



December 5, 2015

Ms. Ann Trowbridge
Associate Director for Planning
Office of Planning, Design, and Construction
Office of Facilities, Engineering, and Operations
Smithsonian Institution
600 Maryland Avenue, SW - Suite 5001
Washington, DC 20013-7012

RE: Smithsonian South Mall Campus Master Plan – Compliance with 36 CFR Part §800, Subpart B, §800.4(c)(2) - Identification of Historic Properties

Dear Ms. Trowbridge:

Last month marked the first anniversary of the Smithsonian Institution's public unveiling of the proposed South Mall Campus Master Plan (SMCMP). Last month also marked the first anniversary of the Smithsonian Institution's initiation of the public consultation process for the SMCMP pursuant to 2 of 54 U.S.C. 306108 (Section 106) of the National Historic Preservation Act – our Nation's preeminent federal historic preservation law. A critical first step component of effective consultation under that law is identification of **all** historic properties in the affected Project Area as detailed in 36 CFR Part §800, Subpart B, §800.4(c)(2). One year into the consultation process, the Smithsonian Institution has not yet fully complied with this important regulatory requirement.

We recognize, of course, that certain properties or objects within the SMCMP Project Area are already individually "identified as historic" for purposes of the law and regulation either designated as National Historic Landmarks, individually listed on the National Register of Historic Places, or listed as contributing to the National Mall Historic District on the National Register of Historic Places. However, based upon the information which has been shared with the Consulting Parties, critical properties remain to be evaluated within the Project Area including: 1) The Enid Haupt, Foley, and Mary Livingston Ripley Gardens; 2) the Pavilion entrances to the Sackler Gallery, National Museum of African Art, and the S. Dillon Ripley Center; and, 3) the James Renwick-designed Independence Avenue Gates. These properties are both literally and figuratively at the heart of the South Mall Campus Master Plan – whichever option is ultimately selected. Accordingly, a formal assessment of their historic significance is mandatory and long overdue in the SMCMP consultation. One year into the consultation process, the Consulting Parties have not been given information or allowed to discuss potential SMCMP effects on these critical properties.

Moreover, the June 2015, one-page briefing paper issued by your office in reference to this matter does not suffice. It states, "It is anticipated that the revised National Mall Historic District will be accepted by the National Register of Historic Places by the end of the year. As such, the Consulting Parties should view all the properties [including those cited above in this letter] within the site as 'contributing' for purposes of evaluating impacts from the proposed Alternative Master Plans." To date, the Smithsonian has shared no evidence of research, analysis, or other documentation demonstrating the eligibility of the properties referenced above. Such an effort is essential to meaningful consideration of the potential effects of the SMCMP. And yet the Smithsonian continues to march the Consulting Parties along their "compliance" timeline.

In fact at the public meetings held to date, the Consulting Parties have been told conflicting information about who is determining eligibility and the stage of that process. We have been told that the National Park Service, National Capital Region is responsible and working on it – though we are also told that the Park Service has been working on it for more than three years and it is uncertain when (or if) the task will be completed in the foreseeable future. Alternatively, the Washington, DC Office of Historic Preservation, Office of Planning is purportedly to be working on it as is the National Capital Planning Commission.

We cannot overemphasize the importance of making these “formal” historic significance findings as the basis for informed and rational decisions about the SMCMP. The Gardens, Pavilions, and Gate are potentially affected – indeed, adversely affected – by all the proposed SMCMP alternatives. Consideration of the alternatives must include factoring their potential effects on all properties in the “South Mall Campus.” Therefore, we urge that these determinations of historic eligibility must be made now and must be made part of the official record. The Smithsonian may be in a unique position as a Trust Instrumentality of the U.S. Government under 9 Stat. 102, but it is no less subject to Section 106 requirements. Because your office has been the “public face” of the SMCMP consultation process, and as your office has led the several consultation meetings over the last year, we turn to you for clarity and detail in this matter.

We look forward to a timely and detailed response. If we may clarify any matter or to provide additional information, please do not hesitate to contact us.

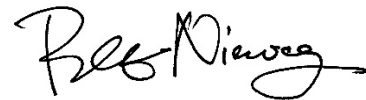
Sincerely,



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