

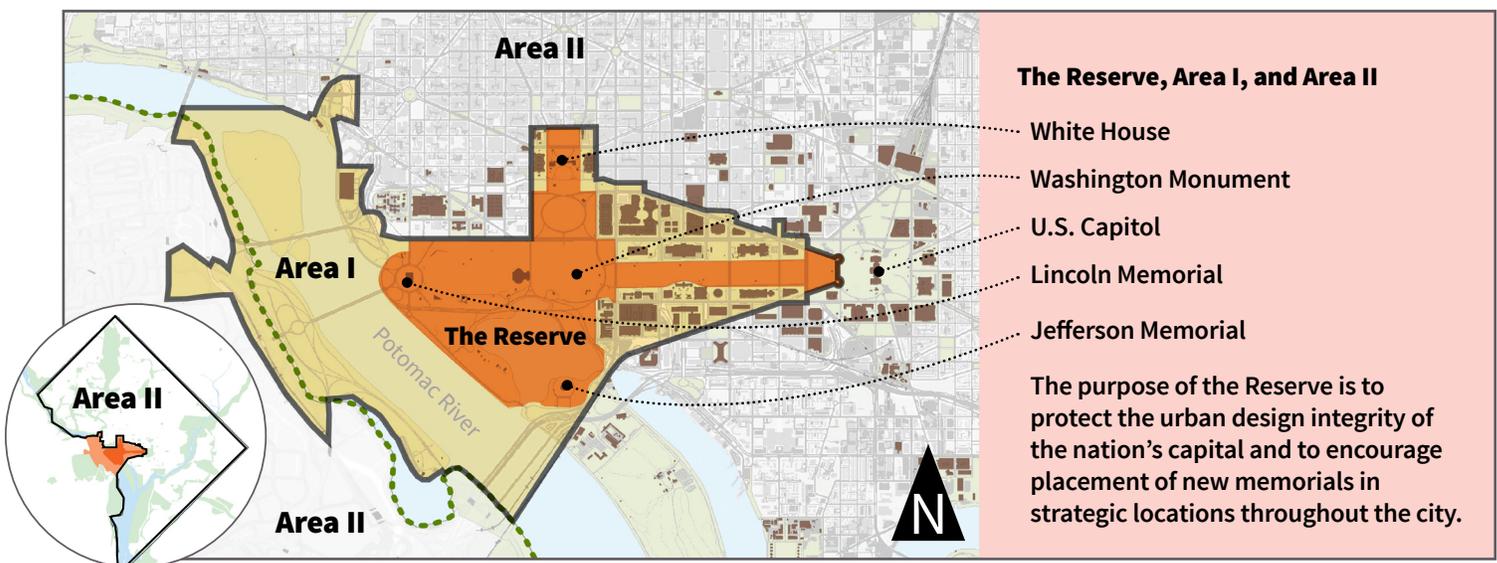
# Memorial Site Selection & Design Review

## Overview

Commemorative works, including monuments and memorials, are important elements of the National Capital Region’s landscape and often are located among iconic buildings, structures, and open spaces. There are hundreds of commemorative works on federal land, representing a number of themes, ranging from military events to individuals such as presidents. The Commemorative Works Act of 1986 (CWA), as amended, provides a framework and guides decision making regarding memorial authorization, siting, and design on land under the jurisdiction of either the National Park Service (NPS) or the U.S. General Services Administration (GSA) in Washington, DC and its environs.<sup>1</sup> Under CWA, Congress authorizes each new commemorative work by separate law, usually in response to a request by a committed citizens group.<sup>2</sup> The law authorizes the group to become the memorial sponsor and establish a commemorative work to a specific subject. Memorials authorized by Congress are required to comply with CWA, unless Congress explicitly grants an exemption from CWA or provisions within it. The purpose of this resource guide is to explain the site selection and design review process and the roles of the agencies involved in the process.

## Commemorative Works Act

The intent of CWA is to preserve the integrity of the Plan of the City of Washington (L’Enfant and McMillan Plans) and protect and maintain open space in the nation’s capital. Under the provisions of CWA, the National Capital Planning Commission (NCPC or the Commission) and the Commission of Fine Arts (CFA) have approval authority over the site and design of new memorials. CWA established the National Capital Memorial Advisory Commission (NCMAC) to advise the Secretary of the Interior and the Administrator of GSA, Congress, and memorial sponsors on topics relating to commemoration. Memorial sponsors consult with NCMAC during the site selection and design review process.



