

**ENVIRONMENTAL ASSESSMENT (EA)  
OF THE  
REMOVAL OF THE  
CONFEDERATE MEMORIAL  
FROM  
ARLINGTON NATIONAL CEMETERY,  
ARLINGTON, VIRGINIA**



December 2023

## Acronyms and Abbreviations

ANC	Arlington National Cemetery
ANMC	Army National Military Cemeteries
APE	Area of Potential Effects
AR	Army Regulation
BMP	Best Management Practices
CEQ	Council on Environmental Quality
CFA	U.S. Commission of Fine Arts
CFR	Code of Federal Regulations
DA	Department of the Army
DHR	Virginia Department of Historic Resources
DoD	U.S. Department of Defense
EPA	U.S. Environmental Protection Agency
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
FEA	Final Environmental Assessment
FONSI	Finding of No Significant Impact
HQDA	Headquarters, Department of the Army
JBMHH	Joint Base Myer-Henderson Hall
MOA	Memorandum of Agreement
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
NPS	National Park Service
NPDES	National Pollutant Discharge Elimination System
RPMPPEA	Real Property Master Plan Programmatic Environmental Assessment
SHPO	State Historic Preservation Office
WHS	Washington Headquarters Services

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## **1.0 PURPOSE AND NEED**

### **1.1 INTRODUCTION**

Army National Military Cemeteries (ANMC)<sup>1</sup> has prepared an Environmental Assessment (EA) focused on the potential environmental effects associated with deconstructing and removing the Confederate Memorial from Arlington National Cemetery (ANC). Removal of the Memorial is required by law, and the Army does not have authority to take environmental factors into consideration in determining whether to take the proposed action. Notwithstanding the non-discretionary nature of the proposed action, the Army has conducted a National Environmental Policy Act (NEPA) analysis to evaluate the discretionary elements of the proposed action and to provide information about the action to members of the public and interested organizations. The No Action Alternative has been included to establish a baseline against which the impacts of the proposed action can be compared. Alternatives being proposed in the EA are described in Chapter 2. Alternatives considered but not carried forward for full analysis are also described in Chapter 2. The EA evaluated potential impacts to the human environment and identified mitigation for any adverse impacts, as appropriate.

This document was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 United States Code (USC) 4321 *et seq.*), Council on Environmental Quality (CEQ) regulations at Title 40 of the Code of Federal Regulations (CFR) Parts 1500-1508, and the Army NEPA regulation at 32 CFR Part 651 (Environmental Analysis of Army Actions). Separately, the Army complied with Section 106 of the National Historic Preservation Act (NHPA), 16 USC 470, and with regulations at 36 CFR 800, which resulted in a Programmatic Agreement (PA; see Appendix E).

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<sup>1</sup> ANMC was established as a direct-reporting unit under Headquarters, Department of the Army and is responsible for the maintenance and operation of ANC.

## **1.2 BACKGROUND**

### **1.2.1 Overview of the Proposed Action**

In Section 370 of the 2021 National Defense Authorization Act (FY21 NDAA), Congress directed the Secretary of Defense to establish a commission “relating to assigning, modifying, or removing of names, symbols, displays, monuments, and paraphernalia to assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.”<sup>2</sup> The Commission on the Naming of Items of the DoD that Commemorate the Confederate States of America or Any Person Who Served Voluntarily with the Confederate States of America (the Naming Commission) identified the Confederate Memorial located at Arlington National Cemetery as “within its remit” and recommended:

- The statue atop of the monument should be removed. All bronze elements on the monument should be deconstructed and removed, leaving the granite base and foundation in place to minimize risk of inadvertent disturbance of graves.
- The work should be planned and coordinated with the Commission of Fine Arts and the Historical Review Commission to determine the best way to proceed with removal of the monument.
- The Department of Army should consider the most cost-effective method of removal and disposal of the monument’s elements in its planning.<sup>3</sup>

Section 370 of the National Defense Authorization Act for Fiscal Year 2021 required the Secretary of Defense to implement the plan submitted by the Commission by January 1, 2024. The law stated that after the Secretary of Defense transmitted the Commission’s findings to Congress, there would be a 90-day waiting period. The

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<sup>2</sup> William M. (Mac) Thornberry. National Defense Authorization Act for Fiscal Year 2021, PL 116-283; 134 Stat. 3553, §370.

<sup>3</sup> Naming Commission, Final Report Part III, 16.

Department of Defense began implementing the Commission's recommendations following the expiration of this waiting period.

### **1.2.2 Arlington National Cemetery**

Located in Arlington County, Virginia, Arlington National Cemetery (ANC) lies west of the George Washington Memorial Parkway and borders Joint Base Myer-Henderson Hall (JBMHH) and the Pentagon Reservation. Founded in 1864 during the American Civil War, ANC is the final resting place for American veterans who have fought in every war since the nation's inception. Over 150 years later, approximately 400,000 veterans and their family members are laid to rest at the cemetery. With the burials of two U.S. presidents, numerous historical figures, and the Tomb of the Unknown Soldier, the cemetery has expanded, and its significance and prominence have matured through the years.

#### **1.2.2.1 Section 16 and the Confederate Memorial**

The ANC Confederate Memorial stands in the center of Section 16, a circular area of flat lawn. A total of 441 white marble grave markers, designated by the U.S. government for Confederate graves, surround the Memorial in concentric circles.

#### **1.2.2.2 Description of the Memorial**

The Confederate Memorial stands just over 33 feet tall and features a 30-foot-tall bronze sculpture mounted on an approximately 3-foot-tall, polished granite base. An inscription at the base notes that the bronze was cast by the Aktien-Gesellschaft Gladenbeck foundry in Berlin-Friedrichshagen, Germany. The cornerstone was laid in 1912, and the Memorial's dedication occurred in 1914.

Standing atop the sculpture is an allegorical neoclassical female figure representing the South. One hand rests on a plow, and the other holds a laurel wreath. The woman stands upon a pedestal of four cinerary urns, each representing a period of the Civil War. At the pediment, below the urns, is a Biblical phrase from Isaiah, "They



shall beat their swords into pruning hooks.”<sup>4</sup> The concept of the pruning hook ties in with the plough on which the neoclassical figure above rests.

Underneath the inscription from Isaiah, a frieze decorated with fourteen shields represents each of the eleven Confederate states and the three border states of Kentucky, Maryland, and Missouri (which never joined the Confederacy). The Commission noted:

Although distinct minorities in those three states chose to support the Confederacy, most of their respective leadership and citizenry remained within – and in overwhelming support of – the United States. The memorial’s inclusion of the heraldry from those states distorts history by inflating the Confederacy’s size, support, and significance.

Just below these shields, a bronze bas-relief depicts 32 mostly life-sized sculptures that portray the goddess Minerva alongside southern military personnel and civilians, including two enslaved African Americans (a man and a woman).

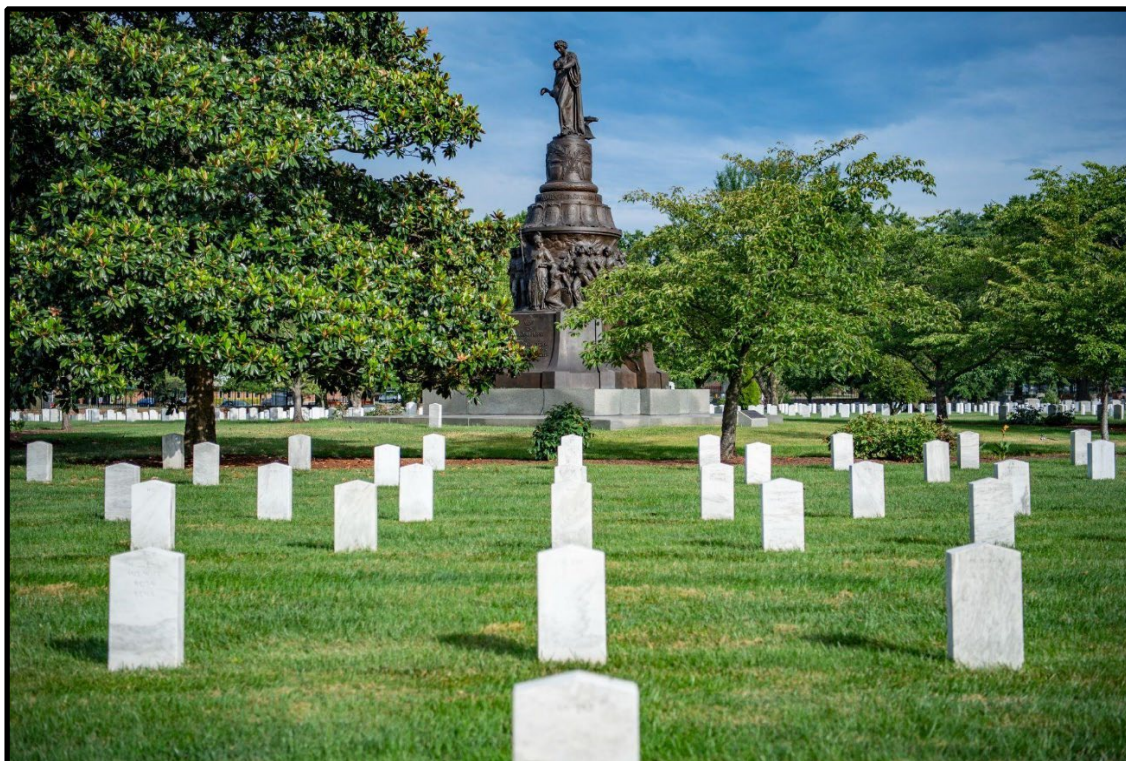
The story on the base-relief itself differs from messaging found on most other Confederate memorials. Rather than focusing solely on martial elements of the war, it depicts southern society as it related to the Confederacy. As the Naming Commission concluded, the Memorial offers a highly inaccurate representation of slavery. The Commission stated: “Two of these figures are portrayed as African American: an enslaved woman depicted as a ‘Mammy,’ holding the infant child of a white officer, and an enslaved man following his owner to war.”

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<sup>4</sup> Isaiah 2:4: “And He shall judge among the nations, and shall rebuke many people; and they shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war anymore.”

Temporary signage in the section, in place since 2021, provides interpretive context for the Memorial. The sign provides a brief history of Section 16 and the Memorial itself. It states that the Memorial provides "a nostalgic, mythologized vision of the Confederacy, including highly sanitized depictions of slavery." In addition, it states this sign is the first step in a long-term process to interpret the history of the Memorial and Section 16, which will include involvement from community members and key stakeholders. It also contains a QR code to the ANC webpage on the Confederate Memorial. The ANMC History Office leads interpretation efforts using public feedback received in the Section 106 and NEPA compliance processes.

