



## Delegated Action of the Chairman

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**PROJECT**

**Revised Closing of Maryland Avenue between 4th and 6th Streets, SW, adjacent to Square 492 and N-492 and transfer of jurisdiction of portions of Maryland Avenue, Independence Avenue, 4th Street, and 6th Street, SW**  
Washington, DC

**SUBMITTED BY**

District of Columbia Office of the Surveyor

**NCPC FILE NUMBER**

7684

**NCPC MAP FILE NUMBER**

1.71(44.40)44709

**ACTION TAKEN**

Approval of comments to the Council of the District of Columbia and  
Approval of transfer of jurisdiction

**REVIEW AUTHORITY**

40 U.S.C. § 8124(a), D.C. Code § 10-111, and D.C. Code § 9-202.02

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The District of Columbia Office of the Surveyor has submitted a *revised* application for the closing of Maryland Avenue, between 4<sup>th</sup> and 6<sup>th</sup> Streets SW, along with a transfer of jurisdiction for portions of Maryland Avenue and sidewalk spaces along Independence Avenue, 4<sup>th</sup> and 6<sup>th</sup> Streets, SW, from the District Department of Transportation (DDOT) to the United States government in order to allow for the construction of the Dwight D. Eisenhower Memorial. In July 2015, the Commission provided comments to the Council of the District of Columbia regarding the proposed street closure of Maryland Avenue. With the closure of Maryland Avenue, the Commission also approved the related transfer of jurisdiction from DDOT to the United States government, under the jurisdiction of the National Park Service (NPS), in order to create a unified site for the Eisenhower Memorial. Since the 2015 Commission Action, the applicant has made minor technical corrections to the plat to be more accurate and consistent with the memorial design.

Previously, all land was transferred to the United States government under the administrative jurisdiction of NPS. The land will still be transferred to the United States government, but the jurisdiction of the land will be assigned to two federal agencies: NPS and the General Services Administration (GSA). The plat correction was needed in order to assign jurisdiction of the Lyndon B. Johnson (LBJ) Promenade to GSA. The final design for the memorial, which was approved by the Commission in October 5, 2017, included a 50-foot buffer area along the north façade of the LBJ Building serving as a pedestrian promenade between the memorial and the LBJ Building. While the memorial site will be under the jurisdiction of NPS, GSA will retain control of the LBJ Promenade. Following construction, NPS will be responsible for the long-term operation and maintenance of the memorial, while GSA will maintain the LBJ Promenade.

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The Commission's previous comments<sup>1</sup> on the proposed street closure still pertain. However, the applicant has revised the plat and associated legal description to correct three minor issues:

1. A 2,248 square-foot triangular portion of the Maryland Avenue right-of-way located within the proposed LBJ Promenade was originally transferred to NPS, but is now transferred to GSA.
2. The Maryland Avenue right-of-way adjacent to Reservation 5 had an irregular alignment. Portions of Reservation 5 are now reallocated to the Maryland Avenue right-of-way to simplify the Maryland Avenue diagonal alignment. The portion of Maryland Avenue right-of-way to be closed and revert to NPS has an area of 76,953 square feet.
3. The sidewalk segments around the rectangular memorial site were irregular and lacked continuity. Portions of the Maryland Avenue right-of-way are now realigned to sidewalk spaces along Independence Avenue, 4th and 6th Streets, SW to provide a continuous sidewalk area around the memorial. As a result, 20,947 square feet of sidewalk space will be transferred to NPS.

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<sup>1</sup> July 9, 2015 Commission Action. The Commission:

**Approves** the transfer of jurisdiction of a portion of Maryland Avenue between 4th and 6th Streets, SW along with portions of 4th Street, 6th Street, and Independence Avenue, SW to the National Park Service in order to create a unified site for the Dwight D. Eisenhower Memorial.

**Advises** the Council of the District of Columbia regarding the proposed street closure of Maryland Avenue:

- The proposal to close a portion of Maryland Avenue, SW between 4th and 6th Street, SW would result in adverse effects on the L'Enfant Plan and is inconsistent with policies in the Federal Elements of the Comprehensive Plan for the National Capital.
- The adverse effects on the L'Enfant Plan associated with the closure of Maryland Avenue between 4th and 6th Streets, SW were addressed through consultation under Section 106 of the National Historic Preservation Act for the Dwight D. Eisenhower Memorial. In 2012, the National Park Service, the National Capital Planning Commission, the District of Columbia State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Eisenhower Memorial Commission executed a Memorandum of Agreement that detailed mitigation measures to address the adverse effects.
- The proposal to close Maryland Avenue, SW between 4th and 6th Streets, SW should only take effect if the National Park Service issues a permit to construct the Dwight D. Eisenhower Memorial.

