THE FUTURE OF THE NATIONAL MALL

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

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OVERSIGHT HEARING ON "THE FUTURE OF THE NATIONAL MALL"

Tuesday, May 20, 2008
U.S. House of Representatives
Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources
Washington, D.C.

The Subcommittee met, pursuant to call, at 10:01 a.m. in Room 1334, Longworth House Office Building, Hon. Raúl M. Grijalva [Chairman of the Subcommittee] presiding.

Present: Representatives Grijalva, Bishop, Kildee, Holt, Brown, Sarbanes, and Inslee.

STATEMENT OF THE HONORABLE RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Thank you very much. The Subcommittee on National Parks, Forests, and Public Lands will come to order. The agenda today and the hearing is about the future of the National Mall.

Let me, at the outset, welcome all of you here. Thank you. As this meeting comes to order and Memorial Day approaches, it is fitting that we are holding this hearing on the future of the National Mall, while we pause to remember the American heroes who gave the last full measure of devotion. The war memorials of World War I, II, Korea, and Vietnam will be on the minds of all Americans.

Also on our minds will be the words and deeds of those great Americans who have transcended their individual accomplishments to become institutions unto themselves: Washington, Jefferson, Lincoln, Roosevelt.

Recently, the National Mall was named one of the seven wonders of America. But it is more than just a wonder. The National Mall is part of our national identity and serves as our national front yard. Its appearance reflects our collective pride as Americans.

We can hope that the Mall's memorials, museums, and open space will inspire visitors and future generations of Americans to their own greatness. But these hopes will not be realized if the condition of the Mall fails to inspire.

This is a critical time in the history of the National Mall. Currently, four different entities are in the midst of planning efforts that will directly impact the Mall, in some cases over the next 50

years or more. And with such an important and visible symbol of America at stake, it is important that these groups and all others interested and affected work together collaboratively to get the planning job done correctly.

I am pleased to have Congressman Eleanor Holmes Norton. She has joined us today to share her thoughts and concerns for these various plans. And I look forward to her joining us on the dais after her testimony and being part of this hearing.

I am also pleased to welcome the National Park Service, the National Capital Planning Commission, the Government of the District of Columbia, and several advocacy groups to this hearing to share their collective vision for the Mall.

We thank the witnesses very much for their time and effort to be here today. And with that, let me turn to our distinguished colleague, Ms. Norton, for her testimony.

Welcome. Thank you.

[The prepared statement of Mr. Grijalva follows:]

Statement of The Honorable Raúl Grijalva, Chairman, Subcommittee on National Parks, Forests and Public Lands

As Memorial Day approaches, it is fitting that we are holding this hearing on the "Future of the National Mall." While we pause to remember the American heroes who gave the "last full measure of devotion," the war memorials for World Wars I and II, Korea and Vietnam will be on the minds of all Americans. Also on our minds will be the words and deeds of those great Americans who have transcended their individual accomplishments to become institutions unto themselves—Washington, Jefferson, Lincoln, Roosevelt.

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This is a critical time in the history of the National Mall. Currently, four different entities are in the midst of planning efforts that will directly impact the Mall, in some cases for the next fifty years or more. And with such an important and visible symbol of America at stake, it is important that these groups and all other interested and affected parties work collaboratively to get the planning job done correctly.

I am pleased that Congresswoman Eleanor Holmes Norton has joined us today to share her thoughts and concerns for these various plans and I look forward to her joining us on the dais after providing her testimony. I am also pleased to welcome the National Park Service, the National Capitol Planning Commission, the Government of the District of Columbia and several advocacy groups to this hearing to share their collective vision for the Mall. We thank the witnesses very much for their time and effort to be here today.

I would now like to recognize Ranking Member Bishop for any opening statement he may have.

STATEMENT OF THE HONORABLE ELEANOR HOLMES NORTON, A DELEGATE IN CONGRESS FROM THE DISTRICT OF COLUMBIA

Ms. NORTON. Thank you very much, Chairman Grijalva. I very much appreciate your holding this hearing today. This hearing will seem like the time to many who follow the work on the Mall, because it is the first time that there has been a hearing on the National Mall in memory of this now two-mile strip, which we hope to see expanded 700 acres.

Twenty million people come. They have all heard of the National Mall, and when they go there, what they see we all should be ashamed of. It is a barren, dull place where they mow the lawn, and nothing else. It is essentially a passthrough.

For more than a dozen years I have been trying to improve the Mall. Your hearing is especially valuable to us in drawing attention to the place where essentially the constituents of Members of Congress come. So the 20 million people who come, some of them are my constituents, but most of them are constituents of my colleagues. And so your title here, the Future of the Mall, I think encompasses what we need to focus on.

I have my own view. I appreciate, I would very much appreciate that if we could move from this hearing to a markup of the Mall Revitalization and Redesignation Act. What it does is simply codify what you will hear from the National Planning Commission on its framework. It has been working on it now for a couple of years so that they would have the ability to expand the Mall.

We are not simply talking about this two-mile place. They already, indeed, have allowed memorials to go into the far reaches of what is not considered the Mall, but the Mall doesn't have an official designation. My bill for the first time would name the Mall, and it would give the NCPC the capacity to designate and expand what the Mall is so that when, in fact, people come and you want them to go where we now call the Mall, they will understand that is a part of the Mall, because we really don't have anything named for monuments and the like in the Mall, and you can't even get on the Mall, or what we call the Mall today, without an Act of Congress.

This is our most treasured and best-known site perhaps, but no site is more neglected, no site is more undervalued.

Mr. Chairman, I want to focus, since the National Capital Planning Commission and the other agencies are here, I am going to focus on the part of my bill that I think would be easiest to implement.

I think we have to deal with the disgrace that the Mall is right now, so the second part of my bill is a low-cost way to make the Mall people-friendly. I introduced the bill after some jazz musicians were with me so that people could see that there was lots of free entertainment. They would come during lunchtime and during the evenings so that people could be sitting at decent tables, no hard benches. Low-cost tables, free entertainment from string quartets to poetry readings, to have lunch in the open with no real fast food.

But I have focused on this near-term way, knowing full well that the total makeover that the Mall deserves is many years away, given the PAYGO Rules, given the many priorities of the Congress. This is a low-cost way to make the Mall into something that is not essentially a disgrace.

Mr. Chairman, today it is raining. For the visitors who would come here, there is no shelter in the Mall. You had better hope that one of the museums is open. And the terrible humidity of Washington which will soon be upon us, don't look for shade unless you can find a tree, which of course you will not always find, and hope for a bench under that tree.

I mean, these are the kind of amenities. And I do not need to say that you had better hope that the museums are open if you have to use the restroom.

Here is a place that we grandly call the Mall, and there are no amenities, no identity, though we give it an official identity, no names whatsoever. There is no great national park that suffers from this kind of neglect.

So Mr. Chairman, I am asking that we move forward with my bill. My bill codifies what you will hear from the National Capital Planning Commission. I worked closely with them in designing that part of the bill.

And the second part of the bill tries to rescue the Mall from the neglect that I think our constituents would be surprised to see when they came here, because it takes the first steps to give the Mall its due after decades of neglect and indifference. It tries to breathe life into the Mall at virtually no cost to the taxpayers.

Thank you very much, Mr. Chairman.

[The prepared statement of Ms. Norton follows:]

Statement of The Honorable Eleanor Holmes Norton, a Delegate in Congress from the District of Columbia

I am very grateful to you Mr. Chairman and to the subcommittee for this hearing, the first we have had on the two-mile 700 acre strip of land, informally called the Mall, since I began working to improve the National Mall a dozen years ago. Because it is in my district, I have taken a special interest in the Mall and have introduced several Mall and Mall-related bills that I am seeking to move forward to passage. This hearing entitled "The Future of the Mall" relates particularly to the Mall Revitalization and Redesignation Act that I introduced in October 2007. I am requesting that the subcommittee mark-up this low-cost bill at an early mark-up. In addition, I have introduced two bills necessary for the Smithsonian Institution. As you know the majority of Smithsonian museums have the Mall as their front yard, and will play an integral role in increasing the life and vitality on the Mall. In fact, the Smithsonian's Jazz in the Sculpture Garden is a prototype of the lively performing art I would like to see more of throughout the Mall. H.R. 4098, The Smithsonian Modernization Act, would bring the Smithsonian into this century by giving it a governing board that meets modern standards and whose members are free and equipped to raise urgently needed funds. H.R. 5424, The Smithsonian Free Admission Act, is important to preserve the long-standing requirements and tradition of access to Smithsonian museums and exhibits without admission charges.

The National Mall is one of the nation's best known and most treasured sites, and it is also Washington's most neglected and undervalued. The Mall lacks everything that a majestic natural wonder deserves, from an official identity to necessary amenities. My bill: (1) authorizes the National Capital Planning Commission (NCPC) to officially designate and expand the boundaries of the Mall, and (2) requires the Secretary of the Interior to submit a plan to enhance visitor enjoyment and cultural experiences within 180 days of passage of the bill. I worked closely with NCPC and other agencies in framing the Mall designation and expansion section of the bill, in keeping with its National Capital Framework Plan. However, H.R. 3880 would not only give the NCPC the responsibility for designating and expanding the Mall, it also would meet the vision of many of us and of the District of Columbia for an expanding Mall to specific, named sites. The bill gives the NCPC the necessary flexibility to both expand and designate the Mall area, as appropriate, for the first time since its creation

Let me begin with the section of my bill that is easiest to implement now. The twenty million visitors annually to the Mall should not have to wait for the long term makeover of the Mall it must have before it becomes more than a mowed but battered lawn bereft of even restrooms. H.R. 3880 requires near-term action now to erase barren and disgrace of today's Mall and make it people-friendly. I introduced the bill on the Mall with world class musicians playing jazz to help make the point that tourists and workers downtown should be able to walk to the Mall and hear terrific music, or have other appropriate, free entertainment—from string quartets to poetry readings—perhaps during lunch at attractive tables where sandwiches and good—not fast—food are available. Although bordered by internationally

famous cultural institutions, the Mall itself has been reduced to a lawn with a few—too few—ordinary benches and a couple of fast food restaurants. In writing this bill, I was compelled to recognize today's reality that funds to make the Mall the 21st century destination it deserves to become are simply not available, and will not become available until the deficit and other priorities make room. The Mall needs, and must get, a total makeover for the 21st century that would be worthy of L'Enfant vision for the city he planned and the MacMillan plan that is largely responsible for the space between the Capitol and the Lincoln Memorial. However, preparing for the future must not stand in the way of moving now to begin to do what we can to rescue this space from its present condition, damaged by heavy use and often no more than a pass-through, despite its magnificent potential.

With the necessary imagination, a plan to make the Mall an inviting place with cultural and other amenities envisioned by the bill is achievable now. What I have envisioned in H.R. 3880 would do no more than make the Mall presentable and pleasant for visitors. At very little cost, the Mall would no longer lack the most basic amenities appropriate to such an area including restrooms, shelter and informal places to gather and interesting places to eat. Today, when it rains, there are no places to stay dry on the Mall and when the humidity reaches sky high, there are few places to rest and have a cold drink. These are disgraceful conditions for a place that is grandly called "The National Mall." The NCPC is already working on the other section of my bill's requirements for an expansive 21st century definition of the Mall. Frustrated at continually fighting off proposals for new monuments, museums, and memorials, on the crowded Mall space, I asked the NCPC to devise a mall presentation, and in 2003, Congress amended the Commemorative Works Act to enact the NCPC's designation of a no-build-zone where no new memorials may be built without an act of Congress. This action was helpful in quelling some but by no means all of the demand from groups for placement on what they view as the Mall.

Recognizing the need for more sites, the NCPC and other federal agencies have been devising a National Capital Framework Plan that has already identified sites near the Mall which are suitable for new memorials, including East Potomac Park, a part of the Mall area that is seldom visited or viewed as integral to the more familiar space between the Capitol and the Lincoln Memorial; Banneker Overlook, the grounds around RFK Stadium, the Kennedy Center Plaza site and the new South Capitol gateways. Five new prestigious memorials are scheduled for such sites, including the Eisenhower Memorial and the U.S. Air Force Memorial.

Just as important, residents of the city region and should be able to find expanded space for fun and games beyond the cramped space between Third street and the Lincoln Memorial. I appreciate that NCPC works closely with the District of Columbia in designating off-Mall sites for new monuments, but the country needs to understand that these are not off-Mall, but part of the official Mall, as my bill would make clear. The District has long welcomed the expanded Mall into our neighborhoods, enhancing the work of the District of Columbia government and local organizations, such as Cultural Tourism that offers historic tours of District neighborhoods and all the while, helping to develop local tourism that is vital to the city's economy. The off-Mall sites for monuments complement the creation of entire new neighborhoods now underway near the Mall, particularly the District's re-development of the Southwest waterfront and my own SE Federal Center legislation, now taking shape as The Yards, a mixed use public private development and waterfront park.

The Mall Revitalization and Designation Act is the first step in an effort to finally focus the Congress on the necessary steps to give the Mall its due after decades of neglect and indifference. H.R. 3880 begins at the beginning—defining officially for the first time what we mean by the Mall, allowing for expansion of its natural contours, and taking the first steps to breathe life into a space that is meant for people to enjoy.

Mr. GRIJALVA. Thank you, Congresswoman. And one of the ironies today I think the staff would just tell me, they were debating this hearing to be held here or to be held on the Mall. And sometimes you are better lucky than good, because it is raining today.

Let me turn to our Ranking Member, Mr. Bishop, for any comments he may have. No? OK.

And I personally have no questions. And like I stated earlier, I would be pleased if you would join us at the dais for the rest of the hearing. And let me turn to Mr. Bishop if he has any questions.

Mr. BISHOP. Just thank you for your presence. I will waive any questions.

Mr. GRIJALVA. Mr. Holt.

Mr. HOLT. Mr. Chairman, I would just like to thank our colleague for the diligence with which she looks after not just the people of the District of Columbia, the nation's capitol, but also the appearance of our nation's capitol. And I thank you.

Mr. GRIJALVA. Thank you very much. And we will be pleased if you would join us at the dais.

Ms. NORTON. Thank you, Mr. Chairman. And I thank you especially for your generosity in inviting me to sit with you in Subcommittee today.

Mr. GRIJALVA. Let me now welcome the second panel, please.

[Pause.]

Mr. GRIJALVA. Thank you very much. Now we will welcome the second panel, and begin with Ms. Peggy O'Dell, Superintendent, National Mall and Memorial Parks, National Park Service, Department of the Interior.

Superintendent, welcome. And I look forward to your testimony.

STATEMENT OF PEGGY O'DELL, SUPERINTENDENT, NATIONAL MALL AND MEMORIAL PARKS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Ms. O'DELL. Good morning, Mr. Chairman. Thank you, Mr. Bishop and members of the committee.

I am Peggy O'Dell; I am the Superintendent of the National Mall and Memorial Parks, and I have been with the National Mall for six months now, just having arrived from my previous assignment in St. Louis. It is an honor to be joining the National Mall during this critical time of National Mall planning.

The National Mall planning process began in July of 2006, and it has been a very highly collaborative process. The planning team consists of Park staff and representatives from 19 cooperating agencies, such as GSA, the Smithsonian, the Architect of the Capitol, and representatives of my panel members, NCPC and the DC Department of Planning.

Several public comment periods and public meetings have been held at each step of the planning process, as well as online opportunities to track the plan and to comment by email.

The first newsletter and the scoping process generated 5,000 comments from the public, which told the National Park Service what the public wanted to see for the future of the National Mall. It fell into four major categories.

They wanted to see us improve the overall appearance of the National Mall. They wanted us to provide better signage. They want more and cleaner restrooms. And they want better variety in visitor facilities, such as food and beverage.

The second newsletter summarized this public comment that was received during scoping, and identified planning principles that were developed by the Park staff and cooperating agencies.

The third newsletter described a no-action alternative and three draft alternatives. We asked the public to tell us how they would mix and match elements from each of the three draft alternatives to complete a picture of the next vision for the National Mall.

Those three draft alternatives were focused on major categories of use that goes on at the National Mall and needs to be continued, focused on historic landscape and education. The second alternative focused on a welcoming civic space for gatherings and events and high-use levels. And the third alternative focused on open space, urban ecology, recreation, and healthy lifestyles.

Twenty thousand comments were received after those alternatives were released, and it reinforced the need for the National Mall to remain a premiere site for First Amendment activities, and it identified the elements of each one of the alternatives that the public viewed as important to see as part of the final-draft alternative National Mall plan.

The planning team is currently working through a process to draft a preferred alternative, taking into consideration all of the public comment that we have had and all of the research that has gone into looking at similar sites around the country and the world. We anticipate producing a draft preferred alternative and a draft environmental impact statement this year, the goal, of course, being that the National Mall set a standard for excellence for public spaces.

Transportation for the National Mall is a separate planning effort that began prior to the National Mall plan, but we see it eventually becoming a part of the overall vision for the National Mall.

Many improvements have been made in operations and management in the park as this planning process has progressed. We have examined best practices and management standards for similar sites around the country and the world. We have completed inventory and condition assessments of site furnishings and plant materials. We have conducted cultural landscape inventories. We conducted an assessment of the 2007 Cherry Blossom Festival and the Fourth of July celebration so that we can make improvements for the 2008 festivals.

We are involved in solid waste and recycling studies, and demonstration projects for recycling are underway. We also have a turf management demonstration project that is underway in the grass panels from Third Street to Seventh Street.

We are also very fortunate to have received the Centennial Challenge Project for the National Mall. With the generous contribution from the Trust for the National Mall and the Congressional appropriation, we will be able to improve signage on the National Mall for park visitors.

We also have received 41 additional seasonal employees as a result of the Centennial funding, and that will result in cleaner restrooms, more frequent trash pickup, and more rangers to interact with the public on a daily basis.

Chairman Grijalva and Mr. Bishop and all committee members, as a member of the National Park Service, I would like to thank you for your support for that Centennial initiative. It is going to make a big difference for visitors in this park this summer, and we are very excited to see that happen.

This concludes my oral presentation this morning. I would like to submit my full testimony for the record. I am very happy to answer any questions that you might have.

[The prepared statement of Ms. O'Dell follows:]

Statement of Margaret O'Dell, Superintendent, National Mall & Memorial Parks, National Park Service, U.S. Department of the Interior

Mr. Chairman and members of the subcommittee, it is my pleasure to appear before you today to discuss the future of the National Mall and the planning efforts underway with our National Mall Plan.

The National Mall—the great swath of green in the middle of our capital city and stretching from the foot of the United States Capitol to the Potomac River—is America's civic stage. For more than 200 years it has symbolized our nation and its democratic values, which have inspired the world. "We the People" come here to celebrate our rights and freedoms, our history and culture, our unity and diversity, and our way of life.

The origins of the National Mall are as old as the capital city itself. The open space and parklands envisioned by Pierre L'Enfant's plan, which was commissioned by President George Washington, created an ideal stage for national expression of commemoration, remembrance, celebration, observance and public assembly. The National Mall and its grounds are of great historic significance and interest. The National Mall contains some of the oldest protected park lands in the National Park Service dating from the 1790's.

At the beginning of the 20th century in response to increasing development that was diminishing the character of this public space, Congress created the McMillan Park Commission to produce a plan for the Nation's Capital which would recall L'Enfant's formal design and protect the heart of the Nation's Capital. The McMillan Plan restored the National Mall's historic sweep and framed it with impressive museums and monuments that today celebrate our nation's achievements, heroes and most significant events.