The 2014 National Register of Historic Places (NRHP) nomination for ANC lists the Confederate Memorial (DHR Inventory No. 000-1235/000-0042-0029) as a contributing object to the historic property. ANMC completed a Phase II (Intensive Level) survey report to evaluate the individual eligibility of the Confederate Memorial to the NRHP. The report concluded that the Memorial is individually eligible for the National Register. On Aug. 29, 2023, pursuant to 36 CFR §800.4, ANMC received concurrence from the DHR that the Confederate Memorial is individually eligible for listing in the NRHP. See NHPA documentation in Appendix B, the survey report in Appendix C, and the PA in Appendix E.



*Figure 2. View of Section 16 Facing Northeast*





*Figure 3. Confederate Memorial, Southeast Elevation*



*Figure 4. Confederate Memorial, Southwest Elevation*





*Figure 5. Confederate Memorial, South, Southwest Elevation*



*Figure 6. Confederate Memorial, Figural Frieze, South Elevation*



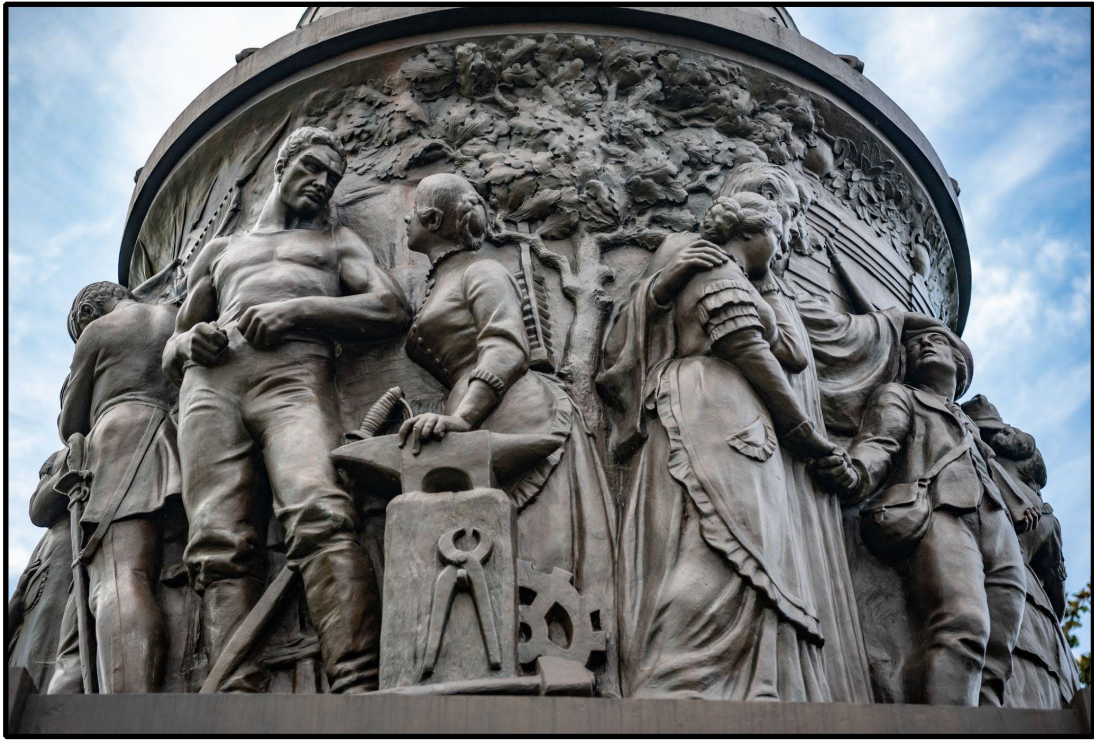


*Figure 7. Confederate Memorial, Figural Frieze, Southeast Elevation*



*Figure 8. Confederate Memorial, Figural Frieze, East Elevation*





*Figure 9. Confederate Memorial, Figural Frieze, North Elevation*



*Figure 10. Confederate Memorial, Figural Frieze, Northwest Elevation*





*Figure 11. Confederate Memorial, Figural Frieze, West Elevation*



*Figure 12. Figural Frieze, Southwest Elevation*



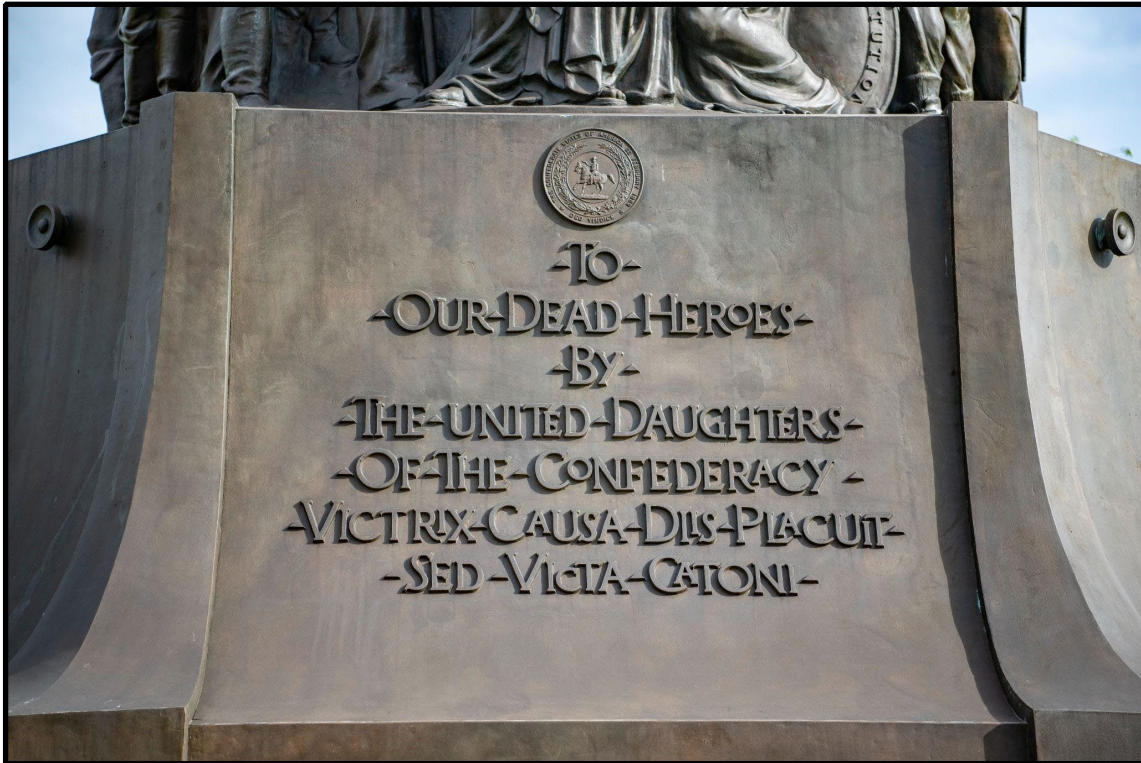


Figure 13. Confederate Memorial, South Elevation. United Daughters of the Confederacy Latin inscription, “*Victrix causa diis placuit sed victa Caton*” – which the Naming Commission translated as, “The victorious cause was pleasing to the gods, but the lost cause to Cato.”





*Figure 14. Confederate Memorial, Grave Marker of Moses Ezekiel*



*Figure 15. Confederate Memorial, Grave Marker of Lt. Henry "Harry" H. Marmaduke*





*Figure 16. Confederate Memorial, Grave Marker of Brig. Gen. Marcus J. Wright*



*Figure 17. Confederate Memorial, Grave Marker of Capt. John M. Hickey*

## **1.3 PURPOSE AND NEED**

### **1.3.1 Purpose of the Action**

The purpose of the proposed action is to remove the bronze elements of the ANC Confederate Memorial, as required by law. This includes removal of the bronze statue atop the Memorial.

### **1.3.2 Need for the Action**

The need for the proposed action is to comply with Section 370 of the National Defense Authorization Act, which requires the Secretary of Defense to “remove all monuments ... that honor or commemorate the Confederate States of America.” Section 370 of the National Defense Authorization Act for Fiscal Year 2021 required the Secretary of Defense to implement the plan submitted by the Commission by January 1, 2024. Removal of the Memorial must be conducted safely to protect the people who work at and visit ANC, as well as the graves and monuments at ANC.

## **1.4 PUBLIC PARTICIPATION, TRIBAL CONSULTATION, AND AGENCY COORDINATION**

To facilitate the analysis and the decision-making process, the Army invited public participation and maintained a policy of open communication with interested parties. All federal and state agencies, public and private organizations, and members of the public that have a potential interest in the proposed action, including minority, low-income, and disadvantaged communities and federally recognized Native American tribes, were urged to participate in the Army's NEPA and decision-making processes, as guided by CEQ and Army NEPA regulations.

The NHPA and NEPA are two separate laws that require federal agencies to consider impacts to historic properties and the human environment before making decisions. ANMC executed NHPA and NEPA concurrently but separately. This EA focuses on NEPA analysis and references some of the Army's NHPA work.<sup>5</sup> See NHPA documentation in Appendix B and PA in Appendix E. The Army completed the NEPA and NHPA processes prior to implementing the action.

### **1.4.1 Scoping**

The Army published a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) in the *Federal Register* on Aug. 1, 2023. Additional notices, announcing the Army's intent to prepare the EIS and to hold a public scoping meeting, were published in the *Washington Post* on Aug. 4, 2023, and in the *Arlington Connection* on Aug. 9, 2023. Both the NOI and the newspaper notices solicited public comments. Publication of the NOI initiated a 30-day public scoping period. The scoping period ended on Sep. 2, 2023. Scoping letters that briefly

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<sup>5</sup> On Feb. 9, 2023, ANMC initiated the consultation process with the DHR in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. Part 800. ANMC notified DHR of the proposed undertaking to remove the bronze elements of the Confederate Memorial. On March 28, 2023, ANMC published a public notice informing the public of the consultation process and providing the opportunity to view related materials.

described the proposed action, announced the upcoming scoping meeting, and solicited comments were sent (by electronic mail and postal service) on Aug. 4, 2023, to initially 61 stakeholders and potentially interested parties, including state and local officials; federal, state, regional, and local agencies; federally recognized Native American tribes; non-profit organizations; and members of the general public with a potential interest in the proposed action. The stakeholder list for this NEPA process was developed based on prior recent NEPA and NHPA processes at ANC; interested parties were identified at the public scoping meeting, during the comment period, by DHR, and by the Advisory Council on Historic Preservation (ACHP). For this proposed action, consulting parties that participated included the Virginia SHPO; Tribes; representatives of local governments; applicants for Federal assistance, permits, licenses, and other approvals; and certain entities with a demonstrated interest in the undertaking.

