

**REVISED DRAFT MEMORANDUM OF AGREEMENT  
AMONG  
THE NATIONAL PARK SERVICE  
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER  
THE NATIONAL CAPITAL PLANNING COMMISSION  
AND  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING  
THE ESTABLISHMENT OF THE NATIONAL WORLD WAR I MEMORIAL  
WASHINGTON, DC**

**WHEREAS**, through Public Law 113-291, 3091 Stat. 3292 (December 19, 2014), the U.S. Congress redesignated Pershing Park in the District of Columbia as a World War I Memorial; and

**WHEREAS**, through Public Law 113-291, 3091 Stat XXX, the U.S. Congress has authorized the World War I Centennial Commission (WWICC) to enhance the General Pershing Commemorative Work on the World War I Memorial site by constructing appropriate sculptural and other commemorative elements, including landscaping, to further honor the service of members of the United States Armed Forces in World War I; and

**WHEREAS**, the World War I Memorial site is located within the Pennsylvania Avenue National Historic Site (Pennsylvania Avenue NHS), which is under the jurisdiction of the National Mall and Memorial Parks (NAMA), a unit of the National Park Service (NPS); and

**WHEREAS**, after detailed study of various alternatives to avoid and minimize adverse effects of the proposed World War I Memorial, the NPS has defined the preferred option as the Proposed Action in the *World War I Memorial Assessment of Effects*, as reflected in the plans attached hereto as Appendix A; and

**WHEREAS**, the World War I Memorial would result in a cumulative adverse effect on the Pershing Park due to the following actions:

- Remove the existing cascade fountain structure
- Alter the materials of the existing pool basin and modify its depth to 0.25" and 16," depending upon location
- Insert a freestanding commemorative sculpture in the pool basin
- Replace the circular metal and plastic kiosk with an elevated interpretive viewing platform
- Modify, replace, or remove existing vegetation
- Identify opportunities for improving accessibility

**WHEREAS**, the proposed World War I Memorial constitutes a federal Undertaking subject to Section 106 of the National Historic Preservation Act (NHPA) (54 USC § 306108; formerly 16 USC § 470f) and its implementing regulations (36 CFR Part 800); and

**WHEREAS**, the NPS is entering into this Memorandum of Agreement (Agreement) pursuant to 36 CFR 800.6(c) to fulfill its responsibilities under Section 106; and

**REVISED Draft Memorandum of Agreement**  
**The Establishment of the National World War I Memorial**

**WHEREAS**, the Memorial is being established pursuant to the Commemorative Works Act, 40 USC Chapter 89 (CWA); and

**WHEREAS**, the CWA requires that memorials are designed and located to protect open space (40 USC 8905), and cultural and natural resources (40 USC 8905(b)(2)(B)) to the extent practicable; and

**WHEREAS**, the National Capital Planning Commission (NCPC) has approval authority over the proposed World War I pursuant to the CWA, and NCPC is required to comply with Section 106 of the NHPA; and

**WHEREAS**, the NPS and NCPC have agreed that the NPS will be the lead agency pursuant to 36 CFR 800.2(a) (2) for the Undertaking to fulfill their collective Section 106 responsibilities;

**WHEREAS**, the NPS initiated Section 106 consultation with the District of Columbia State Historic Preservation Officer (DCSHPO); and

**WHEREAS**, the NPS has consulted with other parties including, but not limited to, the US Commission of Fine Arts (CFA), the Committee of 100 on the Federal City, the National Trust for Historic Preservation, the DC Preservation League, and the Cultural Landscape Foundation (see Appendix C for complete list of consulting parties); and

**WHEREAS**, the NPS notified the public and conducted a combined National Environmental Policy Act (NEPA) scoping and Section 106 consultation meeting on May 20, 2015, to inform the public of the World War I Memorial and solicit comments, followed by Section 106 consultation meetings held on December 16, 2015; September 21, 2016; February 9, 2017; June 28, 2017; February 13, 2018; November 5, 2018 ; and February 25, 2019 to provide additional opportunities for the Consulting Parties to comment on historic preservation concerns regarding the World War I Memorial; and

**WHEREAS**, in accordance with 36 CFR 800.4, the NPS and DCSHPO defined the Undertaking's Area of Potential Effects (APE) to include the structures, buildings, cultural landscapes, and viewsheds surrounding the project area and to encompass the geographic areas within which the Undertaking may directly or indirectly cause alterations in the character or use of historic properties, as shown in Appendix B; and

