WASHINGTON — The Rev. Dr. Martin Luther King Jr. made civil rights history with his "I Have a Dream" speech on Washington's national mall. Now, there is a struggle to find the right place there to mark his contributions.

Some planners worry that too many airplanes would zoom over the head of Dr. King's statue at a proposed site near the Tidal Basin.

Others fear that an alternative location at Constitution Gardens, on the mall near Constitution Avenue, would segregate memorials to black leaders and heroes in one corner of the capital's monument-filled core.

And still others are concerned that a busy site, near the Vietnam Veterans Memorial, could distract viewers from the impact of Dr. King's message.

Designers want Dr. King's statue to help create a "path of leaders" along the national mall.

Harvey Gantt, chairman of the National Capital Planning Commission, which must approve memorial locations, is working to get the quarreling parties to agree on one of the three sites, all of which are near the Lincoln Memorial, where Dr. King gave his speech in 1963.

Without a quick consensus, Gantt fears Dr. King's memorial will remain in limbo too long.

"We have been at an impasse for some time," Gantt said. "What I do know is I have to move it from this deadlock."

Gantt, an architect, is a former mayor of Charlotte, N.C., who ran unsuccessfully against Sen. Jesse Helms (R., N.C.) in the 1990 and 1996 elections. Last week, he invited the memorial's sponsors to make their case informally for the Tidal Basin site they (and he) like best at an executive session of the planning commission.

The sponsors — the Martin Luther King Jr. Memorial Project Foundation and Alpha Phi Alpha, an African American fraternity — want to place the memorial on a 4-acre plot near the basin berween the Lincoln and Jefferson Memorials.

The planning commission rejected that site in July by a vote of 7-5, citing airplane noise as one problem.

"Some felt it was a back-of-the-bus location," Gantt said of the July vote. "Some did not want to see Martin Luther King in a floodplain."

Gantt hopes to persuade the majority in opposition to reconsider. The memorial's sponsors hope he can pull that off by the commission's next meeting Oct. 7.

"We are trying to create in the southeast corridor of the mall what we call a 'path of leaders,' where the words of Lincoln, FDR and Jefferson will be combined with the words of King," said Ed Jackson, chairman of the sponsors' design committee. "It's one opportunity where the son of a slave is placed in the same cityscape as the owner of a slave — which speaks volumes to how far America has come."

Jackson, the research director for the American Institute of Architects in Washington, said the sponsors want Dr. King's memorial to be a destination memorial — one you specifically trek to Washington to see, rather than one you may pass on a tour.

In 1996, Congress formally authorized the memorial to be near the mall. It gave the sponsors the task of locating a site, choosing a design, and raising money for construction. The cost is expected to exceed $10 million, and sponsors hope to complete it by 2003.

The sponsors say airplane noise at the Tidal Basin site is a moot point. Recent noise-level readings were taken with similar results at the Basin and the Constitution Garden sites.

But some commissioners will need persuading.

Gantt and others say they sense no animosity toward Dr. King's memory, only firmly differing views about how best to respect Dr. King. In fact, the King memorial is not the only proposed monument to cause controversy. Officials have had a long debate over the design of a World War II memorial on the national mall.

"I had no idea before I got to Washington how contentious some of these decisions are," Gantt said. "Now I know there is a tremendous amount of emotion wrapped up in anything having to do with monumental Washington."

For Memorial to Rights Leader

MEMORIAL, *From B1*

commission would endorse the same site in an assessment to the board at yesterday's meeting. Griffith's testimony was taken as a sign that both boards would be in accord.

However, the Planning Commission members did not follow the staff recommendations. Before the vote was taken, several members offered emotional pleas for and against the site.

Commission member Margaret G. Vanderhye, a presidential appointee, spoke of he for the work of the foundation but said she was opposed to the site for both land use and philosophical reasons. She said the area is in a flood plain and is already occupied by a recreational field.

"Philosophically, this site just doesn't work for me," she said. "This is not just a memorial to a great leader but a memorial to the people he led. . . . Whatever we do for a memorial, it should be a living entity, as is the Washington Monument."

She went on to suggest Freedom Plaza on Pennsylvania Avenue as a possible site because, "there you have people milling and mixing without regard to the color of their skin."

Patricia Elwood, commission vice president and a mayoral appointee, said sh agreed with Vanderhye but added, "I feel terrible not to support that [Tidal Basin] site."

Arrington Dixon, a mayoral appointee, said he had struggled to come to the decision not to support the site selection. He said he objected to the adjoining polo field, the roadway through the site and the noise of nieplanes overhead.

"There are too many things here that make me feel like this is the back of the bus," he said. "I am sorry, but I can't vote for it."

Commission Executive Director Griffith urged board members to look "not at what is there but what could be there. We recommended this site not because it was the back of the bus . . . but because we believed this could be designed in a way that is worthy of Dr. King."

Commission Chairman Harvey B. Gantt, a presidential appointee, was the last to speak, saying he would vote for the site. "I've asked myself over and over again was the process a fair one," he said. "I concluded the process was fair. I liked the Constitution Gardens site better . . . yet the Tidal Basin site is special."

He went on to say he had been concerned that the memorial foundation had been coerced into asking for the Tidal Basin site but was convinced that was not the case.

"We want to move forward and not delay for a year or two, or maybe we will never do it," he said. "I didn't get the site I wanted, but I can't say this won't be a great site."

After the votes were cast, John Parsons, associate regional director of the National Park Service's National Capital Region, said he expected the vote to be close and hadn't been willing to predict the outcome. He said, the Park Service and the foundation would look again at sites at each end of Constitution Gardens.

In other business, the commission gave final design approval to the National Museum of the American Indian that will be built at Third Street and Independence Avenue SW.

Washington Post

FRIDAY, JULY 2, 1999

Panel Rejects Mall Site for King Memorial

Panel Rejects Tidal Basin

Vote Likely to Stall Project By a Year, Supporters Say

By LINDA WHEELER
Washington Post Staff Writer

Plans to build a memorial to Martin Luther King Jr. in the Mall area suffered a major setback yesterday when a key agency rejected a site selected by the memorial foundation and already approved by the Commission of Fine Arts.

In an 8 to 4 vote, the National Capital Planning Commission disapproved a three-acre site beside the Tidal Basin, not far from the Franklin D. Roosevelt Memorial. The vote means the Washington D.C. Martin Luther King Jr. Memorial Project Foundation must begin the process of selecting another site and then seek approval from both commissions, creating a delay of at least a year.

"We are extremely and deeply disappointed," memorial project manager John Carter said after the vote. "We went through the process, we did everything. We had looked at all the sites . . . and this is still the best site."

By the process, he meant the carefully orchestrated presentations to both commissions and the foundation's participation in a task force made up of representatives from both commissions that had concluded the Tidal Basin site was the best. The foundation cannot go ahead with a design competition or raise funds until they have a site.

The King Memorial site has been controversial. Initially, the foundation selected a site at the east end of Constitution Gardens, near the planned World War II Memorial and received approval from the Planning Commission but was turned down by the Fine Arts Commission. The foundation then reconsidered two other sites that had been dismissed earlir anbraced the one on the Tidal Basin.

The Fine Arts Commission gave enthusiastic support to that choice last month. At that bear-

Washington Times
WASHINGTON, D.C., WEDNESDAY, MARCH 24, 1

King memorial still seeking site

By Jeremy Redmon
THE WASHINGTON TIMES

A private foundation that wants to build a memorial to Martin Luther King in the District was steered back to the drawing board yesterday.

The federal Commission of Fine Arts said the foundation should consider placing the King memorial next to the Lincoln Memorial or on the west side of the Constitution Gardens lake.

The commission opposed the group's plans to build the King memorial beside the Tidal Basin, across the water from the Jefferson Memorial.

The National Capital Planning Commission and a panel representing the Interior Department have already voted to place the memorial east of the lake near Constitution Avenue and 17th Street NW.

Congress could ultimately select the site if the three federal agencies can't agree on a location.

J. Carter Brown, chairman of the Fine Arts Commission, dismissed the site on the east side of the lake yesterday, saying it would conflict with a World War II memorial planned for a spot nearby.

"We should not be having [King's] memorial become a footnote to a large memorial to World War II," Mr. Brown said.

The Washington D.C. Martin Luther King Jr. National Memorial Project foundation selected the Tidal Basin site between Independence Avenue and the Franklin D. Roosevelt Memorial.

Mr. Brown said the Tidal Basin site lacks a "sense of place." He told foundation officials to consider placing the memorial between the Reflecting Pool and the Lincoln Memorial or on the west edge of the Constitution Gardens lake.

King delivered his "I Have a Dream Speech" on the steps of the Lincoln Memorial on Aug. 28, 1963, before 200,000 people during the March on Washington.

The Fine Arts Commission did not reject the Tidal Basin spot yesterday but told the foundation it should consider choosing one of the alternative locations instead as a way to get the three panels to agree on a site.

Ed Jackson Jr., a foundation member, said his group still prefers the Tidal Basin location but will discuss Mr.

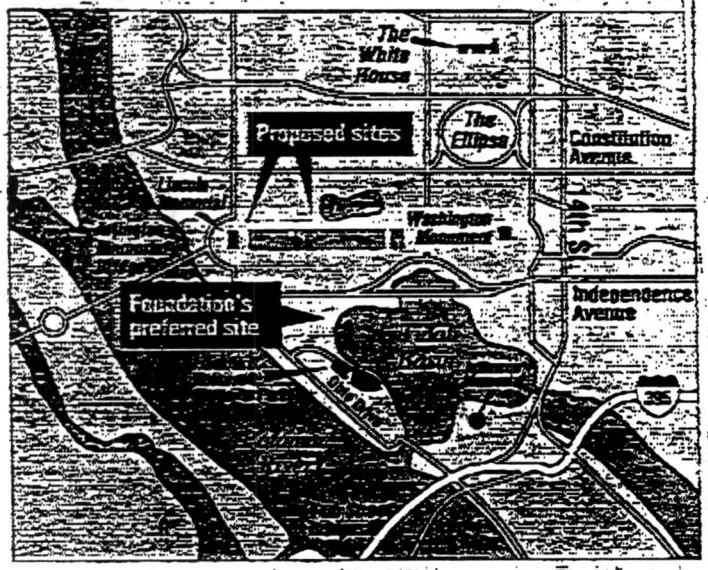
■ Chairman J. Carter Brown said the Tidal Basin site lacks a "sense of place."

Brown's suggestions with the National Park Service next week. He hopes to have a site approved by all three panels within the next few months.

Mr. Jackson said the foundation favors the Tidal Basin spot because it would would help create a "path of leaders" that would link the Lincoln, Jefferson and Roosevelt memorials.

Last year, Congress approved resolutions to build the King memorial and suggested that it be built between the Lincoln Memorial and RFK Stadium.

Foundation officials have not selected a design or cost for the monument; Congress directed the group to raise all the money for the memorial by Nov. 12, 2003. The group hopes to raise money for the project from businesses and private donors.



Philadelphia Inquirer

Friday, August 28, 1998

A dialogue carved in stone may lead us toward unity

By Stuart F. Feldman

President Clinton signed legislation last month that will allow construction of a memorial to the Rev. Dr. Martin Luther King Jr. on Washington's National Mall. We must make sure that the next steps lead to a monument that motivates the present generation to strive for Dr. King's vision of an undivided America with the same power that transformed this country more than a generation ago.

A fitting monument for Dr. King requires three things: a first-class work of architecture; a site and design that tie together the King and Lincoln Memorials, and a message the reflects Dr. King's complex and brilliant achievements.

As we know from countless design battles in Washington, these requirements are simple to state but hard to realize. This important national project, to be led by Alpha Phi Alpha, the nation's largest black fraternity, must summon the greatest talents.

The importance of the right architectural design is illustrated by Maya Ying Lin's Vietnam Veterans Memorial. It took courage to support the beautiful simplicity of Lin's proposal in the face of intense opposition. Such courage may be required again. Great architecture talks to the past and looks to the future. Designing a memorial to achieve all these goals is a giant task.

The Mall is a great and unique site. Its openness and dignity must be retained — no small task when setting another structure in a place some feel is already crowded.

The design and landscaping have to reflect the flow and journey from President Lincoln to Dr. King. Dr. King's "I Have a Dream" speech, delivered 35 years ago today, should be carved in stone near the Lincoln Memorial, which includes Lincoln's Second Inaugural speech and Gettysburg Address. Linking the two men's speeches would unite their legacies and thoughts forever, highlighting that it took more than 100 years for much of Lincoln's vision to be realized.

This dialogue between Lincoln and Dr. King would lead us toward the eternal goal of national unity, for which Lincoln and a half-million soldiers gave their lives in conflict and which King played a significant role in solidifying. Lincoln and Dr. King each redeemed for us the better angels of our historical consciousness.

Finally, the King memorial must display the astonishing achievements of Dr. King and his allies. Dr. King embodied the spiritual, political and visionary in a single person and a single movement. He believed the truth would set us free. He sought the unity of the American people and an end to the evil separation of black and white. He embedded in his thoughts and deeds the ideas of India's pacifists and America's ideals of human equality. He used his powerful rhetoric to help break segregation's grip. Dr. King knew daily that he was the lightning rod for vile hatreds. Yet he endured — to his personal cost and our gain. His thoughts are a beacon for our future.

In one memorial, join the visions of Lincoln and Dr. King.

The March on Washington set in motion forces that changed our nation forever for the better. President Clinton has a wonderful opportunity to commence the memorial effort by building on his racial dialogue. He should suggest that we dedicate the memorial on Dr. King's birthday in 2001 as one step toward realizing Dr. King's dream of a truly integrated America.

This challenge, and Dr. King's dream, speak to us even more pressingly today because of the vast immigration of peoples from across the globe to America since that remarkable August day in 1963.

Stuart F. Feldman is a consultant on public policy and a 10-year volunteer in the effort to build a memorial to Dr. King. He originated the idea for a National Constitution Center on Independence Mall.

Weather
oday: Sunny, hazy, hot, humid. igh 96. Low 78. Wind 6-12 mph. **ednesday:** Sunny, hazy, chance of ternoon thunderstorm. High 96. **esterday:** AQI: 110. Temp. nge: 77-93. Details on Page B2.

The Washington Pos

12TH YEAR .... No.232 TUESDAY, JULY 25, 1989 C

Stuart F. Feldman

A King Memorial for Washington

Reprinted in:
The Atlanta Constitution
Cleveland Plain Dealer
The Philadelphia Inquirer

Twenty five years after the signing of the Civil Rights Act of 1964, it is time to construct a memorial to Dr. Martin Luther King Jr. The words of his immortal "I Have a Dream" speech should be carved in stone at a site by the Reflecting Pool near the Lincoln Memorial. People who go there to read Lincoln's thoughts would be able to ponder the truths that King spoke from atop the Lincoln Memorial's steps nearly a century after Lincoln's assassination.

Some will argue that King already has his day and that that is enough for one person. But just as the Vietnam Memorial by its physical presence, has played a central role in easing the problems of individual veterans and the nation's divisions over the Vietnam War, so the problems of individual blacks and the nation's long, tragic division over race would yield in part to a healing King Memorial. It would commemorate not only Martin Luther King Jr. but also his many predecessors, colleagues and followers in the fight for equality.

We've already missed too many opportunities to pay homage to King. When his death was announced on the radio, I asked my boss at the Transportation Department to call the White House and propose that the body be brought to the Capitol to lie in state as the American hero he was.

A pressured aide answered with words to the effect that "We've already taken care of it—Hubert's going to the funeral in Atlanta." The next day as I watched smoke rising from large parts of the burning Capital, I wondered if this would have happened if King had been lying in state with vast lines of black and white Americans waiting to pay their respects.

A memorial to those who died in the civil rights movement is being dedicated this fall in Montgomery, Ala. Yet, despite the strength of the Montgomery design (by Maya Lin, who also did the Vietnam Memorial) there is no substitute in the national consciousness for Washington recognition.

An architectural competition like that used for the Vietnam Memorial should be employed to obtain the best plan. Sen. Paul Sarbanes of Maryland and 13 cosponsors have introduced legislation for a memorial, as have Walter Fauntroy and 50 colleagues in the House. The Sarbanes bill has been reported by the Rules Committee and is now on the Senate calendar for action. Alpha Phi Alpha, the nation's largest black fraternity, which requested the legislation, will "coordinate" the design and conduct a public fund raising drive that will pay all construction costs. Now is the time to act, for we continue to struggle with the problem of race in the country and with an underclass that is alienated from society. A memorial will inspire us to renew our efforts.

The chief judge of the South Carolina Court of Appeals, Alex Sanders, was quoted recently in V. S. Naipaul's book "A Turn in the South," as saying:

"It is a wondrous thing. If you had told me in the fifties and early sixties that in the very near future we were going to have an integrated society, I wouldn't have believed you. I thought even then it might be a hundred years in coming. It may even be divine, the change that has come about—I don't know. It's hard to understand. But people all of a sudden saw that it was wrong. And that is miraculous. . . ."

It is that "wondrous thing" the King Memorial would keep alive. While no one can be sure of divine intervention, the courage, integrity and peaceful methods of King and his allies Democratic and Republican, and the many black people, young and old, who participated, despite real dangers to them and their white allies, deserve our nation's appreciation.

The process created by our Constitution finally, under the spur of King's eloquence and dedication and that of his fellow leaders, worked to ensure equality before the law. Their efforts brought an end to government-authorized segregation, and made black voting possible in large areas of the South where blacks had been for all practical purposes excluded from voting, that most fundamental democratic right.

The nation has yet to arrive at the America King described in his "I Have a Dream" speech:

"Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood."

But however discouraging the rate of progress sometimes has been, especially for those in the inner cities, the struggle goes on. Congress should authorize now a site for a King Memorial on the Reflecting Pool so that all Americans ever after can admire and contemplate King's words and deeds and act on them.

The writer is a Washington lawyer.

BY JOEL RICHARDSON—THE WASHINGT

King before the Lincoln Memorial, Aug. 28, 19

Gerald Stern
33[illegible] Newark Street NW
Washington, DC 20008-3330
Phone and fax 202-364-2595
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E-mail: GMS37@aol.com

NCPC
File No. 5907
Primary Stat. OPR
Due Date

November 30, 1999

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SECRETARIAT ✓	TDA SUPPORT
	ADMIN.

Mr. Harvey Gantt
Chairman
NCPC

Via Fax 202-482-7272

Re: Site for the ML King Memorial

Dear Mr. Gantt:

I was a lawyer in the Civil Rights Division of the United States Department of Justice from 1961 to 1964. I saw first hand the barriers imposed against Black Americans seeking to exercise their right to vote in Mississippi, Alabama, and Louisiana. I saw Black Americans denied service at lunch counters in Savannah, Georgia where I went as Bobby Kennedy's representative. And I saw the hatred and obstacles that met James Meredith at Ole Miss where I was sent to help insure his safety. The Civil Rights Movement led by Dr. King changed that forever, particularly after his March on Selma and his I've Got a Dream speech galvanized Congress to give the Federal Government the tools necessary to bring the right to vote effectively to all Black Americans.

The struggle for equal rights was fundamental to the best ideas America has. That story must be told, and retold, at our country's most important public space dedicated to equal rights- the Lincoln Memorial. That fight for justice was so central to the American promise that I feel it would be best displayed by coupling Dr. King's immortal words with those of our greatest President-Abraham Lincoln.

Thank you for your consideration.

Sincerely yours,

Gerald M. Stern

NATIONAL CAPITAL PLANNING COMMISSION

IN REPLY REFER TO:
NCPC File No. 2786

JAN 0 8 1998

Mr. Ronald K. Peterson
Assistant Director for Legislative Reference
Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503-0001

Dear Mr. Peterson:

This responds to your request for the views of the National Capital Planning Commission on the letter and draft resolution prepared by the Department of the Interior to be sent to the President of the Senate and the Speaker of the House of Representatives concerning a memorial to Dr. Martin Luther King, Jr. Public Law 104-333 authorized the Alpha Phi Alpha Fraternity to establish a memorial to Dr. King on federal land. The draft Joint Resolution would, pursuant to the Commemorative Works Act, Public Law 99-652, authorize the memorial to be constructed in Area I.

You may be aware that the Senate Subcommittee on National Parks, Historic Preservation and Recreation and the House Subcommittee on National Parks and Public Lands held hearings this Fall on the Commemorative Works Act relative to the memorial approval process and the siting of two pending memorials. During the hearings, the Commission, as well as other commissions with responsibility for approving memorials, was requested to review its approval process and the Commemorative Works Act. The Commission's Memorials Task Force is in the process of reviewing the Act, together with representatives of the Commission of Fine Arts and the National Capital Memorial Commission. We are now working on a proposal to redefine the siting of memorials in Area I as defined in the Act, as well as a recommendation to the Congress for reconfiguring Area I boundaries.

CENTRAL FILE COPY

The Commission agrees that a memorial to Dr. Martin Luther King, Jr. would be of "preeminent historical and lasting significance to the Nation" as required by Sec. 6(a) of Public Law 99-652. Therefore, we concur in the recommendations of the Department of the Interior.

Sincerely,

Harvey B. Gantt
Chairman

bcc: RNAllen
GVEvans
Legislative File
Central File - 2786
Reading File
RNAllen:1/1/98

Total Pages: 9

LRM ID: EHF355

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Monday, January 5, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO:	Logislative Liaison Officer - See Distribution below
FROM:	Ronald K. Peterson (for) Assistant Director for Legislative Reference
OMB CONTACT:	E. Holly Fitter
	PHONE: (202)395-3233 FAX: (202)395-5691
SUBJECT:	**INTERIOR Draft Bill on Martin Luther King Memorial**
DEADLINE:	**10:00 AM Monday, January 12, 1998**

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS:
DISTRIBUTION LIST

AGENCIES:
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73-National Capital Planning Commission - Sandra Shapiro - (202) 482-7200

EOP:
J C. Crutchfield
Pamula L. Simms
David C. Childs

LRM ID: EHF355 **SUBJECT:** INTERIOR Draft Bill on Martin Luther King Memorial

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:
(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
(2) sending us a memo or letter
Please include the LRM number shown above, and the subject shown below.

TO: **E. Holly Fitter Phone: 395-3233 Fax: 395-5691**
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-6194

FROM: _____ **(Date)**

_____ **(Name)**

_____ **(Agency)**

_____ **(Telephone)**

The following is the response of our agency to your request for views on the above-captioned subject:

_____ **Concur**

_____ **No Objection**

_____ **No Comment**

_____ **See proposed edits on pages** _____

_____ **Other:** _____

_____ **FAX RETURN of** _____ **pages, attached to this response sheet**

(IDENTICAL LETTER TO BE PREPARED
FOR THE SPEAKER OF THE HOUSE)

Honorable Albert Gore, Jr.
President of the Senate
The Capitol, Room S-212
Washington, DC 20510

Dear Mr. President:

Public Law 104-333, Section 508, 110 STAT. 4157, (1996), authorized the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia pursuant to the Commemorative Works Act, 40 U.S.C. §§ 1001-1010 (1994 & Supp. I 1995).

The Alpha Phi Alpha Fraternity has requested that the memorial be located in Area I, the area comprising the central Monumental Core of the District of Columbia and its environs, which is defined in section 1002(e) of the Commemorative Works Act by a referenced map. Section 1006(a) of that Act provides that the Secretary of the Interior, after consultation with the National Capital Memorial Commission, may recommend locating a commemorative work in Area I only if the Secretary determines that the subject of the memorial is of preeminent historical and lasting significance to the Nation. If a determination of

L. Clemon
208-4371

preeminence and lasting significance is made, this section further provides that the Secretary shall notify the Congress and recommend that the memorial be located in Area I.