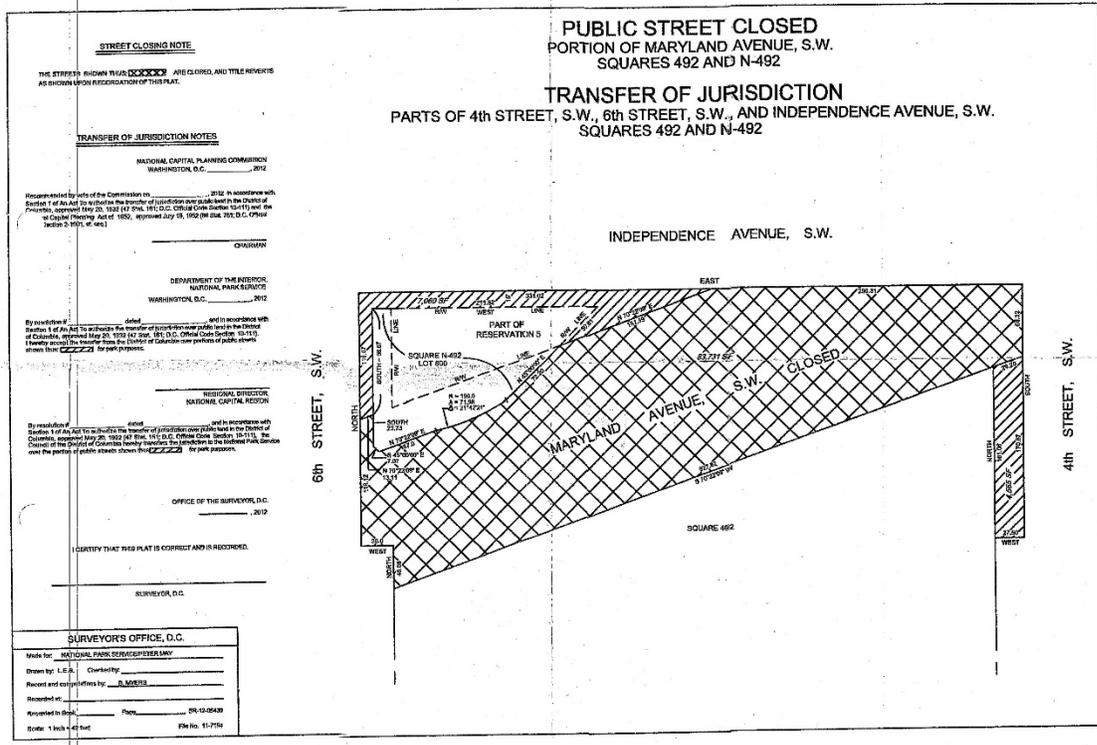


Figure 1: Previously Proposed Street Closure and Transfer of Jurisdiction (July 2015 Plat)

