
5.0 Identification of a Preferred Alternative

**Vietnam Veterans Memorial Visitor Center Site Selection
Environmental Assessment**

5.1 Summary of Findings

Site A Findings

If located on Site A, the Center would be sited directly across Henry Bacon Drive from the Vietnam Veterans Memorial, and thus these related commemorative resources would be clustered together at the west end of the National Mall. It would enhance the experience of visitors by establishing a visual and physical connection between the Center and the Memorial (Wall), and by locating the Center next to the new visitor service facilities (ie, the bus drop-off area and the food service kiosk).

The overall use of Site A would evolve from dedicated softball use with backstops to a mix of multi-use recreation and cultural uses. Although establishing the Center on Site A would not encroach upon surrounding historic resources, it would alter the use of the parcel, identified as a contributing element within the Lincoln Memorial Grounds cultural landscape.

Locating the underground Center on Site A would not interrupt the historic views along the Lincoln Memorial radial road system. However, portions of the underground structure may be partially visible on the periphery of certain views from the steps of the Lincoln Memorial.

The Center located on Site A would be easily accessible, with a bus drop-off on Henry Bacon Drive near the entrance to the building for non-peak hour access. Pedestrians arriving from the bus drop-off or the NPS concessions kiosk would be able to access the Center without crossing any roadways. Upon leaving the center, pedestrians would cross four-lane Henry Bacon Drive at its intersection with Lincoln Memorial Circle.

Site A is located outside of the Potomac River floodplain, and the mature elm trees that border the site would not be impacted by locating the Center on Site A.

Site G Findings

Locating the Center on Site G, two blocks from the Vietnam Veterans Memorial (Wall), would physically and visually separate the Center from the Memorial. In addition, the active recreational use on the intervening parcel that divides them (Site A) would further detract from the continuity of the visitor experience.

The use of Site G would evolve from dedicated softball use with backstops to a mix of multi-use recreation and cultural uses. Although establishing a Center on Site G would not encroach upon surrounding historic resources, it would alter the use of the parcel, identified as a contributing element within the Lincoln Memorial Grounds cultural landscape.

Locating the underground Center on Site G would not interrupt the historic views along the Lincoln Memorial radial road system. In addition, the new building would not be visible from the steps of the Lincoln Memorial.

Access to the Center on Site G would be provided during non peak-hour time periods by a drop-off area located within the curb lane on the west side of southbound 23rd Street, NW. This drop off area, coupled with the increased pedestrian movement to and from the Memorial and Center, has the potential to disrupt traffic flow on 23rd Street, NW classified by the District of Columbia as a principal arterial.

Visitors arriving from the NPS concessions kiosk on Site A would have to cross 23rd Street, NW, a busy five-lane roadway prior to accessing the Center. Upon leaving the Center at Site G, visitors would have to cross both 23rd Street, NW, and four-lane Henry Bacon Drive. The necessary circulation patterns to and from the Center on Site G would create challenging conditions for pedestrians and would disrupt the peaceful experience that characterizes the memorials at the west end of the National Mall.

Noise from the adjacent roadways, including Potomac and Rock Creek Parkway, the on-ramps to Interstate 66 and Route 50, and 23rd Street, NW, as well as aircraft noise from the flight path to Ronald Reagan Washington National Airport, would further degrade the experience of visitors to the Center on Site G.

Locating the Center on Site G would not impact the mature trees along the edges of the site. However, an earthen embankment consisting of three feet of fill would be required to elevate the building entrance above the floodplain.