Following its public meeting on July 29, 1997, the National Capital Memorial Commission advised me that Dr. King, the central figure of the Civil Rights movement, a man who strove to advance the cause of equality for all Americans, and a man who dedicated himself through nonviolent means to promote the principles of justice and equality, who paid the ultimate price for his beliefs, has had a profound effect on all Americans which will continue through history.

I have considered the advice and find the subject to be of preeminent historical and lasting significance to the Nation. The Alpha Phi Alpha Fraternity should be granted the authority to consider locations within Area I as potential sites for the memorial to Martin Luther King, Jr.

In accordance with section 1006(a) of the Act, notice is hereby given that I have, through my designee, consulted with the National Capital Memorial Commission, and recommend that the memorial be authorized a location within Area I. Under section 1006(a) of that Act, my recommendation to locate this memorial in Area I shall be deemed disapproved unless, not later than 150 days after this notification, the recommendation is approved by law.

No sites have been considered in advance of this recommendation. Enclosed is a draft of a joint resolution to authorize location of this memorial in Area I. We recommend that it be referred to the appropriate Committee for consideration.

Sincerely,

add clearance paragraph- "No objection" clearance.

Enclosure

JOINT RESOLUTION

Approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

Whereas section 6(a) of the Act entitled "To provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes," approved November 14, 1986 (Public Law 99-652; 100 Stat. 3650), provides that the location of a commemorative work in the area described as Area I shall be deemed disapproved unless approved by law not later than 150 days after notification of Congress that the commemorative work may be located in Area I;

Whereas Public Law 104-333, authorized the Alpha Phi Alpha Fraternity to establish a memorial on Federal land in the District of Columbia to honor Martin Luther King, Jr.; and

Whereas the Secretary of the Interior has notified the Congress of his determination that such memorial should be located in Area I: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of the commemorative work to honor Martin Luther King, Jr., authorized by Public Law 104-333, within Area I as described in Public Law 99-652 (100 Stat. 3650) is approved.

THE COMMEMORATIVE WORKS ACT

An Act

To provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

PURPOSES

SECTION 1. The purposes of this Act are as follows.

(a) to preserve the integrity of the comprehensive design of the L'Enfant and McMillan plans for the Nation's Capital;

(b) to ensure the continued public use and enjoyment of open space in the District of Columbia;

(c) to preserve, protect and maintain the limited amount of open space available to residents of, and visitors to, the Nation's Capital; and

(d) to ensure that future commemorative works in areas administered by the National Park Service and the General Services Administration in the District of Columbia and its environs (1) are appropriately designed, constructed, and located and (2) reflect a consensus of the lasting national significance of the subjects involved.

DEFINITIONS

SEC. 2. As used in this Act –

(a) the term "Secretary" means the Secretary of the Interior;

(b) the term "Administrator" means the Administrator of the General Services Administration;

(c) the term "commemorative work" means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history. The term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes;

(d) the term "person" means a public agency, and an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs;

(b) The National Capital Memorial Commission shall advise the Secretary and the Administrator on policy and procedures for establishment of (and proposals to establish) commemorative works in the District of Columbia and its environs, as well as such other matters concerning commemorative works in the Nation's Capital as it may deem appropriate. The Commission shall meet at least twice annually.

AVAILABILITY OF MAP DEPICTING AREA I AND II

SEC. 5. The Secretary and the Administrator shall make available, for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map numbered 869/86501, and dated May 1, 1986.

SPECIFIC CONDITIONS APPLICABLE TO AREA I AND AREA II

SEC. 6. (a) The Secretary or Administrator (as appropriate) may, after seeking the advice of the National Capital Memorial Commission, recommend the location of a commemorative work in Area I only if the Secretary or Administrator (as appropriate) determines that the subject of the commemorative work is of preeminent historical and lasting significance to the Nation. The Secretary or Administrator (as appropriate) shall notify the National Capital Memorial Commission and the committees of Congress specified in section 3(b) of the recommendation by the Secretary or the Administrator (as appropriate) that a commemorative work should be located in Area I. The location of a commemorative work in Area I shall be deemed not authorized, unless, not later than 150 calendar days after such notification, the recommendation is approved by law.

(b) Area II - Commemorative Works of subjects of lasting historical significance to the American people may be located in Area II.

SITE AND DESIGN APPROVAL

SEC. 7. (a) Any person authorized by law to establish a commemorative work in the District of Columbia and its environs shall comply with each of the following requirements before requesting the permit for the construction of the commemorative work.

(1) Such person shall consult with the National Capital Memorial Commission regarding the selection of alternative sites and designs for the commemorative work.

(2) Following consultation in accordance with paragraph (1), the Secretary or Administrator (as appropriate) shall submit, on behalf of such person, site and design proposals to the Commission of Fine Arts and the National Capital Planning Commission for their approval.

(1) Notwithstanding any other provision of law, all moneys provided by persons for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

(2) Congress authorizes and directs that the Secretary of the Treasury shall make all or a portion of such moneys available to the Secretary or the Administrator at his request for maintenance of commemorative works. Under no circumstances may the Secretary or Administrator request funds from the separate account exceeding the total moneys deposited by persons establishing commemorative works in areas he administers. The Secretary and the Administrator shall maintain an inventory of funds available for such purposes: Provided, That such moneys shall not be subject to annual appropriations.

(c) (1) The Secretary or the Administrator (as appropriate) may suspend any activity under the authority of this Act with respect to the establishment of a commemorative work if the Secretary or Administrator determines that fundraising efforts with respect to the commemorative work have misrepresented an affiliation with the commemorative work or the United States.

(2) The person shall be required to submit to the Secretary or Administrator an annual report of operations, including financial statements audited by an independent certified public accountant, paid for by the person authorized to construct the commemorative work.

TEMPORARY SITE DESIGNATION

SEC. 9. (a) If the Secretary, in consultation with the National Capital Memorial Commission, determines that a site where commemorative works may be displayed on a temporary basis is necessary in order to aid in the preservation of the limited amount of open space available to residents of, and visitors to, the Nation's Capital, a site may be designated on lands administered by the Secretary in the District of Columbia. A designation may not be made under the preceding sentence unless, at least one hundred and twenty days before the designation, the Secretary, in consultation with the National Capital Memorial Commission, prepares and submits to the Congress a plan for the site. The plan shall include specifications for the location, construction, and administration of the site, and criteria for displaying commemorative works at the site.

(b) Any commemorative work displayed at the site shall be installed, maintained, and removed at the sole expense and risk of the person authorized to display the commemorative works. Such person shall agree to indemnify the United States for any liability arising from the display of the commemorative work under this section.

STUART F. FELDMAN
1830 RITTENHOUSE SQ., 12 B
PHILADELPHIA, PENNA 19103
TELEPHONE 215.546.3834

WASHINGTON ADDRESS:
1305 30TH STREET N.W.
WASHINGTON, D.C. 20007
TELEPHONE 202.337.1785
(text delivered)

Statement to the U.S. Commission of Fine Arts on the Placement of the Dr. Martin Luther King, Jr. Memorial

March 23, 1999

I appreciate the opportunity to appear today before this distinguished Commission. I have worked to see that the words of the "I Have a Dream" speech are carved in stone near the Lincoln Memorial since December 1988. At that time, I tried to have President George Bush propose the idea in his Inaugural Address. When I was unsuccessful, I wrote an op-ed piece making that suggestion which ran in the Washington Post on July 25, 1989. George Sealey, Jr., who then headed the Alpha Phi Alpha King effort, asked me (then) to work with his group. I did so as a volunteer for 9 years and look forward to working with the current leaders of the project headed by John Carter.

Today, I am appearing as an individual, but also on behalf of many people who assisted me in my efforts to help see that the legislation became law. The success of the civil rights movement Dr. King personified is one of the greatest achievements in our nation's history. Dr. King delivered his remarkable speech on the steps of the Lincoln Memorial almost 100 years after President Abraham Lincoln delivered the Gettysburg and Second Inaugural Addresses carved on his memorial. The lofty ideals Dr. King's challenged our nation to meet can, I hope, be placed figuratively 100 yards from the Lincoln Memorial to symbolize the 100 years it took to

give millions of African-Americans voting rights and equal access to public facilities in far too much of the nation.

Visitors would read President Lincoln's addresses, traverse the separating space, and ponder what it meant and means to America, that it took a century to execute fully the provisions of the 13th, 14th and 15th amendments. And they should consider the more than 300 years that have passed since the first African slaves were brought unwillingly to these shores.

You will choose today were to recommend placing the King Memorial. (Your decision is vitally important.) I hope you will consider the following points:

1. The King speech should be memorialized close to where it was delivered, and linked to the Lincoln Memorial visually, emotionally and spiritually. This would join the two men's legacies forever. Amy Weinstein, a thoughtful Washington architect, said "The words of King's speech have to be there with Abraham Lincoln behind Dr. King, just as Lincoln was behind Dr. King when he delivered his great address. The Lincoln Memorial is incomplete without them"

2. The site should be one that puts the struggle for equality at the central symbolic place in American history where it belongs. Now the entire area containing the blocks that comprise this vast section of the Mall is devoted to memorializing wars. America is built on lofty ideals, not war. No concept is more important than equality.

3. Vincent Scully, the noted Yale Professor of the History of Architecture, has studied and written about the significance of where great societies place their monuments and major public buildings. They have done so in a historic context and in coherent relationship to one another. Citizens gain a sense of history, of who we are and where we want to go from those relationships. I hope the Commission would consult Professor Scully, for his ideas should be

compelling and pertinent. I would suggest Scully would say The Lincoln Memorial area is the right place because that is where great history was made.

4. The Alpha Phi Alpha fraternity has carefully sought the proper place for the King Memorial. Vic and John Carter have both told me that the restrictions close to the Lincoln Memorial are very limiting. I would hope those restrictions could be relaxed for a monument of such importance. The story in March 5th's Washington Post on your pending decision made me want to raise these specific issues, which I had assumed the National Capital Memorial Commission and the National Capital Planning Commission would develop.

5. If no suitable site for a proper monument to Dr. King can be found close to the Lincoln Memorial, then an excerpt from the "I Have a Dream" speech, if not the entire address, could be placed in front of the Lincoln Memorial. People would thus be able to read the three great speeches together, and be inspired to visit the larger King Memorial.

6. Finally, I would urge the adoption of the Tidal Basin/Polo Field site, if no major site close to the Reflecting Pool is adequate. The advantage of that site over Constitution Gardens is its proximity to the Lincoln Memorial. The Commission might also consider whether there is sufficient space adjoining the Vietnam Memorial, where the memorial to African-American patriots of the Revolutionary War is to be built. If space is adequate, the King Memorial can be built there as well. That site would avoid the need for crossing traffic lanes and, more importantly, be where thousands stood to hear Dr. King.

In the spring of 1979, Jan Scruggs proposed the Vietnam Memorial for the first time to a group of Vietnam veterans and their allies at a meeting I convened to plan for a congressionally designated Vietnam veterans week. I spent ten years as an advocate for opportunities for

Vietnam veterans. While initially opposed to the memorial idea, because I thought its completion would make it even harder to create opportunities for living vets, I became a dedicated supporter, as individual veterans responded powerfully to the fund raising campaign. The King Memorial Alpha Phi Alpha envisions will have the same creative effect on the nation that Maya Lin's wonderful Vietnam Memorial has had on our national imagination.

This Commission, chaired by Carter Brown, played a critical role in seeing that a great and powerful Vietnam memorial was built. I have no doubt you will do the same today. As a result, the memorial to Dr. King that is constructed will challenge America to realize its greatest aspirations for all our people.

Thank you.

Central File Copy 5907

NATIONAL CAPITAL PLANNING COMMISSION

IN REPLY REFER TO:
NCPC File Nos. 5907 & 1200

APR - 7 1999

Mr. Mark Duffy
637 5th Street, NE
Washington, D.C. 20002

Dear Mr. Duffy:

I enjoyed our telephone conversation last week and appreciated receiving the additional materials you sent by facsimile. Your search for the original footage of Dr. King's *I Have a Dream* speech is indeed admirable and I look forward to following your progress.

As we discussed last week, I would like to reiterate that the National Capital Planning Commission is one of three agencies that review new memorials on federal land in the National Capital Region. The Commemorative Works Act, the legislation that guides the development of new memorials, requires that in addition to this Commission, the Commission of Fine Arts and the Secretary of the Interior approve the site and design of all proposed memorials.

You may wish to inform Dr. Edward Jackson of Alpha Phi Alpha Fraternity, the Martin Luther King, Jr. Memorial sponsoring organization, about your desire to find and restore the missing film and other activities honoring Dr. King. Dr. Jackson may be contacted at (301) 794-4400.

Again, thank you for the information about the American Dream project and I wish you every success in achieving your goals.

Sincerely,

(Sgd. Reginald W. Griffith)

Reginald W. Griffith
Executive Director

cc: Dr. Edward Jackson, Alpha Phi Alpha Fraternity, Inc.

bcc: John Parsons, National Park Service
Charles Atherton, Commission of Fine Arts
Connie M. Harshaw
David A. Nystrom
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June 25, 1999

'99 JUN 29 P1:09

Mr. Reginald W. Griffith
Executive Director
National Capital Planning Commission
801 Pennsylvania Ave. N.W. Suite 301
Washington, DC 20576

Re: A Lincoln Memorial Site for the Dr. Martin Luther King, Jr. Memorial To Permanently Link the Legacies of Lincoln and King

Dear Mr. Griffith:

I know that as Executive Director of the National Capital Planning Commission you are keenly interested in the location set for the Dr. Martin Luther King, Jr. Memorial. I think the Lincoln Memorial area is the right place, and am scheduled to testify on July 1. J. Carter Brown, Chairman of the Fine Arts Commission, also has expressed a belief in the importance of the Lincoln Memorial area (see page 2 of attached letter of March 29th to Terry Carlstrom). Since then, I am aware that the Fine Arts Commission has approved the Tidal Basin site.

We met when you eloquently presented the grand plan the NCPC has developed for Washington's "Monumental Core" to the University of Pennsylvania's School of Fine Arts. I joined Dean Gary Hack and others at dinner at the White Dog Cafe and I believe gave you a copy of my enclosed 1989 Washington Post op-ed piece "A King Memorial for Washington."

I have been working as a volunteer since 1988 to have the words of the "I Have a Dream" speech carved in stone near the Lincoln Memorial, and helped get passed the two pieces of legislation that were required. The leadership of the Alpha Phi Alpha fraternity, which is responsible for raising the money and constructing the memorial, is, as you know, passionate about the Tidal Basin location, in part because of the restrictions on what can be done near the Lincoln Memorial. The National Park Service, at least at the staff level, opposes the idea of anything at the Lincoln Memorial. The NPS should relax its restrictions, because of the overriding importance of uniting Dr. King's and President Abraham Lincoln's legacies.

John Egerton, a thoughtful Southern author, has written:

> **"What the American Revolution was to the Eighteenth Century, and the Civil War to the Nineteenth, the African-American minority quest for Freedom is to the Twentieth: a pivotal and defining chapter in the nation's history."**

Symbolic Power of Lincoln Memorial Site- The Lincoln Memorial area is critical because it is the nation's most powerful and important symbolic space. Furthermore, that location creates a linkage between the legacies of King and Lincoln, which will be lost at more

distant locations. If people read Lincoln's two great addresses in his memorial and then King's, it will lead them to ponder the effect of the terrible delay of a century in allowing many African-Americans to exercise full citizenship. This juxtaposition is shown on the reverse side of my August 28, 1998 op-ed piece in the Philadelphia Inquirer.

Needed and Significant Historical Markers- At the minimum, the words of the "Dream" section of King's speech should be carved in stone as a vertical element at the steps going down to the Reflecting Pool, even if the major King monument is elsewhere. A similar vertical element should mark the Marion Anderson concert that took place at the Lincoln Memorial, when that great singer was denied the right to sing in D.A.R. Hall. A fountain should commemorate these events with water running down the center of the steps.

Two giant strides were taken to redeem the promise of American life, for so many African Americans, who were denied the basic rights of citizens Those events, that took place at the Lincoln Memorial, have made it the central symbolic place in the nation's capital. Now there is no adequate recognition of these proceedings at the site where history was made. The NPS should redeem that failure by installing such elements. **In this way, Dr. King's leadership and Marian Anderson's courage would be properly recognized, where he delivered the greatest speech of the Twentieth Century, and she sang with such beauty and dignity. These symbolic moments helped redeem America's long unrealized promises set forth in the Declaration of Independence and most powerfully in Lincoln's Gettysburg Address.**

I look forward to the opportunity to testify. Several weeks ago I sent similar remarks to Harvey Gantt. I had assumed that my testimony before the Fine Arts Commission on March 23rd would have been given to you by members of your staff that were in attendance. In any case, I wanted you to have this in advance. Many thanks for your consideration.

Sincerely yours,

Stuart F. Feldman

Stuart F. Feldman

JULIAN C. DIXON
32ND DISTRICT, CALIFORNIA

COMMITTEE:
APPROPRIATIONS

MEMBER,
SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE, AND JUDICIARY
SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA
SUBCOMMITTEE ON NATIONAL SECURITY

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RANKING MEMBER,
SUBCOMMITTEE ON HUMAN INTELLIGENCE, ANALYSIS, AND COUNTERINTELLIGENCE

Congress of the United States
House of Representatives
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PATRICIA MILLER
ADMINISTRATIVE ASSISTANT

NCPC
File No. 5907/1200
Primary Stat. [redacted] SEC/PA
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GEN. COUNSEL X	PLANS REVIEW X
SECRETARIAT X	TDA SUPPORT ___
	ADMIN. ___

June 29, 1999

Mr. Arrington Dixon
National Capital Planning Commission
801 Pennsylvania Avenue, NW
Suite 301
Washington, DC 20576

Dear Mr. Dixon:

I am writing to you in your capacity as a member of the National Capital Planning Commission to urge your support for locating the Martin Luther King, Jr., Memorial on the proposed Tidal Basin site.

As you know, the Tidal Basin site, currently under consideration by the National Capital Planning Commission (NCPC), is the preferred location of the Washington, D.C. based Martin Luther King Memorial Project Foundation (the Foundation). This site has been approved by the Commission on Fine Arts and NCPC approval will allow the Foundation to move forward with the design phase of this memorial.

I have been closely involved in the effort to establish this well-deserved memorial to Dr. King in our nation's capital. In 1996 Congress passed legislation (40 U.S.C. 1003 note; 110 Stat. 4157) authorizing Alpha Phi Alpha Fraternity, Inc., to build a memorial to Dr. King in Washington, D.C. Last year, the Congress authorized (P.L. 105-201) locating the memorial in Area I of the Capital, as defined by the Commemorative Works Act, which encompasses the Mall and surrounding areas.

Dr. King's historic and distinguished contributions have significantly advanced American ideals and his legacy clearly

merits the distinct honor of a memorial in our nation's capital. I urge your support and consideration of my request, and thank you in advance for your thoughtful attention to this letter.

Sincerely,

JULIAN C. DIXON
Member of Congress

JCD:ct

 Central file 5907

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

801 Pennsylvania Avenue, NW
Suite 301
Washington, DC 20576
tel 202 482-7200
fax 202 482-7272
www.ncpc.gov

IN REPLY REFER TO:
NCPC File No. 5907

JUL - 7 1999

Mr. Terry R. Carlstrom
Regional Director
National Capital Region
National Park Service
1100 Ohio Drive, SW, Room 336
Washington, D.C. 20242

Dear Mr. Carlstrom:

In response to your request, the National Capital Planning Commission, at its meeting on July 1, 1999, reconsidered the Tidal Basin site for the Martin Luther King, Jr. Memorial and did not approve the four-acre site for the memorial, as shown on NCPC Map File No. 1.43(08.21)-40650.

Sincerely,

(Sgd. Reginald W. Griffith)
Reginald W. Griffith
Executive Director

Approved

7/1/99
0-5

STAFF DRAFT

NATIONAL CAPITAL PLANNING COMMISSION
801 PENNSYLVANIA AVENUE, N.W., SUITE 301
WASHINGTON, D.C. 20576

6-24-99

NCPC File No. 5907

MARTIN LUTHER KING, JR. MEMORIAL

West Potomac Park - Site Selection

Report to the National Park Service

July 1, 1999

Abstract

The National Park Service (NPS), on behalf of the Martin Luther King, Jr. Foundation (Foundation) has submitted a proposed site on the Tidal Basin for the Martin Luther King, Jr. Memorial.

A Work Group consisting of representatives of the Foundation, Alpha Phi Alpha Fraternity and staff of NPS, NCPC, The Commission of Fine Arts and the District of Columbia Historic Preservation Office analyzed four sites in the area of the Mall and reached consensus on the Tidal Basin site.

Authority

Public Law 104-333, Public Law 105-201, and Public Law 99-652, as amended.

Executive Director's Recommendation

The Commission:

- **Approves** the four-acre site on the Tidal Basin for the Martin Luther King, Jr. Memorial (Memorial), as shown on NCPC Map File No. 1.43(08.21) – 40650.

- **Requests** that NPS continue to study alternatives for the modification, reorientation and/or relocation of the polo field and other existing recreation facilities that are immediately to the west of the Memorial site.

Related Recommendation

The Commission requests that the National Park Service develop a long-term policy, and prepare a conceptual design and strategic plan for the future development of both East and West Potomac Parks.

* * *

STAFF DRAFT

BACKGROUND AND STAFF EVALUATION

DESCRIPTION OF THE PROPOSED SITE

The National Park Service (NPS), on behalf of the Martin Luther King, Jr. Memorial Foundation (Foundation), has submitted a site for location of the Martin Luther King, Jr. Memorial (Memorial) on the northwestern edge of the Tidal Basin.

This is one of the few prominent memorial sites remaining in the Monumental Core (within Area I of the Commemorative Works Act).

Site:

- The proposed site for the location of the Memorial is generally bounded on the south and east by the Tidal Basin, on the north by Independence Avenue, and on the west by the polo field and other parkland of West Potomac Park.
- The Franklin Delano Roosevelt Memorial (FDR) is immediately adjacent to the proposed site on the south.
- The site is a maximum of four acres in area.
- The site will include relocated West Basin Drive.

Setting:

- The Tidal Basin site is a prominent and symbolic location.
- The site has views of the Washington Monument and across the Tidal Basin to the Jefferson Memorial. Obstructed views exist of the Lincoln Memorial.
- Placement of the Memorial in this location has the potential to reinforce the formal relationships among these memorials.
- The Memorial also has the potential to enhance the visitor experience through reinforcement of the movement from the Jefferson and FDR Memorials to those on the Mall.
- Although the most memorable aspect of the site is the expansive view across the Tidal Basin, the Tidal Basin itself may be the most significant feature. While the views to the surrounding memorials provide a sense of grandeur, the inlet of the Tidal Basin provides a sense of enclosure and intimacy.
- The existing cherry trees and the other trees that line the Tidal Basin provide continuity and unity while also reinforcing this sense of enclosure.

Design Parameters:

NPS submission materials stipulate the following design parameters for the design and development of the Memorial.