On Aug. 23, 2023, the Army hosted a virtual public scoping meeting to present information on the proposed action. 217 people attended the meeting. The meeting began with a presentation by ANMC that included the project description and location, a description of the site and Memorial, and an overview of the NEPA and NHPA processes and key milestones. The presentation also identified opportunities for public involvement and explained how people could participate. After the presentation, a total of 64 individuals provided oral comments. Their comments were related to the following areas: no specific theme (7 comments), multiple primary themes (28 comments), desecrates a cemetery and/or grave (4 comments), destroys history (5 comments), dishonors Moses Ezekiel (1 comment), disrespectful to all veterans (4 comments), disrespectful to Confederates and/or their descendants (8 comments), violates the spirit of reconciliation (17 comments), the Naming Commission's recommendation is illegal (16 comments), the Memorial should remain as a reminder (4 comments), removes an important work of art (5 comments), sets a precedent (2 comments), impact on military recruitment in southern states (4 comments), suggests an alternative (3 comments), suggests a mitigation measure (1

comment), other impacts on human and natural environment (4 comments), historical significance/NRHP eligibility (23 comments), and area of potential effects (APE) (1 comment).

There were 17 substantive comments. Of these, 1 focused on removal of an important piece of art, 1 suggested an alternative, 2 listed multiple primary themes, 2 said the memorial should serve as a reminder, 10 mentioned the historical significance of the memorial, and 1 mentioned the APE.

ANMC created a public comment form website to accommodate the submission of public comments during the 30-day scoping comment period. The public could also submit comments through other avenues, such as the project email address and during the virtual public scoping meeting. ANMC received approximately 9,120 total correspondences in relation to the proposed action, including online comment submission forms, emails, and public meeting comments. Approximately 90% of these comments were submitted by unique commenters. Commenters were primarily citizens (99%), with the remaining 1% representing federal agencies, state agencies, state elected officials, local agencies or organizations, or other stakeholder groups.

Approximately 10% of comments received supported the proposed action. Of those comments supporting the proposed action, approximately 61% stated that the Memorial glorified slavery or those who rebelled against the United States, and 5% felt the Memorial was disrespectful to all veterans. Of those comments against the proposed action, approximately 36% expressed concerns with destroying history; 13% stated that removal of the Memorial was disrespectful to Confederate or descendants; 8% thought that removal of the Memorial was counter to the spirit of reconciliation; and 8% stated that the Memorial should remain as a historical reminder. Other comments against removal expressed concern about desecrating a grave or cemetery (4%), disrespect to all veterans (4%), setting a precedent for action (3%), removing an important work or art or antique (2%), concern for the

legality of the Naming Commission's recommendation to remove the Memorial (2%), dishonoring the artist Moses Ezekiel (1%), the expense (1%), and the impact on military recruiting (1%). It is notable that the public comments did not identify direct or indirect significant impacts on natural resources that would potentially be caused by the non-discretionary removal of the Memorial. Similarly, public comments did not identify direct or indirect significant impacts on natural resources that would potentially be caused by the alternatives discussed in this EA.

Several substantive comments were provided in relation to alternatives (106 comments), potential mitigation measures (73 comments), historic significance or National Register eligibility (52 comments), Area of Potential Effects (26 comments), or impacts to be considered (35 comments). Accordingly, substantive comments received during the scoping period are addressed in this EA.

Based on comments received during the scoping period, the primary area of controversy regarding the proposed action was cultural resources. Stakeholders were particularly interested in how these resources could be impacted, and what actions the Army would take to avoid, minimize, and mitigate these impacts. Other topics of public interest included NHPA and NEPA compliance.

ANMC collected comments throughout the NEPA and NHPA compliance processes. Comments were collected in public meetings, consulting party meetings, interagency meetings, and direct submissions to the ANC call center, email address, postal mailbox, and Public Affairs Office. These comments were collected in their original form and then entered a secure electronic database. In the database, the comments were aggregated and categorized. An interdisciplinary Army team of environmental, cultural resources, engineering, regulatory, legal, and planning professionals analyzed the comments to identify unreasonable alternatives and validate reasonable alternatives.



The Army published a notification in the *Federal Register* on Nov. 3, 2023, withdrawing its previous NOI to prepare the EIS. Based on information developed during the scoping period, the Army determined that there would be no foreseeable significant environmental impacts from any discretionary elements of the proposed action, and that an EIS was therefore not required. During the scoping process, most comments dealt with the impacts of the removal of the Memorial. As explained to the public, the decision to remove the Confederate Memorial from ANC was made by Congress, and the Army has no discretion on whether to remove the Memorial. Because the Army does not have authority to take environmental factors into consideration in determining whether to take the proposed action, the action is not subject to NEPA analysis. Moreover, the scoping process did not produce any concerns that any discretionary decision-making related to the removal action would result in foreseeable significant impacts to environmental resources. Thus, the Nov. 3, 2023 NOI explained that the Army would pivot to preparing an EA instead of an EIS.

#### **1.4.2 EA**

In keeping with established Army policy to provide a transparent and open decision-making process, ANC made this EA available to applicable federal and local agencies, stakeholders, and the public for review and comment. A copy of the EA was made available on ANC's website at <https://www.arlingtoncemetery.mil/About/Confederate-Memorial-Removal/NEPA>.

Comments had to be postmarked or time-stamped (email) within 15 days of the publishing date of the NOI to have been considered part of the NEPA process.

Comments were submitted via a link available on the ANC website or to:

Email address: [anc-commemorative-works@army.mil](mailto:anc-commemorative-works@army.mil) or

Mailing address: Arlington National Cemetery, 1 Memorial Avenue, Arlington, VA 22211.

A draft FONSI was issued concurrently with the original EA that stated, based on the evidence gathered throughout the NEPA processes for this project, the Army's current determination that the proposed action will have no foreseeable, significant impact on environmental resources. The Army considered all comments before making a final determination that the proposed action will have no foreseeable significant impact on environmental resources. A FONSI was issued following completion of the 15-day review period and appropriately addressed comments received.

### **1.5 SCOPE AND CONTENT OF THE EA**

This EA was prepared in accordance with NEPA (42 United States Code [USC] 4321), the implementing regulations issued by the President's Council on Environmental Quality (CEQ) (40 CFR Parts 1500-1508), and the Army's procedures to implement NEPA (32 CFR Part 651, Environmental Analysis of Army Actions). The purpose of the EA process is to inform decision makers and the public of the environmental consequences, if any, associated with the proposed action and alternatives.

### **1.6 RELATED NEPA DOCUMENTS**

As applicable, this EA incorporates relevant information from the following NEPA documents that have recently been prepared for projects at ANC:

- Programmatic Environmental Assessment (PEA) for the ANC Real Property Master Plan (RPMP). September 2014 (hereafter referred to as PEA for the ANC RPMP)
- Environmental Assessment (EA) for the Southern Expansion and Associated Roadway Realignment, Arlington, Virginia, August 2019 (hereafter referred to as EA for Southern Expansion)
- Environmental Assessment (EA) for Security Upgrades at Arlington National Cemetery, Arlington, VA, August 2022 (hereafter referred to as Security Upgrade EA)

## **1.7 ORGANIZATION OF THE EA**

This EA consists of the following sections:

- Chapter 1 (Purpose and Need) presents information about the proposed action's purpose and need as well as background information on ANC.
- Chapter 2 (Proposed Action and Alternatives) provides a description of the proposed action and alternatives analyzed in the EA.
- Chapter 3 (Affected Environment and Environmental Consequences) describes the various aspects of the environment that may be affected and assesses the impacts by the proposed action and alternatives.
- Chapter 4 (Cumulative Impacts) analyzes the potential cumulative effects of the proposed action and past, present, and reasonably foreseeable future actions within the proposed action's ROI.
- Chapter 5 (Unavoidable Adverse Impacts) summarizes unavoidable (unmitigable) adverse impacts to resources.
- Chapter 6 (Mitigation Measures) summarizes the measures that would be implemented to prevent, minimize, or compensate for the impacts of the proposed action and alternatives.
- Chapter 7 (Conclusions and Recommendations) summarizes the Army's preferred alternatives.
- Chapter 8 (Agencies and Parties Consulted and Preparers) describes the Appendix, including agencies and parties consulted and document preparers.

## **2.0 PROPOSED ACTION AND ALTERNATIVES**

The proposed action is described in Section 2.1. Alternatives, including the No Action Alternative, are presented in Section 2.2. Alternatives considered but eliminated from detailed analysis are discussed in Section 2.3. To be considered for evaluation in the EA, an alternative must be feasible (capable of being implemented) and must meet the purpose and need for the project.

The EA analyzes the nondiscretionary action to remove the Memorial and compares the effects of that action with the effects of a No Action Alternative. Although Congress has required removal of the Memorial, the No Action Alternative provides a baseline against which the impacts of the action alternative can be measured. The Army is disclosing the impacts of the removal as a matter of public comity, due to the magnitude of interest in the proposed action.

The EA does not cover the final disposition of the Memorial. Subsequent and appropriate analysis will be developed supporting a decision on final disposition. The Army's action in complying with Congressional direction to remove the Memorial has independent utility from any later decision-making on disposition of the statue. The two actions do not affect overlapping environmental resources: any effects on resources from the removal action will be confined to one section within ANC, and any effects to resources associated with disposition of the statue will occur wherever the statue ultimately is moved.

Screening criteria were defined (consistent with the purpose and need) as a baseline to evaluate each of the alternatives, to determine which were carried forward for environmental analysis.

### **2.1 PROPOSED ACTION**

The proposed action, required by Section 370, would remove the bronze elements of the Confederate Memorial, which currently sit on a granite base in the center of

Section 16 of ANC. The granite pedestal on which the Memorial sits will be left in place.

## **2.2 ALTERNATIVES DEVELOPMENT AND EVALUATION PROCESS**

### **2.2.1 Alternative Screening Criteria**

ANMC used screening criteria to establish reasonable alternatives that meet the need for the directed action. Any alternatives selected for detailed analysis must have met the following selection criteria:

- Ensures the dignity and integrity of ANC
- Protects graves or portions of the Memorial not being removed
- Ensures worker safety
- Ensures security to prevent disruption to the Memorial removal process
- Ensures the safety of ANC staff and visitors
- Minimizes disruptions to cemetery operations, funerals, public visitation, events, and ceremonies
- Ensures security of the pieces of the Memorial during management
- After the Memorial is removed, preserves the pieces of the Memorial as an additional mitigation of adverse effects on cultural resources

### **2.2.2 Alternatives Considered**

The EA compares the effects of the removal of the Memorial with the environmental baseline associated with the No Action Alternative of leaving the Memorial in place. However, removal of the Memorial is required by Congress, and therefore the Army has no discretion to select the No Action Alternative.

