

APPENDIX A

SUBMISSION GUIDELINES COMMENTS & RESPONSES

08.28.17

#7744

	<u>Source</u>	<u>Comment</u>	<u>Staff Response</u>
1	GSA	Recognizing one of the goals of the new Submission Guidelines is to streamline, recommend more context be provided similar to what is included in the current NCPC Submission Guidelines. Overall, the new version seems geared to an audience that is very familiar with the process. Recommend inserting the Introduction Section of the current guidelines, which provides an overview of the Commissions authority and mission.	Staff is developing resource guides that will provide additional information and details regarding a number of topics, including the Commission's review authorities. These guides will explain in more detail the other aspects of NCPC procedures and responsibilities. The resource guides will be available on the website for use by applicants, other agencies, and the public.
2	GSA	We note the revised guidelines have abbreviated or removed guideline headings that are provided in the current guidelines. We recommend for user understanding these sections be incorporated into the revised guidelines either in the body or as an appendix. The information is valuable and provides the user context needed to accurately follow and apply the guidelines. We recommend the following be included as currently written: Projects Requiring Referral to State and Local authorities (including Master Plans), Perimeter Security Projects, Projects that Recognize Private Contributors, Projects within the District of Columbia, and Classified Materials Policy.	Intergovernmental Referrals, Classified Materials, Projects that Recognize Private Contributors and Projects within the District of Columbia (Coordinating Committee) are separate policies from the Guidelines and are not being updated at this time. However, as noted above, staff is developing resource guides for each of these topics that will explain in further detail their role and relationship to project submissions. They will also be available on the website for use by all interested parties.
3	GSA	Page 1, Line 8, The note references the Coordinating Committee and Intergovernmental Referral. As noted above, more context is needed to inform the user of function of the Coordinating Committee and the mechanics of the Intergovernmental Referral process. Additionally for improved readability, recommend each page of the document that references an endnote include a notation that all endnotes are identified in Appendix D.	Per response #2, the resource guides for these topics will provide further information in a concise, easy-to-use form. The endnotes are indicated as an appendix are included on the Table of Contents.
4	GSA	Page 2, Line 21, Site Acquisition is identified as one of the "common projects", however the new submission guidelines do not provide the detailed guidance that is provided in the current guidelines for Site Plans and Development Projects, specifically paragraph D, Review for Plan Conformity and Section 3-Submission stages. Notably missing from the new guidelines is the following: "Location and Program submissions must precede commitments for the acquisition of land to be paid for in whole or in part from Federal or District funds". Unless the guidance has changed, recommend using the current guidance provided for Site Plans and Development Projects as currently written. This guidance is very concise and easy to follow.	The Guidelines have been updated to reflect the information required if a site acquisition may be necessary.
5	GSA	Page 8, Line 18 says, "NCPC staff might recommend a Concept Review for these types of complex and development projects...", then Table 3, page 9, says "Concept review is required for complex projects". Recommend clarification and the addition of the definitions of complex projects and development projects.	The language has been clarified and a list of complex projects is included in Section 2.3.