**WHEREAS**, the World War I Memorial site, which was formerly known as Pershing Park, has been determined eligible for listing in the National Register of Historic Places (NRHP), contains contributing features of historic, architectural, and symbolic significance in the Pennsylvania Avenue NHS, a property listed in the NRHP, and contributing features in the Pennsylvania Avenue, NW-White House to the Capitol Cultural Landscape, determined eligible for the NRHP; and

**WHEREAS**, the WWICC and the NPS substantially minimized the changes to the park from the initial design concept by adhering to the Secretary of Interior's Standards for the Treatment of Historic Properties; retaining the berms, the General Pershing Commemorative Work, the Bex Eagle sculpture, and much of the spatial relationship, seating, paving, vegetation, views and vistas, and sound of the fountain; and by minimizing the length of the commemorative sculpture to 56.5', as shown in Appendix C; and

**REVISED Draft Memorandum of Agreement**  
**The Establishment of the National World War I Memorial**

**WHEREAS**, the NPS, in consultation with the DCSHPO, NCPC and the Consulting Parties, has determined that the Undertaking will have adverse effects on the World War I Memorial site (formerly Pershing Park), as described in the Summary of Adverse Effects Determination in Appendix E; and

**WHEREAS**, in accordance with 36 CFR 800.6(a)(1), the NPS has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effects determination and provided the documentation specified in 36 CFR.11(3) and the ACHP elected to participate in the consultation; and

**WHEREAS**, the Signatories to this Agreement are the NPS, NCPC, DCSHPO and ACHP (Signatory or, collectively, Signatories); and

**WHEREAS**, the NPS submitted the concept design for the World War I Memorial to the NCPC on June 9, 2017 and on August 30, 2018, and the NCPC provided comments on the concept design on July 13, 2017 and October 4, 2018 respectively, and subsequently submitted the revised concept for the World War I Memorial to the NCPC on December 7, 2018, and the NCPC approved the preliminary plan on February 7, 2019; and

**WHEREAS**, on July 5, 2018 the NPS submitted the revised concept design for the World War I Memorial to the CFA, and on July 19, 2018 "... the [CFA] members commented that the presentation demonstrated that the new commemorative purpose and the preservation of the historic park are not antithetical goals, and that the insertion of the freestanding sculpture wall at the western end of the central pool would successfully reinterpret the existing landscape. They also endorsed the project team's preferred configuration of creating a large paved area or viewing platform within the historic pool, bordered by a significant perimeter of water;" and

**WHEREAS**, the NPS has released for public review and comment the *World War I Memorial Environmental Assessment*, which analyzed the potential environmental impact from the World War I Memorial; and

**NOW, THEREFORE**, the NPS and Signatories agree that the Undertaking shall be carried out in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties.

**STIPULATIONS**

The WWICC, the NPS and NCPC shall ensure that the following measures are carried out.

**1. DESIGN REVIEW**

The NPS shall review the proposed final design documentation focusing on any substantive changes from the design as presented at the February 25, 2019 Consulting Parties meeting and at the February 7, 2019 NCPC meeting, at which time NCPC approved the preliminary plan, and make a determination as to whether the proposed final design may result in new adverse effects that have not already been resolved and/or the intensification of known adverse effects on historic properties. If the NPS determines that a new or intensified adverse effect will result, the

**REVISED Draft Memorandum of Agreement**  
**The Establishment of the National World War I Memorial**

Signatories will consult further to determine whether additional mitigation and/or an amendment to this Agreement will be necessary. Any such amendment will be addressed in accordance with Administration Stipulation d.

**2. MINIMIZATION**

a. Structural Elements

The WWICC and the NPS shall retain, repair, and clean the existing Pennsylvania Avenue pavers (terra cotta pavers and bricks of varying sizes), Coldspring carnelian granite setts, and General Pershing Commemorative Work paving (thermal finish, Coldspring carnelian granite) at the site. New paving or other stone elements shall contain materials consistent with the original design of the former Pershing Park as appropriate. The WWICC and the NPS shall repair the pool basin. The WWICC and the NPS shall retain the circular shape of the kiosk at the new belvedere. The WWICC and the NPS will continue to minimize the number and size of walkway connections to the pool edge.

b. Incorporation of Fountain

The WWICC and the NPS shall include a fountain in the design of the new commemorative sculpture in order to replicate the historic auditory experience and movement to the pooled water.

c. Treatment of Vegetation

The WWICC and the NPS shall replace vegetation at the site in-kind or with vegetation that adheres to the planting strategies and framework to perpetuate the historic landscape design, to the extent practicable with current NPS policies. The soils will be amended within planting areas, including planters, the quantity of trees per planter will be reduced in some planters, and plant spacing will be improved to increase soil volume per tree and maximize the long-term viability of vegetation.