The National Park Service (NPS) was given the responsibility for management of the National Mall by the Act of March 3, 1933 and Executive Order 6166 (1933), which transferred oversight of all Federal parkland in the District of Columbia to the NPS. The National Mall extends from the grounds of the United States Capitol west to the Potomac River, and from the Jefferson Memorial north to Constitution Avenue. Over the years there have been varying definitions of the National Mall, some due to differences in the actual land mass. This boundary definition is the commonly accepted one and is used by the NPS. It is home to the great symbols of our country—national icons such as the Washington Monument, the Lincoln Memorial and the Jefferson Memorial. It also includes the Vietnam Veterans, Korean War Veterans and World War I and II Memorials, as well as lesser known memorials to American heroes, such as the 56 Signers of the Declaration of Independence and John Paul Jones. The National Mall also boasts beautiful open spaces such as the Tidal Basin where the blossoming of thousands of cherry trees heralds spring.

Present and Future Uses of the Mall

Millions of people visit the National Mall each year. The National Mall must function efficiently and flexibly at many levels—as the highly symbolic visual setting for our government; as part of the city's circulation and transportation networks; as the location of the nation's primary memorials and museums; and as the stage for national, regional, and local events and activities including organized sports such as softball and other recreation for city residents.

The demands on the National Mall are constant and wide-ranging. Each year there are over 3,000 applications for public gathering permits, resulting in more than 14,000 event-days. These events include public demonstrations in connection with First Amendment rights; annual celebrations such as the National Cherry Blossom Festival, Veterans Day, Memorial Day, Presidential memorial birthday celebrations, the Smithsonian Institution American Folklife Festival, Black Family Reunion, and the National Fourth of July Celebration; concerts and cultural programs; hundreds of events such as solar technology displays, book fairs, public employee recognition events, the laying of commemorative wreaths, reenlistment ceremonies, weddings, school group musical performances, as well as one-time events such as state funerals or home building displays for Hurricane Katrina victims; annual marathons and races benefiting various causes, and hundreds of recreational league sports. We want people to use and enjoy the Mall. These activities are appropriate and encouraged. Yet, the resulting wear and tear damages trees and turf, creates a less-than-desirable appearance of the historic landscape, and provides continual maintenance challenges.

The message our visiting public is sending is clear. The value and fundamental purposes of the National Mall are clear. It is the symbol of our nation and its values; it is an essential location for First Amendment demonstrations; and it is an American pilgrimage destination where people come to understand our history, cul-

ture, heroes, values and way of life. In safeguarding the opportunities to participate in this history and to express a voice under the First Amendment, it is the NPS's responsibility also to manage the National Mall in a way that can respond to increased visitation and use and accommodate suggested improvements such as improved health of the landscape and grounds, and improvements to restrooms, food services, bicycle facilities, and signs/maps.

Status of the National Mall Plan

The great public open spaces of the Nation's Capital are managed primarily by the NPS through National Mall & Memorial Parks, a unit of the National Park System, an area of approximately 650 acres. A current management plan does not exist for this area, which contains concentrations of our nation's memorials, cultural treasures and museums. The NPS is currently engaged in developing a National Mall Plan to guide its activities through the coming years.

The National Mall Plan is a long-range vision plan focused on improvements related to public use, health, appearance and preservation of the historic National Mall and Pennsylvania Avenue National Historic Site. The planning process involves significant participation by approximately twenty cooperating agencies with review, jurisdictional or operating authority within the study area. Robust civic engagement will continue to ensure all Americans are provided with information and the opportunity to participate in planning a revitalized and more beautiful future for our nation's grand and symbolic civic spaces. The NPS has held a series of cooperating agency workshops leading to the development of alternatives and has held public meetings to discuss the alternatives. These meetings and additional development work will lead to issuing a Draft Environmental Impact Statement this year. A Final Environmental Impact Statement should be released by the middle of 2009. The consultation process pursuant to Section 106 of the National Historic Preservation Act is also underway with more than 30 consulting parties involved.

The National Mall Plan will provide the vision for a significant private/public partnership to restore the National Mall. This process has already begun. The NPS and our authorized fundraising partner, the Trust for the National Mall, are working together to begin improving signs and wayfinding in the National Mall, one of the first approved Centennial Initiative projects. The NPS has developed two public engagement video products, using donations by project media partner Discovery Communications.

The vision plan will be formed by continual conversation with others in order to address management standards and best practices in standards of care, turf/tree management, benchmark standards, and events management. A number of NPS or consultant studies have been completed or are underway to provide information for planning, with some of the findings already translating into action. The following studies have been completed:

- Local and National/International Best Practices studies for managing heavily used and historic landscapes and related Turfgrass Management.
- Inventory and Condition Assessment: Site Furnishings and Plant Materials
- Cultural Landscape Inventories: the Mall, Union Square, Constitution Gardens
- Public Scoping Comments Report
- Events Assessments—2007 National Cherry Blossom Festival and 2007 Independence Day
- White papers—History, Legal Considerations, Issues and Objectives of Planning, Glossary

Additionally, the following three studies are currently underway:

- Solid waste and recycling studies and demonstrations projects
- Turf management demonstration projects
- National Mall Plan standards for landscape and maintenance

Some of the cooperating agencies, the Architect of the Capitol, the District of Columbia Office of Planning, the U.S. Commission of Fine Arts, the National Capital Planning Commission, and the NPS, have published a brochure, Planning Together for Central Washington, on coordinated vision plans, common objectives and priorities. Some of these partners also have planning and projects underway.

Public Participation

The scoping process began with a symposium, scoping newsletter and public meetings. During the four-month public comment period, 5,000 comments were received. They came in from every state in the union. Scoping typically generates far fewer comments. A second newsletter summarized public comment and included planning principles developed by the cooperating agencies. When it was determined that the plan needed to include an Environmental Impact Statement, additional public meetings were held. There continues to be good media announcement of public meetings.

Public comment helped cooperating agencies and the NPS develop a range of alternatives. Highlights were shared with the public in an alternatives newsletter and additional public meetings were held.

The NPS has provided extensive public information regarding this planning process—Federal Register notices were published on January 16 and September 6, 2007 and the plan was announced at a press conference on November 1, 2006; assorted media reports and releases have been issued and a public symposium was held on November 15; meetings were held in January 2007 and again in January 2008. The NPS established a dedicated planning website at www.nps.gov/nationalmallplan and an e-mail address at nationalmallplan@nps.gov. Newsletters have been posted online and distributed to visitors at events and by park rangers. Around 24,000 comments have been received from individuals in all states.

The NPS is continuing to work with professional and other organizations to provide accurate planning information via their websites, e-mails and magazines. We have provided tours to highlight planning issues to symposium participants and organizations and to media writing articles about the plan, including a youth reporter from Scholastic Magazine.

First Amendment Uses

From the inception of this plan in July 2006, First Amendment demonstrations were identified as a fundamental purpose that must continue to occur on the National Mall. The First Amendment defines an essential right of citizens and the National Mall Plan in no way proposes to infringe upon that right.

During the second public comment period, the NPS received around 17,000 comments related to First Amendment demonstrations. Newsletter 3 described alternative ways of managing events to reduce their impact. It became apparent that some commenters assumed the terms "event" and "demonstration" could be used interchangeably. For the most part, commenters were unaware of the difference between these types of gatherings and assumed that the NPS was seeking to restrict First Amendment demonstrations or confine them to specific locations. Nothing could be farther from the truth.

The NPS is proud to be able to have a venue for demonstrations that exemplify a core value of our nation—Freedom of Speech as enshrined in the First Amendment to the United States Constitution. As stated repeatedly during planning, it is a fundamental purpose of the National Mall to remain as our national civic stage—and the court systems have reaffirmed this purpose.

The Code of Federal Regulations regulates uses on the National Mall and the NPS will continue to adhere to these regulations as planning for the National Mall continues. The Code of Federal Regulations (36 CFR 7.96(g) defines the following terms:

> The term "*demonstrations*" includes demonstrations, picketing, speechmaking, marching, holding vigils or religious services and all other like forms of conduct which involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual park use by visitors or tourists which does not have an intent or propensity to attract a crowd or onlookers.
>
> The term "*special events*" includes sports events, pageants, celebrations, historical reenactments, regattas, entertainments, exhibitions, parades, fairs, festivals and similar events (including such events presented by the National Park Service), which are not demonstrations under the previous definition, and which are engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term also does not include casual park use by visitors or tourists which does not have an intent or propensity to attract a crowd or onlookers.

The NPS is not considering any alternatives that are not in keeping with the First Amendment and federal regulations. Consistent with 36 CFR 7.96, demonstrations and other First Amendment activities would continue to be permitted throughout the park on a space available, first-come first-served request basis. Consideration is being given to help improve venues for events and demonstrations; however, demonstrations would not be limited to specific areas, and demonstrators would not be prohibited from erecting stages or from any exercise of First Amendment rights that are currently enjoyed by demonstrators on the National Mall. Two of the alternatives would increase space available for demonstrations. At no time has the NPS entertained the possibility of limiting First Amendment demonstrations to specific areas. The NPS has communicated this at public meetings, through updating the public planning website and has undertaken a mass e-mailing when commenters have provided their e-mail address. At the request of some Members of Congress,

the NPS has also drafted a response to constituent concerns stating that we will be protecting First Amendment rights.

Improving Visitor Amenities on the National Mall

Based on an evaluation of comments and present conditions NPS is considering a variety of ways to make the National Mall a more comfortable, convenient, enjoyable and welcoming space. Currently NPS is designing new directional and orientation signs for pedestrians that are coordinated with the city's wayfinding system. Within the National Mall Plan, pedestrian circulation alternatives address surfacing, new walks, width of walks, crosswalk improvements and pedestrian bridges or tunnels. There are over 1,600 public parking spaces along park roads throughout the National Mall, and 117 parking spaces for people with disabilities. Alternatives related to vehicular circulation explore metered parking, underground parking, parking lot or road revisions, additional parking for visitors with disabilities, and improvements to tour bus drop-offs. The NPS is providing additional bicycle facilities and the alternatives look at separate bicycle routes or lanes.

Public comments indicate that additional services are desired—visitor facilities may be hard to find, others lack a common identity to make them readily apparent, and some are outdated and difficult to maintain. The NPS is currently planning the relocation of the Washington Monument food and gift concession to allow for the construction of the National Museum of African American History and Culture and three alternative locations are under review. Public comments also indicate that more variety in commercial visitor services is desired. Food service is offered at refreshment stands and mobile carts, and gifts are available at some locations. However, studies at other sites suggest that commercial services should be used to strengthen the identity of the NPS as well as the message of stewardship and education. The National Mall Plan looks at different types of food service that could provide not only relaxing experiences but also offer opportunities for additional programs and performances.

Comments also state that restrooms are insufficient for demand and not located near food service outlets. Park furniture is inadequate at various times; it does not address the needs of groups, is not focused on views, and lacks enough shaded seating in the summer. While the Smithsonian Institution's Arts and Industries Building is not under the NPS's management, it has been suggested as a good site for a welcome center for the National Mall. Using the historic building for visitor services (food, restrooms, theater and exhibits) as well as for staging certain events in a climate-controlled venue, could take the pressure off other Mall resources. This facility is also being proposed as a site for a Latino Museum. The NPS will continue to follow the Smithsonian plans for the building.

The Sylvan Theater, the lower approach way to the Lincoln Memorial, the D.C. War Memorial, and the Thomas Jefferson Memorial are currently used for regularly scheduled performances and school programs. Additional entertainment such as opera simulcasts, military concerts, and "Screen on the Green" are also offered. The National Mall Plan explores alternatives for additional or improved performance venues and programs.

Additional recreational opportunities, such as kayaks, rowboats, model boats, and lawn chairs have been suggested. A commercial services plan would determine the feasibility of any service changes. The D.C. Recreation Department issues permits for league use of some ball fields. Informal games and recreation take place throughout the National Mall. Some people have expressed a desire for more entertainment opportunities.

Public Health, Security and Safety Improvements

The plan will address a number of issues, including public health, safety and welfare. While alternative specifics vary the following topics are included: pedestrian lighting; pedestrian street crossings/crosswalk improvements; security perimeter completion; public address/messages and emergency call boxes; basic services such as restrooms and drinking water; services for people with disabilities; relief from heat and humidity; providing first aid and emergency medical services; emergency preparedness coordination; law enforcement presence, and development of separate circulation systems for bicycles.

Transportation on the Mall

The NPS desires an affordable interpretive visitor transportation system, with state of-the-art equipment integrated with the existing urban transportation network to 1) serve the estimated 75 percent of visitors who are open to using in-park transit services; 2) reduce private vehicle congestion; and 3) meet the needs of disabled visitors. The current operator, an authorized NPS concession-operated partner, serves a million people annually.

An Environmental Assessment on a new visitor transportation system was released in November 2006. It assessed conceptual routes, areas served and methods of interpretation. Possible operation models include concession contract(s) and public/private partnership(s). The Environmental Assessment preferred alternative can be achieved via any operations model. The planning process actively sought private industry input, including Tourmobile, Gray Line/Martz Group, industry associations, National Tour Association, Guild of Professional Tour Guides, and Reason Public Policy Institute (focused on the provision of public and privatized services), etc. The preferred alternative reflects the following 2003 NPS visitor survey data:

- Strong desire (53 percent) for convenience (easy to understand, links to Metro/subway),
- Metro widely used by visitors (61 percent); 25 percent of visitors have difficulty walking,
- Desire for range of transit services, including interpretive tour services.

The time required to shift to the selected approach will depend upon the selected management structure for future service. Current estimates range from 6-24 months depending upon the complexity of the transition. The current transportation concession contract has been extended until December 31, 2008.

To preserve its treasured memorials and landscapes as well as our freedoms, the NPS must efficiently use available resources to improve resource conditions; raise the standard of care; establish a standard of quality that invites respect and generates stewardship; prepare for high levels of use; and provide for the physical needs, enjoyments and convenience of visitors and park users on the National Mall. Planning for the future will result in an experience that meets the expectations of millions of visitors. We accept and embrace the challenge for today's generation, which is to restore the National Mall so that it will continue to symbolize the ideals and greatness of the United States of America.

Mr. Chairman, this is an overview of the planning process we are undertaking for the National Mall. We would be pleased to provide an in-depth presentation on any or all aspects of the National Mall Plan and remain available to provide updates as you may wish as the planning process continues.

That concludes my statement. I will be happy to answer any questions you or other members of the subcommittee might have.

Mr. GRIJALVA. Thank you, without objection. Let me just say that I neglected to mention that the full testimony will be made part of the record, and any additional materials that would want to be included in that testimony will also be made part of the record.

Let me now turn to our next panelist, Ms. Harriet Tregoning, Director, Office of Planning, Government of the District of Columbia.

Welcome, and thank you.

STATEMENT OF HARRIET TREGONING, DIRECTOR, OFFICE OF PLANNING, GOVERNMENT OF THE DISTRICT OF COLUMBIA

Ms. TREGONING. Thank you very much, Mr. Chairman.

Good morning, Mr. Chairman, members of the House Committee on Natural Resources, Subcommittee on National Parks, Forests, and Public Lands. I am Harriet Tregoning, the Director of the DC Office of Planning, and I am very pleased to present testimony on behalf of Mayor Adrian Fenty regarding the future of the National Mall.

The Mall has long been an important space in the District of Columbia. Pierre L'Enfant referred to it as the vast esplanade, and intended it to be the symbolic heart of the District of Columbia.

The Mall has indeed been the city's commons, its Central Park, its ceremonial gathering place, its festival site, its protest grounds.

It has also long been the southern boundary of the districts downtown. With downtown's emergence over the past 10 years as both a real residential neighborhood and an entertainment district,

as well as the premiere office location in the region, the Mall has been an important part of the area's growing vibrancy.

However, the District of Columbia's downtown is expected to be fully built out in the next five years. Mayor Fenty unveiled the Development and Quality of Life Strategy earlier this year, called the Center City Action Agenda, in order to continue to capture the growing demand for office, retail, culture, entertainment, and residential demand in our city.

The Center City Agenda identifies an area nearly three times the size of the current downtown that will be home to future vibrant, green, and sustainable mixed-use development served by transit, but also designed to be walkable and bikeable. Several emerging neighborhoods surrounding downtown are part of the strategy.

But the important thing is that it moves the center of the city south and east, to include the southeast and southwest waterfronts. It crosses the river into Anacostia. So it makes the National Mall no longer the lower boundary of downtown, but literally the center of Center City Washington.

So we have a deep interest in the future of the Mall. We have been collaborating with our Federal partners on a series of efforts to enhance circulation and the quality of experience for residents, workers, and visitors to our city.

Since 2006, several DC Government agencies, including the Office of Planning, the State Historic Preservation Office, and the District Department of Transportation, have been engaging with the National Park Service as it develops its 50-year comprehensive vision statement for the National Mall. Throughout this planning process, discussions have focused on preservation and the necessary evolution of the Mall in response to opportunities created in part by the revitalization of surrounding city blocks, waterfront destinations, and emerging neighborhoods.

Another district collaboration with the Federal planning agencies resulted in a framework document called, "Planning Together for Central Washington," that Mr. Cogbill will be talking to you more about, so I will leave that part.

And for the past two years, we have been working with the National Capital Planning Commission, the District's Department of Parks and Recreation, and the National Park Service on an effort called Capital Space. It is an effort designed so that local and Federal agencies can develop a comprehensive system to manage all the parks and open spaces in the District.

While the National Mall is certainly an icon in the nation's capitol city, it is also a vital city park that provides both positive and active recreation for local and regional workers and residents. The facilities and programs provided on the Mall, including more than 6 volleyball courts, 22 baseball diamonds, 2 football fields, 3 rugby fields, and many more active recreational spaces, they are a big part of helping us meet the challenge of active recreation facilities in the District, and making the city one of the most livable in the world.

In addition, we are currently involved in one other collaboration with the Park Service related to the need for improvements to floodplain protection in the District. Recently, FEMA highlighted concerns that they and the U.S. Army Corps of Engineers had

about an increased risk of flooding on the Mall, as well as the Federal triangle, because of deficiencies in the existing Potomac Park Levee, particularly at the 17th Street closure.

With the Park Service and our other Federal partners, particularly the National Capital Planning Commission, FEMA itself, and GSA, we have organized an unprecedented cooperative effort that allows us to move very rapidly toward an immediate remedy that will protect the National Mall, Federal buildings, and private property, and result in construction of an improved levee system we hope in the next 18 months.

These collaborative efforts have several things in common, including recognizing the need to relieve some of the pressure for monuments, memorials, and the increasing number of activities on the Mall, by making other important locations in the city visible, well-known, convenient, and easily accessible. And a high-performing transportation system is very important to that, providing convenient, safe, and equitable access to the National Mall, and allowing residents and visitors to experience the city by foot, by bike, by transit. And that is a goal that we all share.

We are proud of the fact that for many of our city's visitors, their very first experience on transit is in the District of Columbia. We aspire to enhance our transit system with cutting-edge transportation technology, and really make it possible for a walkable urban character way-finding, green infrastructure, and transit to support strong and inviting connections between the Mall and the center city areas.

