

Appendix B: NHPA Documentation
Programmatic Agreement among ANC, VA SHPO, & ACHP
Section 106 Submissions to SHPO
Responses from SHPO
Viewshed Study

**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,
ARLINGTON COUNTY, VIRGINIA**

WHEREAS, the organization known as Arlington National Cemetery maintains and operates Arlington National Cemetery (hereinafter ANC) in Arlington County, Virginia, proposes to continue to coordinate and administer ongoing programs of operations, maintenance, and repair, including grounds work and associated landscaping (Projects), as part of its mission on behalf of the American people lay to rest those who have served our nation with dignity and honor, treating their families with respect and compassion, and connecting guests to the rich tapestry of the cemetery's living history while maintaining those hallowed grounds befitting the sacrifice of all those who rest there in quiet repose; and

WHEREAS, ANC, a federally owned and operated facility, plans to carry out these Projects which are undertakings subject to review under Section 106 of the National Historic Preservation Act (hereinafter NHPA), 16 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. Part 800; and

WHEREAS, ANC defined the area of potential effects (hereinafter APE) as within the parcel in Arlington County, Virginia, known as the ANC Historic District and associated viewsheds as defined in Attachment C; and

WHEREAS, ANC determined that these undertakings may affect the ANC Historic District (DHR# 000-0042) and the Memorial Amphitheater (DHR# 000-0042-0006) which are listed in the National Register of Historic Places (hereinafter NRHP) (both under NRHP Reference # 14000146), as well as Arlington Memorial Bridge (DHR# 000-0014) and Arlington House (DHR# 000-0001) which are listed in the NRHP, and has consulted with the Virginia State Historic Preservation Office (hereinafter SHPO) pursuant to 36 C.F.R. Part 800; and

WHEREAS, ANC, in accordance with 36 C.F.R. §§ 800.2(c)(2) and 800.6(c)(3), invited the following federally recognized Indian tribes, for which land ANC occupies may have religious and cultural significance, to be consulting parties to this Programmatic Agreement (hereinafter Agreement): the Absentee-Shawnee Tribe of Indians of Oklahoma, Cayuga Nation, Delaware Tribe of Indians, Eastern Shawnee Tribe of Oklahoma, Oneida Indian Nation, Oneida Tribe of Indians of Wisconsin, Onondaga Indian Nation, Saint Regis Mohawk Tribe, Seneca-Cayuga Tribe of Oklahoma, Seneca Nation of New York, Shawnee Tribe, Tonawanda Band of Seneca Indians of New York, Tuscarora Nation, Cherokee Nation, Eastern Band of Cherokee Indians, United Keetoowah Band of Cherokee Indians, and the Catawba Indian Tribe; and

WHEREAS, ANC did not receive a request from a federally recognized Indian tribe for participation on the development of this Agreement; and

WHEREAS, ANC, in accordance with 36 C.F.R. §§ 800.2(c)(3), 800.2(c)(5), and 800.6(c)(3), identified and invited the following organizations to participate as consulting or potential concurring parties to this Agreement: the National Park Service – George Washington Memorial Parkway (hereinafter NPS-GWMP) the U.S. Commission of Fine Arts (hereinafter CFA), the National Capitol Planning Commission (hereinafter NCPC), Washington Headquarters Service (hereinafter WHS), Joint Base Myer-Henderson Hall (hereinafter JBM-HH), the National Trust for Historic Preservation (hereinafter NTHP), Preservation Virginia (formerly the Association for the Preservation of Virginia Antiquities), the Virginia Council on Indians (disbanded in July 2012), the Arlington Historical Society, Inc., the Historical Society of Washington DC, and Arlington County; and

WHEREAS, the CFA, the NCPC, WHS, JBM-HH, the Virginia Council on Indians, the NTHP, Preservation Virginia, the Arlington Historical Society, Inc., and the Historical Society of Washington DC declined or did not respond to the invitation to participate in the development of this Agreement; and

WHEREAS, ANC received requests from Arlington County and NPS-GWMP, for participation on the development of this Agreement, and they are Concurring Parties to this Agreement; and

WHEREAS, ANC, pursuant to 36 C.F.R. § 800.14(b)(2)(ii), provided the public an opportunity to review and comment on this Agreement by posting it on the official ANC web site (<http://www.arlingtoncemetery.mil>); and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), ANC notified the Advisory Council on Historic Preservation (hereinafter ACHP) of its assessment of effects providing the specified documentation, and the ACHP chose to participate in the consultation in accordance with 36 C.F.R. § 800.6(a)(1)(iii) and

WHEREAS, ANC, SHPO, and the ACHP are participating in this agreement and are therefore Signatories (hereinafter Signatories); and

WHEREAS, a survey and evaluation, entitled “*Historic Resources Inventory for Arlington National Cemetery, Arlington, Virginia*” (May 2012) (Attachment C), was undertaken to identify resources contributing to a NRHP eligible historic district at ANC under Criteria A and C with an ongoing period of significance starting in 1864, in accordance with 36 C.F.R. § 60.9(a), and identified the Memorial Amphitheater as individually eligible to the NRHP under Criteria A and C with an ongoing period of significance starting in 1920, and the SHPO has concurred with this survey and evaluation; and

WHEREAS, no historic properties of an archaeological nature eligible for listing in the NRHP have been identified on ANC property, however, ANC recognizes the potential for undiscovered archaeological sites in specific areas within the APE varies in probability, discussed and mapped in Attachment D; and

WHEREAS, ANC has developed an Integrated Cultural Resources Management Plan (ICRMP) for ANC which provides direction for the management and treatment for historic properties at ANC, and which was approved 06 March 2013 by the ANC Chief of Staff; and

WHEREAS, ANC has been provided with a *Sourcebook for Historic Preservation* (hereinafter *Sourcebook*) compiled by US Army Corps of Engineers, Norfolk District from National Park Service publications, which includes preservation and maintenance guidelines and procedures for conducting work on historic buildings, landscapes, monuments, and memorials, the contents of which is listed in Attachment B, to guide operation, repair and maintenance activities within ANC; and

WHEREAS, undertakings at ANC for which effects have been taken into account through the ACHP *Program Comment for DoD Rehabilitation Treatment Measures* (removal of mortar joints and repointing, preparation of lime and cement-amended mortars, preparation of lime- or Portland based stucco, repair of historic stucco, and identifying masonry types and failures) are not subject to review under this Agreement; and

WHEREAS, ANC is consulting with the SHPO and other identified consulting parties separately regarding the planned expansions of ANC in the Millennium Area and Navy Annex Area, and therefore, these large-scale construction projects are not subject to review under this Agreement;

NOW, THEREFORE, ANC, the SHPO, and the ACHP agree that this Agreement shall be implemented in accordance with the following stipulations to take into account the effect of the undertakings on historic properties at ANC.

STIPULATIONS

ANC shall ensure that the following measures are carried out:

I. Roles and Responsibilities

A. Agency Official

1. Executive Director, as defined by Department of the Army Directive 2010-04, is designated the Agency Official for Section 106 in accordance with 36 C.F.R. § 800.2(a) and has delegated the Chief Engineer of ANC responsible for carrying out Section 106 under authority of 10 U.S.C. § 4721 and 4724.

2. The Chief Engineer shall ensure that:

a) A staff person designated as the Cultural Resources Manager (hereinafter CRM) who meets the *Secretary of the Interior's Professional Qualification Standards* (Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines [As Amended and Annotated], 48 Fed. Reg. 44716, Sept. 1983 [hereinafter SOI Professional Qualifications]) shall be assigned responsibility for administering the process outlined in this Agreement.

b) all prudent and feasible efforts to conduct undertakings are in accordance with the preservation and maintenance guidelines for historic buildings, landscapes, monuments and memorials in the *Sourcebook* and be consistent with the *Secretary of the Interiors Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (36 C.F.R. Part 68; hereinafter *Standards*).

c) the *Standards* are referenced in all scopes of work for undertakings so that contractors seeking to undertake work on historic architectural properties at ANC shall show past performance in the successful application of the *Standards* for the treatments required in statements of qualifications for bids and proposals and be pre-qualified based on demonstrated experience in the successful application of the *Standards*.

d) The provisions of Stipulation VII are included in all ANC operations and contracts involving ground disturbance.

B. Cultural Resources Manager

1. For the purposes of this Agreement, the CRM's responsibilities shall include, but are not limited to:

a) Serving as the point of contact with the SHPO, the ACHP, other consulting parties, and the public as appropriate for questions and concerns about historic properties and preservation at ANC.

b) Analyzing existing and future ANC documents, to identify specific undertakings that may be subject to review under the terms of this Agreement, including, but are not limited to:

- (1) the SHPO Data Sharing System (DSS) records or its successor database technology;
- (2) cultural resource reports;

- (3) National Environmental Policy Act (hereinafter NEPA) compliance documents;
 - (4) the ANC Master Plan;
 - (5) the ANC ICRMP; and
 - (6) construction and operations plans.
- c) Establishing treatment plans, schedules, and priorities within the planning cycle for historic properties that might be affected by undertakings.
- d) Ensuring that information is available to ANC senior management and involved offices on review requirements and ANC's responsibilities under this Agreement, so that adverse effects may be identified and avoided early in the planning process.
- e) Overseeing the Streamline Review Process in accordance with Stipulation II.
- f) The CRM shall ensure that all identification and evaluation survey documentation and all resource treatment documentation carried out pursuant to the terms of this Agreement shall be completed by or under the direct supervision of an individual or individuals who meet SOI Professional Qualifications in the appropriate discipline.
- g) The CRM shall post an electronic copy of this Agreement and of the *Sourcebook* to the ANC internal website within twenty-one (21) calendar days of execution of this Agreement and notify via email all appropriate ANC and U.S. Army Corps of Engineers personnel involved with carrying out actions under this Agreement within thirty (30) calendar days of execution of this Agreement.
- h) The CRM shall notify via email new personnel of this Agreement and the *Sourcebook* within fourteen (14) calendar days of that personnel coming into relevant positions. New notifications via email shall be made within fourteen (14) calendar days of amendments or updates to the Agreement or *Sourcebook*.

- i) The CRM shall conduct a training opportunity, including scheduling workshops in the application of the *Standards* and other appropriate historic preservation topics, for personnel undertaking repair and maintenance work involving historic buildings. The training shall occur annually, within one (1) year of execution of this Agreement, and repeated within one (1) year of that date annually. Training opportunities may include, but are not limited to, internally lead or courses in association with outside interests.

C. Horticultural Division

The preservation of the historic character of ANC shall be preserved by the ANC Horticultural Division staff by directing replacement of trees and shrubs with the same species and in the same location, with exceptions given in Attachment A.

II. Streamlined Review Process for Undertakings

A. Determine the Undertaking

1. The CRM shall determine if the proposed project is an undertaking as defined in 36 C.F.R. § 800.16(y).
2. If the CRM determines the proposed project is an undertaking that has no potential to cause effects on historic properties as defined in 36 C.F.R. § 800.16(i), the CRM shall document this determination for inclusion in the Annual Report (Stipulation X), and ANC has no further obligations under this Agreement.
3. If the CRM determines the proposed project is an undertaking with the potential to cause effects on historic properties, the CRM shall continue on in the Streamlined Review Process.
4. If the CRM determines the undertaking is an activity that is listed in Attachment A, the CRM shall document this determination for inclusion in the Annual Report (Stipulation X), and ANC has no further obligations under this Agreement.
5. If the CRM determines the undertaking is not an activity that is listed in Attachment A, the CRM shall continue on in the Streamlined Review Process.

B. Define the Area of Potential Effects and Identify Historic Properties

1. The CRM shall determine and document the undertaking's APE taking

into account direct, indirect, and cumulative effects.

2. The CRM shall identify historic properties within the APE using Attachments C, D, and E, or require additional surveys if warranted.

3. If the CRM determines that the APE contains only contributing resources not requiring further review as identified in Attachment E, and the proposed undertaking will not directly or indirectly affect historic properties identified in Attachment C, the CRM shall document this determination for inclusion in the Annual Report (Stipulation X), and ANC has no further obligations under this Agreement.

4. If the CRM identifies a historic property listed in Attachment C that may be directly, indirectly, or cumulatively affected within the APE, the CRM shall continue on in the Streamlined Review Process.

C. Evaluate Effects of the Undertaking

1. The CRM shall assess the effects of the proposed undertaking, to include direct, indirect, and cumulative effects, on historic properties using the criteria of adverse effects (36 C.F.R. § 800.5[a][1]).

2. No Adverse Effects

a) If the CRM determines that the undertaking will not have adverse effects on identified historic properties, the CRM shall notify the SHPO using the following process:

(1) The CRM shall prepare a notification package for the SHPO that includes a description of the undertaking, an illustration of the APE, a list of identified historic properties within the APE, and the justification for the finding of no adverse effects.

(2) The CRM shall send the notification package to the SHPO via its ePix project notification system, or its successor technology. Upon receipt of the notification package, the SHPO has thirty (30) calendar days to provide a written response to the CRM.

(3) The CRM shall post the notification package on the official ANC website (<http://www.arlingtoncemetery.mil>) for a minimum of thirty (30) days for public review and comment. The information posted may be redacted, as appropriate for publication, in accordance with 36 C.F.R. § 800.11(c).

(4) The CRM shall send the notification package electronically via AMRDEC S.A.F.E. to Consulting Parties identified by the CRM pursuant to 36 C.F.R. §§ 800.2(c)(5). Consulting Parties shall have thirty (30) days to review and comment on the proposed undertaking.

(5) The CRM shall inform the SHPO of any comments about the undertaking received from the public or Consulting Parties during the thirty (30)-day review period.

b) If the SHPO concurs with the no adverse effects finding, the CRM shall document this concurrence for inclusion in the Annual Report (Stipulation X), and ANC has no further obligations under this Agreement.

c) If the SHPO does not concur with the finding of no adverse effects, the CRM shall consult with the SHPO to attempt to resolve concerns as identified by the SHPO.

(1) If after further consultation the SHPO concurs with the finding of no adverse effects, the CRM shall document this concurrence for inclusion in the Annual Report (Stipulation X), and ANC has no further obligations under this Agreement.

(2) If after further consultation the SHPO does not concur with the finding of no adverse effects, the CRM may accept the SHPO's comments and continue on in the Streamlined Review Process in order to address the adverse effects pursuant to Stipulation II(D), below; or request the involvement of the ACHP pursuant to 36 C.F.R. § 800.5(c)(2).

3. Adverse Effects

a) If the CRM determines that the undertaking will have adverse effects on identified historic properties, the CRM shall notify the SHPO using the following process:

(1) The CRM shall prepare a notification package for the SHPO that includes a description of the undertaking, an illustration of the APE, a list of identified historic properties within the APE, the explanation for the finding of adverse effects, and steps taken or considered to avoid or minimize the adverse effects.

(2) The CRM shall send the notification package to the SHPO via its ePix project notification system, or its successor technology. Upon receipt of the notification package, the SHPO has thirty (30) calendar days to provide a written response to the CRM.

(3) The CRM will post the notification package on the ANC website (<http://www.arlingtoncemetery.mil>) for a minimum of thirty (30) days for public review and comment. The information posted may be redacted, as appropriate for publication, in accordance with 36 C.F.R. § 800.11(c).

(4) The CRM shall send the notification package electronically via AMRDEC S.A.F.E. to Consulting Parties identified by the CRM pursuant to 36 C.F.R. §§ 800.2(c)(5). Consulting Parties shall have thirty (30) days to review and comment on the proposed undertaking.

(5) The CRM shall inform the SHPO of any comments about the undertaking received from the public or Consulting Parties received during the thirty (30)-day review period.

b) If the SHPO does not concur with the finding of adverse effects, the CRM shall consult with the SHPO to attempt to resolve concerns as identified by the CRM.

(1) If after further consultation with the SHPO the CRM changes the finding to no adverse effects, the CRM shall document this concurrence for inclusion in the Annual Report (Stipulation X), and ANC has no further obligations under this Agreement.

(2) If after further consultation with the SHPO the CRM maintains the finding of adverse effects, the CRM shall continue pursuant to 36 C.F.R. §§ 800.6(b)(v).

- c) If the SHPO concurs with the finding of adverse effects, the CRM shall proceed to the “Resolution of Adverse Effects” pursuant to Stipulation II(D). below.

D. Resolution of Adverse Effects

1. The CRM shall notify Consulting Parties and the public within ten (10) calendar days of receiving the SHPO’s concurrence of an adverse effect finding for an undertaking using the following process:

- a) The CRM shall prepare a notification package for the Consulting Parties including the explanation for the finding of adverse effects, steps taken or considered by ANC to avoid or minimize the adverse effects, any SHPO comments received by ANC regarding the undertaking, an invitation to participate in a consultation to resolve adverse effects, and the proposed date for a Consulting Parties meeting.
- b) The CRM shall send the notification package electronically via AMRDEC S.A.F.E. to the Consulting Parties.
- c) The CRM shall post a notice of the adverse effects finding on the official ANC website to include an explanation for the finding of adverse effects, steps taken or considered by ANC to avoid or minimize the adverse effects, any SHPO comments received by ANC regarding the undertaking, and an invitation for the public to review the adverse effect finding and to provide written comment within thirty (30) calendar days of posting to the CRM.
- d) Upon receipt of the notification package, Consulting Parties have thirty (30) calendar days to provide a written response to the CRM accepting the invitation to participate in the consultation. No response within thirty (30) calendar days shall be understood to mean that the Concurring Parties are not interested and they will not receive any additional information concerning the undertaking or consultation.

2. The CRM shall organize a Consulting Parties meeting, to include the SHPO, forty-five (45) calendar days after notifying Concurring Parties to discuss alternatives to avoid, minimize, or mitigate the adverse effects. Additional meetings shall be scheduled as needed.

3. If through consultation with the SHPO and Consulting Parties the undertaking avoids or minimizes the adverse effects, the CRM shall document the alternatives utilized in an attempt to reduce the effects of the undertaking to a no adverse effects finding and include them in the Annual Report (Stipulation X),

and ANC has no further obligations under this Agreement.

4. If through consultation with the SHPO and Consulting Parties the adverse effects are mitigated, the measures agreed to by ANC, the SHPO, and any other party that may have a responsibility outlined in the letter agreement can be specified in a minimization and/or mitigation modification form as found in Attachment F and signed by ANC, the SHPO, and any other party that may have a responsibility outlined in the letter agreement. If such a minimization and/or modification form is completed and signed by ANC, the SHPO, and any other party that may have a responsibility outlined in the letter agreement, ANC will include it in the annual report in accordance with Stipulation X. Other Consulting Parties may be asked to sign the letter agreement as Concurring Parties; however, their signature is not required for the letter agreement to be considered executed.

5. If through consultation with the SHPO and Consulting Parties the adverse effects are mitigated, but ANC or the SHPO requires more thorough documentation than a minimization and/or mitigation form, then the measures agreed to by ANC, the SHPO, and any other party that may have a responsibility shall be specified in a Memorandum of Agreement in accordance with 36 C.F.R. § 800.6(c) and filed with the ACHP upon execution.

6. The ACHP will only participate in the resolution of adverse effects for individual undertakings if a written request is received from ANC or the SHPO.

III. Addition of Signatories and Concurring Parties

A. In the event that there is additional federal involvement in a proposed undertaking, that federal agency will have the option to accept the terms of this Agreement, which will not require an amendment. If the federal agency signs as an invited signatory, ANC must notify the Signatories in advance of the federal agency committing to the terms of this Agreement.

B. Organizations desiring participation in this Agreement after its execution may submit a written request to the Chief Engineer to sign as a Concurring Party. Such a request will not require an amendment to the Agreement, ANC will provide the organization with a Concurring Party signatory page, and ANC will inform the Signatories within thirty (30) calendar days of receiving that organization's newly executed Concurring Party signatory page.

IV. Annual Inspection

Within one hundred-eighty (180) calendar days of the execution of this Agreement, ANC shall distribute to the SHPO and Concurring Parties a plan outlining an annual inspection of all historic properties (to include contributing resources) within ANC. The plan will include, but need not be limited to, a list of historic properties (including contributing resources) at ANC, the method of the annual inspection, and the baseline information for each historic property (including contributing resources) that will be used for the annual inspection to gauge changes. The results of the annual inspection will be documented for inclusion in the Annual Report (Stipulation X).

V. Confidentiality

In accordance with 36 C.F.R. § 800.11(c) ANC agrees to protect all sensitive, confidential, or proprietary information concerning Native American historic, cultural, or archaeological site locations. Property specific information will not appear in public documents or be made available to the public. Property-specific information will, however, be provided to the SHPO for inclusion in the state inventory files, as well as to appropriate ANC management staff, and to legitimate scholars carrying out related research. Such information may also be included in scholarly reports as appropriate and necessary. Every effort shall be made to present archaeological site locations at a scale which will not allow precise site location in inappropriate contexts.

VI. Curation

ANC shall deposit all archaeological materials and appropriate field and research notes, maps, drawing and photographic records collected as part of projects carried out under this Agreement (with the exception of human skeletal remains and associated funerary objects which shall be treated in accordance with Stipulation VII[B]) with a repository which meets the requirements in 36 C.F.R. Part 79, *Curation of Federally Owned and Administered Archeological Collections*. All such items shall be made available to educational institutions and individual scholars for appropriate exhibit and/or research under the operating policies of the selected repository which shall be specified in a Memorandum of Understanding between ANC and the repository per the example at 36 C.F.R. Part 79 Appendix B within thirty-six (36) months of the conclusion of this Agreement.

VII. Post Review Discovery

A. Cultural Resources or Unanticipated Effects

1. If previously unidentified cultural resources or unanticipated effects are discovered during the implementation of an undertaking, reviewed in accordance with the Streamline Review Process or standard Section 106 review, the ANC personnel or contractor shall immediately halt the undertaking in the immediate area of the finding and notify the Chief Engineer and CRM of the discovery and

implement interim measures to protect the discovery.

2. Immediately upon receipt of the notification from the ANC personnel or contractor, the CRM shall:

- a) inspect the work site to determine the extent of the discovery and ensure that the project manager and contractor supervisors know that construction activities with the potential to affect the historic property in question must be halted as a legal and contractual requirement;
- b) clearly mark the area of discovery and establish an appropriate buffer between the discovery and ground disturbing activities or other potential effects, as appropriate;
- c) implement additional measures, e.g., surveillance or concealment as appropriate, to protect the discovery from looting and vandalism, as appropriate;
- d) have an individual meeting the SOI Professional Standards for the appropriate discipline inspect the work site to determine the extent of the discovery and provide recommendations regarding NRHP eligibility and treatment; and

3. Within two (2) business days of the discovery, the CRM shall notify the SHPO and Concurring Parties via electronic mail.

4. Within seven (7) business days of the discovery, the CRM shall develop a notification package for the SHPO and Concurring Parties that includes a description of the undertaking and how it was reviewed in accordance with the Streamline Review Process, photographs of the discovery, the recommendation of NRHP eligibility, and a treatment plan.

- a) The CRM shall send the notification package via electronic mail to the SHPO and Concurring Parties.
- b) Upon receipt of the notification package, the SHPO and Concurring Parties have two (2) business days to provide a response to the CRM on the NRHP eligibility and treatment plan. No response within two (2) business days shall be understood to mean that the non-responding party has no comment.

5. ANC shall take into account the recommendations received on eligibility and treatment of the discovery and carry out any appropriate required actions

within five (5) working days of receipt.

6. The CRM shall provide the SHPO and Concurring Parties with a report on the actions taken within fourteen (14) calendar days of implementation.

7. Interment activities may proceed in the area of the discovery once the Chief Engineer has determined that the treatment plan is complete.

B. Unidentified Human Remains Dating Prior to the Establishment of Arlington National Cemetery

1. ANC shall make all reasonable efforts to avoid disturbing non-ANC gravesites. ANC shall treat those in a manner consistent with the ACHP "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (23 February 2007; <http://www.achp.gov/docs/hrpolicy0207.pdf>) or ACHP policy in effect at the time remains and funerary artifacts are handled.

2. If the unidentified non-ANC remains are determined to be of Native American origin, ANC shall comply with the provisions of the Native American Graves Protection and Repatriation Act (hereinafter NAGPRA [25 U.S.C. Sec 3001 et seq.]), and shall use reasonable efforts to ensure that the general public is excluded from viewing any Native American or other human remains or associated funerary artifacts.

3. If the unidentified non-ANC remains are determined not to be of Native American origin, ANC shall consult with the SHPO and consulting parties, except for the ACHP. Prior to the archaeological excavation of any remains, the following information shall be submitted to the SHPO and consulting parties for consultation:

a) The name of the property or archaeological site, and the specific location therein, from which the recovery is proposed. If the recovery is from a known historic property, a state-issued site number must be included.

- b) Indication of whether a waiver of public notice is requested and why. If a waiver is not requested, a copy of the public notice (to be published in a newspaper having general circulation in the area for a minimum of thirty (30) calendar days prior to recovery) must be submitted.
 - c) A copy of the curriculum vitae of the skeletal biologist who will perform the analysis of the remains.
 - d) A statement that the treatment of human skeletal remains and associated artifacts will be respectful.
 - e) An expected timetable for excavation, osteological analysis, preparation of final report, and final disposition of remains.
 - f) A statement of the goals and objectives of the removal (to include both excavation and osteological analysis).
 - g) If a disposition other than reburial is proposed, a statement of justification.
4. No photographs of any human remains or associated funerary artifacts shall be released to the press or general public subject to the requirements of the federal Freedom of Information Act, 16 U.S.C. 470w-3 of the NHPA, and other laws as applicable.

VIII. Dispute Resolution

- A. Any party to this Agreement may raise objections to actions carried out or proposed by ANC with regard to the implementation of measures stipulated in this Agreement. ANC shall notify the other parties of any objections raised and shall consult with the objecting party to resolve the objection.
- B. If the objection remains unresolved, ANC shall forward all documentation relevant to the objection to the ACHP, including the proposed response to the objection. The ACHP shall provide ANC with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, ANC shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. ANC will then proceed according to its final decision.
- C. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, ANC may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, ANC shall prepare a written

response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to this Agreement, and provide them and the ACHP with a copy of such written response.

D. ANC's responsibility to carry out all other actions subject to the terms of this Agreement, that are not the subject of the dispute, remain unchanged.

E. At any time during implementation of the measures stipulated in this Agreement, should a member of the public object to ANC regarding the manner in which the measures stipulated in this Agreement are being implemented, ANC shall notify the signatories to this Agreement and consult with the signatories to evaluate and address the objection.

IX. Efficient Communications

In accordance with Executive Order 13563 "Improving Regulation and Regulatory Review," and Executive Order 13589 "Promoting Efficient Spending" communications between signatories of this Agreement and consulting parties discussed herein shall be in electronic form whenever practicable, permitted by law, and consistent with applicable records retention requirements. Unless specifically requested in another form (i.e., mail/hard copy) by the SHPO, Concurring Parties, or Consulting Parties in writing to ANC

X. Annual Reporting and Monitoring

On the first day of July of each year this Agreement remains in force, ANC shall prepare and provide an annual report that reviews the implementation of the terms of this Agreement and to determine whether amendments are needed to consulting parties. The annual status report shall address the following topics:

1. Problems with implementation or issues encountered during the previous year.
2. Amendments or changes ANC believes should be made in implementation of this Agreement.
3. A list of projects/undertakings reviewed in accordance with the Streamlined Review Process.
4. A list of all ANC professional training opportunities relative to this Agreement provided during the reporting period and number of participants and organizations.
5. Management summaries of cultural resource reports completed during the

previous year.

6. Copies of any minimization and/or mitigation measure modification agreement letters concluded during the previous 12 months.

B. ANC shall ensure that the public is made aware of the availability of the Annual Report on its website, and that interested members of the public are invited to provide comments to the ANC.

C. The SHPO and the ACHP may monitor and review the activities carried out pursuant to this Agreement. ANC shall cooperate with the SHPO and the ACHP in their monitoring and review responsibilities.

D. ANC shall hold an annual meeting with SHPO, ACHP, and the Concurring Parties to this Agreement to review the implementation of this Agreement and any amendments that may be proposed.

E. One year after the execution of this Agreement, in conjunction with the first Annual Report, ANC shall consult with SHPO and ACHP about revising the Streamlined Review Process, specifically not requiring ANC to notify the SHPO of a no adverse effects finding.

XI. Amendment

This Agreement may be amended when such an amendment is agreed to in writing by all Signatories. The amendment shall be effective on the date a copy signed by all of the Signatories is filed with the ACHP.

XII. Termination

A. If any Signatory to this Agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other Signatories to attempt to develop an amendment per Stipulation XI, above. If within thirty (30) calendar days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories.

B. Once the Agreement is terminated, and prior to work continuing on undertakings, ANC must either (a) execute a Memorandum of Agreement pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. ANC shall notify the Signatories as to the course of action it will pursue.

C. Should the position of CRM be vacated, the Chief Engineer shall notify SHPO and the ACHP within five (5) calendar days of the position becoming vacant, and shall consult on each individual undertaking pursuant to 36 C.F.R. §§ 800.3 through 800.6 until the CRM position is appropriately filled.

XIII. Anti-Deficiency Act

ANC's future efforts to execute requirements arising from the stipulations of this Agreement are subject to the provisions of the Anti-Deficiency Act. If compliance with the Anti-Deficiency Act alters or impairs ANC's ability to implement the stipulations of this Agreement, ANC shall consult in accordance with the amendment and termination procedures found at Stipulation XI and XII of this Agreement. No provision of this Agreement shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, Title 31 U.S.C. § 1341.

XIV. Duration of Agreement

This Agreement shall remain in full force and effect for ten (10) years after the date of the last signatory's signature. This Agreement shall be reviewed periodically, not less than five (5) years from the execution of the Agreement. Sixty (60) calendar days prior to the date this Agreement would otherwise expire, ANC shall consult with the Signatories to determine whether the Agreement needs to be extended, amended, or terminated and take such actions as appropriate.

Execution of this Agreement by ANC, the SHPO, and the ACHP and implementation of its terms, evidence that ANC has taken into account the effects of the undertakings on historic properties and afforded the ACHP an opportunity to comment.

**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,
ARLINGTON COUNTY, VIRGINIA**

SIGNATORIES:

ARLINGTON NATIONAL CEMETERY

By: _____ Date: _____
Colonel Michelle J. Stewart, *Chief Engineer, Arlington National Cemetery*

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Ms. Julie V. Langan, *Director, Department of Historic Resources*

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____
Mr. John M. Fowler, *Executive Director*

CONCUR:

ARLINGTON COUNTY

By: _____ Date: _____
Barbara Donnellan, *County Manager*

NATIONAL PARK SERVICE-GEORGE WASHINGTON MEMORIAL PARKWAY

By: _____ Date: _____
Alexcy Romero, *Superintendent*

**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,
ARLINGTON COUNTY, VIRGINIA**

SIGNATORIES:

ARLINGTON NATIONAL CEMETERY

By: Michelle J Stewart Date: 22 May 14
Colonel Michelle J. Stewart, *Chief Engineer, Arlington National Cemetery*

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

By: Julie V Langan Date: 6/16/14
Ms. Julie V. Langan, *Director, Department of Historic Resources*

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Fowler Date: 7/18/14
for Mr. John M. Fowler, *Executive Director*

CONCUR:

ARLINGTON COUNTY

By:  Date: 8/7/14
Barbara Donnellan, *County Manager*

NATIONAL PARK SERVICE-GEORGE WASHINGTON MEMORIAL PARKWAY

By:  Date: 9/25/14
Alexcy Romero, *Superintendent*

Attachment A

Streamlined Activities: ANC Activities Not Requiring Further Review Under This Agreement

ANC, the SHPO, and the ACHP agree that the following projects are undertakings but have limited potential to adversely affect historic properties and therefore do not require further review under this Agreement.

A. Archaeological Resources

1. All ground disturbance activities in areas previously surveyed in consultation with the SHPO and other consulting parties as appropriate in which no historic properties were found.
2. All ground disturbance activities in areas where the potential for archaeological deposits has been eliminated by previous excavation to culturally sterile strata as determined by a qualified Archaeologist (per SOI Professional Qualifications).
3. Maintenance and repair of existing dirt and gravel roads, resurfacing that occurs within previously maintained roadway or parking lot surfaces, and maintenance, repair of utilities, or new utility systems within previously disturbed utility rights-of-way for the same type of utility installation. This shall include maintenance, repair, or in-kind replacement of existing sidewalks and curbs.
4. Routine foot trail maintenance that does not involve major new ground disturbance, and erosion control measures.
5. Grounds keeping activities to include, but is not limited to, lawn mowing, trimming bushes, pruning trees, planting and weeding existing beds.
6. Routine cemetery maintenance including removal of litter, mowing, clearing, reseeding, fencing, and straightening of headstones.
7. Interments in areas identified as having been subjected to severe ground disturbance in Attachment D.

B. Buildings, Structures and Objects

1. Undertakings involving contributing resources to the Arlington National Cemetery Historic District listed in Attachment E .
2. Erection and removal of temporary and reversible constructions including tents, awnings, barriers, warning signs (including traffic cones and barrels), trailers, and fencing installed for periods of one year or less.
2. Maintenance and repair in-kind all NRHP district contributing resources in accordance with the recommended procedures in the *Standards* and *Sourcebook*.

3. Actions performed according to the *Standards*, with further guidance as provided in current publications of the National Park Service, such as the Preservation Briefs (hereafter PB) referenced below by their numbers in that publication series and included in the *Sourcebook*.

4. Interior work including:

- a) Plumbing system rehabilitation in-kind/replacement in-kind, to include pipes and fixtures in bathrooms and kitchens.
- b) Heating, ventilation, and air conditioning rehabilitation in-kind /replacement in-kind including furnaces, pipes, radiators or other heating/air conditioning units (PB 24).
- c) Rehabilitation in-kind /replacement in-kind of electrical wiring including lighting, fire alarms, smoke/heat detectors, fire suppression systems, telephones, and local area network.
- d) Toilet and bathroom improvements, including alterations necessary for handicap access (PB 32).
- e) Interior surface (floors, walls, ceiling, and woodwork) treatments, providing the work is restricted to repainting, refinishing, re-papering, re-paneling, or laying carpet, linoleum, or other recognized floor systems (PB 28).
- f) Replacement in-kind of insulation.
- g) Replacement in-kind /repair in-kind of vertical transportation systems (elevators, dumbwaiters, escalators, personnel lifts, conveyors, and hoists).
- h) Repair in-kind and cleaning of flues, chimneys, and stacks.
- i) Installation of modular furniture systems.
- j) Repair in-kind or replacement in-kind of structural members and elements.
- k) Replacement in-kind of appliances, cabinets and fixtures that are less than 45 years old.
- l) Replacement in-kind of contemporary kitchen and bathroom accessories such as medicine cabinets, towel bars, etc.

5. Exterior Work:

a) Doors (PB 10, 14, and 18):

(1) Repair in-kind of existing materials

(2) Replacement in-kind when beyond repair and done in kind to match the existing appearance, material, size, form, and details.

(3) When the existing component is not compatible with the historic character of the property, replacement shall be made with a compatible configuration.

b) Window frames and sashes (PB 8, 9, 13, and 10):

(1) Repair in-kind of window frames by patching, splicing, consolidating or otherwise reinforcing or replacing in kind those parts that are either extensively deteriorated or missing. No change in the exterior or interior appearance, configuration or the operation of the window shall result.

(2) Installation of storm windows, provided that they conform to the shape and size of historic windows and that the meeting rail coincides with that of the existing sash. Color shall match prime window color; mill finish aluminum is not acceptable.

(3) Adjusting counterweights.

c) Wood siding, trim, porch decking, porch rails, joists, columns, and stairs (including framing) (PB 8, 10):

(1) Repair in-kind of siding, trim, or hardware when done in kind to match existing appearance, material, and design.

(2) Replacement in kind of only those elements that are beyond repair when done in kind to match existing appearance, material, and design.

(3) Maintenance of features such as window and door frames, hoodmolds, paneled or decorated jambs and moldings through appropriate surface treatments such as cleaning, rust removal, limited paint removal and reapplication of protective coating systems.

(4) Repair in-kind of porches and stairs when done in kind to match existing appearance, materials, and design.

d) Window and Door Screens (PB 9, 10): Repair in-kind of existing window and door screens with material to match existing screen wire and screen bead in material, style, size, and finish. If repair of existing screen is not possible, replacement in kind is allowed.

e) Glass (PB 9 and 13): Replacement in-kind of broken glass with glass of similar type when no modification or damage to adjacent surfaces will result and replacement does not alter existing window glazing rabbets.

f) Roofs (PB 29 and 30):

(1) Repair in-kind of roofs, parts of roofs, gutters and downspouts that have deteriorated, when done in kind to match the existing appearance, materials, and design. Adequate anchorage of the roofing material to guard against wind damage and moisture penetration should be provided.

(2) Repair in-kind and replacement in-kind of gutters and down spouts.

g) Surfaces (PB 1, 2, 9, 10, 18, and 28):

(1) Painting interior or exterior surfaces when the new paint matches the existing or original color. Damaged or deteriorated paint may be removed to the next sound layer by hand scraping or hand sanding.

(2) Replacement in-kind or installation of caulking and weather stripping around windows, doors, walls, and roofs.

(3) Repair in-kind of existing plaster, wallboard or gypsum board with like materials, installation techniques and finish texture.

(4) Repointing of masonry and brick with mortar of like materials, installation techniques and finish texture.

(5) Repair in-kind or removal of fire escapes, vestibules, canopies, awnings, railings, ramps, and other similar additions to historic properties that are not original character defining elements.

(6) Removal of exterior wiring, conduit, wiring devices, antennas, transformers, and related electrical systems.

h) Footings, Foundation and Retaining Walls (PB 2 and 15):

(1) Repair in-kind of existing materials.

C. Landscape Features and Vegetation

1. Use of interpretive signs or exhibit structures which are not attached to a historic property and that do not visually intrude on a historic property. They shall be constructed of materials and painted colors that harmonize with the historic property and setting.
2. In-kind street, parking lot, driveway, sidewalk, curb and gutter and storm drainage structure repair or replacements.
3. Repair in-kind or replacement in-kind of fencing to match existing material and design.
4. Removal, repair in-kind or replacement in-kind of utility poles, street and parking lot lighting, and overhead steam distribution systems that are not character defining features of a historic property.
5. Installation of signs compliant with ANC guidelines.
6. Where a tree species or cultivar removed is invasive and is identified as being invasive per the ANC Invasive Species Management Plan, it shall not be replaced in-kind.
7. Where a tree species is susceptible to disease or insect attack, it may be replaced by a different species or cultivar, in order to comply with sustainable landscaping by decreasing use of pesticides and decreasing management costs. If a resistant cultivar of that species or hybrid is available it shall be used to replace; where these are not available a different species may be planted.
8. Where a planting site has been limited in space, either because of crowding by other trees, or the root/trunk area because of headstones or a gravesite the tree may be replaced in a new location, or with a smaller species if in place.
9. If a tree obstructing gravesites dies or is removed, the replanting may be relocated.

10. If the tree species is not available- many of the native hickories and oaks, for example, are difficult to find.
11. In the interest of adding diversity new species may be added. Adding diversity greatly reduces susceptibility to disease and insects, especially invasive pests.
12. Tree donations may be planted as replacements for trees that have been lost. The cemetery horticulture staff shall determine if the species is fitting.
13. Replacing a tree that failed to establish after two attempts at planting.
14. Removal of invasive species and dead trees posing hazards.

Attachment B

Sourcebook for Historic Preservation at Arlington National Cemetery: Summary and Contents

This compilation has been produced by the U.S. Army Corps of Engineers, Norfolk District, as a readily available reference for Arlington National Cemetery (ANC) personnel. *The Secretary of Interiors Standard standards for the treatment of historic properties: with guidelines for preserving, rehabilitating, restoring & reconstructing historic buildings* provides an overview of preservation concepts illustrated with right and wrong examples in the treatment of historic properties. Following this, specific materials, routine maintenance, and specific topics in maintenance and preservation are included in groups of documents. ANC personnel planning or charged with conducting treatments of historic properties should review the appropriate sections of the Secretary of the Interior's Standards and relevant technical bulletins for the task at hand. The Program Comment for Department of Defense Rehabilitation Treatment Measures is included as well. This is intended to exist as an electronic document. The titles below are linked to the component sections in the Portable Document Format (pdf) and will display that section if the reader viewing the document clicks on the link. ANC shall update this collection of documents as revisions of constituent documents become available, as others are withdrawn or found not to apply to properties at ANC and the Soldiers' and Airman's Home National Cemetery (SAHNC) or as additional documents pertinent to the maintenance and repair of properties at ANC and SAHNC are identified for inclusion.

Overview of Preservation Standards – Secretary of the Interior's Standards

The Secretary of the Interior's standards for the treatment of historic properties: with guidelines for preserving, rehabilitating, restoring & reconstructing historic buildings. Kay D. Weeks and Anne E. Grimmer. National Park Service, Washington D.C., 1995.

Program Comment for Department of Defense Rehabilitation Treatment Measures

(Agreement authorizes rehabilitation treatments of Department of Defense historic properties without further consultation provided the specified treatment measures are followed.)

- Removal of mortar joints and repointing;
- Preparation of lime and cement-amended mortars;
- Preparation of lime- or Portland-based stucco;
- Repair of historic stucco; and
- Identifying masonry types and failures

Materials Maintenance Overview – State Historical Society of Iowa and National Park Service:

- Rehabilitation Standard No. 7, Part 1: Cleaning Historic Masonry
- Rehabilitation Standard No. 7, Part 2: Cleaning Historic Metal
- Rehabilitation Standard No. 7, Part 3: Cleaning Historic Wood
- Rehabilitation Standard No. 7, Part 4: Cleaning Historic Stucco
- Rehabilitation Standard No. 7, Part 5: Cleaning Historic Tile and Terra Cotta
- Rehabilitation Standard No. 7, Part 6: Cleaning and Hazardous Material

Routine Maintenance: National Park Service National Center for Preservation Technology and Training

- Best Practice Recommendations for Cleaning Government Issued Headstones

Specific Topics in Preservation Techniques – National Park Service Technical Preservation Services' Preservation Briefs

- 1) Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings
- 2) Repointing Mortar Joints in Historic Masonry Buildings
- 3) Improving Energy Efficiency in Historic Buildings
- 4) Roofing for Historic Buildings
- 6) Dangers of Abrasive Cleaning
- 7) The Preservation of Historic Glazed Architectural Terra-Cotta
- 9) The Repair of Historic Wooden Windows
- 10) Exterior Paint Problems on Historic Woodwork
- 13) The Repair and Thermal Upgrading of Historic Steel Windows
- 15) Preservation of Historic Concrete
- 22) The Preservation and Repair of Historic Stucco
- 25) The Preservation of Historic Signs
- 27) The Maintenance and Repair of Architectural Cast Iron
- 29) The Repair, Replacement, and Maintenance of Slate Roofs
- 33) The Preservation and Repair of Historic Stained and Leaded Glass
- 36) Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes
- 37) Appropriate Methods of Reducing Lead-Paint Hazards in Historic Buildings
- 38) Removing Graffiti from Historic Masonry
- 39) Holding the Line: Controlling Unwanted Moisture in Historic Buildings
- 42) The Maintenance, Repair and Replacement of Historic Cast Stone
- 47) Maintaining the Exterior of Small and Medium Size Historic Buildings

Additional Internet Resources

- National Center for Preservation Technology and Training (NCPTT) Web Site:
<http://ncptt.nps.gov/>
- NCPTT category on historic landscapes:
<http://ncptt.nps.gov/category/historic-landscapes/>
- NCPTT category on cemeteries and monuments:
<http://ncptt.nps.gov/category/training/cemetery-monument-conservation-materials-research/page/2/>

National Park Service, Historic Preservation Training Center, Frederick, MD

- Monument Inspections, Arlington National Cemetery (2010)
- Arlington National Cemetery Metals Survey (2010)

Attachment C

Historic Resources Inventory for Arlington National Cemetery, Arlington, Virginia May 2013

HISTORIC BUILDINGS AND STRUCTURES INVENTORY



Figure 1. Arlington National Cemetery Historic District Map (numbers indicate sections).

Listed, Eligible, and Potentially Eligible Properties for the National Register of Historic Places (NRHP) on Arlington National Cemetery

Listed Properties:

Arlington House (but not on ANC property)

Individually Eligible Properties:

Arlington National Cemetery Historic District
Memorial Amphitheater

Table 1. List of contributing elements to the Arlington National Cemetery Historic District. The definition of the Criteria cited under Status can be found at 36 C.F.R. §60.4. “Contributing NCP” indicates a property contributing under NHRP National Cemeteries Policy, under criterion A, that would otherwise not be considered contributing.