**3. MITIGATION**

a. Structural Elements

The WWICC and the NPS shall incorporate skateboard protection treatments for the restored stone in order to avoid future deterioration.

b. Treatment of General Pershing Commemorative Work Text

The WWICC and the NPS shall improve the readability of the existing General Pershing Commemorative Work. These improvements will re-letter the remaining poorly legible text in a manner consistent with improvements undertaken in 2018.

**REVISED Draft Memorandum of Agreement**  
**The Establishment of the National World War I Memorial**

c. NRHP Nomination

Prior to the issuance of a construction permit, the WWICC shall provide funding not to exceed \$25,000 for the NPS and/or the DCSHPO, under the appropriate authority, to contract with a qualified consultant meeting the *Secretary of the Interior's Professional Qualification Standards* to prepare an NRHP nomination for the World War I Memorial in order to document the site's history, changes to the site, and the various elements of the World War I Memorial.

d. Historic American Landscape Survey Documentation

Prior to the issuance of a construction permit, the WWICC shall provide funding not to exceed \$45,000 for the NPS to contract with a qualified consultant meeting the *Secretary of the Interior's Professional Qualification Standards* to complete Level I Historic American Landscape Survey (HALS) documentation as specified in the Heritage Documentation Programs standards (Drawings: full set of measured drawings depicting existing conditions; Photographs: photographs with large-format negatives of views; photocopies with large-format negatives of select, existing drawings or historic views that are produced in accordance with U.S. Copyright Act; Written data: history and description).

e. Modernist Landscape Context Study

The WWICC shall provide funding not to exceed \$25,000 to develop a contextual study building upon existing surveys of publicly accessible Modernist Landscapes in Washington, DC. The study will look at the timeline of landscapes, key features of the style and begin to develop relationships between them. This information will be transferred to public through a website or other electronic means.

f. Interpretative Materials

The WWICC and the NPS shall prepare interpretative materials covering the development and history of the World War I Memorial site, including the M. Paul Friedberg design, for use at the site and as part of an on-line database with the District of Columbia Office of Planning. The type of materials produced and their method of distribution shall be determined by the Interpretation Division of NAMA. Historical interpretation will be incorporated at multiple locations within the site, including at the Belvedere.

The WWICC and the NPS shall prepare interpretative materials covering the development and history of World War I Memorial site,

g. Donation of PADC Pavers

The WWICC shall obtain a stock of new 8" x 8" PADC custom pavers and provide to the NPS to assist in ongoing replacement and maintenance of the Pennsylvania Avenue NHS. The new stock shall include up to 300 new pavers.