#### **2.2.2.1 Removal Alternatives**

Removal Alternative A (Action Alternative):

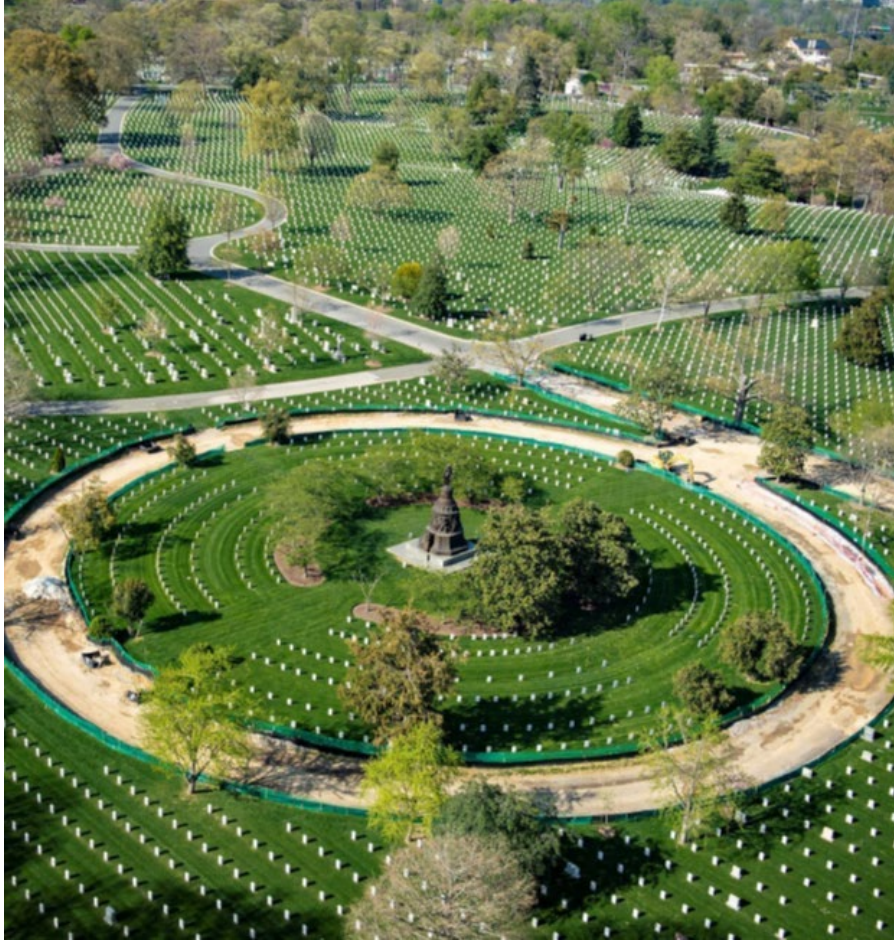
The bronze elements of the Memorial will be removed. The removal process will include preparing the site and documenting the Memorial; disassembling the Memorial; and packaging the pieces of the Memorial into crates. This action alternative includes the following characteristics:

- A contractor specializing in monument removal and relocation will be used.
- All projects contracted by ANC must conform with the “Programmatic Agreement Among Arlington National Cemetery, the Virginia State Historic Preservation Officer, and the Advisory Council on Historic Preservation for the Operation, Maintenance, and Repair Activities at Arlington National Cemetery,” which requires that the provisions of Stipulation VII be included in all ANC operations and contracts involving ground disturbance (see Appendix B). Stipulation VII provides standard procedures for post-review discovery of cultural resources or unanticipated effects, as well as discovery of unidentified human remains dating prior to the establishment of Arlington National Cemetery.
- The proposed undertaking limits and includes protections for ground disturbance. All disassembly work will occur on the top of the existing granite base; the surrounding landscape, graves, and headstones will be protected. Staging will occur on the circular drive that surrounds the Memorial. It is not expected that undiscovered cultural resources will be found during implementation of the undertaking due to two factors: there is so much information available about the location chosen for the Memorial, its erection, and dedication; and ground disturbance will be minimal. In the event of an unanticipated discovery during ground-disturbing activities, all work would cease, and the ANC Cultural Resources Manager (CRM) would be contacted. The CRM would immediately notify the DHR and other appropriate agencies, and standard procedures outlined in ANC’s Programmatic Agreement would be followed to protect the artifacts and determine their significance (see Appendix B).
- The proposed undertaking will occur in areas disturbed through prior development of the cemetery or adjacent infrastructure. All work is in an existing burial section with moderate prior disturbance.

- ANMC developed a memorabilia box (time capsule) discovery plan that will be implemented if a memorabilia box is encountered. The plan will ensure that the construction crew follows proper notification and work modification procedures, conforming with the plans noted above.
- The removal phase of the project will be short term and temporary. The entire removal process is estimated to last just a few days, pending any unforeseen circumstances.
- ANMC will install an 8-foot (approximate) tall temporary fence to screen activity appropriately to protect visitors and prevent disturbance of cemetery operations.
- As much as possible, ANMC will use existing pavement and gravel surfaces for equipment staging to minimize ground disturbance. For example, existing roads will be used for equipment staging and to crate and stabilize the pieces of the Memorial; construction personnel will access the Memorial using existing roads and improved areas at ANC or through JBMHH; and contractor personnel will park in existing parking areas.
- ANMC will use the swaths of land in between trees, shrubs, and graves to access the Memorial for removal. No trees or shrubs would be deliberately damaged. Section 16 contains four quadrants of government markers, each separated by one of four turfed pathways (see Figure 18). All four of the turfed pathways may be utilized while the disassembly and crating activities are taking place.
- Any inadvertently damaged vegetation will be immediately repaired after the area is no longer needed for removal activities.
- ANMC will place temporary ground protection mats or decking, rated for the type of equipment being used, over the four closest gravesites and along the access route into Section 16 to limit impact from heavy equipment and install temporary fencing to protect the trees preventing incidental damage during deconstruction.

- ANMC will redirect traffic in and around Section 16 to ensure safety and security.
- During disassembly, a large mobile crane will be used to lift the Memorial's bronze elements off the Memorial. The crane will be parked in the roadway directly east of the Memorial in the Section 16 entrance roadway, which connects the circular road to McPherson Drive. The crane will operate only on pavement, with the boom extending to the west over the Section 16 turf.
- Smaller and lighter equipment, consisting of a telescoping boom forklift (such as a Lull) and a Mobile Elevating Work Platform (MEWP, more commonly known as a manlift or Aerial Work Platform) will operate on the turf between the burial sections. The MEWP will be used to provide workers access to the Memorial during the disassembly operations. The telescoping boom forklift will be used to move individual bronze components at ground level during the crating operations and when loading crates for transport.
- The Army will ensure security during onsite activities.
- Figure 18 shows the layout of Section 16 in ANC with the Memorial in the center. It shows the circular drive where construction equipment and vehicles will be located and the swaths of turf that will be traversed to access the Memorial.





*Figure 18. Section 16, Showing the Memorial in the Center*

Removal Alternative B (No Action Alternative):

The bronze elements of the Memorial would not be removed. Although Congress has required removal of the Memorial, the No Action Alternative provides a baseline against which the impacts of the action alternative can be measured. ANC would continue to operate under the NHPA Programmatic Agreement Among Arlington National Cemetery, the Virginia State Historic Preservation Officer, and the Advisory Council on Historic Preservation for the Operation, Maintenance, and Repair Activities at Arlington National Cemetery.

### **2.2.3 Alternatives Considered but Eliminated from Detailed Study**

Six other alternatives were identified and eliminated from detailed analysis during the planning process because they did not meet the purpose and need.

#### **2.2.3.1 Eliminated Alternative 1: Contextualization**

Leave the Memorial in place and provide additional signage that interprets the Memorial's symbols in the context of the time it was installed and dedicated. Through the Section 106 consultation process, new interpretative signage would be developed in collaboration with consulting parties. This alternative was eliminated because the Naming Commission determined it was not an appropriate option and because it would violate Congress's direction to remove monuments that commemorate the Confederacy. It therefore does not meet the Congressional requirement to remove the Memorial from ANC.

#### **2.2.3.2 Eliminated Alternative 2: Removal of the Entirety of the Confederate Memorial, Including the Granite Base**

This alternative was eliminated because of concern that graves could be damaged during deconstruction.

#### **2.2.3.3 Eliminated Alternative 3: Disposal via Destruction or Recycling**

ANMC received comments on alternatives for destruction (including melting down the bronze) and disposal of the bronze Memorial. This disposal method was eliminated because the Memorial, as a work of art, will be disposed of in accordance with OSD policies and guidance. Furthermore, ultimate disposal is beyond the scope of this EA.

#### **2.2.3.4 Eliminated Alternative 4: Retention of Part of the Statue**

The statue would be disassembled, and all bronze components retained except for the figural frieze (bronze bas-relief that depicts 32 mostly life-sized sculptures that portray mythical gods alongside southern soldiers and civilians). This would eliminate what the Commission deemed the most inappropriate elements of the statue.

Accordingly, this alternative would not meet Congressional intent to remove the entire Memorial. To maintain the statue's structural integrity, modification might be necessary to ensure the statue would still be structurally sound without this component. Another bronze component could be installed in its place. This component could mimic the shape and size of the figural frieze, but it would not have the decorative detail in order to ensure a distinction between historic and new components. Because of these practical difficulties, this alternative does not meet the purpose and need of the proposed action. It also does not comply fully with Congressional direction.

#### 2.2.3.5 Eliminated Alternative 5: Replace with Something Other than Statuary

During the public scoping period, ANMC received suggestions for replacing the Confederate Memorial with something other than statuary: a park, garden, gazebo, reflecting pool, museum, etc. Installation of new landscaping or structures would modify the historic landscape of the cemetery. However, the Naming Commission recommended that the granite base remain in place; therefore, it cannot be replaced by these alternative uses. As a result, these do not meet the purpose and need of the proposed action.

#### 2.2.3.6 Eliminated Alternative 6: Replace with Other Statuary

During the public scoping period, ANMC received suggestions for replacing the Confederate Memorial with statuary representing other historic figures or events. Installation of new statuary would modify the historic landscape of the cemetery and would require additional consultations under applicable law and regulations. Preliminary suggestions about what a replacement monument might be are beyond the scope of this EA. As a result, these do not meet the purpose and need of the proposed action. The decisions to be made on this proposed action (removal of the Memorial) do not necessarily preclude erection of a new statue sometime in the future. However, installation of a new statue or memorial is beyond the scope of this EA. Therefore, this alternative was not carried forward for full analysis.