RESOURCE NAME	LOCATION	YEAR BUILT	STATUS
BOUNDARY DEMARCATIONS			
Boundary Markers, Sandstone	Just west of Eisenhower and Custis Walk Extension	Pre-1966	Contributing, Criterion C
Gate, Administration Building	East End of King Drive	1960s	Contributing NCP
Gate, East /Columbia Pike		Post-1966	Contributing NCP
Gate, Ft Myer/Old Post Chapel	Meigs Drive, Sections 1 & 13	1888, 1935	Contributing, Criteria A,C
Gate, Hobson	Sections 18 & 19	1925	Contributing, Criterion C
Gate, McClellan and Wall Section	Sections 33 and 12	ca. 1875	Contributing, Criteria A,C
Gate, Memorial Chapel	Section 17	ca. 1966-2001	Contributing, Criterion A
Gate, Ord-Weitzel (New)	Section 27	Post-1966	Contributing NCP
Gate, Service Complex	Service Complex	Post-1966	Contributing NCP
Gate, South/Clayton	Section 18, Patton Drive and Clayton Drive	1934	Contributing, Criterion C
Gate, Visitors Center		1988	Contributing NCP
Gate, Visitors Center Parking		1988	Contributing NCP
Gate, Wes (Selfridge)t	Farragut Drive, Sections 15 & 17	1888-1893	Contributing, Criterion C
Fencing, Chain Link	South side of Section 53	Post-1966	Contributing NCP
Niche Wall	Section 70	2008	Contributing, Criterion A
Stone Wall, Blue/Gray	South and Southwest Boundaries	1893-1897	Contributing, Criterion C
Stone Wall, Blue/Gray with Iron Fence	Southeast boundaries	Post-1966	Contributing NCP
Stone Wall, Seneca Sandstone	West, northwest, and north boundaries	1879	Contributing, Criterion C
Stone Wall, Seneca Sandstone	Northeast Boundary	Post -1966	Contributing NCP
BUILDINGS AND STRUCTURES			

RESOURCE NAME	LOCATION	YEAR BUILT	STATUS
Administration Building		ca. 1960s	Contributing, Criterion A (Interior – lobby and receiving rooms are contributing)
Columbarium	Section 63	1980 –present	Contributing, Criterion A
Lodge #1 (Superintendent's Lodge)	Section 29	1932	Contributing, Criterion C (Interior NC)
Lodge #1 Gazebo	Section 29	Late 20 th Century	Contributing NCP
Lodge #2	Section 27	1895	Contributing, Criterion C (Interior NC)
Lodge #2 Garage	Section 27	ca. 1935	Contributing NCP, supporting structure
Memorial Amphitheater		1920	Contributing, Criteria A,C
Old Amphitheater	Section 26	1873	Contributing, Criteria A,C
Parking Garage		1987	Non-contributing
Receiving Vault	Section 13	1938	Contributing, Criteria A,C
Service Complex 1	Section 69	ca. 1970-1999	Contributing NCP
Service Complex 2	Section 69	ca. 1970-1999	Contributing NCP
Tourmobile Bus Stop Structure	Section 70	1992	Contributing NCP
Visitors Center		1988	Contributing NCP
Security Office	Section 29	1941	Contributing Criterion C (Interior unknown)
CIRCULATION SYSTEMS			
Crook Walk	Arlington House to Memorial Amphitheater	ca. 1920s	Contributing, Criterion C
Custis Walk	Ord-Weitzel Gate to Arlington House	ca. 1880s	Contributing, Criterion C
Custis Walk Extension	Sections 40, 51, and 27	Late 20 th Century	Contributing NCP
Footbridges, Crook Walk	Sections 2, 37	1920s	Contributing, Criterion C
Parking, Memorial Amphitheater	Wheaton Lot	ca. 1930	Contributing, Criterion C
Parking, Administration Building	Section 54	ca. 1970	Contributing NCP
Road System	West of Eisenhower	ca. 1802-2010	Contributing, Criterion C
Road System	Eisenhower and east of Eisenhower	1966	Contributing NCP
Sidewalks, Concrete/Flagstone	Section 54	ca. 1970	Contributing NCP

RESOURCE NAME	LOCATION	YEAR BUILT	STATUS
Sidewalk, Concrete	Along Meigs Drive	1920s	Contributing, Criterion C
Sidewalk, Concrete	Old Amphitheater to Custis House/Garden	1873	Contributing, Criterion C
Sidewalks, Concrete/Flagstone	Memorial Amphitheater	1920s	Contributing, Criterion C
Stairs, Stone steps	Section 29	1935	Contributing NCP, lack integrity
DRAINAGE FEATURES			
Drainage Ditches and Culverts	West of Eisenhower	ca. 1890s- 1950s	Contributing, Criterion C, if have integrity
Drainage Ditches and Culverts	West of Eisenhower	Post-1966	Contributing NCP
Drainage Ditches and Culverts	East of Eisenhower	Post-1966	Contributing NCP
Red Spring	Section 2, McClellan Dr. Cul-de-sac	ca. 1880	Contributing, Criterion C
MONUMENTS			
Civil War Headstones	Various	1873-1903	Contributing, Criterion A
Confederate Headstones	Section 16, various	1901	Contributing, Criterion A
1903 Government Headstones	Various	1903 – 1922	Contributing, Criterion A
USCT and Freedman Village Residents	Section 27	ca. 1963-1947	Contributing, Criterion A
“Standard” Headstones	Various	1922-present	Contributing, Criterion A
Flat Headstones	Various	ca. 1947 – present	Contributing, Criterion A
Victorian-era Monuments	Various	1880s to 1920s	Contributing, Criterion A
Group Headstones	Various	ca. 1916 – present	Contributing, Criterion A
MEMORIALS			
3 rd Infantry Division Memorial	Section 46	1990	Contributing, Criterion A
Argonne Cross	Section 18	1922	Contributing, Criterion A
Battle of the Bulge Memorial	Section 21	2006	Contributing, Criterion A
Canadian Cross Memorial	Section 46	1927	Contributing, Criterion A
Chaplains Monument	Section 2	1926, 1981, 1989, 2011	Contributing, Criterion A
Civil War Unknown	Section 26	1866	Contributing, Criterion A
Confederate Monument	Section 16	1914	Contributing, Criterion A

RESOURCE NAME	LOCATION	YEAR BUILT	STATUS
Iran Rescue Mission Memorial	Section 46	1983	Contributing, Criterion A
Kennedy Gravesites	Section 5	1964-2009	Contributing, Criterion A
Korean War Veterans Memorial	Section 48	1986	Contributing, Criterion A
Nurses Memorial	Section 21	1938	Contributing, Criterion A
Pan Am Flight 103 Memorial	Section 29	1998	Contributing, Criterion A
Rough Riders Memorial	Section 22	1906	Contributing, Criterion A
Space Shuttle Challenger Memorial	Section 46	1987	Contributing, Criteria A
Space Shuttle Columbia Memorial	Section 46	2003	Contributing, Criterion A
Spanish-American War Memorial	Lawson Drive (between sections 21 & 46)	1902	Contributing, Criterion A
Spanish-American War Nurses Memorial	Section 21	1905	Contributing, Criterion A
Tomb of the Unknowns	Memorial Amphitheater	1921, 1931, 1956, 1984	Contributing, Criterion A
U.S. Coast Guard Monument	Section 4	1928	Contributing, Criterion A
U.S.S. Maine Memorial	Section 24	1915	Contributing, Criterion A
U.S.S. Serpens Monument	Section 34	1949	Contributing, Criterion A
Unknown Dead of 1812	Section 1	1976	Contributing, Criterion A
Living Memorials	Various	Mid-late 20 th century?	Contributing, Criterion A
MEMORIAL GRAVES			
Custis Graves	Section 13	1853, 1857	Contributing, Criteria A,B
Sir John Dill Monument	Section 32	1944	Contributing, Criterion A
Philip Kearny Monument	Special Lot S-8	1914	Contributing, Criterion A
Edward M. Kennedy	Section 5	2009	Contributing, Criterion A
Major Pierre L'Enfant	Section 45	1909-1911	Contributing, Criterion A
Robert Todd Lincoln	Section 31	1926	Contributing, Criterion A
Audie Murphy	Section 46	1971	Contributing, Criterion A
Pentagon Group Burial Marker	Section 64	2002	Contributing, Criterion A
Gen. John Pershing	Section 34	1948	Contributing, Criterion A

RESOURCE NAME	LOCATION	YEAR BUILT	STATUS
Robert Perry	Section 8	1920	Contributing, Criterion A
Mary Randolph	Section 45	1828	Contributing, Criterion A
William H. Taft	Section 30	1930	Contributing, Criterion A
John Wingate Weeks	Section 5	1926	Contributing, Criterion A
SMALL SCALE FEATURES			
Benches, Concrete	Various	Late 20 th Century	Contributing NCP
Benches, Custis Walk Concrete Benches	Custis Walk	Early –Mid 20 th Century	Contributing NCP
Benches, Visitors Center	Visitors Center	1988	Contributing NCP
Benches, Wood Slat and Concrete	Various	Late 20 th Century	Contributing NCP
Benches, Metal	Memorial Amphitheater	Late 20 th Century	Contributing NCP
Bollards, Concrete	Section 29	Late 20 th Century	Contributing NCP
Bollards, Metal	Various	Late 20 th Century	Contributing NCP
Exterior Lighting, Visitors Center	Visitors Center Plazas	Late 20 th Century	Contributing NCP
Fencing, Metal Bollard and Chain	Memorial Amphitheater	Late 20 th Century	Contributing NCP
Fencing, Wooden	Section 29	Late 20 th Century	Non-contributing
Fencing, Wood Post and Metal Chain	JFK Gravesite,	Late 20 th Century	Contributing NCP
Fencing, Wrought Iron around Custis Graves	Section 13	19 th Century	Contributing, Criterion C
Gate, Roosevelt	Entrance	2004	Contributing NCP
Gate, Schley	Entrance	2004	Contributing NCP
Flag Pole	Memorial Amphitheater	Early 20 th Century	Contributing, Criterion C
Flower Receptacles, Concrete	Section 51, various	Late 20 th Century	Contributing NCP
Signs, Informational	Various	Late 20 th Century	Contributing NCP
Signs, Sections	Various	Mid-Late 20 th Century	Contributing NCP,
Signs, Street	Various	Late 20 th Century	Contributing NCP
Signs, Traffic	Various	Late 20 th Century	Non-contributing
Stonework, Retaining Walls	Grant Drive along Section 3	Late 20 th Century	Contributing NCP

RESOURCE NAME	LOCATION	YEAR BUILT	STATUS
Stonework, Tree Wells	Section 46	Late 20 th Century	Contributing NCP
Trash Receptacles, Concrete	Various	Various	Non-contributing
Trash Receptacles, Metal	Various	Late 20 th Century	Non-contributing
Water Spigots	Various	Mid-Late 20 th Century	Non-contributing
Water Fountains	Memorial Amphitheater, Red Spring, Various	Late 20 th Century	Contributing NCP
VEGETATION			
Vegetation	Picturesque planting pattern of trees west of Eisenhower	Current	Contributing, Criterion C
Forest	Forest in Section 29 on ANC and NPS Property	Pre-19 th Century – Present	Contributing to Arlington House, Criteria A and C

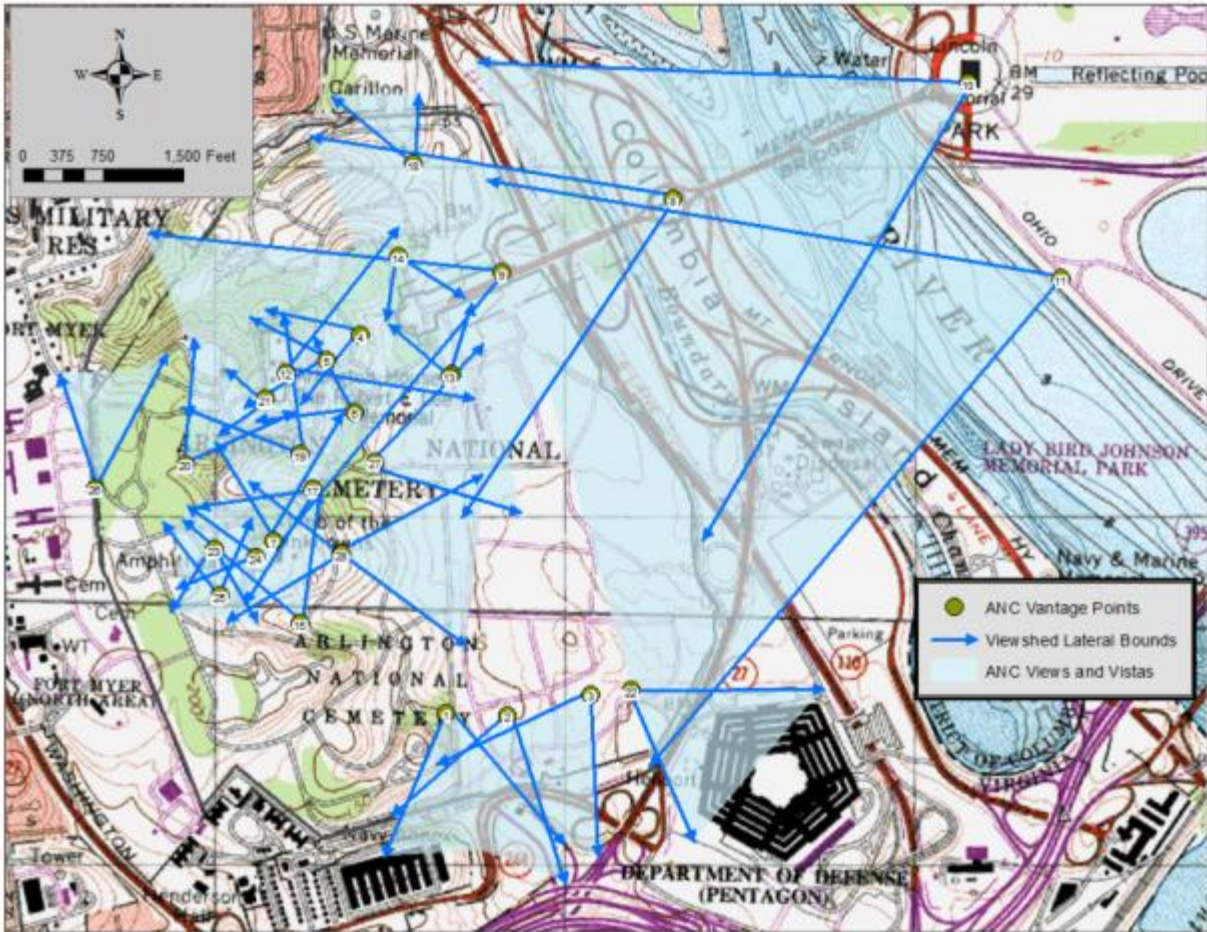


Figure 2. Arlington National Cemetery Views and Vistas.

VIEWS AND VISTAS			
(1, 2, 3) View of Air Force Memorial	Section 8, 66, 67, Various	2006	Contributing, Criterion A for military association
(4, 5, 6) View of Arlington House from Kennedy Memorial	Section 5	1967	Contributing, Criterion C
(7) View to Arlington House down Crook Walk from Memorial Amphitheater	Section 48	1920s	Contributing, Criterion C
View of Arlington National Cemetery from Lincoln Memorial (10), Memorial Bridge (8), and Memorial Drive (9)	Washington, D.C.	1920s	Contributing, Criteria A,C

(11)View of Arlington National Cemetery from Washington, D.C. Potomac Shoreline (between 14 th Street Bridge and Memorial Bridge)	Washington, D.C.	1864	Contributing, Criteria A,C
(26)View Towards Fort Myer Gate and Chapel	Section 8, various	1930s	Contributing, Criteria A,C
(12)View of Lincoln Memorial from Arlington House, Kennedy Gravesite	Section 45	1920s	Contributing, Criteria A,C
(13, 14) View to Main Gates	Section 53; Section 36	1920s	Contributing, Criterion C
(15, 17, 28) View to Memorial Amphitheater	Section 13, 22, 23, 24, 46, various*	1920s	Contributing, Criteria A,C
(18)View to Netherlands Carillon	Section 43, 41, 38	1954	Contributing, Criterion A for WWII association
(19, 20,21) View of Old Amphitheater	Sections 1, 2; Civil War Unknowns Monument	Late 19 th Century	Contributing, Criterion C
(22) View of the Pentagon from Pentagon Memorial	Sections 62, 70, various*	2002	Contributing, Criterion C
(23) View to Spanish-American War Memorial from U.S.S. Maine Memorial	Section 24	1915	Contributing, Criteria A,C
(24) View to U.S.S. Maine Memorial from Memorial Amphitheater	Section 46	1920s	Contributing, Criteria A,C
(25) View to U.S.S. Maine Memorial from Spanish-American War Memorial	Section 22	1915	Contributing, Criteria A,C
(12, 27, 28) Views of Washington Monument	Various*	Late 19 th Century	Contributing, Criterion C

*Various, with regard to views and vistas means views of the resource are widespread, but not ubiquitous within ANC, and too numerous to list, other than a few exceptional views.

Properties Owned by the National Park Service on Arlington National Cemetery and Contribute to the Arlington National Cemetery Historic District

Arlington House and associated ground and landscape

Old Administration Building

Ranger Station

Memorial Bridge

Memorial Drive

Arlington Hemicycle and Women in Military Service Association Memorial

Attachment D

Archaeological Resources and Areas of Archaeological Potential Arlington National Cemetery

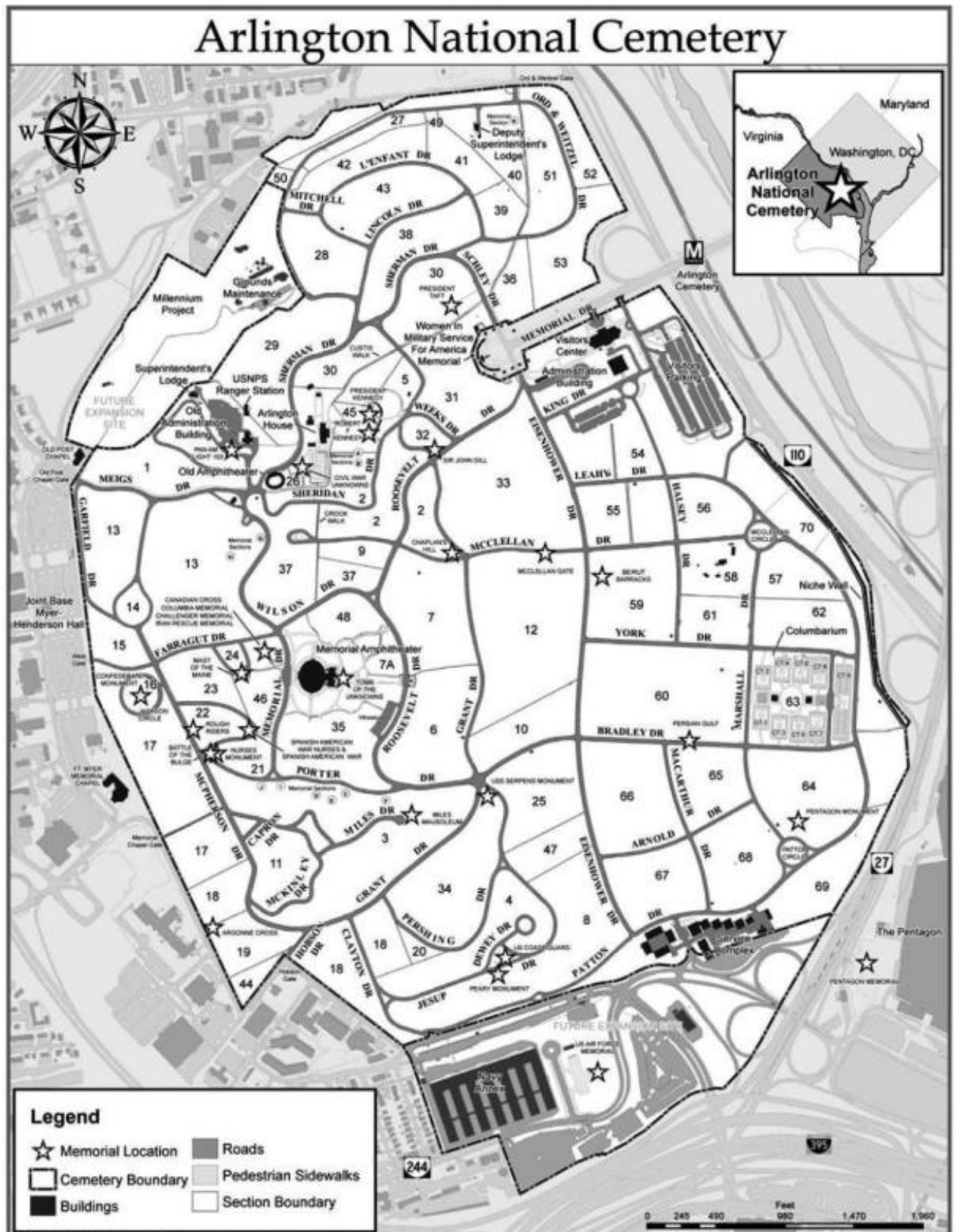
John H. Haynes, RPA
U.S. Army Corps of Engineers
Norfolk District
27 March 2013

I. Application of National Register of Historic Places Criteria

Archaeological sites are primarily considered eligible under Criterion D, but rare cases may also be considered eligible under Criteria A, B, and C as well. Criterion D refers to properties which “have yielded, or may be likely to yield, information important in prehistory or history.” (36 C.F.R. § 60.2(d)) While structures, buildings, landscapes, and monuments in themselves are information, Criterion D is usually cited only for archaeological resources which are not a visible part of the built environment. Criterion D is with few exceptions the sole National Register of Historic Places (NRHP) criteria cited for archaeological sites which are found to be NRHP eligible.

The landscapes, buildings, structures, and monuments of Arlington National Cemetery (ANC) contribute to the NRHP eligible Arlington National Cemetery Historic District under Criteria A or C. Neither they nor the burials are considered individually significant for archaeological data potential under Criterion D, and are not the potential subject of archaeological research. While the built environment at ANC, types of burial monuments expressing changes in mortuary art in various periods for example, represents an information resource it is in relation to Criterion C relating to representative types, or A representing patterns of history, rather than Criterion D.

The Advisory Council on Historic Preservation (ACHP) has published policy regarding human remains, and well as guidance on archaeology with sections on human burials. In their “Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects” (ACHP 2007), they set forth eight principles to be followed if human burials are encountered during a Section 106 review. These are, briefly: 1) treat the remains with dignity and respect; 2) thorough consultation (with descendants); 3) utilize the special expertise of Native tribes and organizations if the burials are Native American or Hawaiian; 4) burials should be left undisturbed if it is at all feasible; 5) if remains must be disinterred they should be treated with care and respect; 6) federal agencies making decisions regarding impacts and avoidance of burials must comply with applicable laws; 7) federal agencies should develop plans for the treatment of burials inadvertently discovered; and 8) if procedures are not legally prescribed, federal agencies should proceed to consult with lineal descendants, and if none with descendant communities. In no part of the policy statement is the significance of burial sites, human remains, or funerary objects under Criterion D mentioned. Similarly, in their Guidance on Archaeology (ACHP 2009) they state: “Human remains, associated funerary objects, and the sites where they are found possess values beyond their importance as sources of information about the past.”



Therefore burial sites, human remains, and funerary objects at ANC are not considered contributing to the Arlington National Cemetery Historic District under Criterion D. National Register Bulletin #41, “Guidelines for Evaluating Cemeteries and Burial Places” (Potter and Boland 1992: 14) in discussing the applicability of Criterion D to cemeteries asserts that “Burial places may be eligible for their potential to yield information about cultural and ethnic groups.” While this is not applicable to the ANC burials, or the Custis Family Cemetery, it could pertain to pre-1864 burials of Native Americans or African-Americans which may be inadvertently discovered during burials or construction related activity. In particular, there may be unmarked slave burials in Section 27, known to be the site of the slave cemetery for Arlington Farm. If pre-1864 burials are discovered inadvertently, their inherent cultural value must be weighed against their information value on an individual basis, within the pertinent historic context

II. Inventory of Known Archaeological Sites

<u>Site #</u>	<u>Cultural Components</u>	<u>NHPA Section 110 Status</u>
44AR0047 (Locus 1)	prehistoric-unidentified	Determined not eligible
44AR0048 (Locus 2)	prehistoric-unidentified	Determined not eligible
44AR0049 (Locus 3)	prehistoric-unidentified	Determined not eligible
44AR0043	prehistoric-unidentified	Determined not eligible
44AR0046	Historic 20 th c. 1 st half building remains – probably World War II temporary building, Ft. Myer	Determined not eligible
44AR0050	Late 19 th to Mid 20 th centuries, diffuse scatter of building materials and in-situ brick pavement	Further work necessary to determine eligibility (project redesign avoided effects to this site)

Table 1: Inventory of Known Archaeological Sites

Known and undiscovered archaeological sites at ANC may be NRHP eligible individually, but no known archaeological sites contribute to the Arlington National Cemetery Historic District. These prior to 2012 there were three archaeological sites recorded on ANC property: 44AR0032, 44AR0043, and 44AR0046, and one on National Park Service (NPS) property, 44AR0017. Site 44AR0032 was recorded as the entirety of Section 29, within which there are six ‘loci,’ five of which are prehistoric, and one historic, related to Arlington House during the Custis-Lee occupancy. The latter, which is on NPS property, was determined eligible in 1999, contributing to Arlington House. Also contributing to Arlington House is 44AR0017, consisting of archaeological remains

immediately adjacent to the house. The three prehistoric loci of 44AR0032 on ANC property have been re-designated as separate sites, and evaluated as not NRHP eligible. Site 44AR0043 is a transient prehistoric quarry/reduction site, which was determined not NRHP eligible in 2010. Further work to determine NRHP eligibility shall be undertaken at 44AR0046, consisting of the remains of a 20th century building associated with Ft. Myer. Stormwater management facilities for the Chaffee Place (National Park Service) parking lot prompted a shovel testing survey in that area. A diffuse scatter of building materials was identified, and one test through the parking lot pavement found an in-situ brick pavement. Testing was not sufficient to determine what this feature was a part of: the floor of a building, a walkway, or a drain. The site was designated 44AR0050, and further work will be necessary for a determination of eligibility.

III. Evaluation of Archaeological Potential for Unrecorded Sites

Undocumented, significant archaeological resources may exist within the boundaries of ANC, but it is probable that the effects of past land use have undermined their integrity. The ridges south of Arlington House to the southern boundary of ANC are potential locations of Native American camps and transient hunting and quarrying sites. Sections 3, 13, 21, and 34 are

favorable topographic settings. Developments such as the Memorial Amphitheater, roads, and gravesites make it very unlikely that such sites would have integrity even if they were occupations substantial enough to be considered NRHP eligible under Criterion D, but if so would be eligible as individual properties, not contributing properties to the ANC Historic District.

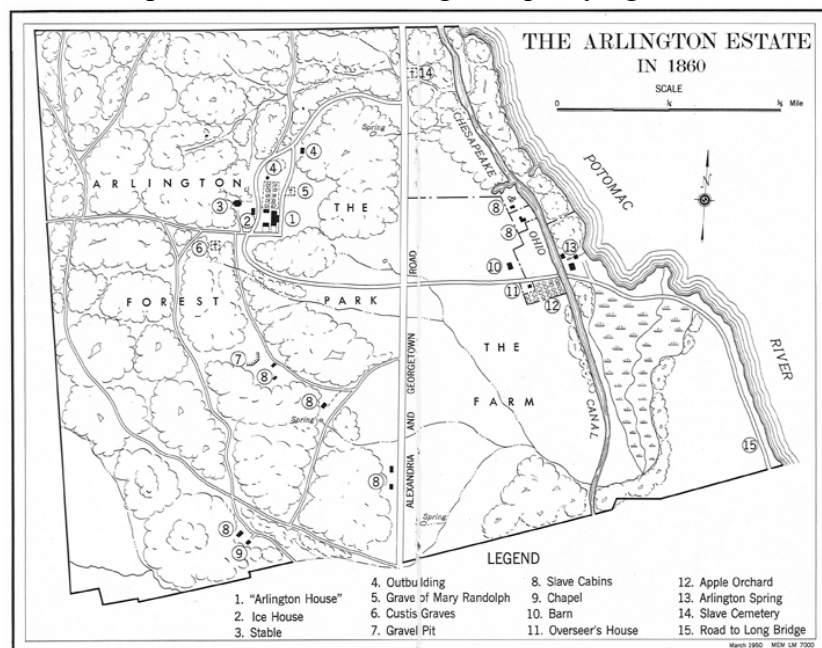


Figure 2 - Composite Map of Antebellum Arlington Estate (Nelligan 1962)

Most of the colonial and antebellum Arlington Farm development on ANC property is either preserved at Arlington House and NPS property adjacent to it, or destroyed by development. The main complex of the farm operations, consisting of the overseer's quarters, barn, and slave cabins has been destroyed by development. It was in the general vicinity of a Washington Metropolitan Area Transit Authority station (Arlington

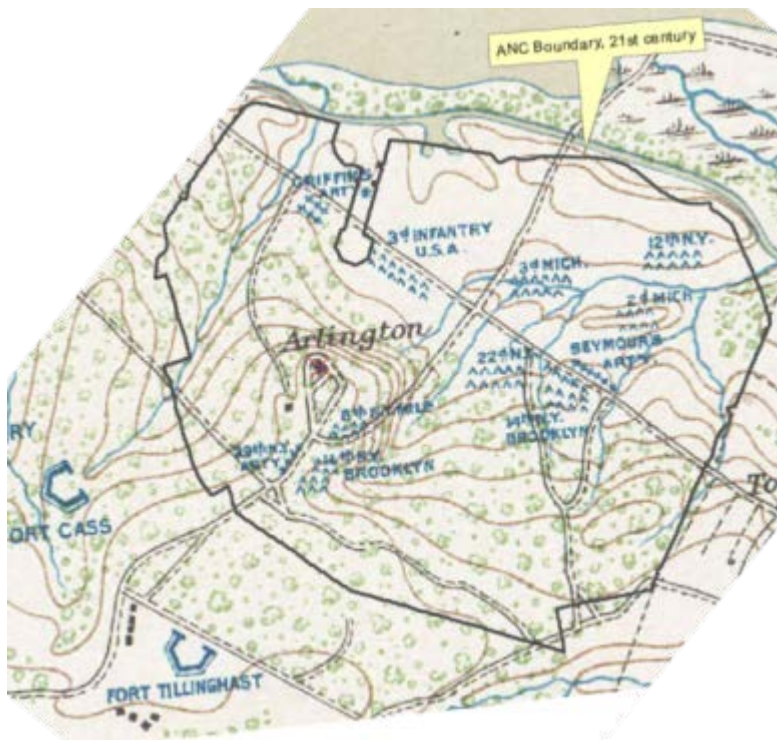


Figure 3 - Military Positions at Arlington, ca. September 1861 (US War Department 1895: Plate 6)

Cemetery Metro station). A few of the slave cabins from this period, and a chapel were in Sections 3 and 8. No archaeological evidence of these has been reported.

There were numerous Union Army camps at the Arlington Estate during the Civil War, and Arlington House served as headquarters for first the Army of the Potomac, and then for the defenses of Washington, south. The 8th New York Infantry was encamped immediately adjacent to Arlington House from June through October of 1861. The Atlas for the Official Records of the War of the Rebellion shows this along with nine other regimental camps at ANC

(Figure 3). Interestingly, the map, compiled long after the war does not show Fort Whipple, built in 1863 on what became is now Fort Myer, or Fort McPherson started in 1865 but never completed or occupied by troops. The latter stood until the 1940's when it was leveled and converted to a burial area, now Section 11. In addition to these, records show a regiment of Veteran's Reserve Corps was ordered to take a position near the Freedman's Village in 1865. No archaeological finds from these camps are on record.



Figure 4 - Detailed 1888 Map of Arlington Estate Showing Freedmen's Village and Homesteads (National Archives 1888)

Drives. Georeferencing of a very detailed map of the Arlington Estate in 1888 (Figure 4) shows the location of each building and the families occupying them, and reveals that contemporary Jessup Drive retains the route of the village's main street (Figure 5).

The Freedman's Village was initially established during the Civil War along the Alexandria and Georgetown Road, and then expanded in a new complex of buildings after the war. The early Freedman's Village was in Section 8, while the later and much larger development was in Sections 3, 4, 8, and 18. In addition, there were a number of farmsteads of freedmen on small plots south of the original boundary of ANC along McClellan and Wilson

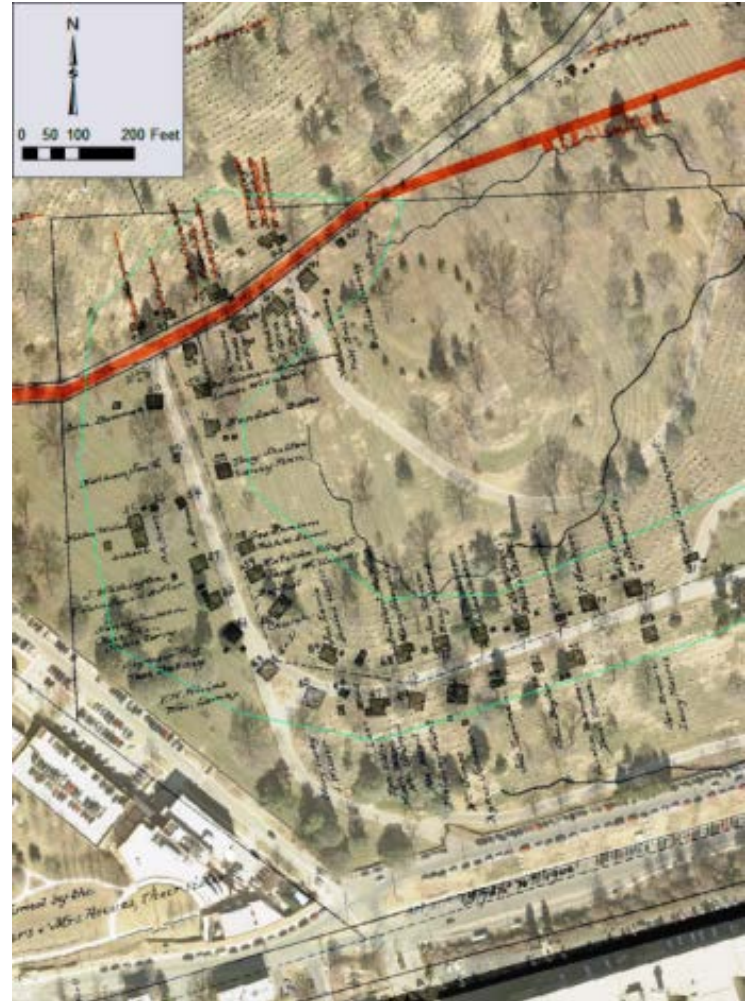


Figure 5 - Transparency of 1888 Map Georeferenced in ArcMap Showing Continuity of Street Pattern

South Post Ft. Myer Visible in Georeferenced 1949 Aerial
"Govt. Building Complex" is an attribute of ANC Map Projections



Figure 7 South Post Ft. Myer 1949



Figure 8 – Burial Space Usage at ANC 2012 (green areas represent areas without current burials and include areas both available and unavailable for burials, e.g., storm sewers and other utility areas)

Intact archaeological remains of those which were east of Eisenhower Drive are very unlikely, as that area saw two rounds of development, first as the Department of Agriculture Experimental Farm (Figure 6), and later as South Post Fort Myer (Figure 7) before being cleared and graded for use by ANC.

With the exception of Section 29, and the Ft. Myer annex adjacent to it, no archaeological surveys have been conducted at ANC. If surveys were undertaken, and sufficient intact remains of the Freedman's Village identified among the graves, it would most likely be evaluated under Criterion D as an individual property, rather than a contributing property of the ANC Historic District. Although coeval with the early history of ANC, the Freedman's Village has historical significance in its own right. Archaeological surveys have been limited to the Millennium Project area (a portion of former ANC Section 29 and land annexed from Ft. Myer), and monitoring of utility replacement along Eisenhower Drive.

Areas identified as having archaeological potential include prehistoric, Civil War era, and reconstruction (Freedman's Village and homesteads). These have been mapped on the following map (Figure 9), and briefly described in Table 2 below. The recorded sites in Table 1 above have not been included on the map.

<u>Era</u>	<u>Data Source</u>	<u>Accuracy</u>
Prehistory	Inference site predictive location attributes: slope, landform, distance to water, soil permeability	Low, based on modeling only
Colonial and Antebellum*	Composite map based on historic maps and documents	Moderate
Civil War	Atlas to Accompany Official Records	Moderately high
Reconstruction	1888 Map of Arlington Estate	High
20 th Century**	1949 Aerial, 2011 Satellite Image	High

Table 2: Areas with Archaeological Potential on ANC

* Sites associated with this period lie within NPS property, off of ANC and are not mapped

** 20th century developments, i.e., South Post Ft. Myer (now Joint Base Myer-Henderson Hall) and contemporary ANC structures are included in the ground disturbance layer.

IV. Past Ground Disturbance and Surviving Archaeological Potential

The probable location of archaeological resources based on direct historical information, or inference based on the correlation of known sites in similar settings for prehistoric sites, must be filtered through past ground disturbances to arrive at an estimation of archaeological potential. These factors are shown in the composite map of archaeological sites, surveys, potential, and ground disturbance in Figure 9. Because of its upland

setting, generally lacking in geologically recent (Holocene) accumulated sediments, archaeological deposits would generally be found in the upper foot of soil, with the exception of intrusive cultural features (e.g., storage pits, root cellars, privies, wells, and basements), or where material fill has been placed. Past ground disturbance generally falls into three categories at ANC: 1) the pre-1966 portion of the cemetery, 2) the addition made in 1966 when the former South Post of Fort Myer was annexed, and 3) the Millennium Area.

1) Pre-1966 Area

The pre-1966 is termed to have ‘moderate’ disturbance. This should not be considered ‘moderate’ in comparison with the region as a whole, but within the context of ANC. Past land use includes, firstly, hundreds of thousands of burials. Figure 8 shows the extent of available plots at ANC, primarily located in the former South Post area. While there are scattered available plots in the older sections of the cemetery, an available plot does not necessarily mean a lack of prior interment, as in some cases burials have been relocated and the plots made available again. Other past disturbances are primarily related to extant structure and infrastructure in that part of the cemetery. This includes buildings, such as Memorial Amphitheatre, drainage culverts, buried utilities, and roads. Most areas do not appear to have had significant landform modifications in the development of the cemetery, with the exception of drainage areas, especially in ANC Sections 38 and 43 based on the 1949 aerial photo (Figure 7).

Given the intensity of use in these areas, any archaeological sites would probably be about 75% or more destroyed. The depth of burials makes it likely that deeper features, e.g., privies and root cellars, would generally have been destroyed as well. Given little disturbance, other than the above mentioned, in spaces between graves and the few scattered unused plots, along with the presence of known significant occupations – the Freedmen’s settlements and Civil War camps – there is a moderate potential for surviving, significant archaeological sites. There has been some speculation that there might be unmarked burials in Section 27 dating to the antebellum period. This was the site of the slave cemetery for the enslaved population of the Arlington Estate during the Custis-Lee residency. During the Civil War it received burials from the Freedmen’s community, and then in 1864 the first military burials. A Photograph from 1864 shows this area. The graves were marked at that time with wooden markers, later replaced with stone, but they appear to be more closely spaced than the subsequent stone markers. So, unmarked graves in Section 27 would seem to be a possibility.

2) Post-1966 East of Eisenhower Drive Area (former South Post)

In 1966 the South Post of Fort Myer (now Joint Base Myer-Henderson Hall), built as military housing for unaccompanied personnel in World War II, was planned to be converted to an expansion area for ANC, although the demolition of South Post would take nearly a decade as the Department of the Army slowly relocated personnel. Prior to the development of the South Post in the early 1940’s the area had been the site of the Department of Agriculture Arlington Experimental Farm during the early 20th century.

As early as 1921, twenty years before construction of the South Post, the parcel had been identified as a potential expansion area for the cemetery. The Experimental Farm consisted of not only fields but a number of large greenhouses and laboratories (Figure 6) these were demolished to make way for the streets, barracks, dining halls, and utilities of the South Post complex (Figure 7). Finally, between 1966 and 1975 the South Post was leveled and finally converted to burial areas. Along with a redesigned road system, and reconfigured utilities, the cemetery development has included construction of the Administration Building, parking garage, Visitor's Center, maintenance complex, and Columbaria.

The sum of these three episodes of construction, and two of demolition in the areas east of Eisenhower Drive makes the survival of intact, in-situ archaeological sites very unlikely. Ground disturbance to depths of artifact distribution, probably limited to 1.5 feet maximum depth, have taken place across the entire area. Given the topography, grading or 'cut' is more likely than any fill areas. Outside the cemetery there was clearly a good deal of fill in the early 20th century, when the Georgetown-Alexandria canal was filled in, but no indications that this would be the case within the cemetery. If there are remaining archaeological resources they would be deeply intrusive historic period features, such as wells and privies dating to the 19th century, associated with Freedman's homesteads and dwellings from the Custis-Lee period of the Arlington estate. Such features, if intact would still be absent of the context of the dwelling complexes with which they were associated. Archaeological deposits related to Native American and Civil War sites would generally be too shallow to have remained intact in this part of ANC. Artifacts from these periods may be present, but they would be removed from their archaeological contexts. Thus while the east-of-Eisenhower portion of ANC has the only unfilled burial sections left in the cemetery, the archaeological potential is low.

3) Millennium Area

The Millennium Area is the only portion of ANC to have had archaeological survey. Phase I survey was completed over the entire area, with much of the former NPS area tested with additional 1x1 meter units usually employed in Phase II. The Fort Myer tract was partially surveyed in 1991, and a site found there, 44AR0043, tested at the Phase II level in 2010, and found to be not eligible. The south portion of the Fort Myer annex was surveyed in 2012 and a historic period component was identified and recorded as 44AR0046. Further testing (Phase II) of that site was conducted in September 2012. Finds were identified as the remains of a 20th century temporary military building. Evaluations resulted in recommendations that the site is not eligible for the NRHP (Carmody and Blondino 2012). Surveys were conducted in the Section 29 area prior to transfer of about half of that area from the National Park Service back to ANC. Six loci of artifacts, five prehistoric and one historic, were described for that area. The entire property was subsequently recorded as a single site, 44AR0032. Review of these findings in 2012 has resulted in three of these loci, separated by deep cut water courses, being recorded as separate sites. Loci 1, 2, and 3 of 44AR0032 are now 44AR0047, 44AR0048, and 44AR0049, respectively. The other three being contiguous loci (Loci 4, 5, and 6) continue to have the same site number, 44AR0032. These latter are within the portion of

Section 29 retained by the NPS. The 44AR0047, 48, and 49 have been determined not NRHP eligible.

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Figure 9 - Archaeological Sites and Potential at ANC

V. Planning and Operations Considerations for Potential Archaeological Resources

Previous and current land use has mostly destroyed the integrity of what archaeological sites there may have been at ANC. Although the forgoing analysis concludes that completely intact archaeological sites are unlikely to exist outside of the Millennium Area, some site components may have survived cemetery development and burials. This potential lies in the pre-1966 portions of ANC where there are unused burial plots, in between burial plots, or along roads where there have not been burials or buried utilities. Utility or other construction in such undisturbed areas should be preceded by a Phase I archaeological survey, as defined in the Virginia Department of Historic Resources' *Guidelines for Cultural Resource Surveys in Virginia*. If feasible, archaeological monitoring of grave excavation in unused plots in the pre-1966 area would be recommended. GIS files of map projections of areas archaeological potential shall be made available to ANC staff.

As noted previously deeply intrusive historic period features are most likely to be a surviving and significant resource type. Remote sensing survey is an effective and non-invasive archaeological technique for identifying these types of features. In particular, ground penetrating radar (GPR) should be well suited to finding such features at ANC. GPR works best where the surface geology, as at ANC, is composed of sandy sediments, and the ground is even and lacks coarse vegetation. A remote sensing expert may elect to employ other technologies to augment this, such as magnetometer and electrical resistivity. Areas recommended for remote sensing survey:

- Areas of the post-1966 yet to be used for burials: focus on areas indicated as the locations of Freedmen's homesteads from the 1888 map.
- Areas of the pre-1966 area: focus on areas without ANC burials within areas of high potential as indicated in this report.
- Section 27: Areas other than marked graves for potential unmarked graves.

VI. References

ACHP

2009 Section 106 Archaeology Guidance. Advisory Council on Historic Preservation, Washington, D.C.

2007 Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects. Advisory Council on Historic Preservation, Washington, D.C.

National Archives and Records Administration

1888 Map of the Arlington Estate. NARA I. Record Group 92. Box 50.

Nelligan, Murray H.

1962 *Custis-Lee Mansion: The Robert E. Lee Memorial*. National Park Service Historical Handbook Series No. 6. Washington, D.C.

Potter, Elisabeth W. and Beth Boland

1992 Guidelines for Evaluating and Registering Cemeteries and Burial Places. U.S. Department of the Interior, National Park Service, Interagency Resources Division, National Register of Historic Places, Washington, D.C.

U.S. War Department

1895 *Atlas to Accompany the Official Records of the Union and Confederate Armies.* Government Printing Office, Washington D.C.

ATTACHMENT E

Contributing Resources to the Arlington National Cemetery Historic District Exempted from Review

The following are resources which contribute to the Arlington National Cemetery Historic District due solely to criteria in “National Register Eligibility of National Cemeteries – A Clarification of Policy – A Clarification of Policy” (NRHP 2011) and if such resources are directly or indirectly affected, or are the only resources directly or indirectly affected by an undertaking, then that undertaking does not require further review under this Agreement. Properties contributing solely due to the NRHP National Cemeteries policy are listed below.

RESOURCE NAME	LOCATION	YEAR BUILT
Boundary Demarcations		
Gate, Administration Building	East End of King Drive	1960s
Gate, East /Columbia Pike		Post-1966
Gate, Ord-Weitzel (New)	Section 27	Post-1966
Gate, Service Complex	Service Complex	Post-1966
Gate, Visitors Center		1988
Gate, Visitors Center Parking		1988
Fencing, Chain Link	South side of Section 53	Post-1966
Stone Wall, Blue/Gray with Iron Fence	Southeast boundaries	Post-1966
Stone Wall, Seneca Sandstone	Northeast Boundary	Post -1966
Lodge #1 Gazebo	Section 29	Late 20th Century
Lodge #2 Garage	Section 27	ca. 1935
Old Warehouse Complex Buildings	Section 29	ca. 1950s
Parking Garage		1987
Service Complex 1	Section 69	ca. 1970-1999
Service Complex 2	Section 69	ca. 1970-1999
Tourmobile Bus Stop Structure	Section 70	1992
Visitors Center		1988
Custis Walk Extension	Sections 40, 51, and 27	Late 20th Century
Footbridges, North and South	Section 29	1935
Parking, Administration Building	Section 54	ca. 1970

RESOURCE NAME	LOCATION	YEAR BUILT
Road System	Eisenhower and east of Eisenhower	1966
Sidewalks, Concrete/Flagstone	Section 54	ca. 1970
Stairs, Stone steps	Section 29	1935
Drainage Ditches and Culverts	Section 29	1935
Drainage Ditches and Culverts	West of Eisenhower	Post-1966
Drainage Ditches and Culverts	East of Eisenhower	Post-1966
Benches, Concrete	Various	Late 20th Century
Benches, Visitors Center	Visitors Center	1988
Benches, Wood Slat and Concrete	Various	Late 20th Century
Benches, Metal	Memorial Amphitheater	Late 20th Century
Bollards, Concrete	Section 29	Late 20th Century
Bollards, Metal	Various	Late 20th Century
Exterior Lighting, Visitors Center	Visitors Center Plazas	Late 20th Century
Fencing, Metal Bollard and Chain	Memorial Amphitheater	Late 20th Century
Fencing, Wooden	Section 29	Late 20th Century
Fencing, Wood Post and Metal Chain	JFK Gravesite,	Late 20th Century
Gate, Roosevelt	Entrance	2004
Gate, Schley	Entrance	2004
Flower Receptacles, Concrete	Section 51, various	Late 20th Century
Signs, Informational	Various	Late 20th Century
Signs, Sections	Various	Mid-Late 20 th Century
Signs, Street	Various	Late 20th Century
Signs, Traffic	Various	Late 20th Century
Stonework, Retaining Walls	Grant Drive along Section 3	Late 20th Century
Stonework, Tree Wells	Section 46	Late 20th Century
Trash Receptacles, Concrete	Various	Various

RESOURCE NAME	LOCATION	YEAR BUILT
Trash Receptacles, Metal	Various	Late 20th Century
Water Spigots	Various	Mid-Late 20th Century
Water Fountains	Memorial Amphitheater, Red Spring, Various	Late 20th Century



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

February 9, 2023

Julie Langan
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

ATTN: Marc E. Holma
Senior, Project Review Architectural Historian
Review & Compliance Division

Dear Ms. Langan:

Army National Military Cemeteries (ANMC) would like to take this opportunity to formally initiate the consultation process with the Virginia Department of Historic Resources 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 proposes the removal of the bronze elements of the Confederate Memorial, which currently sit on a granite base in the center of Section 16. The proposed project is considered a federal undertaking with the potential to cause adverse effects on historic properties pursuant to 36 C.F.R. 800.3(a).

In a memorandum dated 6 October 2022, the Secretary of Defense directed several DoD Components, including Arlington National Cemetery, to implement the recommendations of 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). The Naming Commission was established pursuant to Section 370 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. This undertaking is a direct result of the Secretary of Defense's directive.

As a result, 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, which will shape the disposition of the site and the form of the interpretation. ANMC will solicit input from consulting parties and the public regarding the proposed removal of the Confederate Memorial bronze elements at Arlington National Cemetery (ANC) which will also inform

the final disposition location of the Memorial. The proposed project is considered a federal undertaking with the potential to cause adverse effects on historic properties pursuant to 36 CFR 800.3(a).

The following files are being transmitted via DoD SAFE:

1. Section 106 Initiation Document: Project Description, Identification of Consulting Parties, Identification of Historic Properties, & Area of Potential Effects
2. Virginia Cultural Resource Information System (VCRIS) Intensive Survey (Evaluation/Phase II survey) for the Confederate Memorial (DHR ID #000-1235) – concurrent with online VCRIS submission
3. Digital images
4. Site plans

Hardcopies of these documents are being mailed concurrently to the DHR.

Note that ANMC is developing a Phase II Intensive-Level Survey report for the Confederate Memorial, in support of the VCRIS survey. This will be complete no later than February 28, 2023. This will also be transmitted digitally and in hardcopy format.