6	GSA	Page 8, recommend aligning timeframes outline in Table 2 on page 8, Table 3 on page 9 and Table 5 on page 13. Pre-submission review is listed as 0-15% design, Concept Review is listed as 10-15% design and Preliminary Review is listed as 25-35% design, Recommend Concept Review 15-25% design.	The language has been adjusted to show concept review at 10-25% design. This is also in response to several other comments that noted concept review may require more range.
7	GSA	Page, 17 Line 19 says, "Applicants may not lawfully deviate from final plans approved by the Commission when the Commission has an approval authority", recommend this document provide a specific paragraph on the Commission approval authority, much like what is provided in the current guidance. Again, the audience may be new to NCPC and the context is very helpful.	Staff is developing resource guides that will provide additional information and details regarding a number of topics, including the Commission's review authorities, both approval and advisory. These guides explain in more detail the other aspects of NCPC procedures and responsibilities. The resource guides will be available on the website for use by applicants, other agencies, and the public.
8	GSA	<p>Page 9, "<i>Concept Review occurs at the early stages of environmental review and public coordination for the project (e.g., 10-15 percent design development). At Concept Review, the applicant (or NCPC if acting as the lead agency) must have initiated both the NEPA scoping process and Section 106 consultation process for the project.</i>" - Recommend consistent use of the definition of Public Scoping throughout the NCPC guidelines to be consistent with the NEPA Policy, as noted on page 10 of the NEPA Policy, which states, "The process of defining and determining the scope of issues to be addressed in an EIS or EA with public involvement shall be referred to as Public Scoping." Additionally, the statement that the applicant "must" have initiated the NEPA scoping process is inconsistent with this excerpt also taken from page 9: "If the applicant has a NEPA responsibility, indicate whether the applicant will apply a Categorical Exclusion or pursue an Environmental Assessment (EA) or Environmental Impact Statement (EIS). No other NEPA documents are due at this time." - This excerpt states that it is only necessary to have identified the level of NEPA analysis at the 10-15 percent concept review stage. This is not in alignment with the earlier statement that prescribes that the scoping process must have been initiated. Recommend re-wording for clarity.</p>	The language has been reworded for clarity. At concept review, the applicant should determine whether at CATEX will be pursued, or whether an EA and EIS may be developed. Staff understands this may be subject to change as the project develops. If an EA or EIS is being pursued, the public scoping process should be initiated by the time of the submission.
9	GSA	Page 3, " <i>The timing of the Preliminary Review should coincide with the completion of a draft NEPA document (Environmental Assessment (EA)/Environmental Impact Statement (EIS)) or the selection of a Categorical Exclusion (CATEX) applicable to the project (if not already selected during Concept Review).</i> " - This wording could be changed for clarity. Rather than stating that "the timing should coincide," simply state that the applicant "submit the draft NEPA document with the preliminary review package."	Wording has been adjusted as suggested for clarity.
10	GSA	Page 13, "If the applicant has a NEPA responsibility" - This statement could be confusing to newer NEPA practitioners. This could be interpreted to mean that there are projects that do not require NEPA review. This statement is made throughout the document.	Agency applicants should determine their own NEPA responsibility for each project. NCPC has a NEPA responsibility when it has approval authority for a project. When NCPC has an advisory role, it does not have a NEPA responsibility. See the resource guides for NEPA and NCPC authorities for more information.

11	GSA	Page 18, " <i>The timing of the Final Review coincides with the adoption of a National Environmental Policy Act (NEPA) document and a National Historic Preservation Act Section 106 document if applicable.</i> " - This wording could be changed for clarity. Rather than stating that "the timing should coincide," simply state that the applicant "submit the NEPA document with the final review package."	Wording has been adjusted as suggested for clarity.
12	GSA	Page 27, " <i>The applicant should submit the draft master plan approximately mid-way through the development process. The timing of the Draft Review should coincide with the completion of a draft NEPA document (Environmental Assessment (EA)/Environmental Impact Statement (EIS)).</i> " - Again, simplify this by stating the the draft review package should include the draft EIS or EA.	Wording has been adjusted as suggested for clarity.
13	GSA	Page 31, " <i>The timing of the Final Review should coincide with the adoption of a NEPA document (Environmental Assessment (EA)/Environmental Impact Statement (EIS)) and the conclusion of the Section 106 consultation process.</i> " - This wording can be changed for clarity. Change "timing" and "coincide" to "include the adoption of the NEPA document with the Final Reivew package."	Wording has been adjusted as suggested for clarity.
14	GSA	Page 52, " <i>The timing of the Preliminary Review should coincide with the completion of a draft NEPA document (Environmental Assessment (EA)/Environmental Impact Statement (EIS)) or the selection of a Categorical Exclusion (CATEX) applicable to the project.</i> " - Same comment as above.	Wording has been adjusted as suggested for clarity.
15	GSA	Page 64, " <i>If the applicant has a NEPA responsibility, indicate whether the applicant will apply a Categorical Exclusion. No other NEPA documents are due at this time.</i> " - This takes place during concept design which could be too early to make a determination of what level of NEPA review is required. The timing of the level of NEPA analysis determination varies from project to project. Could add language to indicate that this determination is subject to change.	The language has been reworded for clarity. At concept review, the applicant should determine whether at CATEX will be pursued, or whether and EA and EIS may be pursued. Staff understands this may be subject to change as the project develops. If an EA or EIS is being pursued, the public scoping process should be initiated by the time of the submission.
16	GSA	Page 11, Recommend adding, "which federal, state and local regulations" after "Identify which" in the Stormwater Management box.	Wording has been adjusted as suggested.

