

**Arlington National Cemetery Confederate Memorial Removal  
Second Consulting Party Meeting Minutes  
18 October 2023  
Virtual Meeting Hosted on Zoom**

**AGENCY ATTENDEES**

Caitlin Smith	ANMC	Cultural Resources Program Manager
Col Andrew Wiker	ANMC	Director of Engineering
Matt Davis	ANMC	Program Analyst, G5
Rosil Saldana	ANMC	Chief of Planning and Resources
Lt Col Petra Papavasileiou	OAC/ANMC	Strategist
Mary Schmidt	Army HQ	Cultural Resources Program Manager Office of the Deputy Chief of Staff, G9 Environmental Division (DAIN-ISE)
Vanessa Hinkle	USACE	Deputy Army National Program Manager
Renea Yates	OAC	Director, Office of Army Cemeteries
Alia S. Awadallah	ODUSA	Senior Advisor to the Deputy Under Secretary of the Army
Rebecca Wardwell	ANMC	Media Chief, Public Affairs Office (PAO)
Maj Sosten Rivale, JA		Compliance Attorney Installation Readiness Branch, Environmental Law Division U.S. Army Legal Services Agency
Timothy Lawson	ANMC	Digital Media Manager, PAO
Jenifer Van Vleck	ANMC	Public Affairs Specialist
Jim Rzonca	ANMC	Law Enforcement
Julie Darsie	NAVFAC	Cultural Resources Program Manager
Andrew J. Corimski		U. S. Army Legal Services, Environmental Law Division
Stephen Carney	ANMC	Command Historian
Nik Tompkins-Flagg	NAVFAC	NEPA Program Manager, NCPC/CFA Liaison

**FEDERAL CONSULTING PARTIES**

Advisory Council on Historic Preservation	Chris Koepfel	Assistant Director
National Trust for Historic Preservation	Elizabeth Merritt	Deputy General Counsel
National Capital Planning Commission	Lee Webb	Federal Preservation Officer
U.S Commission of Fine Arts	Carlton Hart	Senior Urban Planner
U.S. Environmental Protection Agency	Barbara Okorn	NHPA Program Manager, Region 3

**STATE HISTORIC PRESERVATION OFFICE CONSULTING PARTIES**

Florida Department of State	Kelly Chase	Deputy SHPO
	Jon Morris	Assistant General Counsel

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Louisiana Division of Historic Resources	Jennie Garcia	Architectural Historian II
	Nicole Hobson-Morris	Director of Historic Preservation
Missouri State Historic Preservation Office	Jeffrey Alvey	Archaeologist
South Carolina Department of Archives and History/SHPO	John Sylvest	Supervisor of Registration, Grant, and Local Government Programs
Virginia Department of Historic Resources	Robert Kirchen	Director, Review and Compliance Division
	Sarah Spota	Deputy Director
Kentucky Heritage Council	Gabrielle Fernandez	Historic Preservation Review Coordinator
Arkansas Historic Preservation Program	Scott Kaufman	Director of Arkansas Historic Preservation
Texas Historical Commission	Stephen Cure	Military Sites Program Coordinator
	Justin Kockritz	Lead Project Reviewer

**OTHER CONSULTING PARTIES AND ATTENDEES**

American Battlefield Trust	Jim Campi	Chief Policy and Communications Officer
	Reid Clark	Government Relations Fellow
	Ben Cote	
	John Fowler	Consultant
American Historical Association	Sarah Weicksel	Director of Research and Publications
American Institute for Conservation & Foundation for Advancement in Conservation	Katelin Lee	Outreach Manager
Arlington Historical Society	Mark Benbow	Director
Charleston Athenaeum Press	Gene Kizer Jr	Historian, Publisher
Defend Arlington Earth and Water Law	Karen Bennett	Partner
Relatives of Moses Ezekiel	Dr. Judith Ezekiel	Professor emeritus
Ezekiel Family	Paul Ezekiel	
Sons of Confederate Veterans/SUVCW	Ernest Blevins	Architectural Historian
Friends of Judah P. Benjamin	David McCallister	Chairman
Buffalo Soldiers Florida, Inc.	Timothy Campaign	Secretary
Heritage Protection of North Alabama	Lt Col Edwin Kennedy	U.S. Army Retired
Discovery Institute	Scott Powell	Senior Fellow
Save Their Honor	David Dillie	Director
Fort Brooke Commissioner	Carlo Spicola	
New Jersey Flaggers	Vincent Balducci	President
Organization of American Historians	Beth English	Executive Director
Preservation Virginia	Elizabeth Kostelny	CEO
Save Southern Heritage	James Shillinglaw	US Navy, Retired Save Southern Heritage Florida Chapter