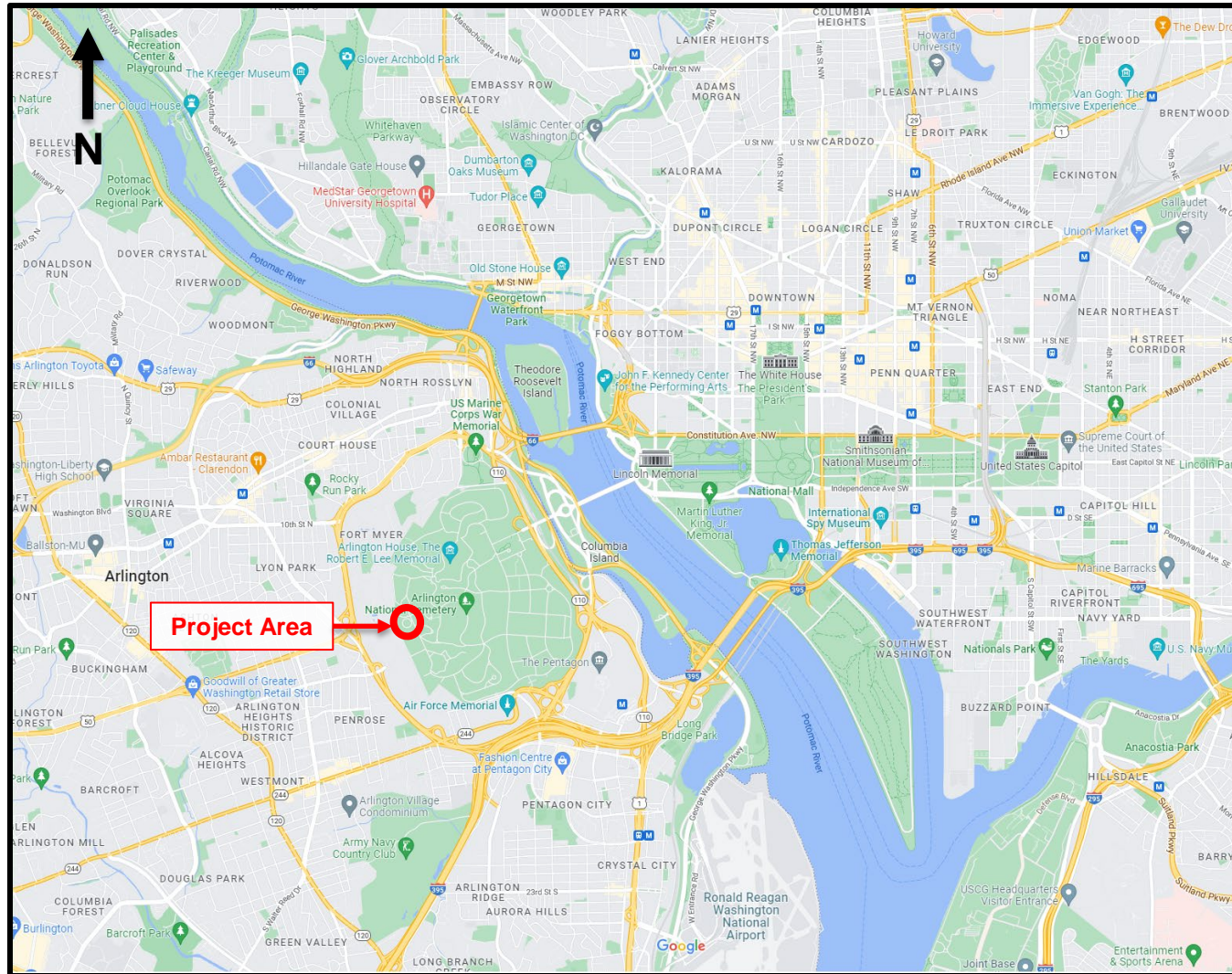
By way of this submission, ANMC is requesting that the DHR:

1. Assign a project review number to project
2. Respond to ANMC's request for review of finding of effect on historic properties
3. Respond to ANMC's request for review of determination of eligibility

Army National Military Cemeteries looks forward to beginning the Section 106 consultation process with our agency partners, consulting parties, and the public. Should there be any questions, please contact Caitlin Smith, ANMC Cultural Resources Program Manager, usarmy.pentagon.hqda-anc-osa.mbx.cultural-resources@army.mil. Thank you for your support.

Sincerely,

Karen Durham-Aguilera
Executive Director

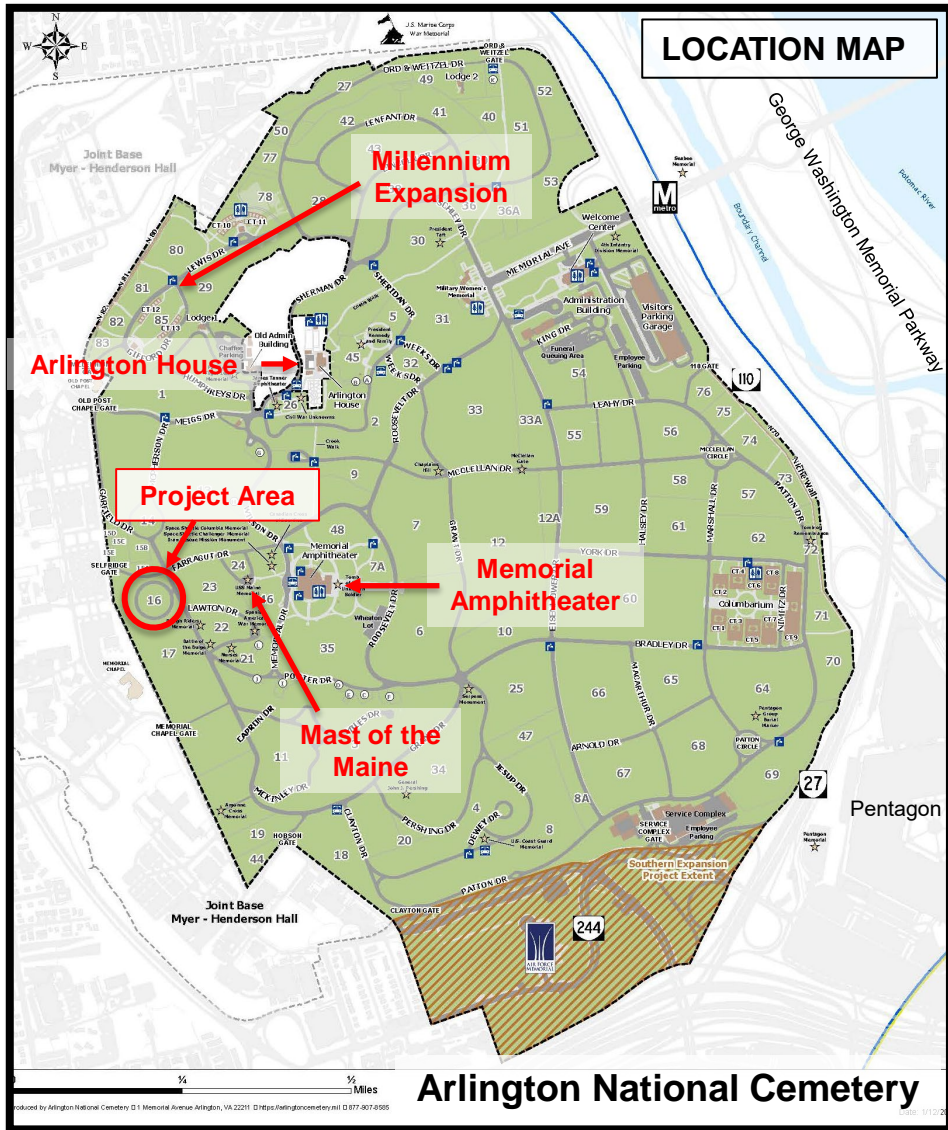


CONFEDERATE MEMORIAL REMOVAL Army National Military Cemeteries Arlington National Cemetery Arlington, Virginia

INITIATION OF THE SECTION 106 PROCESS:
PROJECT DESCRIPTION, IDENTIFICATION OF
CONSULTING PARTIES, IDENTIFICATION OF
HISTORIC PROPERTIES, AND AREA OF
POTENTIAL EFFECTS

February 9, 2023

LOCATION MAP & PROJECT DESCRIPTION



PROJECT DESCRIPTION

Army National Military Cemeteries (ANMC) proposes the removal of the bronze elements of the Confederate Memorial, which currently sit on a granite base in the center of Section 16. The proposed project is considered a federal undertaking with the potential to cause adverse effects on historic properties pursuant to 36 CFR 800.3(a).

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As a result, 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, which will shape the disposition of the site and the form of the interpretation. ANMC will solicit input from consulting parties and the public regarding the proposed removal, which will also inform the final disposition location of the Memorial.

From the Naming Commission "Final Report to Congress, Part III: Remaining Department of Defense Assets," page 16, published September 2022:

"The Department of the Army conducted a study to explore alternatives ranging from leaving the memorial in place and providing contextualization (using signage and other media to provide educational opportunities for visitors) to removal. The term removal includes:

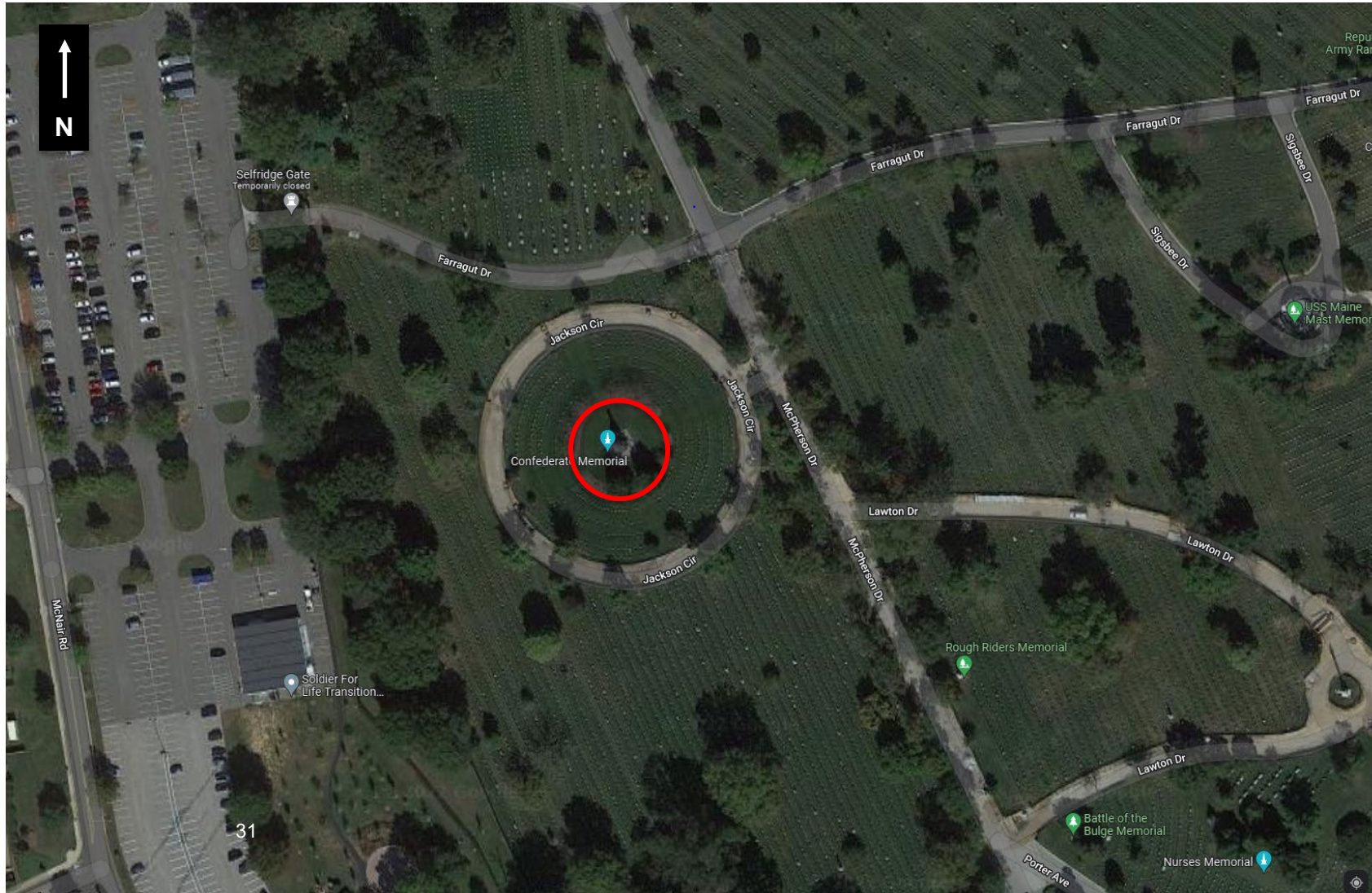
- deconstructing, tagging and storing bronze and granite elements*
- deconstructing, tagging and storing bronze elements and demolishing granite elements*
- deconstructing, tagging and storing bronze elements while leaving the granite elements in place*
- demolishing the bronze elements while leaving the granite elements in place*
- demolishing and recycling all components of the memorial*
- possibly shrouding the bronze elements"*

The Commissioners discussed at length if the proposed measures eliminated the items at issue and any disturbance to adjacent graves (there is not as the ANC has previously done work in the cemetery; in this case, the robust mitigation measures to avoid disturbing adjacent grave sites would include placing steel decking over the graves). In the case of this monument, the Commissioners assessed that contextualization was not an appropriate option.

"After a review of options from the Department of the Army study, the Commission recommends:

- 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 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 their planning."*

PROJECT NARRATIVE



In 2022, before the proposed project begins, the Historic American Buildings Survey (HABS) will complete archival documentation of the Confederate Memorial for submission into the Library of Congress (LoC).

During deconstruction, ground disturbance will be minimal. ANMC proposes leaving the granite pedestal in place, and not performing any ground disturbing activities, as the memorial is in the center of burial Section 16.

While the work occurs, the surrounding landscape, graves, and headstones will be protected. Staging will occur on the circular drive that surrounds the memorial. During the deconstruction, scaffolding will be erected around the memorial and covered with screening, to protect the surrounding landscape and grave markers and to ensure the safety of visitors in/around the vicinity of the deconstruction.

Upon completion, the memorial will be prepared for transport to a storage facility, the site and landscaping will be restored. ANMC will develop interpretation for the site with input from consulting parties and the public.

Satellite View of Project Area.
Proposed project location in **RED**.

INITIATION OF THE SECTION 106 PROCESS



Per 36 CFR § 800.3, Army National Military Cemeteries (ANMC) initiates the section 106 process for the following proposed undertaking: the removal from ANC grounds and final location determination of the Confederate Memorial's bronze elements. The proposed project is considered a Federal undertaking, as defined in 36 CFR § 800.16(y), and is the type of activity that has the potential to cause effects on historic properties pursuant to 36 CFR § 800.3(a).

Per 36 CFR § 800.3(c), ANMC identifies the Virginia Department of Historic Resources (DHR) as the appropriate State Historic Preservation Office (SHPO) to be involved in the section 106 process.

Per 36 CFR § 800.3(c), ANMC plans to involve the public in the section 106 process. After initiating consultation with the DHR, ANMC will issue an invite to consulting parties and the public via social media, the Arlington National Cemetery (ANC) website, and local news outlets. ANMC will post information regarding the proposed undertaking to the ANC website. ANMC will work in consultation with the DHR to develop the plan for involving the public in the section 106 process.

IDENTIFICATION OF OTHER CONSULTING PARTIES



Per 36 CFR § 800.3(f) and § 800.2(c), ANMC developed an initial list of other parties entitled to be consulting parties. This list will be further developed in consultation with the DHR.

ANMC identified the following other consulting parties:

- Local government: Arlington County, including the Historic Preservation Program & the Historical Affairs and Landmark Review Board (HALRB)
- Advisory Council on Historic Preservation (ACHP)
- Commission of Fine Arts (CFA)
- National Capital Planning Commission (NCPC)
- National Park Service (NPS) George Washington Memorial Parkway (GWMP), including Arlington House
- Metropolitan Washington Council of Governments
- Society for History in the Federal Government
- The U.S. Army Center of Military History
- Advisory Committee on Arlington National Cemetery (ACANC)
- ANMC Staff
- The following 14 states are graphically represented on the Memorial with bronze shields, as a result, ANMC proposes contacting the SHPO for each:
 - Maryland, Texas, Arkansas, Louisiana, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina and Virginia

Continued next page...

IDENTIFICATION OF OTHER CONSULTING PARTIES



Per 36 CFR § 800.3(f) and § 800.2(c), ANMC developed an initial list of other parties entitled to be consulting parties. This list will be further developed in consultation with the DHR.

ANMC identified the following other consulting parties:

- Descendant communities connected to ANC, Arlington House, and the greater Arlington community, including descendants of the enslaved people at Arlington House (Syphax, Gray, Branham, Parks, and other families), the Lee and Custis families, the residents of Freedman's Village
- The Arlington Historical Society
- The Black Heritage Museum of Arlington
- The National Association for the Advancement of Colored People (NAACP), Arlington Branch
- American Alliance of Museums
- Smithsonian's National Museum of African American History and Culture
- Smithsonian's National Museum of American History
- The National Association for Interpretation
- The National Council on Public History
- The Organization of American Historians
- The American Historical Association
- American Society of Landscape Architects (ASLA)

Continued next page...

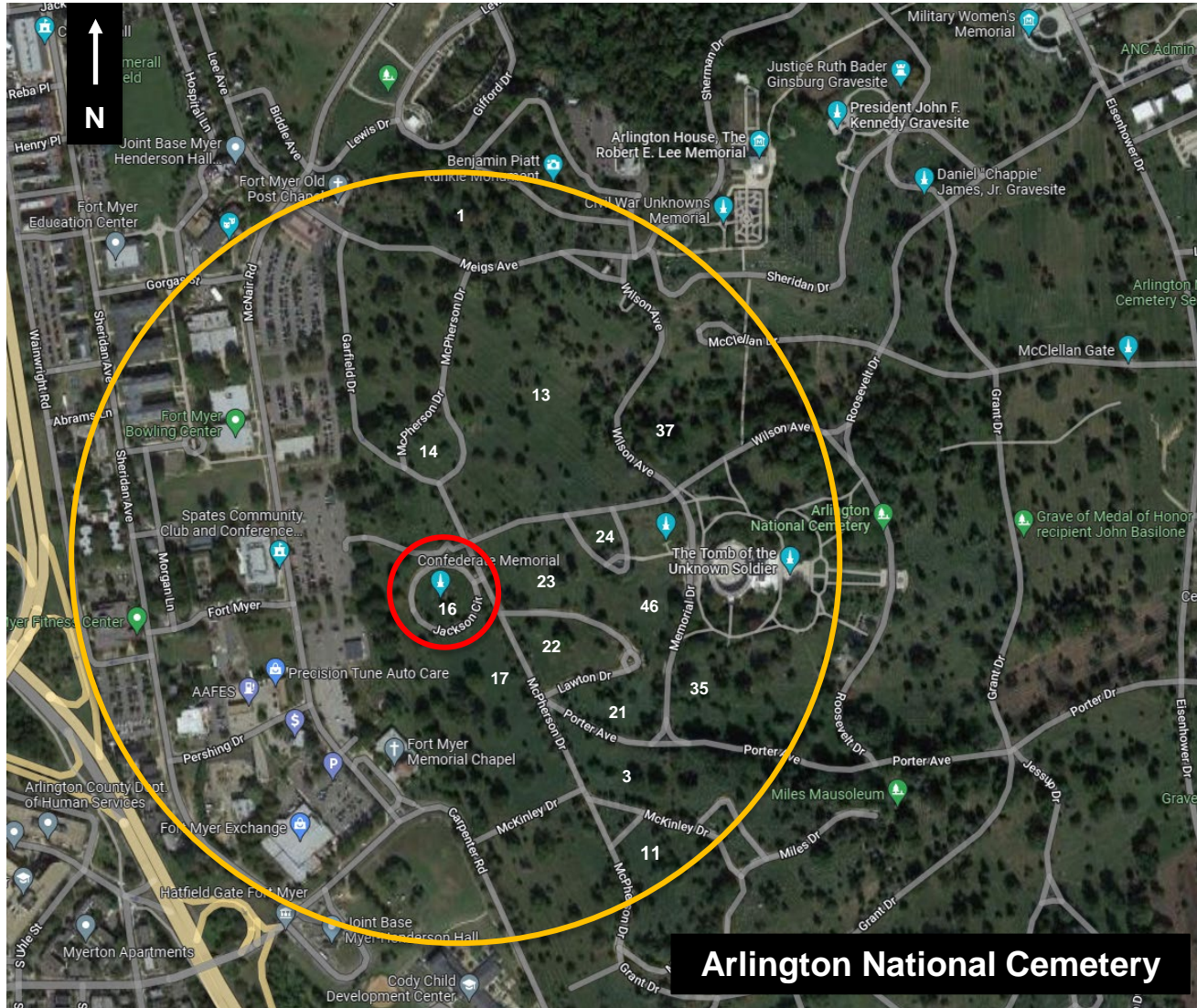
IDENTIFICATION OF OTHER CONSULTING PARTIES



Per 36 CFR § 800.3(f) and § 800.2(c), ANMC developed an initial list of other parties entitled to be consulting parties. This list will be further developed in consultation with the DHR.

ANMC identified the following other consulting parties:

- Library of Virginia
- Preservation Virginia
- Virginia Historical Society
- Virginia Museum of History & Culture
- Virginia Military Institute
- National Trust for Historic Preservation
- American Institute for Conservation (AIC)
- Association for Preservation Technology International (APTI)
- Monument Lab
- Americans for the Arts Public Art Network (PAN)
- Descendants/relatives of sculptor Moses Ezekiel
- National Museum of American Jewish Military History
- The American Jewish Historical Society
- Center for Jewish History
- Weitzman National Museum of American Jewish History
- Sons of Confederate Veterans, including the Maryland Division
- The United Daughters of the Confederacy
- Save Southern Heritage Florida
- Southern Poverty Law Center
- Anti-Defamation League



Per 36 CFR § 800.4 & § 800.16, ANMC identifies the following area of potential effects, the full extent of which will be determined in consultation with the DHR:

Area of Potential Effects:

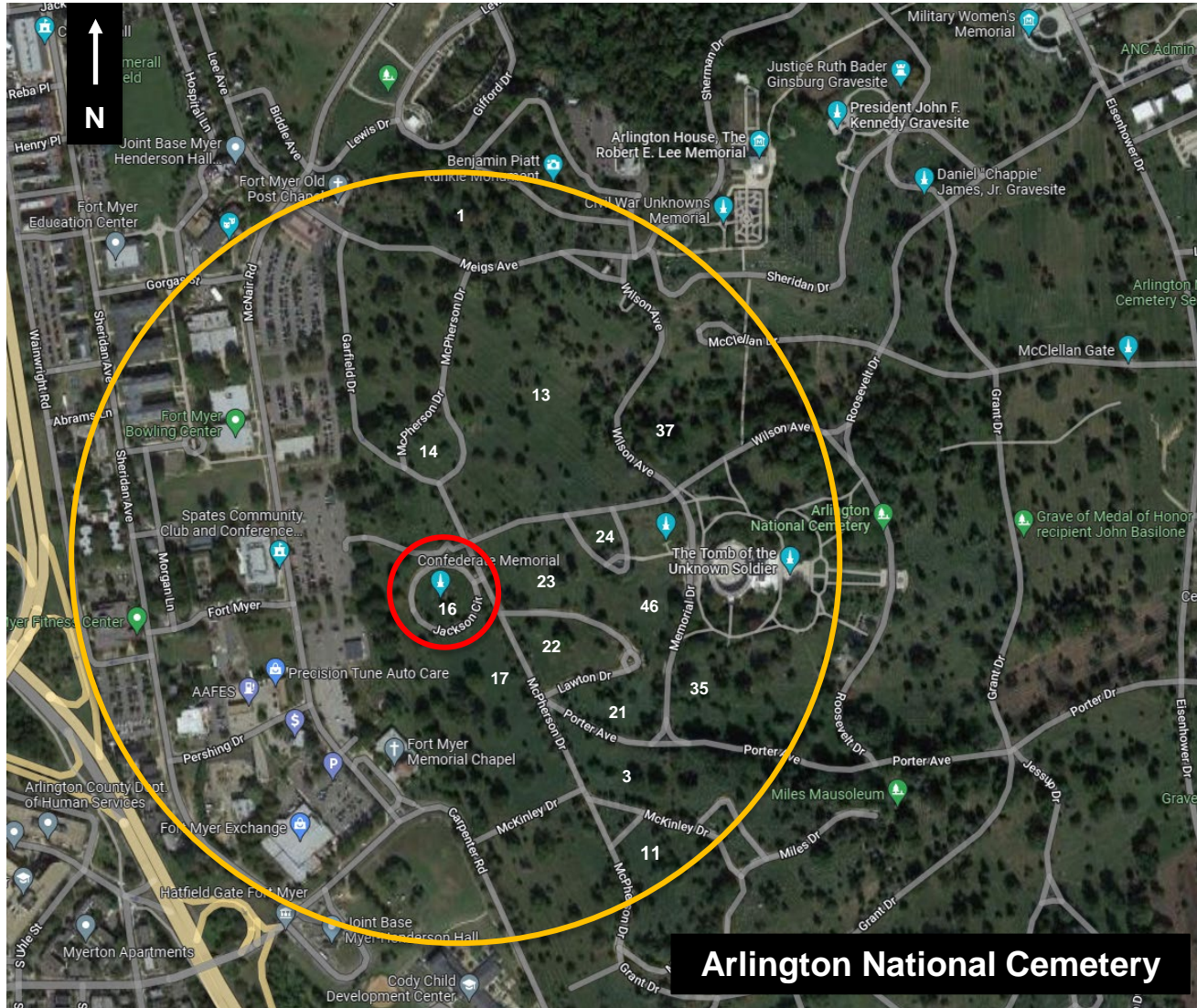
The Area of Potential Effects (APE) for the proposed project is shown on the map to the left as a yellow oval. The APE is the geographic area within which an undertaking may directly or indirectly cause alterations to the character or use of historic properties. This includes locations where the project may be visible and/or audible.

The project area is located in Arlington National Cemetery Historic District (Virginia Department of Historic Resources [VDHR] #000-0042). The project involves work in previously disturbed areas.

Satellite View of Project Area.

*APE outlined in **YELLOW**.*

*Proposed project location in **RED**.*



Per 36 CFR § 800.4 & § 800.16, ANMC identifies the following area of potential effects, the full extent of which will be determined in consultation with the DHR:

Area of Potential Effects:

The Confederate Memorial is visible from the following sites:

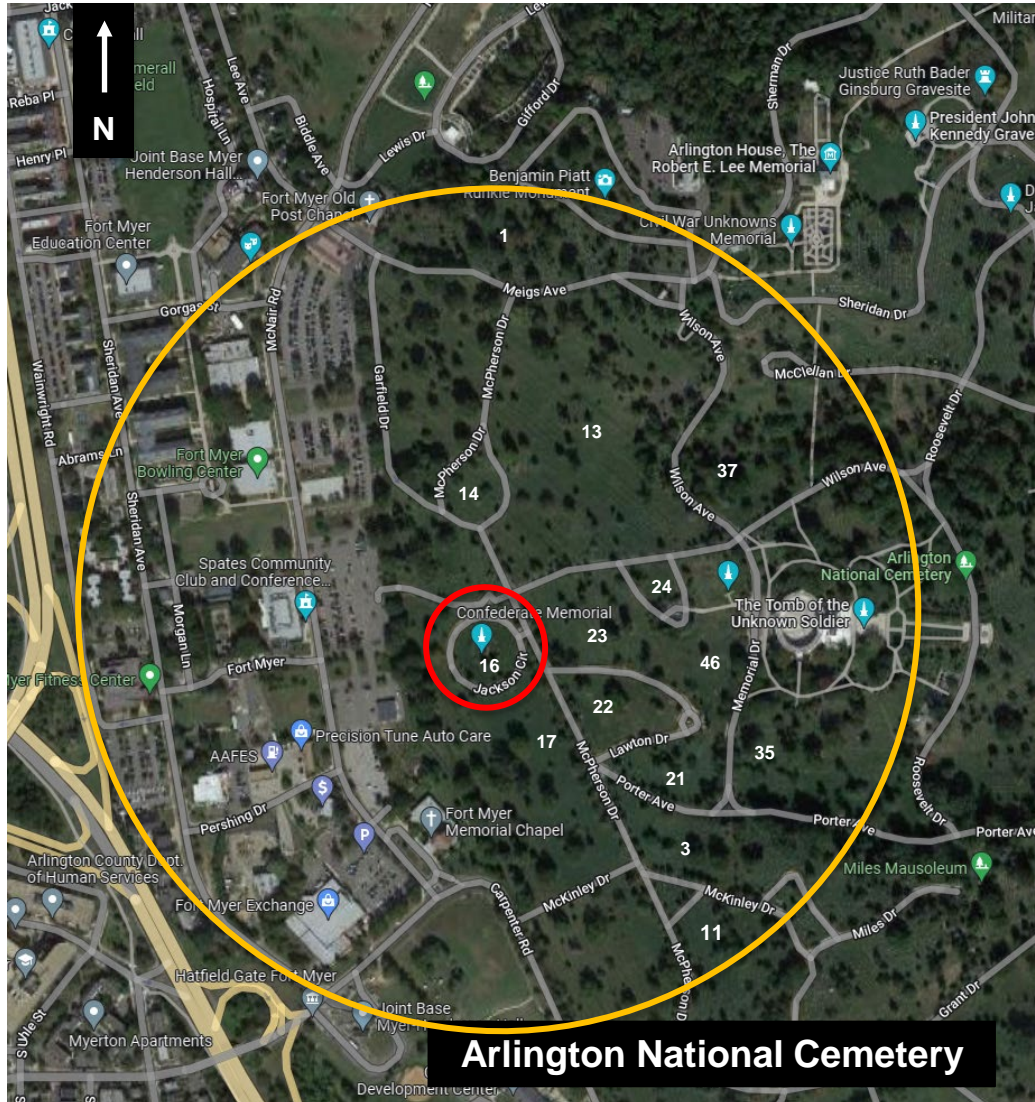
- Custis Family gravesite (ANC)
- Section 13, white Civil War (enlisted) soldiers' primary burial ground historically referred to as the "Field of the Dead" (ANC)
- U.S.S. Maine Memorial (Mast of the Maine [ANC])
- Spanish-American War Memorial (ANC)
- Spanish-American War Nurses Memorial (ANC)
- Battle of the Bulge Memorial (ANC)
- Rough Riders Memorial (ANC)
- Selfridge Gate (ANC)
- McNair Rd. (Joint Base Myer-Henderson Hall [JBM-HH])
- Fort Myer Memorial Chapel (JBM-HH)
- Burial Sections 1, 3, 11, 13, 14, 16, 17, 21, 22, 23, , 24, 35, 37, & 46

Satellite View of Project Area.

*APE outlined in **YELLOW**.*

*Proposed project location in **RED**.*

IDENTIFICATION OF HISTORIC PROPERTIES



Historic Properties Located Within the APE:

Per 36 CFR § 800.4, the following is a list of historic structures and features contributing to the ANC, JBM-HH, and Arlington House historic districts, which are located within/adjacent to the APE. These properties are identified in the 2014 programmatic agreement among ANC, the Virginia SHPO, and the Advisory Council on Historic Preservation (ACHP), ANC's 2014 National Register nomination, and ANC's 2012 DHR Reconnaissance Level Survey.

- Confederate Memorial (DHR #000-1235 / #000-0042-0029)
- Arlington National Cemetery Historic District (DHR #000-0042)
- Boundary walls and gates (DHR #000-0042-0017)
- Grave Markers (DHR #000-0042-0021)
- Battle of the Bulge Memorial (DHR #000-0042-0025)
- Rough Riders Memorial (DHR #000-0042-0040)
- Spanish-American War Memorial (DHR #000-0042-0043)
- Spanish-American War Nurses Memorial (DHR #000-0042-0044)
- U.S.S. Maine Memorial (DHR #000-0042-0047)
- Arlington House Historic District (DHR #000-0001)
- Arlington House Cultural Landscape (CLI #600049)
- Fort Myer Historic District (DHR #000-0004)

Satellite View of Project Area.

*APE outlined in **YELLOW**.*

*Proposed project location in **RED**.*



Evaluation of Historic Significance:

Per 36 CFR § 800.4(c), ANMC will consult with the DHR and to apply the National Register criteria (36 CFR part 63) to properties identified within the area of potential effects that have not been previously evaluated for National Register eligibility.

The ANC historic district's 2014 National Register nomination lists the Confederate Memorial as a contributing object (monuments/ memorials) to the historic district. The Confederate Memorial is also individually listed with the Virginia Department of Historic Resources (DHR), the State Historic Preservation Office, as DHR ID#: 000-1235 / DHR ID#: 000-0042-0029, as a contributing National Register resource to Arlington National Cemetery (DHR ID#: 000-0042). Accordingly, ANMC believes that the Confederate Memorial meets several of the National Register criteria, and that the property should be considered eligible for the National Register for section 106 purposes. As a result, concurrent with the initiation of the section 106 process, ANC submits a Phase II Intensive-Level Survey to the DHR for preliminary evaluation for determination of National Register eligibility.

From Arlington National Cemetery's 2014 nomination to the National Register of Historic Places, page 43:

ANC Statement of Significance Summary Paragraph

As the final resting place of military veterans, from the well known to the unknown and materialized in the rows of white headstones, ANC is nationally significant as the country's premier national cemetery and as a testament to the measures taken to honor and respect those who have played a role in our country's history. With a period of significance from 1864 to the present, ANC retains its integrity and meets National Register Criteria A, B, and C, and Criteria Considerations D, F, and G at a national level. The Criteria A and B periods of significance of ANC begin in 1864 and continue to the present day. The year 1864 marks the year the U.S. Army began to utilize the estate as a cemetery. Recent additions to the cemetery in terms of land development as well as monuments and memorials are significant despite their age of less than 50 years. The Department of Defense continues to use the cemetery for burials for war veterans, and it continues to commemorate significant national events by the construction of memorials. The period of significance therefore extends to the present day as ANC continues to develop as a national cemetery and as a symbol for those who have fought for the freedoms of United States citizens. The Criterion C period of significance begins in 1864 and ends in 1966 with the massive expansion east of present-day Eisenhower Drive and is directly attributed to the picturesque planning and design of the cemetery under the direction of Quartermaster General Montgomery Meigs as well as the Beaux Arts influences of the 1920s and 1930s at the hands of the Commission of Fine Arts. The design of the area to the east of Eisenhower Drive after 1966 is based upon maximizing the number of burials rather than extending the rural/picturesque aspects of Meigs' original design and therefore the period of significance ends in 1966 for the rural/picturesque design under Criterion C. The nomination for Arlington House (a contributing component to the ANC Historic District) has two associated archeological sites that are contributing under Criterion D.

From Arlington National Cemetery's 2014 nomination to the National Register of Historic Places:

Confederate Memorial (& Section 16), Section 7, Page 25 - 26

...Although Confederate soldiers were buried at ANC from its inception as a cemetery, bitter feelings between the North and South and ANC's role as a primarily Union cemetery meant that there was not a monument to Confederate soldiers until the early twentieth century. Before that time families of Confederate soldiers were not always allowed to decorate the graves of their soldiers and, at times, were not allowed to enter the cemetery (Peters 2008:246). In June 1900, a section of the cemetery was authorized by Congress to be used for the burial of Confederate dead. During the next year and a half, soldiers who had been buried in national cemeteries in Alexandria and the Soldiers' Home in Washington, D.C. were moved to the Confederate section of ANC (Section 16). In total, 482 persons are buried in the section, 46 officers, 351 enlisted men, 58 wives, 15 Southern civilians, and 12 unknowns. The grave markers in this section are distinctive, with pointed tops that were meant to be easily distinguishable from the rounded tops of Union soldiers' headstones...

...The significance of the Confederate Memorial extends beyond the monument itself to the social climate in which it was built. The turn of the twentieth century marked a beginning of changing sentiments between the North and South with the authorization by Congress of a Confederate section within ANC. The reconciliation that began with this monument would be further strengthened through the Arlington Memorial Bridge that would physically and symbolically bridge the divide between Lee's Arlington estate and Lincoln's Washington...

Section 8, Page 48

...In 1906, Congress had approved the construction of a Confederate Memorial at ANC. In an effort at national unity and reconciliation between the North and the South, a one-acre area (Section 16) had been set aside in 1900 for the burial of Confederate dead. Although 241 Confederate burials at ANC had been disinterred and moved to Southern cemeteries during the 1870s, 136 Confederate burials remained. These burials were moved to the newly designated section and were joined by the 128 Confederates burials that were moved to ANC from the Soldiers' Home in Washington. The white marble markers in this section, which are set in concentric circles, exhibit the pointed top that was typical of Confederate burials in other national cemeteries. Each stone was 36 inches high, 10 inches wide, and 4 inches thick, and was engraved with the grave number, the name of the soldier (if known), his unit designation, and the letters C.S.A. (Krowl 2003:165). The site chosen for the Confederate section occupied a more prominent spot in the cemetery in 1900 than is apparent today. Before the completion of the Arlington Memorial Bridge in 1932 as a direct route over the Potomac from Washington, many visitors would have entered the cemetery through the western gates near Fort Myer. From that vantage point, the Confederate section was easily accessible to sightseers...

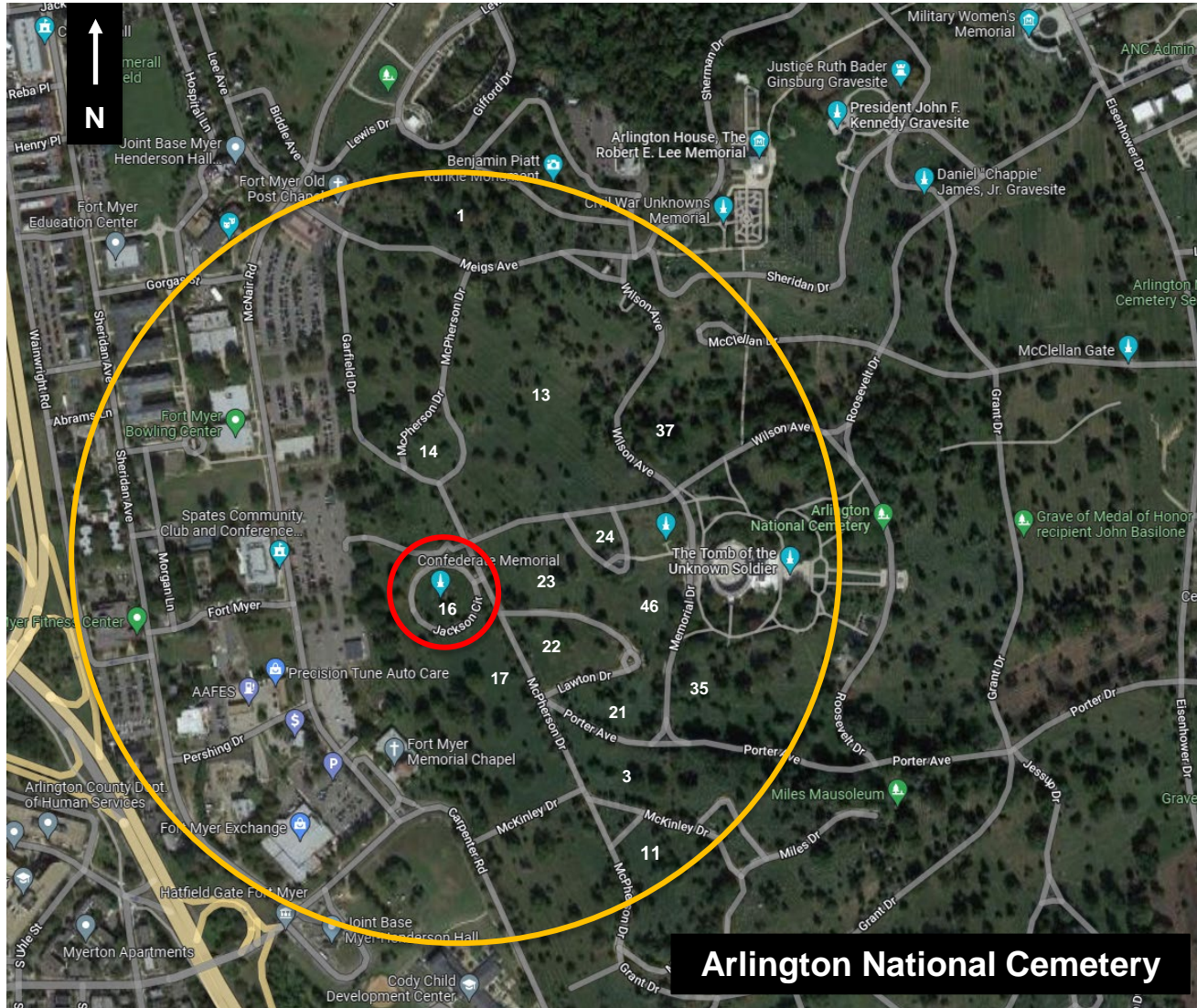
From Arlington National Cemetery's 2012 Virginia Department of Historic Resources Intensive Level Survey:

Confederate Memorial Significance Statement, DHR ID#: 000-1235, Other DHR ID#: 000-0042-0029, page 3-4

...Although Confederate soldiers were buried at ANC from its inception as a cemetery, bitter feelings between the North and South and ANC's role as a primarily Union cemetery meant that there was not a monument to Confederate soldiers until the early twentieth century. Before that time families of Confederate soldiers were not always allowed to decorate the graves of their soldiers and, at times, were not allowed to enter the cemetery (Peters 2008:246). In June 1900, a section of the cemetery was authorized by Congress to be used for the burial of Confederate dead. During the next year and a half, soldiers who had been buried in national cemeteries in Alexandria and the Soldiers' Home in Washington were moved to the Confederate section of ANC (Section 16). In total, 482 persons are buried in the section; 46 officers, 351 enlisted men, 58 wives, 15 Southern civilians, and 12 unknowns. The grave markers in this section are distinctive, with pointed tops that were meant to be easily distinguishable from the rounded tops of Union soldiers' headstones.

The graves are arranged in concentric circles around the Confederate Monument, which was erected by the United Daughters of the Confederacy. The organization's petition was granted on March 4, 1906, by Secretary of War William Howard Taft, who, as president, spoke at a reception for the organization upon the laying of the cornerstone for the monument on November 12, 1912. The completed monument was dedicated on June 4, 1914.

The significance of the Confederate Monument extends beyond the monument itself to the social climate in which it was built. The turn of the twentieth century marked a beginning of changing sentiments between the North and South with the authorization by Congress of a Confederate section within ANC. The reconciliation that began with this monument would be further strengthened through the Memorial Bridge that would physically and symbolically bridge the divide between Lee's Arlington and Lincoln's Washington. The Confederate Monument is a contributing object to the ANC Historic District for being an important part of the nation's foremost military ceremonial and burial collection and for its design by Moses Ezekiel...



Results of Identification & Evaluation: Historic Properties Affected

Per 36 CFR § 800.4(d)(2), ANMC finds that there are historic properties which may be affected by the undertaking. As a result, ANMC shall notify all consulting parties, including Indian tribes or organizations, invite their views on the effects and assess adverse effects, if any, in accordance with § 800.5.

Per 32 CFR § 800.2 ANMC will engage the Advisory Council on Historic Preservation for assistance with the Sec 106 process.

Satellite View of Project Area.

APE outlined in **YELLOW**.

Proposed project location in **RED**.



By way of this submission, ANMC is requesting that the DHR:

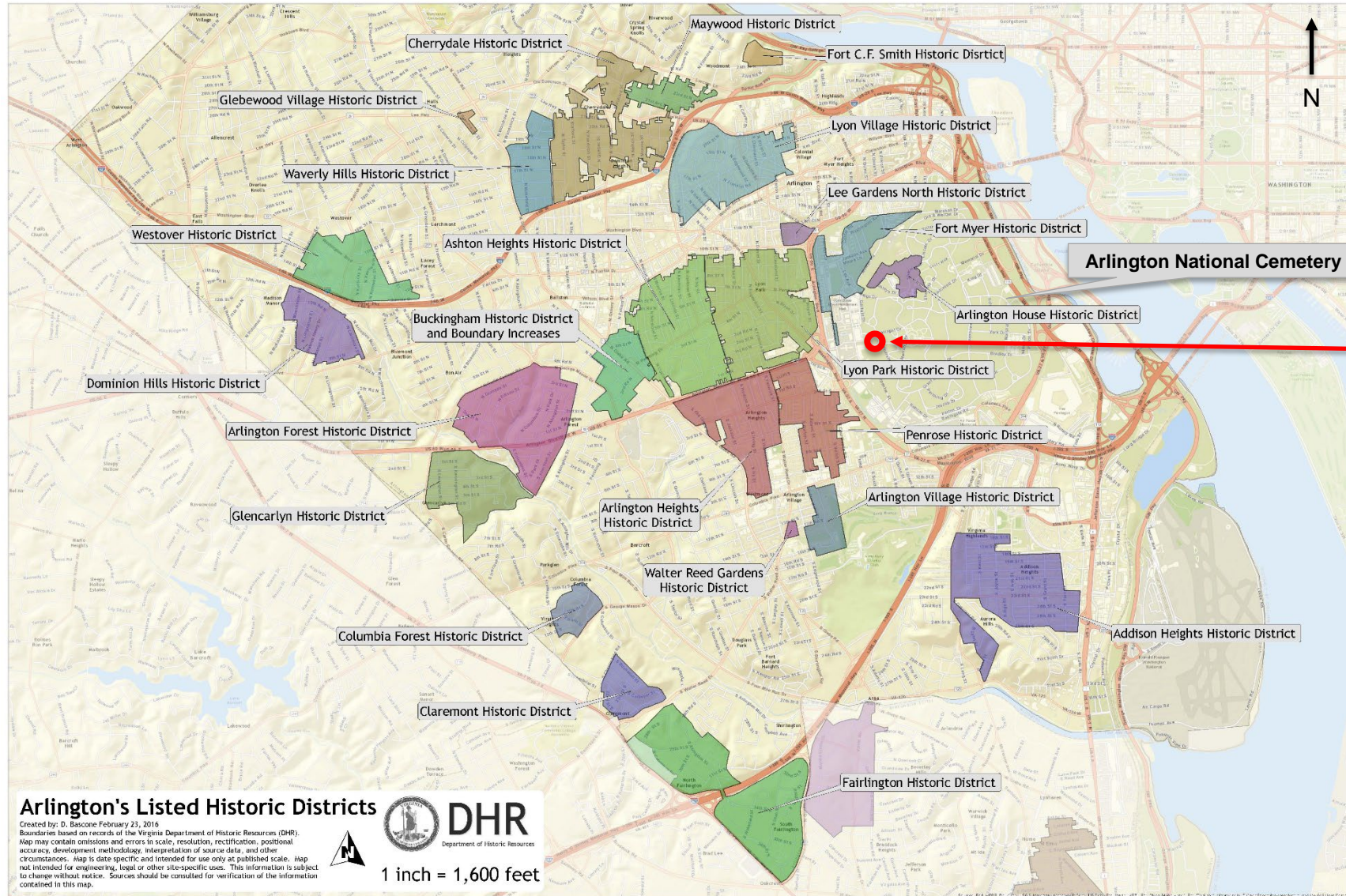
1. Assign a DHR file number to project
2. Respond to ANMC's request for review of finding of effect on historic properties
3. Respond to ANMC's request for review of determination of eligibility

Included with this submission to the DHR is a VCRIS Intensive Survey (Evaluation/Phase II survey) for the Confederate Memorial (DHR ID #000-1235).

ANMC is developing a Phase II Intensive-Level Survey report for the Confederate Memorial, in support of the VCRIS survey, for preliminary evaluation for determination of National Register eligibility.