- 1 The CWA defines Washington, DC and the environs as “those lands and properties administered by the National Park Service and the General Services Administration in the Reserve, Area I, and Area II.” Generally speaking, this includes Washington, DC and adjacent lands across the Potomac River in Virginia that were originally part of the District of Columbia before being ceded to Virginia in 1847.
- 2 This guide does not detail the legislative process to authorize memorials under the Commemorative Works Act. Information on the legislative process and the National Capital Memorial Advisory Commission is available from the National Park Service - National Capital Region.

In 2003, Congress passed amendments to CWA that established the Reserve on the cross-axis of the National Mall where no new commemorative works can be located. The White House, Washington Monument, and Jefferson Memorial define the Reserve's north-south axis. The U.S. Capitol, Washington Monument, and the Lincoln Memorial define the east-west axis of the Reserve. Congress found that this cross axis along the National Mall was a completed work of civic art and new commemorative works are prohibited from locating in the Reserve. In addition, Congress designated Area I, which generally constitutes federally owned land surrounding the Reserve, for a limited number of memorials or commemorative works of preeminent historical and lasting significance to the United States.

In order to locate a memorial in Area I, a memorial sponsor is required to consult with NCMAC. Acting on advice provided by NCMAC, the Secretary of the Interior or Administrator of GSA, as appropriate, must determine whether the commemorative work is of preeminent historical and lasting significance to the United States and if so, recommends that Congress authorize locating the memorial in Area I. The location of a commemorative work in Area I is deemed to be authorized only if the recommendation is approved by law.

## Agency Roles

The agencies involved with the planning, design, and review of memorials have different roles and responsibilities. These roles are described below.

### **National Capital Memorial Advisory Commission**

The National Capital Memorial Advisory Commission advises Congress, the Secretary of the Interior, and Administrator of GSA on matters related to commemoration. NCMAC provides recommendations to Congress regarding proposed legislation authorizing memorials. When sponsors seek Area I authorization, NCMAC makes recommendations to the Secretary of the Interior or Administrator of GSA with respect to preeminent and lasting historical significance to the nation. NCMAC provides comments to memorial sponsors during the site selection process. Prior to CFA and NCPC final approval, memorial sponsors consult with NCMAC on the memorial design. NCMAC also serves as a general source of information regarding establishment of memorials in Washington, DC and its environs. In addition to NCPC, CFA, NPS, and GSA representatives, other NCMAC members include the Architect of the Capitol, the Chairman of the American Battle Monuments Commission, the Mayor of the District of Columbia, and the Secretary of Defense. The National Park Service provides staff to NCMAC.

### **National Capital Planning Commission**

NCPC provides planning guidance for federal land and buildings in Washington and the environs. NCPC's review of memorials covers site planning and development implications and focuses on issues related to access and circulation, program, land use, viewsheds, historic preservation, design, and landscape elements. NCPC approves sites and designs for new commemorative works and the NCPC Chairman is a member of NCMAC.

### **Commission of Fine Arts**

CFA advises the government on matters of aesthetics and design, including the location and design of statues, memorials, and public buildings erected by the federal and District governments in the nation's capital. In reviewing memorials, CFA considers whether a proposed design is in keeping with such criteria as aesthetic merit, compatibility with and protection of historic structures and landscapes, best professional practices, and the advancement of the design of the capital city. CFA approves sites and designs for new commemorative works and the CFA Chairman is a member of NCMAC.

### **National Park Service**

While memorial sponsors consider sites under both NPS and GSA jurisdiction, NPS typically has the lead in assisting sponsors with memorial proposals in Washington and its environs. NPS, on behalf of the memorial sponsor, submits applications for memorials proposed on land under the jurisdiction of NPS to NCPC and CFA for review and approval. NPS, on behalf of the Secretary of the Interior, reviews and approves sites and designs, and issues construction permits. When a memorial is built on NPS land, NPS maintains and interprets the memorial in perpetuity. The NPS Director is the NCMAC Chairman.

## U.S. General Services Administration

GSA can also take the lead in working with the memorial sponsor on the site selection and design review process when the preferred site or sites are under GSA jurisdiction. In such cases, GSA submits applications to NCPC and CFA for review and approval. After construction, the memorial is typically transferred to NPS for maintenance and interpretation. The Commissioner of Public Buildings Service, representing the Administrator, serves on NCMAC.



The *2M Plan* guided the location of the American Veterans Disabled for Life Memorial (dedicated October 2014).