Together, I think we can do all of these things, realize all of our ambitions for the Mall, and be a model of green and sustainable development.

We would like to support the vision of a management plan that emerges for the Mall that will afford great opportunities for enhancements to event programming, transportation, parking, visitor information systems and amenities, so that the city can realize its vision as a globally competitive, green and sustainable capitol city, as well as continue the Mall's legacy as a permanent world's fair, demonstrating to the United States citizens and visitors what it is like to experience 21st century transportation and green and sustainable development practices.

Thank you for the opportunity to present this testimony on behalf of the District of Columbia and Mayor Adrian Fenty. I would be pleased to answer any questions you may have.

[The prepared statement of Ms. Tregoning follows:]

Statement of Harriet Tregoning, Director, DC Office of Planning

Good morning members of the House Committee on Natural Resources Subcommittee on National Parks, Forests and Public Lands. I am Harriet Tregoning, Director of the District of Columbia Office of Planning and I am pleased to present testimony on behalf of Mayor Adrian M. Fenty regarding the future of the National Mall.

Pierre L'Enfant referred to the Mall as "the vast esplanade," and intended it to be the symbolic heart of the District of Columbia. The National Mall has been the city's common, its central park, its ceremonial gathering place, its festival site, and its protest grounds.

Through the years, the Mall has hosted an incredibly diverse array of activities. In the late 19th century, activities on the Mall included farming, canal transport, and a train depot. In the early 20th century, people could be found strolling in romantic gardens, picnicking on the grass, and studying botanical displays. Now, on

any given day one can find families ice skating, playing ball, listening to blues, jogging, bicycling, flying kites, watching fireworks, or viewing monuments by moonlight.

The Mall has also hosted an amazing range of events—from the Solar Decathlon, the Smithsonian Folk Life Festival, and the Memorial Day concert, to marches in support of AIDS research, a breast cancer cure, climate change action or an end to famine. These events create a vibrancy that makes living in the nation's capital a unique experience, with the Mall an inspiring and evolving place of exploration, education, and ideas.

The Mall has long been the southern boundary of the District's Downtown. With Downtown's emergence over the past 10 years as both a real residential neighborhood and entertainment district, and as the premiere office location in the region, the Mall has been an important part of the area's growing vibrancy. However, the District of Columbia's Downtown will be fully built out in the next five years. Mayor Adrian Fenty unveiled a development and quality of life strategy earlier this year—the Center City Action Agenda—in order to continue to capture the growing demand for office, retail, culture, entertainment, and residential space. The Center City Action Agenda identifies an area nearly three times the size of the current Downtown that will be home to future vibrant, green, and sustainable mixed-use development served by transit, but also designed to be walkable and bikeable. Several emerging neighborhoods surrounding downtown are part of the strategy, including NoMA, the area north of Massachusetts where NPR and the Department of Justice recently announced their relocation; the Capital Riverfront, where the new LEED-certified Nationals baseball stadium recently opened; Hill East, along the Anacostia, east of the Capitol Hill neighborhood; the Southwest Waterfront; Mount Vernon; and Poplar Point/Anacostia. This strategy moves the center of the city south and east to include the southeast and southwest waterfronts and crosses the river into Anacostia. No longer the lower boundary of Downtown, the Mall becomes the literal center of Center City Washington.

The District of Columbia has a deep interest in the future of the Mall. We have been collaborating with our federal partners on a series of efforts to enhance circulation and the quality of experiences for residents, workers, and visitors to our city.

Since 2006, several DC Government agencies, including the DC Office of Planning, the State Historic Preservation Office (as one of the Section 106 review consulting parties) and the District Department of Transportation, have been engaging with the National Park Service as it develops a 50-year comprehensive vision statement for the National Mall. Throughout this planning process, discussion has focused on preservation and necessary evolution of the Mall in response to opportunities created by the revitalization of the surrounding city blocks, waterfront destinations, and emerging neighborhoods.

Another of the District's recent collaborations with federal planning agencies resulted in a vision framework document called "Planning Together for Central Washington," which gives voice to the shared collective goals of the District and the federal agencies with responsibility for the stewardship and development of Central Washington, including the Mall. The DC Office of Planning, the National Park Service, the National Capital Planning Commission, the Commission of Fine Arts, and the Architect of the Capitol envision a Central Washington that achieves:

- Welcoming Atmosphere
- Well-Connected Public Space
- Distinctive Places
- Green and Sustainable Development
- 21st Century Transportation

Also, for the past two years, the DC Office of Planning and the District's Department of Parks and Recreation have been working with the National Park Service and the National Capital Planning Commission on a collaborative planning effort called CapitalSpace so that local and federal agencies can develop a comprehensive system to manage parks and open space located in the District. While the National Mall is an icon in our nation's capital city, it is also a vital city park that provides both passive and active recreation for local and regional workers and residents. The CapitalSpace project has identified a deficiency in District-owned recreation facilities in Center City and other close-in neighborhoods. A significant challenge exists in an area like ours with significant growth and few land resources. The facilities and programs provided on the Mall—including more than six volleyball courts, 22 baseball diamonds, two football fields, and three rugby fields—play a big part in helping meet this challenge, as well as making the District one of the most livable cities in the world.

In addition, we are currently involved in another collaboration with the National Park Service related to the need for improvements to floodplain protection in the

District. Recently the Federal Emergency Management Agency (FEMA) highlighted concerns they and the U.S. Army Corps of Engineers had about an increased risk of flooding on the Mall, as well as the Federal Triangle and adjacent areas because of deficiencies in the existing Potomac Park Levee, particularly at the 17th Street closure. With NPS and our other federal partners including NCPC, the U.S. Army Corps of Engineers, FEMA, and General Services Administration, we have organized an unprecedented cooperative effort that has allowed us to move very rapidly towards immediate remedies that will protect the National Mall, federal buildings, and private property. We are very appreciative of our federal partners, especially NPS, for the spirit of cooperation, and the quality of the resources that they have dedicated to this effort, which we expect to result in construction of an improved levee system in the next 18 months.

These collaborative efforts have several things in common, including recognizing the need to relieve some of the pressure for monuments, memorials, and the increasing number of activities on the Mall by making other important locations in the city visible, well-known, convenient, and easily accessible. In order to realize this vision, the parties agree that key investments in a few streets and avenues are essential. A high-performing transportation system that provides convenient, safe, and equitable access to the National Mall and allows residents and visitors to experience the city by foot, bike, or transit is a goal that is shared among the entities responsible for stewardship of the National Mall. We are proud of the fact that for many of our city's visitors, their first experience with transit is in Washington, DC. We aspire to enhance our transit system with cutting edge transportation technology. Enhancing the ability for residents and visitors to get to and from the National Mall via 4th Street, 7th Street, 14th Street, Constitution and Independence Avenues on foot, bicycle, and transit is a priority. A walkable urban character, way-finding information systems, green infrastructure, and transit support strong and inviting connections between the Mall and surrounding Center City areas. Along existing vehicular routes across the Mall, improved pedestrian access, additional street trees, ground-level retail, and cultural activity can encourage residents to intimately experience on foot the nation's most important civic space and venue for expression of democratic events and ideals.

Part of the legacy of the Mall, dating from the McMillan plan, is the notion of that grand civic space as a kind of permanent world's fair, an exposition that showcases the latest technology and industry, the finest art and cultural achievements, as well as the history of this country and the world. We think the Mall should continue to be that place—but now also showcasing the best in 21st century transportation, and in green and sustainable development practices—in keeping with the General Services Administration's leadership and with the District's own Green Building Act, the most ambitious in the nation. Transportation around the nation's premier civic space in particular should be a model for the rest of the country. This entails designing "Complete Streets" that provide for the mobility of pedestrians, cyclists, transit riders, and drivers in an attractive and safe environment. This also means a road infrastructure designed using "Green Highway" principles, such as use of recycled materials, watershed-based stormwater management, and shared space for motorized and non-motorized travel. In addition, 21st century energy-efficient vehicles should be provided as options for visitors to travel among tourist sites along the National Mall, as well as other popular destinations throughout the city, such as Georgetown, Dupont Circle, and Union Station. This also means re-thinking management of the Mall to support a strong presence of the District's SmartBike program on the National Mall. Bike sharing has a host of benefits for the environment in and around the National Mall. It is carbon-free and has no negative impact on air quality. It combats climate change, supports green collar jobs, reduces congestion, decreases noise pollution, requires no parking spaces, provides healthy exercise, and offers residents, workers, and tourists a great way to experience and navigate the city.

As the National Park Service prepares to celebrate one hundred years of stewardship and leadership in the management of some of the nation's most treasured public spaces, we have arrived at an important crossroads in the history of the National Mall. We are transitioning from a period where the citizens of our nation primarily experienced national parks by visiting our country's important wilderness areas. Today some of our most visited national parks are in urban communities like Golden Gate Park in San Francisco or the National Mall in Washington. These urban park sites are very intensely used—overused, some may say. Today, visitors have much higher expectations about the quality, programming, and management of urban parks than in previous eras. The Sculpture Garden at the National Gallery of Art is one park that seems to fully meet those higher expectations. Highly utilized, it is programmed for a variety of seasonally-appropriate activities, features a

prominent and lovely restaurant, offering not just sustenance, but cuisine, and it is meticulously maintained. However, we should examine how we might enhance the existing resources allocated to our national parks and the current guidelines for the use and management of the National Mall to meet the new expectations of its 25 million annual visitors. Other urban parks have used public-private partnerships to provide for the unique and evolving needs of urban park users, including the Central Park Conservancy in New York City and the Golden Gate National Park Conservancy in San Francisco.

Together, I think we can continue to do all this and even more. We can take further steps to be a model of green and sustainable development. In the Summer of 2007, the Mall was host to the Solar Decathlon and recently the U.S. Botanic Garden constructed a Sustainable Schoolyard exhibit to demonstrate how green schoolyards can lead to healthy, active, green, and livable communities. It is our hope that the vision and management plan that emerges for the National Mall will afford great opportunities for enhancements to event programming, public transportation, parking, visitor information systems and amenities in order that the city may realize its vision as a globally competitive, green and sustainable capital city, as well as continue the Mall's legacy as a permanent World Fair demonstrating to United States citizens and visitors what it is like to experience 21st Century transportation and green and sustainable development practices.

Thank you for the opportunity to present this testimony on behalf of the District of Columbia and Mayor Adrian Fenty. I am pleased to answer any questions you may have.

Mr. GRIJALVA. Thank you very much. Now I will ask our other panelist, Mr. John V. Cogbill, III, Chairman, National Capital Planning Commission.

Sir, your testimony.

STATEMENT OF JOHN V. COGBILL, III, CHAIRMAN, NATIONAL CAPITAL PLANNING COMMISSION

Mr. COGBILL. Good morning, Chairman Grijalva and members of the Subcommittee. I am John Cogbill, Chairman of the National Capital Planning Commission, also known as NCPC. Our agency serves as the Federal government's planning agency for the National Capital Region.

I welcome the opportunity to speak to you about NCPC's role as it relates to the National Mall and this great capitol city. I am pleased to report that there is great cooperation taking place among the key agencies responsible for the Mall and its surrounding areas.

NCPC, the U.S. Commission of Fine Arts, the National Park Service, the District of Columbia Government, and the Architect of the Capitol are closely collaborating with each other and others who have a vital interest in the Mall.

Together we recently announced a joint endeavor planning together for Central Washington. Our efforts are distinct, yet reflect the shared objectives we have for the city and the treasured open space of the Mall. We know that there are continuing and increasing demands on the National Mall due to its role as a preeminent symbolic landscape in the country. The Mall is an historic terrain, as envisioned by Pierre L'Enfant and the McMillan Commission; but it also is an evolving landscape that must be adapted to meet the needs of the current and future generations.

As part of its ongoing work to preserve and protect the Mall, NCPC and CFA joined forces in May of 2006 to develop the National Capitol Framework Plan, a comprehensive study of pre-

dominantly Federal precincts immediately surrounding the Mall. This initiative is one of four of the planning together projects.

The Framework Plan will identify opportunities to create new and exciting cultural destinations beyond the Mall for memorials, museums, and public gatherings.

The plan is being developed with the input of important stakeholders that include key Federal and local agencies, as well as the public. The Framework Plan seeks to preserve the open space, grace, and beauty of the National Mall, create desirable settings for new cultural destinations, and enhance the appearance and function of our public spaces; improve connections to existing and new destinations, and contribute to the growth and sustainability of our capital city.

The initiative focuses on these key objectives: establishing the Federal triangle and northwest rectangle as high-quality workplaces, and workable cultural destinations; strengthening Pennsylvania Avenue's image as Washington's main street; transforming the Southwest Federal Center Precinct into a distinguished workplace and a welcoming cultural hub. And finally, establishing East Potomac Park as an easily accessible destination that offers expanded opportunities for commemorations, celebration, and recreation.

By expanding the setting for new memorials and museums, enhancing the function and beauty of public space, and linking destinations, the Framework Plan can be a valuable tool to preserve the Mall. The Framework Plan builds upon NCPC's extending the legacy and the memorials and museums master plan. Legacy is the visionary guide for long-term growth in the Capitol for the next 50 to 100 years. It calls for recentering the city on the U.S. Capitol by distributing memorials, museums, and other new development on an axis with the Capitol and in emerging areas along the waterfront.

The 2001 Memorials and Museums Master Plan aims to protect the Capitol city's open space, and ensure future sites for commemoration. It identifies 100 sites throughout the city for memorials and museums, and called for a reserve or no-build zone on the Mall, which Congress enacted in 2003.

Since its release, the Plan has guided five memorials to sites off the Mall. The success of the Master Plan supports the Framework Plan's premise that memorial sponsors will be attracted to sites off the Mall, as long as these are appealing locations. Creating new destinations throughout Washington will ease pressure on the Mall, stimulate activity in other parts of the city, and encourage visitors to see more of our capitol city.

The opportunities identified in the Framework Plan supports NCPC's earlier efforts, and complements the work of our partnering agencies. Shared goals include preservation of the Mall, expanding the city center to the waterfront, creating distinguished and accessible public places, and achieving a livable and sustainable capitol city.

Achieving a sustainable capitol will, in fact, be the focus of an NCPC conference in September, assembling planners from around the globe to explore the leadership role of capitol cities in creating a more sustainable community.

The Framework Plan supports efforts to increase visitor support facilities on or near the Mall. We are working with the Park Service as a cooperating agency on its National Mall Plan, and we are participating with their efforts to identify an interpretive transportation system. We are also working with the District on its Center City Action Agenda, which supports our efforts to draw memorial and museum sponsors to locations off the Mall.

Further, the NCPC, the Park Service, and the District have joined together to develop a permanent levee location solution for the National Mall that is sensitive to the historic landscape.

Since 1936, a levee system in the vicinity where temporary buildings were located on the Mall during World War II, has helped to protect Washington's Federal buildings and downtown business district from river flooding. However, the Army Corps of Engineers identified a need to make the levee more reliable and effective against a 100-year floor. The partnering agencies recognized the Mall as an evolving landscape that must be adapted to meet current and future needs.

In closing, thank you for inviting me to brief you on our continuing efforts to preserve the National Mall. We welcome the opportunity to keep you informed on the progress of the Framework Plan, and I work to improve the experience of those who visit, live, and work in our nation's capitol.

Thank you.

[The prepared statement of Mr. Cogbill follows:]

Statement of John V. Cogbill, III, Chairman, National Capital Planning Commission

Good morning, Chairman Grijalva and Members of the Subcommittee on National Parks, Forest and Public Lands. My name is John Cogbill. I am the Chairman of the National Capital Planning Commission, also known as NCPC. The agency serves as the federal government's central planning agency for the National Capital Region.

I am pleased to have this opportunity to speak with you about NCPC's role in enhancing the future of the National Mall and burnishing Washington's image as a great capital city.

This is an ideal time to focus on the future of the Mall and central Washington. Currently, there is extraordinarily good coordination taking place among key agencies responsible for the Mall and its surrounding areas.

NCPC, the U.S. Commission of Fine Arts, the National Park Service, the District of Columbia Government, and the Architect of the Capitol are closely collaborating with each other and others who have a vital interest in this open space. Together, these agencies announced a joint endeavor in February—"Planning Together for Central Washington." Our coordinated efforts are distinct; yet reflect the shared objectives we have for the city and the treasured open space of the Mall that is recognized by millions of Americans as a premier symbolic site in the nation's capital.

NCPC recognizes that there are continuing and increasing demands on the National Mall due to its role as the preeminent symbolic landscape in our country. The Mall is an historic landscape, as envisioned by Pierre L'Enfant and the McMillan Commission, but it also is an evolving landscape that must be adapted to meet the needs of current and future generations.

In recognition of the needs of the Mall, NCPC and CFA joined forces to develop the National Capital Framework Plan, a comprehensive study of predominantly federal precincts immediately surrounding the Mall. This initiative is one of four of the Planning Together projects. The other three include the Park Service's National Mall Plan, the city's Center City Action Agenda, and the Architect of the Capitol's Capitol Complex Master Plan. NCPC's and CFA's Framework Plan will identify opportunities to create new and exciting cultural destinations beyond the Mall for memorials, museums, and public gatherings. Launched in May 2006, the plan is being developed with the input of important stakeholders that include key federal and local agencies as well as the public.

The Framework Plan seeks to

- Preserve the open space, grace, and beauty of the National Mall;
- Create desirable settings for new cultural destinations and enhance the appearance and function of public spaces, streets, parks, and plazas for workers, visitors, and residents;
- Improve connections to existing and new destinations; and
- Contribute to the growth and sustainability of the capital city.

The initiative focuses on the enhancement of five key areas: (1) establishing the Federal Triangle and the Northwest Rectangle as high-quality workplaces and walkable cultural destinations that are connected by beautiful and engaging public spaces; (2) strengthening Pennsylvania Avenue's image as Washington's main street; (3) transforming the Southwest Federal Center precinct into a distinguished workplace and a welcoming cultural hub and visitor destination; and, (4) establishing East Potomac Park as an easily accessible destination in Washington's iconic landscape, offering expanded opportunities for commemoration, celebration, active recreation, and leisure activities.

By expanding the setting for new memorials and museums, enhancing the function and beauty of public space, and linking destinations within the city, the Framework Plan can be a valuable tool to preserve the Mall. To achieve these goals, the plan explores beautification of public spaces; infrastructure changes; mixed-use development opportunities in precincts around the Mall; the use of federal land and facilities in the monumental core, and transit options between downtown, the Mall, and the waterfront.

The Framework Plan respects the foundation laid by Pierre L'Enfant, designer of the capital city. It is an action plan that builds upon NCPC's Extending the Legacy and the Memorials and Museums Master Plan. Legacy is a visionary guide for long-term growth in the capital for the next 50 to 100 years. It is the result of a multi-year collaboration with federal landholding agencies, Congress, the public, pre-eminent architects, planners, historians, and other experts. Legacy called for re-centering the city on the U.S. Capitol by distributing memorials, museums, and other new development on axis with the Capitol and in emerging areas along the waterfront.