### **3.0 AFFECTED ENVIRONMENT AND POTENTIAL IMPACTS**

#### **3.1 INTRODUCTION**

Chapter 3 describes the affected environment (existing conditions) and presents the analysis of potential impacts from the proposed action and alternatives.

Analytical thresholds used to determine a potential “significant” adverse impact in this EA are described. For analysis purposes, only potential adverse impacts on resources above these thresholds are considered “significant.” All other potential impacts—those below applicable significance thresholds—are considered “less than significant.” These impacts could range from “negligible,” to “minor,” to “moderate.”

The terms “impacts” and “effects” are used interchangeably throughout this chapter; for the purpose of this EA, they are synonymous. The use of the term “significant” and derivations thereof in this document require consideration of both the context and intensity of impacts. The following terms are used throughout this EA to indicate the relative degree of severity of predicted environmental impacts:

- No Effect: No change to the resource or built system.
- Less-than-Significant Adverse Effects with Mitigation: Adverse impacts with mitigation applied do not exceed the threshold of significance established for the resource or built system.
- Beneficial Effects: Impacts on the resource are positive.

##### **3.1.1 Resources Eliminated from Detailed Analysis**

In accordance with the CEQ Regulations, ANMC used the NEPA scoping process, a review of applicable environmental documentation, and an analysis of the scope and components of the proposed action by qualified technical subject matter experts to identify issues anticipated to experience little to no impact from the proposed action and alternatives. For example, detailed information about ANC’s baseline resources

can be found in the PEA for the ANC RPMP, the EA for Southern Expansion, and the Security Upgrade EA. These EAs analyzed the affected environment (existing conditions) for resources at ANC and the potential impacts from larger construction projects, and they determined there were no significant impacts on environmental resources. For this EA, information was reviewed from the three other EAs and compared to anticipated work under the proposed action to remove the Memorial.

Resources eliminated from detailed analysis and the rationale for their dismissal are described below.

#### ***3.1.1.2 Hazardous Materials and Hazardous Wastes***

Small amounts of hazardous materials might be used while the bronze elements of the Memorial are being disassembled and stored. Any hazardous materials will be carefully managed by the contractor so as not to be released at ANC, and these materials will not be left onsite. There will be no significant environmental impact associated with the short-term and small amount of such hazardous materials and hazardous waste products.

#### ***3.1.1.3 EO 13045, Protection of Children from Environmental Health Risks and Safety Risks***

This executive order directs federal agencies to identify and assess disproportionate impacts to children's environmental health and safety risks. EO 13045 states, "Environmental health risks and safety risks' mean risks to health or to safety that are attributable to products or substances that the child is likely to come in contact with or ingest (such as the air we breathe, the food we eat, the water we drink or use for recreation, the soil we live on, and the products we use or are exposed to)." During the removal process, children will not be allowed access to construction areas in order to protect them from construction activities and hazards.

#### **3.1.1.4 Socioeconomics**

Construction associated with the proposed action will create local jobs and induced effects, such as local expenditures from construction workers. These jobs will be temporary, and personnel employed would not change their place of residence. Effects associated with construction will occur on a temporary basis over the course of a week or more. The proposed action does not include substantial changes in the number of personnel at or visitors to ANC. Transportation of the pieces of the Memorial will be a one-time event. As a result, changes to population, demographics, income, community services and facilities, or housing would not be appreciable.

#### **3.1.1.5 Biological Resources**

Construction related to removal actions will be short-term, and no long-term permanent impacts to the physical environment will occur. When removing the Memorial, ground disturbance will be minimal, and no trees, shrubs, or landscaping will be removed. Any temporary turf damage from vehicles or other equipment will be quickly repaired.

The U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPAC) webpage was consulted to obtain a list of endangered species which may exist within the proposed action area, subject to jurisdiction of the Endangered Species Act (ESA) (16 U.S.C. §1531 et seq.). Appendix A includes additional information. The APE for endangered species was defined as those lands encompassing the project site (Confederate Memorial), ingress and egress routes, land down yards, and the immediately adjacent acreage (buffer) within ANMC. Three species have been identified that are potentially affected by the deconstruction activities: Northern Long-eared Bat, Endangered (*Myotis septentrionalis*); Tricolored Bat, Proposed Endangered (*Perimyotis subflavus*); and Monarch Butterfly, Candidate (*Danaus plexippus*). The APE contains no federally designated critical habitat for any of these listed species.

The Army has made a determination of “no effect” regarding the proposed actions effects on ESA-listed species due to:

- All proposed ingress and egress from the site, including equipment storage and laydown yards, are planned for currently improved spaces (i.e., existing paved/gravel roads and parking areas).
- Cutting and/or tree removal activities within the APE will be avoided (mitigating effects on any potential den trees).
- Deconstruction activities will occur during limited daylight hours, for a period not greater than four weeks, and is scheduled to occur during the winter months of December/January/February—outside of typical mating, roosting, and migration lifecycle periods for bats. Monarch butterflies will not be flying this time of year.
- Ground disturbance will be minimized within the deconstruction work areas by using matting or other supplemental turf cover to protect ground and vegetative integrity.

#### **3.1.1.7 Visual Resources**

The proposed action will result in impacts to visual resources. However, because the removal action is non-discretionary, the Army does not have the authority to consider these impacts. As a matter of comity, the Army discloses these effects in its review of cultural resource impacts in Section 3.8.

Appendix B, page 18 of the “Section 106 Process Submission: Revised Area of Potential Effect & Assessment of Adverse Effects,” made a contradictory statement regarding the visibility of the memorial from the Fort Myer Historic District. The fourth paragraph stated: “The Confederate Memorial and the proposed project area is not visible from the [Fort Myer] historic district.” The next paragraph stated: “The Confederate Memorial is partially visible from the Fort Myer Historic District.” ANMC has determined that the Memorial is visible from Fort Myer but not visible from the

Fort Myer Historic District, a National Historic Landmark. For these reasons, the resource areas listed above have not been carried forward for detailed analysis.

### **3.2 AIR RESOURCES, GREENHOUSE GASES, AND CLIMATE CHANGE**

ANC is in Arlington County, Virginia, part of the National Capital Interstate Air Quality Control Region. This area is designated as being in moderate nonattainment for the 2015 8-hour ozone National Ambient Air Quality Standard (NAAQS) and maintenance area for the 2008 8-hour ozone NAAQ and the carbon monoxide NAAQS. It is unclassified or in attainment for all other criteria pollutants. The area is also within the Ozone Transport Region. Total direct and indirect emissions of carbon monoxide and ozone precursors nitrogen oxides and volatile organic oxides were estimated using conservative assumptions. Estimates of nitrogen oxides (0.050 tons per year) volatile organic compounds (0.068 tons per year), and carbon monoxide (0.996 tons per year) are substantially less than the respective *de minimis* threshold values (100 tons nitrogen oxides per year, 50 tons volatile organic compounds per year, and 100 tons carbon monoxide per year.) The proposed action would comply with the General Conformity Rule (40 Code of Federal Regulations [CFR] 51, Subpart W) and the NEPA. For these reasons, the impact of the proposed action would be less than significant.

Greenhouse gases, carbon dioxide (34.62 tons per year), methane (0.0028 tons per year), nitrous oxide (.0021 tons per year), and carbon dioxide equivalent CO<sub>2</sub>e (36.32 tons per year) were also estimated. The amount of carbon dioxide emitted (34.62 tons per year) would be comparable to that resulting from energy used by four households for one year.<sup>6</sup> Conservative assumptions were used to calculate emissions that would result from the proposed action. The calculations included total emissions estimates for a crane, generator, concrete saw, trucks, and other necessary equipment. Final numbers were based on projected usage time and EPA

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<sup>6</sup> Environmental Protection Agency. (2023, October 31) *Greenhouse Gas Equivalencies Calculator*. <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator#results> <sup>6</sup> [Virginia - State Climate Summaries 2022 \(ncics.org\)](#)



standard emission estimates for each equipment type. Actual emissions would be substantially lower, because the estimates are based on the equipment being used for a significantly longer period than is currently determined likely. Detailed calculations of air emissions can be found in Appendix A. Air emissions and greenhouse gases would be minor and only temporary in nature.

As shown in the Department of Defense Climate Assessment Tool, current and projected future climate model outputs (in 30-year climate epochs centered on 2050 and 2085) indicate that the top hazards at ANC are drought and energy demand. NOAA state climate summaries list the following key messages for the Commonwealth of Virginia:

Temperatures in Virginia have risen more than 1.5°F since the beginning of the 20<sup>th</sup> century. Under a higher emissions pathway, historically unprecedented warming is projected during this century. Naturally occurring droughts are projected to be more intense because higher temperatures will increase evaporation rates, accelerating soil moisture loss and adversely affecting agriculture. The number and intensity of extreme heat and extreme precipitation events are projected to increase. Cold waves are projected to be less intense.<sup>7</sup>

Additional information on Climate Change can be found in Appendix A.

The Army has concluded that removal of the Memorial will not affect the rate of climate change, particularly with respect to the hazards mentioned above. The emissions from the proposed action will not add to, or otherwise have a measurable effect on, local or global climate change. This analysis concludes that there will be almost no discernable

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<sup>7</sup> NOAA National Centers for Environmental Information, State Climate Summaries 2022, Virginia, <https://statesummaries.ncics.org/chapter/va/>.

impact on air resources, greenhouse gases, and climate change from the proposed action or alternatives. Therefore, there will be no significant impact on air resources.

### **3.3 WATER RESOURCES**

Information on water resources is included in Appendix A. The proposed action will have no impact on water resources. No surface waters, wetlands, or floodplains exist within the proposed action areas.

At most, the proposed action will result in approximately 1,400 square feet of total ground disturbance, resulting from staging of vehicles on sodded turf areas for a short period. There will be no meaningful increase in impervious surfaces at ANC resulting from the proposed action. Furthermore, the proposed action will not result in new point (or nonpoint) sources of water pollution.

Clean Water Act permits will not be required for construction (e.g., Virginia Pollutant Discharge Elimination System permit for Stormwater Discharges from Construction Activities) or operation (e.g., Virginia Pollutant Discharge Elimination System permit for Industrial Activities) of the proposed action activities. A Land Disturbing Activity/Stormwater Permit will not be required, as the proposed action will not disturb 2,500 square feet or greater. ANC operates a small, separate municipal storm sewer system (MS4) under Permit Number VAR040139, effective Nov. 1, 2018. ANC implements pollution prevention and good housekeeping practices throughout its facility to minimize and prevent pollutants from discharging to its MS4. Written procedures, a Stormwater Pollution Prevention Plan, a Nutrient Management Plan, and training are key parts of ANC's pollution prevention and good housekeeping program. These documents are made available to construction contractors. The best management practices (BMPs) for water quality are included as requirements in ANC construction contracts and will be employed during construction. Appropriate BMPs will be implemented to ensure that contaminants are not introduced into water

sources. For these reasons, there will be no significant impact on water resources at ANC resulting from the proposed action.