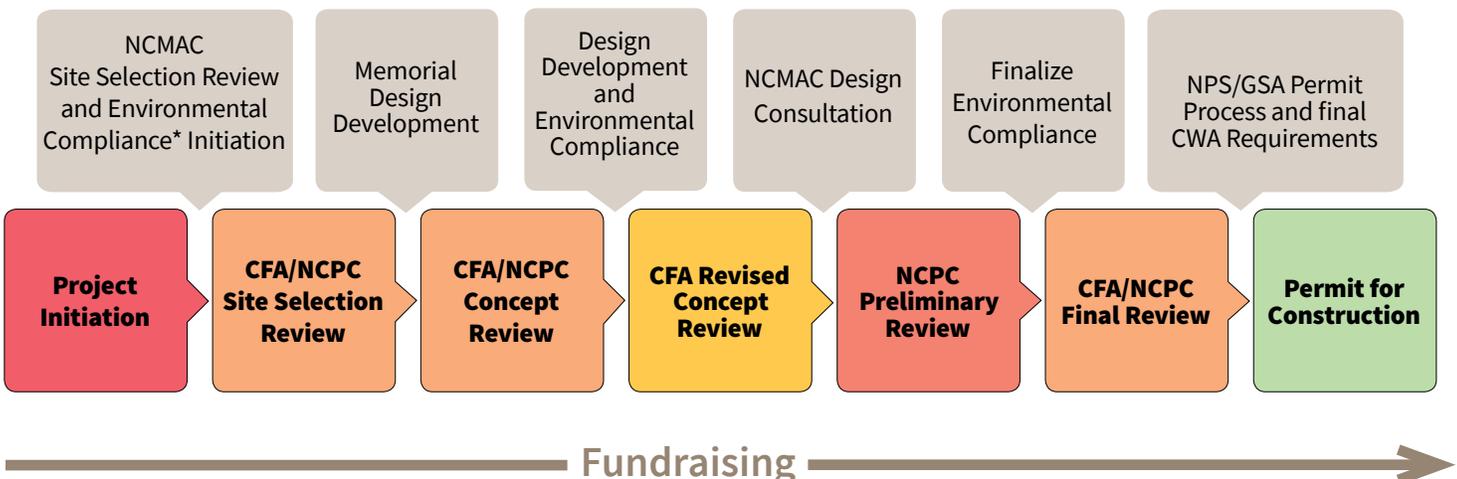
### Memorials and Museums Master Plan

The *Memorials and Museums Master Plan* (2M Plan), developed by NCPC in partnership with CFA and NCMAC, provides guidance regarding memorial location and design. The 2M Plan identifies potential memorial sites in Washington, DC and Virginia. The plan includes an evaluation of each site and information on scale of site, transit connections, historic resources, and neighborhood setting.

The plan is a tool for memorial sponsors and agencies to use when evaluating whether a project is suitable for a particular location and to identify planning and design issues for specific sites. Since its initial adoption in 2001, the 2M Plan has guided the site selection of several memorials. However, a memorial sponsor is not required to select a site in the 2M Plan and a few recently established memorials were located on other sites.

## Commemorative Works: Site Selection and Design Review Process

After Congress authorizes a memorial on federal land, and the President signs the bill into law, memorial sponsors must gain site and design approval from NCPC and CFA. Generally, under CWA, the legislative authority for a memorial expires seven years after its enactment or seven years after a congressional enactment authorizing a memorial in Area I. Memorial sponsors work with NPS (or occasionally GSA depending on the jurisdiction of the sites under consideration) during the site selection and design review process. For purposes of this resource guide, “NPS/GSA” refers to the agency involved. NPS/GSA is the applicant to NCPC and CFA on behalf of the memorial sponsor. NPS/GSA coordinate meetings and consultation with NCPC and CFA to discuss site selection and memorial design.



\*Environmental Compliance includes the National Environmental Policy Act and National Historic Preservation Act.