5.2 Environmentally Preferred Alternative

The environmentally preferred alternative is the alternative that will best promote the National Environmental Policy Act (NEPA), as expressed in Section 101 of NEPA. Agencies are obliged to identify this alternative as part of the EA process. It is not necessarily the preferred alternative and it does not preclude an agency from reaching a Finding of No Significant Impact (FONSI) for an alternative which is not the environmentally preferred one. The identification of the environmentally preferred alternative is that which best meets the following NPS requirements:

- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.
- Ensure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings.
- Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.
- Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice.
- Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities.
- Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The environmentally preferred alternative is the alternative that causes the least damage to the biological and physical environment – the alternative that best protects, preserves, and enhances historic, cultural, and natural resources while providing beneficial uses and balancing population. This discussion also summarizes the extent to which each alternative meets Section 102(1) of NEPA, which asks that agencies administer their own plans, regulations, and laws so that they are consistent with the policies outlined above to the fullest extent possible.

With respect to the proposed Vietnam Veterans Memorial Visitor Center, the No Action Alternative would have the fewest impacts to environmental and historical resources. However, this alternative would not meet the underlying purpose and need for the proposed project as it would not satisfy Congressional direction to establish a visitor center near the Vietnam Veterans Memorial. Therefore, implementation of one of the two action alternatives is necessary to fulfill the purpose and need of the project.

Of the two action alternatives, locating the proposed Center on Site A would have the fewest adverse impacts and the greatest experiential and operational advantages. Under Alternative Site A, the proposed Center would be located near the Memorial, adjacent to the bus drop-off facility, and outside of the primary viewsheds along the radial roads to and from the Lincoln Memorial. Therefore, Alternative Site A is the environmentally preferred alternative.

5.3 Selection of a Preferred Alternative

Due to experiential and operational issues, locating the Memorial on Site A best meets the stated purpose and need for the proposed Center. Thus, the establishment of the Vietnam Veterans Memorial Center on Site A has been selected as the Preferred Alternative.

6.0 Impairment Analysis

**Vietnam Veterans Memorial Visitor Center Site Selection
Environmental Assessment**

6.1 Impairment Analysis

The NPS Management Policies 2001 requires an analysis of potential effects to determine not only whether or not actions would impact natural and man-made resources, but also to determine whether those actions would impair park resources. The fundamental purpose of the National Park System, as established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. NPS managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adversely impacting park resources and values.

These laws give the NPS the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of the park, as long as the impact does not constitute impairment of the affected resources and values. Although Congress has given NPS managers discretion to allow certain impacts within a park system unit, that discretion is limited by the statutory requirements that the agency must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise.

The impairment that is prohibited by the Organic Act and the General Authorities Act is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values. Whether an impact meets this definition depends on the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in questions and other impacts. An impact to any park resource or value may constitute an impairment, but an impact would be more likely to constitute an impairment to the extent that it has a major or severe adverse effect upon a resources or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- identified as a goal in the park's general management plan or other relevant NPS planning.

An impact would be less likely to constitute an impairment to the extent that it is an unavoidable result, which cannot reasonably be further mitigated, of an action necessary to preserve or restore the integrity of park resources or values. Impairment may occur from visitor activities; NPS activities in the course of managing a park; or activities undertaken by concessioners, contractors, and others operating in the park.

In addition to reviewing the potential impacts of the proposed Center on environmental and historic resources, NPS has determined that the preferred alternative would not constitute an impairment on the resources and values of the National Mall and West Potomac Park. This conclusion is based on a thorough analysis of the impacts described in the EA in accordance with NPS Management Policies. As described in the EA, implementation of the preferred alternative would not result in major, adverse impacts to the resources and values of the Park System in the Nation's Capital.

APPENDIX

**Vietnam Veterans Memorial Visitor Center Site Selection
Environmental Assessment**

APPENDIX A: Public Law 108-126

108th Congress

An Act

To authorize the design and construction of a visitor center for the Vietnam Veterans Memorial. <<NOTE: Nov. 17, 2003 - [H.R. 1442]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress <<NOTE: District of Columbia.>> assembled,

TITLE I--VIETNAM VETERANS MEMORIAL VISITOR CENTER

SEC. 101. VISITOR CENTER.

Public Law 96-297 (16 U.S.C. 431 note) is amended by adding at the end the following:

``SEC. 6. VISITOR CENTER.

