

MARTIN LUTHER KING, JR. NATIONAL MEMORIAL

Tidal Basin

National Mall / West Potomac Park

Finding of No Significant Impact for Revised Perimeter Security Plan

OCT 23 2009

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Council on Environmental Quality Regulations (40 CFR, Parts 1500-1508), and NCPC's Environmental and Historic Preservation Policies and Procedures, I have evaluated the preliminary and final revised perimeter security plan for the Martin Luther King, Jr. National Memorial, located on the National Mall, within West Potomac Park, on the northwest side of the Tidal Basin, as shown on NCPC Map File No. 1.51(38.40)42859, and the September 2009 revised environmental assessment prepared by the National Park Service (NPS), and the comments that NPS received, and have determined that the revised perimeter security plan as proposed will not have a significant impact on the human environment.



Marcel C. Acosta
Executive Director

Background

At its September 2008 meeting, the National Capital Planning Commission (NCPC, the Commission) approved the preliminary and final site and building plans for the Martin Luther King, Jr. National Memorial except for the proposed security bollards and the proposed donor recognition wall. NPS has now removed the proposed donor wall from the project plans. The perimeter security proposed for the Memorial in September 2008 called for the installation of eight bollards within the Memorial's entry forecourt approximately 37 feet from the "Mountain of Despair." The Commission disapproved the bollards because the threat assessment information submitted by the applicant, the National Park Service (NPS), was inconclusive in supporting the need for perimeter security at the Memorial. Furthermore, the Commission noted that additional environmental information regarding the potential effects of perimeter security would be helpful if NCPC were asked to consider further a proposed design for perimeter security. The Finding of No Significant Impact (FONSI) that accompanied NCPC's September

2008 review of the Memorial project, issued on August 29, 2008, covered the Memorial including the Visitor Support Building and the realignment of West Basin Drive, SW; it did not cover the proposed perimeter security or the donor recognition wall.

Following NCPC's September 2008 action, the NPS worked with the Martin Luther King, Jr. National Memorial Project Foundation, Inc. to design a revised perimeter security plan that was responsive to the Commission's comments, as well as to NCPC's policies that govern perimeter security project submission and design. In response to NCPC's request for additional environmental information, NPS completed a revised Environmental Assessment (revised EA) for the project, including the revised perimeter security plan, in September 2009. The revised EA analyzed the following seven impact topics: soils, floodplains, visitor use and experience, traffic and transportation, aesthetics and visual quality, cultural resources, and park operations and management. Staff's review of the revised EA focused only on potential environmental impacts caused by the revisions to the perimeter security plan since the Commission has already granted final approval to the Memorial, including the Visitor Support Building and the realignment of West Basin Drive, SW. Specifically, staff was concerned with the potential impacts the perimeter security would have on visitor use and experience, aesthetics and visual quality, and cultural resources. The information in the revised EA was taken into account.

During development of the revised plan, NPS continued to work with consulting parties through the Section 106 process. The revised perimeter security plan was presented to the parties at a meeting on August 25, 2009. On October 2, 2009, NPS made a determination that the final design of the Memorial, including the revised perimeter security plan, "presented no new adverse effects and that no previously identified adverse effects will be intensified." NPS's determination was sent to signatories and consulting parties, as required by the stipulations of the August 25, 2008 Memorandum of Agreement (MOA). With the exception of the National Coalition to Save Our Mall (the Coalition), the signatories and consulting parties either concurred with NPS's determination or elected not to respond, which also constituted concurrence with NPS's determination under the terms of the MOA.

On October 22, 2009, the Coalition wrote the Regional Director of the National Park Service that it disagreed with NPS's determination that the proposed security barrier components would not present any new adverse effects or that previously identified adverse effects would not be intensified. The Coalition raised objections about two design elements identified in the MOA. First, the security design would add more wall components into the landscape, channel more people exiting the memorial toward the Visitor Support Building, and close off views of the open space of the surrounding Mall. Second, the channeling of visitors would intensify the adverse effect of the Visitor Support Building which blocks views to and from the memorial. The Coalition also expressed concern about the way in which it was consulted by NPS in the final phase of public consultation.

Under the terms of the MOA, NPS met with the Coalition on October 23, 2009 to seek ways to resolve its objections. NPS subsequently found that the objections could not be resolved and requested the Advisory Council on Historic Preservation to provide NPS with recommendations for NPS to take into account in reaching a final decision regarding the objections. The Advisory Council responded to NPS that it did not agree with the Coalition's objections, and concurred with NPS's determination of no new adverse effects and no intensification of a known adverse effect.