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SCV Maryland Division	Terry Klima	Commander
Society for the Preservation of Jewish Civil War History	Lunelle Siegel	Volunteer
Sons of Confederate Veterans	H. Edward Phillips III	National Public Affairs Officer
	Colt Courier	
	Scott Braxton Puryear	Attorney
Southern Legal Resource Center, Inc.	Kirk D. Lyons	Director
SCV Maryland Division	Robert Floyd	Deputy Heritage Director
The Virginia Council	Ann McLean	Director of Education and Preservation Coalitions
United Daughters of the Confederacy	Jinny Widowski	President General
	Julie Hardaway	Vice President General
Veterans Defending Arlington	Lt Col John Coffindaffer	Alternate Lead standing in for H.K. Edgerton
Virginia Division SCV	Robert Floyd	Assistant Heritage Director
Virginia Military Institute	Jeffrey Boobar	Senior Director for Finance & Support
	Col Keith Gibson	Preservation Officer/ Museum Director

**1. Introductions**

- a. Col. Wiker, ANMC Director of Engineering, and Caitlin Smith, ANMC Cultural Resources Program Manager
- b. Consulting Parties in Attendance

**2. Roles and Rights of Consulting Parties**

- a. Rights of a Consulting Party for this undertaking
  - i. Share their views;
  - ii. Receive and review pertinent information/documentation to support consultation;
  - iii. Offer ideas;
  - iv. Consider possible solutions together with ANMC and other consulting parties.

**3. Project Description and Location Map**

For the removal of a monument that commemorates the Confederate States of America from Arlington National Cemetery (ANC). The Army National Military Cemeteries (ANMC) is mandated by Congress to remove the bronze elements of the Memorial by January 1, 2024. The granite base and foundation will remain in place to minimize the risk of inadvertent disturbance to graves.

**4. Update on NEPA and NHPA compliance effort**

ANMC is currently executing a coordinated NEPA and NHPA compliance effort, to ensure federal agencies meet the requirements of all applicable laws, policies, and regulations. ANMC is soliciting comments and discussion from the consulting parties with regards to potential impacts to historic properties on the removal, disassembly, and storage. These discussions will feed into

the preparation of the environmental analysis as well as any potential mitigations under Section 106.

#### **5. Update on Section 106 Process**

ANMC is currently in the Assessment of Effects stage of the Section 106 process. ANMC has identified that there was a federal undertaking and consulted with Virginia Department of Historic Resources (VDHR) to identify historic properties that would potentially be affected, identified properties that may be National Register eligible, and have provided VDHR with an Assessment of Effects to those properties. On October 3, ANMC submitted the revised area of potential effects (APE), and the agency's assessment of effects to VDHR and the Advisory Council on Historic Preservation (ACHP).

#### **6. Revised Area of Potential Effect**

ANMC updated the APE based on comments received from the public. The revised APE is expanded to include the entirety of the Arlington National Cemetery Historic District, including the Memorial Avenue corridor and the Arlington Memorial Bridge. The proposed project directly affects the Arlington National Cemetery Historic District by removing portions of a contributing resource to the NRHP-listed historic district, which is also an individually eligible resource. The removal would change the use and design of one entire section of the cemetery, Section 16. The APE does not expand any further out from the ANC Historic District boundaries and the original viewshed APE.

ANMC has determined that other areas of Virginia outside of the proposed APE, plus the Washington Monument Corridor, the entire United States, or any portions of our international community should not be included because the undertaking does not have the potential to cause visible or audible effects in these areas, nor does the undertaking have the potential to change land use or other public use characteristics outside of the Arlington National Cemetery Historic District.

Ms. Smith shared the map showing the revised expanded APE and listed identified historic properties within or adjacent to the APE: Arlington National Cemetery Historic District, Arlington House Historic District, Fort Myer Historic District, and the Confederate Memorial.

#### **7. Identification of Historic Properties**

There are historic structures and features that contribute to the listed historic districts which are located within, or adjacent to, the APE. The APE includes these contributing features and structures within the viewshed of the proposed undertaking. There are no known archaeological resources within the APE.

Ms. Smith listed sites that the Confederate Memorial is visible from: Custis family gravesite (ANC), Section 13, white Civil War (enlisted) soldiers' primary burial ground (ANC), Grave markers and burial sections 1, 3, 11, 13, 14, 16, 17, 21, 22, 23, 24, 35, 37, and 46 (ANC), Boundary walls and gates (ANC), U.S.S. Maine Memorial (Mast of the Maine [ANC]), Spanish-

American War Memorial (ANC), Spanish-American War Nurses Memorial (ANC), Battle of the Bulge Memorial (ANC), Rough Riders Memorial (ANC), Selfridge Gate (ANC). McNair Rd. (Joint Base Myer-Henderson Hall [JBM-HH]), and Fort Myer Memorial Chapel (JBM-HH).