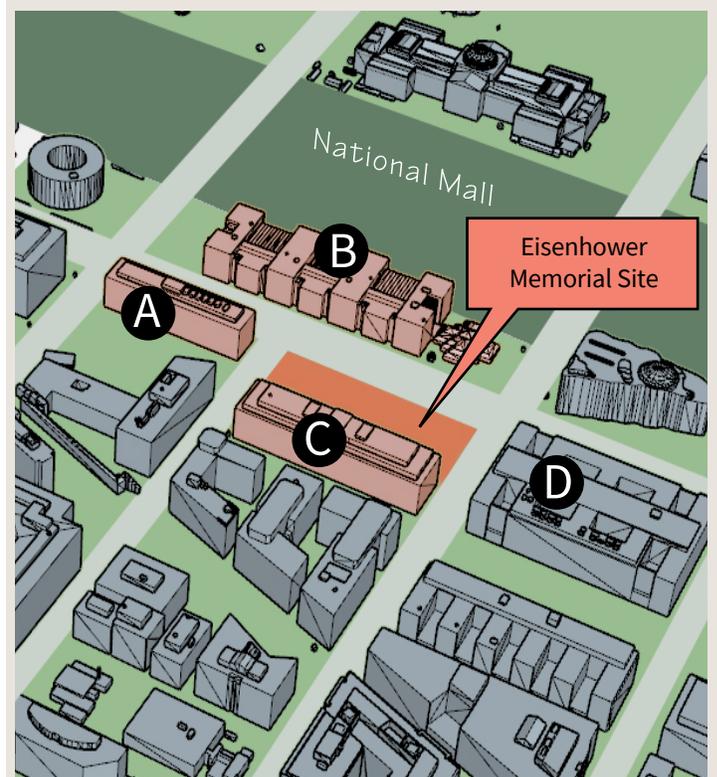
The complexity of the project will determine the number of reviews NCPC and CFA conduct at each stage. Both commissions have to approve the project and there may be multiple concept level reviews to address commission concerns, and to achieve agreement. In cases when there are differences between NCPC and CFA, NPS/GSA and the sponsor consult with NCPC and CFA staff to determine how to reconcile the issues to the satisfaction of both commissions. At times, additional reviews may be needed by one commission to resolve a specific planning or design issue prior to moving forward with subsequent stages of the review process.

## Project Initiation

During project initiation memorial sponsors, in consultation with NPS/GSA, develop the program including the scale, scope, and nature of the proposed memorial. Based on the program, size of the planned memorial, and its subject, certain sites identified in the 2M Plan may be more suitable for the commemorative work. Memorial sponsors conduct a review of the 2M Plan and identify potential sites for the memorial. Memorial sponsors are not limited to sites in the 2M Plan as other NPS and GSA land may be possible for commemorative use.

In considering potential locations, memorial sponsors should consider the CWA criteria that state “to the maximum extent possible that a commemorative work shall be located in surroundings that are relevant to the subject of the work. When considering sites, thematic and geographic context of nearby memorials, buildings, parks, and civic landmarks can establish a nexus to the proposed commemorative work.”

Memorial sponsors, in coordination with NPS/GSA, are encouraged early in the project initiation phase to meet with NCPC and CFA staff, as well as the appropriate State Historic Preservation Officer, to discuss potential sites, the initial program, and identify potential issues such as impacts to open space, historic properties, and infrastructure requirements. NCPC’s Submission Guidelines call for a pre-submission briefing at this stage. More information on the pre-submission briefing can be found on NCPC’s website.



### Eisenhower Memorial

The Eisenhower Memorial site is near several agencies and institutions that relate to Dwight D. Eisenhower’s legacy including the (A) Wilbur Wright Building, headquarters of the Federal Aviation Administration; (B) the National Air and Space Museum; (C) the Lyndon B. Johnson Department of Education Building; and (D) the Voice of America Building.

## National Capital Memorial Advisory Commission Site Selection Review

Following the early consultation with NCPC and CFA staff, the memorial sponsor is responsible for preparing a site selection study to investigate potential sites for the memorial based on program, anticipated size, and thematic connections. NCMAC will review the site selection study prior to NCPC and CFA and provide comments on the sites under consideration. Depending on the complexity of the project, NCMAC may conduct multiple reviews of the site selection study prior to reviews at NCPC and CFA. The site selection study often includes historical context and background, as well as the memorial sponsor’s goals and objectives or vision for the memorial. Memorial sponsors typically develop a list of specific criteria as part of the site selection study to apply to 2M Plan sites (or other sites) to assist in identifying a suitable location.

## Concept Review of Site Selection

The concept review of site selection includes the formal beginning of the environmental and historic preservation review processes. Prior to submitting to NCPC and CFA for review, the memorial sponsor and NPS/GSA initiate the scoping process under the National Environmental Policy Act (NEPA) and the consultation process under Section 106 of the National Historic Preservation Act. The NCPC Environmental and Historic Preservation Compliance Resource Guide includes an overview and information on both processes. Information specific to NCPC's NEPA process can be found in its NEPA Regulations (1 C.F.R. 601). The purpose of the NEPA scoping meeting is to introduce the project to the public and request comments on the potential sites under consideration. A separate NEPA scoping process takes place for the memorial design during the commemorative design stage. Before formal review at NCPC or CFA, the memorial sponsor and NPS/GSA initiate Section 106 consultation with the appropriate State Historic Preservation Officer.