**REVISED Draft Memorandum of Agreement**  
**The Establishment of the National World War I Memorial**

**4. ADMINISTRATION**

- a. Reporting. The NPS will update the Signatories, the Consulting Parties, and the public on the actions taken to implement the terms of this Agreement and the status of the World War I Memorial by providing an annual report on or before the effective date of this Agreement. Annual reports shall be developed for the duration of this Agreement and posted on PEPC, at a minimum. The NPS shall notify the Signatories, Consulting Parties and the public when such annual reports are available.
- b. Duration. This Agreement will be valid for a period of seven (7) years from the date of execution by the last Signatory. If the World War I Memorial has not been fully constructed after five (5) years from the date of execution, the Signatories shall reconsider the terms of this Agreement.
- c. Dispute Resolution. Should any Signatory object in writing to the NPS regarding any action carried out in accordance with this Agreement, the Signatories shall consult to resolve the objection. Should the Signatories be unable to resolve the disagreement, the NPS shall forward its background information on the dispute as well as the NPS's proposed resolution of the dispute to the ACHP. Within 45 days after receipt of all pertinent documentation, the ACHP shall provide the NPS with written recommendations, which the NPS shall take into account in reaching a final decision regarding the dispute, or notify the NPS that it shall comment pursuant to 36 CFR 800.7(c) and then proceed to comment. The NPS shall take the ACHP comments into account, in accordance with 36 CFR 800.7(c)(4). Any ACHP recommendation of comment shall be understood to pertain only to the subject matter of the dispute; the NPS's responsibility to carry out all actions under this Agreement that are not subjects of the dispute shall remain unchanged.
- d. Amendments. This Agreement may be amended when an Amendment is agreed to in writing by all Signatories. The Amendment will be effective on the date of the last signature.
- e. Termination. If any Signatory to this Agreement determines that the terms of the Agreement cannot be or are not being carried out, that party shall so notify the other Signatories in writing and consult with them to seek resolution or Amendment of the Agreement. If within 60 days a resolution or Amendment cannot be reached, any Signatory may terminate the Agreement upon written notification to the other Signatories. If the Agreement is terminated, and prior to work continuing on the Undertaking, the NPS must either execute a new Agreement or comply with 36 CFR Part 800 for any aspects of the Memorial Project that have not yet been completed. The NPS will notify each Signatory as to the course of action it will pursue.
- f. Anti-Deficiency Act. The obligations of federal agencies under this Agreement are pursuant to 31 USC 1341(a)(1), therefore nothing in this Agreement shall be construed as binding the United States to expend in any one fiscal year any sum in excess of appropriations made by Congress for this purpose, or to involve the United States in any contract or obligation for the further expenditure of money in excess of such appropriations.

**REVISED Draft Memorandum of Agreement**  
**The Establishment of the National World War I Memorial**

- g. Electronic Copies. Within one (1) week of the last signature on this Agreement, the NPS shall provide each Signatory with one legible, color, electronic copy of this fully-executed Agreement and all of its attachments. Internet links shall not be used as a means to provide copies of the attachments since web-based information often changes. If the electronic copy is too large to send by email, the NPS shall provide each Signatory with a copy of this Agreement on an external digital storage device.

Execution of this Agreement and the implementation of its terms evidence that the NPS and NCPC have taken into account the effect of the Undertaking on historic properties and afforded the ACHP a reasonable opportunity to comment, and thereby satisfy their Section 106 responsibilities.

**SIGNATURES FOLLOW ON SEPARATE PAGES**

**ATTACHMENTS**

- Appendix A: Preferred Alternative
- Appendix B: Project Area and Area of Potential Effect
- Appendix C: Evolution of World War I Memorial Design
- Appendix D: List of Consulting Parties
- Appendix E: Summary of Adverse Effects Determination