### **3.4 NOISE**

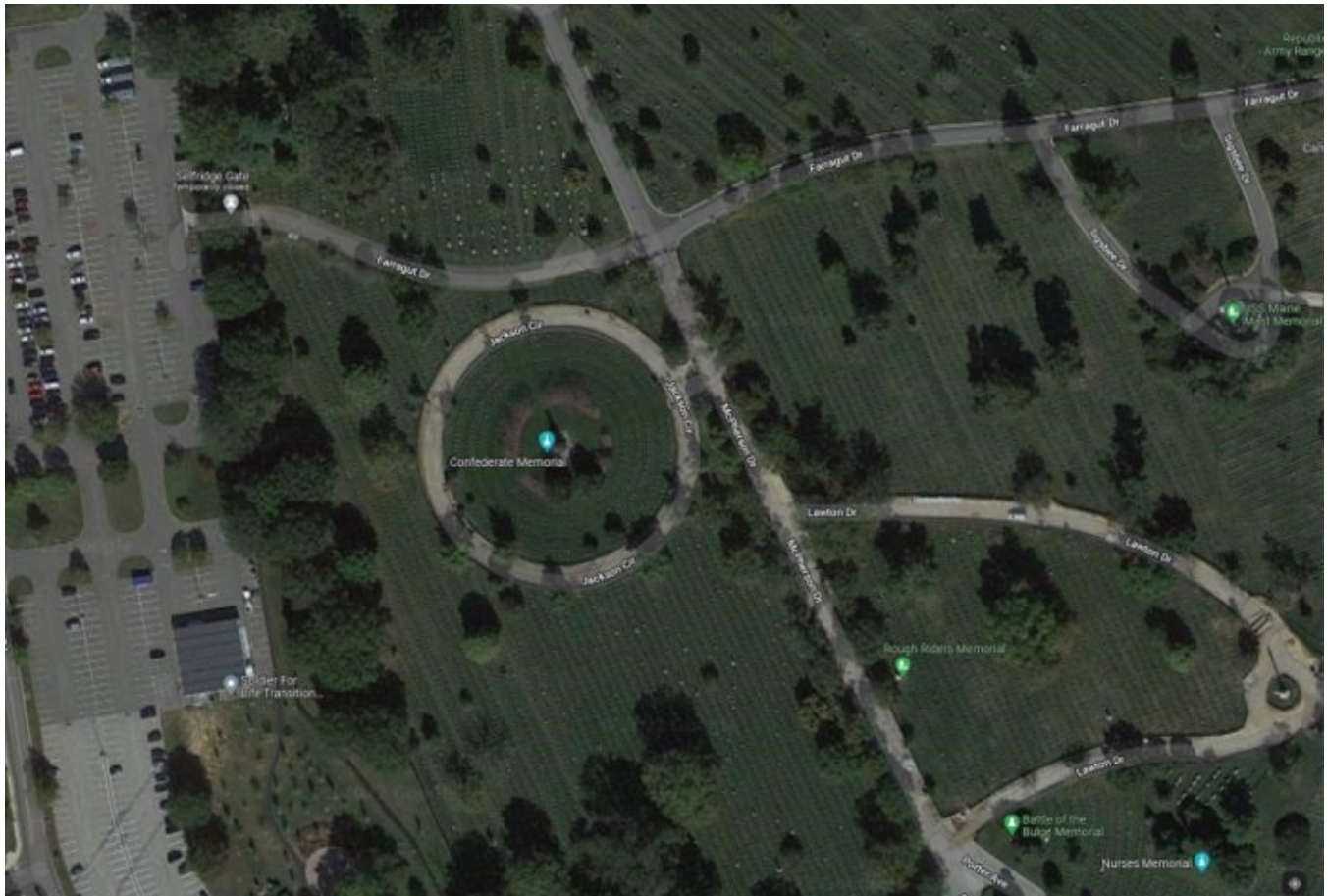
Typical noise sources at ANC include lawn mowers and other maintenance vehicles, as well as intermittent noises from funeral services, such as artillery volleys, bugles, and military bands. Outside noises encroaching on the cemetery include vehicular traffic on nearby roadways, and aircraft traffic (both civilian and military) associated with Ronald Reagan-Washington National Airport, the Pentagon, and other nearby military installations.

The Noise Control Ordinance of Arlington County, Virginia established a noise control program for the purpose of promoting health, safety, and welfare and to foster the comfort of Arlington County inhabitants. The local regulation limits construction noise levels to 90 decibels (dBA) for certain land uses during daytime hours. ANC's management policies adhere to this ordinance, and construction activity for the proposed action will not exceed 90 dBA. Construction activity associated with the proposed action may cause temporary, intermittent fluctuations in noise levels. However, noise levels from the proposed action, however, would be lower than other ongoing noises in and around ANC, such as lawn maintenance equipment and air traffic. During the disassembly phase of the project, reasonable measures will be taken to minimize noise impacts and disturbance from construction-related activities. No long-term or significant noise impact will result from the proposed action.

### **3.5 TRAFFIC AND TRANSPORTATION**

Figure 18 shows the circular drive of Section 16 in relation to the surrounding area. Vehicles and construction equipment will be staged on the circular drive during the disassembly process. This portion of the cemetery can easily be closed to visitor traffic; the circular drive of Section 16 has previously been closed due to roadway construction, and cemetery access was not significantly impacted. Traffic in this

small portion of the cemetery would easily be managed without impacting access to other areas. Within ANC's existing road network, the proposed action will not involve substantial changes in current traffic patterns. Therefore, there will be no significant impact.



*Figure 19. Section 16 Roadways*

### **3.6 VISITOR USE AND EXPERIENCE**

Visitor access will be prohibited in the area in Section 16 around the Memorial during the short period of time while disassembly and crating activities are taking place.

Other areas of the cemetery will not be impacted. After removal, visitors will no longer be able to view the bronze elements of the Memorial in Section 16. However, visitors to ANC will still be able to visit gravesites in Section 16 and experience other

key destinations at the cemetery. There will be no long-term impact to land use of Section 16 at ANC.

### **3.7 TOPOGRAPHY, SOILS, AND GEOLOGY**

The proposed action will not impact geology, topography, or soils. No unique geologic features (e.g., caves, cliffs, canyons, etc.) are present in the proposed action area. Geologic features that are present (mostly various types of subsurface sand and gravel sedimentary deposits) will not be impacted by proposed action activities, the most intrusive of which would consist of minimal staging of equipment on turf areas for short periods of time. The topography of the affected areas will remain unchanged (e.g., no leveling, cutting, or filling of terrain). The proposed action involves very little ground disturbance. Consequently, the proposed action will result in only minimal temporary adverse impacts to topography, soils, and geology.

### **3.8 CULTURAL RESOURCES**

#### **3.8.1 Introduction**

ANC manages cultural resources in compliance with the installation's Integrated Cultural Resources Management Plan (ICRMP). The ICRMP sets forth the specific goals, policies, and procedures to manage cultural resources. This includes identifying potential historic properties, assessing them for eligibility for listing in the NRHP, and managing them in accordance with applicable requirements. The ICRMP also complies with the requirements in ANC's "Programmatic Agreement Among Arlington National Cemetery, the Virginia State Historic Preservation Officer, and the Advisory Council on Historic Preservation for the Operation, Maintenance, and Repair Activities at Arlington National Cemetery" (see Appendix B). Cultural resources include archaeological sites, structures, cultural landscapes, museum collections, ethnographic resources, and properties.

### **3.8.2 Affected Environment**

For information and citations about the affected environment, please refer to the Phase II Intensive-Level Survey Report for the Confederate Memorial (Appendix C). See additional NHPA documentation in Appendix B and the Programmatic Agreement in Appendix E.

### **3.8.3 Environmental Consequences**

This section identifies potential impacts to NRHP and NRHP-eligible historic properties that could result from each of the action alternatives and the No Action Alternative, as described in Chapter 2. This EA also provides analysis of the potential impact level according to the following correlations: no impact (no effect); negligible adverse impact (no adverse effect); and minor, moderate, or significant adverse impact (adverse effect). Beneficial effects would occur because elements of the Memorial that are deemed offensive by some members of the community would be removed. In addition, the graves of people who gave their lives in service to the United States will no longer be located near a memorial to those who fought against the United States.

The Army used the following significance thresholds to evaluate adverse impacts of the proposed action on cultural resources.

#### **Direct Significant Adverse Effect**

- a) Would result in damage to a historic property.
- b) Would result in damage to an NRHP-eligible resource within the affected area such that the resource would no longer be eligible for listing.
- c) Would result in the loss of an NRHP-eligible resource within the affected area without adequate mitigation.

#### **2) Indirect Significant Adverse Effect**

- a) Would result in damage to a historic property outside the affected area.

- b) Would result in damage to an NRHP-eligible resource outside the affected area such that the resource would no longer be eligible for listing.
- c) Would result in the loss of an NRHP-eligible resource outside the affected area without adequate mitigation.

#### **3.8.3.1 Removal Alternative A**

Overall, Alternative A will result in beneficial effects, potential minor short-term direct adverse impacts, and significant long-term direct adverse impacts to cultural resources. These significant impacts, however, entirely result from the removal of the Memorial—an action directed by Congress and over which the Army has no discretion. This significant impact, therefore, does not require preparation of an EIS. The Army looked at the impacts of removal as a matter of public comity due to the high level of public interest in Congress' direction to remove the Memorial from ANC. As determined in consultation, removal of the Memorial meets the criteria of adverse effects to historic properties under the NHPA and its implementing regulations, 36 CFR 800.5(a)(1). The adverse effects determination was the subject of consultation during the Section 106 process. As a result of the NHPA compliance process, a PA was developed between the Army, the DHR, and the ACHP. ANMC will follow requirements identified in the PA. Implementation of the stipulations in the PA shall mitigate adverse effects resulting from removal of the Memorial. Under Removal Alternative A, the bronze elements of the Memorial will be removed from their current location. Disassembly would occur as described in Section 2.2.2.

There is a beneficial aspect to the removal of the Memorial from its original context. For segments of the public that find Confederate monuments offensive, glorifications of the Confederate cause, and inaccurate representations of history, removal of the Memorial will serve as a public benefit. At ANC, beneficial effects could occur because elements of the Memorial that are deemed offensive by some members of the community would be removed. In addition, the graves of people who gave their lives in service to the United States will not be located near a memorial to those who

fought against the United States. These members of the public feel that the Lost Cause philosophy exemplified by the statue should not be federally authorized and financed.