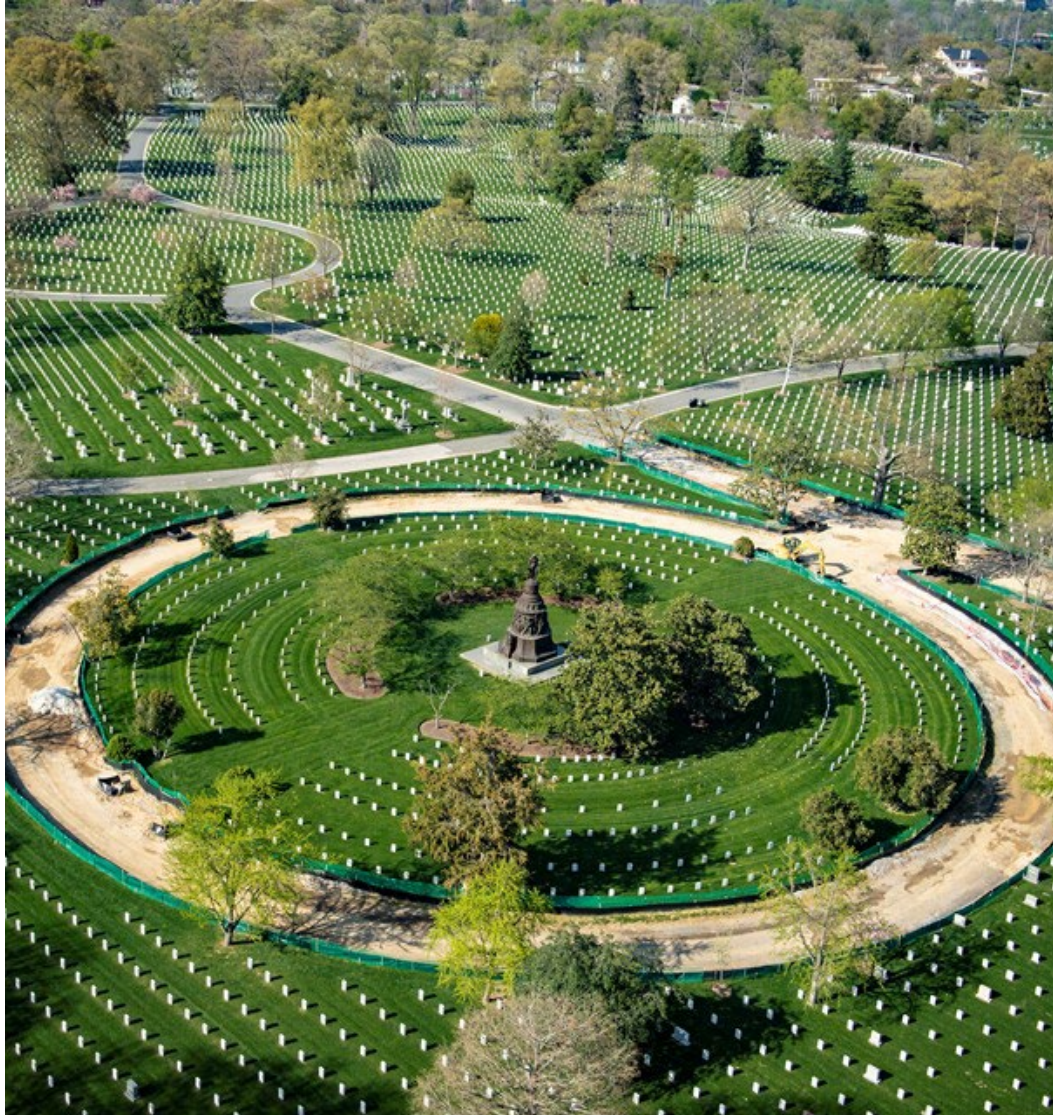
SUPPORTING DOCUMENTATION





Proposed project
location in **RED**.

EXISTING SITE VIEW & DESCRIPTION



Aerial photography of Section 16
at Arlington National Cemetery,
Arlington, Va., April 20, 2022.

Site Description:

Section 16 contains the remains of Confederate soldiers, arranged in concentric circles with government furnished headstones facing toward the center of the circle. The Confederate Memorial sits in the center of the circle, with four graves adjacent, one at each face. A circular drive separates the section from the rest of the cemetery.

The memorial stands 32-feet tall, and consists of several components:

- Granite base, 27-feet 8-inches square, with a height of 8-inches, supports a granite plinth that is 20-feet by 18-feet and 26-inches tall.
- Bronze elements taper from 15-feet wide and 6-feet 4-inch-tall base to a 5-feet 5-inch wide and 8-feet 8-inches tall frieze and plinth section, up to a statue on pedestal element.

Four Confederate soldiers lie at the base of the Memorial, one on each side: the memorial's sculptor, Moses Ezekiel; Lt. Harry C. Marmaduke of the Confederate Navy; Capt. John M. Hickey of the Second Missouri Infantry; and Brig. Gen. Marcus J. Wright, who commanded brigades at the battles of Shiloh and Chickamauga.

EXISTING SITE VIEW & DESCRIPTION



Site Description:

Numerous sources indicate the presence of a time capsule. The exact location is unknown, but some sources state that the Arlington Confederate Monument Association buried the time capsule below a cornerstone. It is described as a metal box that contains: a copy of the Act of Congress that authorized the burial of the Confederate dead in Arlington; a copy of then-Secretary of War William Howard Taft's letter that authorized the memorial; and silk replicas of the state flags of the former Confederacy, as well as the District of Columbia.

If the time capsule is below the granite base, ANMC does not plan to remove it. However, ANMC will need to develop a plan, with the DHR and consulting parties, for disposition of the time capsule, should it be uncovered while removing the bronze statue. For example, the time capsule could go with the memorial to its new repository, be reinstalled below the granite base, remain in the museum collection of ANC, or be sent to a separate museum.

Aerial of Section 16 & the
Confederate Memorial. Arlington
National Cemetery, June 16, 2014.



Confederate Memorial, southwest elevation, in Section 16 of Arlington National Cemetery, Arlington, Virginia, July 13, 2020. (U.S. Army photo by Elizabeth Fraser / Arlington National Cemetery / released)



Confederate Memorial, southeast elevation, in Section 16 of Arlington National Cemetery, Arlington, Virginia, July 13, 2020. (U.S. Army photo by Elizabeth Fraser / Arlington National Cemetery / released)



South Elevation



Southeast Elevation



Northeast Elevation



North Elevation



Northwest Elevation



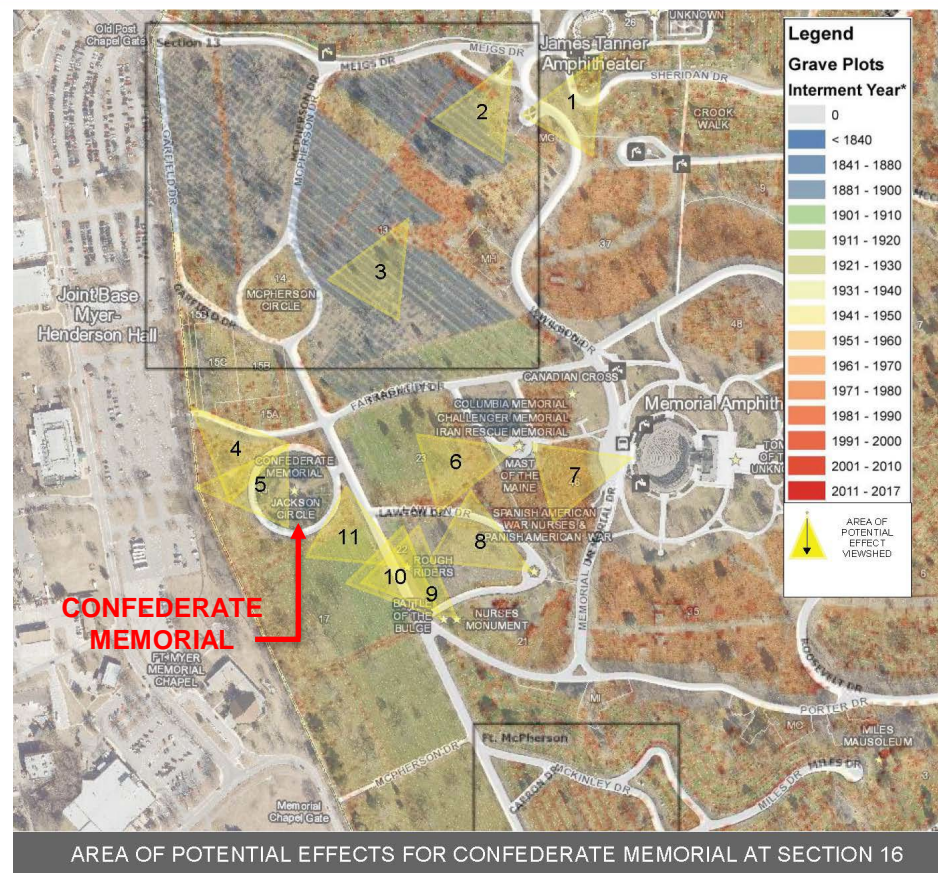
West Elevation



Southwest Elevation



Southwest
Elevation



1. JAMES TANNER AMPITHEATER, 1873
2. RECEIVING VAULT
3. CUSTIS FAMILY PLOT, 1853
4. SELFRIDGE GATE, 1958
5. MCNAIR ROAD, JOINT BASE MYER-HENDERSON HALL
6. MAST OF THE MAINE (USS MAINE MEMORIAL), 1912
7. MEMORIAL AMPHITHEATER, 1920
8. SPANISH-AMERICAN WAR MEMORIAL, 1902
9. SPANISH-AMERICAN WAR NURSES MEMORIAL,
10. BATTLE OF THE BULGE MEMORIAL, 2002
11. ROUGH RIDERS MEMORIAL, 1906

1. JAMES TANNER AMPITHEATER, 1873

1



2. RECEIVING VAULT

2



PROCUREMENT SENSITIVE
2-14

3. CUSTIS FAMILY PLOT

3



4. SELFRIDGE GATE, 1958

4



5. MCNAIR ROAD, JOINT BASE MYER-HENDERSON HALL

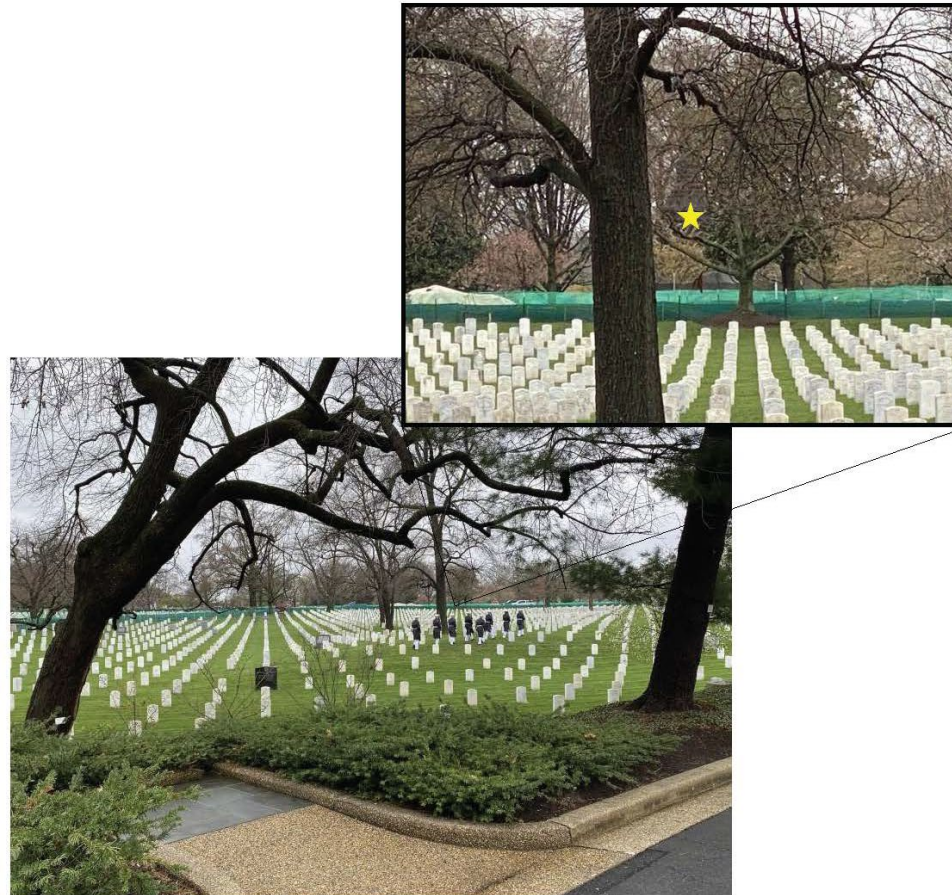
5



PROCUREMENT SENSITIVE
2-16

6. MAST OF THE MAINE (USS MAINE MEMORIAL), 1912

6



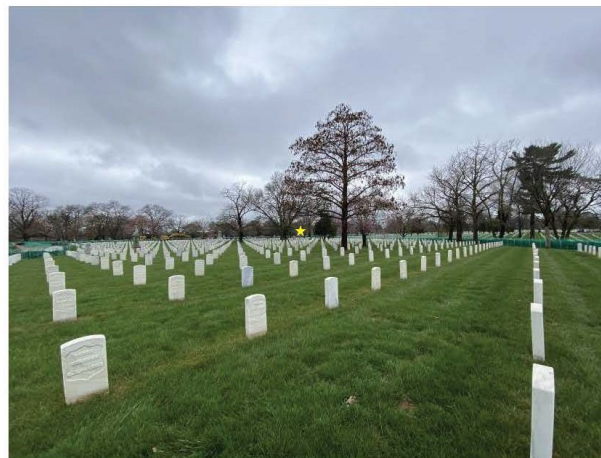
7. MEMORIAL AMPITHEATER, 1920

7



8. SPANISH-AMERICAN WAR MEMORIAL, 1902

8



PROCUREMENT SENSITIVE
2-18

9. SPANISH-AMERICAN WAR NURSES MEMORIAL,

9



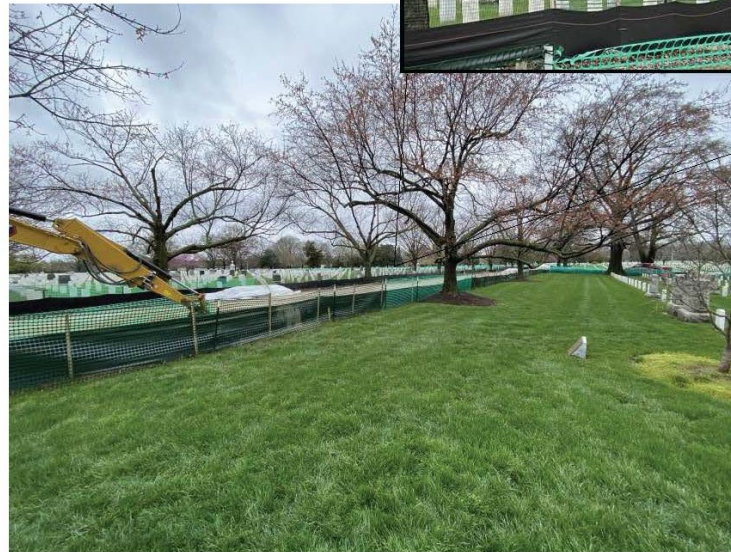
10. BATTLE OF THE BULGE MEMORIAL, 2002

10



11. ROUGH RIDERS MEMORIAL, 1906

11



1. STATUS QUO, NO CHANGE IS MADE TO THE CURRENT CONFIGURATION OF THE CONFEDERATE MEMORIAL.

- [illegible]

SE

4. EXAMINE STAIR AND BASE. PROVIDE DISASSEMBLY PLAN FOR REVIEW BY GOVERNMENT AND ARCHITECT. INDICATE LOCATIONS OF CUTTING. IF REQUIRED, DESCRIBE METHODS FOR DISASSEMBLY. LABEL EACH ELEMENT ON AN ELEVATION OR PHOTOGRAPH WITH A UNIQUE IDENTIFICATION NUMBER FOR EACH ELEMENT. THE DOCUMENTATION SHOULD INDICATE THE NUMBERED ELEMENTS IN SITU BEFORE THEY ARE REMOVED FOR THE HISTORIC RECORD.

GRAVESITE BOUNDARIES INDICATED HAVE NOT BEEN VERIFIED. MARKER LOCATIONS MAY HAVE SHIFTED OVER TIME. VERIFY CONDITIONS AT FOUNDATION BY CONDUCTING HAND-EXCAVATED TEST PITS.

<u>Approximate Height</u>	12' 11"
<u>Approximate Pedestal Width</u>	4' 8.5"
<u>Approximate Plinth Width</u>	5' 5"

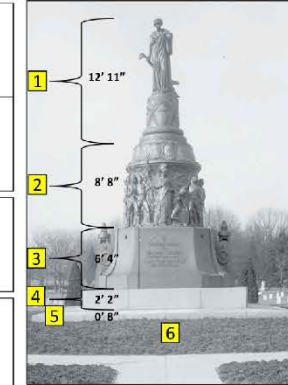
<u>Approximate Height</u>	8' 8"
<u>Approximate Width (Frieze)</u>	5' 5"
<u>Approximate Width (Plinth)</u>	9' 3"

<u>Approximate Height</u>	6' 4"
<u>Approximate Width (Top)</u>	11' 2"
<u>Approximate Width (Bottom)</u>	14' 11"

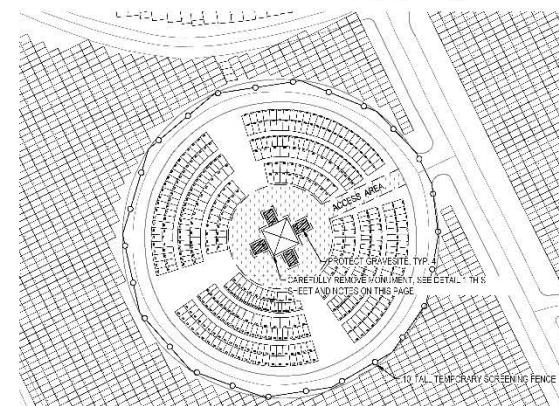
Height	2' 2"
Width	20' 0.5"
Depth	18' 0.5"

Height	0' 8"
Width	27' 8"
Depth	27' 8"

Multi-layer
First layer - 32' square / 1' deep
Second Layer - 34' square / depth unknown



① MONUMENT ELEVATION



2 SITE PLAN EXISTING CONDITIONS

[illegible]



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

March 15, 2023

Julie V. Langan
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

ATTN: Marc E. Holma
Senior, Project Review Architectural Historian
Review & Compliance Division

Dear Ms. Langan:

On 9 February 2023, Army National Military Cemeteries (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, which currently sit on a granite base in the center of Section 16. The proposed project is considered a federal undertaking with the potential to cause adverse effects on historic properties pursuant to 36 C.F.R. 800.3(a).

ANMC would like to take this opportunity to respond to the Virginia Department of Historic Resources (DHR) letter dated 3 March 2023. In this letter, the DHR acknowledged ANMC's initiation of consultation, reviewed the submission package, assigned the project a number (DHR File No. 2022-0201), and requested several items in response.

In answer, ANMC transmits the following files via DoD SAFE:

1. REVISED: Section 106 Initiation Document: Project Description, Identification of Consulting Parties, Identification of Historic Properties, & Area of Potential Effects, incorporating comments received from DHR. This includes updates to the Area of Potential Effects (APE) and to the list of potential consulting parties.
2. Phase II (Intensive-Level) survey report to evaluate the individual eligibility of the Confederate Memorial to the National Register of Historic Places (NRHP).
3. Copy of Electronic Section 106 Documentation Submittal System (e106) Form submitted to the Advisory Council on Historic Preservation (ACHP) inviting the ACHP to participate in the Section 106 consultative process for the proposed undertaking.

Hardcopies of these documents are being mailed concurrently to the DHR.

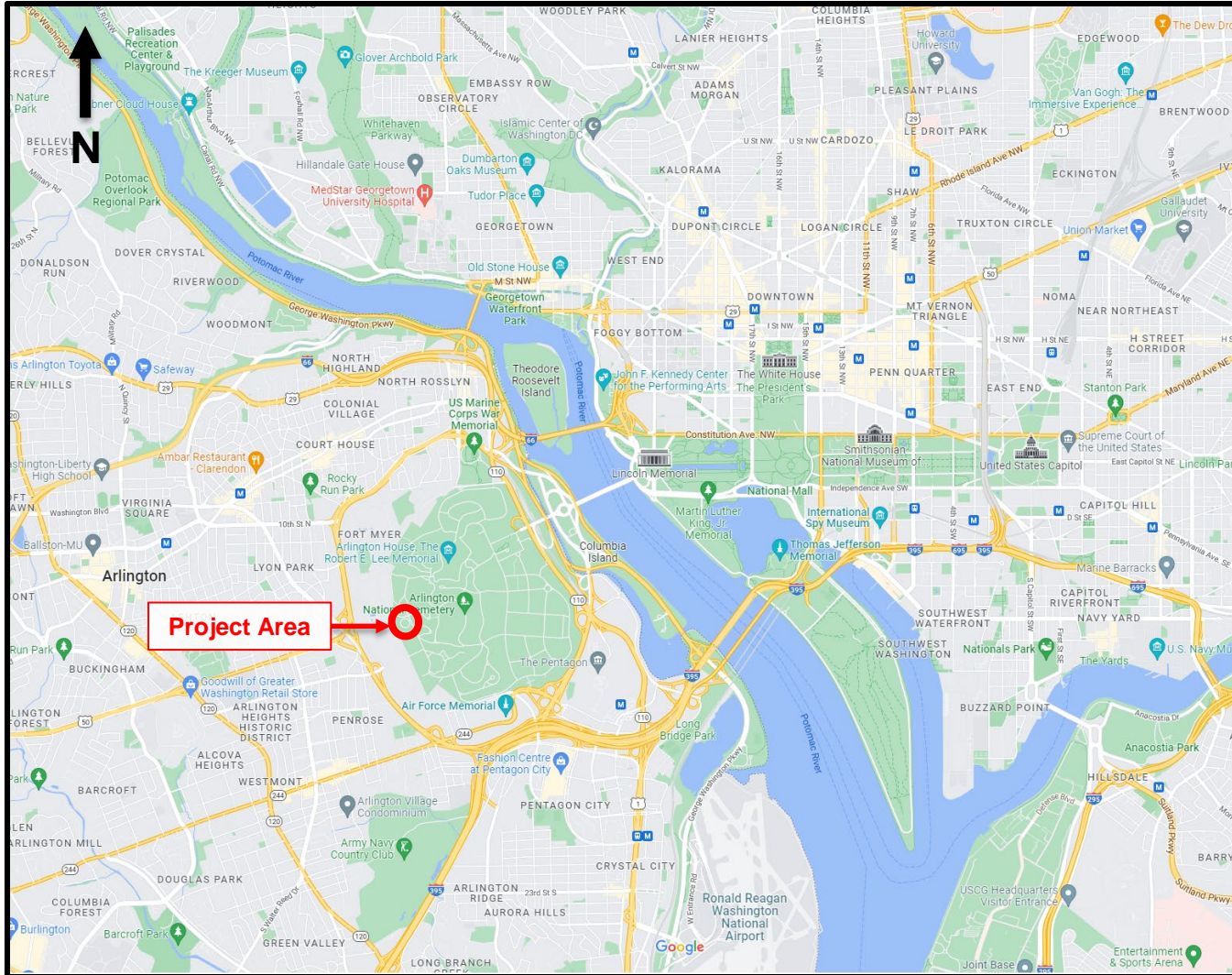
By way of this submission, ANMC is requesting that the DHR:

1. Respond to ANMC's request for review of determination of eligibility for the Confederate Memorial

Army National Military Cemeteries looks forward to continuing the Section 106 consultation process with our agency partners, consulting parties, and the public. Should there be any questions, please contact Caitlin Smith, ANMC Cultural Resources Program Manager, usarmy.pentagon.hqda-anc-osa.mbx.cultural-resources@army.mil. Thank you for your support.

Sincerely,

KAREN DURHAM-AGUILERA
Executive Director



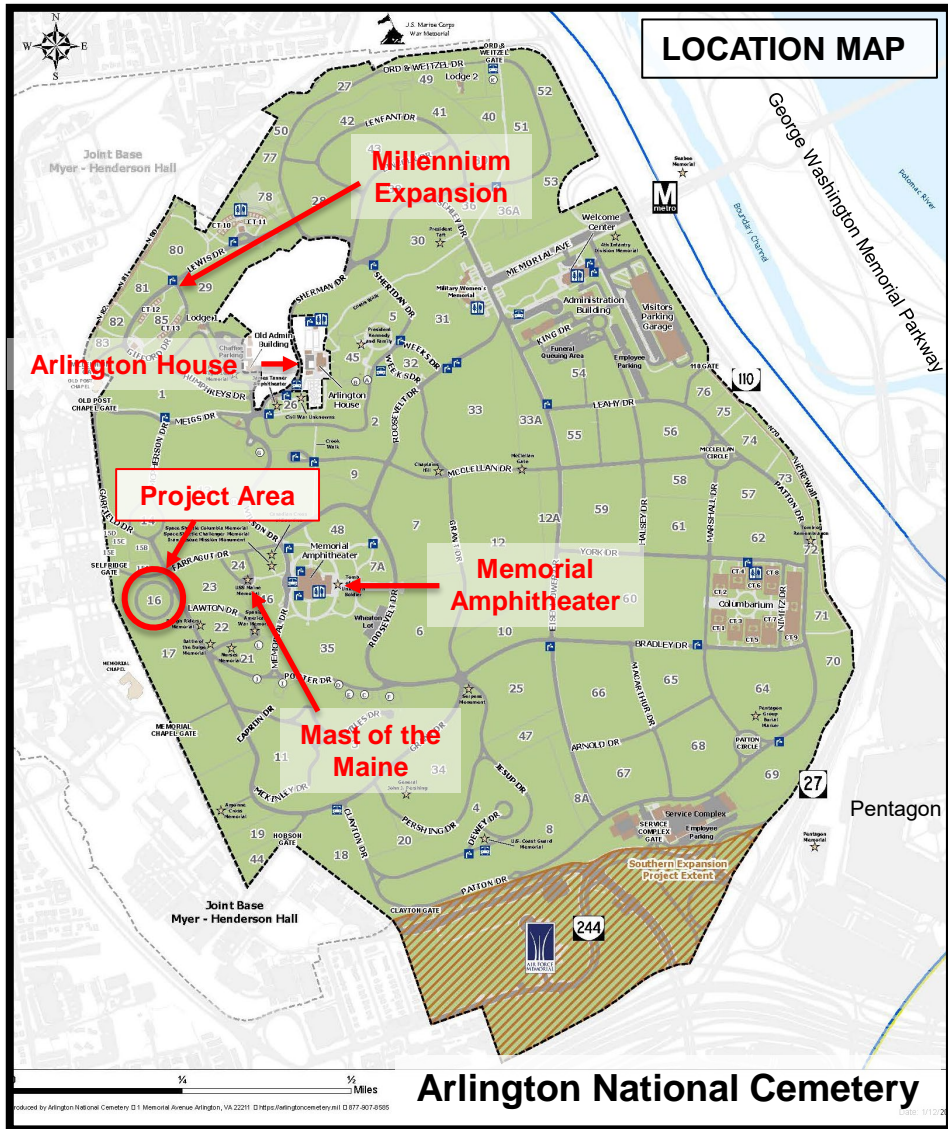
CONFEDERATE MEMORIAL REMOVAL Army National Military Cemeteries Arlington National Cemetery Arlington, Virginia

INITIATION OF THE SECTION 106 PROCESS:
PROJECT DESCRIPTION, IDENTIFICATION OF
CONSULTING PARTIES, IDENTIFICATION OF
HISTORIC PROPERTIES, AND AREA OF
POTENTIAL EFFECTS

DHR File No. 2022-0201

Initiated: February 9, 2023
Revised: March 16, 2023

LOCATION MAP & PROJECT DESCRIPTION



PROJECT DESCRIPTION

Army National Military Cemeteries (ANMC) proposes the removal of the bronze elements of the Confederate Memorial, which currently sit on a granite base in the center of Section 16. The proposed project is considered a federal undertaking with the potential to cause adverse effects on historic properties pursuant to 36 CFR 800.3(a).

As required by Congress and implemented by the Secretary of Defense, Arlington National Cemetery has been directed to implement the recommendations of 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). The Naming Commission was established pursuant to Section 370 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. This undertaking is a direct result of the Secretary of Defense's directive.

As a result, 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 in order to: 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 ANC.

From the Naming Commission "Final Report to Congress, Part III: Remaining Department of Defense Assets," page 16, published September 2022:

"The Department of the Army conducted a study to explore alternatives ranging from leaving the memorial in place and providing contextualization (using signage and other media to provide educational opportunities for visitors) to removal. The term removal includes:

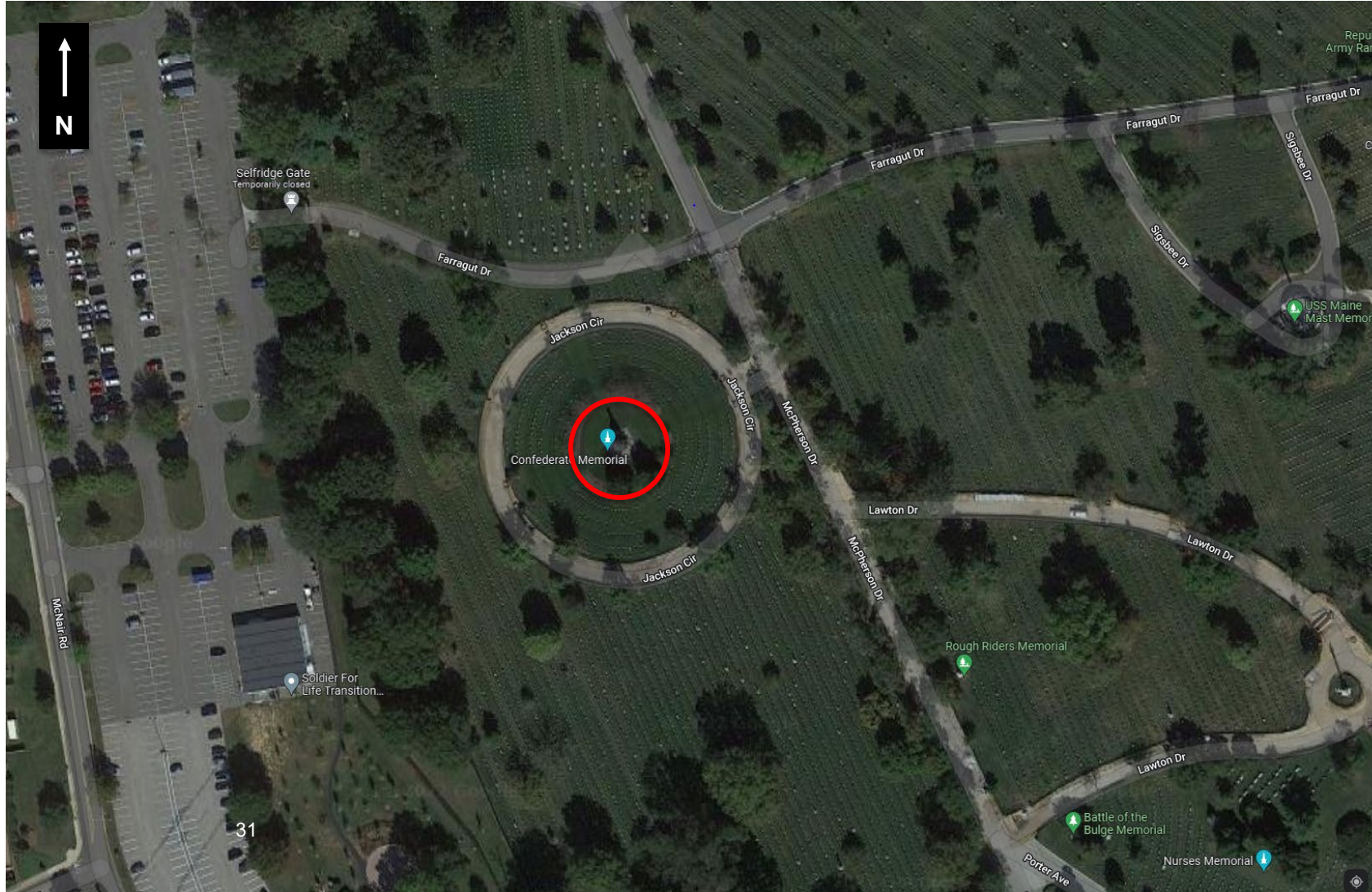
- *deconstructing, tagging and storing bronze and granite elements*
- *deconstructing, tagging and storing bronze elements and demolishing granite elements*
- *deconstructing, tagging and storing bronze elements while leaving the granite elements in place*
- *demolishing the bronze elements while leaving the granite elements in place*
- *demolishing and recycling all components of the memorial*
- *possibly shrouding the bronze elements"*

The Commissioners discussed at length if the proposed measures eliminated the items at issue and any disturbance to adjacent graves (there is not as the ANC has previously done work in the cemetery; in this case, the robust mitigation measures to avoid disturbing adjacent grave sites would include placing steel decking over the graves). In the case of this monument, the Commissioners assessed that contextualization was not an appropriate option.

"After a review of options from the Department of the Army study, the Commission recommends:

- *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 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 their planning."*

PROJECT NARRATIVE



In 2022, before the proposed project begins, the Historic American Buildings Survey (HABS) will complete archival documentation of the Confederate Memorial for submission into the Library of Congress (LoC).

During deconstruction, ground disturbance will be minimal. ANMC proposes leaving the granite pedestal in place, and not performing any ground disturbing activities, as the memorial is in the center of burial Section 16.

While the work occurs, the surrounding landscape, graves, and headstones will be protected. Staging will occur on the circular drive that surrounds the memorial. During the deconstruction, scaffolding will be erected around the memorial and covered with screening, to protect the surrounding landscape and grave markers and to ensure the safety of visitors in/around the vicinity of the deconstruction.

Upon completion, the memorial will be prepared for transport to a storage facility, the site and landscaping will be restored. ANMC will develop interpretation for the site with input from consulting parties and the public.

Satellite View of Project Area.
Proposed project location in **RED**.

INITIATION OF THE SECTION 106 PROCESS



Per 36 CFR § 800.3, Army National Military Cemeteries (ANMC) initiates the section 106 process for the following proposed undertaking: the removal from ANC grounds and final location determination of the Confederate Memorial's bronze elements. The proposed project is considered a Federal undertaking, as defined in 36 CFR § 800.16(y), and is the type of activity that has the potential to cause effects on historic properties pursuant to 36 CFR § 800.3(a).

Per 36 CFR § 800.3(c), ANMC identifies the Virginia Department of Historic Resources (DHR) as the appropriate State Historic Preservation Office (SHPO) to be involved in the section 106 process.

Per 36 CFR § 800.3(c), ANMC plans to involve the public in the section 106 process. After initiating consultation with the DHR, ANMC will issue an invite to consulting parties and the public via social media, the Arlington National Cemetery (ANC) website, and local news outlets. ANMC will post information regarding the proposed undertaking to the ANC website. ANMC will work in consultation with the DHR to develop the plan for involving the public in the section 106 process.

IDENTIFICATION OF OTHER CONSULTING PARTIES



Per 36 CFR § 800.3(f) and § 800.2(c), ANMC developed an initial list of other parties entitled to be consulting parties. This list will be further developed in consultation with the DHR.

ANMC identified the following other consulting parties:

- Local government: Arlington County, including the Historic Preservation Program & the Historical Affairs and Landmark Review Board (HALRB)
- Advisory Council on Historic Preservation (ACHP)
- Commission of Fine Arts (CFA)
- National Capital Planning Commission (NCPC)
- National Park Service (NPS) George Washington Memorial Parkway (GWMP), including Arlington House
- National Park Service (NPS) National Historic Landmarks (NHL) Program
- Program
- Metropolitan Washington Council of Governments
- Society for History in the Federal Government
- The U.S. Army Center of Military History
- Advisory Committee on Arlington National Cemetery (ACANC)
- ANMC Staff
- The following 14 states are graphically represented on the Memorial with bronze shields, as a result, ANMC proposes contacting the SHPO for each:
 - Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, & Virginia

Continued next page...

IDENTIFICATION OF OTHER CONSULTING PARTIES



Per 36 CFR § 800.3(f) and § 800.2(c), ANMC developed an initial list of other parties entitled to be consulting parties. This list will be further developed in consultation with the DHR.

ANMC identified the following other consulting parties:

- Descendant communities connected to ANC, Arlington House, and the greater Arlington community, including descendants of the enslaved people at Arlington House (Syphax, Gray, Branham, Parks, and other families), the Lee and Custis families, the residents of Freedman's Village
- The Arlington Historical Society
- The Black Heritage Museum of Arlington
- The National Association for the Advancement of Colored People (NAACP), Arlington Branch
- American Alliance of Museums
- Smithsonian's National Museum of African American History and Culture
- Smithsonian's National Museum of American History
- The National Association for Interpretation
- The National Council on Public History
- The Organization of American Historians
- The American Historical Association
- American Society of Landscape Architects (ASLA)

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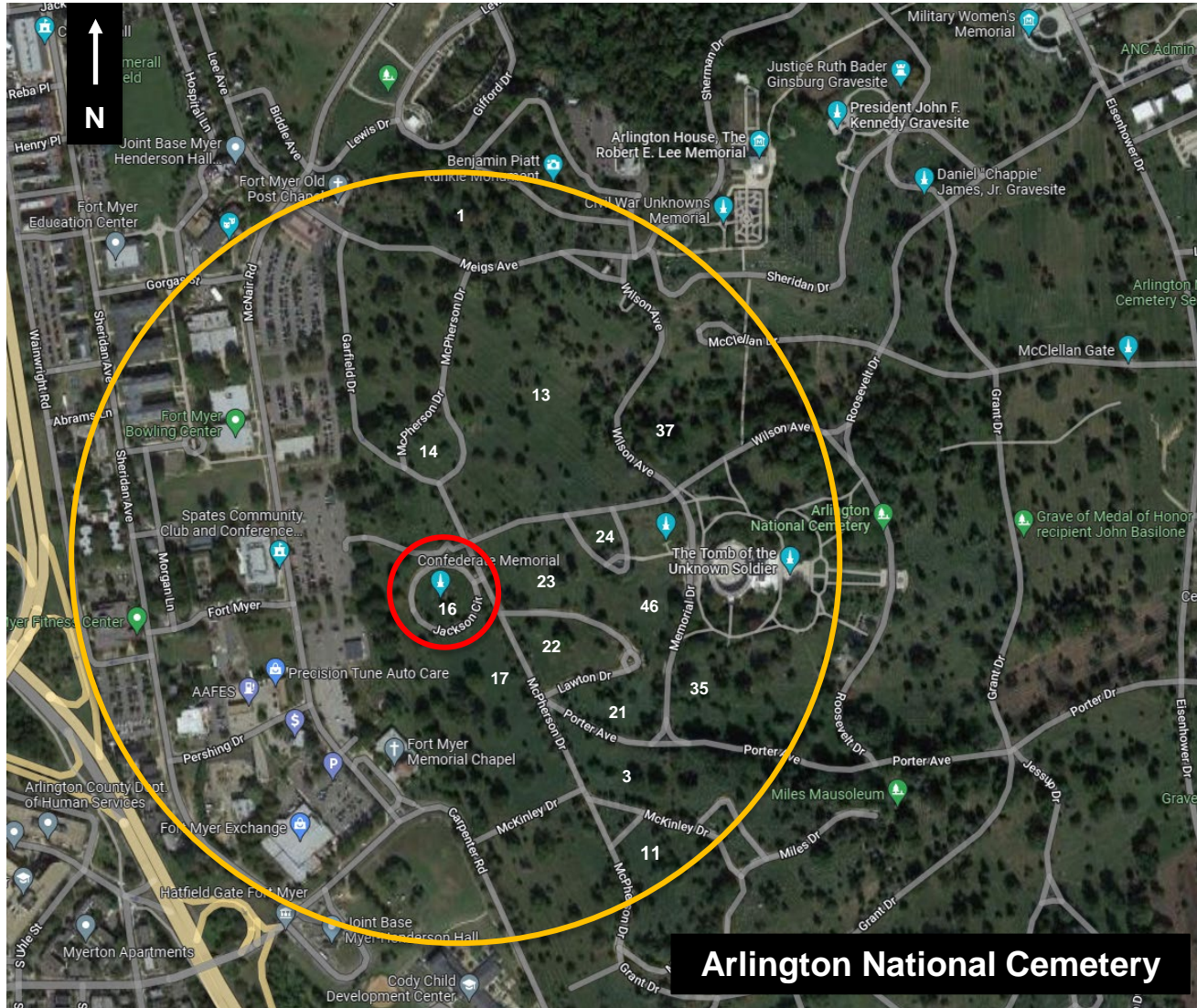
IDENTIFICATION OF OTHER CONSULTING PARTIES



Per 36 CFR § 800.3(f) and § 800.2(c), ANMC developed an initial list of other parties entitled to be consulting parties. This list will be further developed in consultation with the DHR.

ANMC identified the following other consulting parties:

- Library of Virginia
- Preservation Virginia
- Virginia Museum of History & Culture (Virginia Historical Society)
- Virginia Military Institute
- National Trust for Historic Preservation
- American Institute for Conservation (AIC)
- Association for Preservation Technology International (APTI)
- Monument Lab
- Americans for the Arts Public Art Network (PAN)
- Descendants/relatives of sculptor Moses Ezekiel
- National Museum of American Jewish Military History
- The American Jewish Historical Society
- Center for Jewish History
- Weitzman National Museum of American Jewish History
- Sons of Confederate Veterans, including the Maryland Division
- The United Daughters of the Confederacy
- Save Southern Heritage Florida
- Southern Poverty Law Center
- Anti-Defamation League



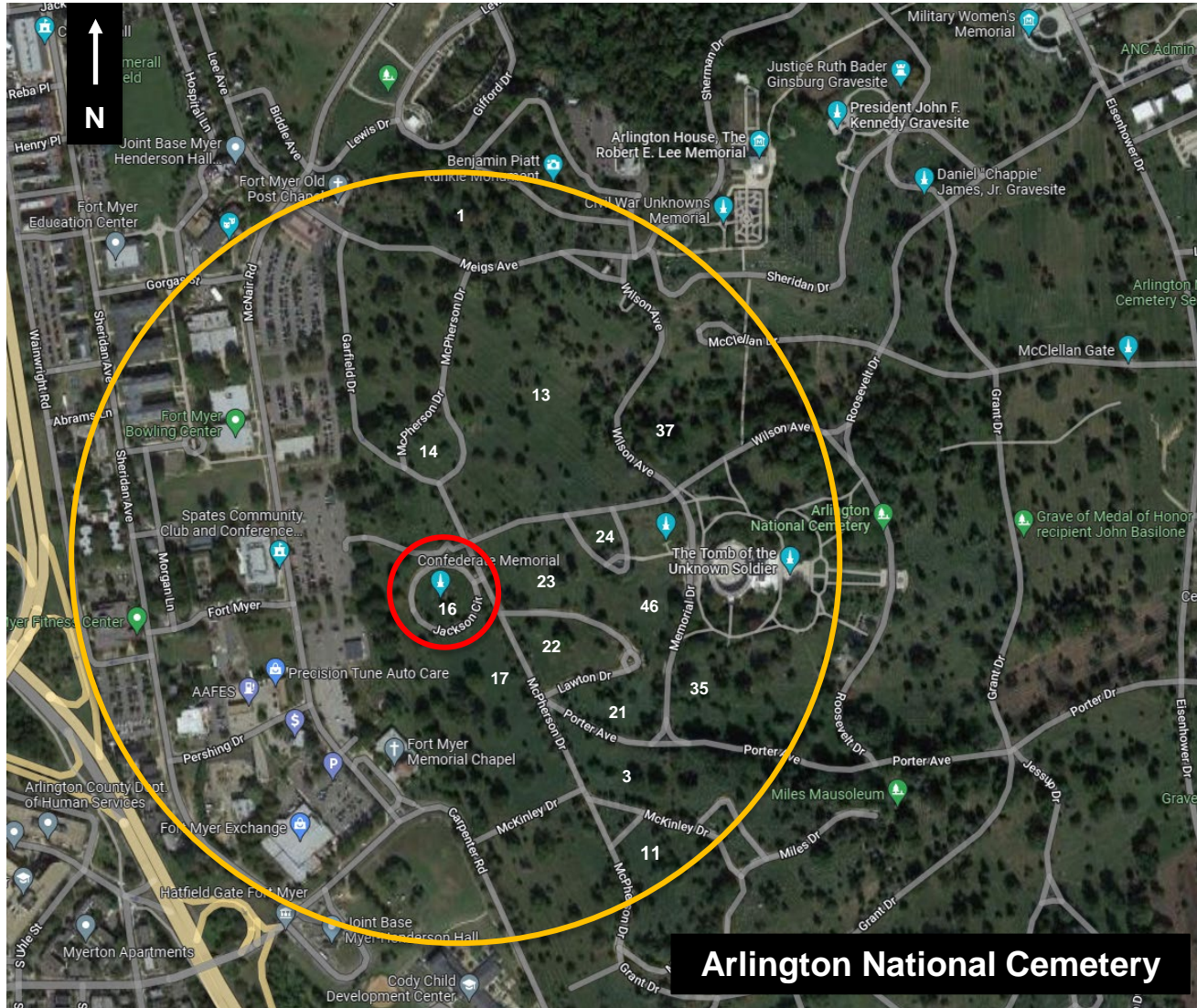
Per 36 CFR § 800.4 & § 800.16, ANMC identifies the following area of potential effects, the full extent of which will be determined in consultation with the DHR:

Area of Potential Effects:

The Area of Potential Effects (APE) for the proposed project is shown on the map to the left as a yellow oval. The APE is the geographic area within which an undertaking may directly or indirectly cause alterations to the character or use of historic properties. This includes locations where the project may be visible and/or audible. It also includes 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 (see pages 39 – 41 for additional illustrations). All this work would occur in ANC Section 16, which is approximately 1.22 acres.

The project area is located in Arlington National Cemetery Historic District (Virginia Department of Historic Resources [VDHR] #000-0042). The project involves work in previously disturbed areas.

