IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Michael Lemmon, *et al.*, Plaintiffs, v. Donald J. Trump, *et al.*, Defendants.	No. 1:26-cv-00544

DECLARATION OF JENNIFER T. NERSESIAN,
REGIONAL DIRECTOR FOR THE NATIONAL PARK SERVICE
NATIONAL CAPITAL REGION

I, Jennifer T. Nersesian, declare as follows:

1. I am the Regional Director for the National Park Service ("NPS") National Capital Region ("NCR"). I have been in this position for approximately twenty-one months. Before that time, I served as the Superintendent for Gateway National Recreation Area in New York. I have worked for the NPS since 2002, and in leadership roles in the NPS since 2009. I report to the NPS's Deputy Director, Operations.
2. The NCR comprises more than 79,000 acres of national parkland in the Washington, DC metropolitan area, including monuments and memorials, historic homes, Civil War battlefields, and natural areas.
3. As Regional Director, I oversee the NCR's regional office as well as all National Park System units within the region, including the George Washington Memorial Parkway. Memorial Circle on Columbia Island is managed as part of the Parkway. In all, I manage approximately one thousand employees who serve roughly 56 million visitors per year as well as preserve the nation's natural and historic resources under NPS jurisdiction in the

NCR. This includes the historic preservation of monuments, memorials, and other structures, as well as administering the region's Facilities, Design, and Construction program, which coordinates and oversees projects in parks across the region.

4. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

5. I am aware of the proposal to construct a triumphal arch within Memorial Circle. I understand that the U.S. Commission on Fine Arts provided final design approval for this proposal on May 21, 2026, with the exception of the sculpture, bas-relief panels, and statuary in the arched niches, and that the National Capital Planning Commission approved preliminary site and building plans for this proposal on July 9, 2026, with comments to be addressed prior to final review. Preliminary approval does not authorize construction or demolition in preparation for construction of an arch. Moreover, at the preliminary approval phase, there is still a great deal of design work to be done, and compliance will continue to be updated as new information becomes available.

6. As part of the NPS's design and planning processes for the potential construction of the proposed triumphal arch, as well as compliance with Section 106 of the National Historic Preservation Act and other laws, further on-site information gathering is needed regarding any archaeological resources that may be present at the site, below the level of the fill materials that make up the present-day surface of Columbia Island. Such information-gathering includes so-called Phase 1B subsurface geomorphological and archaeological testing ("Phase 1B testing").

7. The NPS, in consultation with relevant State Historic Preservation Officers and others, is developing a work plan for the planned Phase 1B testing. Broadly speaking, as part of the

Phase 1B testing, I anticipate that a permittee authorized by the NPS would mechanically excavate four test pits, each measuring approximately eight by sixteen feet. One test pit would be excavated at each proposed arch footing, a third test pit would be excavated within the proposed plaza area, and a fourth pit would be excavated at the site of the proposed sanitary sewer pump station. Depending on the depth and condition of the excavations, shoring or other protective systems may be required to ensure worker safety and protect the excavation areas. A professional archaeologist would observe the excavation of each pit to identify the base of fill deposits and would monitor excavation below that level to observe, document, and record soil stratigraphy, archaeological features, and any artifacts or cultural materials encountered. Any recovered materials would be processed, cataloged, and curated in accordance with all applicable laws and regulations, NPS procedures, and the approved work plan.

8. These activities would be performed pursuant to the terms of an NPS special use permit, which the NPS will only issue after complying with all applicable laws and regulations. The permit will include standard terms to protect NPS resources and ensure that the permittee complies with all applicable laws and regulations. The permittee will be required to restore the area to its pre-testing condition to the satisfaction of the park superintendent. This means that the test pits will be reclaimed and any park resources disturbed by the activity, including any disturbed grass, will be restored.

9. The Phase 1B test is expected to begin no earlier than September 21, 2026. The excavation portion of the Phase 1B testing will be completed as expeditiously as possible and is expected to take 7-14 days, depending on weather conditions, soil conditions, and the findings of the investigation. Once excavation is complete, the remainder of the Phase 1B

test period will be devoted to restoring the grounds, which is expected to be completed by October 31, 2026. The NPS has not yet issued a special use permit for the above-described activities, but anticipates doing so soon and, in any event, before any on-site archaeological excavation activities begin.

10. Although this Phase 1B test is related to planning and compliance for a potential future project to construct a triumphal arch, this activity is also useful to the NPS with respect to any future projects at Memorial Circle. This test will also potentially provide information to the NPS and the general public about the history of Columbia Island and the surrounding area. Performing preliminary data-collection activities such as a Phase 1B test does not commit the NPS to future construction of an arch, or any structure, in Memorial Circle, and the NPS cannot defer the Phase 1B test until after a decision is made regarding potential construction of an arch because information gathered through the Phase 1B test may inform planning and compliance for that decision.
11. This type of activity is often conducted prior to construction projects on NPS managed lands as the information gathered from these activities is necessary to inform the design process, compliance pathways, and compliance documentation for a potential project.
12. No final decision has been made to construct, or to demolish in preparation of constructing, the triumphal arch, or any structure, in Memorial Circle.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 4, 2026.

JENNIFER NERSESIAN

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Date: 2026.09.04 16:10:07 -04'00'

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Jennifer T. Nersesian