

**STATEMENT OF MARGARET O'DELL, SUPERINTENDENT, NATIONAL MALL & MEMORIAL PARKS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS, OF THE HOUSE COMMITTEE ON NATURAL RESOURCES, CONCERNING THE FUTURE OF THE NATIONAL MALL**

**May 20, 2008**

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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 20<sup>th</sup> 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, culture, 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](http://www.nps.gov/nationalmallplan) and an e-mail address at [nationalmallplan@nps.gov](mailto: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.