*Satellite View of Project Area.
APE outlined in **YELLOW**.
Proposed project location in **RED**.*



Per 36 CFR § 800.4 & § 800.16, ANMC identifies the following area of potential effects, the full extent of which will be determined in consultation with the DHR:

Area of Potential Effects:

The Confederate Memorial is visible from the following sites:

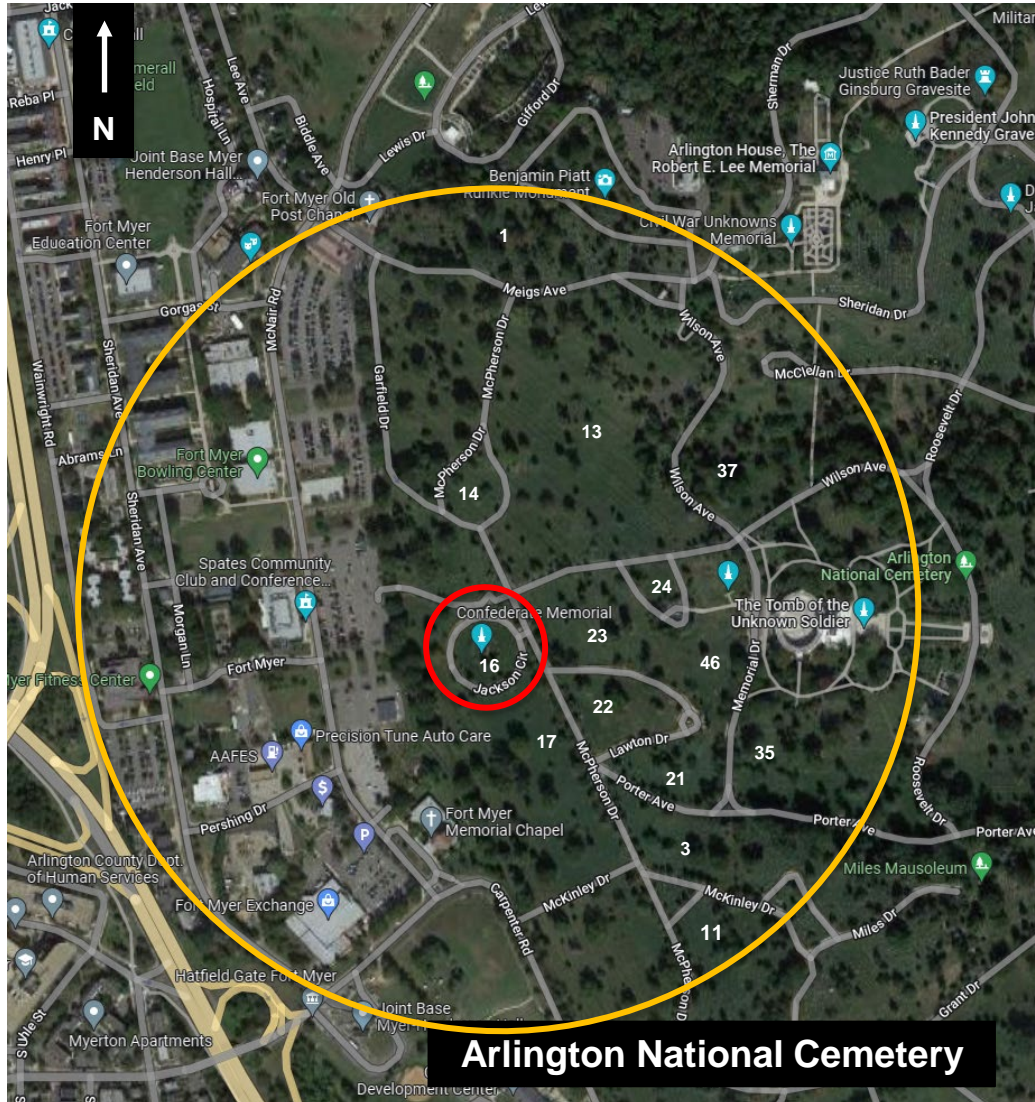
- Custis Family gravesite (ANC)
- Section 13, white Civil War (enlisted) soldiers' primary burial ground historically referred to as the "Field of the Dead" (ANC)
- U.S.S. Maine Memorial (Mast of the Maine [ANC])
- Spanish-American War Memorial (ANC)
- Spanish-American War Nurses Memorial (ANC)
- Battle of the Bulge Memorial (ANC)
- Rough Riders Memorial (ANC)
- Selfridge Gate (ANC)
- McNair Rd. (Joint Base Myer-Henderson Hall [JBM-HH])
- Fort Myer Memorial Chapel (JBM-HH)
- Burial Sections 1, 3, 11, 13, 14, 16, 17, 21, 22, 23, 24, 35, 37, & 46

Satellite View of Project Area.

*APE outlined in **YELLOW**.*

*Proposed project location in **RED**.*

IDENTIFICATION OF HISTORIC PROPERTIES



Historic Properties Located Within the APE:

Per 36 CFR § 800.4, the following is a list of historic structures and features contributing to the ANC, JBM-HH, and Arlington House historic districts, which are located within/adjacent to the APE. These properties are identified in the 2014 programmatic agreement among ANC, the Virginia SHPO, and the Advisory Council on Historic Preservation (ACHP), ANC's 2014 National Register nomination, and ANC's 2012 DHR Reconnaissance Level Survey.

- Confederate Memorial (DHR #000-1235 / #000-0042-0029)
- Arlington National Cemetery Historic District (DHR #000-0042)
- Boundary walls and gates (DHR #000-0042-0017)
- Grave Markers (DHR #000-0042-0021)
- Battle of the Bulge Memorial (DHR #000-0042-0025)
- Rough Riders Memorial (DHR #000-0042-0040)
- Spanish-American War Memorial (DHR #000-0042-0043)
- Spanish-American War Nurses Memorial (DHR #000-0042-0044)
- U.S.S. Maine Memorial (DHR #000-0042-0047)
- Arlington House Historic District (DHR #000-0001)
- Arlington House Cultural Landscape (CLI #600049)
- Fort Myer Historic District (DHR #000-0004)

Satellite View of Project Area.

*APE outlined in **YELLOW**.*

*Proposed project location in **RED**.*



Evaluation of Historic Significance:

Per 36 CFR § 800.4(c), ANMC will consult with the DHR and to apply the National Register criteria (36 CFR part 63) to properties identified within the area of potential effects that have not been previously evaluated for National Register eligibility.

The ANC historic district's 2014 National Register nomination lists the Confederate Memorial as a contributing object (monuments/ memorials) to the historic district. The Confederate Memorial is also individually listed with the Virginia Department of Historic Resources (DHR), the State Historic Preservation Office, as DHR ID#: 000-1235 / DHR ID#: 000-0042-0029, as a contributing National Register resource to Arlington National Cemetery (DHR ID#: 000-0042). Accordingly, ANMC believes that the Confederate Memorial meets several of the National Register criteria, and that the property should be considered eligible for the National Register for section 106 purposes. As a result, concurrent with the initiation of the section 106 process, ANC submits a Phase II Intensive-Level Survey to the DHR for preliminary evaluation for determination of National Register eligibility.

From Arlington National Cemetery's 2014 nomination to the National Register of Historic Places, page 43:

ANC Statement of Significance Summary Paragraph

As the final resting place of military veterans, from the well known to the unknown and materialized in the rows of white headstones, ANC is nationally significant as the country's premier national cemetery and as a testament to the measures taken to honor and respect those who have played a role in our country's history. With a period of significance from 1864 to the present, ANC retains its integrity and meets National Register Criteria A, B, and C, and Criteria Considerations D, F, and G at a national level. The Criteria A and B periods of significance of ANC begin in 1864 and continue to the present day. The year 1864 marks the year the U.S. Army began to utilize the estate as a cemetery. Recent additions to the cemetery in terms of land development as well as monuments and memorials are significant despite their age of less than 50 years. The Department of Defense continues to use the cemetery for burials for war veterans, and it continues to commemorate significant national events by the construction of memorials. The period of significance therefore extends to the present day as ANC continues to develop as a national cemetery and as a symbol for those who have fought for the freedoms of United States citizens. The Criterion C period of significance begins in 1864 and ends in 1966 with the massive expansion east of present-day Eisenhower Drive and is directly attributed to the picturesque planning and design of the cemetery under the direction of Quartermaster General Montgomery Meigs as well as the Beaux Arts influences of the 1920s and 1930s at the hands of the Commission of Fine Arts. The design of the area to the east of Eisenhower Drive after 1966 is based upon maximizing the number of burials rather than extending the rural/picturesque aspects of Meigs' original design and therefore the period of significance ends in 1966 for the rural/picturesque design under Criterion C. The nomination for Arlington House (a contributing component to the ANC Historic District) has two associated archeological sites that are contributing under Criterion D.

From Arlington National Cemetery's 2014 nomination to the National Register of Historic Places:

Confederate Memorial (& Section 16), Section 7, Page 25 - 26

...Although Confederate soldiers were buried at ANC from its inception as a cemetery, bitter feelings between the North and South and ANC's role as a primarily Union cemetery meant that there was not a monument to Confederate soldiers until the early twentieth century. Before that time families of Confederate soldiers were not always allowed to decorate the graves of their soldiers and, at times, were not allowed to enter the cemetery (Peters 2008:246). In June 1900, a section of the cemetery was authorized by Congress to be used for the burial of Confederate dead. During the next year and a half, soldiers who had been buried in national cemeteries in Alexandria and the Soldiers' Home in Washington, D.C. were moved to the Confederate section of ANC (Section 16). In total, 482 persons are buried in the section, 46 officers, 351 enlisted men, 58 wives, 15 Southern civilians, and 12 unknowns. The grave markers in this section are distinctive, with pointed tops that were meant to be easily distinguishable from the rounded tops of Union soldiers' headstones...

...The significance of the Confederate Memorial extends beyond the monument itself to the social climate in which it was built. The turn of the twentieth century marked a beginning of changing sentiments between the North and South with the authorization by Congress of a Confederate section within ANC. The reconciliation that began with this monument would be further strengthened through the Arlington Memorial Bridge that would physically and symbolically bridge the divide between Lee's Arlington estate and Lincoln's Washington...

Section 8, Page 48

...In 1906, Congress had approved the construction of a Confederate Memorial at ANC. In an effort at national unity and reconciliation between the North and the South, a one-acre area (Section 16) had been set aside in 1900 for the burial of Confederate dead. Although 241 Confederate burials at ANC had been disinterred and moved to Southern cemeteries during the 1870s, 136 Confederate burials remained. These burials were moved to the newly designated section and were joined by the 128 Confederates burials that were moved to ANC from the Soldiers' Home in Washington. The white marble markers in this section, which are set in concentric circles, exhibit the pointed top that was typical of Confederate burials in other national cemeteries. Each stone was 36 inches high, 10 inches wide, and 4 inches thick, and was engraved with the grave number, the name of the soldier (if known), his unit designation, and the letters C.S.A. (Krowl 2003:165). The site chosen for the Confederate section occupied a more prominent spot in the cemetery in 1900 than is apparent today. Before the completion of the Arlington Memorial Bridge in 1932 as a direct route over the Potomac from Washington, many visitors would have entered the cemetery through the western gates near Fort Myer. From that vantage point, the Confederate section was easily accessible to sightseers...

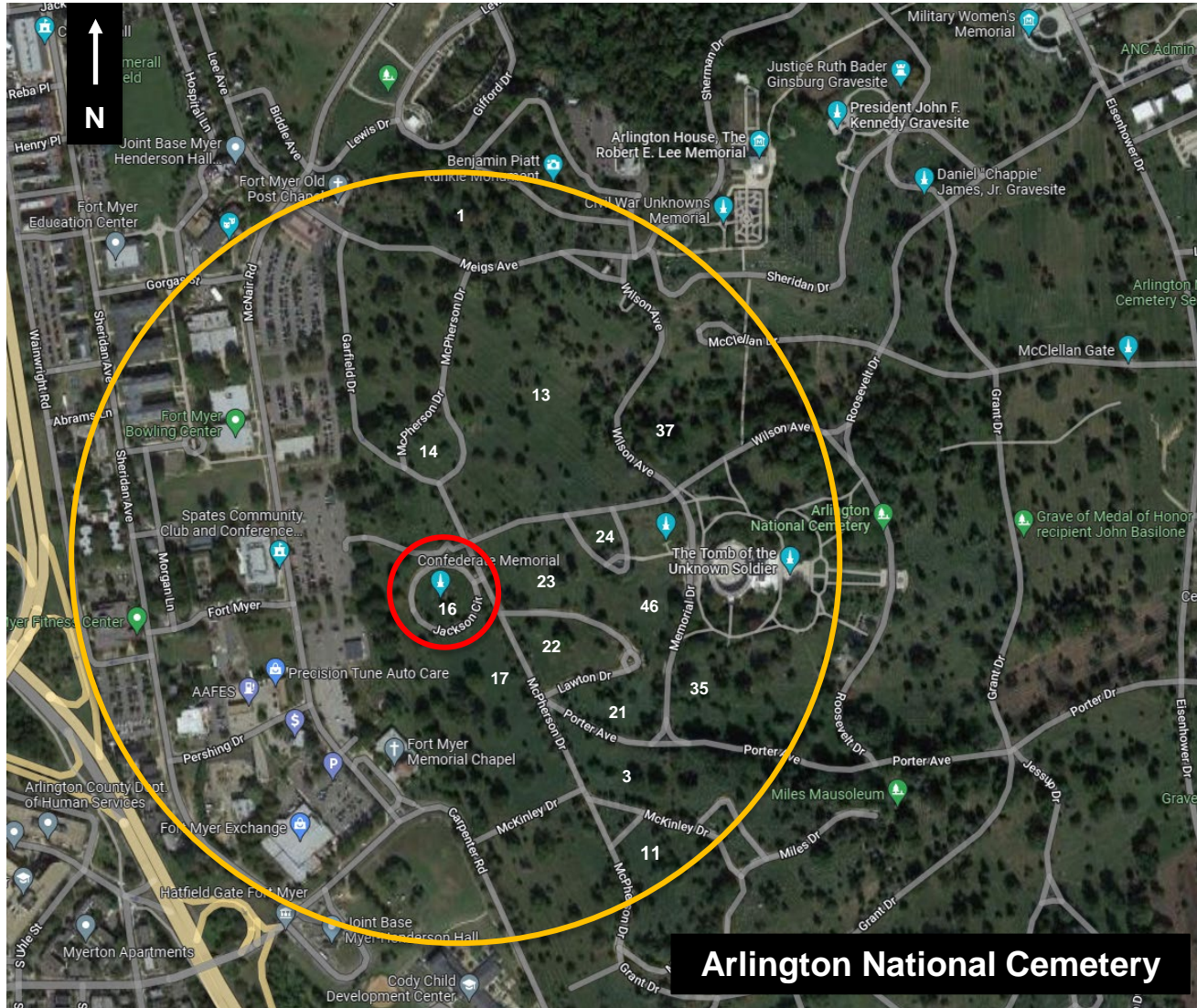
From Arlington National Cemetery's 2012 Virginia Department of Historic Resources Intensive Level Survey:

Confederate Memorial Significance Statement, DHR ID#: 000-1235, Other DHR ID#: 000-0042-0029, page 3-4

...Although Confederate soldiers were buried at ANC from its inception as a cemetery, bitter feelings between the North and South and ANC's role as a primarily Union cemetery meant that there was not a monument to Confederate soldiers until the early twentieth century. Before that time families of Confederate soldiers were not always allowed to decorate the graves of their soldiers and, at times, were not allowed to enter the cemetery (Peters 2008:246). In June 1900, a section of the cemetery was authorized by Congress to be used for the burial of Confederate dead. During the next year and a half, soldiers who had been buried in national cemeteries in Alexandria and the Soldiers' Home in Washington were moved to the Confederate section of ANC (Section 16). In total, 482 persons are buried in the section; 46 officers, 351 enlisted men, 58 wives, 15 Southern civilians, and 12 unknowns. The grave markers in this section are distinctive, with pointed tops that were meant to be easily distinguishable from the rounded tops of Union soldiers' headstones.

The graves are arranged in concentric circles around the Confederate Monument, which was erected by the United Daughters of the Confederacy. The organization's petition was granted on March 4, 1906, by Secretary of War William Howard Taft, who, as president, spoke at a reception for the organization upon the laying of the cornerstone for the monument on November 12, 1912. The completed monument was dedicated on June 4, 1914.

The significance of the Confederate Monument extends beyond the monument itself to the social climate in which it was built. The turn of the twentieth century marked a beginning of changing sentiments between the North and South with the authorization by Congress of a Confederate section within ANC. The reconciliation that began with this monument would be further strengthened through the Memorial Bridge that would physically and symbolically bridge the divide between Lee's Arlington and Lincoln's Washington. The Confederate Monument is a contributing object to the ANC Historic District for being an important part of the nation's foremost military ceremonial and burial collection and for its design by Moses Ezekiel...



Results of Identification & Evaluation: Historic Properties Affected

Per 36 CFR § 800.4(d)(2), ANMC finds that there are historic properties which may be affected by the undertaking. As a result, ANMC shall notify all consulting parties, including Indian tribes or organizations, invite their views on the effects and assess adverse effects, if any, in accordance with § 800.5.

Per 32 CFR § 800.2 ANMC will engage the Advisory Council on Historic Preservation (ACHP) for assistance with the Sec 106 process. Notification was provided to the ACHP on 16 March 2023 via the Electronic Section 106 Documentation Submittal System (e106) Form, inviting the ACHP to participate in the Section 106 consultative process for the proposed undertaking.

Satellite View of Project Area.

*APE outlined in **YELLOW**.*

*Proposed project location in **RED**.*



In the initial submission on 09 February 2023, ANMC requested that the DHR:

1. Assign a DHR file number to project
2. Respond to ANMC's request for review of finding that there is an undertaking that affects a historic property: the Confederate Memorial
3. Respond to ANMC's request for review of determination of eligibility

This submission to the DHR included a VCRIS Intensive Survey (Evaluation/Phase II survey) for the Confederate Memorial (DHR ID #000-1235).

ANMC noted it was developing a Phase II Intensive-Level Survey report for the Confederate Memorial, in support of the VCRIS survey, for preliminary evaluation for determination of National Register eligibility.



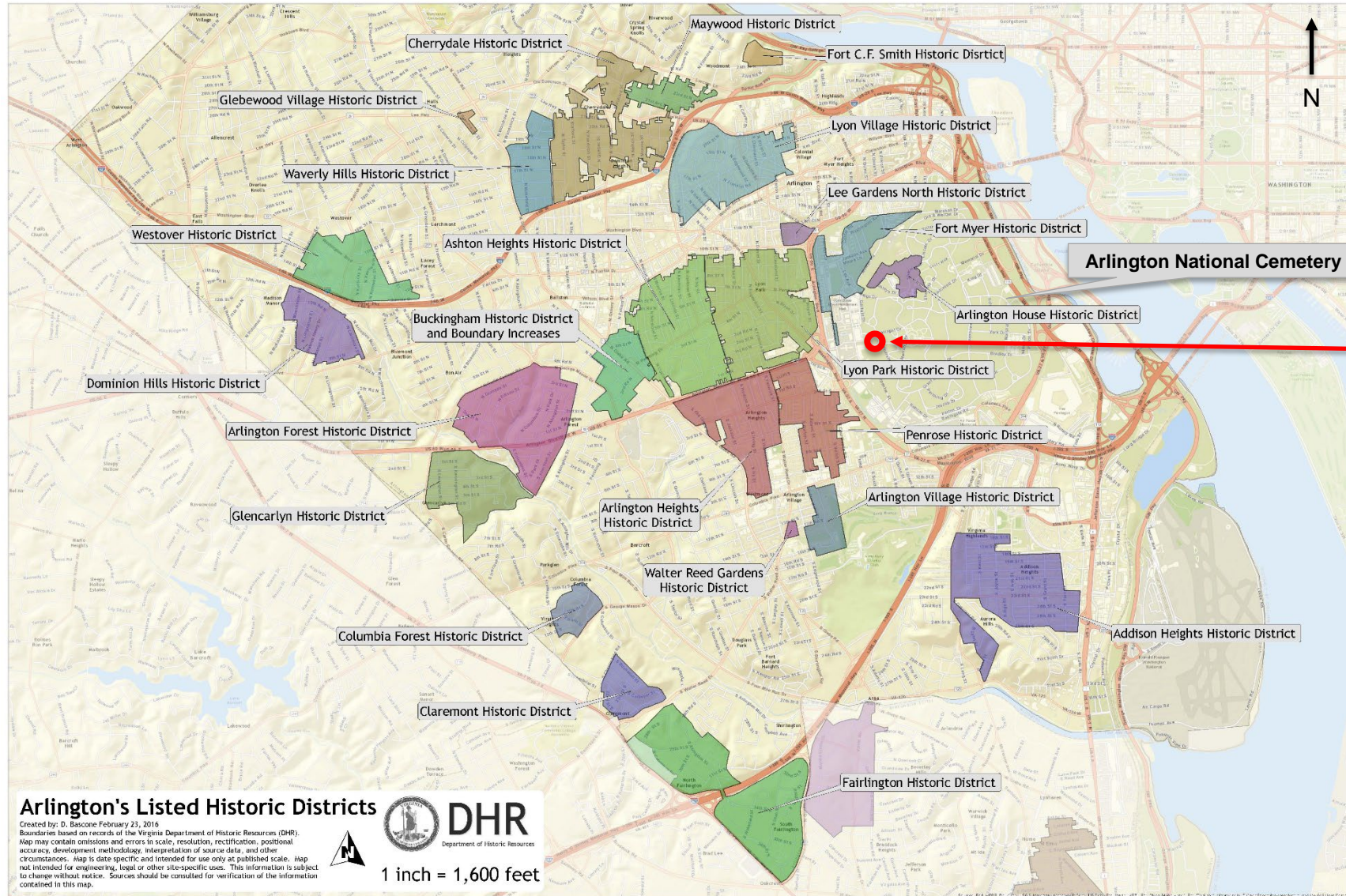
ANMC received DHR's letter of 03 March 2023. In response, ANMC provides this revised submission and requests that the DHR:

1. Concur with revisions in this document
2. Acknowledge receipt of Advisory Council on Historic Preservation (ACHP) Electronic Section 106 Documentation Submittal (e106)
3. Acknowledge receipt of the Phase II (Intensive-Level) survey report to evaluate the individual eligibility of the Confederate Memorial to the National Register of Historic Places (NRHP)

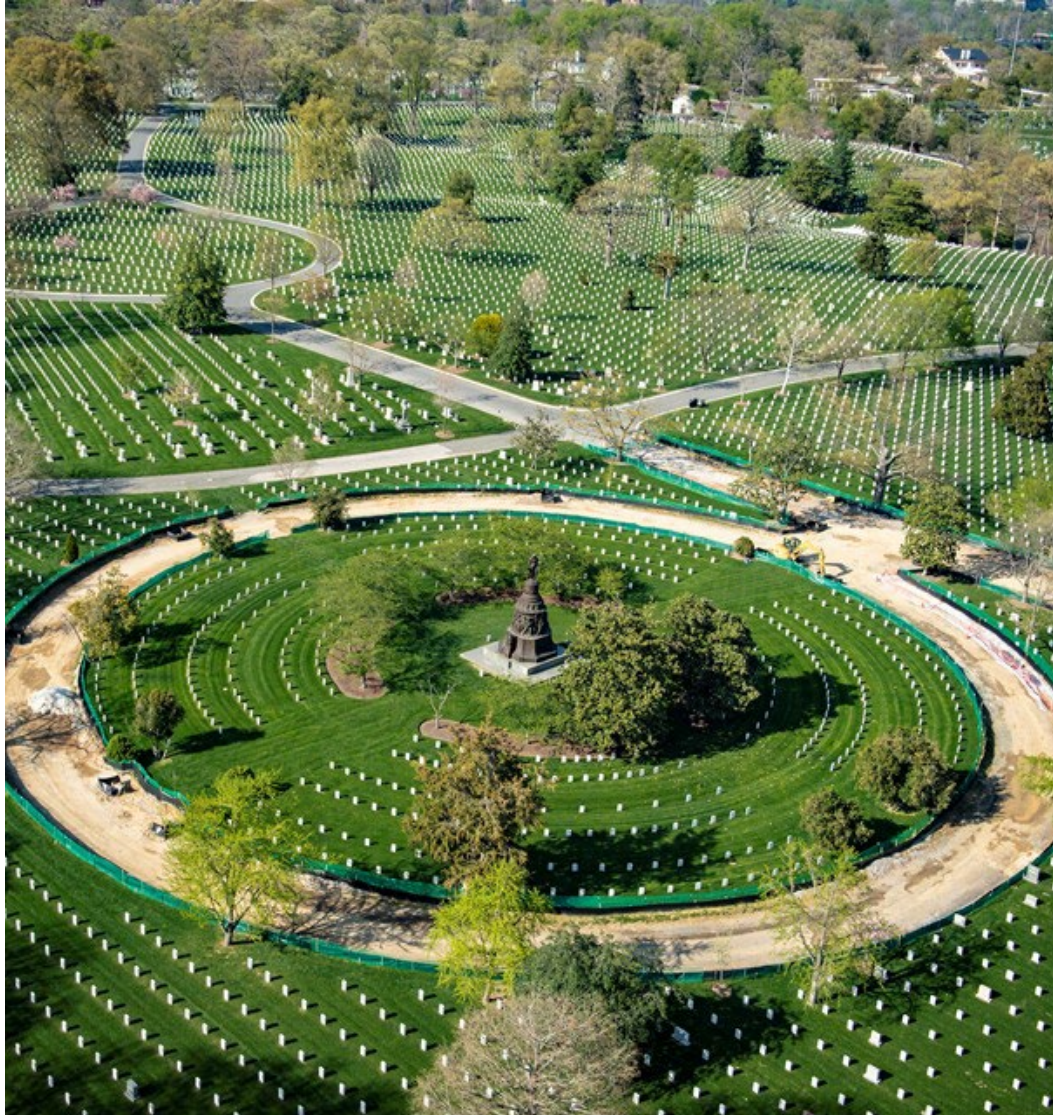
After review of the Phase II survey report, ANMC requests that the DHR:

1. Respond to ANMC's request for review of determination of eligibility for the Confederate Memorial

SUPPORTING DOCUMENTATION



EXISTING SITE VIEW & DESCRIPTION



Aerial photography of Section 16
at Arlington National Cemetery,
Arlington, Va., April 20, 2022.

Site Description:

Section 16 contains the remains of Confederate soldiers, arranged in concentric circles with government furnished headstones facing toward the center of the circle. The Confederate Memorial sits in the center of the circle, with four graves adjacent, one at each face. A circular drive separates the section from the rest of the cemetery.

The memorial stands approximately 33 feet tall and features a 30-foot-tall bronze sculpture atop an approximately 3-foot-tall polished granite base:

- The granite base is composed of two pieces: a 27-foot 8-inches square, with a height of 8-inches, supports a granite plinth that is 20-feet by 18-feet and 26-inches tall.
- Bronze elements taper from 15-feet wide and 6-feet 4-inch-tall base to a 5-feet 5-inch wide and 8-feet 8-inches tall frieze and plinth section, up to a statue on pedestal element.

Four Confederate soldiers lie at the base of the Memorial, one on each side: the memorial's sculptor, Moses Ezekiel; Lt. Harry C. Marmaduke of the Confederate Navy; Capt. John M. Hickey of the Second Missouri Infantry; and Brig. Gen. Marcus J. Wright, who commanded brigades at the battles of Shiloh and Chickamauga.

EXISTING SITE VIEW & DESCRIPTION



Site Description:

Numerous sources indicate the presence of a time capsule. The exact location is unknown, but some sources state that the Arlington Confederate Monument Association buried the time capsule below a cornerstone. It is described as a metal box that contains: a copy of the Act of Congress that authorized the burial of the Confederate dead in Arlington; a copy of then-Secretary of War William Howard Taft's letter that authorized the memorial; and silk replicas of the state flags of the former Confederacy, as well as the District of Columbia.

If the time capsule is below the granite base, ANMC does not plan to remove it. However, ANMC will need to develop a plan, with the DHR and consulting parties, for disposition of the time capsule, should it be uncovered while removing the bronze statue. For example, the time capsule could go with the memorial to its new repository, be reinstalled below the granite base, remain in the museum collection of ANC, or be sent to a separate museum.

Aerial of Section 16 & the
Confederate Memorial. Arlington
National Cemetery, June 16, 2014.



Confederate Memorial, southwest elevation, in Section 16 of Arlington National Cemetery, Arlington, Virginia, July 13, 2020. (U.S. Army photo by Elizabeth Fraser / Arlington National Cemetery / released)



Confederate Memorial, southeast elevation, in Section 16 of Arlington National Cemetery, Arlington, Virginia, July 13, 2020. (U.S. Army photo by Elizabeth Fraser / Arlington National Cemetery / released)



South Elevation



Southeast Elevation



Northeast Elevation



North Elevation



Northwest Elevation



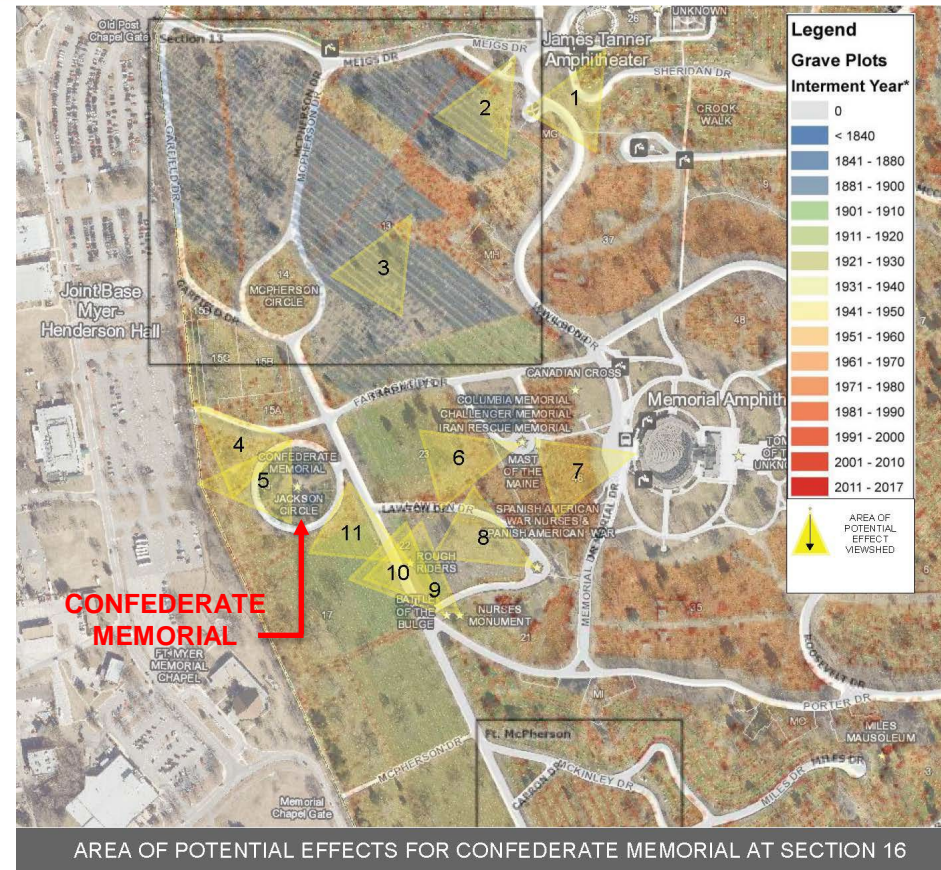
West Elevation



Southwest Elevation



Southwest
Elevation



1. JAMES TANNER AMPITHEATER, 1873
2. RECEIVING VAULT
3. CUSTIS FAMILY PLOT, 1853
4. SELFRIDGE GATE, 1958
5. MCNAIR ROAD, JOINT BASE MYER-HENDERSON HALL
6. MAST OF THE MAINE (USS MAINE MEMORIAL), 1912
7. MEMORIAL AMPHITHEATER, 1920
8. SPANISH-AMERICAN WAR MEMORIAL, 1902
9. SPANISH-AMERICAN WAR NURSES MEMORIAL,
10. BATTLE OF THE BULGE MEMORIAL, 2002
11. ROUGH RIDERS MEMORIAL, 1906



1. JAMES TANNER AMPITHEATER, 1873



2. RECEIVING VAULT



PROCUREMENT SENSITIVE
2-14

3. CUSTIS FAMILY PLOT

3



4. SELFRIDGE GATE, 1958

4



5. MCNAIR ROAD, JOINT BASE MYER-HENDERSON HALL

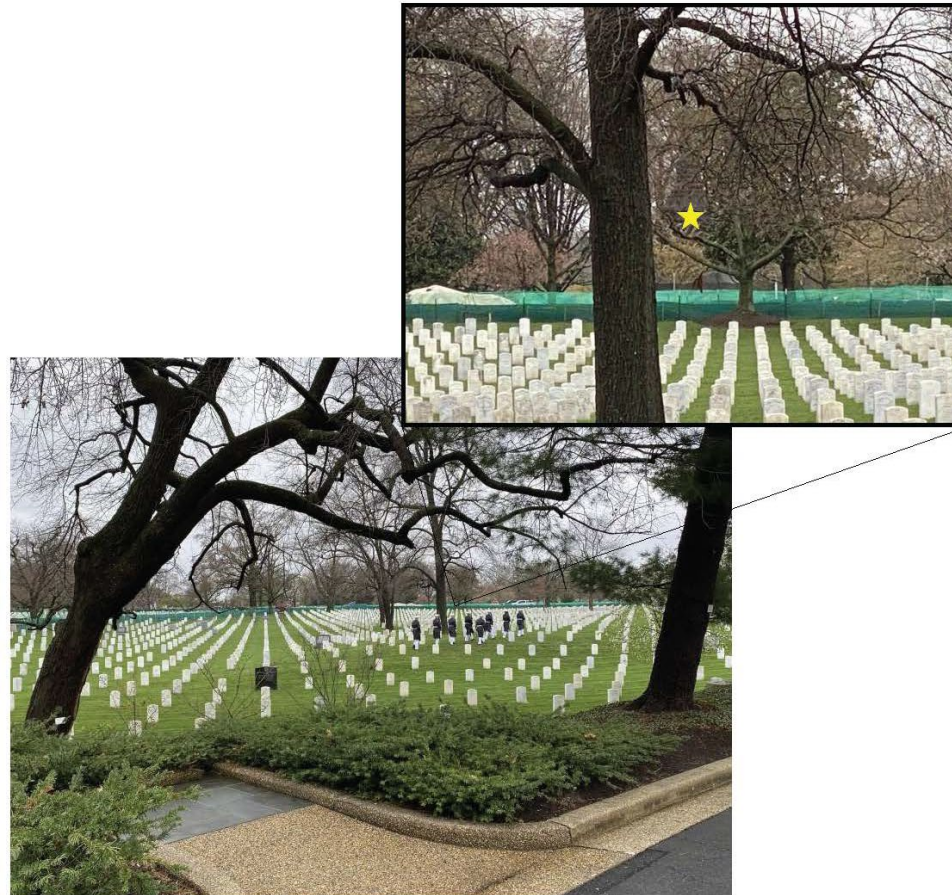
5



PROCUREMENT SENSITIVE
2-16

6. MAST OF THE MAINE (USS MAINE MEMORIAL), 1912

6



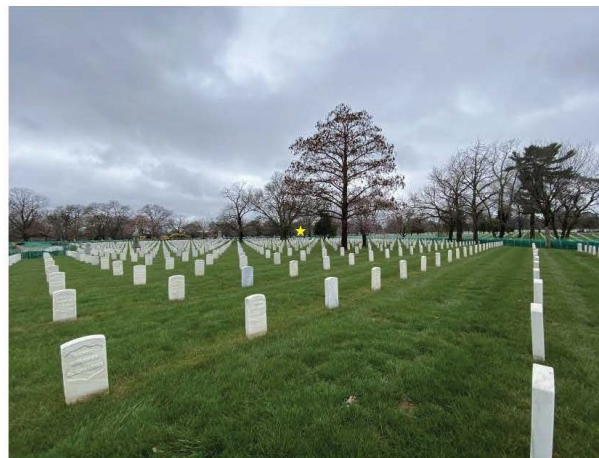
7. MEMORIAL AMPITHEATER, 1920

7



8. SPANISH-AMERICAN WAR MEMORIAL, 1902

8



PROCUREMENT SENSITIVE
2-18

9. SPANISH-AMERICAN WAR NURSES MEMORIAL,

9



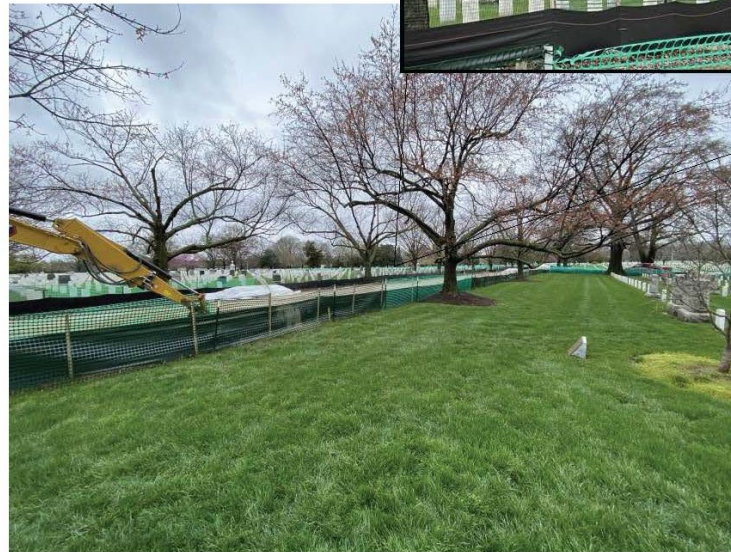
10. BATTLE OF THE BULGE MEMORIAL, 2002

10



11. ROUGH RIDERS MEMORIAL, 1906

11



1. STATUS QUO, NO CHANGE IS MADE TO THE CURRENT CONFIGURATION OF THE CONFEDERATE MEMORIAL.

1. NO ACTION REQUIRED.
2. ALTERNATIVE A - INTERPRET THE CONCEPTED PEDISTAL:
 1. EXAMINE MEMORIAL AND SUBMIT A BRIEF CONDITION REPORT.
 2. SPECIFY CYCLIC, MAINTENANCE INCLUDING:
 - 7.2.1. PROTECT FROM DISPLACEMENT OF LEAD JOINT COVERS OF GRANITE BASE (10 YEAR CYCLE).
 - 7.2.2. TRIM VEGETATION AROUND PEDISTAL (ANNUAL CYCLE).
 - 7.2.3. REMOVE ELEMENTS LEFT BEHIND BY VISITORS (MONTHLY CYCLE).
3. ALTERNATIVE B - DISASSEMBLE BRONZEWORK AT GRANITE PEDISTAL FOR REUSE:
 1. EXAMINE STATUS AND PROVIDE DISASSEMBLY PLAN FOR REVIEW BY GOVERNMENT ARCHITECT. INDICATE LOCATION OF CUTTING, REPAIR/DESIGN DESIR BEYOND FOR DISASSEMBLY. LABEL EACH ELEMENT ON AN ELEVATION OR PHOTOGRAPH WITH A UNIQUE IDENTIFICATION NUMBER FOR EACH ELEMENT. THE DISASSEMBLING SHOULD INDICATE THE DESIRED ELEMENTS IN SITU BEFORE IT IS TO BE DISASSEMBLED SO THEY CAN BE IDENTIFIED IN THE FUTURE, IF NECESSARY.
 2. CAREFULLY DISASSEMBLE BRONZEWORK AT SEAMS, WHERE POSSIBLE UNDESTRUCTIVE OR CUT AT JOINTS AT STRAIGHT PLACES.
 3. IF CUTTING OF BRONZE IS REQUIRED FOR DISASSEMBLY, CUT ONLY AT DISCREET LOCATION MINOR DISRUPTION TO SCULPTURAL ELEMENTS.
 4. LABEL EACH DISASSEMBLED STRUCTURAL, FRAME, CUT OR UNDESIRABLE ELEMENTS TO ALLOW FOR REUSE.
 5. CAREFULLY DISASSEMBLE STONE PEDISTAL, PROTECT STONE DURING DISASSEMBLY TO PREVENT DAMAGE, CHIPS, GLASS, SCRATCHES, OR CRACKS. IF CRACKS OCCUR, KEEP BROKEN ELEMENTS TOGETHER FOR FUTURE REPAIR.
 6. AFTER FURTHER EVALUATION TO DETERMINE IF DISASSEMBLY ON THE REVERSE SIDE, STAMPS, STENCILS OR HANDPRINT MATTER. DO NOT USE ELEMENTS ON TAGS OR TAPES THAT WILL FALL OFF.
 7. CLEAN BRONZEWORK OR GRANITE TO BE DISPOSED OR REUSE AND LABELS SHOULD BE STAMPED OR ETCHED IN FURTHER USE FOR CLEANING. ENSURE ALL ELEMENTS ARE DRY PRIOR TO STORAGE.
 8. STORAGE C - METAL CASES ARE NOT RECOMMENDED FOR GENERAL, SOLID BRONZE OR CRATE ALL BRONZE MATERIALS FOR STORAGE. PROTECT EACH ELEMENT FROM DAMAGE OR TRANSPORTATION. CRATE OR BOX EACH ELEMENT WITH A TAG.
 9. LABEL EACH CRATE TO INDICATE A PAPER INVENTORY OF EACH ELEMENT WITHIN. CRATE IN A PAPER BOX TO BE REUSE.
 10. STORE STONE PEDISTAL, ELEMENTS OFF OF GROUND ON PALLETS.
 11. MANAGE CRATE, WASTES PROPERLY. ALL BRONZE AND GRANITE ELEMENTS, INCLUDING CONDITION PHOTOS AND DOCUMENTS, AND TRANSFER HAND MEMORIAL.
4. ALTERNATIVE C - DEMOLISH BRONZEWORK AND GRANITE BASE

4. EXAMINE STAFF AND BASE. PROVIDE DISASSEMBLY PLAN FOR REVIEW BY GOVERNMENT AND ARCHITECT. INDICATE LOCATIONS OF CUTTING. IF REQUIRED, DESCRIBE METHODS FOR DISASSEMBLY. LABEL EACH ELEMENT ON AN ELEVATION OR PHOTOGRAPH WITH A UNIQUE IDENTIFICATION NUMBER FOR EACH ELEMENT. THE DOCUMENTATION SHOULD INDICATE THE NUMBERED ELEMENTS IN SITU BEFORE THEY ARE REMOVED FOR THE HISTORIC RECORD.

GRAVESITE BOUNDARIES INDICATED HAVE NOT BEEN VERIFIED. MARKER LOCATIONS MAY HAVE SHIFTED OVER TIME. VERIFY CONDITIONS AT FOUNDATION BY CONDUCTING HAND-EXCAVATED TEST PITS.

Approximate Height	12' 11"
Approximate Pedestal Width	4' 8.5"
Approximate Plinth Width	5' 5"

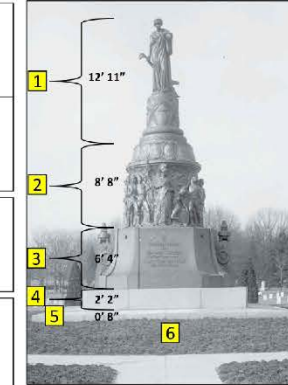
<u>Approximate Height</u>	8' 8"
<u>Approximate Width (Frieze)</u>	5' 5"
<u>Approximate Width (Plinth)</u>	9' 3"

<u>Approximate Height</u>	6' 4"
<u>Approximate Width (Top)</u>	11' 2"
<u>Approximate Width (Bottom)</u>	14' 11"

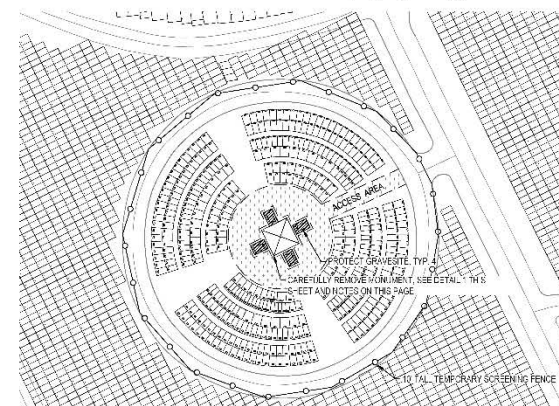
Height	2' 2"
Width	20' 0.5"
Depth	18' 0.5"

<u>Height</u>	0' 8"
<u>Width</u>	27' 8"
<u>Depth</u>	27' 8"

Multi-layer
First layer - 32' square / 1' deep
Second Layer - 34' square / depth unknown



① MONUMENT ELEVATION



2 SITE PLAN EXISTING CONDITIONS

AND MOBILE UTILITY ATLANTA NATURAL GAS COMPANY ATLANTA, GA		DATE MONTH YEAR DAY YEAR	
U.S. ARMY CORPS OF ENGINEERS MISSISSIPPI DISTRICT NEW ORLEANS, LA		DATE MONTH YEAR DAY YEAR	



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Travis A. Voyles
*Acting Secretary of Natural and
Historic Resources*

Julie V. Langan
Director
Tel: (804) 482-6446
Fax: (804) 367-2391
www.dhr.virginia.gov

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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Northern Region Office
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Tel: (540) 868-7029
Fax: (540) 868-7033

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

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.

Page 3

3 March 2023

Ms. Karen Durham-Aguilera

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



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Director

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August 29, 2023

Ms. Caitlin Smith
Arlington National Cemetery
1 Memorial Avenue
Arlington, VA 22211

Re: *Phase II Intensive-Level Survey of the Confederate Memorial (000-1235), Arlington National Cemetery Arlington, Virginia*
DHR File No. 2022-0201

Dear Ms. Smith:

The Department of Historic Resources (DHR) has received the document referenced above prepared by Army National Military Cemeteries (ANMC) and Arlington National Cemetery (ANC). The Arlington National Cemetery Confederate Memorial (Memorial; DHR ID #s 000-1235; 000-0042-0029) is recorded as a contributing resource to the Arlington National Cemetery Historic District (DHR ID #000-0042) which is listed in the National Register of Historic Places (NRHP). This Phase II Intensive Level Survey (Survey) was completed to evaluate the Memorial for individual listing in the NRHP.

The Survey recommends that the Memorial is potentially individually eligible for NRHP listing under Criterion A as a representation of the debated national effort to commemorate the Civil War, 19th and early 20th century efforts at reconciliation, and "Lost Cause" ideology. The Memorial is also recommended potentially individually eligible for NRHP listing under Criterion C for its design by sculptor Moses Ezekiel, a renowned master sculptor and artist. The period of significance is recommended as the years in which the Memorial was constructed, from 1912 to 1914. The Survey concludes that, "the Confederate Memorial retains its integrity of location, setting, design, workmanship, feeling, association, and materials... [and] merits listing in the NRHP due to its status as a unique historical artifact that embodies, in Monumental form, the discourse surrounding the Memorialization of the Civil War".

On August 17, 2023, DHR's National Register Evaluation Committee met to evaluate the Memorial and concurs with ANMC's recommendation that the Memorial (DHR ID #000-1235) is individually eligible for the listing in the NRHP under Criteria A and C, with a national significance for both A and C, and period of

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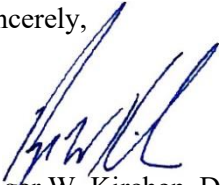
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significance from 1912 to 1914. We recommend significance in the areas of politics/government, social history, art, and landscape architecture.

Please continue to consult with DHR, other consulting parties, and the public to assess effects of your undertaking on historic properties and identify measures to avoid or minimize any potential adverse effects. If you have any questions at this time, please do not hesitate to contact me at roger.kirchen@dhr.virginia.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Kirchen', is positioned above the typed name.

Roger W. Kirchen, Director
Review and Compliance Division

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

October 3, 2023

Office of the Executive Director

Ms. Julie V. Langan
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Dear Ms. Langan:

On February 9, 2023, Army National Military Cemeteries (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, which currently sit on a granite base in the center of Section 16. The proposed project is considered a federal undertaking with the potential to cause adverse effects on historic properties pursuant to 36 C.F.R. 800.3(a).

ANMC would like to take this opportunity to submit a revision to the Area of Potential Effect (APE) for the proposed project. Due to comments received during the scoping period, it is recommended that the original APE be extended to include the entire Arlington National Cemetery Historic District.

Furthermore, with this submission, ANMC takes this opportunity to submit the assessment of effects for the proposed undertaking.

ANMC transmits the following files via DoD SAFE:

a. Section 106 Process Submission: Revised Area of Potential Effect & Assessment of Adverse Effects. This includes updates to the area of potential effects (APE) and the first submission of the agency's assessment of effects.

b. Attachment A: Public and consulting party APE comments

- By way of this submission, ANMC is requesting that the DHR:

a. Concur with revisions to the APE.

b. Respond to ANMC's finding of:

(1) No adverse effects to the Fort Myer and Arlington House Historic Districts.

(2) Adverse effects to the Confederate Memorial and Arlington National Cemetery Historic District

Army National Military Cemeteries looks forward to continuing the Section 106 consultation process with our agency partners, consulting parties and the public.

Should there be any questions, please contact Ms. Caitlin Smith, ANMC Cultural Resources Program Manager, usarmy.pentagon.hqda-anc-osa.mbx.cultural-resources@army.mil. Thank you for your support.