NCPC staff concurs with NPS's October 2, 2009 determination that the final design for the memorial, including the revised perimeter security plan, would present no new adverse effect or intensification of a previously identified adverse effect. NCPC does not find new or intensified adverse effects on historic resources from the introduction of new security elements in the revised plan. Furthermore, the adverse effect of the Visitor Support Building on the historic open space was already taken into account in the consultation that led to the 2008 MOA. The location of the Visitor Support Building in relation to the memorial and its setting is unchanged from its location when the Commission approved it in 2008.

The proposed action

The proposed action is preliminary and final approval of the revised perimeter security plan for the Martin Luther King, Jr. National Memorial, located on the National Mall, within West Potomac Park, on the northwest side of the Tidal Basin. The revised plan continues to utilize the retaining walls and landscaped berms that were already part of the Memorial's design to provide the bulk of the perimeter security for the Memorial; and it incorporates a depressed, asymmetrical planter located at the entrance to the memorial's forecourt. In addition to the planter, bollards will be placed across the two pedestrian entryways located on either side of the planter, as well as at the Memorial's two side entryways.

The portion of the planter extending above grade will be constructed of the same granite as that to be used for the retaining walls throughout the memorial. While the actual height of the wall above grade will vary as a result of the natural topography and sloping forecourt, the top level of the planter wall will remain relatively consistent. The height of the wall above grade will range between 1'3" and 2'3". The ground-level within the planter will slope away from the intersection of Independence Avenue, SW and West Basin Drive, SW in order to create a hardened vehicle barrier wall along the backside of the planter. Landscaping within the planter will help conceal the presence of the vehicle barrier, and consists of native groundcover along with two American elm trees. The planter design is integrated into the overall design of the memorial.

Steel bollards will be placed across the two pedestrian entryways located on either side of the planter, and at the Memorial's two side entryways. A total of 13 bollards will be installed. The bollards will have a base diameter of 10.5 inches, and a top diameter of 5.5 inches. They will be constructed to a height of 3'6", and will be spaced 4'8" apart. Four bollards will be placed within each side entryway. Two bollards will be placed on the east side of the planter, while three bollards will be placed to the planter's west side.

NPS received two comments on the revised EA, one from the Metropolitan Washington Council of Governments (COG) Board of Directors, and the other from the Coalition. The comment received by COG is supportive of the proposed action. The comment received from the Coalition addresses a number of issues that are related to the Visitor Support Building portion of the Memorial that do not concern the environmental impacts of the proposed revised perimeter security plan. In addition, this finding is underscored by the determination made through the Section 106 process described above.

Potential impacts

I have reviewed the revised EA, comments received on the revised EA, and the proposal for a revised perimeter security plan at the memorial, and find that there will be no significant environmental impacts caused by the proposed action to approve the revised perimeter security plan for the Memorial, and that the proposed action will not exacerbate any impacts previously identified in the 2005 EA. In particular, the revised perimeter security plan will not cause any new or increased impacts to visitor use and experience, aesthetics and visual quality, and cultural resources. According to the revised EA, the proposed planter, with its large elm trees, will reduce the overall impact on the adjacent historic landscape by narrowing the width of the view into the Memorial's forecourt. It will also minimize the number of bollards located at the Memorial's forecourt entrance. In addition, the relatively low height of the planter wall will allow it to integrate well into the overall design of the Memorial; and the elm trees will relate well to the historical planting in the surrounding area.

Standard for evaluation

Under NEPA, the Council on Environmental Quality (CEQ) regulations, and NCPC Environmental and Historic Preservation Policies and Procedures, an environmental assessment is sufficient and an Environmental Impact Statement need not be prepared if the environmental assessment supports a finding that the federal action will not significantly affect the human environment. The regulations of the Council on Environmental Quality define "significantly" as used in NEPA as requiring consideration of both context and intensity of impacts as noted by 40 CFR §1508.27. The intensity factor is evaluated above. As to the factor of the context, this is a site-specific action, and the above analysis also considers the effects on the locale.

Applying the standards, factors, and analysis here, the Executive Director by delegation of the Commission must make the assessment of whether approval of the proposed project will "significantly" affect the human environment based on the revised EA and any comments on it. I find that the proposed revised perimeter security plan does not present any major or significant effects.