``(a) Authorization.--

``(1) In general.--The Vietnam Veterans Memorial Fund, Inc., is authorized to construct a visitor center at or near the Vietnam Veterans Memorial on Federal land in the District of Columbia, or its environs, subject to the provisions of this section, in order to better inform and educate the public about the Vietnam Veterans Memorial and the Vietnam War.

``(2) Location.--The visitor center shall be located underground.

``(3) Consultation on design phase.--The Vietnam Veterans Memorial Fund, Inc., shall consult with educators, veterans groups, and the National Park Service in developing the proposed design of the visitor center.

``(b) Compliance With Standards Applicable to Commemorative Works.-- Chapter 89 of title 40, United States Code, shall apply, including provisions related to the siting, design, construction, and maintenance of the visitor center, and the visitor center shall be considered a commemorative work for the purposes of that Act, except that--

``(1) final approval of the visitor center shall not be withheld;

``(2) the provisions of subsections (b) and (c) of section 8908 of title 40, United States Code, requiring further approval by law for the location of a commemorative work within Area I and prohibiting the siting of a visitor center within the Reserve shall not apply;

``(3) the size of the visitor center shall be limited to the minimum necessary--

``(A) to provide for appropriate educational and interpretive functions; and

``(B) to prevent interference or encroachment on the Vietnam Veterans Memorial and to protect open space and visual sightlines on the Mall; and

``(4) the visitor center shall be constructed and landscaped in a manner harmonious with the site of the Vietnam Veterans Memorial, consistent with the special nature and sanctity of the

Mall.

``(c) Operation and Maintenance.--

``(1) In general.--The Secretary of the Interior shall--

``(A) operate and maintain the visitor center, except that the Secretary shall enter into a written agreement with the Vietnam Veterans Memorial Fund, Inc., for specified maintenance needs of the visitor center, as determined by the Secretary; and

``(B) as soon as practicable, in consultation with educators and veterans groups, develop a written interpretive plan for the visitor center in accordance with National Park Service policy.

``(2) Donation for perpetual maintenance and preservation.--

Paragraph (1)(A) does not waive the requirements of section 8906(b) of title 40, United States Code, with respect to the visitor center.

``(d) Funding.--The Vietnam Veterans Memorial Fund, Inc., shall be solely responsible for acceptance of contributions for, and payment of expenses of, the establishment of the visitor center. No Federal funds shall be used to pay any expense of the establishment of the visitor center.''.

TITLE II--COMMEMORATIVE <<NOTE: Commemorative Works Clarification and Revision Act of 2003.>> WORKS

SEC. 201. <<NOTE: 40 USC 101 note.>> SHORT TITLE.

This title may be cited as the ``Commemorative Works Clarification and Revision Act of 2003''.

SEC. 202. <<NOTE: 40 USC 8901 note.>> ESTABLISHMENT OF RESERVE.

(a) Findings.--Congress finds that--

(1) the great cross-axis of the Mall in the District of Columbia, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, is a substantially completed work of civic art; and

(2) to preserve the integrity of the Mall, a reserve area should be designated within the core of the great cross-axis of the Mall where the siting of new commemorative works is prohibited.

(b) Reserve.--Section 8908 of title 40, United States Code, is amended by adding at the end the following:

``(c) Reserve.--After the date of enactment of the Commemorative Works Clarification and Revision Act of 2003, no commemorative work or visitor center shall be located within the Reserve.''.

SEC. 203. CLARIFYING AND CONFORMING AMENDMENTS.

(a) Purposes.--Section 8901(2) of title 40, United States Code, is amended by striking ``Columbia;'' and inserting ``Columbia and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;''.

(b) Definitions.--Section 8902 of title 40, United States Code, is amended by striking subsection (a) and inserting the following:

``(a) Definitions.--In this chapter:

``(1) Commemorative work.--The term `commemorative work' means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history, except that the term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes.