Both NCPC and CFA will complete concept level reviews and provide comments on the alternative sites under consideration. As part of the memorial sponsor's submission, the site selection study should highlight the opportunities and challenges of a commemorative work at each proposed site as well as a proposed memorial program. At this time, the memorial sponsor often provides initial memorial design ideas so that NCPC and CFA have an understanding of the relationship between potential sites and designs.

NCPC review generally provides a series of comments on the range of sites, helps identify any major planning issues of concern, and an analysis of the consistency of the proposed sites with NCPC policies and plans. The commemorative works section of NCPC's submission guidelines describes the primary issues of concern at this stage of review. The Federal Elements of the *Comprehensive Plan for the National Capital* provide policies that NCPC will apply in its review. For example, NCPC would be interested in the relationship of the surrounding land uses to the proposed memorial including the transportation network. The Visitors & Commemoration and Parks & Open Space Elements include specific policies that apply to commemorative works.

CFA will review and provide comments on the site selection study, leading to an initial endorsement of a site or sites. Generally, at this stage of review CFA's comments focus on the suitability of sites in relation to the memorial subject, the site's context, and proposed design ideas. During the site selection review process, NCPC and CFA may develop criteria or guidelines specific to each site that are mutually agreed upon to ensure that the design of the commemorative work carries out the purposes of CWA.

## Memorial Design Development

Following NCPC and CFA review and an analysis of the public comments received from the NEPA/106 processes, the memorial sponsor, in consultation with NPS/GSA, determines the preferred site or sites to carry forward through design development. Depending on the complexity of the memorial project and subject, there may be times when multiple sites are carried forward into the design stage. As approval of both NCPC and CFA is required under CWA, the memorial sponsor and NPS/GSA ideally prefer the support of both reviewing agencies for the same site or sites prior to moving forward to the concept review for the memorial design. Therefore, there may be multiple site selection concept reviews at NCPC and/or CFA to achieve consensus on the preferred site or sites.

## Concept Review of Commemorative Design

Following the site selection reviews at NCPC and CFA, the memorial sponsor develops design alternatives or proposals that respond to the site or sites under consideration. While developing design alternatives, the memorial sponsor and NPS/GSA initiate the NEPA scoping process and Section 106 consultation specific to the memorial design. This includes an additional NEPA scoping meeting and hosting Section 106 consulting parties meetings. Both processes must be initiated prior to submitting to NCPC and CFA for concept review.

The memorial sponsor and NPS/GSA submit the preferred site(s) and proposed design alternatives to NCPC and CFA for review and comment. During its review, NCPC will endorse a site and provide comments on the memorial design alternatives. NCPC's comments tend to focus on urban design, site planning, and historic preservation at this stage of review. CFA's comments focus on aesthetics, design, and how the proposal fits within the larger context of the capital city. The intent of NCPC and CFA comments is to assist the memorial sponsor in selecting a preferred design alternative for further refinement.

During this stage, NCPC, as part of the NEPA process, may establish guidelines for the memorial sponsor and NPS/GSA to follow in preparing its preliminary and final plans for the commemorative design.

## **Design Development and Environmental Compliance**

At the conclusion of the design concept review, the memorial sponsor considers all the comments received including those from NCPC, CFA, the public, and the Section 106 consulting parties and identifies a preferred alternative for further development. The memorial sponsor advances the proposed design in light of the comments and design guidelines, if any apply.

Prior to submitting the preliminary design to NCPC for approval, NPS/GSA must issue the NEPA document, most likely an environmental assessment but possibly a draft environmental impact statement, for public comment. In addition, NPS/GSA must issue its Section 106 assessment of effects report prior to submitting the preliminary memorial plans for NCPC's review. In preparing the assessment of effects report, the memorial sponsor and NPS/GSA continue consultation with the Section 106 consulting parties to evaluate the potential effects of the proposed memorial on historic properties.

## **Revised Concept Review**

As the memorial sponsor advances the commemorative design, NPS/GSA may submit revised concept plans to CFA for review and comment. NPS/GSA may submit revised concept plans to CFA on multiple occasions to address a range of design topics and elements. Revised concept reviews at CFA typically cover the artwork, landscape plans, architectural details and materials, inscriptions, lighting, interpretative program, or other subjects as needed.