- Views of the Tidal Basin from Independence Avenue and West Potomac Park must be protected.
- Continuity of the cherry trees along the Tidal Basin must be maintained.
- The historic structure of the Tidal Basin (wall, coping, walkways, etc.) must be preserved.
- The water of the Tidal Basin can be incorporated into the design of the Memorial.
- The horizontal character of the existing ground elevation must be maintained.
- A single design element of the Memorial is permissible at no more than 20 feet in height.
- No more than one third of the site can be developed as paved surfaces with the remainder landscaped. (This does not include the relocated West Basin Drive or the Tidal Basin walkway.)

Accommodation of Visitors:

- West Basin Drive currently runs through the middle of the proposed Memorial site. Recently reconstructed in association with the construction of FDR, it provides one-way movement from Ohio Drive to Independence Avenue. West Basin Drive is required for access to FDR and to relieve Ohio Drive of traffic exiting West Potomac Park to Independence Avenue.
- West Basin Drive is proposed to be relocated to the western portion of the Memorial site. The western boundary of the site has been deliberately drawn to include this road to allow drop-off and entry to the Memorial and to insure that its design is in keeping with the Memorial setting.
- Primary access to the Memorial will be via the Tourmobile and other alternative modes of travel. In addition to the existing Tourmobile stop on Ohio Drive, small tour bus and taxi drop-off areas can be incorporated on-site within the design of the relocated West Basin Drive.
- Access by private automobile will be limited to West Basin Drive. Vehicle drop-off and handicapped parking can be constructed; however, no additional parking will be provided.

Impact on Existing Recreation Facilities and Infrastructure:

- West Potomac Park provides both passive and active recreational open space including a polo field, softball and practice fields.
- The northeastern-most corner of the polo field is located within the proposed Memorial site. The current field has been modified to accommodate its existing location and NPS has indicated that a further modification to eliminate this corner is feasible and will allow the polo field to remain in its current location.

- Other alternatives include reorientation of the polo field and relocation of the two associated softball fields within this area. This could result in a larger (closer to regulation size) polo field.

NPS has provided cost estimates for the relocation of West Basin Drive, the modification and/or reorientation of the polo field, and the required relocation of utilities. The actual costs will be assumed by the Foundation.

CONSULTATION

During deliberations at its March 4, 1999 review of sites for the Martin Luther King, Jr. Memorial, the Commission indicated the desire to have a comparative analysis of the two sites being reviewed, "….. a definition of the parameters for Constitution Gardens … and a definition of what you might do at the Tidal Basin."

- Chairman Gantt charged the applicant and sponsor, and other actors, to come back with whatever guidelines and area requirements (they wished) to be decided by the Commission.
- Specific to the Tidal Basin site, the Commission asked, "Who relocates the road (and) who decides what the configuration of the polo field will have to be?"

At its meeting on March 23, 1999, The Commission of Fine Arts (CFA) postponed a decision on the site selection for the Martin Luther King, Jr. Memorial, stating that, "its location and siting should leave no room for equivocation." The Commission added that "promising additional sites exist"

- Specifically regarding the Tidal Basin site, the CFA requested, "a great deal more about the exact parameters and competition guidelines …"
- CFA suggested two additional sites: the base of the knoll at the west end of the lake in Constitution Gardens and a site in close proximity to the Lincoln Memorial.

In response to the requests of both Commissions, the Executive Director of NCPC convened a Joint Work Group (Group) consisting of representatives of the Foundation and Alpha Phi Alpha Fraternity, and staffs of NCPC, CFA, NPS and the District of Columbia Historic Preservation Office.

- The Group met on six occasions with the objective of reaching consensus on a site for the Memorial.

- The Work Group conducted review and analysis of four sites:
  - Lincoln Memorial (recommended for consideration by CFA)
  - Constitution Gardens West (recommended by CFA)
  - Constitution Gardens East (approved by NCPC)
  - Tidal Basin (currently recommended by the Work Group)

The Work Group reached consensus to support the proposed Tidal Basin site that has been submitted for approval by NPS.

Group meetings are summarized as follows:

- April 6, 1999:
  - Reviewed NCPC and CFA decisions.
  - Described tasks to be undertaken by various members of the Group, including:
    - Foundation definition of the program for the Memorial
    - NCPC graphic portrayal of the candidate sites.
    - NPS establishment of design parameters applicable to all sites.
  - Developed a schedule for reaching consensus on one site in time for review by both decision-making bodies no later than July 1999.

- April 20, 1999:
  - Reviewed and discussed of the Foundation's program, and agreed that the Memorial would not include a museum, library, Imax theater or bookstore, clarified the concept of the Memorial.
  - The Foundation agreed to draft a "Statement of Principles" to assist competitors and reviewers of the design for the Memorial.
  - NCPC presented a slide show of each of the four candidate sites.
  - **Detailed discussion of each of the candidate sites resulted in the elimination of the Lincoln Memorial site from further consideration.**
  - NPS agreed to provide a comparative analysis of the opportunities and constraints as well as any costs associated with the development of each of the remaining sites.
  - NCPC would incorporate NPS's analysis in an expanded graphic presentation of these three sites.

- May 3, 1999:
  - NPS presented their "Comparison of Proposed Sites" (Comparison) including setting, design parameters, accommodation of visitors, impacts on existing infrastructure and associated cost estimates.
  - NCPC presented a graphic interpretation of the NPS analysis.
  - Discussion of the Comparison identified areas of concurrence and those in need of clarification, refinement and/or revision.

- May 18, 1999:
  - The Group further reviewed and modified the NPS Comparison.
  - The Foundation distributed copies of the Martin Luther King, Jr. International Memorial Competition: Preliminary Draft Program (Competition Program) for review and discussion at the next meeting.
  - **NPS indicated that they felt it was premature to determine the future of the Constitution Gardens East site until the completion of the World War II Memorial and assessment of the visual relationship and visitor use patterns.**
  - NPS indicated it supported a three-acre site on the Tidal Basin (Site A), that it did not support a four-acre site in this location (Site B), and that Constitution Gardens West would also be a good site for the Memorial.
  - The Foundation indicated preference for a four-acre site on the Tidal Basin.

- May 26, 1999:
  - The revised NPS Comparison was again reviewed and agreed to with one exception; consensus could not be reached regarding the requirement to incorporate height limits under "Design Parameters."
  - The Competition Program was reviewed and the Foundation agreed to incorporate comments.
  - **The Work Group reached consensus for support of a site for the Memorial on the Tidal Basin.**
  - The Group would meet once more to attempt to resolve differences regarding Tidal Basin sites A and B.

- June 10, 1999:
  - **The Work Group reached consensus on support of one site for location of the Martin Luther King, Jr. Memorial on the Tidal Basin.**
  - NPS will amend the "Comparison of Proposed Sites" to reflect this consensus – there no longer being a reason to describe both sites A and B.
  - NPS will submit the consensus Tidal Basin site for CFA review on June 17, 1999 and NCPC review on July 1, 1999.
  - The Foundation distributed a revised draft of the Martin Luther King, Jr. International Memorial Competition: Preliminary Draft Program.

The NPS "Comparison of Proposed Sites" is appended to this report.

EVALUATION

Tidal Basin Location:

- Staff believes that the visual prominence and symbolic location of the proposed Tidal Basin site are appropriate for siting a memorial to Dr. Martin Luther King, Jr.

Setting:

- Staff feels the setting that is provided by the proposed Tidal Basin site offers a unique opportunity and significant potential for the siting and design of the Memorial.

– The most memorable features of the proposed site of the Memorial are the views across the Tidal Basin, most significantly the view of the Jefferson Memorial.

– The views of the surrounding monuments and memorials provide a sense of expansiveness and grandeur.

– The Tidal Basin gives the site identity and a sense of place. The inlet provides a sense of enclosure and intimacy. The water provides a contemplative setting – one of serenity.

– The existing trees reinforce the sense of enclosure and place. The cherry trees unify the site within and beyond – linking the site to the other memorials on the Tidal Basin and the Mall beyond.

Site:

- The proposed four-acre site is felt to be adequate in size to allow for the creation of a setting appropriate to the Memorial.

  – Although the design concept for the Memorial has yet to be defined, it is assumed that the primary buildable area will be limited. The desire to set-back (buffer) the central area of the Memorial from Independence Avenue on the north and the relocated West Basin Drive on the west will, by definition, limit the buildable area to points of entry and movement to the central area.

  – The site is dominated by the existing landscape features characteristic of urban parkland – grass, trees and water. This sense of enclosure and buffering is assumed to continue to be primarily defined by the location of trees and other plant materials.

    • There should be no berms or mass plantings that will interrupt the existing horizontal character of the site and preclude existing views of the Tidal Basin from Independence Avenue or West Potomac Park.

Design Parameters:

- Staff agrees with the majority of the design parameters stipulated by NPS.

  – The open views and horizontality of the site will be maintained.

- The Tidal Basin walls, sidewalk and the continuity of the cherry trees shall be preserved.
- No more than one-third of the site will be developed as paved surfaces with the remainder landscaped, (not including the relocated West Basin Drive or Tidal Basin walkway).
- The water of the Tidal Basin may be incorporated into the design of the Memorial.

- Staff agrees that there should be no walls, berms or mass plantings that will interrupt the existing horizontal character of the site and preclude existing views of the Tidal Basin.

- Whereas NPS has specified that a single design element of the Memorial cannot exceed 20 feet in height, NCPC staff is opposed to the prescription of a specified height limit or limits. Prescriptive height limits tend to curtail creativity and can be misunderstood.
  - NCPC favors language that identifies what must be protected on the site and in its related environs.

West Basin Drive:

- Staff agrees with the proposal that the relocated West Basin Drive should be located within the Memorial site boundaries.
  - Incorporation of the relocated West Basin Drive within the Memorial site will insure that its design is in keeping with the Memorial setting.
  - The design of this road should be developed in association with the design of the Memorial. This will also insure the appropriate design of the related aspects of vehicular drop-off and entrance.
  - The design of the entrance to the Memorial is of vital importance to the creation of a sense of arrival, a sense of place and identity.

Recreation Facilities:

- Although staff is pleased that NPS has indicated that a modification of the existing polo field (to eliminate the northeastern-most corner) will allow the field to remain in its existing location, this is not felt to be the best available solution (for polo and for the Memorial).
  - The polo field will remain in close proximity to the proposed Memorial.
  - The edge of the polo field will require a 12-foot-high chain link fence (similar, if not identical, to that which currently exists on the edge of the polo field on West Basin Drive).
  - Beyond the negative visual impact, the fence presents a physical barrier that limits the use of the parkland immediately to the west of the Memorial. This area could be used by large gatherings associated with special events and celebrations.

- Although the exploration of alternatives to the fence is encouraged (a retractable fence or net), staff feels that the reorientation of the polo field in this area is a more desirable alternative.

- Reorientation of the polo field could result in a larger – closer to regulation – field.
- This will allow the relocation of the two existing softball fields (and the related practice field) to the east of the polo field.
- Located immediately to the west of the Memorial (adjacent to the relocated West Basin Drive), these fields would result in the creation of open, accessible parkland.

- Staff also recommends that the alternative of relocating the polo field to other NPS parkland be studied.
  - The polo field occupies a large area of valued parkland in the Monumental Core of the Nation's Capital.
  - The current polo field is, to a large extent, fenced and its use for other purposes is discouraged.
  - The current, and the reoriented polo field, are not of a regulation size and the ability to provide required support areas is severely limited.
  - Relocation of the polo field to, for example, East Potomac or Anacostia Parks could enable the provision of a regulation field with adequate support facilities.
  - Removal of the polo field would provide the opportunity to locate up to three additional ball fields in West Potomac Park as well as enhance pedestrian access, landscaping and other amenities, and the overall visitor experience.

NPS has provided cost estimates for the relocation of West Basin Drive, the modification and/or reorientation of the polo field, and the required relocation of utilities. These costs will be assumed by the Foundation.

Related Recommendation:

- Staff recommends the preparation of a long-range (50-year) plan for the future use and development of West Potomac Park.
  - NPS needs to establish policy as to the long-term, both active and passive, recreational use of this parkland.
  - Policy on the siting of future memorials (in West Potomac Park) needs to be addressed.
  - A plan identifying future use areas, circulation, and the location of associated support facilities, should be prepared.
  - The plan should include a conceptual landscape plan and/or concept design alternatives.
  - The plan should, to the extent possible, include a strategic plan for its implementation.

PREVIOUS COMMISSION ACTION

The NCPC, at its meeting on March 4, 1999, considered sites for the proposed Martin Luther King, Jr. Memorial and approved a site in Constitution Gardens.

The Work Group identified this 4.5-acre site, located immediately to the east of the lake, as the Constitution Gardens East site.

THE COMMISSION OF FINE ARTS

- At its March 23, 1999 meeting, The Commission of Fine Arts:
  - Unequivocally recommended against the Constitution Gardens East site.
  - Postponed a decision on site selection for the Martin Luther King, Jr. Memorial pending the "need to know a great deal more about the exact parameters and competition guidelines, as well as the possibility of approval by the other bodies statutorily concerned ..."
  - Identified two additional possible sites for consideration.
- At its meeting on June 17, 1999, CFA approved the Tidal Basin site for the Martin Luther King, Jr. Memorial and requested that the design guidelines proposed to be incorporated into the Martin Luther King, Jr. International Memorial Competition be submitted for review and approval.

COORDINATION

Coordinating Committee

The Coordinating Committee reviewed this item at its meeting on June 9, 1999, and forwarded the proposal to the Commission with the statement that the project has been coordinated with all agencies participating.

The participating agencies were NCPC; the District of Columbia Office of Planning; the Fire Department; the Department of Housing and Community Development; the National Park Service; and the Washington Metropolitan Area Transit Authority.

CONFORMANCE

Comprehensive Plan

Several policies contained in the Comprehensive Plan for the National Capital apply to the proposed location for the Martin Luther King, Jr. Memorial on the northwestern edge of the Tidal Basin in West Potomac Park.

- West Potomac Park is an extension of the Mall, a National Landmark. West Potomac Park is also a designated Special Place in the Preservation and Historic Features Element of the

Comprehensive Plan. Independence Avenue is a designated Special Street. Applicable policies relating to the protection and enhancement of historic properties, Special Places and Special Streets apply.

- The Parks, Open Space and Natural Features Element of the Comprehensive Plan designates the Mall and East and West Potomac Park for Monumental Park use.
  - Monumental and Decorative Parks...should serve as settings to enhance public buildings, monuments and memorials; as such, their fundamental integrity should be protected...
- Criteria for the location of Cultural, Memorial and Information Facilities contained in the Federal Facilities Element also specify that:
  - Federal memorials, as authorized by the Congress, should locate with appropriate areas throughout the National Capital. Preference should be given to sites within Special Places, along Special Streets, at locations which provide visual prominence, gateway entrances, vistas or overlooks or have special features that would enhance the memorial.
  - Only Federal memorial facilities that are of exceptional national or international significance, such as those associated with presidents and/or momentous national or international events, should locate within the central monumental area.[1]
  - Memorials to persons or events having strong functional or traditional association with specific areas of the National Capital should be given preference in locations in those areas.
  - Memorials should be designed and sited to be sympathetic to their locations.
- Existing Special Places should be protected, enhanced, and strengthened. New ones should be created. Historic plans and their underlying principles should be used for guidance. Civic art should be used to enrich such places and to establish their identity and image.
- The distinguishing qualities or character of Historic Landscapes should be protected and enhanced.
- New sites with monumental potentials should be designed so as to insure integration with appropriate natural settings and architectural backgrounds, as well as reciprocity with other monuments and with other features of the National Capital.
- The Tidal Basin is located within a floodplain and is subject to periodic flooding. Applicable policies in the Environmental Element state:
  - The site should be returned as close as possible to its natural contours.

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[1] Includes the Mall, the Ellipse, the Washington Mónument Grounds, East and West Potomac Parks, Theodore Roosevelt Island, and Lady Bird Johnson Park.

- Floodplain fill should be minimized.
- Grading requirements should be minimized.
- Free natural drainage should be preserved.

Historic Preservation

The State Historic Preservation Office advises that Section 106 review has not been initiated at this time.

Environmental Impact

Pursuant to the National Environmental Policy Act (NEPA), NPS has developed a programmatic environmental assessment for the proposed location and program of the Memorial.

The proposed Memorial site location is considered acceptable to advance the concept site development and design that will incorporate further tiered environmental documentation occurring in conjunction with this effort. At that time, impacts associated with specific proposals for the relocation of West Basin Drive, the provision of access and assembly will be evaluated.

- The Memorial is consistent with other land uses within West Potomac Park.
- The proposed site requires the modification, reorientation or relocation of the existing polo field. Further evaluation of the Memorial site's impact on the polo field will be discussed in subsequent tiered environmental documentation at the time of concept design.
- The importance of maintaining a traffic circulation route in the vicinity of Ohio Drive is important for the Cherry Blossom Festival and the adjacent FDR Memorial.
  - Relocation of West Basin Drive is required and is proposed to be situated to the immediate west of the Memorial.
- Circulation routes for both pedestrian and vehicular traffic can be reasonably accommodated at the proposed Memorial site.
  - Tour bus and taxi drop-off areas can be incorporated into the relocation.
  - Accommodation for handicapped accessible parking will also be provided. No additional parking spaces will be provided for the Memorial.
- The Memorial is subject to flooding.
  - As with the existing FDR Memorial, the design of the Memorial will be developed to withstand the impacts of flooding.
  - The proposed action will be consistent with Executive Order 11988, Flood Plain management, pursuant to the NPS statement of findings.

COMPARISON OF PROPOSED SITES FOR
MARTIN LUTHER KING, JR. MEMORIAL
AT
TIDAL BASIN, CONSTITUTION GARDENS LAKE (East End) & CONSTITUTION GARDENS (West End)

Tidal Basin	Constitution Gardens Lake (East End)	Constitution Gardens Lake (West End)
Setting	*Setting*	*Setting*
• 4-acre precinct , including relocated West Basin Drive (1 acre)	• 5 acre precinct	• 7 acre precinct
• Limited visibility of Lincoln Memorial	• Limited visibility of Lincoln Memorial	• Limited visibility of Lincoln Memorial
• Views of Jefferson Memorial and Washington Monument	• Views of Washington Monument and future World War II Memorial	• Views of Washington Monument and U.S. Capitol
• Aircraft noise (95 decibels ±)	• Aircraft noise (60 decibels ±)	• Aircraft noise (60 decibels ±)
• Within 100-year flood plain	• Not in 100-year flood plain; inside flood berm	• Not in 100-year flood plain; inside flood berm
Design Parameters	*Design Parameters*	*Design Parameters*
• Views of Tidal Basin from Independence Avenue and West Potomac Park must be protected.	• Views toward World War II Memorial and distant views of elms on 17th Street must be protected.	• Views of Washington Monument and U.S. Capitol from Vietnam Veterans Memorial must be protected.
• Horizontal character of existing ground elevation must be maintained.	• Existing elevation of terrace can be modified	• Existing elevation of hilltop (26') can be increased up to 3 feet.
• Single design element of memorial cannot exceed 20 feet	• Single design element of memorial cannot exceed average height of elms on 17th Street	• Overall height of memorial cannot exceed height of adjacent hilltop
• Ratio of hardscape to softscape cannot exceed 1:3	• Ratio of hardscape to softscape cannot exceed 1:3	• Ratio of hardscape to softscape cannot exceed 1:3
• Water of Tidal Basin can be incorporated into memorial design	• Water of Constitution Gardens Lake can be incorporated into memorial design	• Water of Constitution Gardens Lake can be incorporated into memorial design
• Historic structure of Tidal Basin (walkway, coping, etc.) must be preserved	• Existing structure of Constitution Gardens Lake (walkway, coping, etc.) can be modified	• Existing structure of Constitution Gardens Lake (walkway, coping, etc.) can be modified
• Continuity of cherry trees along Tidal Basin must be maintained	• Existing trees can be removed, replaced or augmented.	• Existing oaks on knoll must be retained and could be augmented if outside protected vistas
Accommodation of Visitors	*Accommodation of Visitors*	*Accommodation of Visitors*
• Requires redesign of vehicular circulation from FDR Memorial	• Requires redesign of pedestrian circulation system between Constitution Avenue and future World War II Memorial	• Possibly requires redesign of existing pedestrian circulation system
• Large gatherings could be held on open recreation space that will be separated from memorial by a road and fence.	• Large gatherings could be held on the walks and lawn around the lake	• Large gatherings could be held on the walks and lawn around the lake, or on sloped hill side.
• Utilizes existing general public parking	• Utilizes existing general public parking	• Utilizes existing general public parking
• Utilizes existing Tourmobile stop on Ohio Drive	• Utilizes new Tourmobile stop on Constitution Avenue to be constructed for World War II Memorial	• Utilizes a new Tourmobile stop to be constructed on Constitution Avenue at 20th Street
• Small tour bus drop off and handicapped parking can be constructed.	• Tour bus drop off and handicapped parking along Constitution Avenue in lieu of existing parking spaces	• Tour bus drop off and handicapped parking along Constitution Avenue in lieu of existing parking spaces

COMPARISON OF PROPOSED SITES (CONT.)

Tidal Basin (cont.)

Impact on Existing Infrastructure & Facilities

RECREATION FACILITIES

- Requires modification of polo field

ROADS

- Requires relocation of West Basin Drive

UTILITIES

- Requires relocation of main feeder water line serving FDR Memorial
- Requires relocation of electric power line serving FDR Memorial
- Requires relocation of network telephone connection to Arlington County

Constitution Gardens Lake (East End) (cont.)

Impact on Existing Infrastructure & Facilities

RECREATION FACILITIES

- No impact on multi-purpose sports fields

ROADS

- No road relocation required

UTILITIES

- Potential relocation of 18-inch water line required

Constitution Gardens Lake (West End) (cont.)

