



DEPARTMENT OF THE ARMY
ARMY NATIONAL MILITARY CEMETERIES
ARLINGTON NATIONAL CEMETERY
ARLINGTON, VIRGINIA 22211-5003

August 4, 2023

SUBJECT: National Environmental Policy Act Environmental Impact Statement and National Historic Preservation Act Section 106 for the Removal of the Bronze Elements of the Arlington National Cemetery Confederate Memorial, Arlington, Virginia

Dear Consulting Party:

Army National Military Cemeteries (ANMC) proposes the removal of the bronze elements of the Arlington National Cemetery Confederate Memorial, which currently sits on a granite base in the center of Section 16 of the cemetery (Attachment A). The proposed project is considered a federal undertaking with the potential to cause adverse effects on historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. § 470f), and its implementing regulations, 36 C.F.R. 800.3(a). The Department of the Army intends to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. § 4321 et seq.) to consider the potential human and environment effects associated with the proposed action. ANMC would like to take this opportunity to formally invite you to the consultation process under Section 106 as well as to initiate the scoping period under NEPA.

Purpose of this Letter

The Department of the Army intends to prepare an EIS under NEPA to evaluate the potential environmental effects of this action on the human environment. ANMC invites your organization and other consulting parties to provide preliminary, agency-specific comments or other information that would highlight areas of concern preceding this EIS. Areas of concern may include potential effects on physical, ecological, social, cultural, or archaeological resources.

ANMC will coordinate responsibilities under Section 106 of the NHPA, and its implementing regulations (36 C.F.R. 800.3(a)) concurrent with the NEPA process. ANMC will work with cooperating agencies, including the Advisory Council on Historic Preservation, the Virginia State Historic Preservation Office (SHPO), and federal and local governments, to prepare a draft EIS.

Following completion of the Section 106 process and publication of the Final EIS and Record of Decision, ANMC would move forward to implement the Congressional requirement to remove the bronze elements of the Confederate Memorial. The NHPA and NEPA processes will consider the effects of removal of the monument, the impacts of the removal operation itself, various dismantling alternatives, subsequent disposition of the elements removed, and ways to minimize any adverse impacts identified.

Proposed Federal Action and Undertaking

Congress established the *Commission on the Naming of Items of the Department of Defense (DoD) that Commemorate the Confederate States of America or Any Person Who Served Voluntarily with the Confederate States of America* (the Naming Commission), in section 370 of the National Defense Authorization Act for Fiscal Year 2021. The Naming Commission recommended changing the names of several military installations. Regarding the Arlington National Cemetery Confederate Memorial, the Naming Commission recommended:

- The statue atop of the monument should be removed. All bronze elements on the monument should be deconstructed, and removed, preferably leaving the granite base and foundation in place to minimize risk of inadvertent disturbance to 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 the Army should consider the most cost-effective method of removal and disposal of the monument's elements in their planning.

The Naming Commission's recommendations became law in late 2022 and must be implemented by January 1, 2024.

ANMC expects to carefully deconstruct the Confederate Memorial bronze statue in a deliberate manner, so that it may be securely stored and safeguarded for reassembly. It will be moved to a storage facility pending a final disposition determination. The granite pedestal on which the memorial sits will be left in-situ and will become a possible location for interpretation. ANMC will develop mitigations with input from consulting parties and the public. They will be asked to share their perspectives on: 1) Inform determination of the ultimate location for the memorial's bronze elements, once they are removed; and 2) Mitigate possible adverse effects resulting from removal of the memorial from Arlington National Cemetery.

Coordinating NEPA and Section 106

ANMC is coordinating this Section 106 review with the NEPA process, pursuant to 36 C.F.R. 800.8(a). Through this coordination, ANMC will use the NEPA scoping process and other public notices and meetings to solicit participation from the public and other stakeholders and to seek input and information regarding the identification of, and potential effects to, historic properties associated with this undertaking.