The Memorials and Museums Master Plan, released in 2001, aims to protect the capital city's open space and ensure future sites for commemorative works by identifying 100 appropriate sites throughout the city. The Master Plan was the first tool designed to bring the visions outlined in Legacy to fruition. In addition to identifying alternative sites for commemorative works, the Master Plan called for the establishment of a Reserve or no-build zone on the Mall, which Congress enacted in 2003. Since its release, the Memorials and Museums Master Plan has been instrumental in guiding five commemorative works to sites off the Mall. These include the U.S. Air Force Memorial overlooking the Pentagon, the Memorial to Victims of Communism (intersection of New Jersey and Massachusetts Avenue), the Thomas Masaryk Memorial (at Massachusetts and Florida Avenue), and two future memorials—one honoring President Eisenhower (to be located near the Air & Space Museum) and another honoring American Veterans Disabled for Life (along 2nd Street, SW across from Washington Avenue).

The success of the Master Plan in locating commemorative works off the Mall supports the Framework Plan's premise that memorial sponsors will be attracted to sites off the Mall, as long as there are appealing and exciting destination spots elsewhere in the city. Creating new destinations throughout Washington will ease pressure on the Mall, stimulate activity in other parts of the city, and encourage visitors to see more of central Washington. Collectively, this will broaden the public's image of the nation's capital and improve the visitor's experience.

The opportunities identified in the Framework Plan support and complement the work of the National Park Service, the District of Columbia, and the Architect of the Capitol, which have undertaken major initiatives for central Washington, DC. Shared goals include preservation of the Mall, expanding the city center to the waterfront, creating distinguished and accessible public places, and achieving a liveable and sustainable capital city.

The National Park Service's Mall Plan is a necessary tool to both preserve the Mall's historic landscape and manage its physical development. As America's symbolic front yard, the Mall must accommodate high levels of use, both in numbers of visitors, the volume of special events, and commemorative needs. The Mall, roughly 650 acres in size and framed by historic landscape, should exemplify model practices in environmental sustainability. We are working with the National Park Service as a cooperating agency on the National Mall Plan, and we have collaborated with NPS throughout the development of our Framework Plan.

NCPC also is an active participant in the National Park Service's identification of a new interpretive transportation system. We strongly support an easy-to-use and affordable system that is integrated with the city's urban transportation network to serve visitors, residents and workers. One potential future transit service that could be considered for the Mall is the successful DC Circulator system, first proposed in NCPC's Legacy Plan. The city's Circulator system offers frequent, affordable, and easy-to-use service that has the flexibility to accommodate the changing needs of the National Mall. NCPC, in collaboration with its partners, also seeks to improve vehicular, bicycle, and transit options between the monumental core and the center city, and along the waterfront.

In addition to the Park Service's Mall Plan, the Framework Plan also complements the District's Center City Action Agenda, which strives to improve downtown DC and advances Washington's identity as a world-class city. The District's work to enhance the capital city supports our efforts to draw memorial and museum sponsors to locations away from the Mall, by creating vibrant and attractive destinations that feature a variety of mixed-uses such as retail, restaurants, offices, and residential dwellings.

Further, NCPC, the Park Service, and the District have joined together to develop a permanent levee solution for the National Mall that is sensitive to the historic landscape. Since 1936, a levee system—in the vicinity where temporary buildings were located on the Mall during World War II—has helped to protect Washington's federal buildings and downtown business district from river flooding. However, the U.S. Army Corps of Engineers identified a need to make the levee more reliable and effective against a 100-year flood. The partnering agencies recognize that the Mall is an evolving landscape that must be adapted to meet current and future needs. We are committed to collaborating with our federal and local stakeholders to design and construct an interim fix to this problem and to identify potential permanent solutions.

NCPC shares the concerns voiced by Congressional members, the National Park Service, and the American people regarding the need to protect this historic terrain and ensure the availability of visitor support facilities on or near the Mall. The Framework Plan supports efforts to increase food service, restrooms, seating, and signage on the Mall and in adjacent areas in order to help create a world-class experience for the millions of annual visitors from home and abroad. Americans take proud ownership of the National Mall for many reasons, and we must ensure that they are inspired by their visit.

NCPC and CFA are currently preparing a draft of the Framework Plan for public review and comment. The plan has benefited from public input at several public meetings and from coordination with many federal and District of Columbia agencies. A 16-member interagency Steering Committee also is providing oversight to the planning process. We intend to present the draft to the interagency Steering Committee on June 2. A final draft will then be presented to both Commissions and released to the public for review and comment. Following public comment, staff will refine the plan as appropriate and seek final approval from NCPC and CFA.

Thank you for inviting me to share NCPC's work on the National Mall and to brief you on our continuing efforts to develop the National Capital Framework Plan. We welcome the opportunity to keep you informed of our progress on the Framework Plan and as well as our collaborative efforts with our partners to improve the image of the nation's capital and the experience of those who visit, live, and work in Washington, DC.

Mr. GRIJALVA. Thank you very much. Let me begin with you, Mr. Cogbill, and comment that you made in your testimony.

Since establishing the reserve and shepherding all the new memorials into other areas of the city, how have these new memorial locations been, throughout the city, been received by those seeking to establish the new memorials, number one? And number two, is there a member of the city under these new guidelines that seems to be more popular in the establishment of these memorials?

Mr. COGBILL. Well, we had great success with the 2-M Plan. We actually had five memorials that have come before us, and have now been considered, and are actually going to be located off the Mall, three currently in existence. The Air Force Memorial at the Pentagon is one. The Victims of Communism Memorial, which was

established in 2007 at New Jersey and Massachusetts Avenue; the Thomas Masaryk Memorial, who was the first president of Czechoslovakia, has been established. And we currently have looked at plans and are working with those who would propose to build the monument to President Eisenhower, and also the veterans disabled for life. Both of those have a picked site, all of those have picked sites from the 2-M Plan. And we have continuing interest in people coming before us.

The second part of your question, we believe this has been well received. What has the effect of is making people focus on areas outside of the reserve, realizing that there are very distinguished sites available within the city that can be used. And by having this book available to them, they understand and appreciate the viability of these sites. And it enhances the visitor experience in Washington.

Mr. GRIJALVA. Thank you. Ms. Tregoning, let me, a couple of questions.

Do you think that the needs of local residents are in conflict with, as we talk about this planning process and the future of the Mall, are they in conflict with the need of visitors, tourists?

Ms. TREGONING. Mr. Chairman, I don't think that they are in conflict. If you ask me could they be better integrated, could the means of the visitors and the residents be better integrated, I would have to say yes, they could, particularly where it concerns transportation.

Right now we do have more or less separate transportation systems for visitors with interpretive services, versus the transit that serves other parts of the city. We have a relatively new premium transit service called the DC Circulator, and we have designated a new route that goes to the Mall, particularly on weekends, to try to accomplish some of our common planning goals, which includes getting people to experience other parts of the city than just the Mall, which helps to relieve some of that pressure to always be there on the Mall. And frankly, enjoy the many revitalizing and exciting neighborhoods around the city. And I think there is opportunity to do more of that integration.

Mr. GRIJALVA. Then back to that same question. So do you, is the Mall seen by local residents as more, as more important as an urban green space? Or as more important as a memorial landscape?

Ms. TREGONING. I would have to say, Mr. Chairman, that even for long-time Washington residents, I think it is important as both of those things. That, you know, people are very, very proud of the nationally significant events that happen on the Mall, and participate in a lot of them. And that is really a source of great pride and inspiration about living here in Washington.

But it is also true that, you know, being able to have a Saturday morning softball game, or do some recreational activities after work, or jog along the Mall, that is an important part of the quality of life that Washington citizens enjoy, and that visitors also get to take part in. So I would hate to savor one thing at the exclusion of the other.

Mr. GRIJALVA. As a non-Federal entity working with all these Federal partners in this process, how would you characterize the

level of collaboration and cooperation of all these agencies involved in the planning process?

Ms. TREGONING. I would have to say, Mr. Chairman, that I have only been with the District Government for about a year and a half; but from everything that I understand, I think that we are enjoying a time of unprecedented cooperation and collaboration, and a great commonality in some of our goals, some of our planning goals. And particularly our transportation goals.

So I would have to say it is a very favorable climate.

Mr. GRIJALVA. Thank you very much. My time is winding down. If I have an opportunity to ask some questions of the superintendent.

Mr. Bishop.

Mr. BISHOP. Thank you. Are these new mics? You guys are spending money all over the place, aren't you, here? It is a good thing it wasn't in the supplemental.

Mr. Cogbill and Ms. Tregoning—is that proper? Good. As I have heard your oral testimony, you have talked about the vision of expanding sites so that people are visiting other areas rather than the Mall, as well as the cooperation. I would just congratulate you on that. It sounds as if the cooperative nature between the Federal government and the city is working well, and you have a good vision.

I think the idea of expanding to other sites and emphasizing other sites within Washington is a marvelous plan. And I appreciate the testimony you have given so far. It is one that I think is very positive. So thank you for your presentation, and I urge you to push forward with that vision you have enunciated today in your oral testimony.

Ms. O'Dell, the public comment needs that you recited from the Mall area seems to be the same needs that I have heard on every, every national park that we have. Are you treating this Mall differently than any other national parks, as far as this public process or this planning process?

Ms. O'DELL. I believe that we are following the National Park Service process for planning, and that we are putting a heavy emphasis on public involvement. And we have chosen to extend public comment periods to let more people put their voice forward for our planning effort. And we intend to go forward with more public involvement and public comment periods as the plan develops.

So I believe we are on track with the National Park Service's approved planning process, and that we will always err on the side of more public involvement than less.

Mr. BISHOP. The 41 seasonal employees that you have added, what kinds of jobs are these?

Ms. TREGONING. We have maintenance employees, basically laborers. We have resource management employees who are doing more specific maintenance at monuments and memorials. And then we have park rangers to do interpretation and education.

Mr. BISHOP. How many rangers of that 41 would there be, roughly?

Ms. TREGONING. About 20.

Mr. BISHOP. About half and half, then.

Ms. TREGONING. Yes. Approximately, yes, sir.

Mr. BISHOP. I appreciate that very much. I just have two other comments. In fact, in the morning I brought seven members of the German Bundestag to one of the national parks; we flew in late last night.

The things that you all need to work on in the future are what you have already identified: that is, access to the malls.

Ms. TREGONING. Yes, sir.

Mr. BISHOP. You know, parking abilities, or those alternatives for parking, that has to be there. And the second is obviously the condition of the Mall.

I am on the softball league, and I enjoy playing out there. So I would urge you not to take our fields during the summer, and I would urge the Chairman to make sure votes don't go later than 6:00 on a Wednesday night.

[Laughter.]

Mr. BISHOP. For the months we would get off at 3:00, and all of a sudden softball season starts and you screwed me over three weeks in a row. There better not be a fourth, that is all I can say.

Thank you. I yield back.

Mr. GRIJALVA. Mr. Kildee.

Mr. KILDEE. Thank you for having this hearing this morning. I have been in Washington for 32 years, and have a great love of the open spaces of the Mall. And I commend all of you for working together. I think it takes a great cooperative effort. And all I can say right here is to encourage you to continue that. You are not competitors; you are people who want to enhance everyone's experience on the Mall, and maintain the nature of the Mall with some of the additions that we do put there. And I think I just want to commend you for that cooperative attitude among yourselves, and urge you to continue that in the future.

Thank you, Mr. Chairman.

Mr. GRIJALVA. Mr. Brown, do you, any questions? Thank you, sir.

Mr. HOLT. Thank you, Mr. Chairman. I do have a couple of—the Mall is, obviously has many, many different kinds of uses, and that have been tough on the landscape. And what I want to ask is, what is going into the plan that will look after the maintenance of the trees? One particular area that I have in mind is Constitutional Gardens, at the, I guess it is the west end of the Mall. At the time of the Bicentennial in 1976, that area was designed in keeping with the event planned. Those trees are now more than 30 years old. They are all stunted, and it does not look like the mature forest that it should be turning into.

Our colleague, Ms. Holmes Norton, spoke about the need for shade, and to appreciate the Mall. It really is at a premium. And part of the problem is that the drainage, the soil preparation, and the maintenance simply has not been done in Constitutional Gardens, as one example.

And I wanted to know, in addition to all the attention to the memorials and the buildings, what attention is being paid to the trees? And that will be for all three of you.

Ms. O'DELL. May I begin? I believe that as part of the planning process for the Mall, as we look at other places around the country and around the world, we look at their best practices of how they

maintain their turf, how they maintain their trees, and how they maintain their monuments and memorials.

And we are trying to learn from other places that have better results than we are currently having on the National Mall. So we are looking for better practices.

And as the Superintendent of the National Mall, that is where I need to start. I need to question our assumptions about the maintenance program that we currently have, and try and figure out how we can do better with the resources that we currently have.

And the Natural Resources is a very strong point of conversation with the planning team and with our consulting parties, who all share the desire to maintain that historic landscape, those historic trees; who provide the amenities for visitors as they visit the National Mall.

Mr. HOLT. Ms. Tregoning?

Ms. TREGONING. Thank you, Mr. Holt. We don't have the jurisdictions to plant trees on the Mall, but I can tell you that the tree canopy in Washington, D.C. is a very important issue for us. And we are, we have efforts underway right now, in collaboration with some important non-profit partners, including the Casey Trees Foundation, to restore the tree canopy in Washington, D.C. because of the many benefits, as I believe you know, trees provide, including stormwater management, reducing the urban heat island effect, carbon sequestration, and simply providing important shade and, and traffic calming, if you will, if you want to look at the effect that trees have helping to create a street edge along our major city streets. So we are certainly very supportive of any efforts of the Park Service or our other Federal partners to do tree planting, and to maintain and nurture their trees.

Mr. HOLT. Mr. Cogbill?

Mr. COGBILL. I will respond in three different areas. First on the Mall. The National Capital Planning Commission worked closely with the construction of the World War II Memorial to make sure that the elm roots were trimmed back. That was part of the plan, overseen by the Park Service; and that was very helpful in keeping those trees alive.

The same advice had been given to the Vietnam Veterans' visitor folks to do the same things, to make sure that we preserved those trees.

With respect to other spots in the city, we were actually working, when we did Pennsylvania Avenue and did the improvements there, we specifically went out and purchased disease-resistant elms so that we would have a much better likelihood of them surviving.

And finally, we did also work with the city in the Casey Foundation in doing the tree inventory for the city. And that would also be reflected in what we are working with now through Capital Space.

Mr. HOLT. Let me just also ask the Park Service, as you plan events or issue permits for events, that you steer those events that are incompatible with preservation of trees, and that might damage the tree roots, to areas, to areas that are better suited for those activities.

Thank you, Mr. Chairman.

Mr. GRIJALVA. Mr. Sarbanes.

Mr. SARBANES. Thank you, Mr. Chairman. I really don't have any questions. I am here to learn. I don't envy the task you have before you in terms of coordinating all the different perspectives and demands there are for use of the Mall. It is obviously not just a treasure for the District, but it is a treasure for the nation. To balance those continued demands is no small feat. So I will continue to listen with interest. Thank you.

Mr. GRIJALVA. Thank you, sir. Ms. Holmes Norton, questions, comments?

Ms. NORTON. Yes, thank you very much, Mr. Chairman. Just a few questions.

The Mall has always been crime-free. There was a terrible exception a couple years ago when there were a number of assaults on the Mall, specifically with handguns, walking and talking to the Park Police, one of the bad assets of the nation's capitol also as neglected as the Mall itself is. And one of the reasons for these assaults is lighting frankly. In fact, I think that was the major reason for the assaults.

Let me ask you about some specific lighting. What was astonishing to me, and I think there was some effort made to put temporary lighting, was that in this long, beautiful, beautiful walkway between the Lincoln Memorial and the World War II memorial, it was absolutely dark. Not a single light.

Now, of course, the assaults didn't happen there. They happened where the lights were dim and there were bushes also. I hope you are not waiting for the Trust to get lighting on the Mall as we get to the tourist season and as we face the possibility that we can have more crime going on. Is there permanent lighting between those two great memorials?

Ms. O'DELL. The lighting that was installed right after those assaults is still in place, Congresswoman, and it is functional. And——

Ms. NORTON. But it is not permanent yet.

Ms. O'DELL. No, ma'am, it is not permanent yet. We do have funding requests in place to create permanent lighting as well as improve the landscape between Lincoln and the World War II Memorial. But we do make certain that those temporary lighting that were installed are functioning.

Ms. NORTON. There was a knifing apparently yesterday at Third and Jefferson Street, very close to the Capitol. I don't know if those were teenagers or what in the world happened. Can you give us a report on that assault?

Ms. O'DELL. Yes, ma'am. I heard from the U.S. Park Police this morning. They were juveniles. The stabbing apparently happened at a Metro station, and the victim, who was stabbed, chased his assailants into the National Mall, where the Capitol Police, the Metropolitan Police and the U.S. Park Police, were able to work the incident.

Ms. NORTON. Well, I congratulate them for, that it didn't happen right on the Mall.

And Ms. O'Dell, you have a very heavy burden with respect to what are the proposals that you have, that the Park Service has come forward with.

First of all, the first burden is apparently to pave over the reflecting pool. Is that right? Is that what you are going to do?

Ms. O'DELL. There is an alternative in one of the plans to make the reflecting pool by the Capitol drainable, so they can use it for hard space, or it can have water in it.

Ms. NORTON. Well, they do have a reflecting pool, but you drain the water out sometimes?

Ms. O'DELL. Yes, ma'am, that is an alternative.

Ms. NORTON. I think you have to be very careful about that alternative. But I am concerned that the ruckus that has been kicked up about why they are doing this, why do you wish to confine many of these to a drained reflecting pool? And will you assure me that the drained water, the water would be promptly put back in the reflecting pool?

Ms. O'DELL. I think a lot of the concern about events was articulated by members of the committee, that events are hard on the turf. And we are trying to find ways and look at alternatives that will preserve the turf, as well as allow for large-scale events.

There have been no proposals in any of the draft alternatives that would limit activities to any certain places on the ground. We are looking at whether or not a hardscape location would be beneficial for events, or whether or not it would not be beneficial. And that is why it is a proposal and a draft alternative, so that we can hear the public's thoughts and comments on that, have it be considered by the planning team and determine if there is benefit to create space like that or not.

Ms. NORTON. Ms. O'Dell, I couldn't somehow ignore the initial upkeep on the turf, but the events that do the most damage are the events that tourists, residents, perhaps most come to see. What are you going to do? Move the Folklife Festival or the Seymour Holmes Decathlon to the reflecting pool? That is where the turf—I mean, you have, we can't have more than—you tell me, how many demonstrations do we have each year that make use of the grounds? Large demonstrations.

Ms. O'DELL. We have roughly 3,000 events that are permitted on the National Mall.

Ms. NORTON. I want to know how many large events.

Ms. O'DELL. There is probably 10 to a dozen large-scale events that happen in——

Ms. NORTON. Well, I think the burden on you is to show that. Are you going to move the Folklife Festival or not? Are you going to move the Seymour Holmes Decathlon or not? Is there a proposal to do that as well?

Ms. O'DELL. There is not a proposal at this moment in time to relocate any of those current events to different locations.

Ms. NORTON. Well, in many running events, they dig into the earth. If you want to know what really, in fact, causes damage, I think you ought to look there first. I think paving over is a very radical thing to do. And, of course, it seems to me that if you look at the cost of draining it and putting it back, putting the water back, and let me go to transportation if I could, Mr. Chairman.

I would like to ask, I guess this is also, this is for Ms. Tregoning, and it is also for you, Ms. O'Dell. We have this long alternative bill, of course, that was approved, that was the carbon footprint phase.

