



United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO:

10.D.(NCRO-NAMA)

OCT 25 2017

Mr. Robert Haferd, et. al
Catharsis on the Mall LLC

Subject: Catharsis on the Mall Permit Status Update

Dear Mr. Haferd:

This is in response to your demonstration application 17-0389 filed December 1, 2016, that seeks the use of the northwest quadrant of the Washington Monument Grounds from November 3, 2017 to March 1, 2018. The demonstration application includes a 24-hour vigil from November 10-12, 2017 featuring musical performances, dancing, burning of 25 memorial wheels (scrolls), art installations, speeches, and a march around the Mall. As part of the demonstration Catharsis on the Mall LLC proposes to demonstrate using several types of structures, including:

- One 12 feet x 12 feet Temple with Memorial Wheels and courtyard (“Temple”)
- Two Geodesic Domes
- Four 10 feet x 10 feet canopies
- Two 10 feet x 20 feet tents
- One Octonest 20 feet x 20 feet x 13 feet (h)
- Rainbow Portal
- Deadly Muppets Lounge (one tent)
- Open Jail
- Water Temple Pyramid (one tent)
- SolarBeatz
- Mobile Abraxas Mutant Stage: “Dragon of Self Determination”
- Zendo Project (art installation)
- Five Shiftpod tents
- Two Star Shade tents with cylinder columns
- Allsphere (art installation)
- Meso Creso DJ Booth
- DC Performance Stage
- Soundbath Inflatable Igloo ~32 feet in diameter
- Liberty Pole

- Additional items include: 10 portable restrooms, generators, tables, chairs, playatech furniture, matrax flooring, light towers, art installations, fire dancers equipment, bike racks, plastic fencing and propane heaters.

In addition, you have requested an additional height variance to place a large structure (“R-Evolution”) near the northwest quadrant of the Washington Monument Grounds or, alternatively, between 4th and 7th Streets, NW, on the Mall. As explained below, your request for a permit for the above mentioned structures is granted in part and denied in part.

Under the Organic Act of 1916, as amended, the National Park Service (“NPS”) has an obligation to conserve and provide for the enjoyment of the scenery and the national and historic objects within the National Park System in a way that will leave them unimpaired. Under NPS regulations, the Regional Director may impose reasonable restrictions upon the use of temporary structures in the interest of protecting park areas involved and legitimate park values concerns. In addition, permits issued for demonstrations on the National Mall may contain additional reasonable conditions and time limitations in the interest of protecting park resources and legitimate park value concerns.

As discussed during your October 19 meeting with National Mall and Memorial Parks Division of Permits Management, all structures setup on the turf will have to comply with the Turf Management and Event Operations Guide for the National Mall and Memorial Parks (“Turf Management Guide”), including the applicable time limits and flooring requirements for structures to be set up on turf.

After careful review, we will issue you a permit to demonstrate in the northwest quadrant of the Washington Grounds from November 3-15, 2017, from where you are able to engage in speeches, 5 feet x 5 feet memorial wheel burn for the period of the November 3-15 events, and other discussed activities, except for the placement of the R-Evolution structure (discussed below) outlined in your proposal. The date range encompasses the entire activity from setup to breakdown. However, the issuance of the permit is contingent on your providing additional information on the Rainbow Portal, an updated production timeline to include turf coverage, a list of vehicles accessing the 17th Street sidewalk, more information regarding the proposed Soundbath reception, insurance information, license plate and vehicle registrations for the Mobile Abraxas Dragon Stage and Mobile Solar Beatz Stage, and daily program schedule.

We regret to inform you that your requests for a variance from the NPS Turf Management Guide to place the R-Evolution structure on the turf or hardscape near the Washington Monument, and for a revised height variance to place the R-Evolution structure on the National Mall, is denied. The previous height variance was issued to you in error and, to the extent necessary, it is revoked as well. Additionally, we decline to grant your request for a variance to extend the time for your Temple to be up on turf, because of potential resource damage to the turf.

One of your revised plans indicates that the R-Evolution structure will be located on turf near the Washington Monument for approximately 91 days, and the Temple will be located on turf near the Washington Monument for approximately 119 days. This time period is significantly in excess of the time restrictions set forth in the Turf Management Guide, and locating either structure on turf for this time period is likely to significantly damage the underlying turf, requiring replacement of the turf and rehabilitation of the underlying soil.

With respect to placement of the R-Evolution structure near the Washington Monument, your crane lift plan also raises several significant resource protection concerns. In this plan, you propose to locate a crane that is significantly larger than the one described in your initial application, in part, and certain of its outriggers on the turf near the Washington Monument. The location of the crane you have proposed on turf in this area is prohibited by the NPS Turf Management Guide, and poses a significant risk of damage to the turf itself and the irrigation infrastructure that NPS uses to maintain it. Furthermore, the placement of several outriggers for a crane of this weight is likely to place pressures on the underlying hardscape far in excess of those recommended by the Federal Highway Administration for concrete of the composition and thickness that exists near the Washington Monument, posing a substantial risk of damage to the sidewalks.

In addition, placement of the R-Evolution structure of the height proposed on the National Mall (including, but not limited to, near the base of the Washington Monument and the areas between 4th and 7th Streets, NW) is likely to have an adverse effect on the aesthetics, including the cultural identity, of the area. Due to these concerns, the NPS has consulted with the State Historic Preservation Officer for the District of Columbia (“SHPO”). The SHPO responded to the NPS inquiry on October 25, 2017 without providing definitive guidance or input.

The National Mall Historic District encompasses some of the oldest and most iconic public lands in our nation. Its development reflects two seminal historic design plans for the federal city – the 1791 L’Enfant Plan and the 1901-02 McMillan (Senate Park) Commission Plan. Consistent with the NPS’s obligation and authority to protect legitimate park values, including the government’s substantial interest in preserving an aesthetic that promotes or enhances the cultural identity of an area, the NPS has placed a generally applicable restriction on temporary structures that they may be no taller than 45 feet. Your R-Evolution structure exceeds this 45 foot height limit. The presence of structure over 45 feet on the grounds of the National Mall changes the aesthetics that contribute to its historical significance, including the critical views and vistas that contribute to the property’s national significance. The proposed structure introduces a visual element that would diminish the integrity of the property’s significant historic features by altering the setting and historic character of the landscape. Accordingly, the NPS determined that the R-Evolution structure’s height would be inconsistent with our resource protection guidelines and cause unacceptable impacts to the aesthetic qualities of the National Mall that the NPS has sought to cultivate through its management practices, including protecting historically significant views and reducing the possibility of detracting focus from National Register eligible or listed buildings or landscapes.

The NPS respects your right to communicate your views to the public and your government. Please continue to work with the Permits Office to finalize the details of your event.

Sincerely,

A handwritten signature in blue ink that reads "R. Obernesser" with a long horizontal flourish extending to the right.

Rick Obernesser
Acting Regional Director