Sincerely,

KAREN DURHAM-AGUILERA
Executive Director

Enclosures

cc:

Mr. Reid Nelson

Executive Director, Advisory Council on Historic Preservation

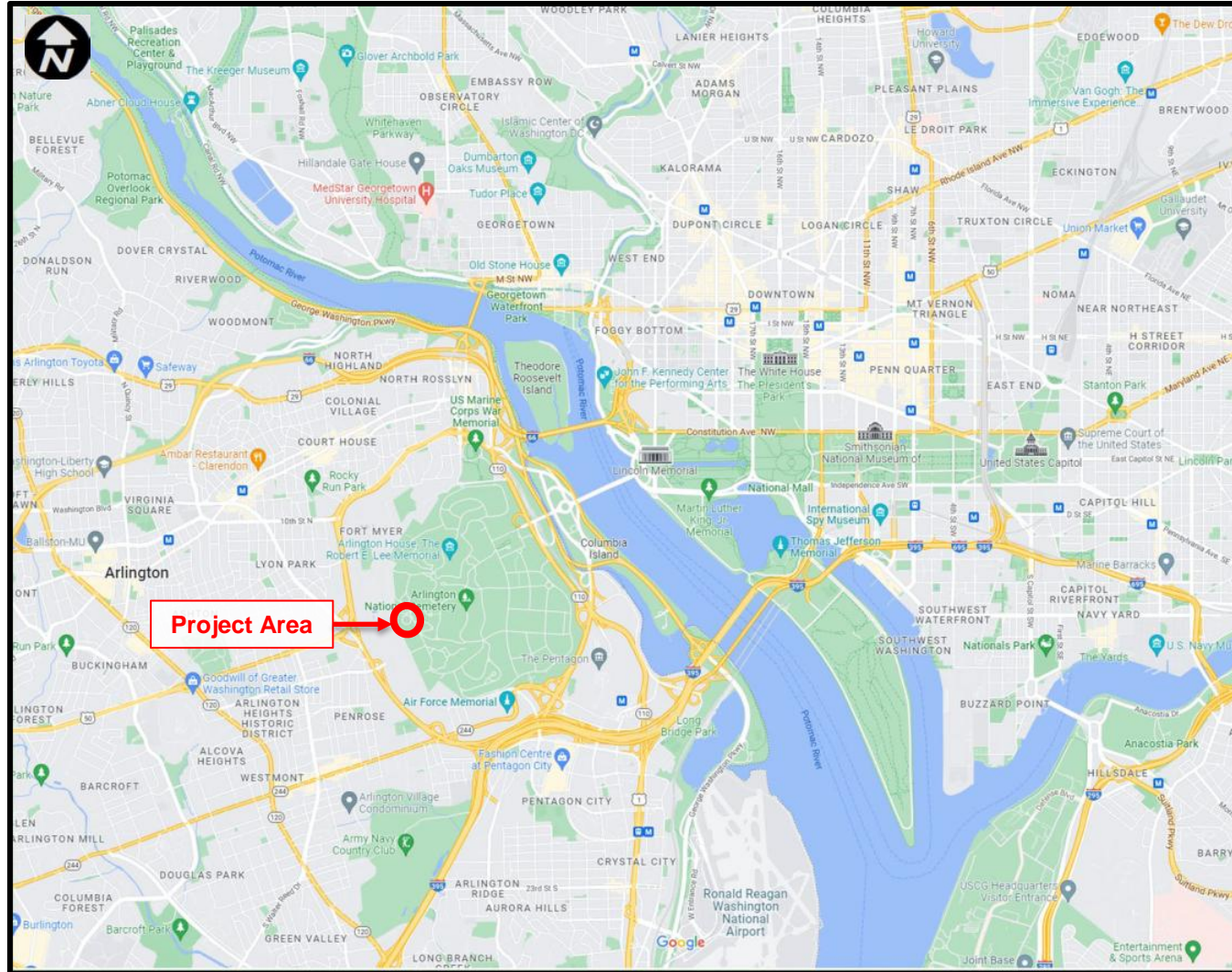
Ms. A. Megan Borthwick

Program Analyst, Advisory Council on Historic Preservation



ARLINGTON NATIONAL CEMETERY

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CONFEDERATE MEMORIAL REMOVAL Army National Military Cemeteries Arlington National Cemetery Arlington, Virginia

SECTION 106 PROCESS SUBMISSION:
REVISED AREA OF POTENTIAL EFFECT &
ASSESSMENT OF ADVERSE EFFECTS

DHR File No. 2022-0201

1st Submission: February 9, 2023
2nd Submission: March 16, 2023
3rd Submission: October 3, 2023

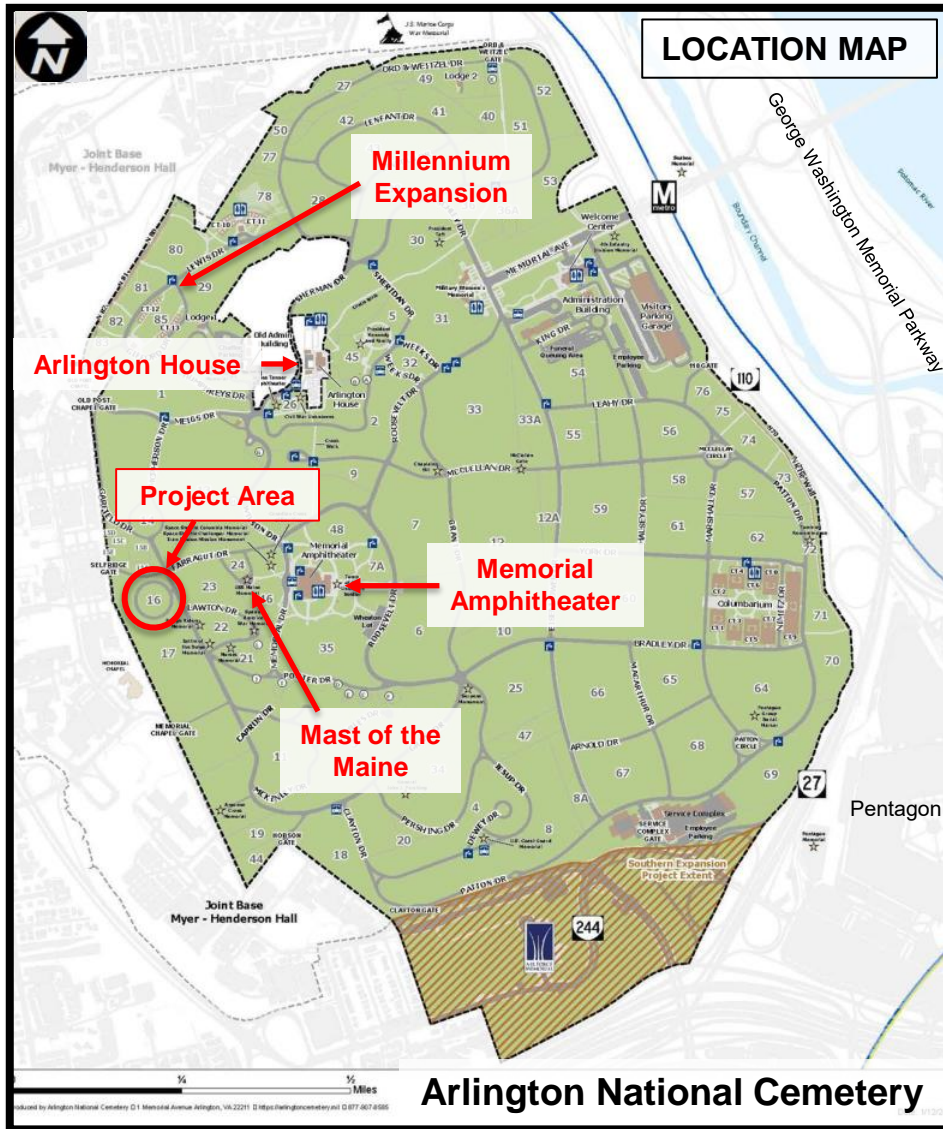


ARLINGTON

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LOCATION MAP & PROJECT DESCRIPTION



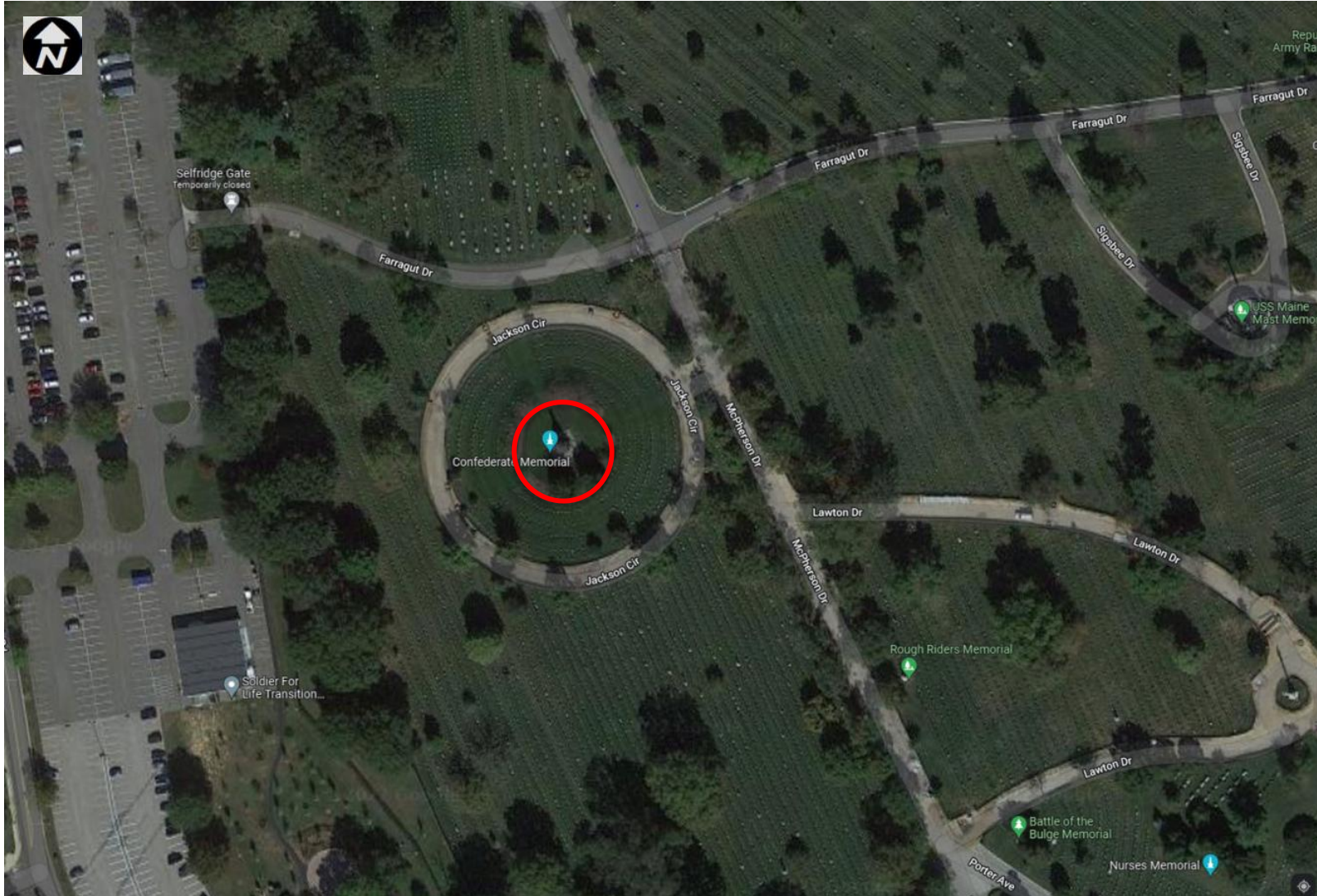
Army National Military Cemeteries (ANMC) proposes the removal of the bronze elements of the Confederate Memorial, which currently sit on a granite base in the center of Section 16 of Arlington National Cemetery. The proposed project is considered a federal undertaking with the potential to cause adverse effects on historic properties pursuant to 36 CFR 800.3(a).

As required by Congress and implemented by the Secretary of Defense, Arlington National Cemetery has been directed to implement the recommendations of 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). The Naming Commission was established pursuant to Section 370 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. This undertaking is a direct result of the Secretary of Defense's directive.

As a result, 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 in order to: 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 ANC.



PROJECT NARRATIVE



In 2022, the Historic American Buildings Survey (HABS) completed archival record of the Confederate Memorial, including photos and ortho-imagery generated from a photogrammetric model, which was submitted to the Library of Congress (LoC).

During disassembly, ground disturbance will be minimal. ANMC proposes leaving the granite pedestal in place, and not performing any ground disturbing activities, as the memorial is in the center of burial Section 16.

While the disassembly work occurs, the surrounding landscape, graves, and headstones will be protected. Staging will occur on the circular drive that surrounds the memorial. During the deconstruction, scaffolding will be erected around the memorial and covered with screening, to protect the surrounding landscape and grave markers and to ensure the safety of visitors in/around the vicinity of the deconstruction.

After disassembly, the memorial will be prepared for transport to a storage facility, and the site and landscaping will be restored. ANMC will develop interpretation for the site with input from consulting parties and the public.

Satellite View of Project Area.
Proposed project location in **RED**.



INITIATION OF THE SECTION 106 PROCESS



Per 36 CFR § 800.3, Army National Military Cemeteries (ANMC) initiated the section 106 process for the proposed removal of the Confederate Memorial's bronze elements from Arlington National Cemetery (ANC). The proposed project is considered a Federal undertaking, as defined in 36 CFR § 800.16(y), and is the type of activity that has the potential to cause effects on historic properties pursuant to 36 CFR § 800.3(a).

Per 36 CFR § 800.3(c), ANMC identified the Virginia Department of Historic Resources (DHR) as the appropriate State Historic Preservation Office (SHPO) to be involved in the section 106 process.

Per 32 CFR § 800.2, ANMC engaged the Advisory Council on Historic Preservation (ACHP) for assistance with the section 106 process. Notification was provided to the ACHP on 16 March 2023 via the Electronic Section 106 Documentation Submittal System (e106) Form, inviting the ACHP to participate in the Section 106 consultative process for the proposed undertaking.

Per 36 CFR § 800.3(c), ANMC continues to involve the public in the section 106 process. After initiating consultation with the DHR, ANMC notified potential consulting parties and the public of the undertaking via social media, the ANC website, and local news outlets, and invited them to participate in the consultation process. ANMC continues to post information regarding the proposed undertaking to the ANC website. ANMC continues to work in consultation with the DHR on all plans to involve the public and consulting parties in the section 106 process.



In the initial submission on 09 February 2023, ANMC requested that the DHR:

1. Assign a DHR file number to project
2. Respond to ANMC's request for review of finding that there is an undertaking that affects a historic property: the Confederate Memorial
3. Respond to ANMC's request for review of determination of eligibility

This submission to the DHR included a VCRIS Intensive Survey (Evaluation/Phase II survey) for the Confederate Memorial (DHR ID #000-1235).

ANMC noted it developed a Phase II Intensive-Level Survey report for the Confederate Memorial, in support of the VCRIS survey, for preliminary evaluation for determination of National Register eligibility.



ANMC SECOND REQUEST TO DHR



ANMC received DHR's letter of 03 March 2023. In response, on March 16, 2023, ANMC provided a revised submission and requested that the DHR:

1. Concur with revisions to the section 106 initiation document for the proposed undertaking, incorporating comments received from the DHR. This included updates to the Area of Potential Effects (APE) and to the list of potential consulting parties.
2. Acknowledge receipt of the Advisory Council on Historic Preservation (ACHP) Electronic Section 106 Documentation Submittal (e106)
3. Acknowledge receipt of the Phase II (Intensive-Level) survey report to evaluate the individual eligibility of the Confederate Memorial to the National Register of Historic Places (NRHP)
4. After review of the Phase II survey report, respond to ANMC's request for review of determination of eligibility for the Confederate Memorial

In a letter dated, August 29, 2023, DHR concurred that the Confederate Memorial is individually eligible for listing in the National Register of Historic Places (NRHP).



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ANMC CURRENT REQUEST TO DHR



In this third submission, ANMC provides:

1. A revised APE, in response to comments received from consulting parties and the public during the scoping period and the first consulting party meeting
2. Assessment of adverse effects

ANMC requests that the DHR:

1. Concur with revisions to the APE
2. Respond to ANMC's finding of:
 - a) No adverse effects to the Fort Myer and Arlington House historic districts
 - b) Adverse effects to the Confederate Memorial and Arlington National Cemetery Historic District



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AREA OF POTENTIAL EFFECT COMMENTS



During the public scoping period, from August 4 – September 3, 2023, ANMC received comments regarding the previously established APE. The following are representative of the comments received:

- ...it's area of actual Area of Potential Effect; and potential effect is far beyond Jackson Circle and Section 16, but outwards to all of Arlington. The Historical significance origin story of Arlington House and how the it became the nation's truly National Military cemetery is encapsulated in it. And, the memorial's reach is really all across America and across the world, given the reverence and prominence we have bestowed on it. Without this memorial, there is no reason why Arlington is anything special. With it, Arlington says to the world what we can [aspire] to...Arlington Cemetery has a unique place in the American psyche and is essential to our national morale
- ...the removal of this monument will adversely the atmosphere and solemn of the cemetery...
- ...The correct area of potential effect would be a direct effect on the monument, both direct (as the monument is part of Arlington Cemetery's landscape and specifically the Confederate section) and indirect in the visual of the cemetery...
- ...This obviously will have an adverse effect on the historic properties and the entire Northern Virginia community...
- ...I'm not quite sure what message the military is trying to send to the inhabitants of Virginia by removing a cultural, respective piece of our resilience...



AREA OF POTENTIAL EFFECT COMMENTS



During the public scoping period, from August 4 – September 3, 2023, ANMC received comments regarding the previously established APE. The following are representative of the comments received:

- ...this memorial clearly qualifies for National Register status, and its area of effect is all of Arlington, and really all of America, because of Arlington's unique position in the American psyche, and is essential to our national morale. It has a unique and unmitigable impact on our culture...
- ...This Reconciliation Memorial is a part of the culture not only of America but the world. To say that the effect is limited to a small part of a cemetery is disingenuous. This Memorial is eligible to be a contributing object of its own historical significance in Arlington National Cemetery, which is a National Register Historic District which is the only National Military Cemetery with that designation. Former Secretary of the Navy Jim Webb's recent Op Ed in the Wall Street Journal shows how the memorial is a testament to how to re-unify a nation after a civil war. He used it with officials in Vietnam. If America cannot accept its own reconciliation, how can we promote it to other war torn cultures. The APE, as proposed, is just a small area inside the cemetery. This ignores the importance of the reconciliation message that America set by example for the world after our own bloody fratricidal war...
- ...The scope ANC is TOO SMALL, for the EIS, by much, because this "Reconciliation" monument is part of a larger schematic of objects supporting the re-unification of the United States after the War (1861-1865.)...



During the public scoping period, from August 4 – September 3, 2023, ANMC received comments regarding the previously established APE. The following are representative of the comments received:

- ...This memorial is part of the Washington Monumental Corridor Master Plan. The Monumental Corridor was part of the “American Renaissance” and North-South linkage promoted by renowned architects McMillan and Olmstead. They envisioned a “city beautiful” plan for Washington, DC that extended over the Potomac River into Virginia to Arlington House and the Cemetery. The bridge was to become a symbolic link between North and South from DC to Arlington and the addition of George Washington Memorial Parkway, punctuated with monuments and memorial evidenced this American Renaissance and to demonstrate to the world American unification. This beaux arts style memorial, is the most significant monumental artwork at Arlington is part of the American Renaissance which ignited in monumental art around the country., and as such is individually eligible for inclusion on the National Register. The entire Monumental Corridor, the Viewshed from Mount Vernon through to the Capitol must be included in the APE as they are part of the master plan and significant in the [north-south] reunification and the American Renaissance. The entire viewshed of the Washington Monumental core Master Plan [must] be included...



During the public scoping period, from August 4 – September 3, 2023, ANMC received comments regarding the previously established APE. The following are representative of the comments received:

- ...The Memorial Site has significance to Canada and other nations, and is eligible to be a UNSECO World Heritage Site. One of the graves in the plot marked by the memorial is of a Canadian citizen Jerry Cronan was killed at the Battle of Spotsylvania. There were many more citizens of other nations who perished in service to one of the states represented on the Memorial. These other nations need to be identified and consulted as they are being impacted as well. Because of its significance in American history, Arlington House and the Arlington National Cemetery are eligible for listing as a UNESCO World Heritage site. I wonder why this has not been done. But listed or not, the impact on the world and peoples of the world must be considered...
- the Memorial site has significance to those buried at it. There are over 500 soldiers and widows buried at the memorial. Some were relocated there from other sections of Arlington, others from POW camps nearby before the Memorial was erected. However, others chose to be buried there undoubtedly because of the new Memorial. Who is speaking for them? How can the government determine views of the dead. No impact study on this can ever be complete as the voices of the people who chose to be interred around the memorial cannot be heard. We shouldn't be messing with these peoples graves...

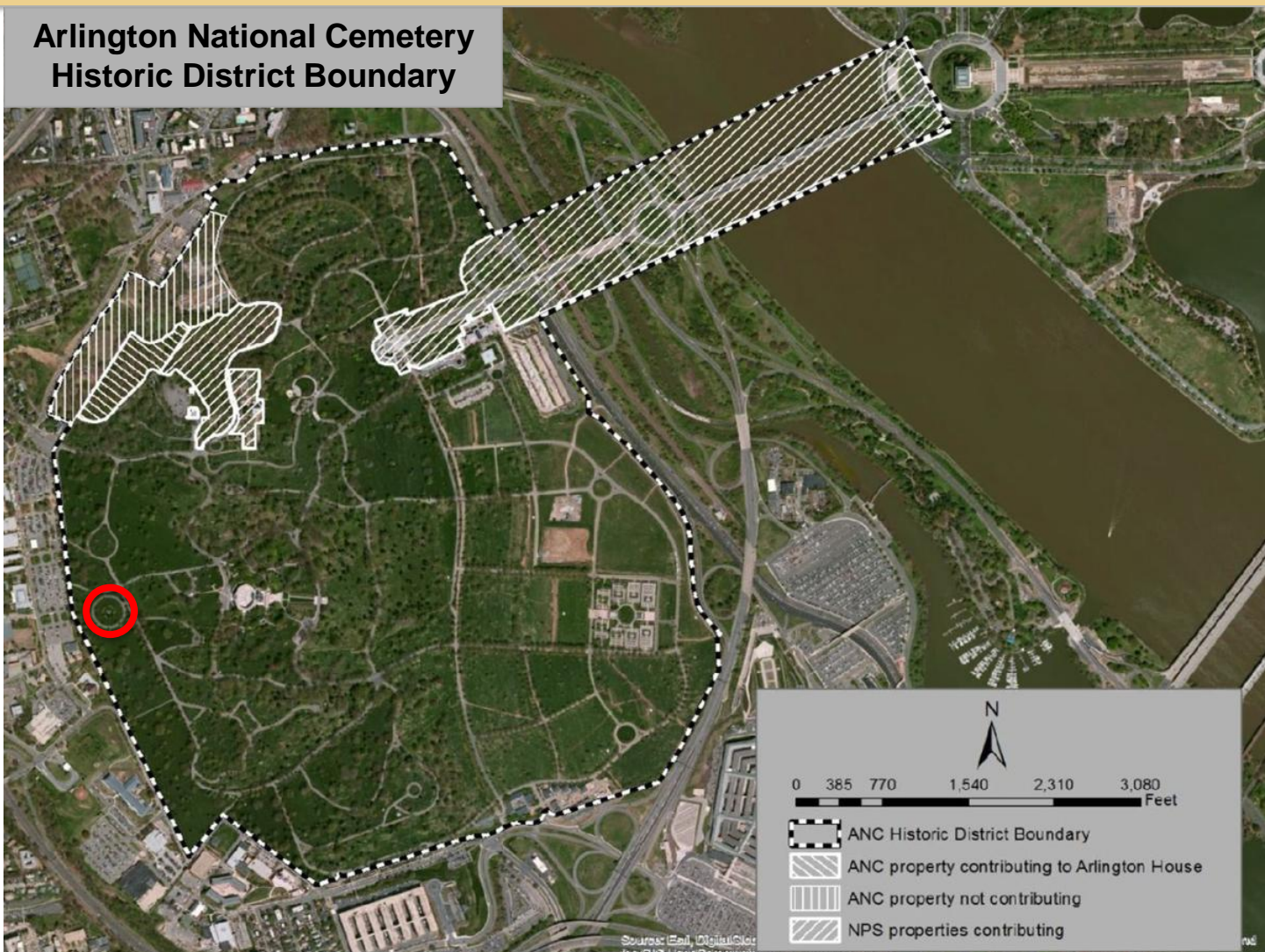


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AREA OF POTENTIAL EFFECT

Arlington National Cemetery Historic District Boundary



National Register Historic Districts

From ANC's National Register Nomination Form (2014)

Per 36 CFR § 800.4 & § 800.16, ANMC revised the Area of Potential Effects (APE), the full extent of which will be determined in consultation with the DHR.

The APE is the geographic area(s) within which an undertaking may directly or indirectly cause changes in the character or use of historic properties. The APE is influenced by the scale and nature of the undertaking and may be different for different kinds of effects caused by the undertaking. This includes locations where the project may be visible and/or audible.

For this undertaking, the project area is located within the Arlington National Cemetery Historic District (Virginia Department of Historic Resources [VDHR] #000-0042). Most of this work would occur in ANC Section 16, which is approximately 1.22 acres. The work would occur in previously disturbed areas. The project area includes locations where equipment will approach and be placed around the Confederate Memorial during staging, disassembly, removal, and storage operations (see pages 43 – 45 for additional illustrations).

Satellite View of Project Area.

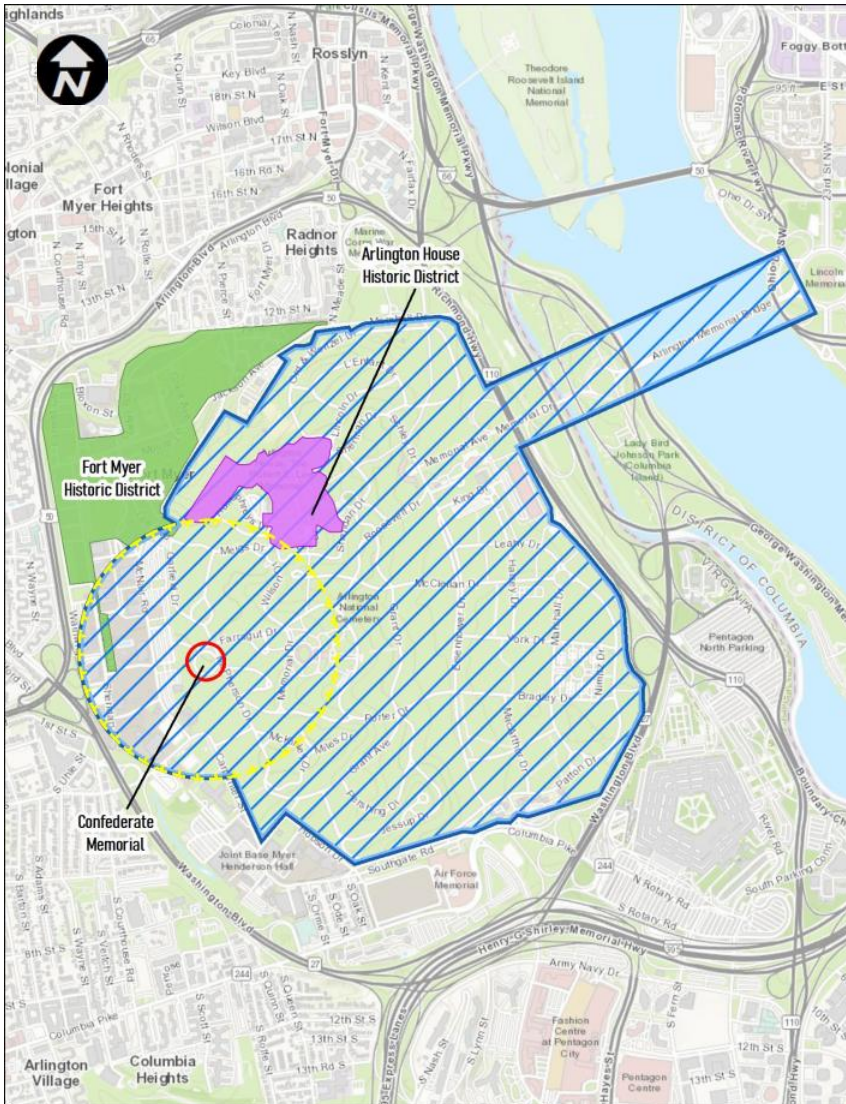
*Proposed project location in **RED**.*



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REVISED AREA OF POTENTIAL EFFECT



Comments indicated that the public considered the originally proposed APE too small and narrowly focused. The revised APE is expanded to include the entirety of the Arlington National Cemetery Historic District. Support for this APE is provided below:

- The proposed undertaking would directly affect 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 ANC Historic District also contains the Memorial Avenue corridor and the Arlington Memorial Bridge, which is a monument to the sacrifices and valor of our nation's military personnel and a symbolic link between north and south.
- The APE does not expand any further out from the ANC Historic District boundaries and the original viewshed APE. The DHR "Guidelines for Defining the Area of Potential Effects (APE)" recommend considering the scale of the construction in relation to the surrounding setting. The revised APE considers the scale of the removal, its impacts to the surrounding historic districts, long-term visual effects, and short-term construction-related effects.

Map View of Revised APE & Project Area.
APE outlined in **BLUE**.
Viewshed impacts outlined in **YELLOW**.
Proposed project location in **RED**.



REVISED AREA OF POTENTIAL EFFECT



VDHR guidelines recommend that the APE includes:

- all locations where the project will cause ground disturbance;
- all locations from which the project may be visible or audible; and
- all locations where the project may result in changes to land use, public access, traffic patterns, viewsheds, etc.

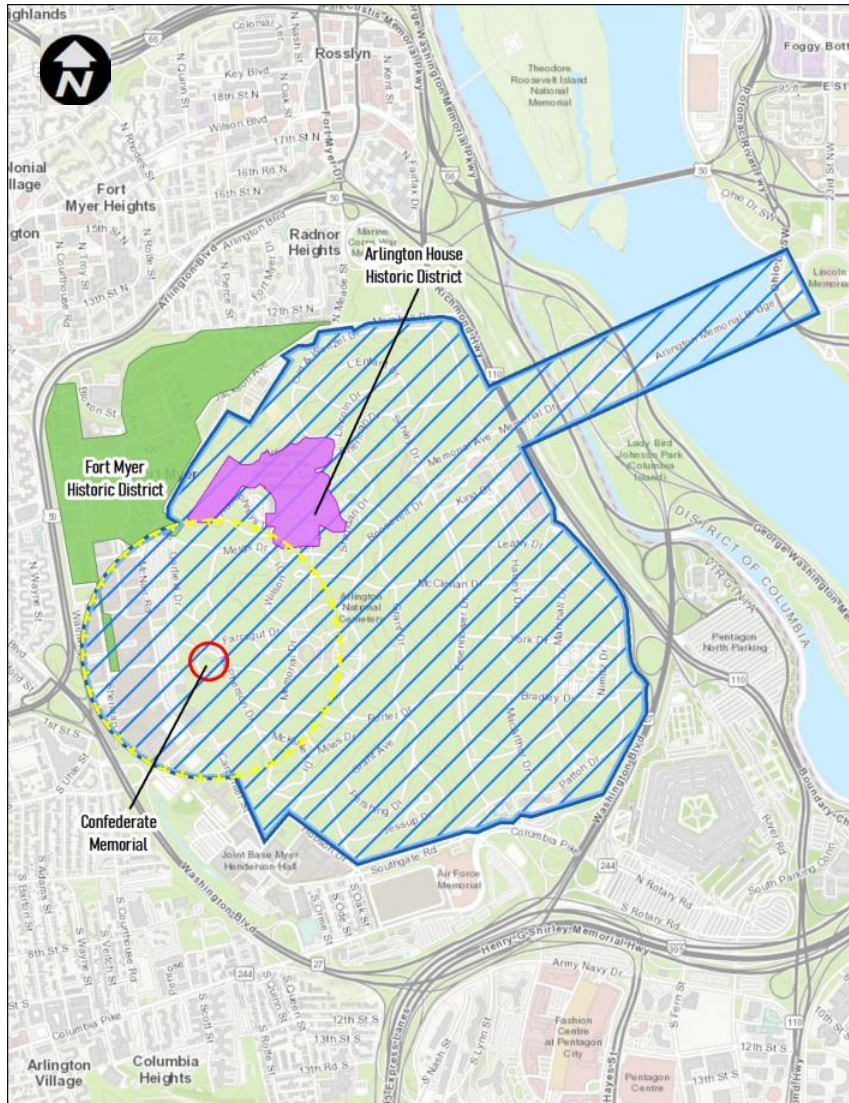
ANMC has determined that the APE should include the ANC Historic District boundaries and the original viewshed APE. This includes all areas that may be directly affected, all areas impacted visually or audibly, and all areas that may result in changes to land use and other similar aspects, like development, public access, traffic patterns, etc. In addition, ANMC does not plan for ground disturbance.

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.

Map View of Revised APE & Project Area.
APE outlined in **BLUE**.
Viewshed impacts outlined in **YELLOW**.
Proposed project location in **RED**.



IDENTIFICATION OF HISTORIC PROPERTIES



Historic Properties Located Within the APE:

Per 36 CFR § 800.4, the following is a list of historic structures and features contributing to the ANC, Fort Myer, and Arlington House historic districts, which are located within / adjacent to the APE. These properties are identified in the 2014 programmatic agreement among ANC, the Virginia SHPO, and the Advisory Council on Historic Preservation (ACHP), ANC's 2014 National Register nomination, and ANC's 2012 DHR Reconnaissance Level Survey.

- Confederate Memorial (DHR #000-1235 / #000-0042-0029)
- Arlington National Cemetery Historic District (DHR #000-0042)
- Boundary walls and gates (DHR #000-0042-0017)
- Grave Markers (DHR #000-0042-0021)
- Battle of the Bulge Memorial (DHR #000-0042-0025)
- Rough Riders Memorial (DHR #000-0042-0040)
- Spanish-American War Memorial (DHR #000-0042-0043)
- Spanish-American War Nurses Memorial (DHR #000-0042-0044)
- U.S.S. Maine Memorial (DHR #000-0042-0047)
- Arlington House Historic District (DHR #000-0001)
- Arlington House Cultural Landscape (CLI #600049)
- Fort Myer Historic District (DHR #000-0004)

Map View of Revised APE & Project Area.

APE outlined in **BLUE**.

Viewshed impacts outlined in **YELLOW**.

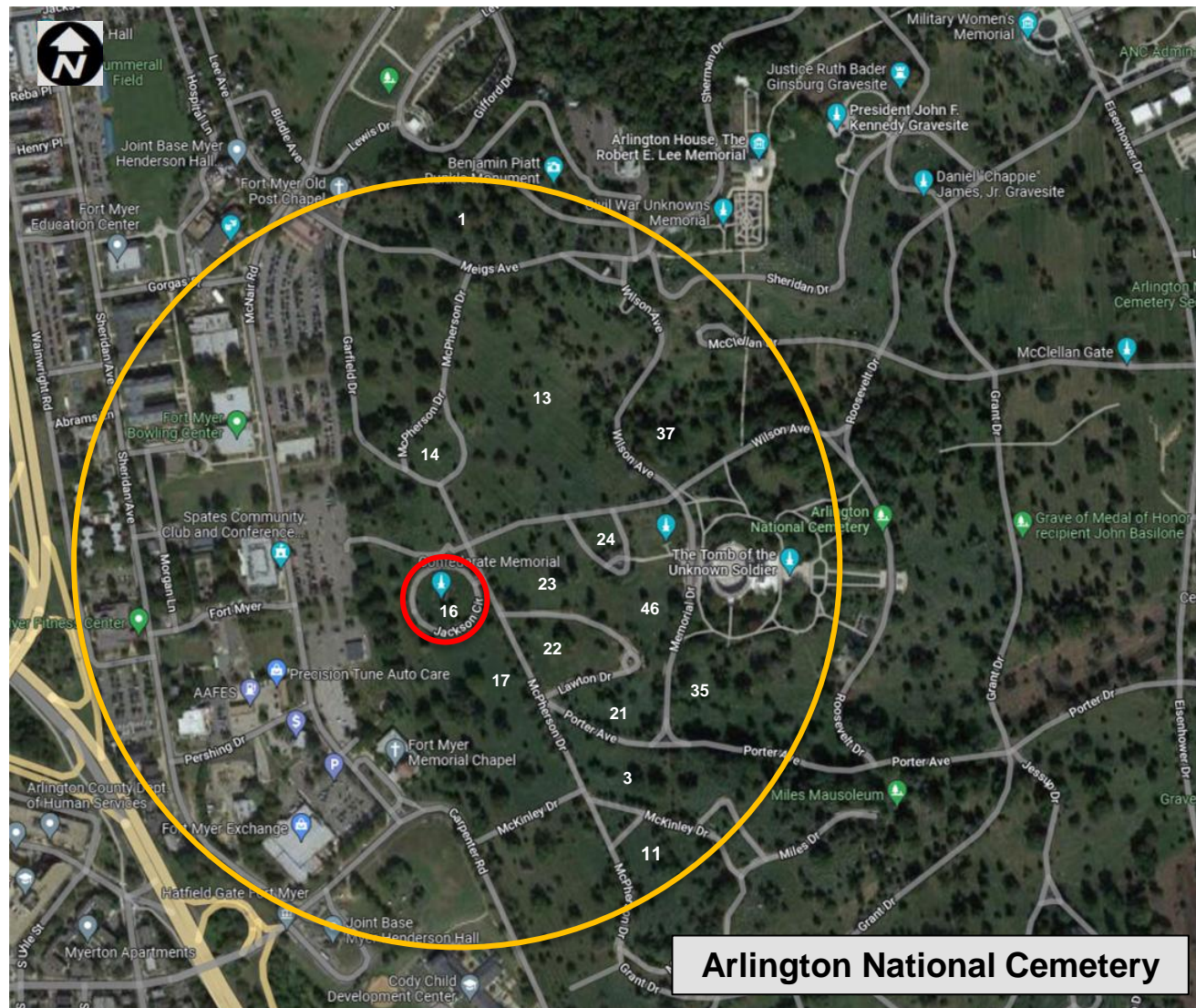
Proposed project location in **RED**.



ARLINGTON NATIONAL CEMETERY

HONOR • REMEMBER • EXPLORE

IDENTIFICATION OF HISTORIC PROPERTIES



Viewshed Impacts:

The Confederate Memorial is visible from the following sites:

- Burial sections 1, 3, 11, 13, 14, 16, 17, 21, 22, 23, 24, 35, 37, & 46 (ANC)
- Section 13, white Civil War (enlisted) soldiers' primary burial ground historically referred to as the "Field of the Dead" (ANC)
- Custis Family gravesite (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. (Fort Myer)
- Fort Myer Memorial Chapel (Fort Myer)

Satellite View of Project Area.

*Viewshed impacts outlined in **YELLOW**.*

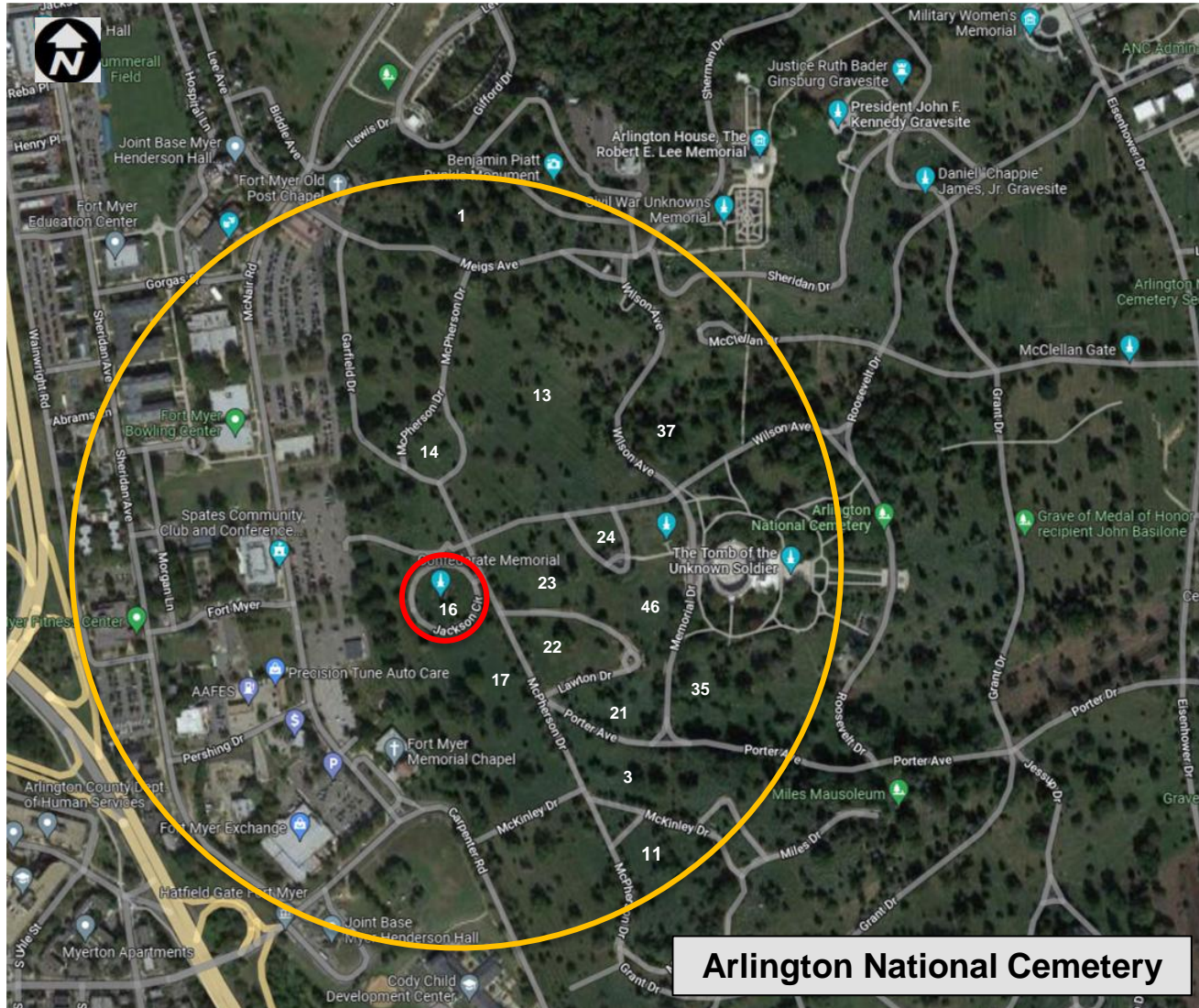
*Proposed project location in **RED**.*



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IDENTIFICATION OF HISTORIC PROPERTIES



Results of Identification & Evaluation:

Historic Properties Affected

Per 36 CFR § 800.4(d)(2), ANMC found that there are historic properties which may be affected by the undertaking. As a result, ANMC has notified all consulting parties, including Indian tribes or organizations, inviting their views on the effects and assess adverse effects, if any, in accordance with § 800.5.

Satellite View of Project Area.

Viewshed impacts outlined in **YELLOW**.

Proposed project location in **RED**.



ARLINGTON NATIONAL CEMETERY

HONOR • REMEMBER • EXPLORE

ASSESSMENT OF POTENTIAL EFFECT

Fort Myer Historic District and Arlington House Historic District: Assessment of Potential Effect

By applying the criteria of adverse effects (36 C.F.R. § 800.5[a][1]), ANMC has determined that the proposed undertaking—the removal of the bronze elements of the ANC Confederate Memorial—will result in **no adverse effects** on the characteristics that qualify the Fort Myer Historic District, the Arlington House Historic District, and the Arlington House Cultural Landscape for listing in the National Register of Historic Places.

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 will directly affect neither the Fort Myer Historic District nor the Arlington House Historic District. The proposed undertaking may have temporary impacts to traffic patterns during the staging and transportation phases of the proposed undertaking. No long-term impacts to land use, public access, or traffic patterns are anticipated. In addition, all staging and laydown areas will be within the Arlington National Cemetery Historic District.

There will be no viewshed changes to the Arlington House Historic District nor the Fort Myer Historic District. The Confederate Memorial and the proposed project area is either not visible or partially obscured from within these historic districts.

The proposed project area is approximately 0.38 miles from the Arlington House Historic District, which is a partially undulating landscape. The Confederate Memorial is not visible from the Arlington House Historic District. See photos 1 and 2 on page 25, and photo 1 on page 33 for a view of the area looking to the Confederate Memorial from places south of Arlington House.

The project area is approximately 0.31 miles to the Fort Myer Historic District. Mature trees, other vegetation, buildings, and the boundary fence provide visual obstruction between the two areas in addition to the distance. The Confederate Memorial is partially visible from the Fort Myer Historic District. See photos 4 and 5 on page 27, and photos 18, 19, and 20 on pages 41 and 42, which show the views looking from the Fort Myer Historic District toward the Confederate Memorial.

There will be no impacts to historic views or vistas to the Fort Myer Historic District nor the Arlington House Historic District. 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.



ARLINGTON NATIONAL CEMETERY

HONOR • REMEMBER • EXPLORE

ASSESSMENT OF POTENTIAL EFFECT

Confederate Memorial: Assessment of Potential Effect

By applying the criteria of adverse effects (36 C.F.R. § 800.5[a][1]), ANMC has determined that the proposed undertaking—the removal of the bronze elements of the ANC Confederate Memorial—could potentially result in **adverse effects** on the characteristics that qualify the Confederate Memorial for individual listing in the National Register of Historic Places (NRHP).

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 reduces its ability to convey its significance and impacts its historic integrity.

The proposed undertaking would:

- Impact the historic location and association of the memorial within the ANC historic district.
- Change the historic views and vistas throughout the ANC historic district, especially in and around Section 16, causing permanent and irreversible changes.
- Remove the centerpiece of Section 16, changing the composition, aesthetics, and deviating from the intended design.
- Remove a large physical component of ANC's cultural landscape, altering the site-specific history and symbolism within the ANC historic district.
- Change the character of the memorial, leaving little of the memorial within the original landscape setting that contributes to its historic significance.
- The narrative inscribed on the memorial would no longer function as evidence of the Lost Cause's powerful and long-lasting hold on American culture.
- The ANC Historic District would lose a symbolic, visual illustration of this history, severing part of the interconnected narrative of American military memory embedded throughout the site.

Additionally, the proposed removal process could:

- Potentially result in unintentional damage to this historic resource during deconstruction, storage, and transportation.
- Damage the materials, design, and workmanship (which are qualifying characteristics of the historic property) if the monument is disassembled and not reconstructed
- Compromise the memorial's safety and security depending on the condition of its future storage location after removal from ANC.

The limited nature of the proposed undertaking should have no adverse effect on the graves in Section 16 or on any archaeological resources in that area. Since the proposed undertaking is intended to remove only the bronze elements of the memorial, the granite base would remain in place and would mark the spot where this resource once stood. The headstones, circulation patterns, and horticultural elements of Section 16 should be preserved and unchanged. All construction work in Section 16 should be located in areas of the APE that have already been disturbed. All construction and staging should 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 would be found.

See the Phase II (Intensive-Level) survey report to evaluate the individual eligibility of the Confederate Memorial to the NRHP for additional information.



ARLINGTON NATIONAL CEMETERY

HONOR • REMEMBER • EXPLORE

ASSESSMENT OF POTENTIAL EFFECT

Arlington National Cemetery Historic District: Assessment of Potential Effect

By applying the criteria of adverse effects (36 C.F.R. § 800.5[a][1]), ANMC has determined that the proposed undertaking—the removal of the bronze elements of the ANC Confederate Memorial—should result in **adverse effects** on the characteristics that qualify the Arlington National Cemetery Historic District for individual listing in the National Register of Historic Places.

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 reduces its ability to convey its significance and impacts its historic integrity.

The proposed removal impacts historic views and vistas in the cemetery sections immediately surround Section 16 and the Confederate memorial. It also removes a contributing element to the ANC historic district.