Is that the kind of vehicle we have to continue to use for tourists on the Mall, or are you considering smaller, perhaps alternative-fuel vehicles among the nonstandard?

Ms. O'DELL. We would be very interested in sustainable and green technology as we move forward with transportational——

Ms. NORTON. What is the state of, what is the state of the contract?

Ms. O'DELL. The contract will expire in December of 2008. And we are considering what we will consider alternative transportation vehicles, and we are in the process of studying the transportation needs, working with our colleagues on NCPC and the District to determine how better to connect with existing public transportation, and how to have affordable transportation for visitors who want to get around the Mall. As well as maintain our interpretive educational function that is part of our current transportation offering.

Ms. NORTON. Ms. Tregoning, these buses, these huge buses along the Mall, they park in the Mall, they let people off at the Mall. And if you talk with them, they will say the District of Columbia doesn't provide them with anyplace to park, so what are they to do? What is your response to that? And do we have the same problem with the convention, with the opening of the new, of the new park and the Capitol?

Ms. TREGONING. Congresswoman, we are absolutely looking for places in the city where we could consolidate the tour bus parking, because I think it is problematic in many different parts of the city.

But I will emphasize what Ms. O'Dell just stated, that we think that there is an opportunity to provide a lot more choices to visitors on the Mall. The Tourmobile has been a great thing for people who want to have a tour of the monuments and want that interpretive service. But for a lot of visitors, especially a lot of frequent visitors to Washington, they don't necessarily need to have those interpretive services on every trip, but they would love to be able to get to a lot of destinations around the Mall, and also to be able to integrate those Mall trips and visits to museums with more of an experience of city life, at DuPont Circle, or at Georgetown, or in Penn Quarter or Gallery Place, or many of the other emerging neighborhoods, the Southwest waterfront.

So we think that there is an opportunity to do a much better job of integrating those transportation services. And because the 25 million visitors that come to Washington every year, a lot of them come from places that don't have our level of transportation services. So we are starting something called Smart Bikes next month, where you can basically do bike-sharing, take a bike trip for an hour. That is the perfect way to see sites along the Mall.

So we are really looking——

Mr. GRIJALVA. Thank you. Thank you, and I hate to interrupt——

[Electronic interference.]

Mr. GRIJALVA.—allocated for questions.

Ms. NORTON. Thank you, Mr. Chairman.

Mr. GRIJALVA. Thank you. And let me turn to, I don't have any follow-up questions. I will, Ms. O'Dell, submit my questions in writing so we can—I didn't have a chance to ask you—it has to do with

staffing, has to do with park rangers and safety issues, has to do with the social and the floor plans. There is a mutual exclusivity to them, and I would like you to respond to that assertion.

I don't have any follow-ups. Mine will be in writing. And Mr. Bishop?

[No response.]

Mr. GRIJALVA. Does anyone on the panel have any follow-up questions?

[No response.]

Mr. GRIJALVA. With that, let me thank you very much, and welcome the next panel.

Ms. O'DELL. Thank you, Mr. Chairman.

[Pause.]

Mr. GRIJALVA. Thank you very much. Let me welcome our last panel, and thank you for your patience. Five minutes of testimony, and your full testimony will be submitted, will be part of the record, as well as any additional material you feel you need to provide for us.

Let me begin with Mr. Arthur Spitzer, Legal Director, American Civil Liberties Union of the National Capital Area. Welcome, sir. Your testimony.

STATEMENT OF ARTHUR B. SPITZER, LEGAL DIRECTOR, AMERICAN CIVIL LIBERTIES UNION OF THE NATIONAL CAPITAL AREA

Mr. SPITZER. Thank you, Mr. Chairman and members of the committee. We appreciate the invitation to testify here today.

Our focus really is a much narrower one than those of the other witnesses. And I have learned a lot already by listening to what they have had to say.

The Mall is obviously a place of many important uses, and has many challenges confronting it for the next several decades. We have heard about the need for better access, better signage, better restrooms, protecting the turf, better lighting. The ACLU certainly has no quarrel with any of those needs and goals. Speaking as an American citizen and a local resident, I am in favor of all of those things. I am a regular visitor to the Mall not only in my capacity as an ACLU lawyer, but as a local citizen.

But our particular focus, of course, is on the use of the Mall as a form for free expression and First Amendment activity; and our, the point we wanted to emphasize here this morning is just that that particular use of the Mall is one that must be kept firmly in mind as a primary and Constitutionally protected use of the Mall area.

As the Courts have recognized over many years, the Mall is perhaps America's premiere First Amendment forum. Groups of all kinds and sizes and shapes have come here, local groups and groups from around the country, when they feel strongly the need to communicate to their government with their presence; not just by letters, not just by emails, not just by hiring a lawyer, to be a lobbyist, but to actually come here and demonstrate through their presence, through the efforts they make through their travel, how important some issue is to them.

And the Mall is really the place for that kind of activity. Of course, Lafayette Park and the White House sidewalk are important places, the Ellipse Zone is an important place for marches down Pennsylvania Avenue and Independence Avenue and other places in the city, all of which are important and Constitutionally protected.

But in particular for the very largest demonstrations, ranging from Martin Luther King's march on Washington for jobs and freedom back in 1963 with the famous "I Have a Dream" speech, to the Million Man march in 1995, the Promise Keepers Rally in 1997, the Million Mom March against gun violence in 2000, and even the celebration of the Mass on the Mall by Pope John Paul II back in 1979, the Mall is the only place where these very large gatherings can be held. And we think it is essential that everyone keep in mind the necessary purpose of the Mall as a locus for those kinds of activities.

And I am happy to hear that no one seems to disagree with that proposition. Of course, protecting the trees and the turf is important, but as Congresswoman Norton just pointed out in her questions a few moments ago, First Amendment activity is not really the activity that poses the great danger to those things, things like the Folklife Festival and the Solar Homes Decathlon that lasts for weeks, that put tent stakes deep into the ground, that cover large areas of the surface with food service areas and dance floors and heavy equipment and vehicles, are much more of a challenge.

I am happy to say that although back in the sixties and the seventies there was a lot of conflict between the ACLU, representing various demonstrators, and the National Park Service about demonstrations in Washington, D.C., in recent years the Park Service has been much more hospitable, welcoming and facilitating to those kinds of activities. Our experiences with them have been good, and we certainly hope and expect that will continue. And we certainly hope that the committee will keep carefully in mind, as all these processes go forward, the important need to protect First Amendment activity in the National Mall.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Spitzer follows:]

Statement of Arthur B. Spitzer, Legal Director,
American Civil Liberties Union of the National Capital Area

Chairman Grijalva and members of the subcommittee:

Thank you for inviting me to testify today. I am the Legal Director of the American Civil Liberties Union of the National Capital Area, which is the local affiliate of the ACLU, a nationwide, nonprofit organization representing more than 500,000 Americans who believe that the protection of civil liberties and civil rights—including the freedoms of speech and petition enshrined in the First Amendment—are among our Nation's proudest achievements.

Those achievements are not self-protecting, however. As we have all learned, they must be actively guarded against the constant pressure of competing interests. As the National Park Service considers a new long-term plan for the National Mall, it must therefore bear in mind the essential role the Mall has played in the life of our democracy as a location for First Amendment expression.

Americans have a constitutional right "peaceably to assemble, and to petition the Government for a redress of grievances." As the Founders recognized, freedom of speech and the right to assemble peacefully are indispensable characteristics of a government of, by and for the People. When Americans feel the need to communicate emphatically with their government, they have the right to come here, to the Seat of Government, to communicate in person, with their bodies. No one can deny

that an assembly of thousands, or hundreds of thousands of people communicates a powerful message about the breadth and depth of feeling behind an issue, in a way that letters or e-mails, or even hiring a lobbyist, simply do not.

Public parks in Washington, D.C., and throughout the nation, serve as vital public forums for the exchange of ideas and public discourse. The Supreme Court recognized that fact, and its constitutional dimension, nearly seventy years ago: "Wherever the title of streets and parks may rest, they have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions. Such use of the streets and public places has, from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens." Hague v. CIO, 307 U.S. 496, 515 (1939). Such "traditional public forums" receive the highest level of First Amendment protection: "In such places, the government's ability to permissibly restrict expressive conduct is very limited." United States v. Grace, 461 U.S. 171, 177 (1983) (striking down ban on demonstrations on the sidewalks surrounding the Supreme Court).

The Nation's Capital is a location where the exercise of these historic liberties is particularly appropriate and essential. There is both symbolic meaning and functional practicality in the People's ability and right to voice their concerns in the place where political decisions are made and public policy is enacted and carried out. As the United States Court of Appeals for the District of Columbia Circuit has noted, "the general concepts of First Amendment freedoms are given added impetus as to speech and peaceful demonstration in Washington, D.C., by the clause of the Constitution which assures citizens of their right to assemble peaceably at the seat of government and present grievances." A Quaker Action Group v. Morton, 460 F.2d 854, 859 (D.C. Cir. 1971). Indeed, the exercise of these rights in proximity to the Capitol or the White House is "of undoubted importance in the constitutional balance," for this is "where a petition for redress of national grievances must literally be brought." Women Strike for Peace v. Morton, 472 F.2d 1273, 1287 (D.C. Cir. 1972).

Thus, the courts have consistently upheld the First Amendment right to demonstrate peacefully in public areas in the nation's capital, including the Ellipse, Women Strike for Peace v. Morton; Lafayette Park and the White House sidewalk, A Quaker Action Group v. Hickel, 421 F.2d 1111 (D.C. Cir. 1969); the Supreme Court sidewalk, United States v. Grace, supra, the Capitol Grounds where we sit this morning, Chief of Capitol Police v. Jeannette Rankin Brigade, 409 U.S. 972 (1972) (summarily affirming 342 F. Supp. 575 (D.D.C. 1972)); and of course the National Mall, ISCKON of Potomac v. Kennedy, 61 F.3d 949 (D.C. Cir. 1995); Henderson v. Lujan, 964 F.2d 1179 (D.C. Cir. 1992). The right to assemble for First Amendment purposes in these places has been upheld against governmental claims that such activity would create a risk of terrorism, Lederman v. United States, 291 F.3d 36 (D.C. Cir. 2002), impair presidential security, A Quaker Action Group v. Morton, 460 F.2d 854 (D.C. Cir. 1972), or interfere with the "'peace,' 'serenity,' 'majesty,' maintenance of a 'park-like setting,' and the 'glorification of a form of government through visual enhancement of its public buildings.'" Jeannette Rankin Brigade, 342 F. Supp. at 585.

The National Mall stretches for nearly two miles between the U.S. Capitol and the Lincoln Memorial. ISKCON, 61 F.3d at 951. The National Park Service refers to it as "America's national civic space." NPS National Mall Newsletter Fall/Winter 2007. While many public parks in the nation's capital are utilized for the purposes of free speech and assembly, the National Mall's size and central location make it "an area of particular significance in the life of the Capital and the Nation," ISKCON, 61 F.3d at 951, where many of the nation's most historic demonstrations have taken place. "It is here that the constitutional rights of speech and peaceful assembly find their fullest expression." Id.

The Mall thus has a long tradition of use as a forum for speech and assembly by a wide variety of groups with a diverse array of viewpoints. A few examples will illustrate this breadth of this impressive history.

In 1939, when African-American Marian Anderson was barred from performing at privately owned Constitution Hall, First Lady Eleanor Roosevelt and the NAACP organized an Easter Sunday concert on the grounds of the Lincoln Memorial. More than 75,000 people turned out to hear her sing, one of the largest crowds to have gathered on the Mall up to that time.

In August 1963, the Lincoln Memorial was also the site of the March on Washington for Jobs and Freedom, with more than 200,000 participants hearing Dr. Martin Luther King, Jr.'s historic "I Have a Dream" speech.

In the 1971 "Mayday" demonstrations, more than 500,000 Americans came to Washington to lobby Congress and protest against the Vietnam War. Although the

vast majority were peaceful, more than 13,000 were arrested—arrests later declared unconstitutional in ACLU litigation. Sullivan v. Murphy, 478 F.2d 938 (D.C. Cir.), cert. denied, 414 U.S. 880 (1973); Dellums v Powell, 566 F.2d 167 (D.C. Cir. 1977), cert. denied, 438 U.S. 916 (1978).

In 1987, 1988, 1989, 1992 and 1996, the AIDS Memorial Quilt was displayed in its entirety on the National Mall—the only place it has ever been displayed in its entirety. The first display was during the National March on Washington for Lesbian and Gay Rights, which drew half a million participants. By the time of the last display, in October 1996, the quilt covered the entire eastern half of the Mall, from the Capitol to the grounds of the Washington Monument. There is probably no other public forum in the nation that could have accommodated it.

In October 1995, nearly four hundred thousand African-American men gathered on the National Mall for the Million Man March, stretching from the foot of the Capitol to the base of the Washington Monument.

In October 1997, the Mall was as the location of "Stand in the Gap," a gathering of perhaps a million Christian men organized by the Promise Keepers organization.

On Mother's Day 2000, an estimated 500,000 people gathered for the Million Mom March, organized after the shootings at Colorado's Columbine High School, to foster handgun violence awareness.

Every January 22, the Mall serves as the starting place for the March for Life, protesting the Supreme Court's decision in Roe v. Wade, 410 U.S. 113 (1973). On the other side of the same issue, the pro-choice March for Women's Lives filled the Mall in April 2004.

The Mall has even hosted a celebration of the Mass by Pope John Paul II on a Sunday in October 1979. Although that event was challenged by individuals who alleged that it constituted a prohibited "establishment" of religion, that challenge was rejected by the court, which explained that "the National Mall is a public park that has regularly been made available to all major demonstrations presenting First Amendment values. That is the non-discriminatory policy of the government, evolved in accordance with rulings of this court. The government has applied this policy not only to purely secular uses, but for uses by religious groups." O'Hair v. Andrus, 613 F.2d 931, 937 (D.C. Cir. 1979). (The ACLU of the National Capital Area filed a brief in that case supporting the Pope's right to use the Mall, as a public forum.)

Of course not all demonstrations on the Mall are of the same magnitude. Each year the National Mall & Memorial Parks area hosts nearly 3,000 events "ranging from parades to national days of tribute and observance to public demonstrations." NPS Park Spotlight, available at http://www.nps.gov/parkoftheweek/. But every one is important to those who participate, and to those who are exposed to new ideas and opinions.

This is a history of which we should all be proud—and a tradition that we should all wish to see continue undiluted.

The National Park Service is charged both with protecting the Mall as a place of beauty and majesty, and with protecting its availability for use by the American people for First Amendment activities and such other uses as Congress sees fit to allow, such as motion picture projections, kite-flying competitions, the Smithsonian Folklife Festival, and displays of solar houses. We have no quarrel with any of those activities, and we certainly have no quarrel with the Trust for the National Mall's laudible goals of restoring and preserving the Mall's structural elements and creating educational programs and events to enhance the experience of visitors. But what the National Park Service, the Trust for the National Mall, and the Congress, must not ignore is the fact that, of all the activities that take place on the Mall, only one is a matter of constitutional right.

It may be true, for example, that First Amendment assemblies can cause some damage to the turf—but certainly not as much as such long-running events such as the Folklife Festival or the solar homes decathlon (see www.solardecathlon.org), which bring tens of thousands of people to the Mall for days and weeks at a time, complete with heavy equipment, enormous tents, stages, dance floors, food service areas and the like. By comparison, a few hours' presence by even hundreds of thousands of pedestrian demonstrators is not where the problem lies.

One option that the National Park Service reportedly has under consideration is paving Union Square, at the west foot of the Capitol, and making it a special venue for demonstrations. See Michael E. Ruane, The Battle to Remold the Mall, Preservation Proposals Spark Debate Over Protest Rights, The Washington Post, January 20, 2008. While some groups might find such a venue appropriate, others may not—sitting for hours on a shadeless concrete pad on a hot summer day seems more akin to punishment than to freedom.

In our view, to the extent that public use of the Mall must be limited for the purpose of protecting natural resources, the Mall's availability as a forum for First Amendment assemblies must take priority. There is no constitutional right to watch movies on the Mall, to fly kites on the Mall, to display solar homes on the Mall, or to erect food service tents and picnic tables on the Mall. There is a constitutional right peaceably to assemble, and to petition the Government for a redress of grievances on the National Mall.

The ACLU has registered as a consulting party in the Park Service's planning process, and we hope to participate actively in that effort. We know that this subcommittee will continue to provide legislative oversight of that process, and we respectfully urge the subcommittee to bear in mind, and to communicate to the Park Service, the primary importance of the National Mall as the epicenter, so to speak, for the American people's exercise of the vital First Amendment rights of assembly and petition.

Thank you for your attention. I look forward to answering any questions that you may have.

Mr. GRIJALVA. Thank you.

Judy Scott Feldman, Dr. Feldman, President, National Coalition to Save Our Mall. Thank you for being here.

STATEMENT OF JUDY SCOTT FELDMAN, Ph.D., PRESIDENT, NATIONAL COALITION TO SAVE OUR MALL

Ms. FELDMAN. Good morning, Chairman Grijalva and committee members.

I am Dr. Judy Scott Feldman, founding member and President of the National Coalition to Save Our Mall, an independent citizens' nonprofit formed in 2000 to provide an organized voice for the public in Mall matters.

In 2007 our coalition created a new nonprofit, the National Mall Conservancy, to fill gaps in Mall programming. Our inspiration was New York City's Central Park Conservancy, where they visited last week.

Some of our projects include our Friendly Mall Map and Recreation Guide. We have copies for each of you, and programs including the Mallwide Recycling Program, a visitors center and education of tourists.

I was born and raised in Washington. My father worked in the Senate as Staff Director in the Appropriations Committee. The National Mall and Capitol Hill are part of my fondest memories growing up.

With the committee's OK, I will submit my testimony for the record, and summarize my main points.

As much as we welcome the flow of attention to the National Mall by several NDC planners and the interest and good work of Congresswoman Eleanor Holmes Norton, these efforts are piecemeal, and lack any true vision for the future of this nationally significant symbolic landscape.

In short, the Coalition is calling for a Congressionally chartered commission of prominent Americans to prepare a vision and framework plan for the National Mall, updating the 1901-1902 McMillan Commission Plan, the last time there was a serious look at the Mall as a whole.

Why a commission? The National Park Service claims sole jurisdiction for the Mall. But in truth, management is fragmented among six agencies, as shown in Illustration 1. Oversight in Con-

gress is divided among at least eight Congressional committees, diagramed in Illustration 2.

Meanwhile, D.C. Mayor Fenty, in order for his Center City Action Agenda to succeed, needs the Mall to be revitalized in new ways, but he lacks any real planning authority for the Mall.

Congress in 2003 declared them all completed, and imposed a moratorium, but already has made exceptions, and more may follow. The National Park Service calls its Mall plan a vision, but it is little more than a typical management plan for grass and restrooms.

Those of us participating in the public consultations for this plan have been frustrated by the piecemeal approach and the lack of clear scope and transparency in the planning process.

The Coalition believes that the Mall cannot be completed any more than American history will have stopped happening. It is time for a radical rethinking of the Mall and its future as one of our nation's most symbolic landscapes and civic spaces in the heart of the Capitol and the nation.

