



# COMMONWEALTH of VIRGINIA

## Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

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*Acting Secretary of Natural and  
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3 March 2023

Ms. Karen Durham-Aguilera  
Department of the Army  
Arlington National Cemetery  
Arlington National Cemetery  
Arlington, Virginia 22211-5003

RE: Proposed removal of Confederate Memorial at Arlington National Cemetery  
Arlington County, Virginia  
DHR File No. 2022-0201

Dear Ms. Durham-Aguilera:

The Department of Historic Resources (DHR) has received your letter dated 9 February 2022 initiating consultation pursuant to Section 106 of the National Historic Preservation Act, as amended, and its implementing regulation 36 CFR Part 800 for the removal of the Confederate Memorial at Arlington National Cemetery (ANC). It is our understanding that the Secretary of Defense has directed ANC to act upon the recommendation of the Commission on the Naming of Items of the Department of Defense that Commemorate the Confederate States of America or Any Person Who Served Voluntarily with the Confederate States of America to remove the bronze elements of the Confederate Memorial located in the center of Section 16 at the cemetery.

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. It is our understanding that ANC is preparing a Phase II (Intensive-Level) survey report to evaluate the individual eligibility of the Confederate Memorial to the NRHP. The DHR looks forward to reviewing and commenting on the forthcoming report.

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Your letter of 9 February, among other things, requests DHR's concurrence on the proposed Area of Potential Effects (APE) for the undertaking and our comments on ANC's list of potential consulting parties identified under 36 CFR §800.2(c). The supporting material submitted with the Section 106 initiation letter included a PowerPoint presentation, in which, on slide 17, "ANMC Request to DHR", ANC also asks for our concurrence on the determination of individual NRHP-eligibility of the Confederate Memorial and the effect of the undertaking to historic properties. The DHR believes it premature in the Section 106 process to discuss impacts to historic properties listed in or eligible for listing in the NRHP. Additionally, individually NRHP-eligibility of the Confederate Memorial needs to be addressed after the Phase II survey document is complete and submitted it to DHR and the other consulting parties for review and comment pursuant to 36 CFR §800.4.

With respect to the APE, DHR believes the recommendation made by ANC, and depicted on sides 9, 10, and 11 of the PowerPoint presentation, is appropriate as it includes locations where the undertaking may be visible and/or audible from significant points in the cemetery. Consideration should be given, however, to including within the direct APE those locations where equipment will approach and sit at the Confederate Memorial during removal operations and other staging areas where ground disturbance or compression may result.

Regarding ANC's list of potential consulting parties, DHR has the following comments:

- Slide 6, "Identification of Other Consulting Parties", mentions fourteen states as being graphically represented on the Confederate Memorial, but only lists twelve. We believe the two missing states are Kentucky and Missouri since both states, although never formally seceding from the Union, did supply soldiers to the Confederate army and were represented in the Confederate Congress and by stars on the Confederate national flag. Please verify that Kentucky and Missouri are included on the Confederate Memorial and, if so, the State Historic Preservation Officers (SHPO) from these states should be included as consulting parties.
- Slide 6 identifies the National Park Service (NPS) unit at George Washington Memorial Parkway, including Arlington House, as a consulting party. The DHR believes this is appropriate, but also recommends including NPS's National Historic Landmark (NHL) Program as another consulting party. Although not designated as an NHL, we believe ANC warrants this designation.
- Side 8, "Identification of Other Consulting Parties", lists both the Virginia Historical Society (third bullet point) and the Virginia Museum of History & Culture (fourth bullet point) as consulting parties. These are the same entity. Within the last few years, the Virginia Historical Society changed its name to the Virginia Museum of History & Culture.

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The ANC identifies the Advisory Council on Historic Preservation (ACHP) as a potential consulting party in its list on slide 6. As the independent federal agency that issues regulations to implement the Section 106 process, the ACHP is by regulation afforded an opportunity to participate in Section 106 consultation. However, its decision to become involved in such consultations is guided by specific criteria found in Appendix A of 36 CFR Part 800. If the ACHP has not already decided to participate in the Section 106 consultative process for the removal of the Confederate Memorial at ANC, by copy of this letter, the DHR, as the SHPO in Virginia, requests that it do so. We believe this undertaking meets the specific criteria for ACHP involvement under stipulations c(1) and c(3) of Appendix A.

If you have any questions about our comments, please contact me at (804) 482-6090.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Holma", written in a cursive style.

Marc Holma, Senior Architectural Historian  
Review and Compliance Division

C: Ms. Megan Borthwick, ACHP