NHPA and NEPA are two separate laws, which require federal agencies to consider the impacts to historic properties and the human environment before making decisions. The requirements of the two laws may be executed concurrently to optimize efficiencies, transparency, and accountability to understand better the effects to the human, natural, and cultural environment. The Army has determined that the proposed action requires NEPA analysis and that it is an undertaking requiring compliance with the NHPA.

NEPA Scoping Process

The purpose of the proposed action is to remove the bronze elements of the Arlington National Cemetery Confederate Memorial. The need for the proposed action is to comply with non-discretionary Congressional direction. The removal of the statue must be conducted safely for both people and the graves and monuments at Arlington National Cemetery. The process, including disposal, must occur according to applicable laws and regulations. The EIS will consider measures that would avoid, minimize, or mitigate identified adverse impacts. The EIS will look at the impacts of three stages of the proposed action: the decision to remove the statue; the disassembly of the statue; and its disposition. A no action alternative of leaving the statue in place will also be analyzed. Although this would not comply with

Congressional direction, it will set out a baseline against which the impacts of the proposed action will be analyzed.

Federal, state, tribal, and local agencies, along with affected members of the public, are invited to participate in the NEPA scoping process, which will identify relevant issues that will influence the NEPA analysis, including alternatives and mitigation. The EIS will include public input provided during a virtual public meeting that will be held on August 23, 2023, and from written comment submissions on identification of alternatives and impacts, as well as information and analyses relevant to the proposed action.

NHPA Section 106 Process

Review Initiation: On February 9, 2023, ANMC initiated the Section 106 process with notification to the Virginia SHPO of the intent to remove the Memorial. On March 3, 2023, ANMC received concurrence from the Virginia SHPO that removal of the Confederate Memorial is an undertaking with effects on a historic property. ANMC will use the Section 106 process to solicit participation from the public and other stakeholders to seek input and information regarding the identification of, and potential effects to, historic properties associated with this undertaking.

Proposed Area of Potential Effects: The Area of Potential Effects (APE) is the geographic area within which an undertaking may directly or indirectly cause alterations to the character of use of historic properties. This includes the location where the project may be visible and/or audible. The project is located in the Arlington National Cemetery Historic District (VDHR # 000-0042). The project involves work in previously disturbed areas. The APE for the proposed project is shown on the attached map.

Identification of Historic Properties within the Proposed Area of Potential Effects: ANMC invites your comments to aid in the identification of historic properties that may be present within the proposed area of potential effects. ANMC also seeks comments on the identification and evaluation of historic properties. There are four previously listed or potentially eligible historic resources within the APE. The listed resources are the Arlington National Cemetery Historic District (000-0042), the Pentagon Office Building Historic District (000-0072), and the Arlington Annex (000-3371). The potentially eligible resource within the APE is the Air Force Memorial (000-9821). No archaeological resources are located within the APE.

Participation as a Consulting Party: ANMC is currently identifying consulting parties through outreach to potentially interested entities. Certain individuals and organizations may also participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the potential effects on historic properties. **With this letter, ANMC is inviting you to participate as a consulting party in the Section 106 consultation process.** Should you wish to participate as a consulting party, we request that you complete and return the attached Consulting Party Response form (Attachment B).

By becoming a consulting party, you will be actively informed of steps in the Section 106 process, including public meetings, and your views will be actively sought. You may elect to participate as a consulting party at any time and you may also choose to withdraw your request to be a consulting party at any time. ANMC will consider these requests throughout the consultation process and intends to provide multiple opportunities to comment on this project and its potential effects on historic properties.

Opportunities to Comment

Concurrent with the initiation of Section 106 consultation, ANMC published a Notice of Intent (NOI) to prepare an EIS in the Federal Register on August 4, 2023. Through this NOI, ANMC is initiating the NEPA scoping process, which invites public and consulting party participation and input regarding the

undertaking, or proposed action. The 30-day scoping process will help the Department of the Army determine the range of issues, alternatives, and mitigations that will be analyzed during the development of the Draft EIS. Following the close of the public scoping period, ANMC will continue to seek engagement and input from consulting parties to inform the Section 106 review and NEPA process.