Impact on Existing Infrastructure & Facilities

RECREATION FACILITIES

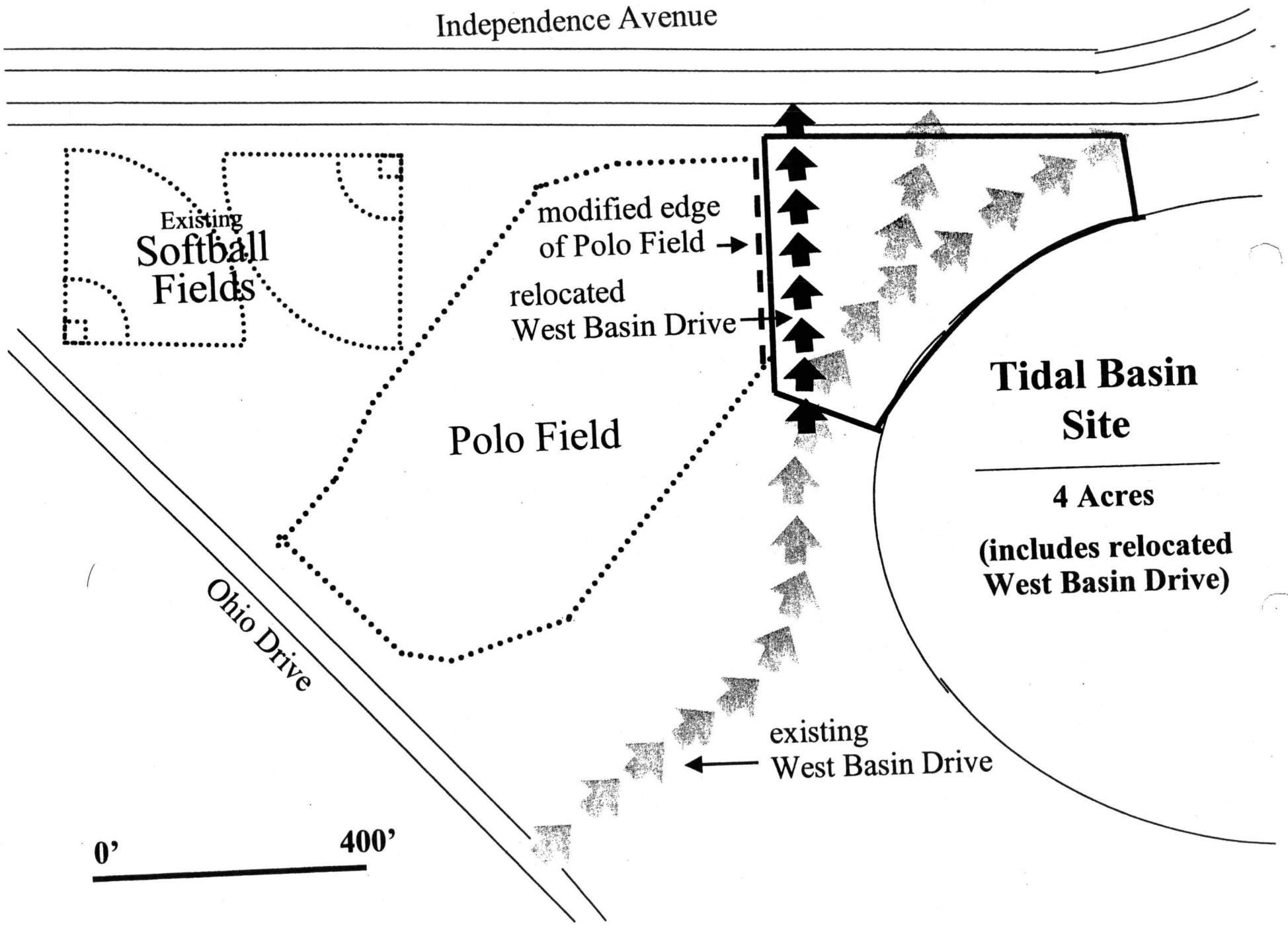
- No impact on multi-purpose sports fields

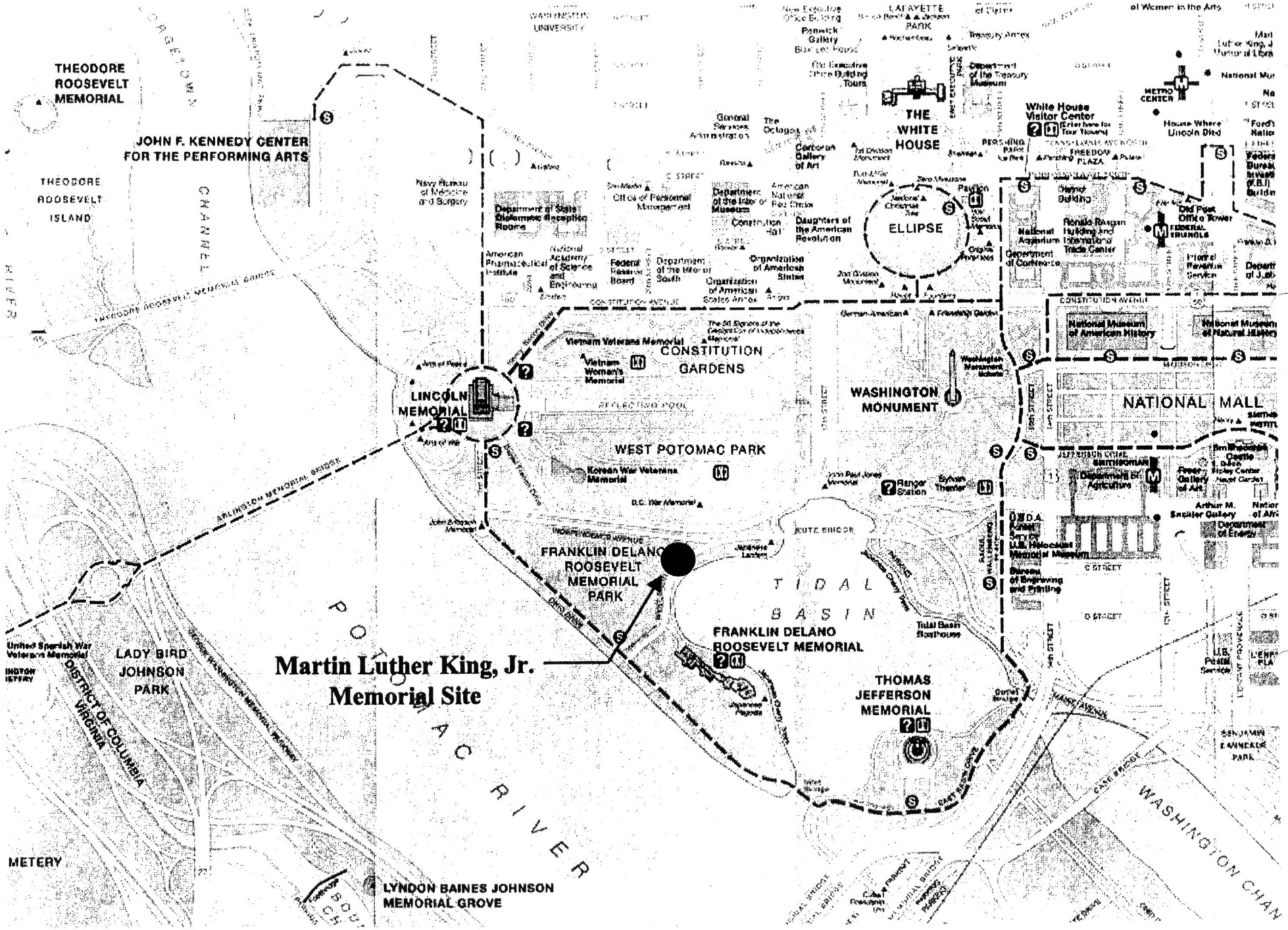
ROADS

- No road relocation required

UTILITIES

- Potential lowering of manhole for lake water treatment system


Independence Avenue
Existing
Softball
Fields
modified edge
of Polo Field
relocated
West Basin Drive
Polo Field
Tidal Basin
Site
4 Acres
(includes relocated
West Basin Drive)
Ohio Drive
existing
West Basin Drive
0'
400'


THEODORE ROOSEVELT MEMORIAL
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS
THEODORE ROOSEVELT ISLAND
THE WHITE HOUSE
ELLIPSE
CONSTITUTION GARDENS
LINCOLN MEMORIAL
WASHINGTON MONUMENT
NATIONAL MALL
WEST POTOMAC PARK
FRANKLIN DELANO ROOSEVELT MEMORIAL PARK
TIDAL BASIN
FRANKLIN DELANO ROOSEVELT MEMORIAL
THOMAS JEFFERSON MEMORIAL
LADY BIRD JOHNSON PARK
Martin Luther King, Jr. Memorial Site
POTOMAC RIVER
LYNDON BAINES JOHNSON MEMORIAL GROVE
METERY
WASHINGTON CHAN

RD LOG NO. 10/2

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

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www.ncpc.gov

October 21, 1999

Mr. John Carter
Project Director
Martin Luther King, Jr.
National Memorial Project Foundation, Inc.
2313 St. Paul Street
Baltimore, Maryland 21218

Dear Mr. Carter:

This letter sets forth the parameters for the Martin Luther King, Jr. memorial at the proposed Tidal Basin site as discussed at the Task Force meeting on October 12, 1999.

1. The size of the site will be approximately 4.0 acres.[1] No less than 3 acres excluding West Basin Drive, and no more than 4 acres including West Basin Drive, shall be devoted to the memorial.;

2. The Tidal Basin side of the site will be defined by the western edge of the existing walkway along the Tidal Basin (i.e. where pavement meets grass), thereby excluding the walkway from the site;[2] the northern boundary of the site shall be approximately 19 feet south of the curb along Independence Avenue;[3]

3. The Martin Luther King, Jr. Foundation in collaboration with the NPS will provide a general design for and construction of a relocated West Basin Drive;

4. All of the cherry trees along the Tidal Basin must be preserved with the understanding that one to three trees may be removed or repositioned if absolutely necessary for purposes of access between the Tidal Basin walkway and the memorial at the location of the existing access way;

5. No memorial element shall be placed in the Tidal Basin;[4]

[1,2,3,4] Represents substantial change from previous submission.

6. The existing visual transparency from Independence Avenue to the Tidal Basin shall be maintained;

7. The relationship of hardscape to softscape shall be no greater than one-third hardscape and no less than two-thirds softscape (this does not include West Basin Drive or the Tidal Basin walkway);

8. No single element of the memorial shall exceed a height of 20 feet;

9. There shall be no museum, bookstore or other rooms located at this memorial above or below grade;

10. There shall be no restroom facilities in the memorial; and

11. There shall be no vehicle parking at the memorial, however space for no less than three buses and six disabled spaces must be accommodated along West Basin Drive, or other location as specified by the National Park Service.

Thank you for agreeing to meet with us to discuss what we all agree will be an extremely important and historically significant memorial to Dr. Martin Luther King, Jr. We appreciate your hard work and dedication and look forward to working with you in the future. If you have comments or questions, please contact me or Connie M. Harshaw on 202-482-7211.

Sincerely,

Connie M. Harshaw

for Reginald W. Griffith
Executive Director

CONCURRENCE:

Terrance R. Carlstrom
Regional Director
National Capital Region
National Park Service

John H. Carter

John Carter, Project Director
on behalf of the
Martin Luther King, Jr.
Project Foundation, Inc.
By signing, I agree that, if the site is approved by NCPC, the MLK, Jr. Foundation will not submit to any of the approving bodies a proposal for design that does not fully comply with the above agreed upon parameters.

NCPC
File No. 5987
Primary Stat. DR
Due Date

Copies:

CHAIRMAN ✓ ASST. EXEC. DIR. (PRGRMS)
EXEC. DIR. ✓ ASST. EXEC. DIR. (MGMT) ✓
PUB. AF. ✓ LONG RANGE PLNG
GEN. COUNSEL ✓ PLANS REWIEW ✓
SECRETARIAT ✓ TDA SUPPORT
ADMIN

JOHN HERBERS
7514 Glenbrook Road
Bethesda, MD 20814

Nov. 30, 1999

To: National Capital Planning Commission
from: John Herbers
Re: M. L. King Memorial

For many years I covered the civil rights movement for The New York Times and earlier for United Press International and have written in books and magazines on topics concerning racial justice. Thus I have been following closely the controversy over placement of the King memorial.

I feel very strongly that the memorial should be on the Mall for reasons stated by a number of persons: because it would be near where King delivered his "I have a dream" speech, his most important; but even more because it should be in the line of visual history--Lincoln freeing the slaves and a century later King freeing the hearts and minds of all Americans from the bonds of legal segregation and discrimination.

I recently visited the tidal basin site and concluded that however grandiose the monument that site would, for many, delegate King to obscurity, disconnected from the line of history regarding civil rights. I also believe that King's legacy belongs to all Americans, not to any particular groups who might claim it. And to this I believe King himself would agree.

Sincerely,

John Herbers

NCPC
File No. 5907
Primary Stat. OPR
Due Date

Copies:

CHAIRMAN ___ ASST. EXEC. DIR. (PRGRMS) ___
EXEC. DIR. ✓ ASST. EXEC. DIR. (MGMT) ✓
PUB. AF. ✓ LONG RANGE PLNG. ___
GEN. COUNSEL ___ PLANS REWIEW ✓
SECRETARIAT ✓ TDA SUPPORT ___
ADMIN. ___

THOMAS C. BEIERLE
2028 13TH STREET NW
WASHINGTON, DC 20009
(202) 518-1252

December 1, 1999

Mr. Harvey Gantt
National Capital Planning Commission
801 Pennsylvania Avenue #301
Washington, DC 20576

Dear Mr. Gantt:

I understand that the National Capital Planning Commission will be voting on December 2nd on a location for the Dr. Martin Luther King, Jr. memorial. I would like to express my support for a memorial adjacent to the Lincoln Memorial. Of course, any site on or adjacent to the national monument would be a fitting place to pay tribute to Dr. King, the man. But only a site associated with the Lincoln memorial would pay full tribute to the struggle for liberty that spanned the century between the two great leaders and challenge us to continue to pursue Dr. King's dream.

The Lincoln Memorial is immensely powerful in its austerity. We are at once dwarfed by the great ideals inscribed on its walls but inspired by the expansive vista across the national mall. It challenges us to think beyond ourselves to the great experiment that is the United States. In short, it does in architecture what Dr. King did in life and what his "I Have a Dream Speech" did in America's soul. There is no more fitting place to pay tribute to Dr. King, his dream, and our nation's history.

Sincerely,

Thomas C. Beierle

Thomas C. Beierle

NCPC

File No. 5907

Primary Stat. OPR

Due Date

Copies:

CHAIRMAN		ASST EXEC DIR. (PRGRMS)	✓
EXEC. DIR.	✓	ASST. EXEC. DIR. (MGMT)	✓
PUB. AF.	✓	LONG RANGE PLNG.	✓
GEN. COUNSEL	✓	PLANS REWIEW	✓
SECRETARIAT	✓	TDA SUPPORT	
		ADMIN.	

N.C.P.C. RECEIVED

2000 FEB 11 PM 2: 1?

Gents Sirs/Ms: Re: Tidal Basin $ 1/2000 AD

[illegible] Code (DOES NOT ALLOW THIS) (Carter [illegible] King, minor King, Lowly Black king, Small cap)

M. L. King [illegible] of [illegible]

Kids school out of schools systems.

Maybe more [illegible] – Results newspapers folding – NO new readers.

The full cost would be on the [illegible] for 10 or 15 years.

Pay for the cost. When? What? Where? J.C.K.

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

NATIONAL BUILDING MUSEUM
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

NCPC
File No. 5907
Primary Stat. OPR
3 February 2000 Due Date

Copies:

CHAIRMAN ___ ASST EXEC DIR (PROGRAMS) ✓
EXEC. DIR. ___ ASST. EXEC DIR (MGMT) ___
PUB. AF. ✓ LONG RANGE PLNG. ___
GEN. COUNSEL ✓ PLANS REVIEW ✓
SECRETARIAT ✓ TDA SUPPORT ___
ADMIN. ___

Dear Mr. Carter:

At the Commission's meeting on 16 December 1999, the National Park Service presented the text for the design guidelines to be included in the competition package for the Martin Luther King, Jr., Memorial. At that meeting, the Commission agreed with and approved the eleven "parameters" as stated in NCPC Executive Director Reginald Griffith's letter of 21 October 1999 to you that bears your signature of concurrence along with that of Terry Carlstrom, Regional Director of the National Capital Region of the National Park Service (copy attached). We also asked that your Foundation work with the staff to review the text before its distribution.

As of 20 December 1999 we were informed that the MLK, Jr., National Memorial Project Foundation distributed the design competition packages to the registrants and the press before our review was completed. As you may recall, our approval of the Tidal Basin site was contingent upon the review of the text in the competition package before its distribution to the public. This is of concern as it clearly violates the terms of the Commission's approval for the Tidal Basin site as agreed upon at the Commission's 17 June 1999 meeting. Our subsequent review of the competition package text confirms that it does not include all of the eleven stipulations stated in Mr. Griffith's letter.

In light of our findings, the Commission of Fine Arts must therefor insist that a copy of Mr. Griffith's 21 October 1999 letter, with an appropriate cover letter of explanation, be sent to each of the competition entrants by registered mail.

Keeping the competitors fully informed of all the approved design parameters and requirements will maintain the integrity and fairness of the competition. In the long run, this may help avoid costly delays for redesign and potential litigation, and will avoid jeopardizing the approval of the Tidal Basin site.

The ultimate goal is for there to be the best possible design for the King Memorial, avoiding costly mistakes encountered by other memorial competitions, in which the guidelines were unclear, misleading or not inclusive of all the established and stipulated design parameters as agreed to with the several Federal approving authorities. In this endeavor, our goals are the same. Let's work together.

As always, the staff is available should question arise.

Sincerely,

J. Carter Brown
Chairman

cc: Terry Carlstrom, NCR-NPS
Dr. Ed Jackson, Jr., MLK, Jr., Foundation
Harvey Gantt, Chairman, NCPC

Mr. John Carter
Project Director
Martin Luther King, Jr.
National Memorial Project Foundation
2313 St. Paul Street
Baltimore, Maryland 21218

Central File C 5907

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

801 Pennsylvania Avenue, NW
Suite 301
Washington, DC 20576
tel 202 482-7200
fax 202 482-7272
www.ncpc.gov

IN REPLY REFER TO:
NCPC File Nos. 5907 & 1200

MAR 20 2000

Ms. Stephanie Fisher
Wingren Sculpture
P.O. Box 4944
Boulder, CO 80304

Dear Ms. Fisher:

We received your request for information about the Martin Luther King, Jr. Memorial. The Commission last reviewed a proposal on the siting of the Martin Luther King, Jr. Memorial on December 2, 1999. At that time, the National Capital Planning Commission approved a four-acre site adjacent to the Tidal Basin for the memorial. We have enclosed a copy of the Commission report on this action along with a copy of a letter that sets forth the parameters for the Martin Luther King, Jr. Memorial at the Tidal Basin site.

If you are seeking information about the design competition, you will need to contact the Martin Luther King, Jr. National Memorial Project Foundation:

MLK National Memorial Project Foundation
Department 211
Washington, D.C. 20055-0211
(202) 737-5420
www.mlkmemorial.org

The National Capital Planning Commission encourages public participation in the development of commemorative works—particularly those of major national importance—and welcomes any further comments or questions you may have.

Sincerely,

(SIGNED) WILLIAM R. LAWSON

William R. Lawson
Acting Executive Director

Enclosures

bcc: Augustine
Lawson
Reading File
Central Files 5907 &1200
MMurphy:3/16/00

WASHINGTON, D.C.
MARTIN LUTHER KING, JR.
NATIONAL MEMORIAL PROJECT FOUNDATION, INC.

February 29, 2000

Mr. J. Carter Brown, Chairman
The Commission of Fine Arts
National Building Museum
441 F Street NW Suite 312
Washington, DC 20001-2728

Dear Mr. Brown:

This letter is in response to your correspondence of February 3, 2000. Please forgive the lateness of this response. Your letter was sent to the Alpha Phi Alpha Fraternity Headquarters in Baltimore. We have, however, located our MLK, Jr. Project office in the National Building Museum on the third floor in Washington, DC.

That aside, Mr. Brown, I would be less than candid if I did not say that I was surprised and concerned with the tone of your letter. We all know that it is in the best interest of this project that we all work together. At every turn we have sought to do that and we will continue in like fashion. At no point have we sought to side step the wishes and desires of the various commissions. It is also important to note that we have not violated the terms of the Commission's approval for the Tidal Basin site.

Please allow me to address your issues point-for-point. As I understand it, your primary concern involves the design criteria and parameters communicated in our design competition package. Attached, please find a list of the eleven parameters agreed to by our foundation, with a corresponding explanation of where these items are addressed in the competition package. You will note that in most cases we addressed the parameter in more than one location on more than one poster. Our full commitment is to only bring back to the various commissions a design that conforms to the parameters outlined in our October 21, 1999 agreement.

In regard to the concerns of your staff, we remain willing to meet with them at any time. As we informed both the National Parks Service and your staff in writing, however, we would like to have a written account of their concerns prior to arranging a trip to Washington, so that we may be prepared to respond to any concerns in a meaningful way. To date, I have received no specific written or verbal concerns.

It was clearly never our desire to shield our competitors from the October 21, 1999 agreement. After all, this agreement is a matter of public record and is attached to the proceeding of the National Capital Planning Commission meeting. That being said, if you still believe that it is necessary, we are willing to mail a copy of the letter enumerating the eleven parameters to our competitors, as per your request.

I sincerely hope that the information contained within this letter addresses each of your concerns in a satisfactory manner. It is comforting to know that we all are working toward the common goal of memorializing a man, a movement and a message that has shaped such an important era of history.

I look forward to working with you as we make history together.

Sincerely,

John H. Carter
MLK, Jr. Memorial Project Chairman

Cc: Terry Carlstrom, NCR-NPS
Harvey Gantt, Chairman NCPC
Dr. Ed Jackson, MLK, Jr. Foundation

Attachment #1

LOCATION OF October 21, 1999 PARAMETERS ON DESIGN COMPETITION POSTERS

Parameter 1:" The size of the site will be approximately 4.) acres. No less than 3 acres excluding West Basin Drive, and no more than 4 acres including West Basin Drive, shall be devoted to the memorial"

Addressed on posters 5, 6, & 8. Specifically poster #8 item 8.1.2

Parameter 2: "The Tidal Basin side of the site will be defined by the western edge of the existing walkway along the Tidal Basin (i.e. where pavement meets grass), thereby excluding the walkway from the site; the northern boundary of the site shall be approximately 19 feet south of the curb along Independence avenue"

Addressed on posters 5,6, & 8. Specifically poster #8, item 8.3

Parameter 3: "The Martin Luther King, Jr. Foundation in collaboration with the NPS will provide a general design for and construction of a relocated West Basin Drive"

Addressed on posters 5, 6, & 8. Specifically poster #8 at 8.2.2 and 8.1.2

Parameter 4: "All of the cherry trees along the Tidal Basin must be preserved with the understanding that one to three trees may be removed or repositioned if absolutely necessary for purposes of access between the Tidal Basin walkway and the memorial at the location of the existing access way"

Addresses on poster #8. Specifically 8.3

Parameter 5:" No memorial element shall be placed in the Tidal Basin"

Addresses on posters 5 & 6

Parameter 6: "The existing visual transparency from Independence avenue tot he Tidal Basin shall be maintained"

Addressed on poster #8. Specifically 8.3

Parameter 7: "The relationship of hardscape to softscape shall be no greater than one-third hardscape and no less than two-thirds softscape (this does not include West Basin Drive or the Tidal Basin walkway)":

Addressed on Poster #8 Specifically 8.3

Parameter 8:"No single element of the memorial shall exceed a height of 20 feet"

Addressed on poster #8. Specifically 8.3

Parameter 9: "There shall be no museum, bookstore or other rooms located at this memorial above or below grade"

Addressed on poster #8. Specifically 8.3

Parameter 10: "There shall be no restroom facilities in the memorial"

Addressed on poster #8. Specifically 8.4.4

Parameter 11: "There shall be no vehicle parking at the memorial, however space for no less than three buses and six disabled spaces must be accommodated along West Basin Drive, other location as specified by the National P ark service"

Addressed on poster #8. Specifically 8.2.2 and 8.1.2

NCPC
File No. 5907
Primary Stat. OPR
Due Date

Copies:

CHAIRMAN	ASST EXEC DIR (PROGRMS) ✓
EXEC. DIR. ✓	ASST EXEC DIR (MGMT)
PUB. AF. ✓	LONG RANGE PLNG
GEN. COUNSEL ✓	PLANS REVIEW ✓
SECRETARIAT ✓	TDA SUPPORT
	ADMIN

Washington, D.C.
Martin Luther King, Jr.
National Memorial Project
Foundation, Inc.
2313 St. Paul Street, Baltimore, MD 21218 • 410-554-0050

August 9, 1999

Ms. Margaret Vanderhye
801 Ridge Drive
McLean, VA 22101

99 AUG 13 P4:44

Dear Ms. Vanderhye,

I am writing to ask for your reconsideration of the Tidal Basin site as a preferred site for the Washington, D.C. Martin Luther King, Jr. National Memorial. As you are aware, NCPC's July 1 decision to reject the Tidal Basin site was both a surprise and a significant setback for our efforts. We have taken your comments and concerns very seriously and, as a result, have spent the past month reevaluating our preferred site as well as many others in and around Area I before making any decision about how best to proceed.

