



IN REPLY REFER TO:
NCPC File No. 6331

JAN 18 2008

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Dear Mr. Rombach:

Thank you for your December 3, 2007 letter outlining the Smithsonian's proposed process for the National Museum of African American History and Culture (NMAAHC) Environmental Impact Statement (EIS). We understand from your letter that you will be using a tiered process as defined under the National Environmental Policy Act (NEPA). We also understand that the Smithsonian will conduct its NEPA process for this project in conjunction with its National Historic Preservation Act (NHPA) Section 106 review process.

We note, based on your schedule, that the project would be submitted to NCPC for concept review early in 2009 and that additional NEPA analysis will continue under Tier 2 after that time. We concur with your proposed approach with the following clarifications:

1. Whether the Tier 2 analysis must take the form of an Environmental Assessment (EA) or an EIS depends on the potential impacts of the proposed alternatives, and the Smithsonian and NCPC will make this determination together;
2. That the Tier 2 alternative concept designs will be consistent with the Tier 1 preferred alternative principles; and
3. That in addition to the Smithsonian's preferred alternative, NCPC staff may select an additional alternative that will be carried into the Tier 2 process for further analysis and design to ensure that a wide range of design alternatives are considered.

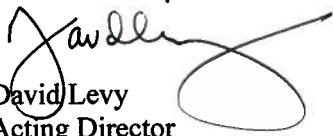
Additionally, should the Smithsonian's concept design be substantially outside the parameters established in Tier 1, or should the Commission require changes to the concept during its review at the concept stage, NCPC expects that the Smithsonian will perform all additional analysis under Tier 2 necessary to respond to Commission comments and to allow NCPC to meet its NEPA and Section 106 obligations defined in the Commission's Environmental and Historic Preservation Policies and Procedures. NCPC submission requirements outline the schedule for NEPA and NHPA processes to be completed relative to preliminary and final review.

Thank you for clarifying that your December 3, 2007 letter incorrectly listed the date of your public scoping session for this project as occurring in January of 2006 when it actually occurred in January of 2007. We encourage continuing and frequent consultation with NCPC staff through Tier 1, concept

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development, Tier 2, and the associated NHPA Section 106 review process. If you have any questions, please contact Mr. Eugene Keller, at (202) 482-7251.

Sincerely,


David Levy
Acting Director
Office of Urban Design and Plan Review