**REVISED Draft Memorandum of Agreement  
The Establishment of the National World War I Memorial**

222    **SIGNATORY PAGE**

223

224    **World War I Centennial Commission**

225

226

227

---

228    Daniel Dayton

Date

229    Executive Director, World War I Centennial Commission

230

231



**REVISED Draft Memorandum of Agreement  
The Establishment of the National World War I Memorial**

232    **SIGNATORY PAGE**

233

234    **NATIONAL PARK SERVICE**

235

236

237

---

238    Jeffrey P. Reinbold

Date

239    Acting Superintendent, National Mall and Memorial Parks, National Park Service

240

241

**REVISED Draft Memorandum of Agreement  
The Establishment of the National World War I Memorial**

242    **SIGNATORY PAGE**

243

244    **DC STATE HISTORIC PRESERVATION OFFICER**

245

246

247

---

248    David Maloney

Date

249    District of Columbia State Historic Preservation Officer

250

251

**REVISED Draft Memorandum of Agreement  
The Establishment of the National World War I Memorial**

252    **SIGNATORY PAGE**

253

254    **NATIONAL CAPITAL PLANNING COMMISSION**

255

256

257

---

258    Marcel Acosta

Date

259    Executive Director, National Capital Planning Commission

260

**REVISED Draft Memorandum of Agreement  
The Establishment of the National World War I Memorial**

261    **SIGNATORY PAGE**

262

263    **ADVISORY COUNCIL ON HISTORIC PRESERVATION**

264

265

266

---

267    John M. Fowler

Date

268    Executive Director, Advisory Council on Historic Preservation

269

270

271

**Memorandum of Agreement**  
**The Establishment of the National World War I Memorial**

**Appendix A: Preferred Alternative**

Images to be inserted

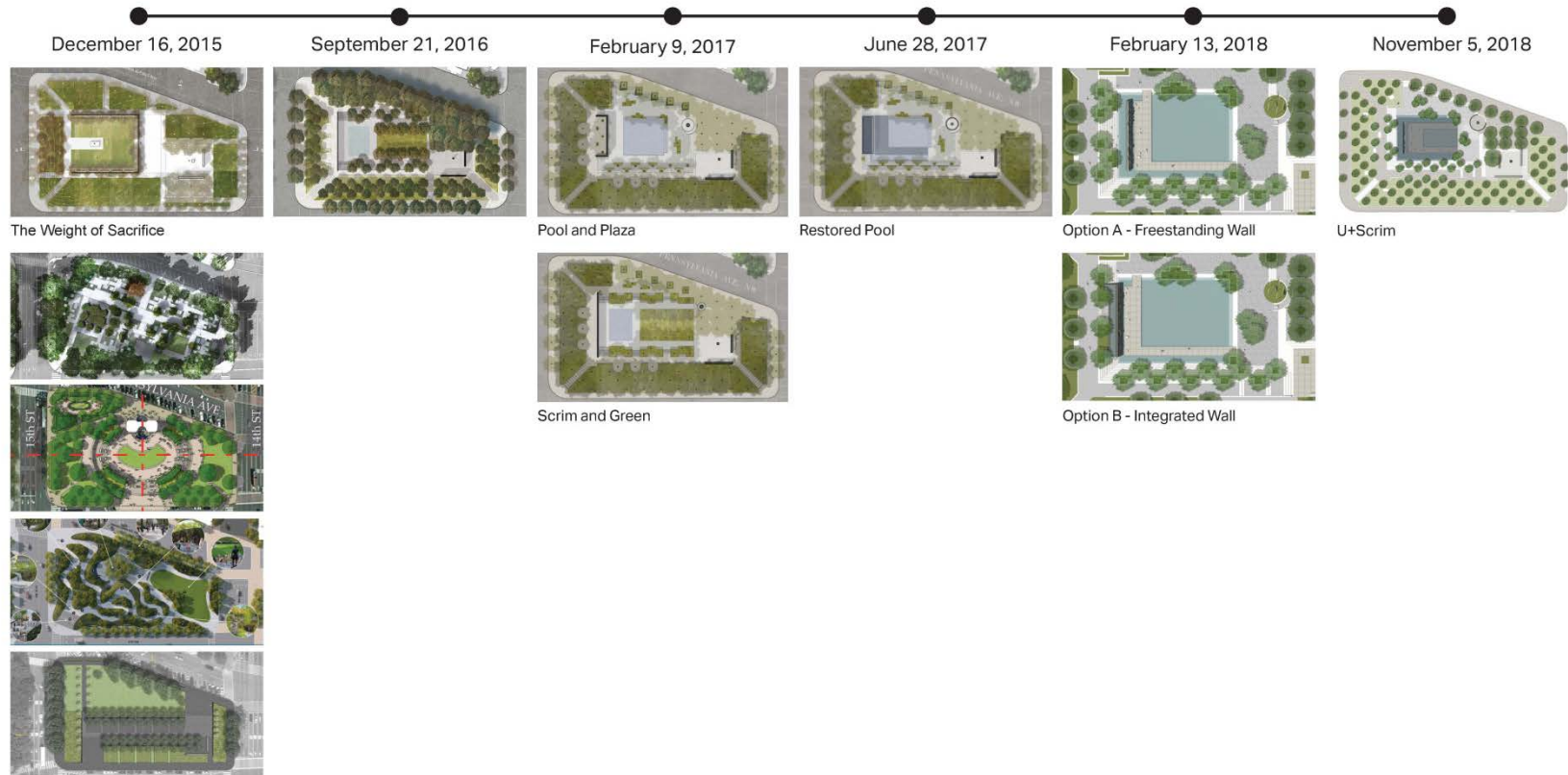
## Appendix B: Project Area and Area of Potential Effect



