

# COMMISSION ACTION

NCPC File No. 6331



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**THE SMITHSONIAN INSTITUTION**  
NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE

Constitution Avenue and Madison Drive between 14<sup>th</sup> and 15<sup>th</sup> Streets, NW  
Washington, DC

Submitted by the Smithsonian Institution

November 3, 2011

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***Commission Action Requested***

Adoption of the Record of Decision under the National Environmental Policy Act (42 U.S.C. 4321-4347, as amended) for the Tier I and Tier II Smithsonian National Museum of African American History and Culture Washington DC Final Environmental Impact Statements, and approval of preliminary site and building plans, final site utility plans, and final Support of Excavation, Excavation, and Dewatering plans pursuant to Public Law 108-184 and 40 U.S.C. § 8722(b)(1) and (d).

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***Commission Action***

The Commission:

**Notes** that the Smithsonian, in the development of the Final Environmental Impact Statement for the NMAAHC, has responded to the Commission's comments and recommendations on the museum's design.

**Notes** that the preliminary site and building plans for the NMAAHC are based on the Preferred Alternative (Refined Pavilion 2) presented and analyzed in the joint National Capital Planning Commission and Smithsonian Tier II Final Environmental Impact Statement.

**Notes** that while all practicable means to avoid or minimize environmental harm have been adopted by the Smithsonian in the Tier II FEIS, adequate mitigation measures for certain unavoidable impacts are set forth in the Tier II ROD. The Tier II ROD obligates the Smithsonian and NCPC to monitor implementation of these mitigation measures to ensure compliance and requires the Smithsonian to submit an annual progress report to the NCPC, among others.

**Notes** that as a requirement of the Section 106 consultation and Programmatic Agreement the Smithsonian will consult with the District of Columbia State Historic Preservation Officer, National Capital Planning Commission, National Park Service, and the Advisory Council on Historic Preservation as well as other Consulting Parties as the design of the NMAAHC is refined in order to avoid, minimize, and mitigate adverse effects to historic properties.

**Adopts** the Record of Decision (ROD) for the NMAAHC Tier I and Tier II Final Environmental Impact Statements; signed by the Smithsonian on April 5, 2008 and October 19, 2011 respectively.

**Approves** the preliminary design, final Site Utility, and Support of Excavation, Excavation, and Dewatering plans for the National Museum of African American History and Culture (NMAAHC), at the corner of 15<sup>th</sup> Street and Constitution Avenue, Northwest Washington, DC as shown on NCPC Map File No 1.42(38.00)43445.

**Commends** the Smithsonian for addressing the Commission's concerns that have resulted in:

- Reductions in the size of the building, south entry porch, the north side water feature design, and the elimination of the west skylight.
- Conducting extensive public outreach and consultation during the development of the museum design.

**Notes** that the Smithsonian must obtain from the District of Columbia all permits required by District law or regulations for the temporary occupancy of and permanent alterations to public space under the jurisdiction of the District of Columbia, and include terms addressing the assumption of liability.

**Recommends** that in the continued development of the site and building designs, the applicant consider the following:

- **Refine** the food cart shelter and guard booth design in coordination with NCPC staff and other federal review agencies; and
- **Continue** coordination with the District Department of Transportation (DDOT) and the National Park Service (NPS) to assure that the 14<sup>th</sup> Street and 15<sup>th</sup> Street sidewalks are reopened to the public as soon as construction safety permits, and continue coordination on all other outstanding construction issues.

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Deborah B. Young  
Secretary to the National Capital Planning Commission