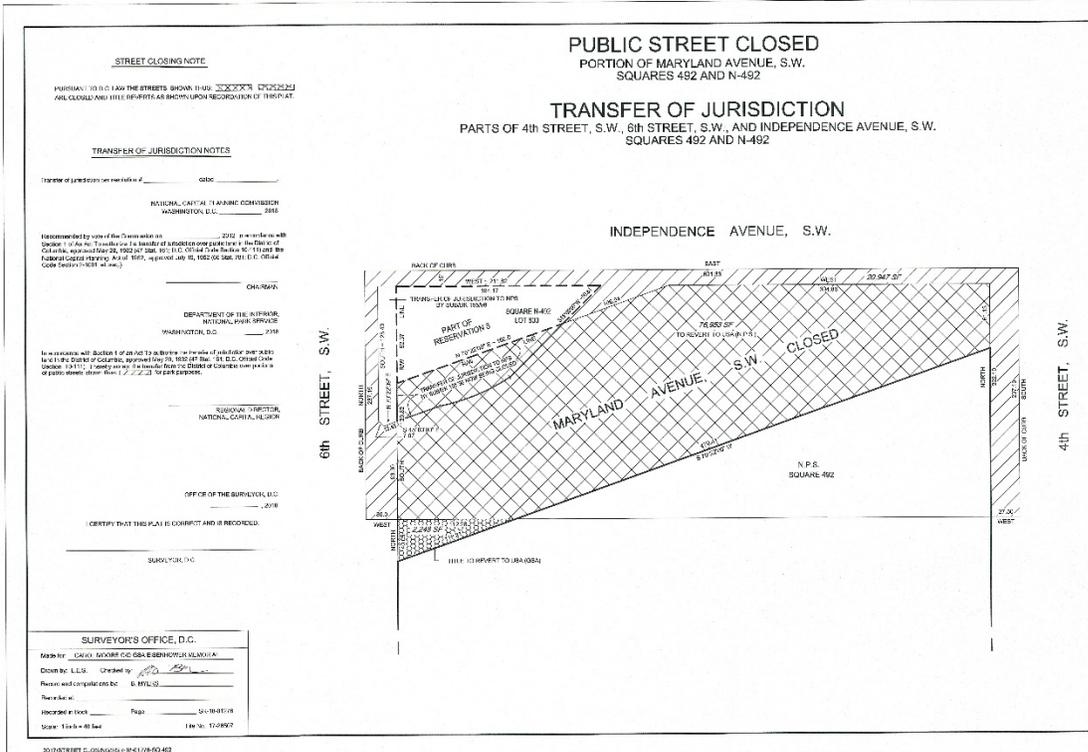


Figure 2: Currently Proposed Street Closure and Transfer of Jurisdiction (March 2018 Plat)

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NPS and NCPC each have an independent responsibility to comply with the National Environmental Policy Act (NEPA) for the Dwight D. Eisenhower Memorial including the transfer of jurisdiction of sidewalk spaces along Independence Avenue, 4th Street, and 6th Street, SW. The 2011 Environmental Assessment (EA) prepared for the Dwight D. Eisenhower Memorial included an analysis of three action alternatives and a no action alternative. The EA included an analysis of the transfer of jurisdiction of the sidewalk spaces. NPS was the lead federal agency for the EA, while NCPC and GSA were cooperating agencies. On March 6, 2012, NPS issued a Finding of No Significant Impact for implementation of Alternative #3, Maryland Park/Tapestry alternative which included any transfer of jurisdictions required. NCPC, with its preliminary approval of the memorial in October 2014, found the design would not have a significant impact on the human environment. In making this finding, the Commission relied on the EA prepared for the design of the memorial as well as the EA prepared at the time of site selection in 2006. NCPC does not have a NEPA responsibility when providing comments on street closures.

NPS and NCPC each have a responsibility to comply with Section 106 of the National Historic Preservation Act (NHPA) for the transfer of jurisdiction of the sidewalk spaces. Through the Section 106 consultation on the design of the memorial, NPS and NCPC identified adverse effects on the L'Enfant Plan. As a result of that consultation, consideration was given to the unification of several parcels to create a site for the memorial. To resolve adverse effects identified through the Section 106 consultation, NPS, the Commission, the District of Columbia State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Eisenhower Memorial Commission executed a Memorandum of Agreement (MOA) in 2012. GSA was a concurring party on the MOA. On March 1, 2017, the MOA expired pursuant to its duration provision, resulting in the reissuance of a new MOA for a period of five years beginning on May 3, 2017. NCPC does not have a responsibility to comply with Section 106 when providing comments on street closures.

The Coordinating Committee reviewed the proposal at its March 14, 2018 meeting. Without objection, the Committee forwarded it to the Commission with the statement that the project has been coordinated with all participating agencies. The participating agencies were NCPC; the General Services Administration; the Washington Metropolitan Area Transit Authority; the National Park Service; the District of Columbia Office of Planning; the State Historic Preservation Office; the District Department of Transportation; and the District Department of Energy and Environment.

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Pursuant to delegations of authority adopted by the Commission on December 14, 1977 and per 40 U.S.C. § 8124(a), I approve the revised transfer of jurisdiction of a portion of Maryland Avenue between 4<sup>th</sup> and 6<sup>th</sup> Streets, SW and portions of sidewalk spaces along 4<sup>th</sup> Street, 6<sup>th</sup> Street, and Independence Avenue, SW from the District Department of Transportation to the United States government, under the jurisdiction of the National Park Service and the General Services Administration in order to create a unified site for the Dwight D. Eisenhower Memorial. In addition, I advise the Council of the District of Columbia regarding the proposed street closure of Maryland Avenue that:

- The proposal to close a portion of Maryland Avenue, SW between 4th and 6th Street, SW would result in adverse effects on the L'Enfant Plan and is inconsistent with policies in the Federal Elements of the Comprehensive Plan for the National Capital.
- The adverse effects on the L'Enfant Plan associated with the closure of Maryland Avenue between 4th and 6th Streets, SW were addressed through consultation under Section 106 of the National Historic Preservation Act for the Dwight D. Eisenhower Memorial. In 2012, the National Park Service, the National Capital Planning Commission, the District of Columbia State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Eisenhower Memorial Commission executed a Memorandum of Agreement (MOA) that detailed mitigation measures to address the adverse effects. On March 1, 2017, the MOA expired pursuant to its duration provision, resulting in the reissuance of a new MOA for a period of five years beginning on May 3, 2017.
- The proposal to close Maryland Avenue, SW between 4th and 6th Streets, SW should only take effect if the National Park Service issues a permit to construct the Dwight D. Eisenhower Memorial.

// Original Signed //

4/5/2018

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L. Preston Bryant, Jr.  
Chairman

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Date