So that there is no misunderstanding about our reaction to the July vote, let me be clear that this Memorial Foundation is confidant that we share a common goal with each and every member of the NCPC; to identify *the best* site in Area I of our Nation's Capital for a memorial befitting the life, movement and message of Dr. Martin Luther King, Jr. Indeed, it is on the strength of these convictions that we base our confidence that our two organizations can, and will, reach an agreement about the memorial's location. Furthermore, we are prepared to work as diligently as necessary to make this common vision a reality in a timely manner. It is our hope to present a revised tidal basin site to the NCPC for approval in September.

To that end, we are deeply committed to sitting down individually with each and every member of the NCPC to discuss the proposed site. We want to be certain that we have provided you with all of the information you need to evaluate our preferred site, and that we have an opportunity to address your specific concerns prior to the September hearing. Someone from our foundation will be contacting you in the next few days to arrange a time for us to meet.

In the meantime, let me thank you for the commitment you have already shown to ensuring that this Memorial become a complimentary addition to the fabric of Washington, D.C., and let me also thank you in advance for taking the additional time to meet with us in person.

If you have any questions or concerns, please feel free to contact me at (404) 349-4333.

Sincerely,

John H Carter

John H. Carter
Project Director

CENTRAL FILE COPY

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

801 Pennsylvania Avenue, NW
Suite 301
Washington, DC 20576
tel 202 482-7200
fax 202 482-7272
www.ncpc.gov

IN REPLY REFER TO:
NCPC File No. 5907

APR 13 2000

Mr. William Van Asselt
Executive Director
Martin Luther King, Jr.
National Memorial Project Foundation, Inc.
401 F Street NW, Suite 324
Washington, DC 20001

Dear Mr. Van Asselt:

We understand that, in the management of the design competition for the Martin Luther King, Jr. Memorial, the MLK Foundation sent a letter dated March 22, 2000 to all competition registrants which further clarified the design parameters for placing the memorial at its Tidal Basin site. Attached to that letter was the October 21, 1999 letter to Mr. John Carter, which established 11 design parameters developed by a Joint Task Fore comprised of the National Park Service, the National Capital Planning Commission, and the MLK Foundation.

In response to your March 22, 2000 letter, several of the competition registrants have called the Commission requesting clarification of the design parameters. As you know, the Commission will review the design of the Martin Luther King, Jr. Memorial only after the MLK Foundation has completed the design competition and formally submits the winning design for Commission review. Until that time, any inquiries regarding the design parameters will appropriately be referred to the MLK Foundation for clarification.

We believe that a memorial to Dr. Martin Luther King Jr. will be a significant addition to the monumental fabric of Washington and look forward to reviewing the winning design. Please let me know if we can provide you with any assistance in the completion of this process.

Sincerely,

William G. Dowd

William G. Dowd, Director
Office of Plans Review

United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO:

L3215 (NCR-LRP)

APR - 5 2001

Dr. Ed Jackson, Jr., Arch.D.
Executive Director
Martin Luther King, Jr. National Memorial
Project Foundation, Inc.
401 F Street, NW., Suite 324
Washington, D.C. 20001

Dear Ed:

Welcome back! I look forward to working with you and the Foundation on this very important memorial.

In response to your letter requesting that the National Park Service (NPS) submit the design concept to the Commission of Fine Arts (CFA), I think it would be well for me to summarize where we feel we are with the Foundation at this point. To avoid prolonging the design review process unnecessarily and to enable the Foundation's efficient preparation of a design concept, it was jointly decided by all involved to approach this submission differently. The Foundation would make an informational presentation of the competition-winning design to the CFA and the National Capital Planning Commission (NCPC) to elicit comment without formal action by either commission. After these two informational presentations, design refinements in response to CFA, NCPC and NPS comments would be made. The resultant design concept would than be submitted to the NPS and the formal design review would be initiated by NPS, CFA and NCPC.

During the winter the Foundation held a number of informal briefings with staff of the NPS, CFA and NCPC. These sessions sought to identify any major issues presented by the competition-winning design. High enthusiasm was expressed for the central element of the design, the Stone of Hope rising from the Mountain of Despair. However, serious concern was expressed in the following five areas by the staff of all three approval agencies:

1. Because of its height and length, the curved berm and wall blocks the view to the Tidal Basin from Independence Avenue.

2. The bridge is disruptive to the vertical design of the entrance portal.

3. The recognition of the martyrs creates additional memorials not authorized by Congress and will result in recognizing living people. This feature should be deleted in favor of quotations from Dr. King about the movement.

4. Visitors walking on top of the wall is visually distracting and should be eliminated.

5. Further evaluation of how visitors would circulate through the memorial from its main entrance at the northwest corner, including secondary access from either end as well as the Tidal Basin, needs to be undertaken.

We left these sessions with the understanding that ROMA would develop verbal responses to those issues and share them with us prior to submission of the competition-winning design to CFA and NCPC for their information and comment. We sensed that the Foundation was willing to respond favorably to all those concerns and this method of project development. If that is the case, we are ready to proceed. If it is not, I believe we should discuss your responses prior to the submission.

Sincerely,

John G. Parsons

John G. Parsons
Associate Regional Director
Lands, Resources and Planning

WASHINGTON, D.C.

MARTIN LUTHER KING, JR.

NATIONAL MEMORIAL PROJECT FOUNDATION, INC.

March 28, 2001

Mr. John Parsons
Associate Regional Director
National Park Service
1100 Ohio Drive, SW
Washington, DC 20242

Dear Mr. Parsons:

The Washington, DC, Martin Luther King, Jr. National Memorial Project requests the opportunity to be placed on the agenda for the Commission of Fine Arts session scheduled for April 15, 2001. At this time, the MLK Memorial Project will present the design concept to the commission.

We shall prepare the appropriate informational packets for the Commission of Fine Arts and provide an overview of the design concept. We look forward to appearing before the commission in April.

Sincerely,

Dr. Ed Jackson, Jr., Arch.D.
Executive Director

WASHINGTON, D.C.

MARTIN LUTHER KING, JR.

NATIONAL MEMORIAL PROJECT FOUNDATION, INC.

April 5, 2001

Mr. John Parsons
National Park Service
1100 Ohio Drive, SW
Washington, DC 20242

Dear Mr. Parsons:

In response to your most recent letter dated April 5, 2001, we respectfully request that the Washington, DC, Martin Luther King, Jr. National Memorial Project Foundation, Inc.(Foundation) be afforded the opportunity to come before the Commission of Fine Arts on April 19, 2001 to conduct an informal public hearing on the design winning solution for the Washington, DC, Martin Luther King, Jr. National Memorial Project.

Our records indicate the Foundation and the National Park Service (NPS) have met on three occasions (the first meeting was held on October 19, 2000 with key divisional heads within the NPS, the second meeting was on December 5, 2000 with staff representatives from NPS, NCPC and CFA, and a third meeting was defined as a scoping session held on February 5, 2001).

The minutes from that scoping session, dated February 5th, clearly states that it's purpose was to gather the necessary information needed to prepare for the informal presentations to the commissions (NCPC and CFA). We are now prepared to present our design award-winning solution to the Commission of Fine Arts and the National Capital Planning Commission. Enclosed please find a copy of the information package developed in support of our presentations to CFA and NCPC.

We have forwarded 8 copies of the information we are prepared to submit to the Commission of Fine Arts as of the date of this letter.

In closing I would like to thank you, John, for your warm welcome! It is indeed a pleasure to be working with you and the National Park Service once again.

Sincerely,

E. Jackson/or

Dr. Ed Jackson, Jr., Arch.D.
Executive Director

Enclosure

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

401 9th Street, NW
North Lobby, Suite 500
Washington, DC 20576
Tel 202 482-7200
Fax 202 482-7272
www.ncpc.gov

IN REPLY REFER TO:
NCPC File No. 5907
JUL 23 2003

Mr. C. W. Jacobs
Galerie Triangle
P. O. Box 450
Brandywine, MD 20613

Dear Mr. Jacobs:

I received your letter regarding your proposal for a Dr. Martin Luther King, Jr. Monument Platform for the Performing Arts. Over the past few years, our Commission has taken several actions regarding memorializing Dr. Martin Luther King, Jr. that I would like to make you aware of.

At its December 2, 1999 meeting, the National Capital Planning Commission approved a site location for the Martin Luther King, Jr. Memorial along the Tidal Basin in West Potomac Park, a preeminent location on national parkland. Following an international competition, the memorial sponsors (Martin Luther King, Jr. National Memorial Project Foundation, Inc.) selected a design and are currently working with the National Park Service in preparing detailed design plans for our Commission's review and approval in the near future. Additionally, at its January 2, 2003 meeting, the Commission approved an inscription commemorating Dr. King's "I Have a Dream" speech to be located on the exact spot where Dr. King delivered this speech at the Lincoln Memorial.

When developing monuments and memorials to be located on national parkland, sponsors must work with the National Park Service prior to submitting proposals to our Commission for review and approval. Federal law also prescribes other formal procedures that must also be followed for national memorials. In 2001, our Commission published the *Memorials and Museums Master Plan* that identifies available sites for monuments or memorials and explains for memorials approval process. I am enclosing a copy for your reference. My staff would be happy to explain memorial processes to you.

If there are any questions about plans for the Martin Luther King, Jr. Memorial or the memorial approval process, please contact David L. Hamilton of my staff at (202) 482-7232.

Sincerely,

Patricia E. Gallagher, AICP
Executive Director

Enclosure

July 9, 2003

Executive Director
National Capital Park Commission
401 – Ninth St., N.W.
North Lobby – suite# 500
Washington, DC 20576

Dear Ms. Patricia Gallagher:

It is my intent to create a granite stand of MLK that would measure approximately 6ft. tall(or less), 5ft. wide, and 4in. thick. King's face would be in bronze, and his speech would be photoengraved in brass and text in black, while the screws would be in gold. There would be speakers below this image, (left and right), which would recite the "I Have A Dream Speech." The speech can be sold to support the financing of the MLK, Jr. Monument Platform for the Performing Arts. This monument would be placed somewhere in the nation's capital or any park which would be determined by NCPC. In order to support the cost of such a project, King's speech on canvas would be reproduced and sold.

The MLK, Jr. Monument Platform for the Performing Arts will commemorate the legacy of a man who stood for freedom, justice and peace for all. This awesome structure gives one a sense of coming together and maintaining a direct focus on King's "I Have A Dream" speech, which focuses on solidarity---the need for all races to come together as one. This monument, which exudes a feeling of serenity and tranquility, delivers a powerful presence of spirit, strength and commitment as it pervades time and space from every dimension. The monument can be seen at night under streams of light, which enhances its very presence. Depending on how it will be used, the monument can be built on a much smaller scale to suit any available national park space. Your response, in a timely manner to this letter, will be very much appreciated.

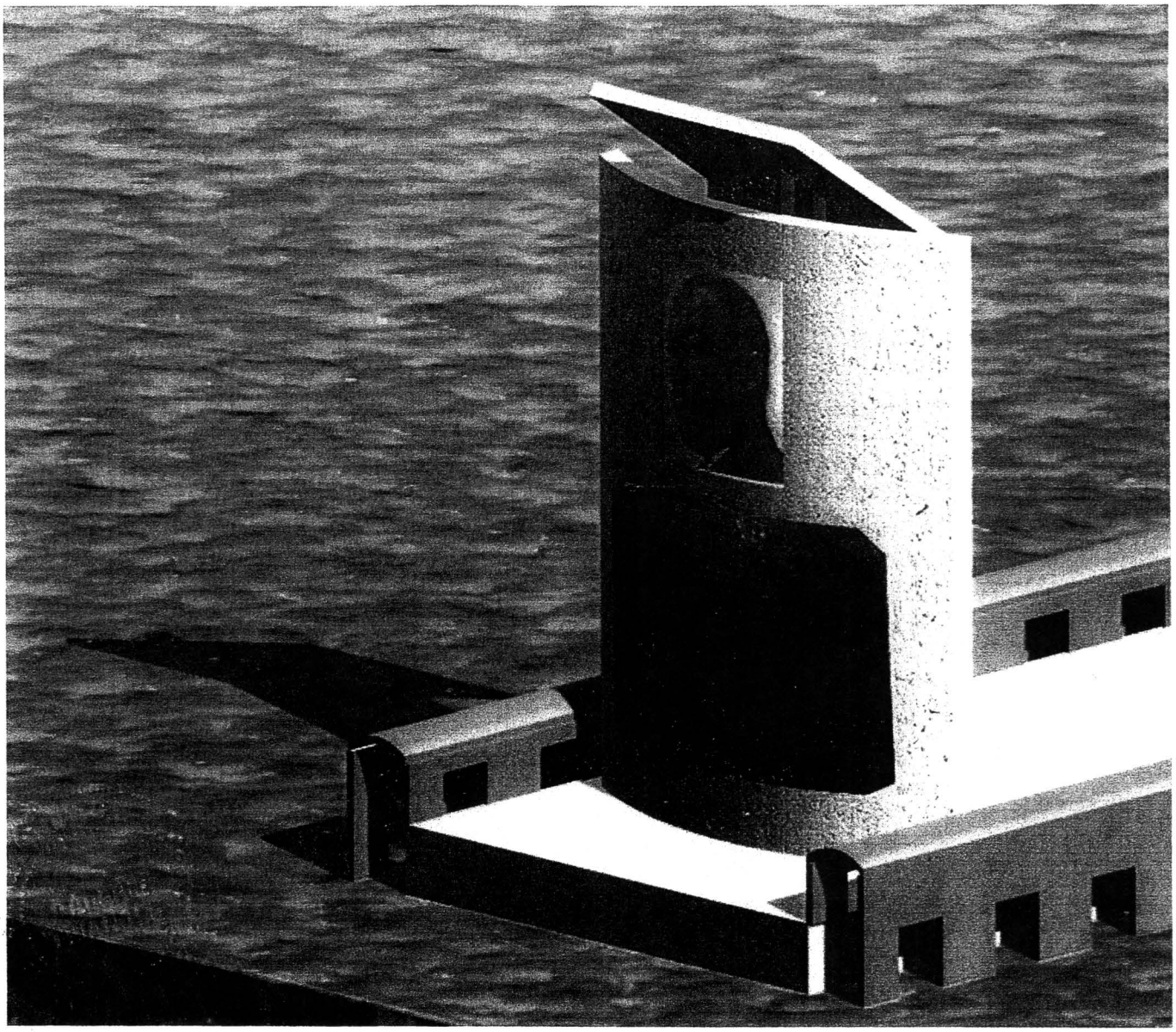
Over 35 years ago, I produced Martin L. King's "I Have A Dream" speech on parchment paper as a memento to his legacy. Because of MLK's courageous efforts, convictions and leadership, I felt this was a fitting tribute to a man who stood for much during his involvement in the Civil Rights movement. The title was done in 18k gold and blue in Old English while the text was done in script on coffee stained parchment paper. This finished work was signed, and dated by the artist. Every effort will be made to preserve the beauty and authenticity of the finished product. Mass production, which will be done on canvas, as was done on parchment paper for preservation, will be sent in rolled up fashion or framed. Everything will be authenticated as the original. I, and my wife, Averille, gave, as a gift, a copy of the produced speech on parchment to Ms. Yolanda King, which included a silhouette of the bust of Dr. Martin L. King, Jr.

Galerie Triangle
P.O. Box 450
Brandywine, MD 20613

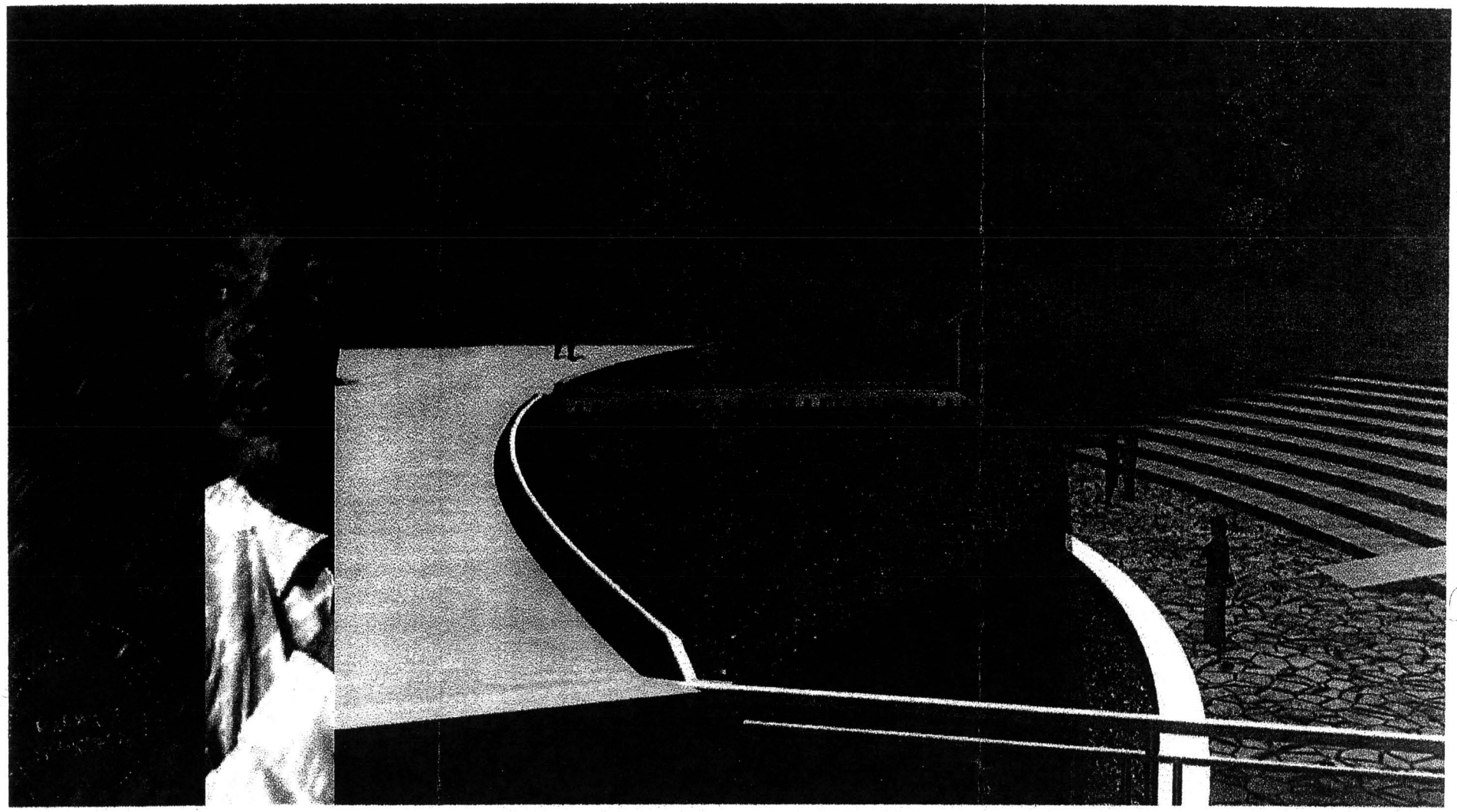
Sincerely yours,

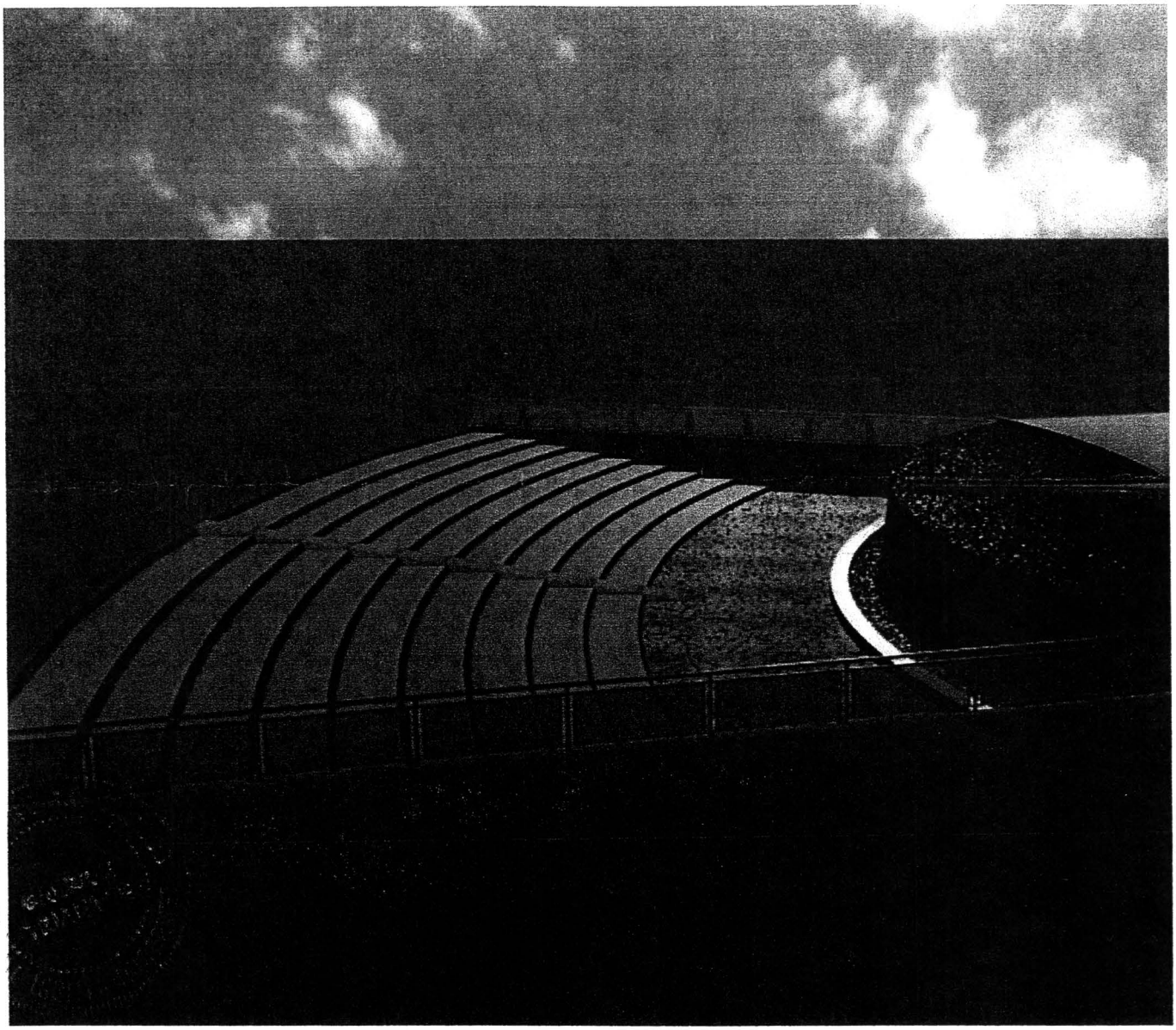
C. W. Jacobs

C.W. Jacobs
PH: (301)888-1411
E-mail: aquacol7184@prodigy.net



PERSPECTIVE





NCPC File No. 5907

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

MARTIN LUTHER KING, JR. MEMORIAL
Tidal Basin

Report to the National Park Service and the
Martin Luther King, Jr. National Memorial Project Foundation, Inc.