The Congressionally required removal of the bronze elements of the ANC Confederate Memorial could potentially result in several adverse effects on the characteristics that qualify the Confederate Memorial for individual listing in the National Register of Historic Places. Under the NHPA, an adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. The proposed removal of the ANC Confederate Memorial does reduce its ability to convey its significance and does impact its historic integrity.

The proposed action, which is nondiscretionary, will substantially impact the historic location and association of the Memorial within this historic district by removing its critical elements, leaving only the granite base. Removing the bulk of the Memorial will change historic views and vistas, especially in and around Section 16, causing permanent and irreversible changes. It will remove the centerpiece of Section 16, changing the composition and aesthetics of that section and deviating from the intended design. However, given that removal is required for compliance with Section 370, there is no possible way to mitigate the impact from actual removal.

Additionally, the proposed removal process could potentially result in unintentional damage to this historic resource. If the Memorial is disassembled and not reconstructed, there could be damage to the materials, design, and workmanship that are qualifying characteristics of the historic property. Through the Section 106 consultation process, ANMC intends to work with consulting parties and the public to determine the final location for the Memorial's elements once they are physically removed from the



cemetery. The limited nature of the proposed undertaking should have no adverse effect on the graves in Section 16 or on any known archaeological resources in that area. Since the proposed undertaking is intended to remove only the Memorial, the granite base will remain in place and mark the site where this resource once stood. No other work is proposed to the surrounding landscape and graves, all of which will be protected during the removal process. The headstones, circulation patterns, and horticultural elements of Section 16 will be preserved and unchanged. All construction work in Section 16 will be in areas that have already been disturbed through prior development of the cemetery or adjacent infrastructure. All construction and staging will occur within existing roadways or areas that do not contain burials. Since this project does not currently include ground-disturbing activities, it is not expected that undiscovered cultural resources will be found during implementation of the action.

Further, this action will not impact the integrity of location, workmanship, feeling, or associations of the overall ANC Historic District in a way that would change ANC's status as a National Register Historic District. No direct physical changes will be made to any other area of ANC beyond Section 16. ANC will retain the many other features that justify its status as a National Register Historic District, and it will maintain its iconic significance as a military cemetery that spans the nation's history and represents the diverse stories of the American people.

Even when the Memorial's elements are removed, ANC will maintain its standing as a National Register Historic District—one that encompasses ongoing efforts to understand the Civil War and its legacies. ANMC must continue to facilitate this understanding, through good stewardship and preservation of ANC's historic resources, and through continual outreach and engagement with the American public.

### **3.8.3.2 Removal Alternative B: The No Action Alternative**

Under the No Action Alternative, the Memorial would not be removed. For this reason, there would be no effect on cultural resources. There would be no removal of memorial elements; the bronze statue would remain in its present location, and there would be no effect to the Confederate Memorial or Arlington National Cemetery Historic District. An adverse aspect of the No Action alternative is that it would not eliminate the anomaly of having a memorial to people who rebelled against the U.S. government mixed with the graves of people who supported the United States. The No Action Alternative is not a viable alternative, as explained in Section 2.2.2 Alternatives Considered.

### **3.8.3.3 Programmatic Agreement**

In compliance with Section 106 of the NHPA, a determination has been made of an “undertaking.”<sup>8</sup> ANMC has found that there are “adverse effects” and has consulted with the ACHP and the DHR to seek ways to avoid or minimize these adverse effects. Together, the agencies developed a PA that stipulates mitigation measures that ANMC must execute to resolve or mitigate adverse effects identified through the Section 106 consultation process. The PA has now been signed, and the Army commits to following its requirements. These requirements include development of a plan regarding the disposition of the Confederate Memorial. This plan provides stipulations regarding potential continued storage, transfer from the storage facility to the final disposition site, potential reassembly, and any potential interpretation at that site. The requirements also include documentation of the Confederate Memorial according to Level II Historic American Buildings Survey (HABS) Standards.

Under the PA, ANMC contracted for additional Historic American Buildings Survey (HABS) documentation to preserve the memorial’s history, historic drawings, existing

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<sup>8</sup> An undertaking is a type of activity that could affect historic properties. Historic properties are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register.

photographs from different periods, and to create additional photographic records and maps.

ANMC will carefully document the memorial's condition prior to disassembly and will document and record the disassembly process. This will include creation of measured drawings, videography, and step-by-step narrative of the disassembly process. The contractor selected to remove, package, and transport the bronze elements meets exacting experience and personnel qualifications.

The contractor will employ subject matter experts with specialized experience in metal conservation, deconstruction, storage, and documentation. Specifically, a qualified Conservator or Bronze Specialist will be on-site to provide guidance during disassembly. This SME will assess the condition of each piece and create a piece-by-piece removal strategy.

ANMC will ensure the protection of nearby gravesites by placing temporary protective decking over the four closest gravesites. ANMC will ensure the protection of landscaping by placing temporary steel decking along the access route into Section 16 to limit impact from heavy equipment and installing temporary fencing around nearby trees to protect from incidental damage. Storage crates must be weathertight and must be specially lined to protect the Memorial's elements. There will be a digital master inventory of all bronze elements including condition photos and measurements.

See Appendix B for NHPA consultation documentation, and Appendix E for the PA, entitled, "Programmatic Agreement among Arlington National Cemetery, the Virginia State Historic Preservation Office, and the Advisory Council on Historic Preservation regarding the Removal of the Confederate Memorial at Arlington National Cemetery, Arlington County, Virginia." In the PA, an example of a typical mitigation for resolving

adverse effects is documentation of the historic property, which the Historic American Buildings Survey (HABS) has already begun.

## **4.0 CUMULATIVE IMPACTS**

### **4.1 INTRODUCTION**

This section analyzes the potential cumulative effects of the proposed action and past, present, and reasonably foreseeable future actions within the proposed action's ROI. Cumulative effects of the proposed action can be viewed as “the total effects on a resource, ecosystem, or human community of that action and all other activities affecting that resource” (USEPA, 1999). The cumulative effects analysis determines if the activities involved in the proposed action would combine with these other impacts to result in either adverse or beneficial cumulative impacts when considering other actions in the ROI.

### **4.2 PAST, PRESENT, AND REASONABLY FORESEEABLE FUTURE PROJECTS**

This EA considers the effects of actions that occur around the same time and place and that have a close causal relationship as the proposed action and alternatives. These include Army actions located on and adjacent to ANC. This cumulative impacts analysis has selected for inclusion related actions completed within the past five years, as well as those that have a reasonable probability of being completed in the next five years. Upcoming projects were identified from Army planning documents. [Table 1](#) lists these projects, and [Figure 20](#) depicts the location of these projects. Section 4.3 analyzes these projects for additive impacts regarding the proposed action for cultural resources.

Because the proposed action will not impact resource areas other than cultural, no other resource areas were analyzed for additive impacts. As with the proposed action, past actions at ANC had negligible to no impacts on water resources, geological resources, biological resources, utilities, infrastructure, land use, and the surrounding community, as these actions were small in scale and occurred on previously developed areas.

As applicable, this EA incorporates relevant information from the following NEPA documents that have recently been prepared for projects at ANC:

- PEA for the ANC RPMP
- EA for Southern Expansion
- Security Upgrade EA
- Renaming of streets at ANC named after Confederates: Jackson Circle and Lee Drive

The physical disassembly activities at the Memorial site, combined with the other activities described above, will not have a cumulative impact on any environmental resources. This impact is not much greater than that of the individual projects because they are geographically far apart, and their duration is short. For instance, the Southern Expansion area is relatively far from the Memorial site. See Table 1 for further analysis.

*Table 1. Related Actions*

<b>Map Reference Number</b>	<b>Past Actions</b>	<b>Brief Description</b>	<b>Cultural Resources Impacts</b>
NA, installation-wide, not mapped for security purposes	Improve ANC CCTV Network	Installed closed-circuit television cameras along perimeter wall and associated infrastructure.	No adverse effects. NHPA Section 106 consultation completed.
1	Parking Garage Repair	Repaired nonhistorical ticketing booths and repaved parking area.	None. NHPA consultation not required.
2	Repair Perimeter Walls	Repaired perimeter walls in-kind along the southeast, north, and northeast sections of ANC.	No adverse effects. NHPA Section 106 consultation completed.
3	Retrofit Patton Gates with motorized hardware	Retrofit gates to facilitate motorized sliding operation.	None. NHPA consultation not required.

<b>Map Reference Number</b>	<b>Past Actions</b>	<b>Brief Description</b>	<b>Cultural Resources Impacts</b>
4	Replace Gate 110, Selfridge Gate, and radar gate	Replaced 110 and Selfridge gates with automated vehicle gates and replaced radar gate with new manual gate.	None. NHPA consultation not required.
5	Welcome Center Doors	Changed opening direction of doors and safety rails (move from outside to inside).	None. NHPA consultation not required.
6	ANC Wi-Fi Expansion	Extended the coverage of wireless internet access on ANC to the Memorial Amphitheater and external surrounding area, Service Complex and Columbarium courts and surrounding areas.	No adverse effects. NHPA Section 106 consultation completed.
7	ANC Portable Guard Booth on Memorial Avenue	Emplaced a trailer-mounted, non-permanent guard booth on Memorial Avenue for security purposes.	Section 106 streamlined activity covered under Programmatic Agreement.
8	New Guard Booth and Pedestrian Access at the 123 (Contractor) Entrance	Installed a pre-manufactured guard booth and pedestrian gate, modified existing boundary wall, reconfigured traffic islands, and installed ADA-compliant curbs.	Section 106 streamlined activity covered under Programmatic Agreement.
9	ANC Memorial Avenue Crosswalk	Installed a new crosswalk apron at the north side of Memorial Avenue, repaired the existing Welcome Center crosswalk apron at the south side of Memorial Avenue, and removed the small pedestrian crosswalk at the vehicle entry point on Memorial Avenue.	No adverse effects. NHPA Section 106 consultation completed.
10	Southgate Fence Upgrade	Installed approximately 221 linear feet of 8-foot- high, pre-finished steel security fence along Southgate Road.	None. NHPA consultation not required.
11	McClellan Drive Automobile and Pedestrian Traffic Control Device Upgrade	Replaced existing bicycle racks on McClellan Drive with black stanchions with black chain that are more aesthetically pleasing and easier to move.	No adverse effects.
12	Access Control Point Enhancements with Common Access Card	Enhanced nonhistorical automated gates that require after-hours access with CAC-reading capabilities.	None. NHPA consultation not required.