# Memorandum of Agreement

## The Establishment of the National World War I Memorial

### Appendix C: World War I Memorial Design Evolution to Minimize Adverse Effects



**Memorandum of Agreement**  
**The Establishment of the National World War I Memorial**



**Memorandum of Agreement**  
**The Establishment of the National World War I Memorial**

**Appendix D: List of Consulting Parties**

Advisory Council on Historic Preservation

Advisory Neighborhood Commission 2C

American Society of Landscape Architects

Big Star Aquatics Construction

Cultural Tourism DC

DC Department of Public Works

DC Office of Planning

DC Preservation League

District of Columbia State Historic Preservation Office

Downtown DC BID

National Capital Planning Commission

National Coalition to Save Our Mall

National Trust for Historic Preservation

Oldest Inhabitants of the District of Columbia

Oliver Carr Company

Penn Quarter Neighborhood Association

The Committee of 100 on the Federal City

The Cultural Landscape Foundation

US Commission of Fine Arts

U.S. Environmental Protection Agency

U.S. General Services Administration

Washington Metropolitan Area Transit Authority

**Memorandum of Agreement**  
**The Establishment of the National World War I Memorial**

**Appendix E: Summary of Adverse Effects Determination**

<b>Resource</b>	<b>Assessment</b>	<b>Avoidance, Minimization, or Mitigation Measures</b>
<b>Pennsylvania Avenue, NW – White House to the Capitol Cultural Landscape</b>	Adverse effect	Minimized change to structural elements. Mitigated through donation of PADC pavers; preparation of NRHP nomination, HALS, and interpretive materials; and changes to design identified (see below).
<b>L'Enfant Plan of the City of Washington</b>	No adverse effect	
<b>Pennsylvania Avenue National Historic Site</b>	No adverse effect	
<b>Other Historic Properties within the APE</b>	No adverse effect	
<b>Pershing Park</b>	Adverse effect; cumulative adverse effect due to overall changes to active, multi-layered lush experience of park	Avoided changes within multiple areas of the park. Minimized change through the retention of multiple structural elements. Mitigated through compatible design for proposed structural elements, preparation of NRHP nomination, HALS, and interpretive materials; and changes to design identified for specific elements (see below).
<b>Retained</b>		
Pershing Memorial granite walls, bench, and statue	No adverse effect	Avoided changes
Terra-cotta pavers	No adverse effect	Avoided changes
Memorial plaza granite flooring	No adverse effect	Avoided adverse changes; will repair granite flooring.
Belgian block paving	No adverse effect	Minimized changes; will clean and repair.
Semi-circular alcoves	No adverse effect	Avoided adverse changes; will clean and repair.
PADC lighting	No adverse effect	Avoided adverse changes; will clean and repair.
<b>Removed</b>		
Kiosk	Adverse effect	Minimized through the circular shape of belvedere.
Cascade fountain structure	Adverse effect	Minimized through the incorporation of falling water into sculpture feature and use of similar stone.
<b>Modified</b>		
Spatial Organization	Adverse effect	Minimized maintain relationship of three focal features, and retention of circulation patterns throughout the site.
Granite planters	Adverse effect	Avoided changing most planters. Minimized change by retaining number of planters. Mitigated through placement of relocated planters and cleaning and repair of planters.
Granite steps	Adverse effect	Avoided changing most granite steps. Minimized through cleaning and repair of

**Memorandum of Agreement**  
**The Establishment of the National World War I Memorial**

		steps.
Pool basin	Adverse effect	Minimized change to the depth of water along edges of pool basin. Minimized through replacement of pool basin.
Omnidirectional views	Adverse effect	Minimized through retention of open views.
Honey locust trees over lawn on berms	Adverse effect	Minimized change through tree replacement, improvements to soil and growing conditions.
Willow oaks above paving at NE corner	Adverse effect	Minimized change through tree replacement, improvements to soil and growing conditions.
Willow oaks in planters on north side of pool	Adverse effect	Minimized change through tree replacement, improvements to soil and growing conditions.
Crape myrtle trees	Adverse effect	Minimized change through tree replacement, improvements to soil and growing conditions.
Birch trees	Adverse effect	Minimized change through tree replacement, improvements to soil and growing conditions.
Lawn, native and naturalized grasses and perennials	Adverse effect	Minimized by compatible planting design, improvements to soil and growing conditions.
Lighting along elevated walks and Pershing Memorial	Adverse effect	Minimized through selection of compatible lighting design and placement.
Drinking fountain	Adverse effect	Minimized through installation of new drinking fountain.
Trash cans	Adverse effect	