``(2) The district of columbia and its environs.--The term `the District of Columbia and its environs' means those lands and properties administered by the National Park Service and the General Services Administration located in the Reserve, Area I, and Area II as depicted on the map entitled `Commemorative Areas Washington, DC and Environs', numbered 869/86501 B, and dated June 24, 2003.

``(3) Reserve.--The term `Reserve' means the great cross-axis of the Mall, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, as depicted on the map referenced in paragraph (2).

``(4) Sponsor.--The term `sponsor' means a public agency, or an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs.''.

(c) Authorization.--Section 8903 of title 40, United States Code, is amended--

(1) in subsection (b)--

(A) by striking `work commemorating a lesser conflict' and inserting `work solely commemorating a limited military engagement'; and

(B) by striking `the event' and inserting `such war or conflict';

(2) in subsection (d)--

(A) by striking `Consultation with National Capital Memorial Commission.--' and inserting `Consultation with National Capital Memorial Advisory Commission.--';

(B) by striking `House Administration' and inserting `Resources'; and

(C) by inserting `Advisory' before `Commission'; and

(3) by striking subsection (e) and inserting the following:

``(e) Expiration of Legislative Authority.--Any legislative authority for a commemorative work shall expire at the end of the seven-year period beginning on the date of the enactment of such authority, or at the end of the seven-year period beginning on the date of the enactment of legislative authority to locate the commemorative work within Area I, if such additional authority has been granted, unless--

``(1) the Secretary of the Interior or the Administrator of

General Services (as appropriate) has issued a construction permit for the commemorative work during that period; or

((2) the Secretary or the Administrator (as appropriate), in consultation with the National Capital Memorial Advisory Commission, has made a determination that--

((A) final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts; and

((B) 75 percent of the amount estimated to be required to complete the commemorative work has been raised.

If these two conditions have been met, the Secretary or the Administrator (as appropriate) may extend the seven-year legislative authority for a period not to exceed three additional years. Upon expiration of the legislative authority, any previous site and design approvals shall also expire.''.

(d) National <<NOTE: Government organization.>> Capital Memorial Advisory Commission.--Section 8904 of title 40, United States Code, is amended--

(1) in the heading, by inserting ``Advisory'' before ``Commission'';

(2) in subsection (a), by striking ``There is a National'' and all that follows through ``consists of'' and inserting the following: ``There is established the National Capital Memorial Advisory Commission, which shall be composed of'';

(3) in subsection (c)--

(A) by inserting ``Advisory'' before ``Commission shall''; and

(B) by striking ``Services'' and inserting ``Services (as appropriate)''; and

(4) in subsection (d) by inserting ``Advisory'' before ``Commission''.

(e) Site and Design Approval.--Section 8905 of title 40, United States Code, is amended--

(1) in subsection (a)--

(A) by striking ``person'' each place it appears and inserting ``sponsor''; and

(B) in paragraph (1)--

(i) by inserting ``Advisory'' before ``Commission''; and

(ii) by striking ``designs'' and inserting ``design concepts''; and

(2) in subsection (b)--

(A) by striking ``Secretary, and Administrator'' and inserting ``and the Secretary or Administrator (as appropriate)''; and

(B) in paragraph (2)(B), by striking, ``open space and existing public use.'' and inserting ``open space, existing public use, and cultural and natural resources.''.

(f) Criteria for Issuance of Construction Permit.--Section 8906 of title 40, United States Code, is amended--

(1) in subsection (a)(3) and (a)(4) by striking ``person'' and inserting ``sponsor''; and

(2) by striking subsection (b) and inserting the following:

``(b) Donation for Perpetual Maintenance and Preservation.--

``(1) In addition to the criteria described above in subsection (a), no construction permit shall be issued unless the sponsor authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. All such amounts shall be available for those purposes pursuant to the provisions of this subsection. The provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 percent of the funding for such work is provided by private sources.

``(2) Notwithstanding any other provision of law, money on deposit in the Treasury on the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 provided by a sponsor for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

``(3) Money provided by a sponsor pursuant to the provisions of this subsection after the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 shall be credited to a separate account with the National Park Foundation.