<b>Map Reference Number</b>	<b>Past Actions</b>	<b>Brief Description</b>	<b>Cultural Resources Impacts</b>
13	North Boundary Security Fence	Installed 1,200 linear feet of 8-foot-tall black powder-coated steel picket fence along Marshall Drive, parallel and to the north of ANC's stone boundary wall.	No adverse effects. NHPA Section 106 consultation completed.
14	Northeast Fence Upgrade	Removed existing nonhistorical chain-link fence and installed approximately 780 linear feet of 8-foot-high, powder-coated steel security fence.	None. NHPA consultation not required.
15	Joint Base Myer – Henderson Hall Security Fence Upgrade (U.S. Army, 2018) <sup>1</sup>	Installed a 2-mile-long, 8-foot-tall ornamental security fence, five vehicle entry points, and an intrusion detection system along the JBM-HH and ANC perimeter.	Adverse effects. Memorandum of agreement developed and signed to minimize and mitigate impacts.
16	ANC Southern Expansion (U.S. Army, 2019) <sup>1</sup>	Includes the closure and removal of Southgate Road, the construction of a new access road for traffic to/from JBM-HH, the realignment of Columbia Pike, the modification of the Route 27 interchange at Columbia Pike, the development of the space for cemetery use including integration of the Air Force Memorial, and the conversion of Patton Drive—from South Gate to Eisenhower Drive—to a pedestrian trail. The new access road would include traffic control (signage, speed limits, etc.) to meet Arlington County and Virginia Department of Transportation design standards. The undertaking also involves land acquisitions to accomplish the project. Expansion includes security measures.	Adverse effects. Memorandum of agreement developed and signed to minimize and mitigate impacts.
17	Develop Mobile Vehicle Screening Area on Memorial Avenue <sup>2</sup>	Mobile guard shack and associated infrastructure to accommodate 100% undercarriage vehicle screening capability for buses and vehicles entering ANC via Memorial Avenue. Project includes pavement of pull-off lane, pop-up bollards, associated utility lines, and infrastructure. Long-term plan should organize space for a rejection lane.	Actions to be analyzed in future NEPA document and separate NHPA Section 106 consultation.



<b>Map Reference Number</b>	<b>Past Actions</b>	<b>Brief Description</b>	<b>Cultural Resources Impacts</b>
NA – Facility Wide	Enhance Unobstructed Space During New Construction <sup>2</sup>	Install bollard and chain assemblies, selective vegetation, etc., with varying standoff distance depending on controlled/uncontrolled status.	Actions to be analyzed in future NEPA document and separate NHPA Section 106 consultation.
NA – Facility Wide	Install Unidirectional Communications <sup>2</sup>	Placement of hard-wired emergency call boxes with a carefully designed appearance to complement other site fixtures at ANC and the cemetery landscape as a whole (may be combined with Wayfinding project described below).	Actions to be analyzed in future NEPA document and separate NHPA Section 106 consultation.
18	Upgrading Security at Perimeter Walls <sup>2</sup>	Retrofitting remaining walls not directly abutting JBM-HH that do not meet security standards to allow a consistent 8-foot-high enclosure across the complete ANC perimeter.	Actions to be analyzed in future NEPA document and separate NHPA Section 106 consultation.
19	Construct Vehicle Screening Facility at Visitor Parking Garage Entry with Associated Circulation <sup>2</sup>	Structure and associated infrastructure to accommodate 100% undercarriage vehicle screening capability for buses and vehicles entering the parking garage. Project includes pavement of pull-off lane, pop-up bollards, return lane, associated utility lines, and infrastructure.	Actions to be analyzed in future NEPA document and separate NHPA Section 106 consultation.
20	Install Memorial Avenue Improvements <sup>2</sup>	Reconfigure pedestrian plaza adjacent to north side of Welcome Center, close existing entry to north side of Welcome Center, infill hedgerow just north of Welcome Center to provide continuous visual theme from Memorial Avenue, define pedestrian circulation from Memorial Avenue into security screening facility.	Actions to be analyzed in future NEPA document and separate NHPA Section 106 consultation.
21	Collaborate with the Military Women's Memorial (MWM) Foundation, Inc. to Elevate MWM's Role and Visibility as a Museum and Attraction <sup>2</sup>	Renovate interior as needed, to accommodate interpretive space that more effectively links the building with the ANC mission. Improve MWM's visibility through signage, organized events and ceremonies, and improved access to guest amenities.	Actions to be analyzed in future NEPA document and separate NHPA Section 106 consultation.

<b>Map Reference Number</b>	<b>Past Actions</b>	<b>Brief Description</b>	<b>Cultural Resources Impacts</b>
22	ADA Improvements to Memorial Amphitheater Exterior <sup>2</sup>	Improve ramp and seating to comply with ADA.	Actions to be analyzed in future NEPA document and separate NHPA Section 106 consultation.
23	Rehabilitate Historians' Offices and Restrooms on Lower Level of Amphitheater <sup>2</sup>	Interior renovation of administrative, interpretive, and storage space and guest amenities.	Actions to be analyzed in future NEPA document and separate NHPA Section 106 consultation
24	Convert North Parcel into Permanent Service Satellite <sup>2</sup>	Convert north parcel into permanent service satellite laydown/storage yard, using a design that allows for potential relocation of perimeter wall to integrate the parcel with the rest of ANC.	Actions to be analyzed in future NEPA document and separate NHPA Section 106 consultation
NA – Facility Wide	Upgrade Benches and Water Fountains to ADA Compatibility <sup>2</sup>	Replace existing benches with new benches that meet ADA requirements (installation wide).	Actions to be analyzed in future NEPA document and separate NHPA Section 106 consultation.
NA – Facility Wide	Install Wayfinding <sup>2</sup>	Install kiosk-type devices to aid visitor experience at ANC (installation-wide; may be combined with unidirectional communications project described above).	Actions to be analyzed in future NEPA document and separate NHPA Section 106 consultation.
25	Ord & Weitzel Gateway Rehabilitation	Rehabilitation of the gateway on the north side of the cemetery and focus on reassembly of historic stone columns. Includes proposed single-story 15-foot × 12-foot security guard house with a hipped roof and an 8-foot roof overhang inside the cemetery, south of the existing boundary wall and east of the vehicular and pedestrian entries.	No adverse effects. NHPA Section 106 consultation completed.

ADA = Americans with Disabilities Act; ANC = Arlington National Cemetery; CCTV = closed-circuit television; JBM-HH = Joint Base Myer – Henderson Hall; NA = not applicable; NAAQS = National Ambient Air Quality Standards; NEPA = National Environmental Policy Act; NHPA = National Historic Preservation Act; MWM = Military Women's Memorial. Analysis summarized from NEPA environmental assessment (U.S. Army, 2018; U.S. Army, 2019).

1. Project identified in 2020 ANC Real Property Master Plan update and will be analyzed in future NEPA document prior to execution.



Figure 20. Map of Related Actions

## **5.0 UNAVOIDABLE ADVERSE IMPACTS**

The discretionary elements of the proposed action will not have any significant adverse environmental effects that cannot be avoided. The Army assessed the cultural impacts of the non-discretionary removal of the Memorial from ANC separately through the NHPA process, which resulted in a PA (see Appendix E). Overall, Alternative A would result in beneficial effects, potential minor short-term direct adverse impacts, and significant long-term direct adverse impacts to cultural resources. These significant impacts, however, entirely result from the removal of the Memorial, an action directed by Congress and over which the Army has no discretion. This significant impact, therefore, does not require preparation of an EIS. The Army looked at the impacts of removal as a matter of public comity because of the high level of public interest in Congress' direction to remove the Memorial from ANC.

## **6.0 MITIGATION MEASURES**

Mitigation measures are those that ANC would identify and implement to mitigate adverse impacts on resources, as identified in the EA. Management measures and design features associated with the proposed action include standard protocols, procedures, and requirements that ANC or the responsible entity would implement to minimize potential adverse effects. Management measures and design features are described for each alternative in Section 2.2.2 and are not listed separately here.

As explained in Section 3.3 Water Resources, ANC implements pollution prevention and good housekeeping practices throughout its facility to minimize and prevent pollutants from discharging to its MS4. Written procedures, a Stormwater Pollution Prevention Plan, a Nutrient Management Plan, and training are key parts of ANC's existing pollution prevention and good housekeeping program. Appropriate best management practices will be implemented to ensure that contaminants are not introduced into water sources.

Additional mitigations for impacts to cultural resources were developed through the Section 106 PA (see Appendix E), resulting from the NHPA compliance process among the agency, the DHR, and the ACHP. Some of these mitigations that still meet the purpose and need include:

- HABS documentation of the Confederate Memorial
- Online interpretation
- Installation of interpretative signage showing the original location and design of the Confederate Memorial, along with a comprehensive history
- Putting the memorial into short-term storage

## **7.0 CONCLUSIONS AND RECOMMENDATIONS**

This EA reflects the Army's environmental impact analysis for the proposed action based on its review of the best available data; public outreach and consideration of comments received during the scoping period; and consultation/coordination with Federal, State, and local agencies. The EA will be available to agencies, tribes, organizations, and individuals from the public. This EA concludes that none of the alternatives for implementing the proposed action would have a significant impact on the human environment and would require preparation of an EIS. A FONSI for the proposed action, consistent with the mitigation measures in the approved PA between the Army, the DHR, and the ACHP, will be issued to conclude the NEPA documentation process.

## **8.0 TRIBES, ORGANIZATIONS, AND PARTIES CONSULTED AND LIST OF PREPARERS**

Appendix D includes a list of the agencies and persons consulted in the preparation of this EA, and a list of EA preparers.

## **APPENDIX A: RESOURCE DOCUMENTATION**

- **DCAT Extreme Weather and Climate Change Hazard Report**
- **Record of Non-Applicability (RONA)**
- **National Wetlands Inventory**
- **NEPA Assist - Map of Bodies of Water**

## **APPENDIX B: NHPA DOCUMENTATION**

- **Programmatic Agreement among ANC, VA SHPO, & ACHP**
- **Section 106 Submissions to SHPO**
- **Responses from SHPO**
- **Viewshed Study**

## **APPENDIX C: CONFEDERATE MEMORIAL PHASE II ARCHITECTURAL SURVEY REPORT**

## **APPENDIX D: TRIBES AND ORGANIZATIONS CONSULTED AND LIST OF PREPARERS**

## **APPENDIX E: NHPA SECTION 106 PROGRAMMATIC AGREEMENT**

- **Programmatic Agreement among Arlington National Cemetery, the Virginia State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Removal of the Confederate Memorial at Arlington National Cemetery, Arlington County, Virginia**