Despite the potential risks and adverse effects that could be caused by the proposed undertaking, this action should 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 should be made to any other area of ANC beyond Section 16. Headstones and circulation patterns remain unchanged. The cemetery continues to convey its historic significance as a military cemetery, and for its landscape architecture and architecture. ANC would retain the many other features that justify its status as a National Register Historic District and maintain its historic significance as a military cemetery that spans the nation's history and represents the diverse stories of the American people.

If the Confederate Memorial's bronze elements are removed, ANC would 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.

Caitlin Smith, AIC PA
Cultural Resources Program Manager
Arlington National Cemetery
Army National Military Cemeteries

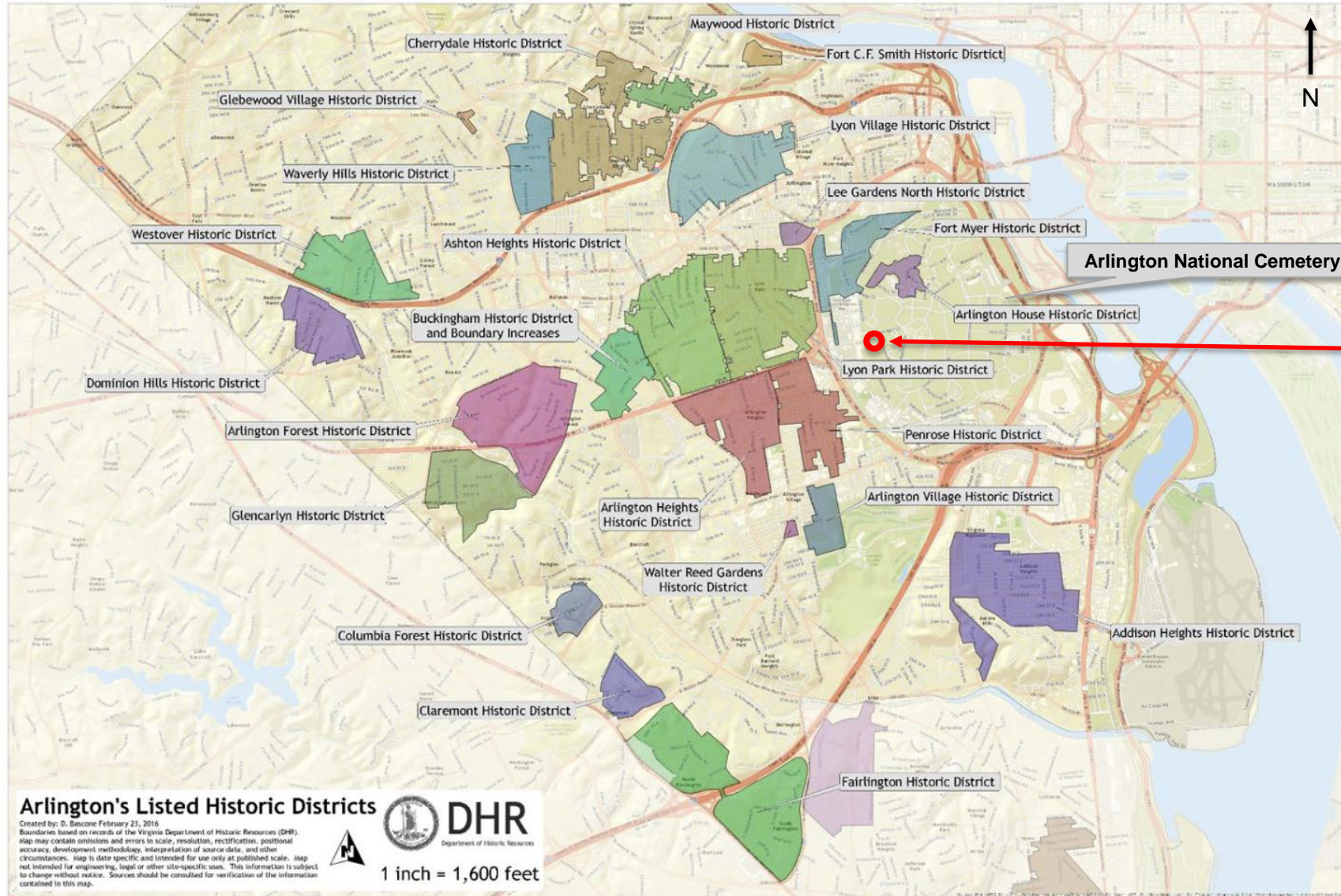
SUPPORTING DOCUMENTATION



ARLINGTON NATIONAL CEMETERY

HONOR • REMEMBER • EXPLORE

ARLINGTON'S LISTED HISTORIC DISTRICTS



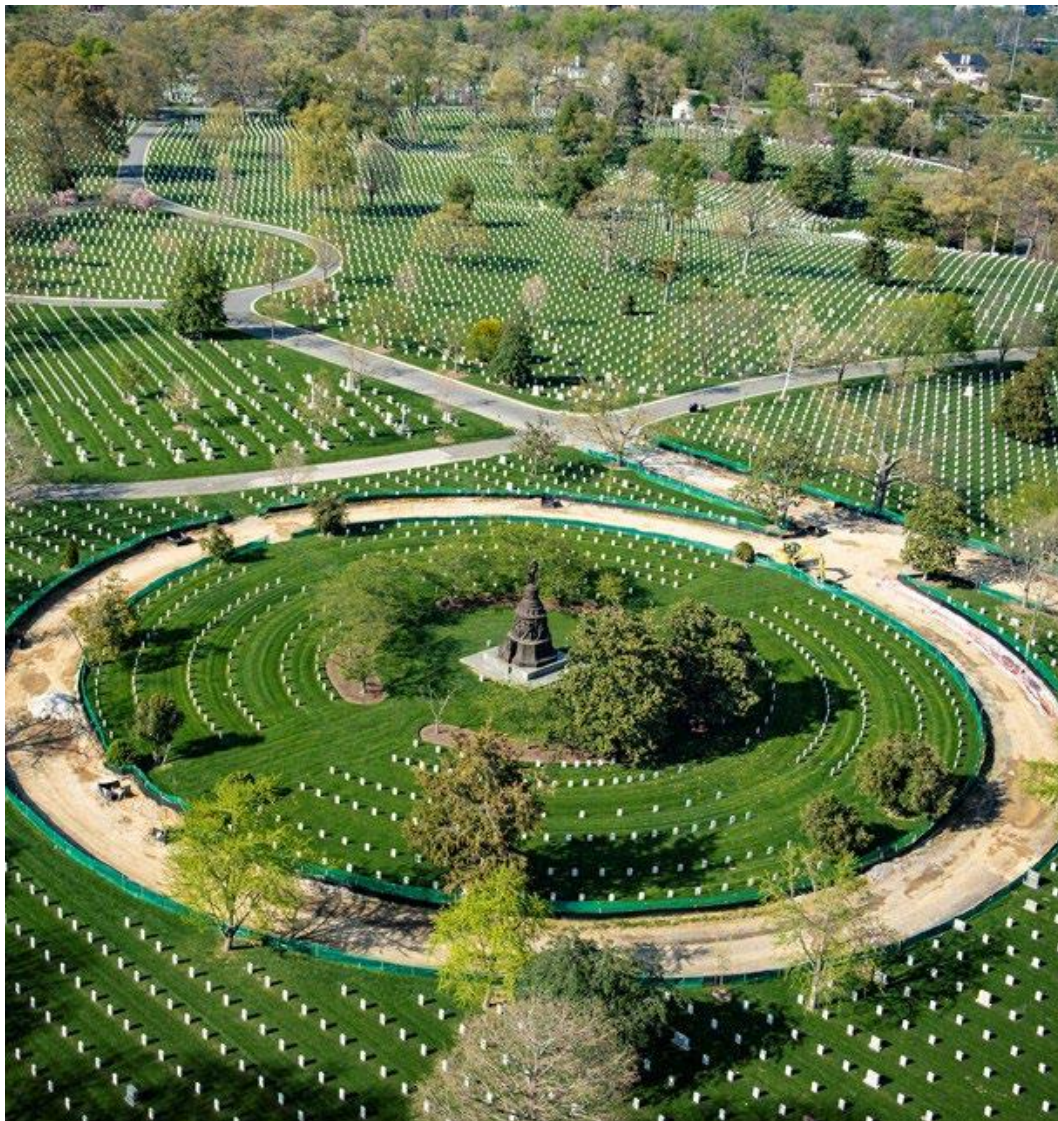
Proposed project
location in **RED**.



ARLINGTON NATIONAL CEMETERY

HONOR • REMEMBER • EXPLORE

EXISTING SITE VIEW & DESCRIPTION



*Aerial photography of Section 16
at Arlington National Cemetery,
Arlington, Va., April 20, 2022.*

Site Description:

Section 16 contains the remains of Confederate soldiers, arranged in concentric circles with government furnished headstones facing toward the center of the circle. The Confederate Memorial sits in the center of the circle, with four graves adjacent, one at each face. A circular drive separates the section from the rest of the cemetery.

The memorial stands approximately 33 feet tall and features a 30-foot-tall bronze sculpture atop an approximately 3-foot-tall polished granite base:

- The granite base is composed of two pieces: a 27-feet 8-inches square, with a height of 8-inches, supports a granite plinth that is 20-feet by 18-feet and 26-inches tall.
- Bronze elements taper from 15-feet wide and 6-feet 4-inch-tall base to a 5-feet 5-inch wide and 8-feet 8-inches tall frieze and plinth section, up to a statue on pedestal element.

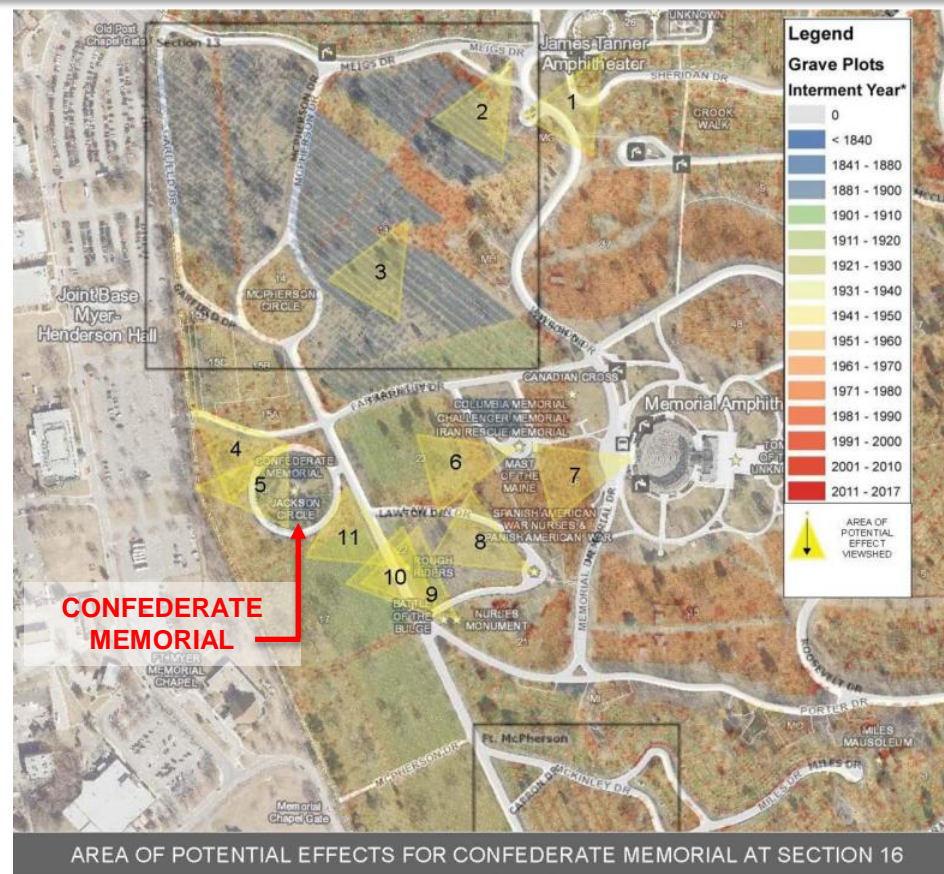
Four Confederate soldiers lie at the base of the Memorial, one on each side: the memorial's sculptor, Moses Ezekiel; Lt. Harry C. Marmaduke of the Confederate Navy; Capt. John M. Hickey of the Second Missouri Infantry; and Brig. Gen. Marcus J. Wright, who commanded brigades at the battles of Shiloh and Chickamauga.



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APE VIEWSHEDS: 2022



1. JAMES TANNER AMPITHEATER, 1873
2. RECEIVING VAULT
3. CUSTIS FAMILY PLOT, 1853
4. SELFIDGE GATE, 1958
5. MCNAIR ROAD, JOINT BASE MYER-HENDERSON HALL
6. MAST OF THE MAINE (USS MAINE MEMORIAL), 1912
7. MEMORIAL AMPHITHEATER, 1920
8. SPANISH-AMERICAN WAR MEMORIAL, 1902
9. SPANISH-AMERICAN WAR NURSES MEMORIAL,
10. BATTLE OF THE BULGE MEMORIAL, 2002
11. ROUGH RIDERS MEMORIAL, 1906



1. JAMES TANNER AMPHITHEATER, 1873



1

2. RECEIVING VAULT



2



3. CUSTIS FAMILY PLOT

3





ARLINGTON NATIONAL CEMETERY

HONOR • REMEMBER • EXPLORE

APE VIEWSHEDS: 2022

4. SELFRIDGE GATE, 1958

4



5. MCNAIR ROAD, JOINT BASE MYER-HENDERSON HALL

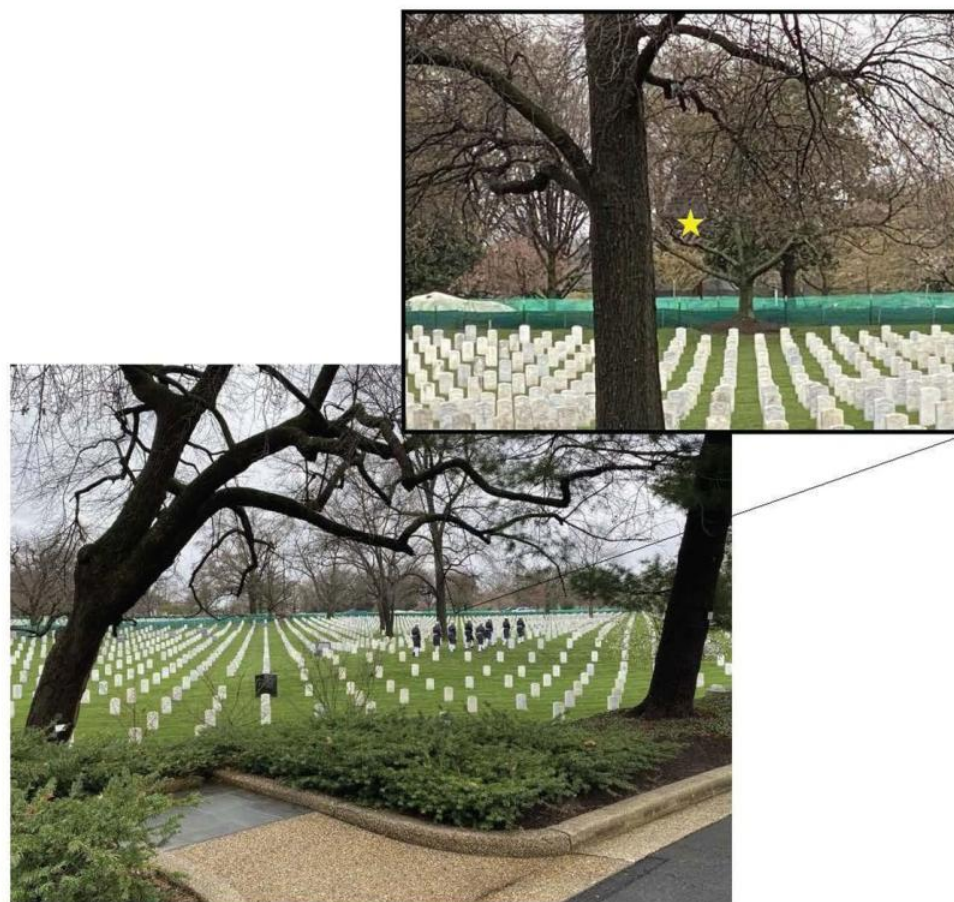
5





6. MAST OF THE MAINE (USS MAINE MEMORIAL), 1912

6





7. MEMORIAL AMPHITHEATER, 1920

7



8. SPANISH-AMERICAN WAR MEMORIAL, 1902

8



PROCUREMENT SENSITIVE
2-18



9. SPANISH-AMERICAN WAR NURSES MEMORIAL

9





10. BATTLE OF THE BULGE MEMORIAL, 2002

10





11. ROUGH RIDERS MEMORIAL, 1906

11

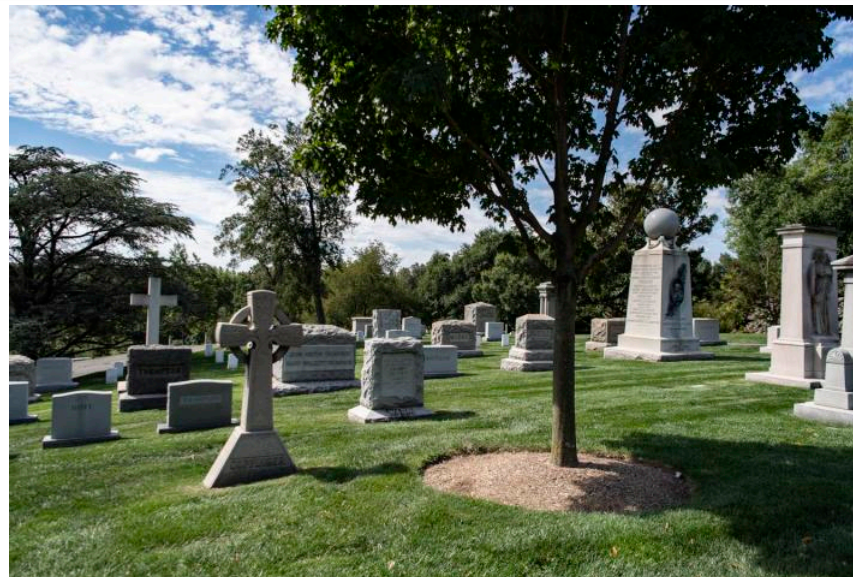
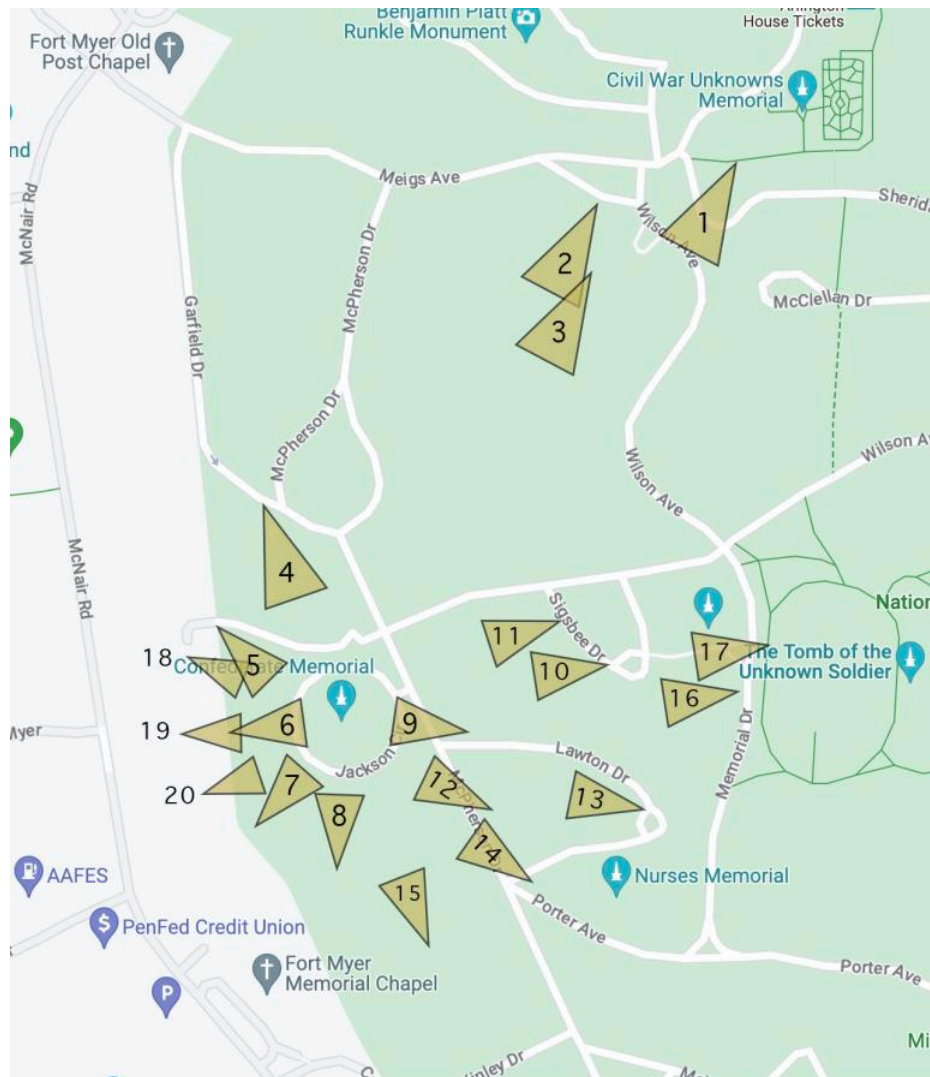




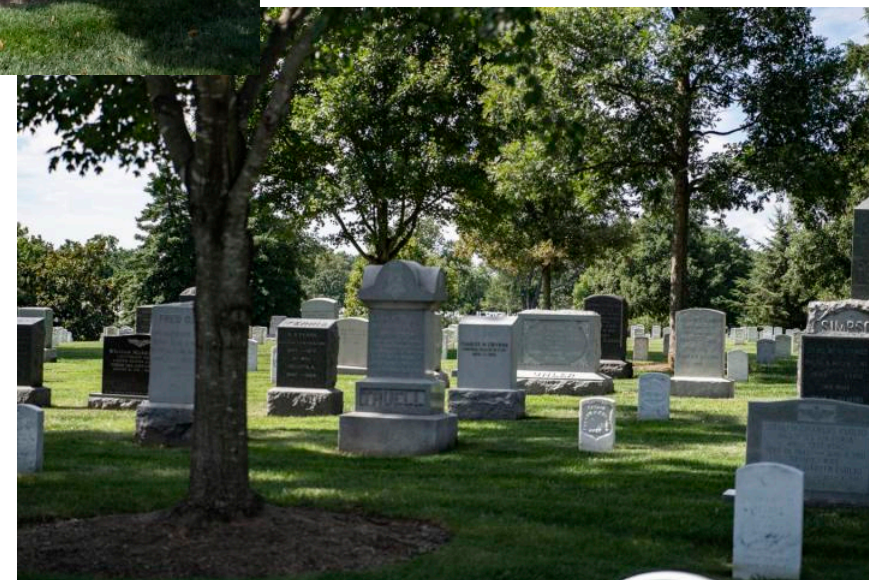
ARLINGTON NATIONAL CEMETERY

HONOR • REMEMBER • EXPLORE

APE VIEWSHEDS: 2022



View 1: Confederate Memorial not visible



View 2: Confederate Memorial not visible

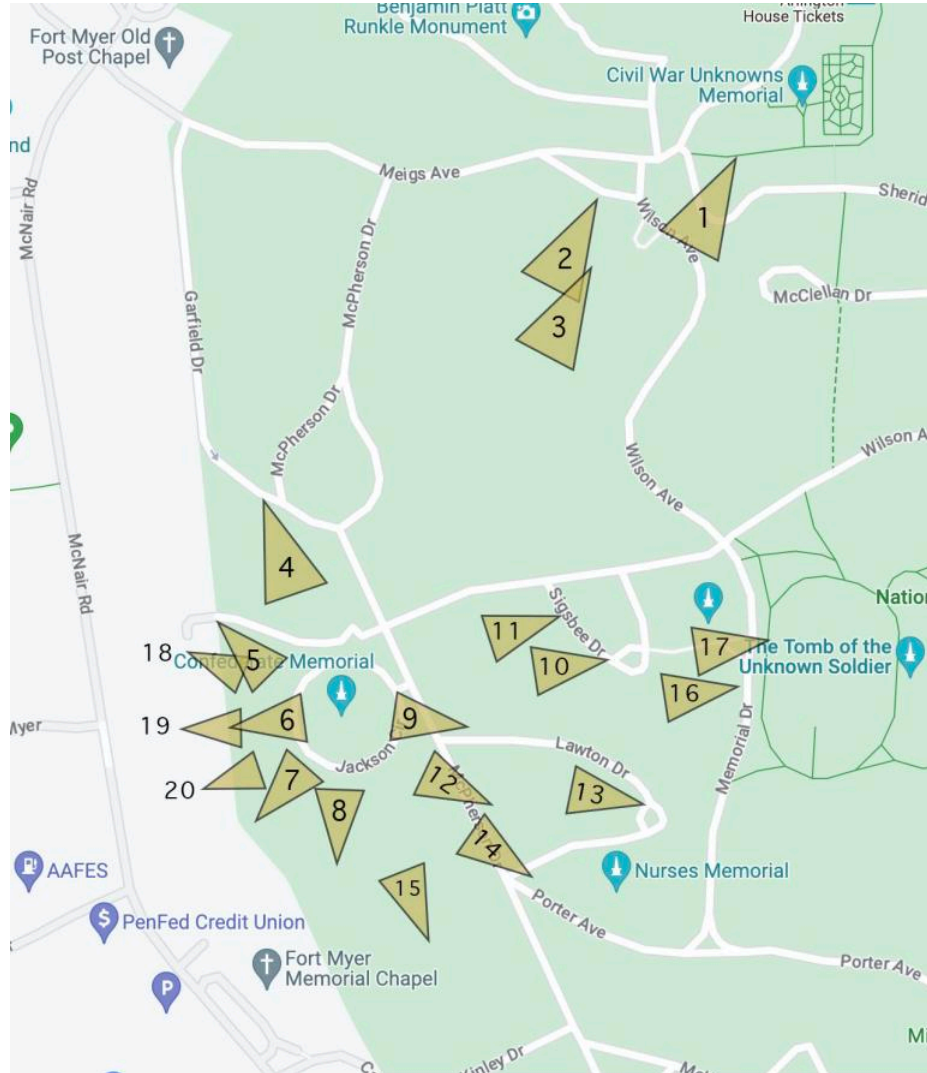
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Angle of photo and photo
number in **YELLOW**.



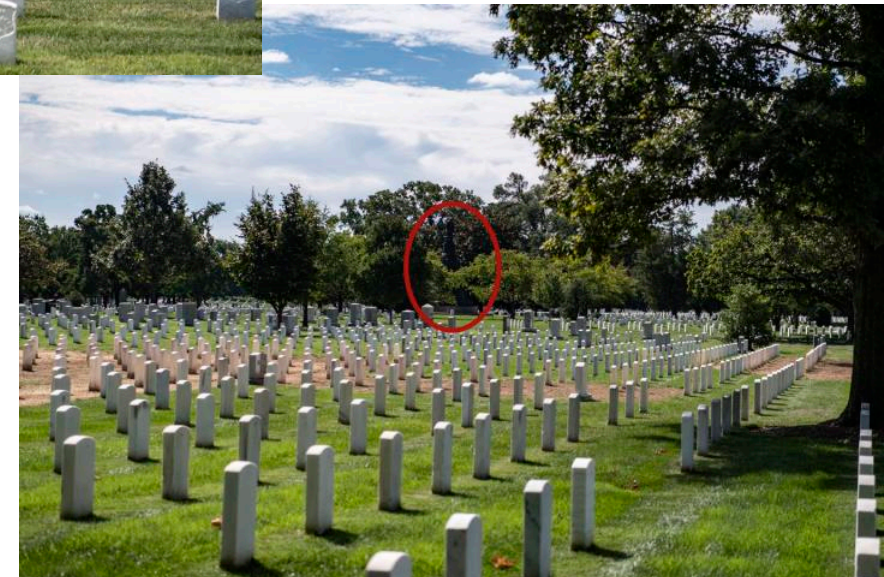
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APE VIEWSHEDS: AUGUST 2023



View 3: Confederate Memorial partially visible



View 4: Confederate Memorial partially visible

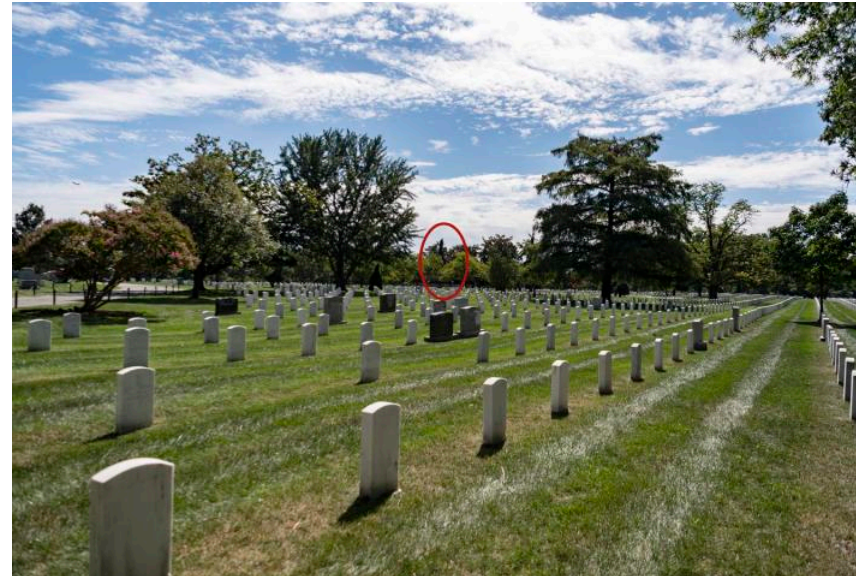
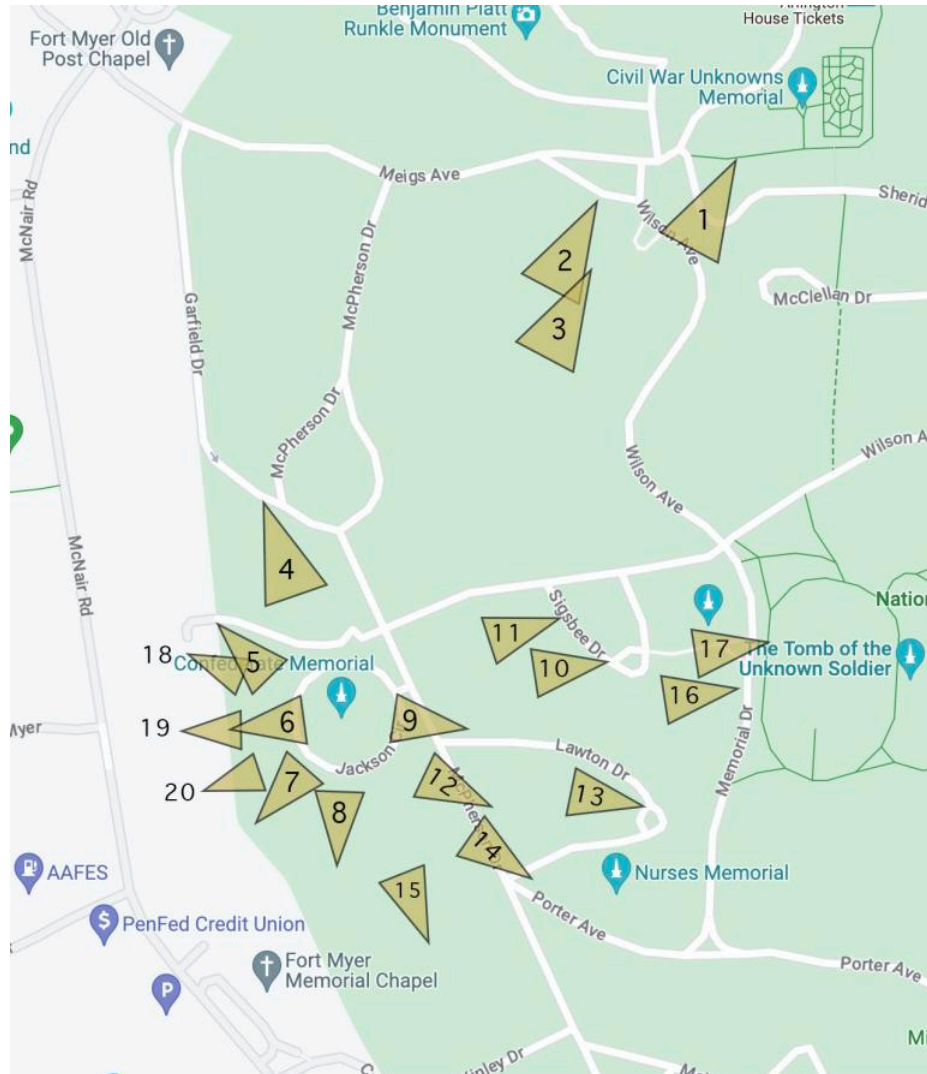
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Angle of photo and photo
number in **YELLOW**.



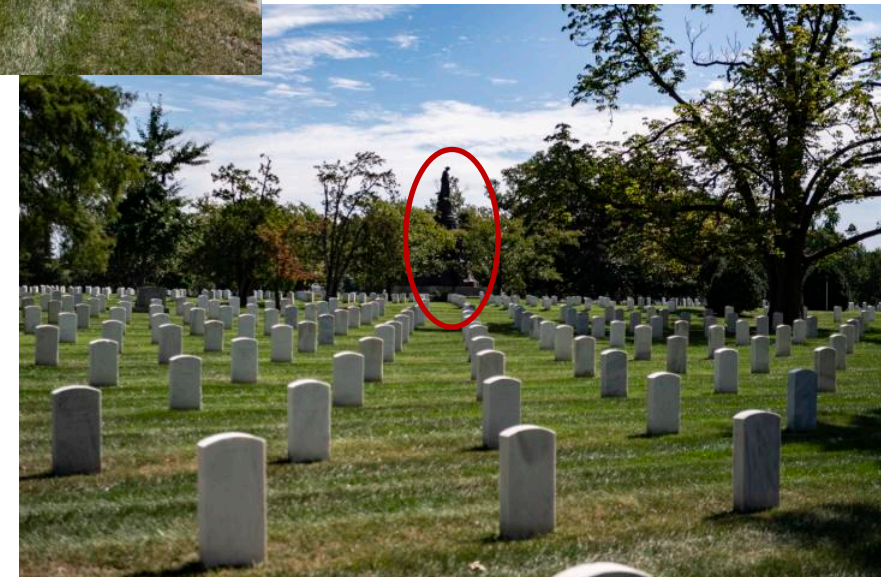
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APE VIEWSHEDS: AUGUST 2023



View 5: Confederate Memorial partially visible



View 6: Confederate Memorial partially visible

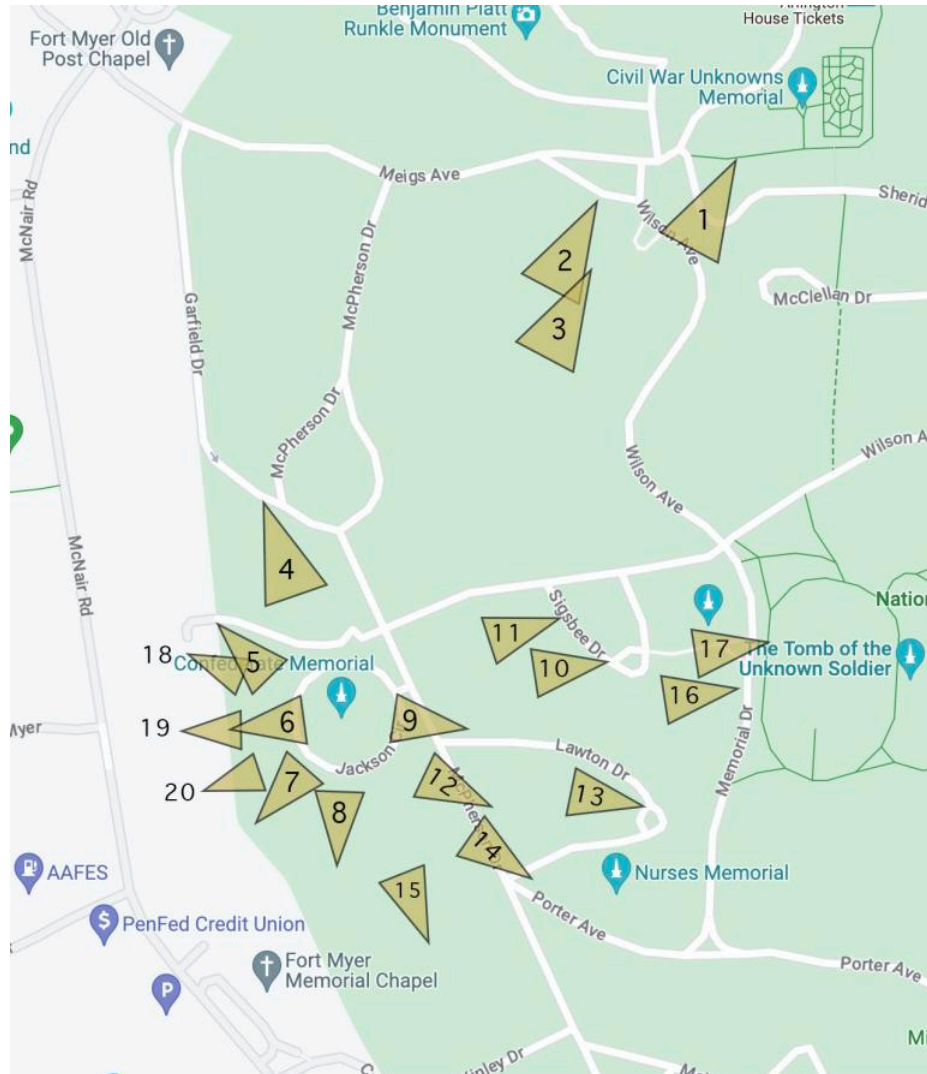
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Angle of photo and photo
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APE VIEWSHEDS: AUGUST 2023



View 7: Confederate Memorial visible



View 8: Confederate Memorial visible

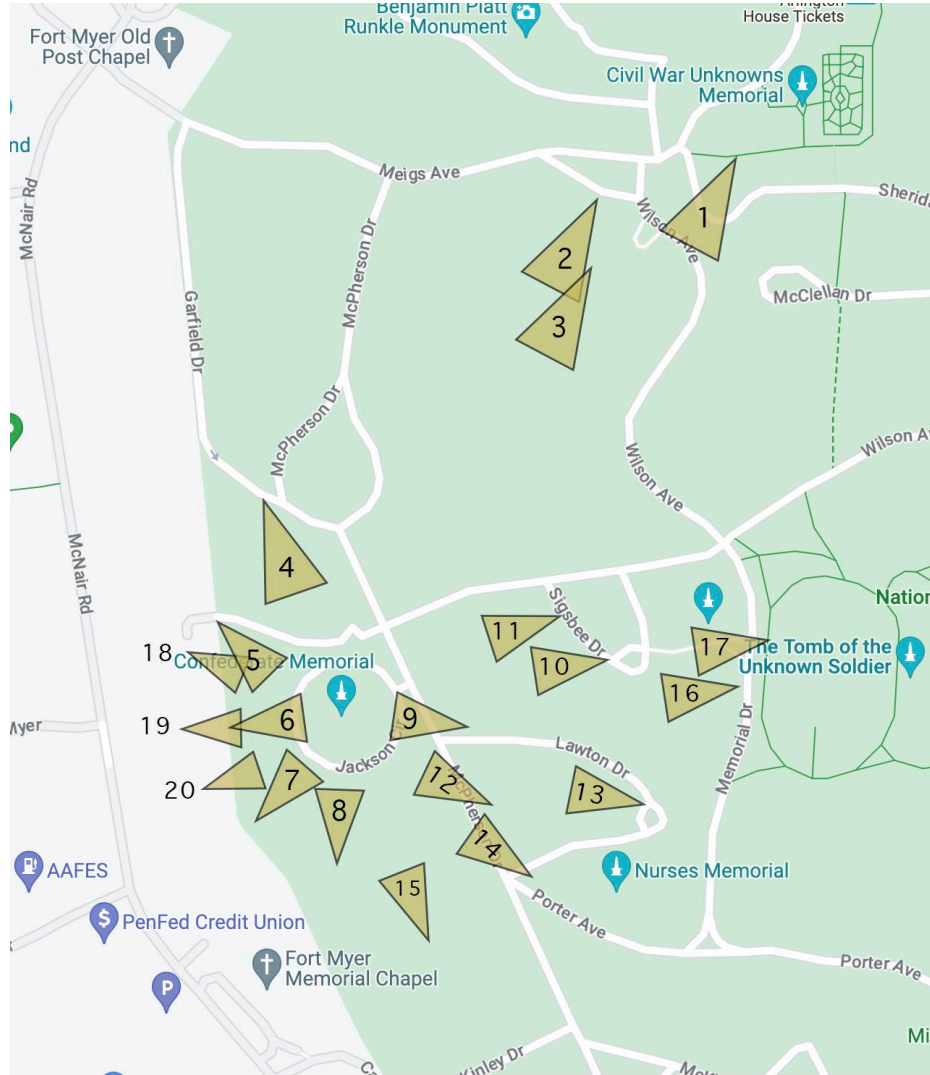
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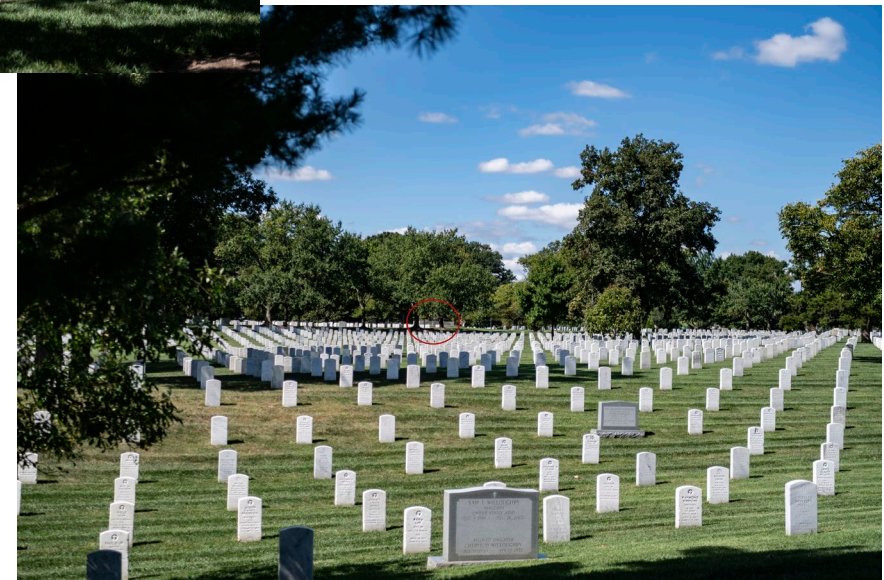
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HONOR • REMEMBER • EXPLORE

APE VIEWSHEDS: AUGUST 2023



View 9: Confederate Memorial partially visible



View 10: Confederate Memorial partially visible

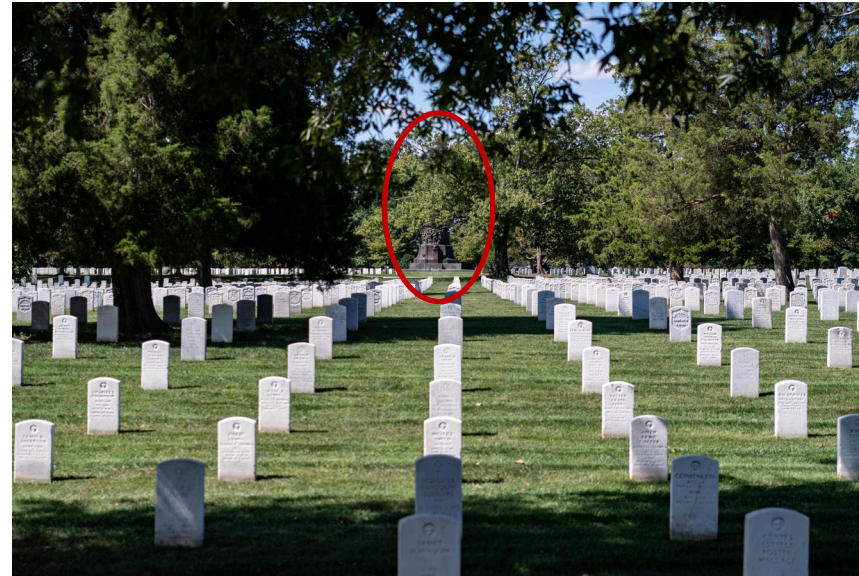
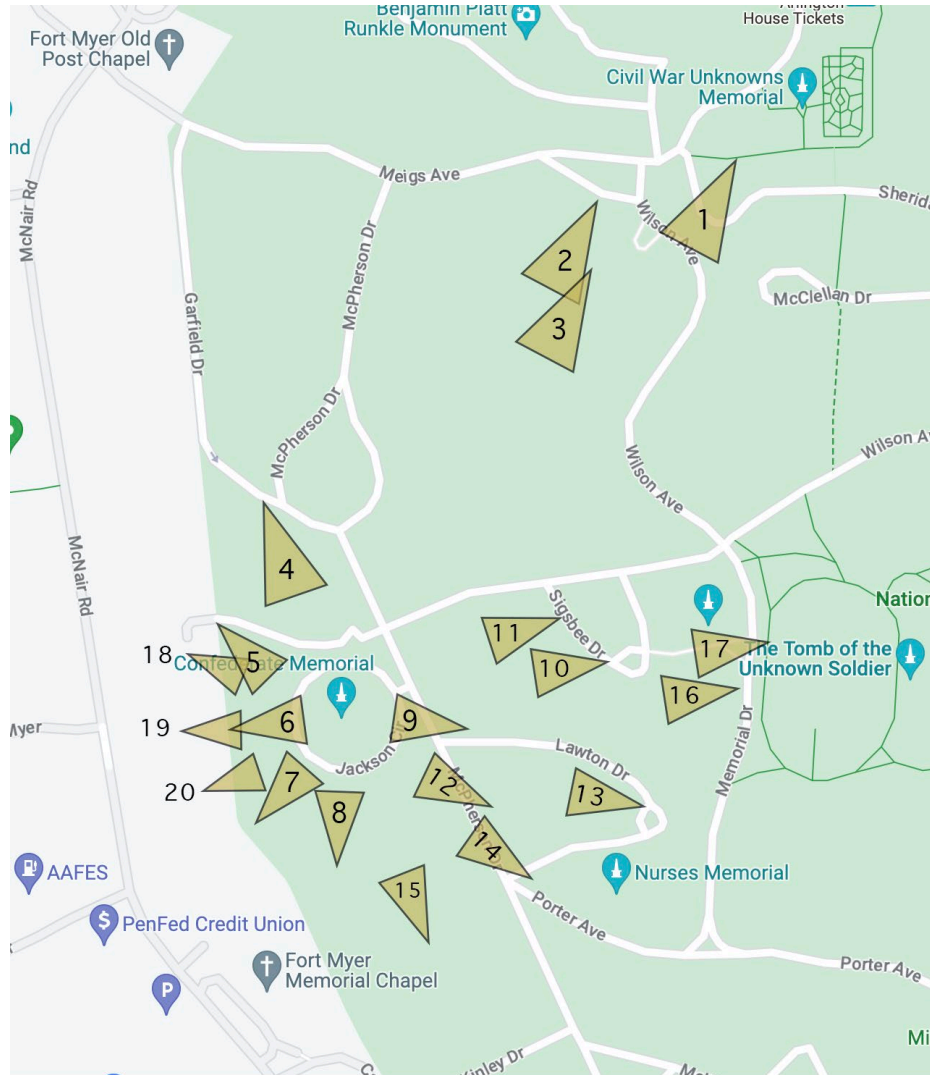
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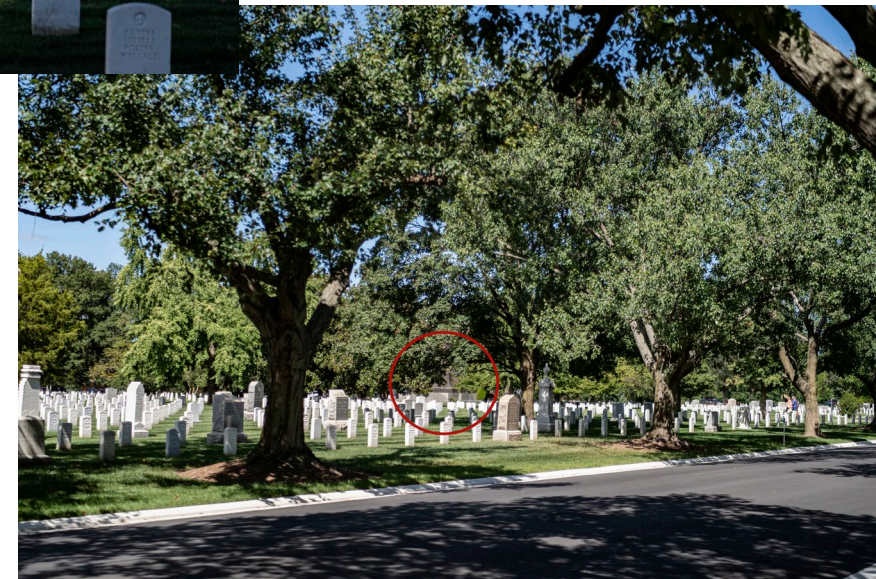
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APE VIEWSHEDS: AUGUST 2023