17	GSA	Page 21, Recommend adding this rewritten first bullet in the Stormwater Management box, "A stormwater management narrative explaining how the master plan complies with all applicable federal (1.7" rainfall event per Section 438 of the Energy, Independence and Security Act), state and local requirements (varied based on jurisdiction)."	Wording has been adjusted as suggested.
18	GSA	Page 32, Recommend adding this rewritten first bullet in the Stormwater Management box, "A stormwater management narrative explaining how the master plan complies with all applicable federal (1.7" rainfall event per Section 438 of the Energy, Independence and Security Act), state and local requirements (varied based on jurisdiction)."	Wording has been adjusted as suggested.
19	GSA	Page 47, It appears a bullet common to similar sections in other parts of the document is missing in the Stormwater Management box here. Add..."Description of low impact development strategies, including capacity and size."	Wording has been adjusted as suggested.
20	GSA	Page 65, Recommend adding, "which federal, state and local regulations" after "Identify which" in the Stormwater Management box.	Wording has been adjusted as suggested.
21	GSA	Page 75, Recommend adding this rewritten first bullet in the Stormwater Management box, "A stormwater management narrative explaining how the master plan complies with all applicable federal (1.7" rainfall event per Section 438 of the Energy, Independence and Security Act), state and local requirements (varied based on jurisdiction)."	Wording has been adjusted as suggested.
22	SI	Thank you for the opportunity to comment on the proposed revisions to NCPC's project submission guidelines released for public comment after your May 2017 meeting. We welcome the more user friendly format and offer the following comments for consideration in your final adoption of the guidelines and their application.	Comment noted.

23	SI	Legislative and other Authority: Please include an introductory section or links to describe the statutory authority and any other regulatory basis for what NCPC reviews, similar to what is currently provided. With Executive Orders always coming and going, it would also be helpful to add those that impact your review, to confirm what is in effect, particularly for those of us who are not executive branch agencies and for our AE teams.	Staff is developing resource guides that will provide additional information and details regarding a number of topics, including the Commission's review authorities. These guides will explain the other aspects of NCPC procedures and responsibilities. The resource guides will be available on the website for use by applicants, other agencies, and the public.
24	SI	Proposed NCPC Concept Review (at 10-15% completion) before CFA Concept Review (which would now correspond to NCPC Preliminary Review): This different definition of Concept Design from that of CFA will be very confusing for our staff and consulting architects and difficult to manage. We strongly recommend that NCPC and CFA provide for Concept Design reviews at the same early completion stage of projects.	Reviews are intended to align when possible. However, the NCPC and CFA processes do vary, as CFA does not have a preliminary review stage. NCPC must also satisfy NEPA and Section 106 responsibilities, which may not apply to CFA. At the pre-submission briefing, NCPC staff will work with the applicant to understand the other agency reviews applicable to each submission, and provide guidance in coordinating.
25	SI	For typical projects, we would be unlikely to submit a project to NCPC for Concept stage without also submitting to CFA in the same cycle; our goal is to come to both agencies. It is usually better to have both commissions review the same documents, mockups, models et c. before we move forward with design modifications that take both agencies' comments as well as DC HPO into account. Requiring an NCPC Concept review at a different stage than CFA Concept review would result in extra costs to the Smithsonian for additional submission report preparations, disruption to our project design schedules and scopes, and the huge confusion we guarantee this will cause for our project participants.	See response #24.
26	SI	For our more complex projects, the NCPC Preliminary Design phase often corresponds to a Revised Concept or Updated Concept submission that we tend to make to CFA even if the first Concept was approved, because there are usually some new or evolving items requiring additional feedback before their Final Design review. For less complex projects with limited NCPC issues, a combined NCPC Preliminary and Final is usually developed to a similar level as a Final CFA.	See response #24. NCPC staff will work with applicants to identify if a combined preliminary and final submission is appropriate.
27	SI	For Preliminary Review Requirements for Common Projects: The guidelines require the submission of an Assessment of Effects for Section 106 with the project submission. We do not always do a formal Assessment of Effects (recent examples Bird House and Natural History walkways), particularly if we are pursuing a Determination of No Adverse Effect. We suggest the language be modified to submit an Assessment of Effects, or documentation of the ongoing Section 106 consultation process.	The language has been adjusted. The applicant should provide an assessment of effects, if relevant; or, if no adverse effects are anticipated, documentation of the status of the consultation process.
28	SI	For Final Review Requirements for Common Projects (also Master Plan) : Submission should include final executed Section 106 documentation. Is this documentation required at the date of submission? Or is it acceptable to submit the executed documentation by the Hearing date? Please clarify.	Materials should be provided by the submission deadline. The applicant should speak to the Director of the Urban Design and Plan Review Division if some issues arise with scheduling.