This is not a task just for government agencies. As mentioned, it requires the best creative minds in the country to study the problems and needs and explore the exciting possibilities for the future. At the turn of the 20th century, the McMillan Commission understood what our burgeoning democracy needed in its capitol: iconic locations for new memorials, public buildings for growing government, a grand expanded landscape that projected the image of the United States as a world power.

Today, in an era when Americans don't know our nation's history, how can we better utilize the Mall for civics education? What is the vision of the Mall that speaks to us as a people and a nation at this critical time in our history, and in world history? What could a future vision look like?

The way to protect the Mall is to expand it again. Most Americans don't appreciate that the original L'Enfant Mall, what we call the First Century Mall, ended at the Washington Monument; and that a century ago the McMillan Commission expanded the Sexton Century Mall onto landfill, adding the Lincoln Memorial and hundreds of acres of public parkland, as shown in Illustration 3.

Today, the Third Century Mall can grow again, perhaps incorporating East Potomac Park, L'Enfant Promenade, and other public land, and provide new iconic locations for future monuments and museums on the Mall. And the Mall can be rejuvenated as a grand urban park, connected to the surrounding city.

In Illustration 4 we show a sketched 10-year vision for the Third Century Mall that includes a three-mile-long water park, new pedestrian bicycle and shuttlebus routes connecting all parts of the traditional and expanded Mall, new parking, special venues for mega-events, and lively spaces for culture and recreation.

In conclusion, imagine what a Third Century Mall could be with the kind of leadership and vision that was applied by the McMillan Commission, whose members included Daniel Burnham, Frederick Law Olmsted, Jr., Charles McKim, and Augustus Saint-Gaudens, some of the nation's most creative minds.

Congress created that McMillan Commission at minimal cost to the American taxpayer. We would urge Congress to once again provide leadership by creating a Third Century Mall Commission.

We are pleased, Mr. Chairman, that you have taken a leadership role in such an endeavor by having this hearing. I will be willing to provide an expanded briefing for anyone on the committee who would like to learn more about these ideas.

Thank you.

[The prepared statement of Ms. Feldman follows:]

Statement of Dr. Judy Scott Feldman, President and Chair, National Coalition to Save Our Mall

Good morning, Chairman Grijalva and committee members. I am Dr. Judy Scott Feldman, chair and president of the National Coalition to Save Our Mall, an independent citizens nonprofit organization founded in 2000 that works to protect and enhance the integrity of the National Mall through education and advocacy. In 2007 we created a new nonprofit, the National Mall Conservancy, inspired by New York City's Central Park Conservancy, to fill gaps in programming for the Mall's open space. With the Committee's okay, I would like to submit testimony for the record and summarize my main points.

The Value and Limits of Current Federal and DC Government Planning

You've heard today about serious problems on the National Mall—dead grass and crumbling walkways; flooding; sinking seawalls at the Tidal Basin; numerous proposals for new museums and memorials despite the Congressional moratorium; lack of visitor amenities and adequate transportation—and about planning efforts by the National Park Service and the National Capital Planning Commission to address these problems, as well as Congresswoman Norton's proposed legislation aimed at expanding the Mall. And you've learned that Washington, D.C., Mayor Fenty's new Center City Action Agenda envisions the National Mall as a lively urban park and the centerpiece of a revitalized "center city" stretching from Downtown to the Southwest Waterfront.

After years of trying to galvanize Mall planning, we are pleased to see so much activity by the federal government and the city. As welcome as this is, these efforts are insufficient and piecemeal.

- While the National Park Service claims sole jurisdiction for the Mall, in truth Mall management is fragmented among six agencies including the Smithsonian Institution, the Architect of the Capitol, the National Gallery of Art, the U.S. Department of Agriculture, and DC Government (See Illustration 1).
- At the plan review level, the National Capital Planning Commission and Commission of Fine Arts try to coordinate but tend to defer to each agency's proposals.
- We've identified at least eight congressional committees with oversight, and we fear there is little communication among them (see Illustration 2).
- Some of these entities work in direct opposition; none can agree on the Mall's definition or boundaries; none has the authority to cut through the turf wars or the ad hoc development and institutional neglect that have long characterized Mall management and oversight.
- And yet, visitors don't distinguish between the property of the Park Service and the National Gallery, or a Senate or House committee. They see the National Mall as a whole, from the Capitol to the Lincoln Memorial, as an iconic landscape at the core of the American psyche.

Even with all the ongoing planning activity, we don't see the kind of visionary thinking and proposals we believe are warranted for this great symbolic landscape.

- NPS calls its plan the National Mall Plan and a "vision," but in truth the scope is limited primarily to management concerns—trees, grass, restrooms—and only to areas under park service jurisdiction.
- NCPC's Framework Plan addresses Congress' need for sites for future museums and memorials off the Mall—certainly an urgent problem as new museum and memorial proposals continue to proliferate—but not the Mall itself.
- With regard to the memorial siting challenge, we were pleased to see Congresswoman Norton take a leadership role in proposing to expand the Mall, which we have long advocated. We need to tell more of the story of our country, through additional markers, memorials, self guided tours, and the like. We sim-

ply cannot meet that need on the traditional Mall, so expansion is essential. We would go further than Congresswoman Norton.

- Mall expansion needs to be about more than identifying real estate for new monuments. It goes to questions of how the Mall's value to the nation and the City of Washington as symbolic landscape and urban park can be improved and enriched. And this is a conversation we believe requires Congress to create a new, independent National Mall Commission in the tradition of the McMillan Commission a century ago, about which we will speak more in a moment.

DC's Center City Action Agenda Needs a Lively Urban Park

Adding to the complexity of how we look at The Future of the National Mall is Mayor Fenty's new economic development action agenda, which seeks to create a new, expanded "center city" with the National Mall as the "centerpiece." The Mall at long last could realize its full potential as a lively urban park in the heart of our nation's capital.

But DC government is confronted by a dilemma. Congress has declared the Mall a "substantially completed work of civic art" and NPS and other federal agencies are planning in ways that accept the status quo. DC's Center City Agenda can only succeed, however, if the Mall can be transformed into a lively urban park that serves and connects neighborhoods and commercial areas around it. The status quo won't do. The Mall has to be considered more than a national park such as Yellowstone. It needs to be reconceived in ways that go beyond NPS management policies, with their emphasis on preserving natural resources, in favor of a vision for a grand urban park created to serve people—25 million visitors annually from around the country and the world, as well as local residents and workers. In other words, the Mall cannot be "completed" if the Mall is to be part of the revitalization of the nation's capital.

Compounding the problem for the city, DC Government is effectively shut out of Mall planning. Again with the NPS's latest planning effort, its National Mall Plan, there seems a reluctance by NPS to engage the District government even as the adjacent neighborhoods, including the area around the new ballpark, begin to attract business and new residents for whom the Mall will be their "local" park. Those of us representing citizens groups and nonprofits in NPS's National Mall Plan consultation process are finding that the public has little opportunity to influence NPS thinking and instead is asked to react to NPS priorities (more about the NPS plan below).

A McMillan-type National Mall Commission

How to get beyond the fragmented jurisdictions, conflicting priorities, and policy differences to plan the future of the entire National Mall—for the nation, DC, and the American public?

We believe that only a congressionally chartered commission of prominent Americans would be able to prepare a vision and framework plan for the Mall as a whole, updating the 1901-1902 McMillan Commission Plan, the last time there was a serious look at the entire Mall. The commission could work with NPS and NCPC to identify federal lands for Mall expansion; collaborate with the DC Government in reconnecting the federal and DC interests for the Mall and the city as a whole; and consult with the American public—local residents and citizens around the country—to find ways to make the National Mall newly relevant for all of us in coming years and decades.

The Coalition and Conservancy and a Public Voice

A Citizens' Vision for the 3rd Century Mall

For several years now, the Coalition has been proposing the exciting possibilities for a 3rd Century Mall vision. Because we are an independent citizens group, and not bound by Congressional or DC policies and priorities, we have been able to focus our attention exclusively on the Mall's history, problems, and future. We call our concept a "citizens' vision" for the 3rd Century Mall.

We saw that in the years since declaring the Mall "completed" in 2003, Congress has made exceptions to its own moratorium. We realized the Mall can't be "completed"—any more than American history will stop happening. As new projects continue to be authorized or proposed—a Vietnam Veterans Memorial visitor center, a Museum of African American History and Culture, and most recently a Latin American Museum—and as our society continues to evolve, the call for monuments and memorials will continue to grow, and the available space will continue to shrink.

The Mall today has become "the people's place," the stage for our democracy. The American people feel that they own it. The Mall is a place where our history continues to unfold, where our democracy can be continually rejuvenated. It is poised

as never before to become a lively destination not only for visitors from around the country and the world, but also for local residents, office workers, and businesses that are bringing new life to downtown Washington and nearby neighborhoods.

We call our concept a "citizens' vision" for the 3rd Century Mall. It calls for a new vision that enlarges and builds upon the historic L'Enfant Plan of 1791 (what we call the 1st Century Mall) and the expanded McMillan Plan of 1901-02 (the 2nd Century Mall) and makes them newly relevant to the 21st century—the 3rd Century Mall.

What could that vision entail (see Illustration 3)?

- The Mall can be expanded. Most Americans don't appreciate that the Mall originally ended at the Washington Monument, or that the Lincoln Memorial is built on landfill. A century ago, the McMillan Commission expanded the Mall with landfill, more than doubling its size to create sites for the Lincoln Memorial and huge expanses of public parkland. Today the Mall can grow again—perhaps incorporating such public land as East Potomac Park, Theodore Roosevelt Island, L'Enfant Promenade, the South Capitol Street corridor (for the most part, land identified by NCPC and NPS for future memorials and museums)—to accommodate more museums, more memorials, more civic and recreational space.

What would an expanded Mall look like? We have created a sketch of a "10-Year Vision" for the 3rd Century Mall that illustrates that (see Illustration 4):

- Expansion areas could be connected to the traditional Mall and the surrounding neighborhoods in a continuous loop of pedestrian, bicycle, and shuttle bus routes, including new bridges across Washington Channel, and could encompass a three-mile-long waterfront park;
- New circulation patterns could unfold along the Potomac route, starting at the Lincoln Memorial at the west and punctuated by the FDR, Jefferson, and memorials yet to come, before crossing the Washington Channel and ascending Capitol Hill along the majestic new Gateway Boulevard;
- Parking, new venues for mega events such as the Smithsonian's Folklife Festival, and new recreational space could be created beyond the Mall's traditional main vista.

We realize that our ideas are only the first step in moving toward creating a 100-year vision on the scope and scale of the historic L'Enfant and McMillan plans. The next step belongs to Congress and a 3rd Century Mall Commission.

The Limitations of the National Park Service's National Mall Plan

The National Coalition to Save Our Mall is participating as a "consulting party" in the Historic Preservation Act Section 106 public consultation for the National Mall, along with several other nonprofit organizations and citizens groups. There have been a number of public meetings and listening sessions where NPS planners have presented and solicited comments.

The scope of the NPS planning effort has been a matter of some confusion and concern among "consulting parties" in the Historic Preservation Act Section 106 public meetings. It is still not clear how NPS's study area relates to the historic L'Enfant Plan and McMillan Plan. Instead, NPS focuses on planning for individual "cultural landscapes" such as the Washington Monument grounds, Union Square (the panel at the foot of the Capitol), but not for the National Mall as a unified whole based on the historic L'Enfant Plan and McMillan Plan. Nor has NPS explained adequately why critical topics such as transportation and circulation—right now a major problem for visitors and residents alike—and visitor amenities, such as good food options, are not included in the scope of study and seem to be determined more by the needs of NPS concessionaires than by public need. Several participants in the Section 106 process have raised concerns about the lack of transparency, insufficient consultation in developing alternatives, listening sessions that revealed little about NPS thinking and intent, and the piecemeal approach to different parcels of the Mall and lack of an overall vision as a whole in the tradition of the McMillan Commission. There is concern that NPS's management priorities could set in motion changes that instead of showing the way to the future could enshrine the status quo and inhibit needed improvements.

Creating a Vision for the 3rd Century Mall

It's easy today to throw around the words "vision" in planning. But none of the current federal and DC efforts—with their focus on natural resources, memorials, and economic development—constitute a vision for this iconic landscape. We would like to make our point about the kind of vision needed—and why only an independent commission of prominent Americans can achieve this—by looking back a hundred years to the McMillan Plan of 1901-1902, the last successful long-range plan for the Mall.

The McMillan Commissioners had a clear understanding of what our burgeoning democracy needed in its capital city at the turn of the 20th century: We needed sites for memorializing our heroes including Abraham Lincoln. We needed great public buildings in the Federal Triangle to house the growing civil service for our growing country. We needed to restore L'Enfant's vision of the Mall as the people's place, by clearing away the trees and clutter, and to tie it effectively to a system of parks and recreational places throughout the capital city. We needed to project an image in landscape, architecture, and majestic vistas of our nation as a world power and shaper of history. The Commission was blessed with land to grow into through the Corps of Engineers project to drain the marshlands along the Potomac shore, which resulted in creating hundreds of acres of new land contiguous to the original Mall.

They gave us a plan that we have grown into over the past century and that now, once again, needs renewal. We need to seize this opportunity. The possibilities for the nation, the city, and the American public are exciting.

This is not a task to be assigned to existing government agencies each with its own parochial interests and turf. As in 1901, it is the task of assembling a few of the best creative brains in the country to study the problems and—with assistance from federal and DC agencies as well as the public—plan how can best expand and rejuvenate our central public space.

Here are some of the questions the new commission might want to explore that would help shape the Mall during the next century:

- Our country continues to produce national heroes and to honor them on the Mall, including the recent FDR Memorial and the coming MLK Jr. Memorial. In what places could we honor yet unknown greats of the 21st century?
- We are suffering collective amnesia about our national history, especially among young people. How can we develop sites and programs that better utilize the Mall—both the traditional Mall and expansion areas—for civics education and activities?
- If the federal agencies continue to decentralize and move away from the Monumental Core area, what kind of new uses could the Federal Triangle (where GSA is already aware of vacancies) and other buildings serve?
- As the city's urban core expands southward towards the waterfront, the Mall will be come the center of an increasingly dense residential and commercial city filled with citizens who will want places to meet and recreate. How can we develop a 3rd Century Mall that meets the needs that will arise as the population and function diversifies?
- We have never fully developed our riverfronts. As we deal with global warming, how can we best deal with potential flooding while making the riverfront more of a destination? Half the Mall already lies in a flood zone. We are blessed with hundreds of acres of largely undeveloped land left over from the Army Corps of Engineers landfill project. How can this land best be used?
- Most important, our nation's role in the world has changed dramatically since 1902 and the last vision. How can the National Mall best symbolize our concept of who we are as a people and nation and where we hope to be a century from now?

When Congress declared the Mall "a substantially completed work of civic art" with the intention of protecting the Mall from overcrowding, it failed to couple its action with a program for long-term expansion as the McMillan Commission did. Now Congress needs to take leadership once again and charter a new McMillan-type commission to imagine how we can best imagine the future of our National Mall, to allow the Mall to grow creatively to serve its role as a stage for our ever-evolving democracy.

The National Mall Conservancy Filling Gaps

The National Coalition to Save Our Mall and the National Mall Conservancy are dedicated to helping fill the existing gaps in Mall management and programming and in developing a structured public voice to make this happen.

The National Mall Conservancy is working with government agencies and other citizens groups on a number projects:

- There is no comprehensive recycling program on the Mall, each agency and building does its own thing. We've studied this and I've approached the Federal Environmental Executive about taking this on for the Mall as a whole
- Transportation and circulation are limited. Tourmobile provides interpretive tours at $25 a day for an adult but the Circulator runs only during the week and peak hours and doesn't serve the western Mall area. Nor does Metro with bus service. A graduate course in transportation policy planning at George Mason University undertook for us and just completed a review at our request and there are serious gaps. It is not easy, especially for older people, children,

and those with disabilities to get around the long expanses. The GMU report and PowerPoint presentation are posted at http://policy.gmu.edu/programs/programs_tpol_practica.html>http://policy.gmu.edu/programs/programs_tpol_practica.html

- There is no Mall visitors' center, which we think could be nicely provided in the Smithsonian's Arts & Industries Building, with information, maps, a police substation for security, snacks, restrooms. (I give tours on the Mall and the most frequent question I get is where are the restrooms.)
- Until the Coalition produced a map, there was no overall map and historical guide. We prepared the first ever recreation guide to the Mall as there is confusion over who has jurisdiction over the ballfields that are well utilized by DC residents for softball, soccer and so on.
- Sustainable landscaping will be critically important in the future and we've been in conversations with the USDA which is moving forward with a creative sustainability landscape for its building on the Mall, conceived as an open-air classroom of USDA policies for stormwater, recycling, sustainable plantings, and so on.
- While new FEMA flood maps have spurred DC and federal agencies to work on urgent flood control problems, the challenges of stormwater and flooding will require sustained, long-term creative solutions. We have compiled an extensive bibliography of resources that can be useful in future development of a larger regional approach to flooding and global warming.

What Stands in the Way?

When I present these ideas to groups throughout the city and region, audiences regularly ask me, "What's standing in the way?" I can speak from experience that the public, and even many federal and DC planners, are excited by our vision and the great opportunity for creating a 3rd Century Mall vision.

But let's not fool ourselves. This will not be easy. Before a Senate hearing on The Future of the National Mall in 2005, Chairman Craig Thomas said he intended to create a Mall Commission. But he then changed his mind after the NPS, NCPC, and Commission of Fine Arts discouraged him, claiming that it would simply add another layer of bureaucracy. And besides, they would do the visionary planning themselves. Three years later, we see that's not so.

The need is more urgent than ever. Sustainability is a top priority but no one of the agencies can tackle it adequately, nor can their collective efforts rise to the level needed to confront the rising problems of flooding and stormwater. Sinking seawalls at the Tidal Basin can be repaired, but we need to rethink the whole character of the hundreds of acres of landfill along the shores of our rivers.

Moreover, DC urgently needs a voice in shaping the Mall of the future, as do local residents and the American public. Only Congress can make that future happen.

Imagining a Visit to the 3rd Century Mall

Imagine what the 3rd Century Mall could be with the kind of leadership and vision that was applied by the McMillan Commission—whose members included Daniel Burnham, Frederick Law Olmsted, Jr., Charles McKim, and Augustus Saint-Gaudens—some of the nation's leading designers. In case you are not aware, the McMillan Commission conducted its research by touring some of the great urban spaces and parks of Europe. I'd happily join in any future research endeavors of this sort.

Seriously, with more than half the Mall built on landfill and suffering effects of flooding and failing infrastructure, we need to go beyond repairing problems to rethinking them. The Mall could be a showcase of the most innovative and state-of-the-art approaches to modern challenges of climate change. It could be transformed into an open-air classroom that engages residents and visitors of all ages, with demonstration projects for restoring turf grass, native vegetation, historic streams and wetlands, as well as recycling and whatever new solutions emerge in coming years and decades. Mall expansion could include rethinking and reconfiguring the landfill on both sides of the Potomac and Anacostia rivers.

I would be willing to follow up with anyone on the Committee who would like to learn more about these ideas.