December 2, 1999

Abstract

The National Park Service, on behalf of the Martin Luther King, Jr. National Memorial Project Foundation, Inc. has submitted a proposed four-acre site adjacent to the Tidal Basin for the Martin Luther King, Jr. Memorial. The proposed site has been submitted with design parameters that will be included with the design competition package for the memorial.

Authority

Public Law 104-333, Public Law 105-201, and Public Law 99-652, as amended.

Commission Action

The Commission:

- **Rescinds** its March 4, 1999 action approving the East End of Constitution Gardens for the site of the Martin Luther King, Jr. Memorial.

- **Approves** a four-acre site adjacent to the Tidal Basin for the Martin Luther King, Jr. Memorial, as shown on NCPC Map File No. 1.51(08.22)-40723, as well as design parameters as indicated in the attached October 21, 1999 letter to the Martin Luther King, Jr. National Memorial Project Foundation, Inc.

* * *

BACKGROUND AND STAFF EVALUATION

DESCRIPTION OF PROPOSAL

The National Park Service (NPS), on behalf of the Martin Luther King, Jr. National Memorial Project Foundation, Inc. (Foundation), has submitted a proposed site for the Martin Luther King, Jr. Memorial (MLK Memorial). The site is on the northwestern edge of the Tidal Basin. This is one of the few prominent memorial sites remaining in the Monumental Core (within Area I as defined in the Commemorative Works Act).

Site:

The proposed site for the MLK Memorial is a four-acre parcel of land, including West Basin Drive, located on the northwestern side of the Tidal Basin.

The Tidal Basin side of the site is defined by the western edge of the existing walkway along the Tidal Basin.

The northern boundary of the site is approximately 19 feet south of the curb along Independence Avenue.

Setting:

- The Tidal Basin site is a prominent and symbolic location. The site is relevant to its subject of commemoration.
- From the site there are views of the Washington Monument and across the Tidal Basin to the Jefferson Memorial. Views to the Lincoln Memorial are obstructed.
- Placement of the MLK Memorial in this location has the potential to reinforce the formal relationships among these memorials.
- The MLK Memorial also has the potential to enhance the visitor experience through reinforcement of the movement from the Jefferson and FDR Memorials to those on the Mall.
- The most memorable aspect of the site is the expansive view across the Tidal Basin. Also, views to the surrounding memorials provide a sense of grandeur while the inlet of the Tidal Basin provides a sense of enclosure and intimacy.
- The existing cherry trees and the other trees that line the Tidal Basin provide continuity and unity while also reinforcing this sense of enclosure.

Design Parameters:

NPS submission materials stipulate the following design parameters for the design and development of the MLK Memorial. These design parameters have been developed jointly by NPS, NCPC, and the MLK Foundation:

- The size of the site will be approximately four acres. No less than three acres, excluding West Basin Drive, and no more than four acres, including West Basin Drive, shall be devoted to the MLK Memorial.

- The Tidal Basin side of the site will be defined by the western edge of the existing walkway along the Tidal Basin (i.e. where pavement meets grass), thereby excluding the walkway from the site; the northern boundary of the site shall be approximately 19 feet south of the curb along Independence Avenue.

- The Foundation, in collaboration with NPS, will provide a general design for and construction of a relocated West Basin Drive.

- All of the cherry trees along the Tidal Basin must be preserved with the understanding that one to three trees may be removed or repositioned if absolutely necessary for purposes of access between the Tidal Basin walkway and the MLK Memorial at the location of the existing access way.

- No MLK Memorial element shall be placed in the Tidal Basin.

- The existing visual transparency from Independence Avenue to the Tidal Basin shall be maintained.

- The relationship of hardscape to softscape shall be no greater than one-third hardscape and no less than two-thirds softscape (this does not include West Basin Drive or the Tidal Basin walkway).

- No single element of the MLK Memorial shall exceed a height of 20 feet.

- There shall be no museum, bookstore, or other rooms located at the MLK Memorial above or below grade.

- There shall be no restroom facilities in the MLK Memorial.

- There shall be no vehicle parking at the MLK Memorial; however, space for no less than three buses and six disabled spaces must be accommodated along West Basin Drive, or other location as specified by NPS.

Accommodation of Visitors:

West Basin Drive currently runs through the middle of the proposed MLK Memorial site. Recently reconstructed in association with the construction of FDR, it provides one-way movement from Ohio Drive to Independence Avenue. West Basin Drive is required for access to FDR and to relieve Ohio Drive of traffic exiting West Potomac Park to Independence Avenue.

- West Basin Drive is proposed to be relocated to the western portion of the MLK Memorial site. The western boundary of the site has been deliberately drawn to include this road to allow drop-off and entry to the MLK Memorial and to ensure that its design is in keeping with the setting.

- Primary access to the MLK Memorial will be via the Tourmobile and other alternative modes of travel. In addition to the existing Tourmobile stop on Ohio Drive, small tour bus and taxi drop-off areas can be incorporated on-site within the design of the relocated West Basin Drive.

- Access by private automobile will be limited to West Basin Drive. Vehicle drop-off and handicapped parking can be constructed; however, no additional parking will be provided.

Impact on Existing Recreation Facilities and Infrastructure:

- West Potomac Park provides both passive and active recreational open space including a polo field, softball fields, and practice fields.

- The northeastern-most corner of the polo field is located within the proposed MLK Memorial site. The field has been modified to accommodate its current location and NPS has indicated that a further modification to the field to remove this corner from the MLK Memorial site is feasible and will allow the polo field to remain in its current location.

- Other alternatives include reorientation of the polo field and relocation of the two associated softball fields within this area. This could result in a larger (closer to regulation size) polo field.

NPS has provided cost estimates for the relocation of West Basin Drive, the modification and/or reorientation of the polo field, and the required relocation of utilities. The actual costs will be assumed by the Foundation.

PREVIOUS COMMISSION ACTION

At its July 1, 1999 meeting, the Commission did not approve a site for the MLK Memorial in the Tidal Basin's general area.

At the Commission's March 4, 1999 meeting, a site at the East End of Constitution Gardens was selected and approved as the site for the MLK Memorial.

CONSULTATION

Since the Commission's March 4th meeting, there have been several meetings between the Foundation, the staff of NCPC, NPS, CFA, as well as a special Work Group of the Commission to examine both the east end of Constitution Garden's site and the Tidal Basin site. It was determined that the Tidal Basin site, with design parameters, would be an appropriate location for the MLK Memorial.

EVALUATION

The Tidal Basin site is an important location deserving of a preeminent memorial. Staff believes the MLK Memorial meets this standard. The placement of the MLK Memorial in the midst of other commemorative works to such renowned world figures as Franklin Delano Roosevelt, Thomas Jefferson, and George Washington—individuals who shaped or changed the course of this Nation's history—will ensure that Dr. King's significant contributions to furthering democratic ideals and the human experience will not be lost on future generations.

The proposed four-acre site, including West Basin Drive, can accommodate the proposed MLK Memorial. One of the key considerations in siting any memorial is potential encroachment and whether the work can be placed within its context without intruding on the setting of other important activities. Staff believes that there is sufficient space within the recommended site to achieve an appropriate setting for the MLK Memorial that is compatible with and supportive of its surroundings. Within the MLK Memorial setting, appropriate entrances can be developed as well as any needed buffers. Both setting and sense of entry are of vital importance in memorial design and each can be attained within the proposed site.

Locating the proposed MLK Memorial on the Tidal Basin site will require some adjustments in existing features in West Potomac Park but should not dramatically alter the character of the area. West Basin Drive, which runs between Ohio Drive and Independence Avenue, provides access to the FDR Memorial. Vehicular access is also needed to the MLK Memorial. Given that West Basin Drive currently bisects the proposed site, retaining it in its current alignment could encumber possible memorial design solutions. NPS and the Foundation have agreed to relocate the road to address this problem. The new alignment is expected to be closer to the western edge of the site outside the zone expected to be used for the principal memorial elements.

The proposed site will also require a minor adjustment in the adjacent polo field so that the polo fields and other recreation activities will not intrude on the four-acre MLK Memorial site. Reconfiguration and reorientation of the recreation facilities in West Potomac Park will allow both activities to co-exist comfortably in the same area.

Finally, the cherry trees along the Tidal Basin are important features of West Potomac Park and the area adjacent to the planned MLK Memorial. The Commission, NPS, and the Foundation have agreed that the structure and arrangement of these trees must be preserved. There is also consensus that views to the Tidal Basin from Independence Avenue should be maintained. Staff believes the design parameters contained in its October 21, 1999 letter to the Foundation will assure that the cherry trees, views through the site, heights of principal memorial elements, vehiclular circulation and parking, and other items related to the future design and use of the site will be handled in a manner consistent with the Commission's expectations for this prominent location. (see attachment).

Given the thorough examination of this site and the associated design parameters, staff recommends approval of the Tidal Basin site for the MLK Memorial. Because this site is different from the site approved by the Commission at its March 4, 1999 meeting, it is further recommended that the Commission rescind its March 4th action before taking action on the new submission.

COORDINATION

Coordinating Committee

The Coordinating Committee reviewed this item at its meeting on November 10, 1999, and forwarded the proposal to the Commission with the statement that the project has been coordinated with all agencies participating. The participating agencies were NCPC; the District of Columbia Office of Planning; the Fire Department; the Department of Housing and Community Development; the Department of Public Works; the National Park Service; the General Services Administration; and the Washington Metropolitan Area Transit Authority.

CONFORMANCE

Comprehensive Plan

Several policies contained in the *Comprehensive Plan for the National Capital* apply to the proposed location for the Martin Luther King, Jr. Memorial on the northwestern edge of the Tidal Basin in West Potomac Park.

- West Potomac Park is an extension of the Mall, a National Landmark. West Potomac Park is also a designated Special Place in the Preservation and Historic Features Element of the Comprehensive Plan. Independence Avenue is a designated Special Street. Applicable policies relating to the protection and enhancement of historic properties, Special Places and Special Streets apply.

- The Parks, Open Space and Natural Features Element of the Comprehensive Plan designates the Mall and East and West Potomac Park for Monumental Park use.

  - Monumental and Decorative Parks...should serve as settings to enhance public buildings, monuments and memorials; as such, their fundamental integrity should be protected...

- Criteria for the location of Cultural, Memorial and Information Facilities contained in the Federal Facilities Element also specify that:

  - Federal memorials, as authorized by the Congress, should locate within appropriate areas throughout the National Capital. Preference should be given to sites within Special Places, along Special Streets, at locations which provide visual prominence, gateway entrances, vistas or overlooks or have special features that would enhance the memorial.

  - Only Federal memorial facilities that are of exceptional national or international significance, such as those associated with presidents and/or momentous national or international events, should locate within the central monumental area.[1]

[1] Includes the Mall, the Ellipse, the Washington Monument Grounds, East and West Potomac Parks, Theodore Roosevelt Island, and Lady Bird Johnson Park.

- Memorials to persons or events having strong functional or traditional association with specific areas of the National Capital should be given preference in locations in those areas.
- Memorials should be designed and sited to be sympathetic to their locations.

- Existing Special Places should be protected, enhanced, and strengthened. New ones should be created. Historic plans and their underlying principles should be used for guidance. Civic art should be used to enrich such places and to establish their identity and image.

- The distinguishing qualities or character of Historic Landscapes should be protected and enhanced.

- New sites with monumental potentials should be designed so as to ensure integration with appropriate natural settings and architectural backgrounds, as well as reciprocity with other monuments and with other features of the National Capital.

- The Tidal Basin is located within a floodplain and is subject to periodic flooding. Applicable policies in the Environmental Element state:

  - The site should be returned as close as possible to its natural contours.
  - Floodplain fill should be minimized.
  - Grading requirements should be minimized.
  - Free natural drainage should be preserved.

Historic Preservation

NPS initiated consultation with the District of Columbia State Historic Preservation Office (SHPO) on March 4, 1999, advising the SHPO that a design to be proposed for this memorial might potentially have an adverse effect on the landscape and National Register qualities of West Potomac Park. NPS further stated that since there was not a design concept for the MLK Memorial, it was impossible to completely assess adverse effects at the time. NPS stated that it was their intention to consult with the SHPO and the Advisory Council at the appropriate time.

Environmental Impact

Pursuant to the National Environmental Policy Act (NEPA), NPS has developed a programmatic environmental assessment for the proposed location and program of the MLK Memorial.

The proposed MLK Memorial site location is considered acceptable to advance the concept site development and design that will incorporate further tiered environmental documentation occurring in conjunction with this effort. At that time, impacts associated with specific proposals for the relocation of West Basin Drive, the provision of access, and assembly will be evaluated.

- The MLK Memorial is consistent with other land uses within West Potomac Park.

- The proposed site requires the modification of the existing polo field. Further evaluation of the MLK Memorial's impact on the polo field will be discussed in subsequent tiered environmental documentation at the time of concept design.

- Maintaining a traffic circulation route in the vicinity of Ohio Drive is important for the Cherry Blossom Festival and the adjacent FDR Memorial.

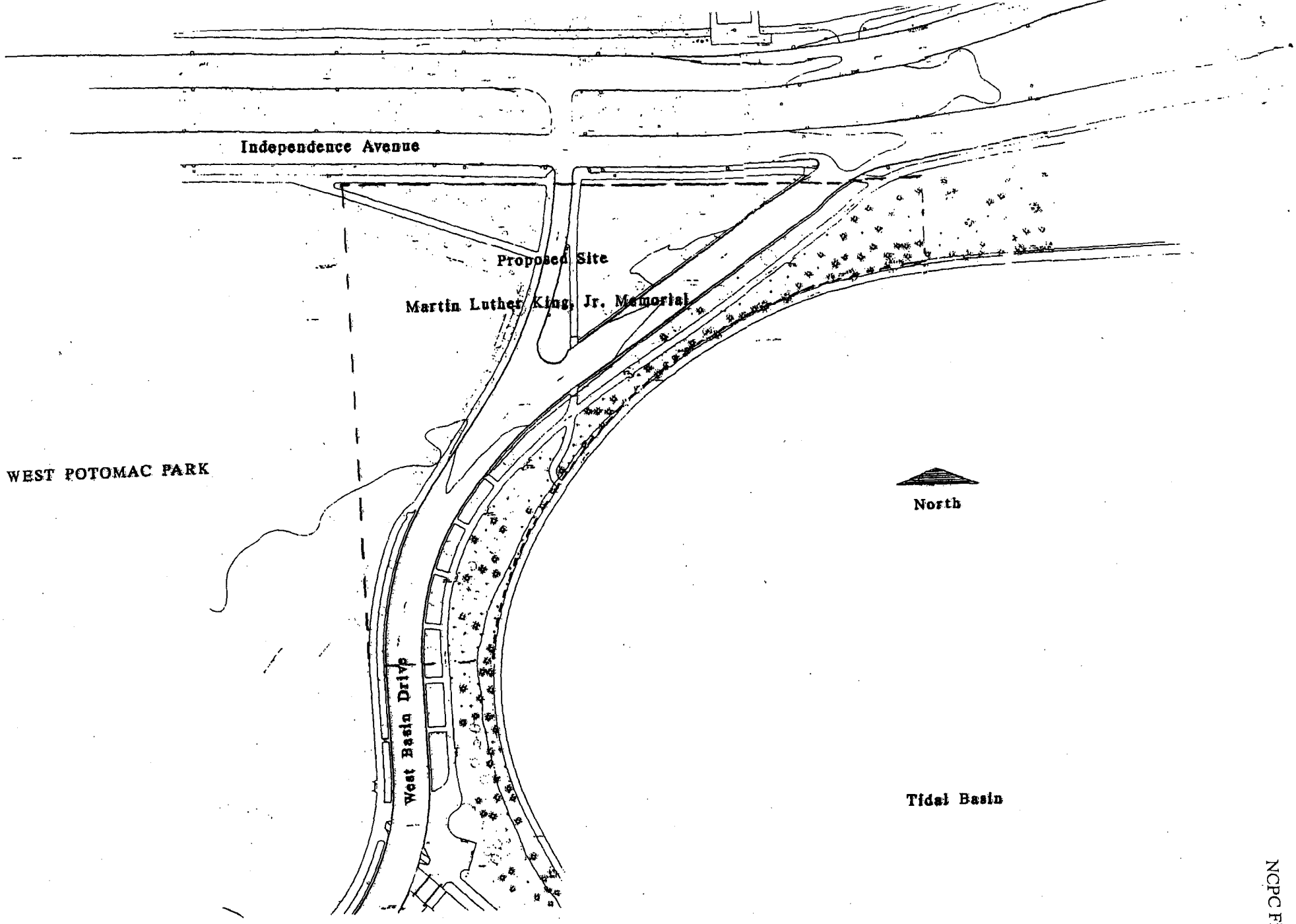
  - Relocation of West Basin Drive is required. It is proposed to be relocated to the area immediate west of the MLK Memorial.

- Circulation routes for both pedestrian and vehicular traffic can be reasonably accommodated at the proposed MLK Memorial site.

  - Tour bus and taxi drop-off areas can be incorporated into the relocation.
  - Accommodation for handicapped accessible parking will also be provided. No additional parking spaces will be provided for the MLK Memorial.

- The MLK Memorial site is subject to flooding.

  - As with the existing FDR Memorial, the design of the MLK Memorial will be developed to withstand the impacts of flooding.
  - The proposed action will be consistent with Executive Order 11988, Flood Plain management, pursuant to the NPS statement of findings when tiered environmental analysis is undertaken.


Independence Avenue
Proposed Site
Martin Luther King, Jr. Memorial
WEST POTOMAC PARK
North
West Basin Drive
Tidal Basin

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

801 Pennsylvania Avenue, NW
Suite 301
Washington, DC 20576
tel 202 482-7200
fax 202 482-7272
www.ncpc.gov

October 21, 1999

Mr. John Carter
Project Director
Martin Luther King, Jr.
National Memorial Project Foundation, Inc.
2313 St. Paul Street
Baltimore, Maryland 21218

Dear Mr. Carter:

This letter sets forth the parameters for the Martin Luther King, Jr. memorial at the proposed Tidal Basin site as discussed at the Task Force meeting on October 12, 1999.

1. The size of the site will be approximately 4.0 acres.[1] No less than 3 acres excluding West Basin Drive, and no more than 4 acres including West Basin Drive, shall be devoted to the memorial.;

2. The Tidal Basin side of the site will be defined by the western edge of the existing walkway along the Tidal Basin (i.e. where pavement meets grass), thereby excluding the walkway from the site;[2] the northern boundary of the site shall be approximately 19 feet south of the curb along Independence Avenue;[3]

3. The Martin Luther King, Jr. Foundation in collaboration with the NPS will provide a general design for and construction of a relocated West Basin Drive;

4. All of the cherry trees along the Tidal Basin must be preserved with the understanding that one to three trees may be removed or repositioned if absolutely necessary for purposes of access between the Tidal Basin walkway and the memorial at the location of the existing access way;

5. No memorial element shall be placed in the Tidal Basin;[4]

[1,2,3,4] Represents substantial change from previous submission.

6. The existing visual transparency from Independence Avenue to the Tidal Basin shall be maintained;

7. The relationship of hardscape to softscape shall be no greater than one-third hardscape and no less than two-thirds softscape (this does not include West Basin Drive or the Tidal Basin walkway);

8. No single element of the memorial shall exceed a height of 20 feet;

9. There shall be no museum, bookstore or other rooms located at this memorial above or below grade;

10. There shall be no restroom facilities in the memorial; and

11. There shall be no vehicle parking at the memorial, however space for no less than three buses and six disabled spaces must be accommodated along West Basin Drive, or other location as specified by the National Park Service.

Thank you for agreeing to meet with us to discuss what we all agree will be an extremely important and historically significant memorial to Dr. Martin Luther King, Jr. We appreciate your hard work and dedication and look forward to working with you in the future. If you have comments or questions, please contact me or Connie M. Harshaw on 202-482-7211.

Sincerely,

for Reginald W. Griffith
Executive Director

CONCURRENCE:

Terrance R. Carlstrom
Regional Director
National Capital Region
National Park Service

John Carter, Project Director
on behalf of the
Martin Luther King, Jr.
Project Foundation, Inc.
By signing, I agree that, if the site is approved by NCPC, the MLK, Jr. Foundation will not submit to any of the approving bodies a proposal for design that does not fully comply with the above agreed upon parameters.

NCPC File No. 5907

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

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North Lobby, Suite 500
Washington, DC 20004
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MARTIN LUTHER KING, JR. NATIONAL MEMORIAL
Tidal Basin, West Potomac Park
Washington, D.C.

Finding of No Significant Impact

AUG 2 9 2008

The National Park Service has submitted preliminary and final site and building plans for the Martin Luther King, Jr. National Memorial in Washington, D.C. including a visitor support building, the realignment of West Basin Drive, and perimeter security bollards. We are not addressing the perimeter security bollards at this time.

Pursuant to Section 10 of the Commission's Environmental Policies and Procedures, I have evaluated the preliminary and final site and building plans for the proposed construction of the Martin Luther King, Jr. National Memorial in Washington, D.C., as shown on NCPC Map File No. 1.51(73.10)-42593, including the Environmental Assessment (EA) prepared by the National Park Service in July 0f 2005 and project submission materials and comments received since that time. I find that the Environmental Assessment (EA) of July 2005 and the project submission materials and comments received for the project including the visitor support building and the realignment of West Basin Drive but not including the perimeter security bollards are adequate to establish that the project would not significantly affect the human environment with the mitigation established in that EA and through design revisions to date that are documented in the project submission materials.

The District of Columbia State Historic Preservation Officer has reviewed the plans in accordance with National Historic Preservation Act, Section 106 requirements including the visitor support b

Memorial complete the Commission's design review of the memorial including the Visitor Support Building with its full layout design and finishes and the realignment of West Basin Drive.

After review of the National Park Service's July 2005 Environmental Assessment (EA), project submission materials and comments received to date, NCPC staff finds that the preliminary and final design of the memorial including the visitor support building and the realignment of West Basin Drive but not including the perimeter security bollards 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.

The submitted design maintains mitigation actions defined by the NEPA analysis of the EA. The concept issues of height of the berm and viewshed effects from that feature to and from the memorial have been addressed by the preliminary design implementation and in the further progress of the National Historic Preservation Act Section 106 Consultation process. The evaluation by staff of the location of the Visitor Support Building finds the 14-foot building height and the use of large expanses of glass and exterior material finishes maintains the EA conclusions that the structure be small in scale and discreet. The EA specifically notes "An attractively designed structure located in the southwest corner of the site would enhance visitor comfort and could also be used to house ranger or interpretive functions. Such a facility should be unobtrusive in scale, with a height similar to the memorial berm and a footprint of 1,750 square feet (approximately 1 percent of the site area)." The final design of the visitor support building, at 2,932.5 square feet, is 1.9 percent of the memorial area and 1.6 percent of the complete project work site area. Staff finds the variation of the preliminary and final design within the range of normally seen modification and refinement of building plans, and within less than one percent difference in overall project area. The site of the visitor support facility has changed as a result of both consultation and the July 2008 Commission action, in part to minimize potential impacts to the remainder of the memorial site and to the Tidal Basin. Consequently, there are no appreciable changes to the environmental outcomes relative to the visitor support facility size and location.