#### **8. Assessment of Effect**

Ms. Smith explained what an adverse effect is: 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.

ANMC has determined that the proposed removal and storage of the Confederate Memorial will cause or have the potential to cause adverse effects on the characteristics that qualify the Confederate Memorial and the Arlington National Cemetery Historic District for individual listing in the National Register of Historic Places (NRHP).

The proposed undertaking would remove a component of ANC's cultural landscape, altering the site-specific history and symbolism within the ANC historic district. Removal of the memorial's bronze elements from its historic location would change the character of the memorial, leaving little of the memorial within the original landscape setting that contributes to its historic significance. The ANC Historic District would lose a symbolic, visual illustration of this history.

With regards to the other historic properties within or adjacent to the APE, the Fort Myer Historic District and the Arlington House Historic District will not be adversely affected by the Undertaking. There will be no adverse effects to historic views or vistas to these districts. There will be no adverse effects to the integrity of either historic district that would diminish their historical and architectural significance. Their character and use would not be impacted and therefore it is ANMC's determination that there would be no adverse effects to the Arlington House Historic District nor the Fort Myer Historic District.

#### **9. Meeting Purpose**

The purpose of this meeting is to discuss with Consulting Parties the revised Area of Potential Effects, the completed Assessment of Effects, and to begin discussions with regards to potential mitigations towards a resolution of adverse effects. Future disposition and reassembly will be discussed at a later date as part of a supplemental MOA and as part of the environmental analysis.

#### **10. Consulting Parties Comments #1**

Ms. Smith requested the attending consulting parties to provide their comments on the following question: Do the consulting parties believe there are effects to historic properties that have been previously identified in addition to the Confederate Memorial and the Arlington National Cemetery Historic District?

There was a mixture of opinions regarding the APE and identified effected historic properties, and some of the consulting parties chose to pass and did not answer the question. A number of consulting parties concurred with the revised APE and identified properties. Other commentors

stated their disapproval of the APE and assessment of effects and asked that the APE be extended to include anywhere from the entire Arlington Cemetery, Fort Myer Historic District, the entire United States, or the entire world.

#### **11. Resolution of Adverse Effect**

The Army has determined that there will be adverse effects on historic properties. ANMC has also determined that a Programmatic Agreement is the best course of action to move forward with the resolution of effects. A Programmatic Agreement allows an agency and the entitled consulting parties to establish a streamlined process for handling Section 106 requirements for the Undertaking. A Programmatic Agreement will set procedures for consultation, review, and compliance with Section 106. ANMC would include language in the Programmatic Agreement to set procedures for future consultation with the SHPO and other consulting parties regarding the final placement and reassembly of the Confederate Memorial until a resolution has been met. The ANC, SHPO, and other Consulting Parties will develop and execute a Memorandum of Agreement (MOA) regarding the disposition and potential reassembly of the Confederate Memorial. This MOA will provide stipulations regarding the potential continued storage, transfer from the storage facility to the final disposition site, the reassembly, and any potential interpretation at that location.

Ms. Smith listed and discussed potential mitigation measures for the removal, disassembly, and storage of the Confederate Memorial, including documentation, disassembly and storage performance standards, interpretation, and consultation.

#### **12. Consulting Parties Comments #2**

Ms. Smith requested comments from the consulting parties on possible mitigation measures to resolve adverse effects from the removal, disassembly, and storage of the Confederate Memorial.

Some commenters agreed with the ANMC's proposed mitigation measures. Other mitigation measures were proposed including:

- a. Disassembly documentation should accompany the memorial as part of the historical record. That documentation and the memorial should be preserved and remain accessible for research.
- b. Multiple references were made to the American Institute for Conservation (AIC) "Position Statement on Contested Commemorative and Confederate Monuments," October 2020, [https://culturalheritage.org/docs/default-source/administration/governance/aic-positionstatement-contested-monuments-2020.pdf?sfvrsn=e83c0b20\\_8](https://culturalheritage.org/docs/default-source/administration/governance/aic-positionstatement-contested-monuments-2020.pdf?sfvrsn=e83c0b20_8).

Other commenters felt that there was no way that adverse effects resulting from the removal of the memorial could be mitigated. Some Commenters suggested avoidance instead of mitigation.

**13. Next Steps**

ANMC concludes the meeting with a review of the next steps. ANMC awaits the DHR's determination on the submitted revised APE and the agency's assessment of effect.

After the determination is received, ANMC will be holding meetings with the entitled and invited signatories to have further discussions regarding the resolution of potential adverse effects and begin the preparation of an agreement document between ANMC and the Consulting Parties. Comments will be taken into consideration during the development of this agreement