Attachments: 4 Images

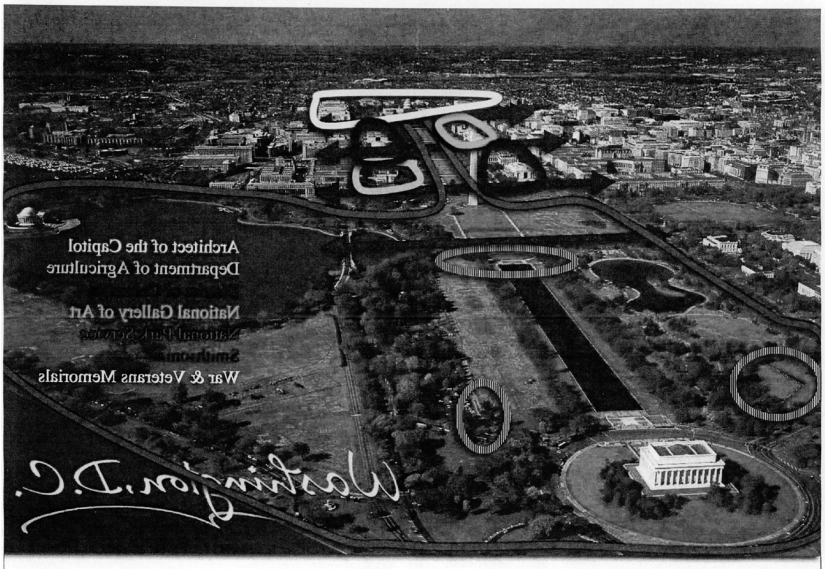


ILLUSTRATION 1: FRAGMENTED MALL MANAGEMENT

ILLUSTRATION 2: FRAGMENTED OVERSIGHT

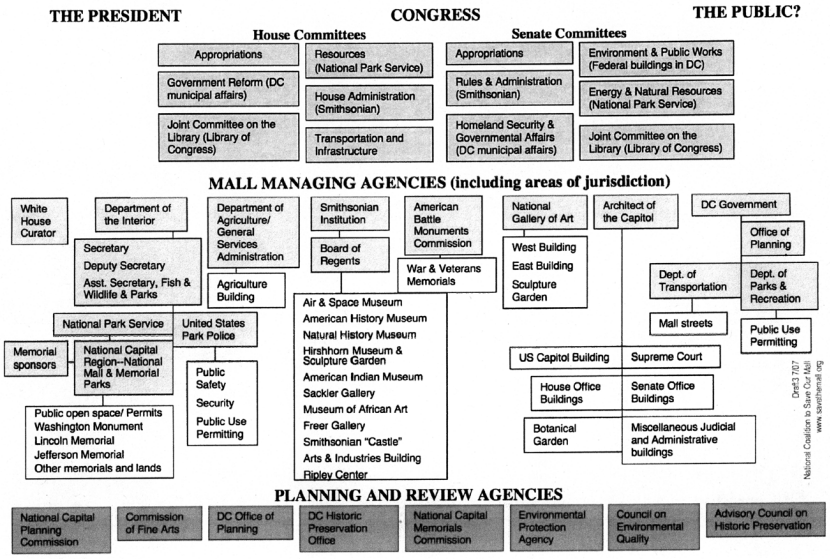


ILLUSTRATION 4: A SKETCH VISION OF THE 3RD CENTURY MALL

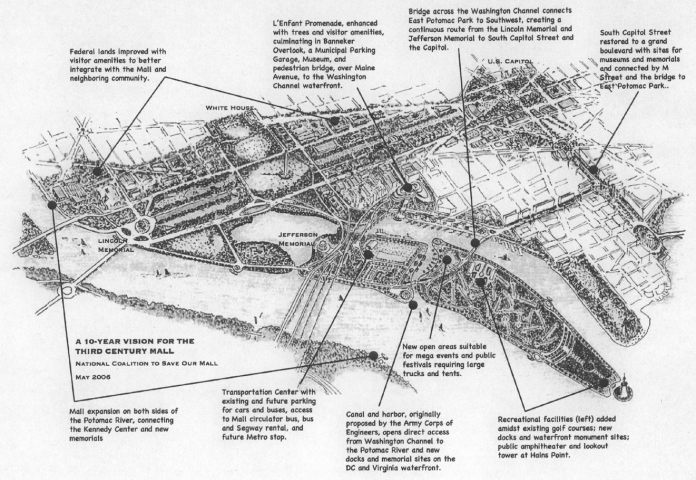
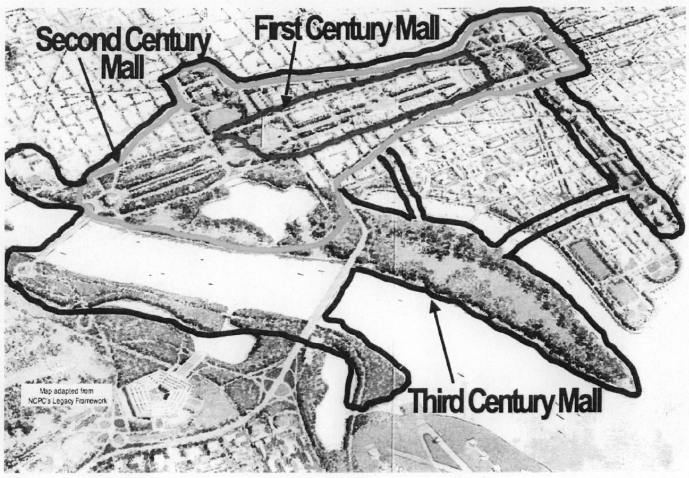


ILLUSTRATION 3: MALL EXPANSION IN ITS THIRD CENTURY



Mr. GRIJALVA. Thank you very much. Our final witness, John Akridge, III, Chairman, Trust for the National Mall.

Mr. Akridge.

STATEMENT OF JOHN E. "CHIP" AKRIDGE, III, CHAIRMAN, TRUST FOR THE NATIONAL MALL

Mr. AKRIDGE. Mr. Chairman and members of the Subcommittee on National Parks, Forests, and Public Lands, I want to thank you for the opportunity to come and speak with you today and tell you about the Trust for the National Mall.

My name is Chip Akridge. I am Chairman of Akridge, which is a local commercial real estate development and property management fund. But I am here today in my capacity as Chairman of the Trust.

We have some written testimony, and I trust it will be included in the record.

I am a Tennessean, I am a Vietnam veteran. And I also go jogging. I am a runner, I jog on the Mall, and it is a hallowed space. I don't know if any of you have been down there with the sun coming up, moving west across 5th Street and watch the sun come up over the Capitol, it makes the hair on the back of my neck stand up. I am proud to be an American, proud to be here. We could have been born anywhere in this world, but we were born here in America, with the rights to choose our successes as we have been able to do.

But I don't know if any of you have been down to the Mall lately, in the past few days, past year, or whatever. But I am here to report to you that it is a disgrace. It is in a state of disrepair.

Do you all have these—you should have a copy of these books we have passed out. I wouldn't mind you flipping through those as I continue my testimony, because a few pictures are worth a million of my words.

In fact, there is a $350 million deferred maintenance backlog on the Mall, which is part of the National Park Service nationwide system's $5 billion deferred maintenance backlog, which I am sure you gentlemen are familiar with those numbers.

This backlog does not include any physical improvements to the structure down there to handle the 25 million people who currently visit the Mall. That is more people than Yosemite, Yellowstone, and the Grand Canyon, the next three most busy parks together. The park as it was originally designed, and has been improved over the years, is not capable of handling the people that is down there.

It also doesn't include any educational programs to educate people as to what the American experience is and what freedom is all about in this country.

I think that the Park Service has done a good job with the budget that they have had, the limited budgets that they have had, to keep them all in as good a shape as it is. But again, the budget has just been woefully inadequate.

I use as an example the Washington Monument. If you look at that monument, it has undergone renovation recently, primarily for security reasons; but at the same time, that space was upgraded to world-class space, which is what we are looking to try to accomplish for the entire Mall.

While this space may be somewhat backyard to us here in our backyard in Washington, it is America's front yard, and the Park Service cannot, we don't believe, do this alone through public funding. So we felt that a created public-private partnership was a potential solution to solving this funding gap.

We looked around the country and found the Central Park Conservancy in New York which 30 years ago took Central Park, which is an 800-acre park—the north half was closed because of crime, the entire park was greatly run-down—and they have raised about $500 million and brought that park back to world-class status.

We formed the Trust with the idea of doing basically the same thing to the National Mall. Our goal is to produce the best park in the world, where visitors have the best park experience in the world. It should be the best of the best.

We held our first public event on May 8, just about 12 days ago, where 500 like-minded individuals turned out and contributed over $600,000 toward this cause, which shows you there is a willingness in the American public to support this effort.

Last November Secretary Kempthorne rolled us out as the sole fundraising partner for the National Park Service for the Mall. Since then, Secretary Kempthorne and Director Beaumont have been great supporters of that partnership, and it is flourishing.

You just heard Superintendent O'Dell testify as to all the efforts that are going on in terms of planning, and I won't go back into that. But we estimate that $500 million is needed for the Mall today: the $350 million I already mentioned, probably $100 million for the beefed-up infrastructure, and $50 million to establish educational and interpretive programs to tell the story of what American democracy is all about, to our visitors and to our children.

Our mission is simple. It is to support the National Park Service mission, and I quote, "to preserve and restore the natural and cultural resources and values for the enjoyment, education, and inspiration of this and future generations."

As I said, the process which is underway, I will not reiterate that there were, you know, over 500 professionals would have reviewed the plan before it is approved, and over 23,000 Americans have already made their views known on what should be done with the plan. The publishers made known that their three main issues they are interested in, one was First Amendment rights, which was just spoken to, and freedom of expression. There was increase the number of toilets and food facilities. They want to improve the fiscal meaning of the space.

This space is the staircase of democracy through the speech, leadership, sacrifice, and heroism. It is America's front yard. It needs our help, and it needs it now.

Thank you.

[The prepared statement of Mr. Akridge follows:]

Statement of John E. "Chip" Akridge, III, Chairman, Trust for the National Mall

Mr. Chairman and members of the Subcommittee on National Parks, Forests and Public Lands, I am Chip Akridge, Chairman of Akridge, a local commercial real estate development and management firm.

I am here today in my capacity as Chairman of the non-profit organization, the Trust for the National Mall. The Trust for the National Mall is a non-profit organization dedicated to supporting the National Park Service mission to "preserve—unimpaired the natural and cultural resources and values "for the enjoyment, education, and inspiration of this and future generations." As the official funding partner of the National Park Service for the National Mall, the Trust has a long term goal to raise over $500 million to help return the Park to a landscape of extraordinary beauty and to better connect visitors to its unique and important history as the platform of our democracy.

After years of deferred maintenance on the National Mall, the current cost of restoring "America's Front Yard" is a staggering $350 million. This figure does not include physical improvements to handle the current volume of 25 million annual visitors or money for educational programs.

The Park Service cannot restore "America's Front Yard" with its current budget. This urgently needed work can be funded and completed only through a creative

public-private partnership, which is what the Trust for the National Mall is proposing.

Over the last twenty years, I've enjoyed regular jogs through downtown D.C. and across the National Mall. I started this routine to check on my properties throughout the District and ended each run with a scenic reminder of why I love this city, and a reminder of why I am proud to be an American.

While I would look at the amazing icons on the National Mall: the sun coming up over the Capitol, the flags circling the Washington Monument, and the Jefferson, Lincoln and war Memorials, I rarely looked at the National Mall as a property manager. Over four years ago, someone challenged me to look closer at the condition of the park, and sadly what I saw did not make this American proud. The National Mall, "America's Front Yard," was and is a disgrace.

So with the help of several Washingtonians, I founded the Trust for the National Mall in an effort to restore the National Mall to a place of beauty befitting our nation's Capitol. We knew that we wouldn't be alone in our efforts since there were many people in this community who cared about this sacred and historic space. We were right.

We've modeled the Trust after the Central Park Conservancy in New York. Thirty years ago, half of Central Park was closed and its 800 acres were completely run down. In 1980, Mayor Koch asked Bill Beinecke, former Chairman of S&H Green Stamps, to lead a private effort to restore that park, and a successful public-private partnership was born.

More than 25 years later and with close to $500 million raised, Central Park is truly a world-class urban space. We hope to follow their lead, raise a similar amount, and restore the National Mall to a place of beauty and pride for visitors and future generations.

Last November, the Trust held its national launch when Secretary of the Interior Dirk Kempthorne announced the Trust's designation as the official partner of the National Park Service (NPS) to raise private funds to be added to Federal funds for execution of the National Mall Plan. Under the leadership of the Secretary and NPS Director Mary Bomar, our partnership is flourishing. They, along with the new National Mall and Memorial Parks Superintendent, Peggy O'Dell, truly see the value in creating productive public-private partnerships to restore our national parks and have been terrific leaders in moving the Trust forward because they are committed to this American treasure.

Today, with budget cuts and a deferred maintenance bill of $5 billion in the NPS system, the work cannot be done by the government alone. The National Mall carries a $350 million deferred maintenance deficit, and with 25 million annual visitors (more visitors than Yellowstone, Yosemite and the Grand Canyon parks combined) the decay from this wear and tear is massive and continues to grow. The NPS has done an outstanding job with the funds available to them, but those funds have been woefully inadequate to enable the NPS to properly maintain the park.

The National Park Service is working diligently pursuing the critical work of preparing the National Mall Plan which will determine the future of the National Mall and will be the blueprint for our work. The NPS is working with over twenty cooperating agencies and thirty consulting parties to prepare the National Mall Plan. In all over 500 professionals will have reviewed and commented on the plan by the time it is approved. Additionally, during the plan scoping phase NPS held press conferences, issued media releases, published a newsletter requesting participation, and held a symposium and public meetings. More than 23,000 Americans from across the country have submitted their comments to the plan. The most important messages from the public have been to protect the space for First Amendment rights and freedom of expression demonstrations, increase the number of toilets and food facilities, and improve the physical beauty and quality of the area.

The National Park Service leadership and staff have taken very seriously the guidance and vision of these organizations and the thousands of Americans in developing the final plan. The NPS is diligently pursuing the critical work of preparing the National Mall Plan which is due to be released at the end of 2008 and will serve as a blueprint for the NPS and the Trust's work.

In addition to the estimated $350 million needed for the deferred maintenance backlog, approximately $100 million is needed for infrastructure improvements like repairing or building additional food and restroom facilities and $50 million is needed for educational programming, to tell the story of our country's rich history found in the park to all its visitors.

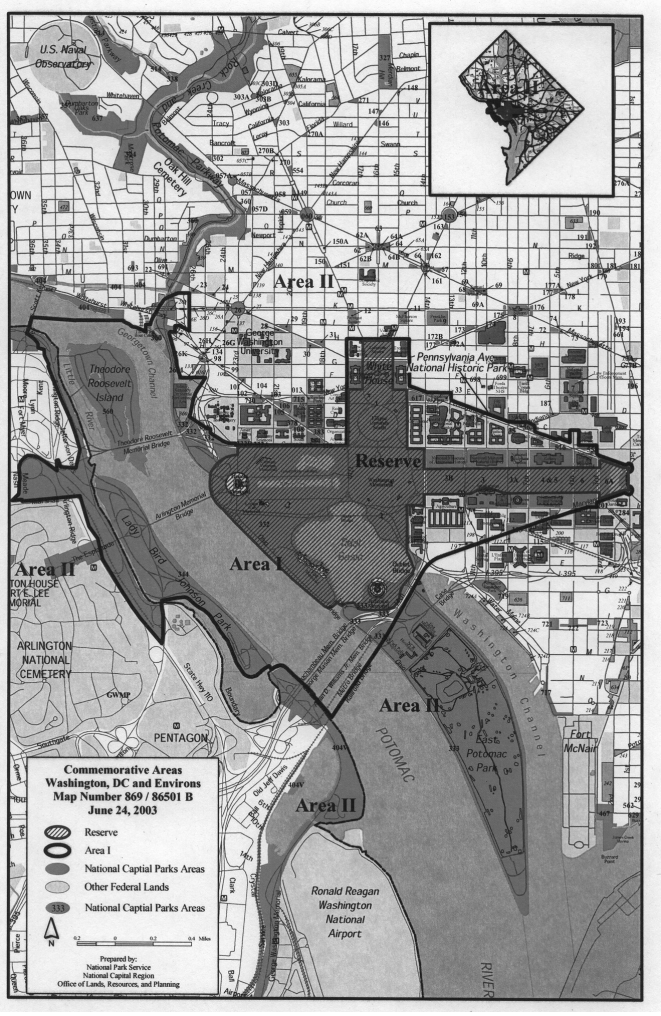
The National Mall, the 700-acre stretch of hallowed ground located between the Capitol and the Lincoln Memorial and from Constitution Avenue to the Jefferson Memorial, has come to be known worldwide as a symbol of democracy and America's heritage. It encompasses the strength and proud history of our nation, symbolizes

the democracy that our forefathers worked so hard to secure, and memorializes the sacrifices of so many who have given their lives to preserve. It is "America's Front Yard."

Our project is unique: restore and preserve one our greatest American icons for all visitors and future generations. For some of us the National Mall is our backyard, but its real reach and purpose is without boundaries. Because of this, we know our efforts must be far-reaching in scope and require the support of volunteers ranging from gardeners and academics to individual and major donors from across the country. Our efforts will include outreach and education to all Americans, including students and parents, community leaders and patrons, educators and historians.

As a real estate developer and property manager, I know what an immensely difficult and ongoing task it is to maintain the National Mall in world-class condition given the enormous usage of the space. But its purpose is to honor our forefathers and all the people who have made our country what it is today. It must be fixed and maintained and protected for First Amendment use in perpetuity.

We believe—and are certain that you will agree—that the National Mall is one of the Nation's chief cultural assets. There is no other place in the United States that celebrates our democracy, freedom of speech, leadership, and heroism like the National Mall, America's Front Yard. And it needs all of our help now.



Mr. GRIJALVA. Thank you. Let me thank all the panelists.

Mr. Spitzer, you know, your idea, or the concept of funneling off free speech activities into one site-specific venue I agree is unacceptable. And that shouldn't be the intent of the planning, and that shouldn't bog down what I think is a very important planning process by raising that issue.

Let me ask you, the discussion of providing amenities—i.e., speakers, all those in various locations along the mall to facilitate entertainment, activities, and possibly also demonstrations—what is your reaction to that concept?

Mr. SPITZER. I think that could be a very positive thing, Mr. Chairman. I think making the Mall a more user-friendly place for demonstrators, as well as tourists and local residents, I think that those are not conflicting goals necessarily at all.

I think many demonstrators would appreciate having a prime location, with the Capitol Dome in the background of their speaker stand for their own viewing, and for photographs and television; and having restroom facilities and benches and water and electrical outlets for their use. I think all those things could be very positive things, which could obviously be available for non-demonstrators at other times.

We are not necessarily opposed to the possibility, and I gather it is only a possibility, of having a multi-purpose use for the Union Square area at the foot of Capitol Hill. I don't know what kind of costs would be involved in having that reflecting pool being a drainable and refillable area; that is obviously something that others can study. As long as demonstrators are not being told here is your sort of demonstrator-specific and that is where you have to go.

Many demonstrators, especially some of the smaller ones, might be happy to have such a location.