Conclusion

On behalf of ANMC, we respectfully request your review and consideration of the information contained in this letter. Additional information is available at this website [Confederate Memorial Removal \(arlingtoncemetery.mil/About/Confederate-Memorial-Removal\)](https://www.arlingtoncemetery.mil/About/Confederate-Memorial-Removal).

Written scoping comments must be received within **30 days** of publication of the NOI in the Federal Register, which is **September 2, 2023**. Comments can be provided at: <https://www.arlingtoncemetery.mil/About/Confederate-Memorial-Removal>. ANMC invites your organization and other consulting parties to attend the public scoping meeting for both the NHPA and NEPA processes on **August 23, 2023**. This meeting will be hosted virtually. The time and instructions on how to access the meeting will be published on the Arlington National Cemetery webpage linked above.

Should you wish to register as a consulting party under Section 106, please submit the Consulting Party Response Form (Attachment B). These may be submitted via email to anc-commemorative-works@army.mil or via U.S. Postal Service to:

Address: Arlington National Cemetery, 1 Memorial Avenue, Arlington, VA 22211

If you choose to submit a comment or provide pertinent information to inform the EIS under NEPA scoping, please fill out the comment form at: <https://www.arlingtoncemetery.mil/About/Confederate-Memorial-Removal>

Should you have any questions, please contact:

Ms. Renea Yates, Director, Office of Army Cemeteries, 1 Memorial Avenue, Arlington, VA 22211; email: anc-commemorative-works@army.mil.

Sincerely,



Karen Durham-Aguilera
Executive Director

Attachments:

- A Map of Area of Potential Effects
- B Consulting Party Response Form

Selected project background information:

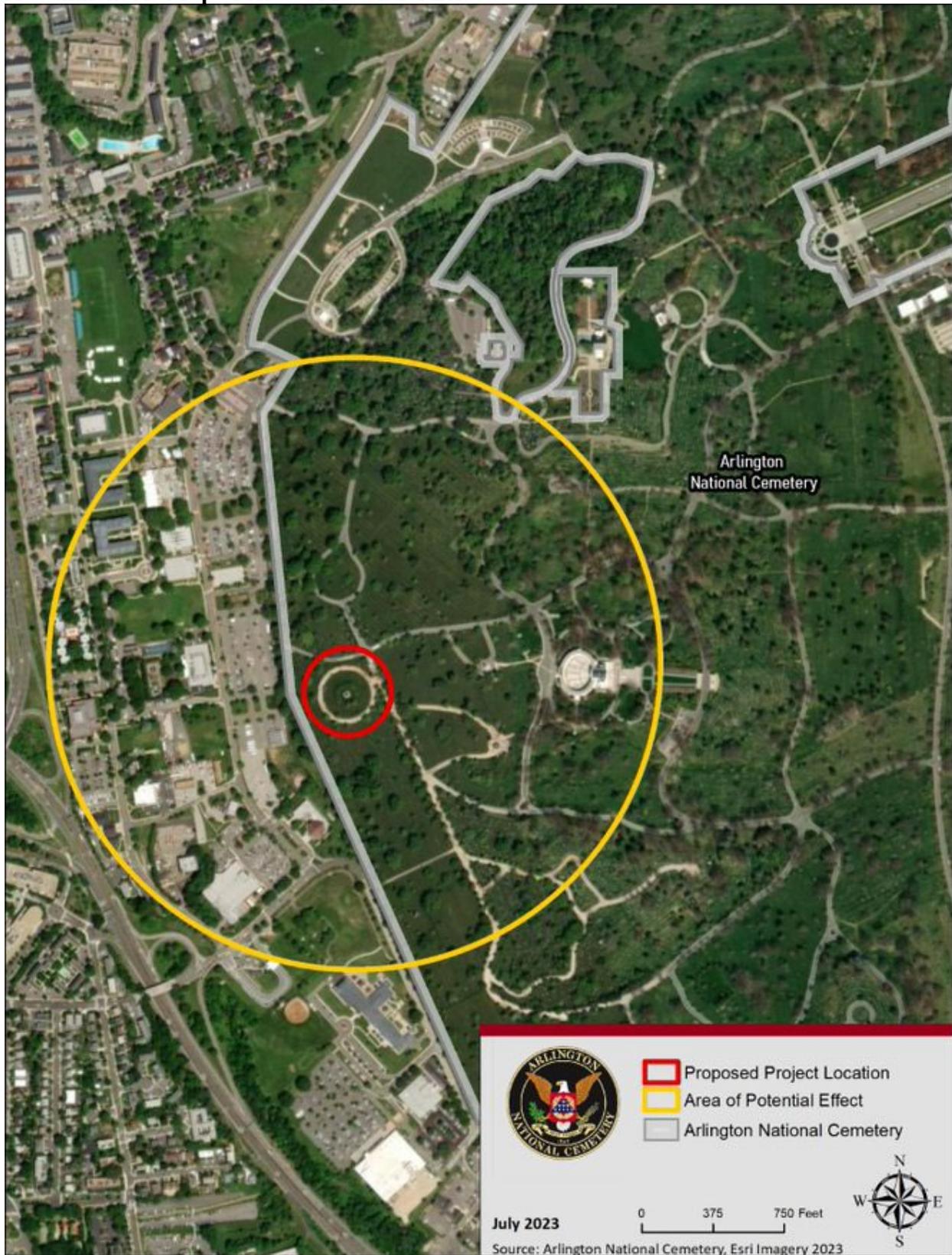
- [ANMC Section 106 Initiation Notification to Virginia Department of Historic Resources \(DHR\)](#)
- [DHR Response to ANMC Section 106 Initiation](#)
- [ANMC Section 106 Initiation Response to DHR](#)
- [ANMC Section 106 Package](#)
- [Public Notice: Section 106 Initiation](#)
- [Confederate Memorial Phase II Survey Report](#)
- [VCRIS Confederate Memorial Survey Form](#)