29	SI	<p>Applicant Form : In developing instructions for this, consider requiring that this be completed by the project owner rather than by consulting AEs as it includes information that the Owner rather than AE would generate and provide. Some of the information that you have requested to be in the project report (usually prepared by our AE) may be better furnished by the owner/agency and might be better to include in the application form than in the report. The items that would be better located on the application form include the project budget and funding plan, schedule, the NEPA/Section 106 status, public engagement activities, and coordination with Federal, State and Local Jurisdictions. Sometimes it would not be appropriate at an early stage to release the budget or funding plan to the public and, since NCPC does not approve our budgets, we would expect consideration of this, particularly with projects where there is a donor funding component or great uncertainty or sensitivity about federal appropriations.</p>	<p>The application can be filled out by the project owner or others acting on behalf of the owner. NCPC will leave that decision to the discretion and policy of the applicant agency. Staff recognizes that the status of budget and funding information may not be fully known.</p>
30	SI	<p>Requirement for NCPC Policy Analysis in submissions: We recommend modifying this in favor of NCPC staff and Commission being responsible for assessing compliance of our project with its plans and policies based on the information we provide. Many of your policies are quite general and contained in numerous separate documents. Judging compliance with them may be subjective and is more difficult for organizations like ours who do not have a seat on NCPC and therefore the familiarity that comes from creating your policies and applying them to many projects regularly.</p>	<p>The requirement has been modified to request a more general summary of consistency with NCPC plans and policies in lieu of a detailed policy analysis, which will be prepared by staff as part of the Executive Director's Recommendation.</p>
31	SI	<p>If acknowledgement of NCPC policy compliance were required, we suggest that this become a box on the application filled out by the Owner or a statement in the report that says something like "to the best of our knowledge, this project is consistent with NCPC plans and policies unless noted". Where we have focused on compatibility with a particular NCPC approved plan - such as taking the SW EcoDistrict or National Mall Plan into account, we do of course note that in the project report.</p>	<p>See response #30.</p>
32	SI	<p>Expiration of Final Approval in 5 years: clarify if this pertains to start of construction vs. a Certificate of Occupancy or other completion milestone.</p>	<p>The Guidelines have been clarified to indicate that the approval applies to the initiation of construction.</p>
33	SI	<p>Security: Where a description of this is required in submissions, this should be clarified as pertaining to the Perimeter Security that NCPC reviews. We would not provide information on our collections protection or other security systems and practices to the public; nor are these subject to NCPC review and approval.</p>	<p>The Guidelines have been revised to indicate NCPC is interested in perimeter security, not interior or other building security systems.</p>

34	SI	Program: Where the architectural program is required in a submission report, this should be clarified to be a program summary of major uses and allocations of space, rather than the submission of what for some projects is a multi-volume document with individual room sheets and building system design requirements that are not subject to NCPC review and which may include sensitive information.	The Guidelines have been revised to indicate information regarding architectural program should be limited to a general summary of major uses and allocation of space, rather than the detailed analysis that many applicant agencies prepare well in advance of actual planning work.
35	SI	Antennas: It would be better to have the 60 day temporary period have some leeway to be "seasonal" or otherwise provide for the fact that some of the temporary antennas related to serving summer festivals on the Mall may be here longer than sixty days, as may equipment the Secret Service sometimes installs on our roofs for inaugurations, building dedications or other visits.	The Guidelines have been revised to allow 90 days for temporary antennas to allow for seasonal installations.
36	SI	Master Plan requirements: the Smithsonian will request initial flexibility on the requirement that an approved master plan be in place prior to submission of individual projects. Several projects may require review and approval in advance of a master plan, due to a variety of reasons.	Projects may be submitted outside of the master plan process. However, those projects will require referral (when outside the District of Columbia) which may entail additional review time.
37	SI	NCPC Concept review at 10-15% design may be too early for some projects. Our early design work often involves figuring out complicated programmatic needs and interior space planning issues outside NCPC's review authority and requirements for public input. The NCPC-reviewable part of the project- say the landscape design, storm water management plan and/or building exterior design - may not have advanced at the same pace or may be too preliminary for public release when the overall project is at a 10- 15% design stage. We expect that we will be able to identify the appropriate stage for a concept review in our pre-submission consultation with NCPC staff and request your flexibility, particularly if we need to await presentation of an initial design to our Regents, donors etc. prior to going public.	The range of design for concept review has been adjusted to 10-25% to allow for more flexibility for applicants when developing the project.