Mr. GRIJALVA. Thank you. Dr. Feldman, quickly, if I may, an example of why you feel that the public has had little opportunity to influence National Park Service thinking on this National Mall Plan. And just quickly follow up why the Commission idea would deal with that issue of lack of participation in a much broader way. You mentioned that McMillan Commission idea.

Ms. FELDMAN. The National Coalition to Save Our Mall, we have been involved in consultations, public consultations, with the Smithsonian, the Architect of the Capitol, the Park Service, and other agencies for the past eight years. And we can compare and see how the different processes work.

First of all, we represent a public voice, not an agency voice. So in all cases, we are dealing with, based on five public forums we had in 2004, a point of view that is a little different from the priorities of the government agencies.

In the case of the Park Service, we have been participating in the Mall planning issues. But what happens is the Park Service puts together information and matrices and alternatives, but none of us participating for nonprofits really had a clear understanding of where the choices are coming from.

So we have tried, and we are doing, we are participating. Five thousand comments have come in from others, as well as from us. But when we see the matrix, then we do not see the issues, primarily transportation, good food, and the bigger question of the

Mall as a whole, which is not being addressed by the Mall Plan. That, I think, is why the Mall Commission idea comes out.

In 1899 the Mall was divided up into different areas under different jurisdictions, and even some of the land had been sold off to private interests. They were confronted, the Congress, the Senate Park Commission, and the McMillan Commission were confronted with very similar issues. They needed a place for the Lincoln Memorial. They needed essentially Mall expansion. They needed to clean up what was already there. But they also needed to consolidate all the different planning that was going on by different agencies, because the Mall is a symbol as a whole of the nation.

And we were looking at then and what we are looking at now is government agencies are doing their planning, and that is fine; but their priorities are agency priorities. Whereas the big question of the Mall, as a symbol of our national identity, and a place where our monuments should continue to unfold, we shouldn't be forcing people off the Mall, in our view.

Mr. GRIJALVA. Thank you. And let me indulge in extra time so I can finish my question.

Mr. Akridge, you stated what is and was a disgraceful condition of the Mall that you mentioned in your testimony. To stop this continuing disgracefulness, for lack of a better word, and to change that, what kind of activities do you feel are leading to creating the disgraceful condition? Is it the intensity of visitation and activity on the Mall? Is it the lack of proper resources for the maintenance, upkeep, safety issues?

And you know, I understand the private sector contribution, how important that is going to be. Do you feel, you know, they are not glamorous—the sprinkler system, turf restoration, restrooms—they are not the glamorous things that people like to put their names on when they donate. But nevertheless, those two questions in terms of if you would quickly respond to them, I would appreciate that.

Mr. AKRIDGE. Yes, Mr. Chairman. You need a roadmap to get from where we are today to the best park in the world, that is a fact. And we see the National Mall Plan, which is presently being undertaken by the Park Service, as producing that roadmap as a result of that process.

And I think that all the issues that you, which you mentioned, the infrastructure just seems inadequate to handle the people, the uses out there are being looked at as to how to manage those. All aspects of the operation of the Mall are being looked at in this plan.

And we see that the plan, once finished, which we hope will be finished late this year or next year, will provide that roadmap to bring us from our present situation to world-class status.

Mr. GRIJALVA. Thank you, sir.

Mr. AKRIDGE. Yes, sir.

Mr. GRIJALVA. Mr. Bishop.

Mr. BISHOP. Thank you. I have no specific questions, but Mr. Akridge, I certainly want to thank you for the information you provided. And I hope it is within our ethics standards if I keep this? OK, good.

Dr. Feldman, I appreciate the written testimony.

Mr. Spitzer, I was especially impressed with the passionate defense you had for multiple use on the Mall. Lest your organization be considered hypocritical in any way, I certainly hope you have that same passionate defense for multiple use of public lands in the West as you do here in Washington, D.C. And also the passionate defense for all Constitutional rights in public spaces. So I appreciate your testimony from all of you.

Mr. GRIJALVA. Thank you. Mr. Sarbanes.

Mr. SARBANES. Thank you, Mr. Chairman. I guess, Ms. Feldman and Mr. Akridge, this question is for you.

What do you have the most anxiety about, in terms of solving the problem? I mean, is it trying to coordinate competing visions that all these different groups have for the Mall? Is it trying to coordinate competing jurisdiction and authority that the six or more different entities you referred to have? Is it worrying that the resources won't be there in the end, even for a coordinated vision that is eventually rolled out? I mean, is it a combination of all three?

But what are the thing that you see as the most significant obstacle to getting moving on this?

Ms. FELDMAN. I think what we have found over eight years, it has been fragmented management and jurisdiction. Even if a government agency expresses a certain amount of interest, then there is a committee in Congress with oversight of a different agency that sees this as potentially impinging on their authority.

We are concerned with ways, already in a Senate hearing in 2005, that essentially went like today. The government agencies all said things were taken care of that we are planning. This is three years later, and everyone is planning.

But again, we are dealing with fragmented priorities. And even though everyone is planning, everyone is staying to their turf and planning with their own priorities. And our fear is that with the Latino-American Museum coming, with at least 30 museums and other projects coming, we can't keep saying no, the Mall is finished, we are just going to fix the grass. We have to say our vision has always been evolving.

We need to rise above the division and above the fragmentation. We really have to see the changes required that we have to look forward, and we have to give our children that doesn't say they don't have a place in the Mall.

It is hard because everyone is protecting their turf. But as the public keeps saying, the Mall is not a collection of agencies. To the American people it is this grand symbol of who we are. We want it to remain growing, evolving, beautiful, and inspiring.

Mr. SARBANES. Mr. Akridge referred to what happened with Central Park as kind of a model of what you can do, but I don't know how many different jurisdictions are involved there. I presume less than what you are dealing with here, so that may not be the best model from a practical standpoint.

Ms. FELDMAN. Well, we just went up last week and met with both Adrian Benepe, the head of the New York City Parks, and the President of the Central Park Conservancy, Dr. Blonsky. They certainly sympathize with our condition in Washington because we have so much divided management.

But what they found is what the conservancy did is, it is a citizen-based independent group originally. It was not tied to any one agency. And so it could create a constituency that wasn't tied to one entity or another, collect money—and of course, they have a lot more on Fifth Avenue than we may have.

But because it was citizen-based and public-spirited, the city—and it took 20 years—but the City Parks Department eventually made a contract with the conservancy as the citizens' voice.

And so yes, that is one reason why we created our conservancy, to be an independent, unconnected citizens' voice. And eventually, you know, taking baby steps now, but we are doing projects. And the projects we are working with on the USDA on the sustainable landscape, and George Mason University, a study on transportation.

We are trying to build a citizens' constituency that also the government can talk to, and as another voice beyond the Federal agencies in the city.

Mr. SARBANES. Mr. Akridge, do you have a comment on obstacles?

Mr. AKRIDGE. Yes, I think that is what my biggest fear was in terms of getting on with this. And that is, is it simply comes along that knocks back the conclusion of the National Mall Plan.

We need to complete this plan. I think that you have heard we have certainly seen unprecedented cooperation amongst these various agencies, and I think there is a strong desire amongst the agencies to come up with a single plan that takes into account the various organizations' interest to the best that they can.

Obviously there has to be compromise on a lot of different fronts. We have a lot of different entities involved. But this plan explaining your place, what roadmap we need to get started on bringing the Mall back to world-class status needs to begin. And it cannot begin until it is approved.

So my biggest fear is that something will come along to knock that approval process back or to delay it, so that we can't get started.

As in any 30-year plan, it is not going to be written in stone. Obviously the plan will be reviewed on a periodic basis against the goals and against the changing times to make sure that we are doing the right thing. Thirty years ago we didn't have computers, I mean, so the idea has to be a living plan; I think it will be.

So yes, my biggest concern is that, that we don't get started.

Mr. SARBANES. Mr. Chairman, also a real quick question about this. Would you hazard a guess, or try to quantify, how much of what we see and hear that was disgraceful would you say would be different if the $350 million backlog of repairs and other infrastructure, upgrades and other things which you alluded to, had been dealt with?

In other words, if there was $350 million that had gone into the Mall when it should have, would you say, you know, 70 percent of what you are depicting here would be different? Or would there only be 50 percent because there are other things at work? Can you just——

Mr. AKRIDGE. I would say the large majority of it. Probably the one thing that would not have gotten done, and it is not in that

$350 million, is the seawall and the tidal basin at the Jefferson Memorial, which has just recently come into view as being a big problem in and of itself.

But I would say the majority of the things that you see, you know, the Constitution Gardens, which was completed 30 years that was mentioned earlier, there has been virtually no maintenance done on that particular area of the park in 30 years.

Mr. SARBANES. OK, thank you.

Mr. GRIJALVA. Congresswoman, any questions, comments?

Ms. NORTON. Thank you, Mr. Chairman. I have three questions. I will try to stay within——

Mr. GRIJALVA. That is fine.

Ms. NORTON. I want to thank all three of you. This is an important testimony for all of us to hear.

Mr. Akridge, I am going to just say you are performing a magnificent public service. Mr. Akridge has led a very public-spirited development in the District of Columbia. But to take this on, which is essentially the work of government itself—and that is what you are doing. You seem to be dealing with the maintenance and the kinds of backlogs that one would expect if the Park Service had money, it would have done itself.

And I see the importance, because I am a race-walker along the Mall. I love it, even in its decrepit condition. Even though I agree with you, it is a disgrace.

Mr. Akridge, you heard the testimony of Ms. O'Dell. It looks like a lot is going to depend on the Trust. I mean, I was flabbergasted to hear that, you know, with signage, for example, we are waiting for the Trust. We are waiting for the Trust. And we are not waiting for Godot, but the notion is, you know, all of this is going to have to be done with the Trust.

So I therefore must ask you what the timetable is for raising funds; when it is raised, can it be disbursed as raised? Or how does the fundraising mechanism work, given the extraordinary means even for basics of the Park Service?

Mr. AKRIDGE. Well, it is a two-part question. The signage issue was given to us actually by, it was this committee as part of the Centennial Challenge, with the public-private disbursement, $1.1 million from the Federal government, $1.1 million from the private sector. And we were given the award three weeks ago I guess now.

We have already begun raising the money, and we will have money raised by the end of September, the end of this fiscal year, which I don't see a problem with that.

As far as other members are concerned, the Park Service is not going to spend money on the Mall until the Mall plan is finished, is the short answer to that question. So once the plan is finished and we are implementing the plan, which is——

Ms. NORTON. Well, can it wait until you raised all $500 million?

Mr. AKRIDGE. No, it can be expended as raised.

Ms. NORTON. If I could just put in a plug for restrooms. I just think that is the most basic amenity. And if the museums aren't open, and they are always crowded, on our race-walks, then——

Mr. AKRIDGE. Part of the plan is to prioritize the needs.

Ms. NORTON. I am just asking that it be given priority. I don't know what you do with a kid when he says, Mommy, I have to go. Where, if the museums are closed?

I have a question for each of you. I just want to be clearer on Mr. Spitzer. You see, I have two kinds of objections. One, don't take away our reflecting pool; if you do, you are going to have each time put it back. And of course, any First Amendment objections that you have, I would be inclined to have.

This is the place in the country, the premiere place where American citizens of every background come for their own use and protests. And you have heard the testimony. She was telling only about 10 major events. And I appreciate the difference between the other events, which of course are not First Amendment at all, but which people, like the Folklife Festival.

She says in her testimony, Ms. O'Dell says that they are not considering any alternatives that are not in keeping with the First Amendment and Federal regulations. And there was perhaps some confusion between protests and demonstrations, and you would be able to protest anywhere.

And of course, as you know, under the First Amendment, a demonstration could always be, you can find time, place, et cetera.

Do you think that you and the Park Service are going to be on the same page when this is all done, and that your concerns have been addressed?

Mr. SPITZER. Well, I hope we will be on the same page when this is done. I guess that remains to be seen.

But what I have heard and what I have heard in some private discussions before today's hearing makes me more optimistic about that then I was when I read some stories in the paper a few months ago.

There doesn't seem to be any desire to confine First Amendment activity to a demonstrator's pit someplace. I mean, the idea of demonstrators sitting in a, you know, in a paved square under the scorching summer sun, rather than being able to sit on grass or under a tree, would not be very welcoming or inviting. And I hope that is not what is in anybody's mind.

On the other hand, the possibility of providing improved amenities for demonstrators, along with others, is certainly not a negative thing. And I think as long as the Park Service and the other organizations that are involved in this effort are aware that this committee and Congress care very much about protecting the First Amendment use of the Mall, then the chances that we will all be on the same page at the end of the process will be greatly improved.

Ms. NORTON. Well, this is, this is another piece for Mr. Akridge's plate. If this were private, if the Mall was a private enterprise, having demonstrations on the Mall, just like having the Smithsonian like that would be a cost of doing business. So to say to the American people we can't have your demonstrations and protests on the Mall because we don't have the money raises very, very, it seems to me, very serious issues.

But they do have maintenance problems when people use the Mall. And when we talk about backlog, we are really talking about extra funds so that when damage occurs, it can be repaired without

saying to the American people, I am sorry, you can't go on the grass.

Ms. Feldman, I just want to thank you publicly for your extraordinary, visionary work on the Mall when nobody was listening. You and I would have meeting after meeting. The Park Service wasn't activated and there was no one else, but you and your commission were active and have been wonderfully, it seems to me, imaginative in all of this, and I just wanted to clarify a couple of parts of your testimony. The Chairman has had beforehand all of the agencies involved in planning, but there is a part of your testimony that talks about multiple jurisdictions in the west. I wouldn't let them off that easy, Ms. Feldman.

There is no question that this is an important hearing. The Chairman was able to call beforehand everyone. I can't think of any other committee that either would do that, or would have the jurisdiction to do that. And the notion about the Smithsonian and the National Gallery, I can say to you without fear of contradiction that the Smithsonian could care less about the Mall. They have a far greater backlog, maintenance backlog, than the Park Service. Thus, I do not believe that the National Gallery of Art or the rest of them tend to the Mall, have an interest in the Mall.

I now regard this as a jurisdictional matter. I believe this committee has the authority it seems to take the authority to do what it can to move this matter. Maybe in some world where Congress does not live, you know, you could put everything under a Czar and get things done, wearing the frustrations out from being in the Congress is had the monk work with the beast.

And this is the beast. And I think this beast is far easier to handle than the ones I have seen on other committees, where indeed the multiple-jurisdiction committees fight for jurisdiction. The problem I have had is that nobody has been fighting for this jurisdiction.

I would like to ask you, though, about forcing people off the Mall, and the Mall is not a finished work. Because I think we are playing with words here.

Is it not the case that when the Mall was declared by somebody, it may have been NCPC, to be a finished work of art, they were really talking about every Tom, Dick, and Harry wanting his own memorial on the strip between the Capitol and the Lincoln Memorial. And it got so overcrowded and so unmanageable that they, on their own, went to other places, and have had some success in going to other places around the Mall.

As I understood it, you were for an expanded space. You were for these spaces other than on that strip. So I wasn't sure what you meant by forcing people off the Mall, or that the Mall is not a finished work of art. It seems to me that you are playing on words there, because I don't believe they meant to say that you don't, you don't have an evolving kind of masterpiece here. It just means that, it seemed to me, that you were destroying the masterpiece by having to fight off every small and large memorial that came along.

So I would like you to clarify what you had in mind.

Ms. FELDMAN. First of all, I think that what has come out today is that everyone understands that the Mall needs a lot of work, and it is going to need some financing, whether it is government or pri-

vate. We all support the notion of raising funding to improve the infrastructure, the monuments and memorials. That is all very important.

Our issue has to do with something other than Mall management and maintenance. What we are trying to get at is the concept of a vision. When NCPC came up with the notion that the Mall was completed, absolutely, and then Congress went along, the notion was we have run out of space for new memorials and museums.

And what is happening, and what has been happening for the past several years, is we are actually locating new monuments on existing monumental grounds. That happened with the Vietnam Veterans Memorial Visitors Center, which is going to go actually on the Lincoln Memorial grounds, and now the African-American History Museum is going to go on part of the Washington Monument grounds.

So we are starting to build on top of already-dedicated zones. We support that notion that the Mall, the existing Mall, can't take on more memorials that take over the public open space, which was the original purpose of the Mall. That is why we support expansion, as you have proposed.

Expansion, however, is not a question of real estate, of not just identifying new real estate where new monuments can go. The Mall concept is one of the public promenade, going back to 1791, the expression of this open space as the we, the people, place between the Executive and the White House, and the Legislative and the Capitol. It is the symbolic quality of it that requires more than a real estate approach, or a prohibition, or limitations, or a management plan.

We don't argue that all of these other plans are absolutely important, including the Center City agenda. But what we need now is a way to reconnect the National Mall, which has become a Federal enclave, to the lively city around it, and which really depends on the Mall becoming something other than a tourist venue.

It really means something, and this is something that we have uncovered. The Park Service has a mandate, through the Organic Act, to preserve natural resources. The problem with the Mall is it was intended as a lively urban park. So we had, in essence, contrasting priorities——

Mr. GRIJALVA. We are going to have to wrap this part of it up. And we have one additional set of questions from Mr. Inslee, and I apologize for that. And then we are running against some schedule deadlines for not only myself, but other members.

Mr. Inslee, do you have any questions?

Mr. INSLEE. Yes, thank you, Mr. Chair. A concern I have is to the extent sort of our generation is using up the Mall, every generation, you know, throughout American history is going to have some claim on the Mall.

I had a concern that our generation was claiming it a lot more rapidly than other generations. And it is an end-use finite real estate.

I am just asking for comments how we should figure out how much claim each generation should have on the Mall, and how do we decide that. I don't want our, the Baby Boomer generation, to be seen as being overly greedy about this precious real estate.

Ms. FELDMAN. Well, I would just say that that is exactly how we came about the notion of a National Mall Commission.

If we have people like historians like David McCullough, or if we have college presidents that are used to dealing with divided management and fractious points of view; if we could get big thinkers, real creative minds to help us answer these questions. Then instead of saying, the way we do now, that whoever has the money and the political power to get a monument on the Mall gets one, a bigger question is what belongs there, and how we can make it a better place.

But that, I think we need help to do that.

Mr. INSLEE. Thank you, Mr. Chairman.

Mr. GRIJALVA. Thank you. And before I wrap, thank all the panelists and excuse myself, and apologize for interrupting mid-sentence or mid-paragraph, I don't know where I interrupted.

You know, sometimes when I vote on the Floor, I feel like I am in a demonstrators' pit, but that is another story.

[Laughter.]

Mr. GRIJALVA. I wanted to say the 50-year plan is probably, for our national identity for the Mall, one of the most important undertakings that this Congress and this nation has in front of them. And I think the issue, as I saw it today, is how do you integrate the vitality of city residents with the need to promote that national identity for visitors and tourists, as well.

And I think that can be done, but it can be done with transparency, with inclusion, and with the eye toward this being a lasting memorial. And also redefining what we mean by Mall, and defining what was appropriate for that Mall.

Those are difficult questions. And I think the National Park Service has an undertaking in front of them that is very, very serious. And certainly this committee will not only monitor, but, thanks to the Congresswoman, provide additional oversight as that process begins. And one of the oversight issues is the inclusion issue. And I want to thank this last panel for making that a very important part of this hearing.

And with that, let me adjourn the meeting. Thank you.

[Whereupon, at 11:44 a.m., the Subcommittee was adjourned.]

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