The 2005 EA notes that visitors to the memorial would generate the need for a variety of on-site services, including restroom and interpretive facilities. Given that the nearest restrooms would be located more than 750 and 1,000 feet away at the World War II and FDR Memorials, respectively, numerous memorial visitors would be inconvenienced and discomforted by a lack of restroom facilities at the new memorial. Members of the public also testified in front of the Commission that public restrooms would be needed as part of the memorial development. Further, the EA notes that memorial visitors typically desire a bookstore or interpretive ranger to learn more about the subject matter. The EA cites that 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 and goes on to suggest that a facility with restrooms and interpretive functions would be appropriate mitigation in the project site selection process as the memorial would attract more than 1.2 million visitors annually. Additionally, NCPC's review of the project in December 2005 noted that the Park Service was reconsidering that policy in regard to this memorial.

Relative to its present location, as noted to all consulting parties under the NHPA Section 106 process, the Commission of Fine Arts (CFA) requested the Visitor Support Building be re-sited in April 2008. The CFA endorsed the relocation of the visitor support facility northward to be closer o the memorial entrance. The members were critical of its earlier scale and location at the

NCPC's requirements for a FONSI are set forth in the Environmental and Historic Preservation Policies and Procedures at Section 10(E).

The proposed action

The proposed action is the approval of the preliminary and final project design for the Martin Luther King, Jr. National Memorial. The submitted preliminary and final plans complete the design direction for the following elements of the memorial:

- The *Stone of Hope*, which features the relief sculpture of Dr. King, maintains its approved elevation of 30 feet-9 inches in height, and has been completely designed as to its method of construction and its base composition and placement within the plaza pavement. Final elevation design of the sculpture and physical details of the image, including its latest minor revisions in stone, are provided in the submission.

- The final building plans for the Visitor Support Building are completed with its areas for public restrooms, a bookstore, utilities operation and storage, and Park ranger visitor contact station.

- The memorial planting design has been slightly modified at the forecourt to introduce three Red Maple trees at each side of the forecourt to provided more shade to the overall forecourt area.

- The memorial final site design incorporates a curved alignment for West Basin Drive that has been accepted by the District of Columbia State Historic Preservation Officer and other review agencies as the approach for vehicle access along the west perimeter of the memorial. The curved alignment is a feature established under the Section 106 consultation process and adheres to the stipulations of the Memorandum of Agreement.

Potential impacts

NCPC staff has found no significant or adverse environmental impacts with the proposed action as implemented in the final design and that adheres to stipulations of the Section 106 Memorandum of Agreement. Minor temporary impacts, earlier identified by the 2005 EA, exist that are short term construction effects addressed by mitigation through project design and construction process actions. These are implemented in the final project plans. The short-term mitigation provisions included in the submitted memorial project design are:

- Site grading will be balanced to the extent possible to minimize the need for importing or exporting soils during construction, and no storage of soil will be allowed on site. Ground settlement that may occur due to fill and loading would be controlled to an acceptable level by engineering techniques such as control of compaction, subgrade modification, and foundation design.
- Erosion and sedimentation control plans and a stormwater management plan have been prepared within the design and will be implemented by the project contractor. Additional permit plans will be submitted to the District of Columbia Department of Consumer and Regulatory Affairs (DCRA). The erosion and sedimentation control plan would include measures to prevent erosion of cleared areas.

United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO:
L30 (NCR-LRP)

JUN - 3 2008

Mr. Marcel Acosta
Acting Executive Director
National Capital Planning Commission
401 9th Street, N.W., North Lobby Suite 500
Washington, D.C. 20576

Dear Mr. Acosta:

We are writing on behalf of the Martin Luther King, Jr. National Memorial Project Foundation (Foundation) to request that the National Capital Planning Commission (Commission) place the proposed preliminary design for the memorial on the agenda of the Commission's July 10, 2008 meeting.

The submission materials evidence the refinements that have been accomplished since the concept design that was approved in April 2006. It should be noted that the drawing set dated May 30, 2008 includes reference to a "Donor Wall" and that the Commemorative Works Act, 40 U.S.C Chapter 89, Section 8905(b) (7), stipulates that "donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site". It should also be noted that the Foundation has agreed to relocate the pump room, currently shown as a separate structure, into the visitor support facility in order to address operational concerns of the National Park Service (NPS).

The Foundation and the NPS are currently engaged in Section 106 consultation with the Advisory Council on Historic Preservation, the National Coalition to Save Our Mall, and the National Trust for Historic Preservation. The NPS has drafted a Memorandum of Agreement (MOA) (copy enclosed), which we plan to circulate in accord with 36 CFR 800.6 (3). At this time, the unresolved aspects of the design as it affects West Potomac Park are a potential curvature of the roadway, the appearance of the visitor support facility, and the refinement of the central sculptural element. It is our goal to complete the environmental reporting, including completion of the MOA, in June 2008, and to circulate the final drawings to the consulting parties in advance of submissions to the Commission and to the Commission of Fine Arts for final approval at the September and October commission meetings.

If additional information is needed, please contact Peter May, Associate Regional Director for Lands, Resources and Planning at (202) 619-7025.

Sincerely,

Lisa A Mendelson-Jelmini

DEPUTY Regional Director, National Capital Region

Enclosure

MEMORANDUM OF AGREEMENT

BY AND AMONG THE NATIONAL PARK SERVICE, THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

REGARDING ESTABLISHMENT OF THE MARTIN LUTHER KING, JR. MEMORIAL WEST POTOMAC PARK, WASHINGTON, DC

WHEREAS, Public Law 104-333, Section 508, enacted by President William J. Clinton on November 12, 1996, authorized the Alpha Phi Alpha Fraternity (Fraternity) to establish a memorial (undertaking) on lands under the administrative jurisdiction of the Secretary of the Interior (Secretary) in the District of Columbia or its environs to Martin Luther King, Jr. in compliance with standards for commemorative works, the Commemorative Works Act of 1986, as amended; and

WHEREAS, the Fraternity has organized the Washington, DC Martin Luther King, Jr. National Memorial Project Foundation, Inc. (Foundation) to implement the memorial project; and

WHEREAS, Congress passed H.J. Res. 113, and President William J. Clinton approved the act as Public Law 105-201, on July 16, 1998, approving the location of the memorial within Area I; and

WHEREAS, the NPS, in its letter of March 4, 1999 to the District of Columbia Historic Preservation Office (DCSHPO) provided notice that selection of a site near the edge of the Tidal Basin and West Basin Drive had been proposed and that its selection and development had potential for an adverse effect on the landscape and National Register qualities of West Potomac Park; and

WHEREAS, a 4-acre site within West Potomac Park was approved by the Secretary, through the National Park Service (NPS), the Commission of Fine Arts (CFA) and the National Capital Planning Commission (NCPC) in December 1999 in conformance with the standards set forth in the Commemorative Works Act; and

WHEREAS, the site is administered on behalf of the Secretary of the Interior, through the NPS; and

WHEREAS, the NPS in cooperation with the Foundation released in July 2005, an Environmental Assessment for the proposed memorial for public comment; and

WHEREAS , on September 13, 2005, the NPS advised the DCSHPO that the proposed concept design would potentially have an adverse effect on the National Register qualities of West Potomac Park; and

WHEREAS, on September 19, 2005, the NPS conducted a Section 106 Consultation Meeting, with representation by NPS, the National Coalition to Save Our Mall, the NCPC, the Committee of 100, the Foundation, the Advisory Council on Historic Preservation (ACHP), and the DCSHPO and the NPS, without disagreement of these consulting parties, expressed concern

for several elements of the proposed concept design, including an upper walkway, a bridge across the central entry portal, and niches; and

WHEREAS, the NPS and the NCPC have agreed that NPS will be the lead agency for Section 106 purposed for this Undertaking; and

WHEREAS, the NPS has determined that the Undertaking, which includes site regrading and construction of an earthen berm; the relocation or removal of 9 cherry trees; demolition, realignment and reconstruction of a portion of West Basin Drive and its signalized intersection with Independence Avenue; and the provision of visitor support facilities may have an adverse effect on the Lincoln Memorial and West Potomac Park, properties included in the National Register of Historic Places, and has consulted with the DCSHPO and the ACHP to avoid, minimize, or mitigate those effects pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the Advisory Council on Historic Preservation, the Committee of 100 on the Federal City, the Coalition to Save the National Mall, the National Trust for Historic Preservation, the NCPC, the CFA and the Foundation (Consulting Parties) have participated in the Section 106 consultation for this undertaking, meeting most recently on March 3, 2008, and on April 22, 2008; and

WHEREAS, the NPS has considered recommendations proposed by the signatories and consulting parties as alternatives to the design of the Undertaking as originally proposed, and has addressed them through design modification; and

NOW, THEREFORE, the NPS, on behalf of the Foundation, the SHPO, and the ACHP agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the related undertaking on historic properties.

STIPULATIONS

The NPS, on behalf of the Foundation will ensure that the following measures are implemented:

1. To the extent possible, the Undertaking is compatible with the historic and architectural qualities of West Potomac Park in terms of scale, massing, materials, and be accomplished with the least possible disruption to features and facilities of the park.

2. The parties agree that the Undertaking involves physical alteration to features such as street paving, sidewalks, lawn areas, and tree plantings.

3. NPS shall ensure that any significant change to the Undertaking proposed subsequent to the execution of this Agreement and not covered by this agreement will be developed in consultation with the SHPO, the ACHP, and any interested consulting parties, and all such changes will be submitted to the SHPO and the ACHP for review and comment. NPS will take into account SHPO and ACHP comments filed within a 30-day period, and will make modifications to the undertaking as it deems appropriate.

4. Should the SHPO or the ACHP object within 30 calendar days to any plans, specifications, change orders, or construction documents provided for review pursuant to the terms of this agreement, NPS shall consult with the objecting party.

If NPS determines that the objection cannot be resolved, NPS shall forward all documentation relevant to the dispute to the ACHP. Within 45 days after receipt of all pertinent documentation, the ACHP will either:

a. provide the NPS with recommendations, which the NPS will take into account in reaching a final decision regarding the dispute; or

b. notify the NPS that it will comment pursuant to 36 CFR §800.7(c), and proceed to comment. Any ACHP comment provided in response to such a request shall be taken into account by NPS in accordance with 36 CFR §800.7(c)(4) with reference to the subject of the dispute. Any recommendation or comment provided by the ACHP will be understood to pertain only to the subject of the dispute; the NPS's responsibility to carry out all actions under this agreement that are not subjects of the dispute will remain unchanged.

5. This agreement will be valid for a period of five years from the date of its execution. Should any signatory to this Agreement determine that the terms of the Agreement cannot be, or are not being met within the five year period, or believes that a change is necessary, the signatories shall consult to consider executing an amendment to this Agreement. Such an amendment shall be executed in the same manner as the original. Agreement. If the Agreement is not amended, any signatory may terminate it. If the Agreement is terminated, the NPS shall either execute a new agreement with the signatories pursuant to 36 CFR Section 800.6, or request the comments of the ACHP pursuant to 36 CFR Section 800.7.

EXECUTION OF THIS MEMORANDUM OF AGREEMENT and implementation of its terms evidences that NPS has afforded the ACHP an opportunity to comment on the Undertaking and its effects on historic properties, and that NPS has taken into account the effect of the Undertaking on historic properties.

_____ _____

Regional Director, National Capital Region Date

_____ _____

District of Columbia State Historic Preservation Officer Date

_____ _____

Executive Director, Advisory Council on Historic Preservation Date

National Capital Planning Commission

401 9th Street, NW North Lobby, Suite 500 Washington, DC 20004 Tel 202.482.7200 Fax 202.482.7272 www.ncpc.gov

January 13, 2011

You received a letter from the National Capital Planning Commission "NCPC" dated January 6, 2011 providing information in response to your Freedom of Information Act request dated December 26, 2010. We are writing to provide additional information that is responsive to your December 26, 2010 request.

In your request you requested a copy of any written or emailed complaints or criticism or concern received at NCPC concerning the Martin Luther King, Jr. National Memorial. These documents were inadvertently not included in the original response to you. The attached documents and the documents that you received with the January 6 letter are all of the documents that are responsive to your request. We are not refusing to release any responsive documents or invoking any exemptions.

This determination may be appealed administratively within sixty days of the date of this letter by writing the Chairman, National Capital Planning Commission, 401 9th Street, NW, North Lobby 5th Floor, Washington, D.C. 20004. You should clearly mark your envelope and letter: "Freedom of Information Appeal." NCPC's Freedom of Information Act regulations are available at 1 Code of Federal Regulations (CFR) Section 546. A copy may be accessed electronically at http://www.access.gpo.gov.

If you need any further assistance, please contact me at the above address, or you may reach me at (202) 482-7228.

Sincerely,

Deborah B. Young
Secretariat and Alternate FOIA Officer

Enclosures

Young, Deborah B.

From: Levy, David W.
Sent: Tuesday, January 11, 2011 11:14 AM
To: Young, Deborah B.
Subject: FW: Martin Luther King, Jr. Memorial

David W. Levy | RA | AICP
Director | Urban Design and Plan Review
National Capital Planning Commission
401 9th Street, N.W. | Suite 500
Washington, D.C., 20004 | 202-482-7247
www.ncpc.gov

-----Original Message-----
From: Judy Scott Feldman [mailto:jfeldman@savethemall.org]
Sent: Wednesday, September 30, 2009 9:23 AM
To: Glenn_DeMarr@nps.gov
Cc: andrew.lewis@dc.gov; betsy_merritt@nthp.org; Saum, Christine L.; Levy, David W.; david.maloney@dc.gov; Jacobs, Doug; ejackson@archd.com; Lindstrom, Frederick; Gary_Scott@nps.gov; Keller, Eugene A.; goberland@verizon.net; Maureen_Joseph@nps.gov; mcatlin@achp.gov; MPreston@mlkmemorial.org; Witherell, Nancy; Nell_Ziehl@nthp.org; Perry_Wheelock@nps.gov; May, Peter; rebecca@dcpreservation.org; Steve_Lorenzetti@nps.gov; tluebke@cfa.gov
Subject: Re: Martin Luther King, Jr. Memorial

Glenn,

Thanks for the notes. In just a quick review, I do not see mention of the comment I made noting that the Coalition had written the Park Service in December 2008, and twice in 2009 of our concern that the bookstore component may violate the Commemorative Works Act provisions including the ban on visitor centers. .

Thanks,

Judy Feldman

On Sep 25, 2009, at 2:44 PM, Glenn_DeMarr@nps.gov wrote:

> I have drafted the attached minutes of the August 25, 2009
> consultation
> meeting and offer them for comment or correction.
>
> (See attached file: Meeting Minutes82509.docx)
>
> Respectfully,
>
> Glenn DeMarr
> Project Manager
>

> Glenn DeMarr/NCR/NPS 07/28/2009 08:50 AM

To: Glenn DeMarr/NCR/NPS@NPS

cc: andrew.lewis@dc.gov, betsy_merritt@nthp.org, christine.saum@ncpc.gov, david.levy@ncpc.gov, david.maloney@dc.gov, Doug Jacobs/NCR/NPS@NPS, ejackson@archd.com, flindstrom@cfa.gov, Gary Scott/NCR/NPS@NPS, gene.keller@ncpc.gov, goberland@verizon.net, jfeldman@savethemall.org, Maureen Joseph/NCR/NPS@NPS, mcatlin@achp.gov, MPreston@mlkmemorial.org, nancy.witherell@ncpc.gov, Nell_Ziehl@nthp.org, Perry Wheelock/NACC/NPS@NPS, Peter May/NCR/NPS@NPS, rebecca@dcpreservation.org, Steve Lorenzetti/NACC/NPS@NPS, tluebke@cfa.gov

Subject: Re: Martin Luther King, Jr. Memorial(Document link: Glenn DeMarr)

> Consulting Parties:
>
> Re: Martin Luther King Jr. Memorial - Section 106 Consultation
>
> Thanks to all who responded to the invitations and your consideration of
> the alternate dates and times that were offered.
>
> The date that has been selected is: August 25, 2009 between 1:00

> and 3:00 PM.
>
> Location:
> National Park Service
> National
> Capital Region Headquarters
> Classroom B
> 1100 Ohio
> Drive, SW
>
> Washington, DC
> 20242
>
>
> Thanks for your participation,
>
> Glenn DeMarr
> Project Manager
> National Park Service
> National Capital Region
> 202-619-7027
>
>
>
>
> Glenn
> DeMarr/NCR/NPS
> To
> 07/24/2009 04:07 PM Glenn DeMarr/NCR/NPS@NPS,
> ejackson@archd.com,
> MPreston@mlkmemorial.org
> cc
> andrew.lewis@dc.gov,
> betsy_merritt@nthp.org,
> christine.saum@ncpc.gov,
> david.levy@ncpc.gov,
> david.maloney@dc.govt, Doug
> Jacobs/NCR/NPS@NPS,
> flindstrom@cfa.gov, Gary
> Scott/NCR/NPS@NPS,
> gene.keller@ncpc.gov,
> goberland@verizon.net,
> jfeldman@savethemall.org,
> Maureen
> Joseph/NCR/NPS@NPS,
> mcatlin@achp.gov,
> nancy.witherell@ncpc.gov,
> Nell_Ziehl@nthp.org, Perry
> Wheelock/NACC/NPS@NPS, Peter
> May/NCR/NPS@NPS,
> rebecca@dcpreservation.org,
> Steve
> Lorenzetti/NACC/NPS@NPS,
> tluebke@cfa.gov
>
> Subject
> Re: Martin Luther King, Jr.

> Memorial(Document link: Glenn
> DeMarr)
>
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>
> Consulting Parties:
>
> Thanks to those who responded to the potential dates that I had
> offered on
> July 9, 2009 so that the NPS could update our Section 106 Consultating
> parties on the progress of the design for the Martin Luther King,
> Memorial.
>
> Conflicting schedules determined that alternative meeting dates were
> needed.
>
> The new dates that are available for consideration are August 18,
> 25, or
> the 26th. The time on either of these dates would be 10:00 -
> 12:00, or
> from 1:00 - 3:00. So that a consensus date might be achieved, please
> respond to this invitation by July 27 at 3:00.
>
> As the parties are aware, the Memorandum of Agreement (MOA) was
> completed
> on August 25, 2008. The National Park Service and the Washington,
> D.C.
> Martin Luther King, Jr. National Memorial Project Foundation, Inc.,
> to the
> extent possible, have prepared the design as similar as possible to
> the
> June 24, 2008 plans so that the Undertaking will be compatible with
> the
> historic and architectural qualities of West Potomac Park. Three
> design
> ideas were to be refined: 1. the roadway alignment of West Basin
> Drive, 2.
> barrier security, and 3. the visitor support facility. Please know
> that
> the design approved by the Commission of Fine Arts and the National
> Capital
> Planning Commission, responsive to the June 24, 2008 plans
> referenced in
> the MOA, includes a slightly curved alignment in West Basin Drive
> that was
> developed in the consultation.
>
> With regard to the security barrier concepts, these were informally
> viewed
> by several of our consulting parties on June 18, 2009 when the
> Commission

> of Fine Arts provided encouragement to further refinement. The
> Commission
> of Fine Arts, and one of our consulting parties stated that one
> concept
> represented a positive return to the concept of the competition
> winning
> design.
>
> We look forward to sharing these design updates with you as well as
> the
> detailing of the visitor support facility.
>
> Glenn DeMarr
> Project Manager
> 202-619-7027
> glenn_demarr@nps.gov
>
>
>
>
> Glenn
> DeMarr/NCR/NPS
> To
> 07/09/2009 02:30 PM andrew.lewis@dc.gov, betsy_merritt@nthp.org, christine.saum@ncpc.gov, david.levy@ncpc.gov, david.maloney@dc.govt, Doug Jacobs/NCR/NPS@NPS, flindstrom@cfa.gov, Gary Scott/NCR/NPS@NPS, gene.keller@ncpc.gov, goberland@verizon.net, jfeldman@savethemall.org, mcatlin@achp.gov, nancy.witherell@ncpc.gov, Nell_Ziehl@nthp.org, Perry Wheelock/NACC/NPS@NPS, Peter May/NCR/NPS@NPS, Steve Lorenzetti/NACC/NPS@NPS, tluebke@cfa.gov, betsy_merritt@nthp.org, rebecca@dcpreservation.org
> cc
> Maureen Joseph/NCR/NPS@NPS
>
> Subject
> Martin Luther King, Jr. Memorial
>
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>

> Dear Consulting Party Representatives:
>
> The National Park Service (NPS) seeks to establish a date and time
> to meet
> with the consulting parties to share the most recent concept for the
> security barriers within the approved design of the memorial. The
> Memorandum of Agreement, dated August 25, 2008, recognized that three
> issues in the design were had been introduced but not resolved with
> regard
> to the June 24, 2008 plans.
>
> The Commission of Fine Arts reviewed and approved the overall site
> plan and
> landscape design and the design of the visitor support facility for
> the
> memorial at their September 18, 2008 meeting but the proposed
> design for
> visitor protection barrier security was not approved. The
> Commission of
> Fine Arts suggested if the devices could not be removed, that
> alternative
> design treatments be considered. Similarly, the National Capital
> Planning
> Commission approved the final design of the memorial, but also
> provided
> that security barrier designs would be subject of future review and
> consideration.
>
> The potential dates that are under consideration are July 27, 28, or
> 29
> between 1 and 3:00.
>
> The Commission of Fine Arts viewed the sketched alternatives on June
> 18,
> 2009 and encouraged further refinement of one alternative. Ms.
> Feldman,
> Witherell and Catlin were present in the audience for the
> presentation,
> where the Commissioners viewed the design response (with some
> modification)
> as representing an improvement to the design, providing a better
> entry,
> creating a wonderful forecourt.
>
> Respectfully,
>
> Glenn DeMarr
>
> <Meeting Minutes82509.docx>

Young, Deborah B.

From: Levy, David W.
Sent: Tuesday, January 11, 2011 11:14 AM
To: Young, Deborah B.
Subject: FW: MLK Memorial EA comments
Attachments: MLK EA2009 - Coalition to Save Our Mall 101909.pdf; ATT00001.htm

David W. Levy | RA | AICP
Director | Urban Design and Plan Review
National Capital Planning Commission
401 9th Street, N.W. | Suite 500
Washington, D.C., 20004 | 202-482-7247
www.ncpc.gov

From: Judy Scott Feldman [mailto:jfeldman@savethemall.org]
Sent: Monday, October 19, 2009 6:45 PM
To: Glenn_DeMarr@nps.gov
Cc: andrew lewis; Betsy Merritt; Saum, Christine L.; Levy, David W.; David Maloney; Jacobs, Doug; ejackson; Lindstrom, Frederick; Gary Scott; Keller, Eugene A.; George Oberlander; Maureen Joseph; Martha Catlin; MPreston; Witherell, Nancy; Nell Ziehl; Perry_Wheelock@nps.gov; May, Peter; Rebecca Miller; Steve_Lorenzetti@nps.gov; Tom Luebke; Kent Cooper
Subject: MLK Memorial EA comments

Glenn,

The National Coalition to Save Our Mall submitted comments on the 2009 EA for the MLK Memorial on-line. However, that did not allow us to submit the illustration that accompanies our letter.