## **Preliminary Review of Site Selection and Commemorative Design**

During NCPC's review of the preliminary plans, the Commission focuses on the project's consistency with Commission plans and policies as well as any comments the Commission provided during concept review. During review of the preliminary plans, the Commission often considers the program, site context, scale of the proposal, viewsheds, impacts on historic properties, and circulation or access to the memorial. As part of the review, the Commission will provide comments, requests, or recommendations to address in the preparation of the final memorial plans.

## **National Capital Memorial Advisory Commission Commemorative Design Consultation**

The CWA also requires NCMAC consultation on the memorial design at some point before a final design is submitted to CFA and NCPC. This consultation would typically occur during the development of the concept design and coincides with the NCPC preliminary review. However, the NCMAC consultation on the memorial design may also be completed after NCPC's preliminary review, but before the final review of the memorial design.

## **Final Environmental Compliance**

The memorial sponsor continues design refinements in response to the preliminary review at NCPC, revised concept review at CFA, comments from Section 106 consulting parties, and public comments from the NEPA process. Additional Section 106 consultation meetings may be required. If the Section 106 consultation concludes with an adverse effect determination, the memorial sponsor, NPS/GSA, NCPC, the State Historic Preservation Officer, and the consulting parties will be required to negotiate a Memorandum of Agreement (MOA) or Programmatic Agreement (PA). With the final plans, NPS/GSA must submit the final executed documentation of the Section 106 process. The determination (finding of no significant impact or record of decision) resulting from the NEPA document must be submitted in accordance with NPS/GSA regulations.

## Final Review of Site Selection and Commemorative Design

During the final review, NCPC will confirm the design details advanced since the preliminary review as well as responses to Commission comments or recommendations. Following the Commission's final approval of the site and memorial design, NCPC will issue its final NEPA documentation to satisfy the Commission's responsibility.

CFA will also complete a final review during this stage. Once the memorial sponsor receives final approval from NCPC and CFA the site selection and design review process is complete. NPS/GSA and the memorial sponsor typically continue to consult with CFA staff and sometimes CFA members after final approval to ensure that details of the construction, such as lettering, artwork, or materials choices, are consistent with the approved design. At times, NCPC staff or NCPC Commissioners may participate in these consultations as well.

If substantial changes are made to the design of a commemorative work following final approval, the memorial sponsor and NPS/GSA must re-submit an application of the revised design to both NCPC and CFA.

## NPS/GSA Permit Process

Following the conclusion of the site selection and design review process, the memorial sponsor continues to work with NPS/GSA to obtain construction permits and obtain approval from the Secretary of the Interior or the Administrator of GSA. The memorial sponsor prepares construction documentation for NPS/GSA review. In addition, prior to issuance of a construction permit, the memorial sponsor must show sufficient funds are available to construct the project. Funding must include the donation required by CWA equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the memorial. This donation is not required when a federal department or agency constructs the memorial and less than 50 percent of the funding is provided by private sources.

## Applicant Resources

### National Capital Planning Commission

Commemoration Topic Page: <https://www.ncpc.gov/topics/commemoration/>

Submission Guidelines: <https://www.ncpc.gov/review/guidelines/>

Environmental and Historic Preservation Compliance Resource Guide: <https://www.ncpc.gov/review/guides/nepa/>

Memorials & Museums Master Plan: <https://www.ncpc.gov/plans/memorials/>

NEPA Regulations: <https://www.ncpc.gov/about/authorities/nepa/>

Visitors & Commemoration Element, Comprehensive Plan: <https://www.ncpc.gov/plans/compplan/>

### Commission of Fine Arts

Design Topics: Memorials: <https://www.cfa.gov/about-cfa/design-topics/national-memorials>

Submission Requirements: <https://www.cfa.gov/project-review/government>

### National Park Service

National Regional Office: <https://www.nps.gov/orgs/1465/index.htm>

National Capital Memorial Advisory Commission: <https://parkplanning.nps.gov/projectHome.cfm?projectID=44217>

Commemorative Areas Washington, DC and Environs Map: [https://www.ncpc.gov/docs/Reserve\\_Area\\_Map\\_June2003.pdf](https://www.ncpc.gov/docs/Reserve_Area_Map_June2003.pdf)

Candidate Sites Map: <http://www.ncpc.gov/maps/monuments-memorials/>