``(4) Upon request of the Secretary or Administrator (as appropriate), the Secretary of the Treasury or the National Park Foundation shall make all or a portion of such moneys available to the Secretary or the Administrator (as appropriate) for the maintenance of a commemorative work. Under no circumstances may the Secretary or Administrator request funds from a separate account exceeding the total money in the account established under paragraph (2) or (3). The Secretary and the Administrator shall maintain an inventory of funds available for such purposes. Funds provided under this paragraph shall be available without further appropriation and shall remain available until expended.''.

(g) Areas I and II.--Section 8908(a) of title 40, United States Code, is amended--

(1) by striking ``Secretary of the Interior and Administrator of General Services'' and inserting ``Secretary of the Interior or the Administrator of General Services (as appropriate)''; and

(2) by striking ``numbered 869/86581, and dated May 1, 1986'' and inserting ``entitled `Commemorative Areas Washington, DC and Environs', numbered 869/86501 B, and dated June 24, 2003''.

SEC. 204. SITE AND DESIGN CRITERIA.

Section 8905(b) of title 40, United States Code (as amended by section 203(e)), is amended by adding at the end the following:

``(5) Museums.--No commemorative work primarily designed as a museum may be located on lands under the jurisdiction of the Secretary in Area I or in East Potomac Park as depicted on the

map referenced in section 8902(2).

``(6) Site-specific guidelines.--The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specific to each site that are mutually agreed upon to ensure that the design of the commemorative work carries out the purposes of this chapter.

``(7) Donor contributions.--Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site.''.

SEC. 205. <<NOTE: 40 USC 8901 note.>> NO EFFECT ON PREVIOUSLY APPROVED SITES.

Except for the provision in the amendment made by section 202(b) prohibiting a visitor center from being located in the Reserve (as defined in section 8902 of title 40, United States Code), nothing in this title shall apply to a commemorative work for which a site was approved in accordance with chapter 89 of title 40, United States Code, prior to the date of enactment of this title.

SEC. 206. <<NOTE: Deadline.>> NATIONAL PARK SERVICE REPORTS.

Within 6 months after the date of enactment of this title, the Secretary of the Interior, in consultation with the National Capital Planning Commission and the Commission of Fine Arts, shall submit to the Committee on Energy and Natural Resources of the United States Senate, and to the Committee on Resources of the United States House of Representatives reports setting forth plans for the following:

(1) To relocate, as soon as practicable after the date of enactment of this Act, the National Park Service's stable and maintenance facilities that are within the Reserve (as defined in section 8902 of title 40, United States Code).

(2) To relocate, redesign or otherwise alter the concession facilities that are within the Reserve to the extent necessary to make them compatible with the Reserve's character.

(3) To limit the sale or distribution of permitted merchandise to those areas where such activities are less intrusive upon the Reserve, and to relocate any existing sale or distribution structures that would otherwise be inconsistent with the plan.

(4) To make other appropriate changes, if any, to protect the character of the Reserve.

Approved November 17, 2003.

LEGISLATIVE HISTORY--H.R. 1442:

HOUSE REPORTS: No. 108-295 (Comm. on Resources).
CONGRESSIONAL RECORD, Vol. 149 (2003):

Oct. 15, considered and passed House.
Nov. 5, considered and passed Senate, amended.
Nov. 6, House concurred in Senate amendment.

<all>

APPENDIX B: Site Selection Study Environmental Analysis- Vietnam Veterans Memorial Center

(available under separate cover)

APPENDIX C: Notification List**Advisory Council on Historic Preservation**

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Advisory Neighborhood Commission 2A05

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Ann Somerset
Director

Architect of the Capitol

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Committee of 100 on the Federal City

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Don Hawkins
Chairman

Commission of Fine Arts

National Building Museum
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Thomas Luebke
Secretary

Council on Environmental Quality

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Horst Greczmiel
Associate Director for NEPA Oversight

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