Arlington National Military Cemetery Historic District National Register Report can be downloaded at: <https://www.dhr.virginia.gov/historic-registers/000-0042/>

Information about Section 106 of the National Historic Preservation Act can be found here: <https://www.achp.gov/protecting-historic-properties>

Information about the ongoing EIS process can be found on the ANMC Removal of Confederate Memorial page of the ANC website at: <https://www.arlingtoncemetery.mil/About/Confederate-Memorial-Removal>

Attachment A: Map of Area of Potential Effects



Attachment B: Consulting Party Response Form

Consulting Party Response Form for Section 106 Review Process

Thank you for your interest in consulting on Army National Military Cemetery's (ANMC) proposed removal of the bronze elements of the confederate memorial at Arlington National Cemetery. Consultation is the process of seeking, discussing, and considering the views of consulting parties and how this undertaking affects historic properties. Consulting parties play an important role in the Section 106 process and are provided with opportunities to share their views, receive, and review pertinent information, offer ideas, and consider possible mitigation efforts if potential impacts to historic properties are identified.

These may be submitted via email to anc-commemorative-works@army.mil or via U.S. Postal Service to:

Address: Arlington National Cemetery, 1 Memorial Avenue, Arlington, VA 22211

Attachment B

Consultation Participation

- I accept ANMC's invitation to be a consulting party on the proposed undertaking.
- I do not wish to participate in consultation on the undertaking. *(Please note you may request to rejoin the consultation process later.)*

Date

Contact Information Preference

Please take this opportunity to provide and/or update your contact information with us, including your mailing address, email address, and phone number. Please note that our preference is to conduct all future correspondence via email. However, if you are unable to receive correspondence via email and would prefer to be contacted via postal mail or telephone, please check one of the boxes below.

Name/Point of Contact:

(First)_____ (Last)_____

Title (if applicable): _____

Name of Agency/Organization:

Address: (Street)_____ (City/Town) _____ (State)

Phone: _____

Email: _____

Please provide all future correspondence via (mark response):

- Email
- U.S. Postal Service
- Telephone