38	SI	<p>While it is appropriate to initiate NEPA and Section 106 as early as feasible, if the project issues include those related to aesthetics and historic preservation or to details of the building's engineering design, we may not have the adequate detailed design information to advance these processes as early as called for in your new requirements. For some projects, it may also be difficult prior to completing a Concept Design to define the scope and contract with our AEs for the appropriate level of NEPA, Section 106 and agency staff meeting and submission services, and we need to have a contract and funding in place before initiating these activities. Each project will be different and we expect that those where timing is an issue can be resolved in the pre-submission meeting or phone call.</p>	<p>The range of design for concept review has been adjusted to 10-25% to allow for more flexibility for applicants when developing the project. Regarding NEPA and Section 106, the language has been updated to indicate that at concept review, the applicant should identify whether a CATEX will be pursued, or whether an EA or EIS will be prepared. Regarding Section 106, the consultation process need only be initiated. NCPC staff will work with applicant during the pre-submission briefing, or even early, to discuss the review process.</p>
39	SI	<p>It would be useful if NCPC staff could provide a briefing to a group of our staff from around SI -these projects may come about through groups other than planning and design -- including IT, real estate and business enterprise staff involved in negotiating with outside vendors. Our colleagues will need to understand how your guidelines apply and how to integrate them with the Smithsonian's standards, including those for our internal historic preservation and design review that may be stricter than NCPC's.</p>	<p>The antenna guidelines are substantially similar to those which are already in effect. NCPC staff will schedule time to discuss with SI how they are currently applied.</p>
40	WMATA	<p>What are the levels of design that correspond to final review?</p>	<p>Final design is approximately 50-70 percent design development. This is the level of detail necessary for the Commission to make a final decision, recognizing the project will continue to be refined as the applicant prepares construction drawings and begins implementation.</p>
41	NASA	<p>Who are the points of contact within NCPC staff that they can reach out to?</p>	<p>Any applicant agency can contact the Director of the Urban Design and Plan Review Division to set up a pre-submission briefing.</p>
42	WMATA	<p>It is important to have Section 106 considerations integrated into the NEPA and review processes.</p>	<p>Staff concurs that the integration of Section 106 and NEPA is important, particularly with the large number of historic resources in the National Capital Region. The Guidelines have been structured to support this integrated approach.</p>

43	C100	How will some of these changes will impact the public, and in particular how the public can continued to stay involved/be informed?	The Submission Guidelines and NEPA Regulations allow the review process, NEPA and Section 106 to work in a coordinated fashion. This is intended to provide opportunities for earlier comment on projects, both by the Commission and the public. NCPC staff will also be working on an update to the Public Participation Plan to strengthen engagement opportunities. The new NCPC website will also be a opportunity to receive updates on projects and the Commission's work.
44	C100	Regarding project exceptions, how is "minor" determined?	Minor is determined based upon the facts and circumstances associated with each individual project, and the materials submitted by the applicant.
45	C100	How is the Central Area defined?	The Central Area includes the Shaw and Downtown Urban Renewal Areas, as defined by NCPC and the District. A map and explanation will be available on the authorities resource guide.
46	Public	To what do the percentages refer to for each stage of review?	The percentages are design development, and are indicated as a range, as staff recognizes that some flexibility is necessary and project can vary between each other.
47	Public	Is there a list of Categorical Exclusions?	Yes, a list of categorical exclusions is provided in the NEPA Regulations.
48	Public	How will the transition between old and new submission guidelines be handled?	The Submission Guidelines and NEPA Regulations will be posted for a 30 day final rulemaking, with an effective date. Projects that are in-progress can choose to follow the new guidelines. Staff expects the new guidelines will be more advantageous for most applicants.