I attach here the full letter with the illustration. We hope that the entire letter with illustration can be submitted into the record.

Thanks,

Judy

National Coalition to
Save Our Mall

an organized voice for the public on Mall matters

October 19, 2009

Mr. Joel Gorder
National Park Service, National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

RE: September 2009 Environmental Assessment for the MLK Jr. Memorial

Dear Mr. Gorder:

On behalf of the National Coalition to Save Our Mall, the following comments are submitted regarding the September 2009 Environmental Assessment (EA) for the Martin Luther King Jr. Memorial. The Coalition strongly supports construction of the Memorial itself. Previously, we commented on the 2005 EA for this project. In addition, in 2008 and earlier this year, the Coalition submitted letters to the National Park Service stating our view that the visitor services/bookstore/restroom structure, which was added to the Memorial project in 2005, does not comply with the Commemorative Works Act (CWA), including the 2003 moratorium on visitors centers.

This new Environmental Assessment (p. 7) asserts that the project is in compliance with the CWA. To the extent the EA does so, it is plainly incorrect with respect to the bookstore/visitors' center aspect for the following reasons:

- The Commemorative Works Act ("CWA") provides that: "After the date of enactment of the Commemorative Works Clarification and Revision Act of 2003, no commemorative work or visitor center shall be located within the Reserve." 40 U.S.C. 8908.
- The notes to the CWA elaborate on this prohibition "Except for the provision in the amendment made by Sec. 202 (b) of Pub. Law 108-126 (adding subsection (c) to this section) prohibiting a visitor center from being located in the Reserve, nothing in Title II of Pub. Law 108-126 to apply to a commemorative work for which a site was approved in accordance with chapter 89 of this title prior to Nov. 17, 2003..."

    ◊ These notes explicitly distinguish between a visitor center and a previously approved commemorative work. They make clear that although building a new commemorative work in the Reserve is allowable when its site was approved prior to November 17, 2003, **locating a new visitor center in the Reserve is strictly prohibited, whether or not its site was previously approved.** [Emphasis added]

    ◊ Unless the Park Service contends that the 3,000 sq. ft. facility in connection with the MLK Memorial, and which the EA specifically calls a "visitor center" is not a visitor center, the **CWA prohibits its construction.**

- Prior to the passage of the CWA moratorium and the bill authorizing the construction of the visitor center for the Vietnam Veterans Memorial, P. Daniel Smith, Special Assistant

to the Director of the National Park Service, testified that the National Park Service, the National Capital Planning Commission and the Commission of Fine Arts, and the National Capital Memorial Commission were all opposed to one of the proposed designs which would involve constructing a 1,200-square-foot above ground facility adjacent to the Memorial. He also testified that the three commissions were concerned about the precedent this visitor center would set: "Structures similar to that [1,200-square-foot facility] proposed by H.R. 1442 have been disapproved or precluded at the Franklin Delano Roosevelt, World War II, and Martin Luther King, Jr. Memorials because they would detract from the visitor experience."

◊ Those same arguments apply here, as the proposed 3,000-square-foot visitor center for the MLK Memorial would not only detract from the memorials located in the Reserve, but would also set the undesirable precedent that, notwithstanding a law passed by Congress directly prohibiting their construction, it is acceptable to build new visitor centers in the Reserve.

Additionally regarding the visitors' center structure, while one stated purpose of this new EA is to evaluate the "placement and footprint of the visitor services facility" and "design revisions" (p. 5), the EA does not adequately identify or evaluate potentially serious impacts by this new facility, including visual impacts, pedestrian safety/traffic, and flooding:

- The EA provides no elevations, views, or view simulations that demonstrate any visual impact of the structure and its design on views to and from the Memorial or on the visitor's experience of this part of the Mall. Without such visual data, evaluating potential impacts is impossible.

- On page 8, mention is made of the visitor facility being consistent with the Memorials & Museums Master Plan. In fact, NCPC advises that these type of facilities "be limited to only small information **kiosks and restrooms facilities and should not contain buildings or interior spaces housing exhibits, displays collections or other interpretive products and programs** normally found in museums, visitor centers or education centers." (Design policy 7, page 32)

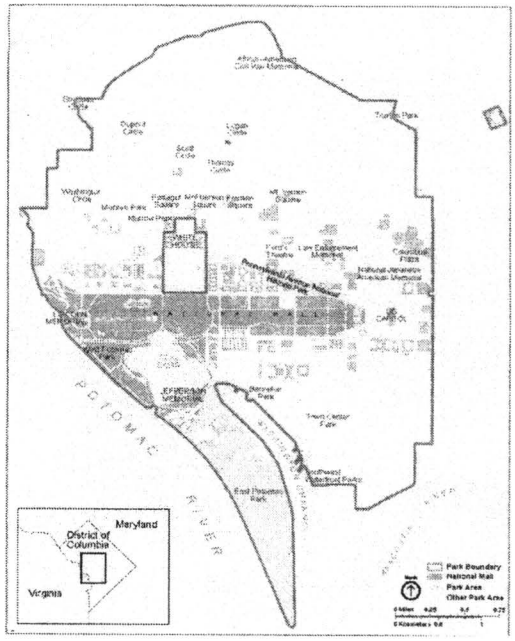
- Pedestrian safety will be impacted by locating the visitors' center structure across West Basin Drive – the main roadway leading from the FDR and the MLK Memorial, as well as the ball fields on East Potomac Park, to Independence Avenue -- from the Memorial, but the EA does not adequately identify or evaluate these impacts.

- The EA (p. 26) mentions Executive Order, Flood Plain Management, and states that the site is in the 100-year flood plain and also is influenced by Potomac River tides at the Tidal Basin but does not adequately evaluate the impacts of potential flooding on the visitors center structure which, unlike the open-air Memorial itself, is an enclosed structure susceptible to damage during flooding events.

Finally, there is a matter that is not directly related to the MLK Memorial but that needs to be addressed. This is a long-standing problem in which the National Park Service, in identifying the National Mall in Mall planning documents, including this one, confusingly mixes its own NPS administrative definitions with historically accurate descriptions of the National Mall. Without properly and accurate identifying the historic property affected by the proposed project, it is

impossible to accurately and fully evaluate the impacts of the project on that historic property. This needs to be corrected.

- For example, in identifying the location of the Memorial on page 2, there is no mention that the MLK Memorial site is located on the National Mall, nor of the L'Enfant and McMillan Plans that are the historic blueprints for the National Mall. Instead, there is reference to, on p. 5 bottom, "National Mall & Memorial Parks." But National Mall & Memorial Parks is an administrative area of the Park Service (until 2006 called "National Capital Parks Central") that includes federal lands throughout the central Washington area including Dupont Circle, as outlined in red in this NPS map at right. Thus, NPS is confusing the historic resource with its own administrative jurisdiction. But these are two separate designations. This practice of identifying NPS jurisdiction in planning documents, instead of properly identifying the historic property itself, is a long-standing problem we have pointed out in numerous NPS planning documents that needs serious attention. Regarding this EA, properly identifying the National Mall context and historic plans is critical to adequately identify and address the areas of potential adverse impacts, and also to evaluate compliance with provisions of the Commemorative Works Act intended to protect the historic L'Enfant and McMillan Plans.



  - ◊ Elsewhere in the EA, NPS identifies the historic resources in terms of a variety of "cultural landscapes," none of which, however, includes the National Mall area set out by the historic L'Enfant and McMillan Plans. These include the "Mall" (which ends at 14th St, and does not include West Potomac Park), and on p. 16 "National Mall" which, however, is defined as ending at Constitution Avenue, and not including the White House which is integral to the McMillan Plan (on previous occasions, NCPC has agreed that the White House and Lafayette Park are part of the National Mall).

For the National Coalition to Save Our Mall,

Judy Scott Feldman, PhD
Chair
9507 Overlea Drive
Rockville, MD 20850
301-340-3938 / jfeldman@savethemall.org

Young, Deborah B.

From: Levy, David W.
Sent: Tuesday, January 11, 2011 11:14 AM
To: Young, Deborah B.
Subject: FW: Coalition letter re MLK
Attachments: NPS - MLK MOA FINAL pdf 102209.pdf; ATT00001.htm

David W. Levy | RA | AICP
Director | Urban Design and Plan Review
National Capital Planning Commission
401 9th Street, N.W. | Suite 500
Washington, D.C., 20004 | 202-482-7247
www.ncpc.gov

From: Judy Scott Feldman [mailto:jfeldman@savethemall.org]
Sent: Thursday, October 22, 2009 5:44 PM
To: May, Peter; Levy, David W.
Cc: Kent Cooper; George Oberlander; Joe West; Judy Feldman
Subject: Coalition letter re MLK

Peter and David,

As promised, here's the Coalition's response to the Park Service MLK letter.

Let me know if you have questions.

Please confirm that you got it. Thanks.

Best,

Judy

National Coalition to
Save Our Mall
Preserving Our Monument to Democracy
an organized voice for the public on Mall matters

October 22, 2009

Margaret O'Dell
Regional Director
National Park Service
National Capital Region
1100 Ohio Drive, S.W.
Washington, DC 20242

Re: Martin Luther King Jr. Memorial Section 106

Dear Ms. O'Dell:

We strongly support the Martin Luther King, Jr. Memorial and do not want to do anything to hold it up, but we were not provided the plan review materials until late Tuesday, October 20th, although they were sent on October 2nd to other parties participating in the Section 106 public consultation process. Therefore, we were not able to respond within the 14-day review period, which ended October 16th, as stipulated in the Memorandum of Agreement for this project. However, we are willing to provide our comments immediately so that the consultation process outlined in the MOA can move forward.

The National Coalition to Save Our Mall, a nonprofit citizens organization dedicated to long-range visionary planning for the National Mall, has been actively participating in the Historic Preservation Act Section 106 public consultation process for the Martin Luther King Jr. Memorial since it began. The Memorial is located at the Tidal Basin in West Potomac Park on the National Mall. We commented on the 2005 Environmental Assessment. On October 19, 2009 we submitted comments on the new, September 2009 Environmental Assessment for this project. In our latest comments on the 2009 EA, as well as in letters to the National Park Service in 2008 and earlier this year, the Coalition has repeatedly stated our view that the visitors services/bookstore/restroom structure, which was added by the Park Service to the Memorial project in 2005, is an intrusion on the Memorial and the open character of the National Mall and does not comply with the Commemorative Works Act (CWA), including the 2003 moratorium on new visitors centers on the "Reserve" portion of the National Mall. The 2009 EA is plainly incorrect in stating that the project, including what the EA calls the "visitors center," is in compliance with the CWA.

In your letter of October 2, 2009, you seek concurrence with the National Park Service determination that the MLK Memorial project, and in particular the new proposed security barrier components, "present no new adverse effects and that no previously identifed [sic] adverse effects will be intensified."

We disagree with both assertions. First, while the security planter is, in our view, a more attractive solution to security than the plain bollards proposed in 2008 (at the time the MOA was prepared), it clearly adds significantly more wall components into the landscape and, additionally, has the adverse effect of channeling people exiting the Memorial toward the visitor services/bookstore/restroom structure located across West Basin Drive from the Memorial and closing off their views of the open space of the surrounding Mall. Second, this channeling of visitors around the security planter intensifies the adverse effects of the 3,000-square-foot visitor services/bookstore/restroom structure which blocks views to and from the Memorial from various locations on the Mall. This adverse effect on views and pedestrian circulation has not yet, to our knowledge, been taken into account. Furthermore, there are no views and elevations in the 2009 EA or the material provided with the October 2, 2009 letter to illustrate the conditions so as to be able to evaluate these adverse effects. In addition, what is the visual impact of the bookstore on the mood of visitors as they leave the contemplative environment of the Memorial itself? This has not been examined in the EA.

Regarding any introduction of security, which we understand is a necessary safety feature at this Memorial, we note that the National Capital Planning Commission in 2008, while giving final approval to the Memorial design, disapproved the proposed security bollards in part because that design "presented unacceptable impacts on public space and on the intent of the Memorial" (EDR, October 20, 2009). We agree. The security island, with walls as high as 3 ½ feet in some portions, becomes even more of an intrusion and alters pedestrian circulation by focusing major exit traffic toward the face of the visitor services buildings. These problems of adverse effects can no doubt be resolved. We look forward to the opportunity to discuss this further.

Another aspect of this project is a procedural one. This concerns the new 2009 Environmental Assessment (EA). We do not understand why the National Park Service is asking the National Capital Planning Commission only to review the security component of the MLK Memorial design. We believe NPS should ask NCPC to put aside its 2008 final approval for the MLK Memorial, which was based on an earlier, now-obsolete EA and retake the vote based on the new information and analysis provided in the 2009 EA. That earlier approval was based on data and analysis that is now no longer final. One reason for the new EA was to respond to questions raised by our Coalition about the visitors center's compliance with the Commemorative Works Act. This EA is the first time NPS formally evaluated and made a determination about compliance – and concluded that the Memorial is in compliance. In our view, the EA is incorrect. Has NCPC determined one way or another?

We do not understand why we, as well as other nonprofit participants in the Section 106 process, were left out of this final, crucial phase of the public consultation.

Nevertheless, we are willing to act expeditiously to help resolve the differences between NPS determinations and our views. Clearly the question of the adverse effects of channeling visitors with the security planter needs further study. In order for the Memorial to go forward, the visitors services/bookstore/restroom component needs to be separated out from the rest of the project. It should be evaluated separately not only through the Section 106 process but also for its compliance with the Commemorative Works Act.

We look forward to the potential action of separating out the visitors services/bookstore/restroom structure so that the new security components and the Memorial itself can proceed through final approval and towards construction. We are prepared to discuss this further at your convenience.

Sincerely,

Judy Scott Feldman

Judy Scott Feldman, PhD
Chair

National Coalition to Save Our Mall P. O. Box 4709 Rockville, MD 20849
301-340-3938 jfeldman@savethemall.org
www.savethemall.org

Young, Deborah B.

From: Levy, David W.
Sent: Tuesday, January 11, 2011 11:12 AM
To: Young, Deborah B.
Subject: FW: Martin Luther King, Jr. Memorial

David W. Levy | RA | AICP
Director | Urban Design and Plan Review
National Capital Planning Commission
401 9th Street, N.W. | Suite 500
Washington, D.C., 20004 | 202-482-7247
www.ncpc.gov

-----Original Message-----
From: Judy Scott Feldman [mailto:jfeldman@savethemall.org]
Sent: Wednesday, September 30, 2009 9:23 AM
To: Glenn_DeMarr@nps.gov
Cc: andrew.lewis@dc.gov; betsy_merritt@nthp.org; Saum, Christine L.; Levy, David W.; david.maloney@dc.gov; Jacobs, Doug; ejackson@archd.com; Lindstrom, Frederick; Gary_Scott@nps.gov; Keller, Eugene A.; goberland@verizon.net; Maureen_Joseph@nps.gov; mcatlin@achp.gov; MPreston@mlkmemorial.org; Witherell, Nancy; Nell_Ziehl@nthp.org; Perry_Wheelock@nps.gov; May, Peter; rebecca@dcpreservation.org; Steve_Lorenzetti@nps.gov; tluebke@cfa.gov
Subject: Re: Martin Luther King, Jr. Memorial

Glenn,

Thanks for the notes. In just a quick review, I do not see mention of the comment I made noting that the Coalition had written the Park Service in December 2008, and twice in 2009 of our concern that the bookstore component may violate the Commemorative Works Act provisions including the ban on visitor centers. .

Thanks,

Judy Feldman

On Sep 25, 2009, at 2:44 PM, Glenn_DeMarr@nps.gov wrote:

> I have drafted the attached minutes of the August 25, 2009
> consultation
> meeting and offer them for comment or correction.
>
> (See attached file: Meeting Minutes82509.docx)
>
> Respectfully,
>
> Glenn DeMarr
> Project Manager
>

>
>
>
> Glenn
> DeMarr/NCR/NPS
> To
> 07/28/2009 08:50 Glenn DeMarr/NCR/NPS@NPS
>
> AM cc
> andrew.lewis@dc.gov,
> betsy_merritt@nthp.org,
> christine.saum@ncpc.gov,
> david.levy@ncpc.gov,
> david.maloney@dc.gov, Doug
> Jacobs/NCR/NPS@NPS,
> ejackson@archd.com,
> flindstrom@cfa.gov, Gary
> Scott/NCR/NPS@NPS,
> gene.keller@ncpc.gov,
> goberland@verizon.net,
> jfeldman@savethemall.org,
> Maureen
> Joseph/NCR/NPS@NPS,
> mcatlin@achp.gov,
> MPreston@mlkmemorial.org,
> nancy.witherell@ncpc.gov,
> Nell_Ziehl@nthp.org, Perry
> Wheelock/NACC/NPS@NPS, Peter
> May/NCR/NPS@NPS,
> rebecca@dcpreservation.org,
> Steve
> Lorenzetti/NACC/NPS@NPS,
> tluebke@cfa.gov
>
> Subject
> Re: Martin Luther King, Jr.
> Memorial(Document link: Glenn
> DeMarr)
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> Consulting Parties:
>
> Re: Martin Luther King Jr. Memorial - Section 106 Consultation
>
> Thanks to all who responded to the invitations and your
> consideration of
> the alternate dates and times that were offered.
>
> The date that has been selected is: August 25, 2009 between
> 1:00

> and 3:00 PM.
>
> Location:
> National Park Service
> National
> Capital Region Headquarters
> Classroom B
> 1100 Ohio
> Drive, SW
>
> Washington, DC
> 20242
>
>
> Thanks for your participation,
>
> Glenn DeMarr
> Project Manager
> National Park Service
> National Capital Region
> 202-619-7027
>
>
>
>
> Glenn
> DeMarr/NCR/NPS
> To
> 07/24/2009 04:07 Glenn DeMarr/NCR/NPS@NPS,
> PM ejackson@archd.com,
> MPreston@mlkmemorial.org
> cc
> andrew.lewis@dc.gov,
> betsy_merritt@nthp.org,
> christine.saum@ncpc.gov,
> david.levy@ncpc.gov,
> david.maloney@dc.govt, Doug
> Jacobs/NCR/NPS@NPS,
> flindstrom@cfa.gov, Gary
> Scott/NCR/NPS@NPS,
> gene.keller@ncpc.gov,
> goberland@verizon.net,
> jfeldman@savethemall.org,
> Maureen
> Joseph/NCR/NPS@NPS,
> mcatlin@achp.gov,
> nancy.witherell@ncpc.gov,
> Nell_Ziehl@nthp.org, Perry
> Wheelock/NACC/NPS@NPS, Peter
> May/NCR/NPS@NPS,
> rebecca@dcpreservation.org,
> Steve
> Lorenzetti/NACC/NPS@NPS,
> tluebke@cfa.gov
>
> Subject
> Re: Martin Luther King, Jr.

> Memorial(Document link: Glenn
> DeMarr)
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> Consulting Parties:
>
> Thanks to those who responded to the potential dates that I had
> offered on
> July 9, 2009 so that the NPS could update our Section 106 Consultating
> parties on the progress of the design for the Martin Luther King,
> Memorial.
>
> Conflicting schedules determined that alternative meeting dates were
> needed.
>
> The new dates that are available for consideration are August 18,
> 25, or
> the 26th. The time on either of these dates would be 10:00 -
> 12:00, or
> from 1:00 - 3:00. So that a consensus date might be achieved, please
> respond to this invitation by July 27 at 3:00.
>
> As the parties are aware, the Memorandum of Agreement (MOA) was
> completed
> on August 25, 2008. The National Park Service and the Washington,
> D.C.
> Martin Luther King, Jr. National Memorial Project Foundation, Inc.,
> to the
> extent possible, have prepared the design as similar as possible to
> the
> June 24, 2008 plans so that the Undertaking will be compatible with
> the
> historic and architectural qualities of West Potomac Park. Three
> design
> ideas were to be refined: 1. the roadway alignment of West Basin
> Drive, 2.
> barrier security, and 3. the visitor support facility. Please know
> that
> the design approved by the Commission of Fine Arts and the National
> Capital
> Planning Commission, responsive to the June 24, 2008 plans
> referenced in
> the MOA, includes a slightly curved alignment in West Basin Drive
> that was
> developed in the consultation.
>
> With regard to the security barrier concepts, these were informally
> viewed
> by several of our consulting parties on June 18, 2009 when the
> Commission

> of Fine Arts provided encouragement to further refinement. The
> Commission
> of Fine Arts, and one of our consulting parties stated that one
> concept
> represented a positive return to the concept of the competition
> winning
> design.
>
> We look forward to sharing these design updates with you as well as
> the
> detailing of the visitor support facility.
>
> Glenn DeMarr
> Project Manager
> 202-619-7027
> glenn_demarr@nps.gov
>
>
>
>
> Glenn
> DeMarr/NCR/NPS
> To
> 07/09/2009 02:30 PM andrew.lewis@dc.gov, betsy_merritt@nthp.org, christine.saum@ncpc.gov, david.levy@ncpc.gov, david.maloney@dc.govt, Doug Jacobs/NCR/NPS@NPS, flindstrom@cfa.gov, Gary Scott/NCR/NPS@NPS, gene.keller@ncpc.gov, goberland@verizon.net, jfeldman@savethemall.org, mcatlin@achp.gov, nancy.witherell@ncpc.gov, Nell_Ziehl@nthp.org, Perry Wheelock/NACC/NPS@NPS, Peter May/NCR/NPS@NPS, Steve Lorenzetti/NACC/NPS@NPS, tluebke@cfa.gov, betsy_merritt@nthp.org, rebecca@dcpreservation.org
> cc
> Maureen Joseph/NCR/NPS@NPS
>
> Subject
> Martin Luther King, Jr. Memorial
>
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> Dear Consulting Party Representatives:
>
> The National Park Service (NPS) seeks to establish a date and time
> to meet
> with the consulting parties to share the most recent concept for the
> security barriers within the approved design of the memorial. The
> Memorandum of Agreement, dated August 25, 2008, recognized that three
> issues in the design were had been introduced but not resolved with
> regard
> to the June 24, 2008 plans.
>
> The Commission of Fine Arts reviewed and approved the overall site
> plan and
> landscape design and the design of the visitor support facility for
> the
> memorial at their September 18, 2008 meeting but the proposed
> design for
> visitor protection barrier security was not approved. The
> Commission of
> Fine Arts suggested if the devices could not be removed, that
> alternative
> design treatments be considered. Similarly, the National Capital
> Planning
> Commission approved the final design of the memorial, but also
> provided
> that security barrier designs would be subject of future review and
> consideration.
>
> The potential dates that are under consideration are July 27, 28, or
> 29
> between 1 and 3:00.
>
> The Commission of Fine Arts viewed the sketched alternatives on June
> 18,
> 2009 and encouraged further refinement of one alternative. Ms.
> Feldman,
> Witherell and Catlin were present in the audience for the
> presentation,
> where the Commissioners viewed the design response (with some
> modification)
> as representing an improvement to the design, providing a better
> entry,
> creating a wonderful forecourt.
>
> Respectfully,
>
> Glenn DeMarr
>
> <Meeting Minutes82509.docx>