View 11: Confederate Memorial partially visible



View 12: Confederate Memorial partially visible

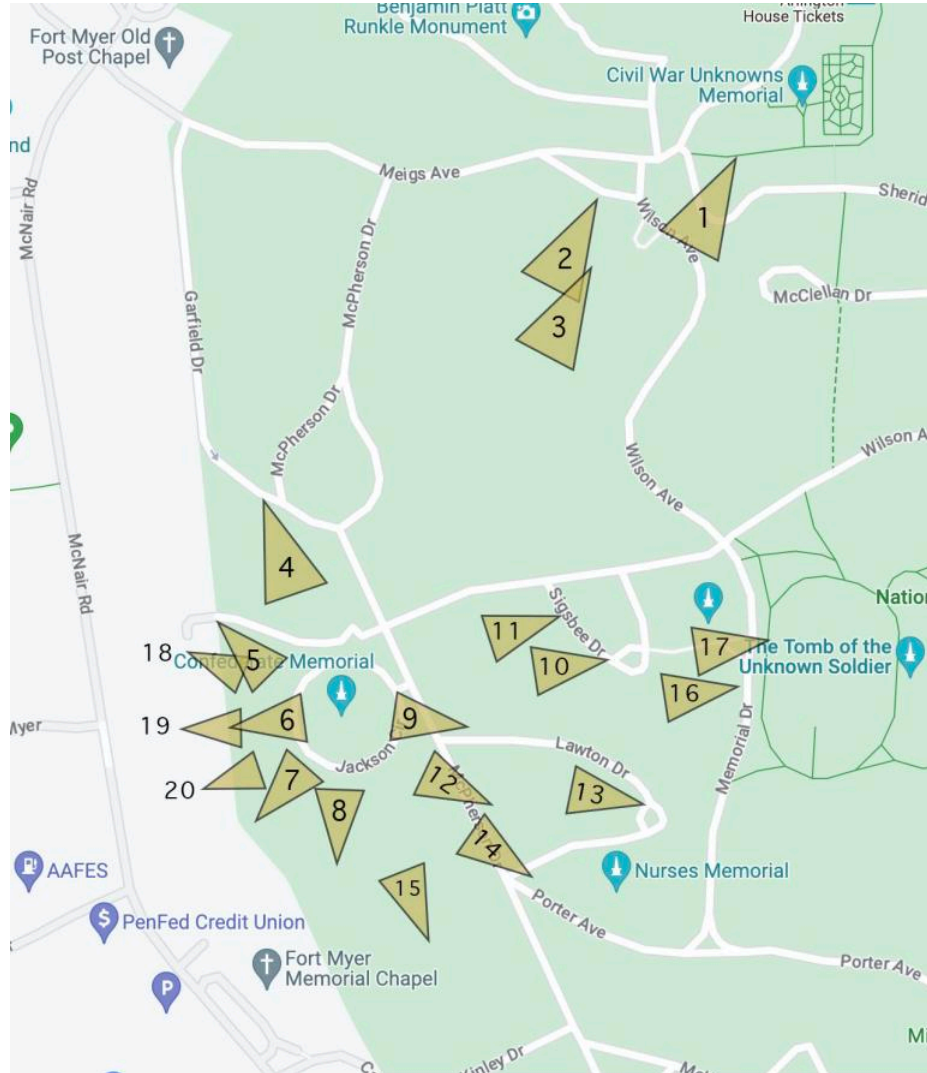
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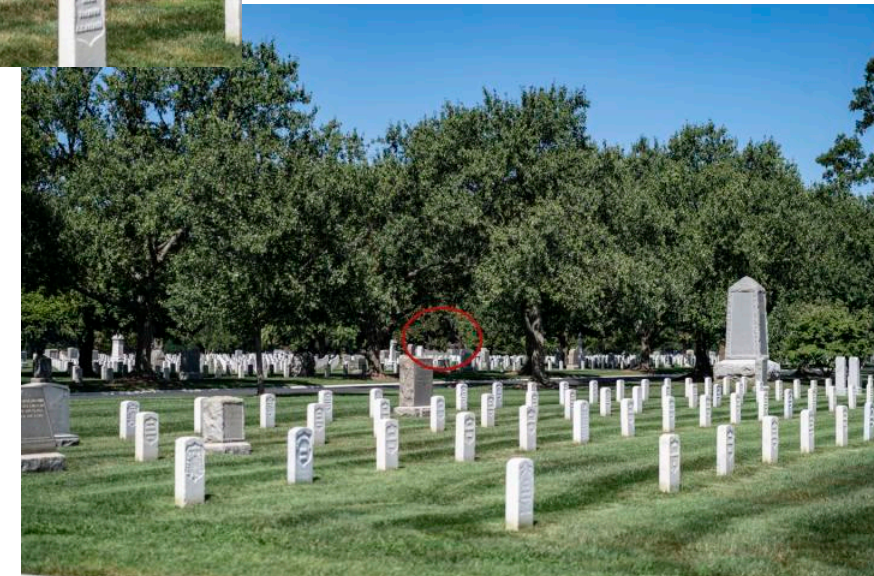
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APE VIEWSHEDS: AUGUST 2023



View 13: Confederate Memorial partially visible



View 14: Confederate Memorial partially visible

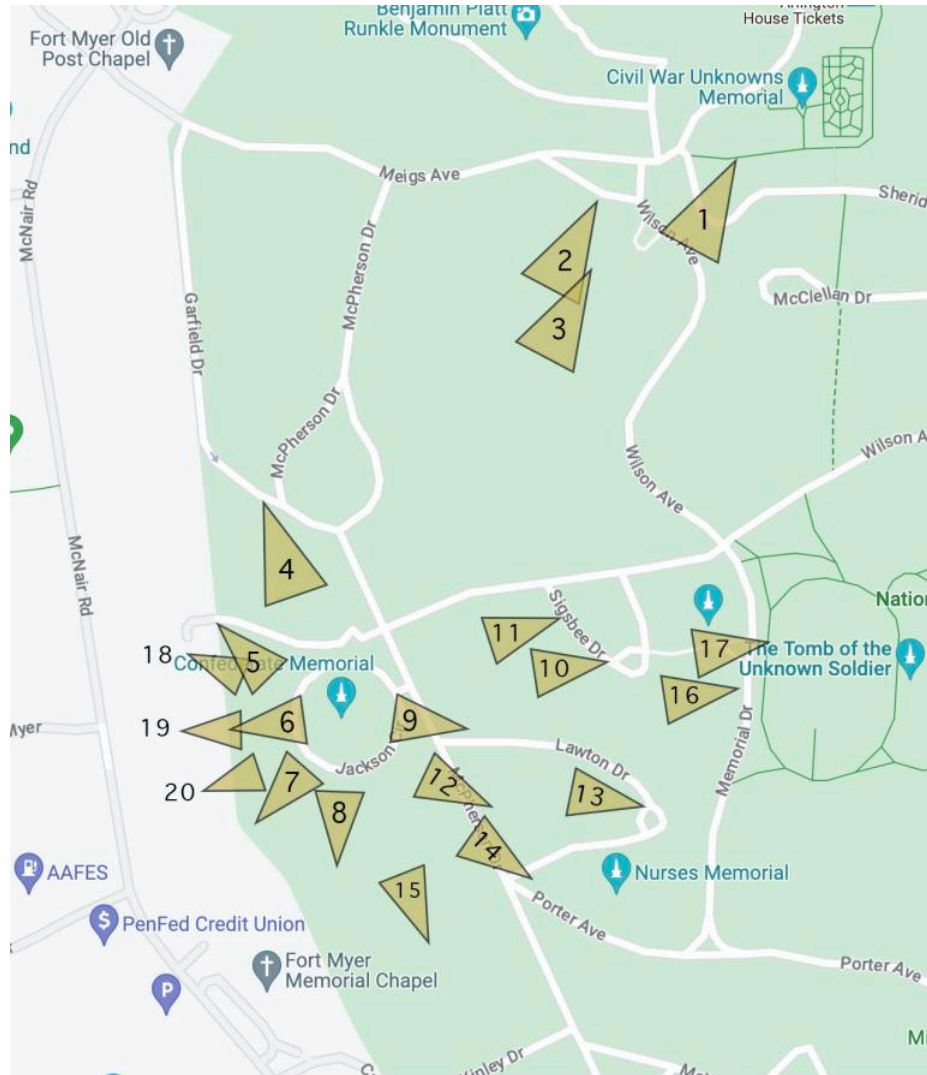
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APE VIEWSHEDS: AUGUST 2023



View 15: Confederate Memorial partially visible



View 16: Confederate Memorial partially visible

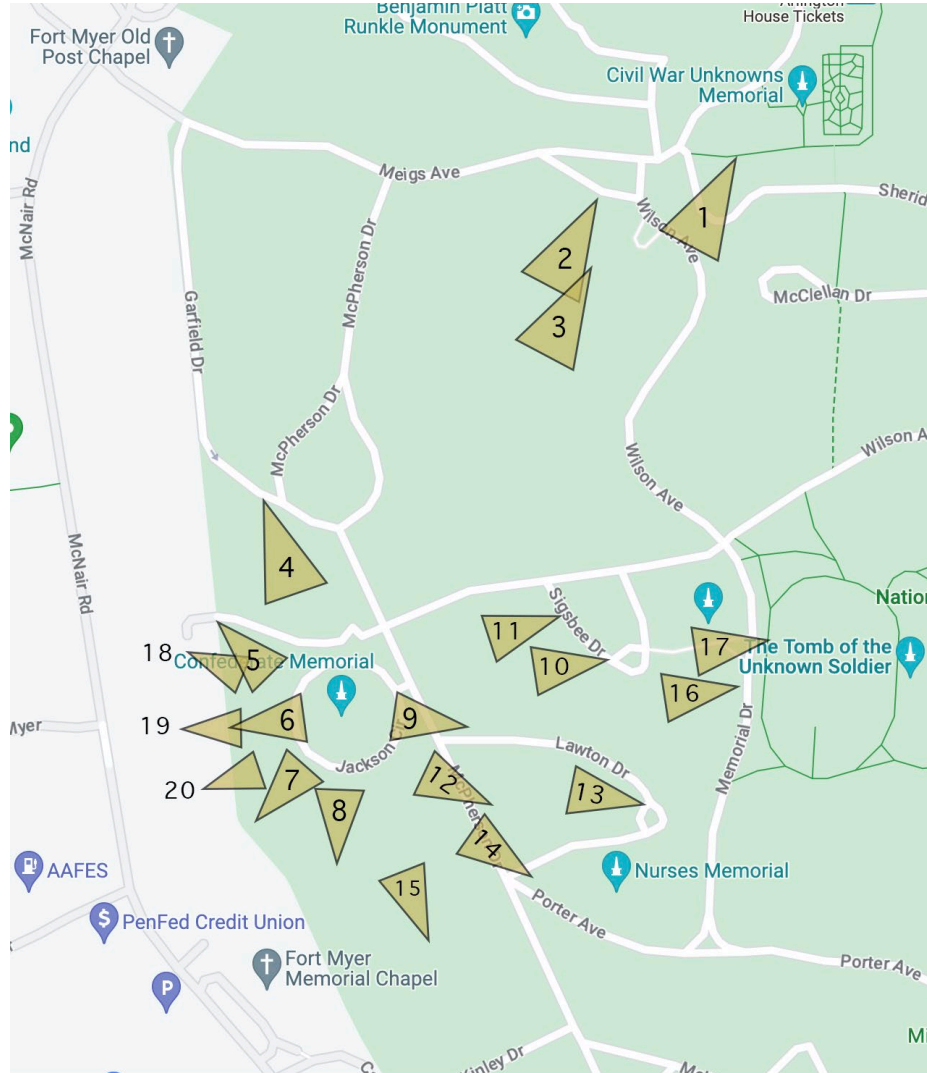
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APE VIEWSHEDS: AUGUST 2023



View 17: Confederate Memorial not visible



View 18: Confederate Memorial partially visible from Fort Myer boundary

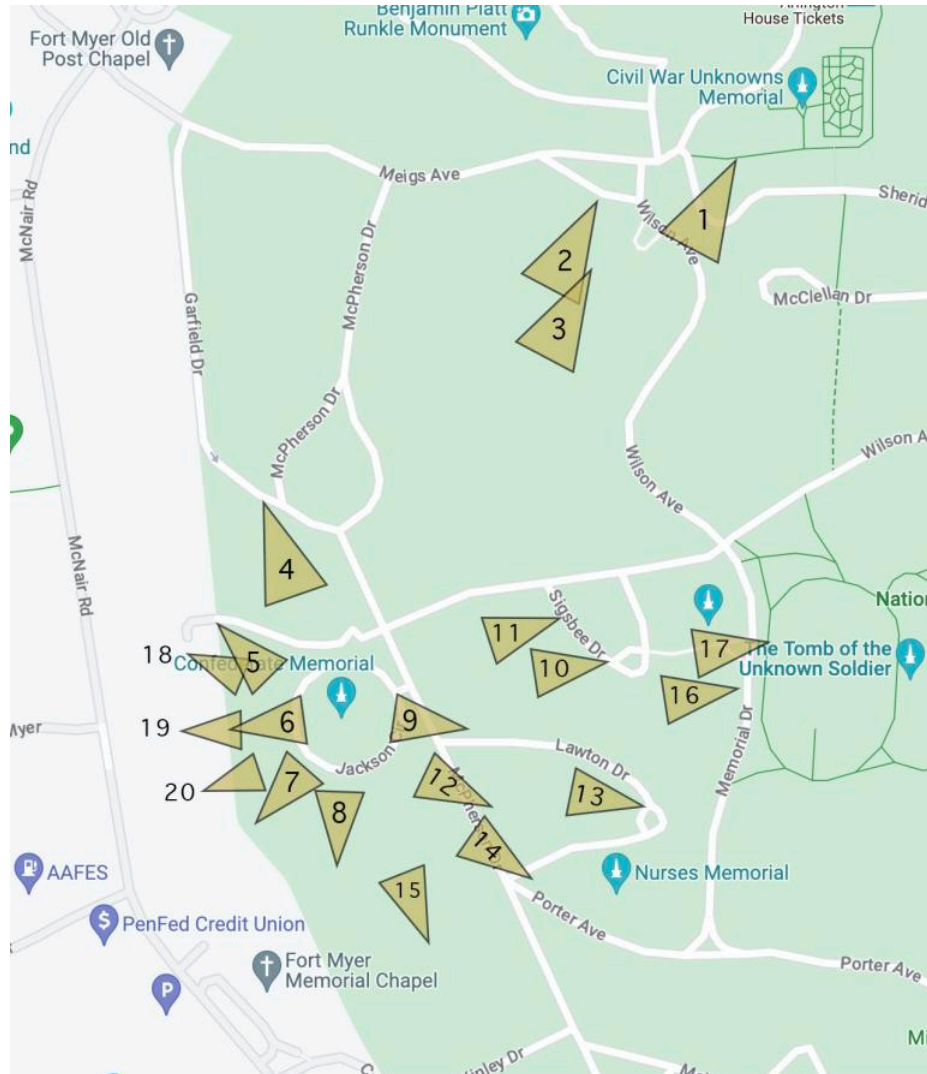
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APE VIEWSHEDS: AUGUST 2023



View 19: Confederate Memorial visible from Fort Myer boundary



View 20: Confederate Memorial visible from Fort Myer boundary

Viewshed Map Key
Angle of photo and photo
number in **YELLOW**.



ALTERNATIVE SPECIFIC NOTES

1. STATUS QUO, NO CHANGE IS MADE TO THE CURRENT CONFIGURATION OF THE CONFEDERATE MEMORIAL.

11. NO ACTION REQUIRED

2. ALTERNATIVE A , INTERPRET THE CONFEDERATE MEMORIAL

- 2.1 EXAMINE MEMORIAL AND SUBMIT A BRIEF CONDITION REPORT.
- 2.2 PROVIDE CYC/JCA, MAINTENANCE INCLUDING:
 - 2.2.1 SPOT REPAIRS/REPLACEMENT OF LEAD JOINT COVERS OF CR/ALITE BASE (10-YEAR CYCLE).
 - 2.2.2 TRIM VEGETATION AROUND PEDestal (ANNUAL CYCLE).
 - 2.2.3 REMOVE ELEMENTS LEFT BEHIND BY VISITORS (MONTHLY CYCLE).

3. ALTERNATIVE 3 - DISASSEMBLE BRONZEWORK AND GRANITE PEDISTAL FOR REUSE

31. EXAMINE STONE'S BASE. PRICHOSE DISSEMINATE P.A. FOR AN FURNITURE (GOVERNMENT AND ARCHITECT). INDICATE LOCATION OF CUTTING (IF REQUIRED). CHECK FOR VENEERS OR BRIDGEWORK. DISSEMINATE. LABEL EACH ELEMENT ON AN ELEVATION OR PHOTOGRAPHY AT A 90-DEGREE ANGLE TO THE FACE. NUMBER ELEMENTS IN ORDER OF DISSEMINATION. IF THERE IS MORE THAN ONE, INDICATE THE NUMBER ELEMENTS IN ORDER TO RETURN TO P.A. TO BE DISSEMINATED SO THEY CAN BE REASSEMBLED IN THE P.A. IF NECESSARY.
32. CAREFULLY DISSEMINATE BRONZE ELEMENTS TO THE STONE. IF THERE ARE POSSIBLE UNUSUAL OR CUT CONNECTIONS AT STRUCTURAL POINTS.
33. IF CUTTING OF BRONZE IS REQUIRED TO DISSEMINATE, C.P. ONLY AT DISCREET LOCATIONS TO PREVENT DAMAGE TO THE BRONZE. DISSEMINATE TO THE STONE.
34. CAREFULLY DISSEMINATE STONE, FRAME, C.P. OR UNDER LAYMENTS TO ALLOW FOR REASSEMBLY.
35. CAREFULLY DISSEMINATE DISCREET, PRICHOSE, STONE, FRAME DISSEMINATE TO PREVENT DAMAGE TO THE STONE, FRAME, C.P. OR UNDER LAYMENTS.
36. APPROXIMATE ELEMENTS TO EACH BRONZE OR GRAVE ELEMENT, IF THE REVERSE OF THE VENTILATION OR CONFORMATION. STONE, C.P. OR UNDER LAYMENTS TO THE STONE CAN FOLLOW.
37. CLEAN BRONZE ELEMENTS OF DIRT AND TO REMOVE LAYERS OF DIRT AND ELEMENTS TO STONE.
38. IF THERE IS DIRT ON THE BRONZE, CLEAN IT OFF. REMOVE ALL ELEMENTS FROM THE STONE AND STONE. CLEAN BRONZE ELEMENTS. REMOVE ALL ELEMENTS FROM THE STONE AND STONE.
39. CRATE ALL BRONZE MATERIALS FOR STORAGE. PROTECT EACH ELEMENT FROM DAMAGE DURING TRANSPORT. VENTILATE EACH GRAVE TO ALLOW FOR FURNITURE.
40. LABEL EACH GRAVE WITH A HAPPEE VENTILATION OF EACH ELEMENT WITHIN THE GRAVE. PLACE IN THE GRAVE TO BE DISSEMINATED.
41. STONE STONE. PROTECT. IF ELEMENTS OF GRAVE OR PALETTE.
42. MAIN PART OF STONE. PROTECT. IF ELEMENTS OF GRAVE OR PALETTE.

4. ALTERNATIVE C - DEMOLISH BRONZEWORL AND GRANITE BASE

41. EXAMINE STATUE AND BASE. PROVIDE DISASSEMBLY PLAN FOR REVIEW BY GOVERNMENT AND ARCHITECT. INDICATE LOCATIONS OF CUTTING. IF REQUIRED, DESCRIBE METHODS FOR DISASSEMBLY. LABEL EACH ELEMENT ON AN ELEVATION OR PHOTOGRAPH WITH A UNIQUE IDENTIFICATION NUMBER FOR EACH ELEMENT. THE DOCUMENTATION SHOULD INDICATE THE N. MERIDIAN ELEMENTS IN SITU BEFORE THEY ARE DEVELOPED FOR THE HISTORIC RECORD.

1 Bronze Statue, Pedestal, Plinth

Approximate Height	12' 11"
Approximate Pedestal Width	4' 8.5"
Approximate Plinth Width	5' 5"

2 Circular Bronze Frieze, Plinth

Approximate Height	8' 8"
Approximate Width (Frieze)	5' 5"
Approximate Width (Plinth)	9' 3"

3 Octagonal Bronze Base

Approximate Height	6' 4"
Approximate Width (Top)	11' 2"
Approximate Width (Bottom)	14' 11"

4 Rectangular Granite Plinth

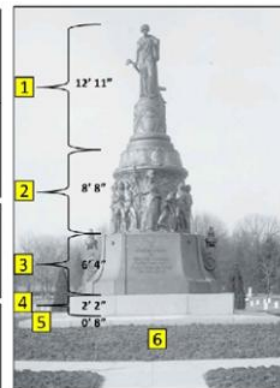
Height	2' 2"
Width	20' 0.5"
Depth	18' 0.5"

5 Square Granite Base

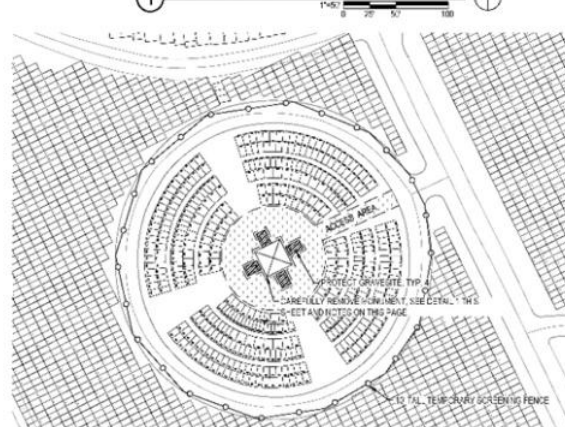
Height	0' 8"
Width	27' 8"
Depth	27' 8"

6 Foundation Base Underground

Multi-layer
First layer - 32' square / 1' deep
Second Layer - 34' square / depth unknown



① MONUMENT ELEVATION



2 SITE PLAN EXISTING CONDITIONS

GRAVESITE BOUNDARIES INDICATED HAVE NOT BEEN VERIFIED. MARKER LOCATIONS MAY HAVE SHIFTED OVER TIME. VERIFY CONDITIONS AT FOUNDATION BY CONDUCTING HAND-EXCAVATED TEST PITS.

FILE NAME: STONE LOCATIONS V2.DWG
 CUR REF: XXXXX
 PLOT DATE: 5/20/2022 12:15:43 PM

DELIBERATIVE WORK PRODUCT

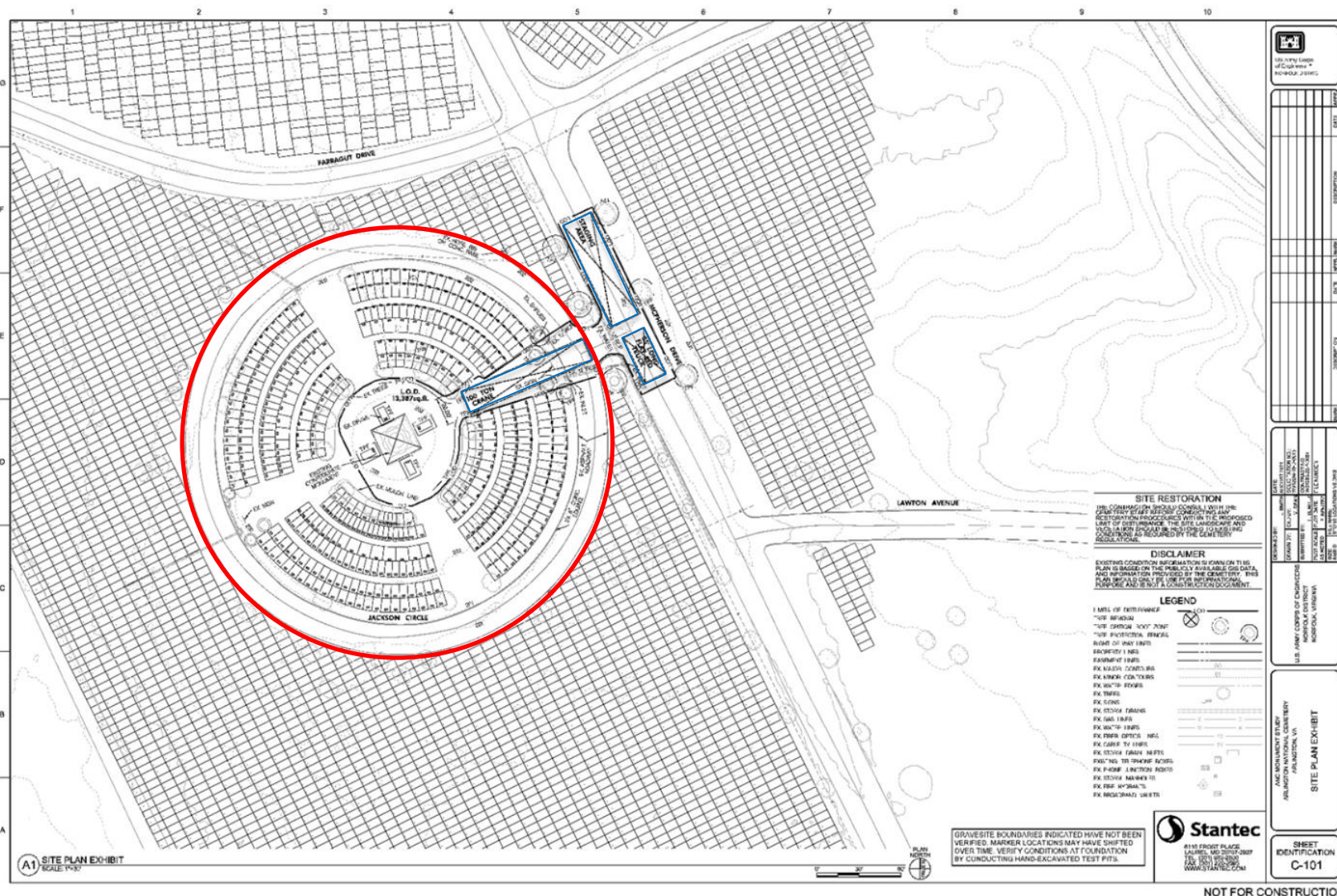
PROJECT DRAWINGS





Proposed Limits of Construction (LOC) outlined in RED.

**Possible equipment
and laydown areas
outlined in BLUE.**



ATTACHMENT A: Public Comments Regarding Area of Potential Effects

Description:

Public comments directly related to the Area of Potential Effect (APE) including those from the Consulting Parties Meeting held 20 September 2023 are listed in the tables attached. All comments submitted to ANC were searched using phrases that included Area of Potential Effect(s), Area of Effect(s), Area of Affect (in case of misspellings), Area of Impact(s), and APE. A total of 34 comments have been received that specifically discuss the area of potential effects using these phrases previously listed. All commentors have been assigned an identifier to keep all comments anonymous to the public. The tables only provide the identifier and the comment pertaining to the APE. Comments regarding additional topics are separated out and given their own entry.

Assigned Commentor Number	Comment Regarding Area of Potential Effect (APE)
PA-005310B	Any action to remove the Memorial, or parts of the Memorial, would also cause irreparable adverse physical and visual effects on the Arlington National Cemetery Historic District. The Memorial is recognized as an important part of this historic site and its cultural and historic landscape. There is no conceivable way to mitigate the adverse effects on the Arlington National Cemetery Historic District that would be caused by removal of the Memorial, or removal of any of the Memorial's elements.
PA-005456B	It goes without saying, of course, that the area most immediately affected by the monument's removal would be Section 16 itself, brutally denuded of its historic centerpiece in a crude act of officially-sanctioned vandalism. The nation can't afford to cancel the landmarks that tell us where we've been as a polity and a culture. We need those landmarks, and we need to retain Ezekiel's masterwork.
PA-005456C	But one area that would certainly be grievously affected is the great civic-art ensemble that includes the Lincoln Memorial, Arlington Memorial Bridge, Arlington House and Arlington National Cemetery. This monumental ensemble, perhaps the nation's greatest, signifies the reconciliation of North and South reflected in the resumption of military service by Southerners in the Spanish-American War. Ezekiel's monument was conceived in the spirit of reconciliation. It was an elegy to the valor displayed by the Confederate warrior in service to a cause that was definitively lost. That elegiac character is fully consistent, needless to say, with a funerary monument serving as a grave marker.
PA-005456D	Because of its exceptional artistic quality and symbolic resonance, the monument's removal would seriously degrade the civic-art ensemble in question.
PA-003847B	this memorial clearly qualifies for National Register status, and its area of effect is all of Arlington, and really all of America, because of Arlington's unique position in the American psyche, and is essential to our national morale.
PA-004545G	The integration and extensive influence of this memorial on the entire ANC National Historical District can not be denied. The phrase, "out of sight- out of mind" applies. To remove the Reconciliation Memorial is to remove any thought of reconciliation at all. Thus removing the poignant significance of the entire Arlington concept: from mansion to graveyard. Arlington itself will then become irrelevant. The motto "HonorRemember-Explore" , will become" Dishonor-Forget- Ignore".

Assigned Commentor Number	Comment Regarding Area of Potential Effect (APE)
PA-003526B	The correct area of potential effect would be a direct effect on the monument, both direct (as the monument is part of Arlington Cemetery's landscape and specifically the Confederate section) and indirect in the visual of the cemetery.
PA-003538N	This Reconciliation Memorial is a part of the culture not only of America but the world. To say that the effect is limited to a small part of a cemetery is disingenuous. This Memorial is eligible to be a contributing object of its own historical significance in Arlington National Cemetery, which is a National Register Historic District which is the only National Military Cemetery with that designation. Former Secretary of the Navy Jim Webb's recent Op Ed in the Wall Street Journal shows how the memorial is a testament to how to re-unify a nation after a civil war. He used it with officials in Vietnam. If America cannot accept its own reconciliation, how can we promote it to other war torn cultures. The APE, as proposed, is just a small area inside the cemetery. This ignores the importance of the reconciliation message that America set by example for the world after our own bloody fratricidal war.
PA-003538O	This memorial is part of the Washington Monumental Corridor Master Plan. The Monumental Corridor was part of the "American Renaissance" and North-South linkage promoted by renowned architects McMillan and Olmstead. They envisioned a "city beautiful" plan for Washington, DC that extended over the Potomac River into Virginia to Arlington House and the Cemetery. The bridge was to become a symbolic link between North and South from DC to Arlington and the addition of George Washington Memorial Parkway, punctuated with monuments and memorial evidenced this American Renaissance and to demonstrate to the world American unification. This beaux arts style memorial, is the most significant monumental artwork at Arlington is part of the American Renaissance which ignited in monumental art around the country., and as such is individually eligible for inclusion on the National Register. The entire Monumental Corridor, the Viewshed from Mount Vernon through to the Capitol must be included in the APE as they are part of the master plan and significant in the northsouth reunification and the American Renaissance. The entire viewshed of the Washington Monumental core Master Plan but be included.
PA-003869B	I would also say, Ah, this reconciliation memorial is part of the culture of not only America, but of the world. To say that the effect is limited to a small part. Cemetery is disingenuous, the area of potential effect being considered is too small.

Assigned Commentor Number	Comment Regarding Area of Potential Effect (APE)
PA-004421A	The Area of Potential Effect as part of the 106 issue is clearly impossible due to the location of graves. It should be obvious that a cemetery would not want to damage the gravesites of anyone who is buried in the cemetery, let alone soldiers at Arlington National Cemetery
PA-002655D	I am also concerned about the significant environmental issues and potential impacts of this project. The monument should be National Register eligible; and moving it could impact an area of potential effects and/or prohibit identification of historic properties. If the monument is National Register eligible, it should be kept – as-is – and formal petition filed to seek this important status for this priceless art work and historic piece of American history.
PA-004420C	Area of potential effects (APE) A cemetery should be a place to leave conflict “outside the gates.” This monument helps to reinforce the resolution of conflict.
PA-004450B	The scope ANC is TOO SMALL, for the EIS, by much, because this "Reconciliation" monument is part of a larger schematic of objects supporting the re-unification of the United States after the War (1861-1865.)
PA-004545D	It's area of actual and potential effect is far beyond Jackson Circle and Section 16, but outwards to all of Arlington. The origin story of Arlington House and how the it became the nation's truly National Military cemetery is encapsulated in it . And, the memorial's reach is really all across America and across the world, given the reverence and prominence we have bestowed on it. Without this memorial, there is no reason why Arlington is anything special. With it, Arlington says to the world what we can aspre to. It is leading by example. This has been reiterated by many Presidents over the years who placed wreaths at the memorial. We don't want to repudiate this message and send one out to our allies and adversaries that revenge and retribution is condoned and appropriate. Arlington Cemetery has a unique place in the American psyche and is essential to our national morale.
PA-009763F	The Area of Potential Effect far exceeds the proposed APE, as the loss of this piece of Art owned by the American Citizens is not replaceable.

Assigned Commentor Number	Comment Regarding Area of Potential Effect (APE)
PA-005751W	<p>The Memorial as a Contributing Resource to a Broader Monument Core</p> <p>This memorial is part of the Washington Monumental Corridor Master Plan. The Monumental Corridor was part of the “American Renaissance” and North-South linkage promoted by renowned architects McMillan and Olmstead. They envisioned a “city beautiful” plan for Washington, DC that extended over the Potomac River into Virginia to Arlington House and the Cemetery. The bridge was to become a symbolic link between North and South from DC to Arlington and the addition of the George Washington Memorial Parkway, punctuated with monuments and memorials evidenced this American Renaissance, and to demonstrate to the world American unification. This beaux-arts style memorial is the most significant monumental artwork at Arlington, and part of the American Renaissance which ignited a movement to build monumental art around the country. The entire Monumental Corridor, the Viewshed from Mount Vernon through to the Capitol, must be included in the EIS study area and the NHPA Area of Potential Effects (“APE”), as they are part of the master plan and significant in the north-south reunification and the American Renaissance. The APE must be expanded to include the entire Viewshed of the Washington Monumental core.</p>
PA-008742C	<p>in the EIS study area and the NHPA Area of Potential Effects (“APE”), as they are part of the master plan and significant in the north-south reunification and the American Renaissance. The APE must be expanded to include the entire Viewshed of the Washington Monumental core.</p>
PA-008614D	<p>The APE that you come up with, and we have no understanding of who it's supposed to impact.</p>
PA-008489C	<p>That's why the APE needs to be expanded because this will have an effect on the fact of moving future monuments from Federal lands. I'm currently out in South Dakota right now, and there are people there who bought and killed Federal troops out here, and their monument is located on the battlefield right next to the National Monument. There a little bit more. This could affect that location. As well leave the reconciliation money alone. Deal with the real issues facing our country. Don't allow a temporary political agenda to ruin our precious national treasures there, or at Little Bighorn, or any other place across the United States.</p>

Assigned Commentor Number	Comment Regarding Area of Potential Effect (APE)
PA-008684A	<p>we strongly object to the Army's attempt to fast track the required rate for reviews, and this being one of them, has anyone reached out to the other nations because I have had several citizens from other countries contact me on Facebook and say what the heck is going on here. One was a Canadian. He reached out to me, and there is a Canadian Confederate soldier buried in the shadow of the Reconciliation Memorial. A Polish man, you know. It's closest, and as far as way as Poland. I had a Polish man contact me and said, What the heck are you all doing? The big thing is that that we haven't onto a fully encompassing everyone out there on the APE, you know, to define it. This is not given full respect to who it affects, and it affects everybody there, especially in regards to the Jewish community. What has been done on the outreach on this? Thank you.</p>
PA-006203A	<p>The Area of Potential Effect as part of the 106 issue is clearly impossible due to the location of graves. It should be obvious that a cemetery would not want to damage the gravesites of anyone who is buried in the cemetery, let alone soldiers at Arlington National Cemetery.</p>
PA-006231C	<p>To disturb the atmosphere of this cemetery will have effects that are far larger than the so-called "Area of Potential Effect"; the disfigurement of National Harmony, History, and Culture which will ensue if this plan to rip out Moses Ezekiel's headstone aka The Arlington National Confederate Memorial aka The Reconciliation Memorial will effect the Spiritual Environment of the Cemetery and upset the resting spirits of all the Hallowed Dead, whose duty, integrity, and resolve puts the elected who voted for this artistic assault TO SHAME; disturbing the monument will also have the Enormous Potential Effect of creating a ripple of division in America that may very well turn into a TSUNAMI of acrimony between groups whose differences were not inflamed as little as three years ago.</p>
PA-008477A	<p>I do believe that the APE should be expanded, and the rationale for that is in Section 16, where the monument resides, the reconciliation memorial, there are Confederate Service members, veterans who are American veterans. They represent each and every Confederate State or former Confederate State. I should say so to me logically, even on the memorial itself, it names and lists each one of those States. I think those State SHPOs should be involved. I believe we haven't had any commentary from them. It's going to impact there. You know, residents, their citizens, because their citizens are people who descend from some of the men who are buried in Section Sixteen, and some of the spouses as well. So I think, to just narrowly define it and keep it limited to ANC itself is too small of an area, because I think this impacts each one of these states has a quote-unquote dog in the hunt. They should be able to come here and provide commentary and try to help move the ball forward.</p>

Assigned Commentor Number	Comment Regarding Area of Potential Effect (APE)
PA-008465A	The APE should include everything that was in the Macmillan Olmsted plan. It should be much wider with George Washington National Parkway. This was all part of a complete program to memorialize the healing and the reconciliation of the United States after the war between the States and finished after the Spanish-American war, so that this area needs to be expanded, and that's my comment.
PA-008468A	I agree with the previous speakers that the area of potential effect is really much broader at the minimum, including the entire United States, because this particular memorial ties together all the other memorials at national parks, especially battlefields. Anything that has to do with the war between the States, and it actually has a worldwide effect, because it affects the perception of Jewish artists worldwide. That's why GDP Benjamin Friends are particularly interested. You know, a focus of the national attention was the vision of McKinley when he initiated this entire project. The APE is much broader than just the circumference of Arlington National Cemetery. Thank you.
PA-008453A	a quick comment is that the area of permitted effects APE has yet to be finally determined, and that is, the army has not considered the memorial itself as a contributing resource to a broader monument core and part of the Washington Monumental Corridor Master Plan, as explained in the Defend Arlington comments. As explained the views from Mount Vernon through the capital must be included in the NHPA area of potential effects. Thank you.
PA-008474A	At this time I believe that the APE should include all areas.
PA-008455A	I think the APE is much too small, that it should include the entire Washington Monumental Corridor Master Plan, and also our Ernie Blevins, scholar of monuments of this period, said that the Confederate memorial is really the headstone of the entire Confederacy. So really the APE is really the entire country, the entire South at least.
PA-008448A	I think the APE is everywhere with no exception. Site 16 can be viewed from everywhere and that's about it for my comment.
PA-008458A	The APE should include, to be thorough, not only any memorial or monument in Arlington National Cemetery, but all monuments and memorials nationwide, to include the entire country, everywhere. If it's good for one area, it should be good for everything.
PA-010375A	You are asking for comments on the "Effect" before you have finalized the "Area of Potential Effect" (APE), or identified the Affected Resources. Consulting parties cannot comment on the effects until a complete explanation of the proposed action is provided.

Assigned Commentor Number	Comment Regarding Area of Potential Effect (APE)
PA-010371A	<p>Several commenters raised concerns with the narrow scope of the EIS and the proposed Area of Permitted Effects (APE), suggesting the APE must be enlarged to encompass the broader historic district, Section 16, and the Washington Core viewshed. The Army has not considered the Memorial itself as a contributing resource to a broader Monument Core and part of the Washington Monumental Corridor Master Plan as explained in Defend Arlington's comments. As explained, the viewshed from Mount Vernon through to the Capitol, must be included in the NHPA Area of Potential Effects ("APE"), as they are part of the master plan and significant in the north-south reunification and the American Renaissance. The APE must be expanded to include the entire viewshed of the Washington Monumental core. The Army must respond to these concerns, including making a final determination on the scope of review under NEPA and NHPA. Until the question of the appropriate scope of the EIS and the APE is settled, it is impossible to answer the question about effects.</p>



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

November 2, 2023

Julie V. Langan
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

ATTN: Roger Kirchen
Director, Review and Compliance Division
Virginia Department of Historic Resources

Dear Ms. Langan:

On 9 February 2023, Army National Military Cemeteries (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, which currently sit on a granite base in the center of Section 16. The proposed project is considered a federal undertaking with the potential to cause adverse effects on historic properties pursuant to 36 C.F.R. 800.3(a).

ANMC would like to take this opportunity to submit a revision to the Area of Potential Effect (APE) and the Assessment of Adverse Effects for the undertaking. The submission incorporates input received during the public comment periods and consulting parties meetings, to expand the APE and clarify the Assessment of Effects.

ANMC transmits the following files via DoD SAFE:

1. Section 106 Process Submission: Revised Area of Potential Effect & Assessment of Adverse Effects. This includes updates to the area of potential effects (APE) and revisions to the agency's assessment of effects.
2. Attachment A: Public and consulting party APE comments

By way of this submission, ANMC is requesting that the DHR:

1. Concur with revisions to the APE
2. Respond to ANMC's finding of:
 - a. No adverse effects to the Fort Myer Historic District
 - b. Adverse effects to the Confederate Memorial, Arlington National Cemetery Historic District, and Arlington House Historic District

Army National Military Cemeteries looks forward to continuing the Section 106 consultation process with our agency partners, consulting parties and the public. Should there be any questions, please contact Caitlin Smith, ANMC Cultural Resources Program Manager, usarmy.pentagon.hqda-anc-osa.mbx.cultural-resources@army.mil. Thank you for your support.

Sincerely,

ANDREW J. WIKER
Colonel, US Army
Director of Engineering
Army National Military Cemeteries

Enclosures:

1. Section 106 Process Submission
2. Attachment A: APE Comments

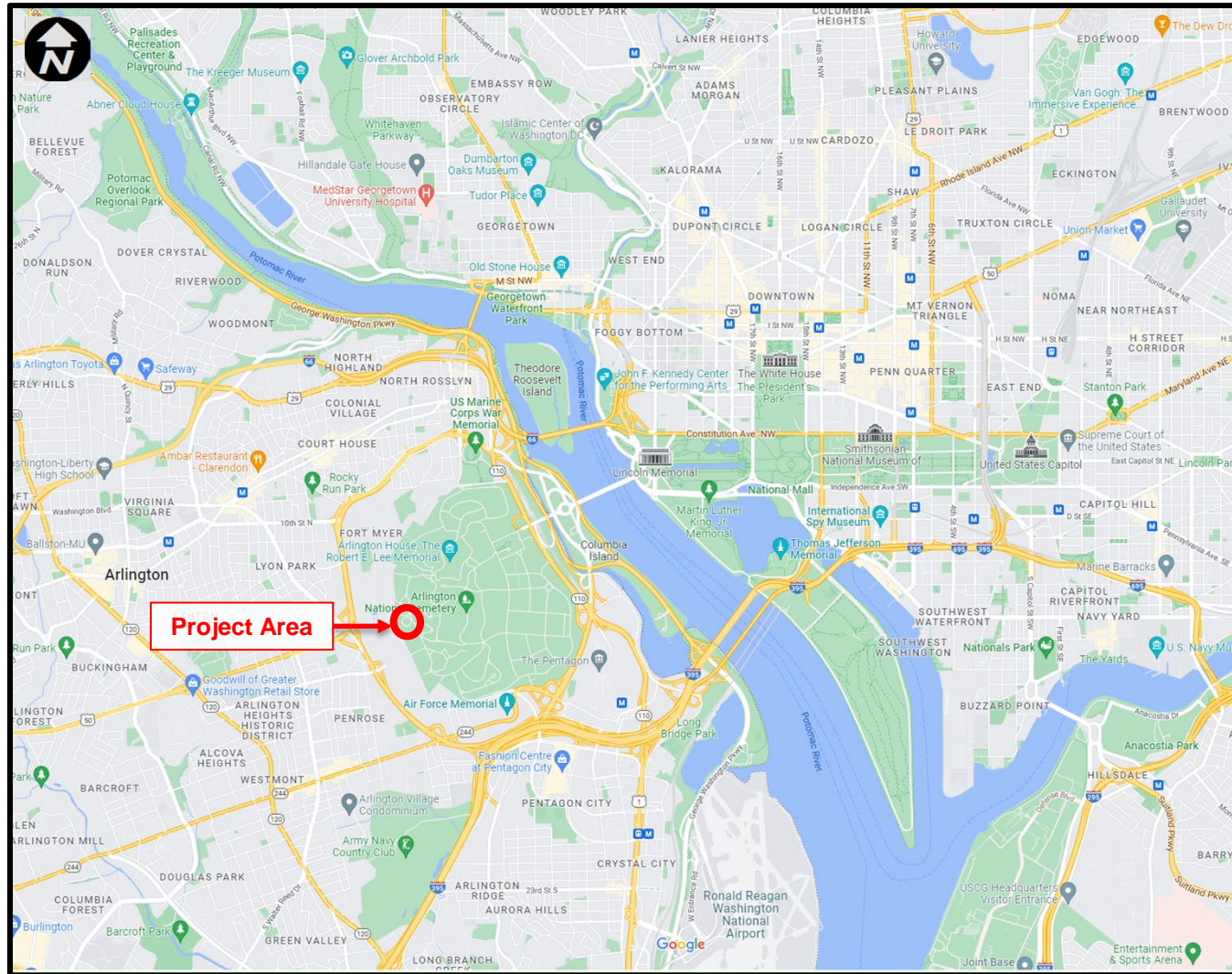
cc:

Mr. Reid Nelson
Executive Director, Advisory Council on Historic Preservation
Ms. A. Megan Borthwick
Program Analyst, Advisory Council on Historic Preservation



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CONFEDERATE MEMORIAL REMOVAL Army National Military Cemeteries Arlington National Cemetery Arlington, Virginia

SECTION 106 PROCESS SUBMISSION: REVISED AREA OF POTENTIAL EFFECT & ASSESSMENT OF ADVERSE EFFECTS

DHR File No. 2022-0201

1 st Submission:	February 9, 2023
2 nd Submission:	March 16, 2023
3 rd Submission:	September 29, 2023
4 th Submission:	November 2, 2023

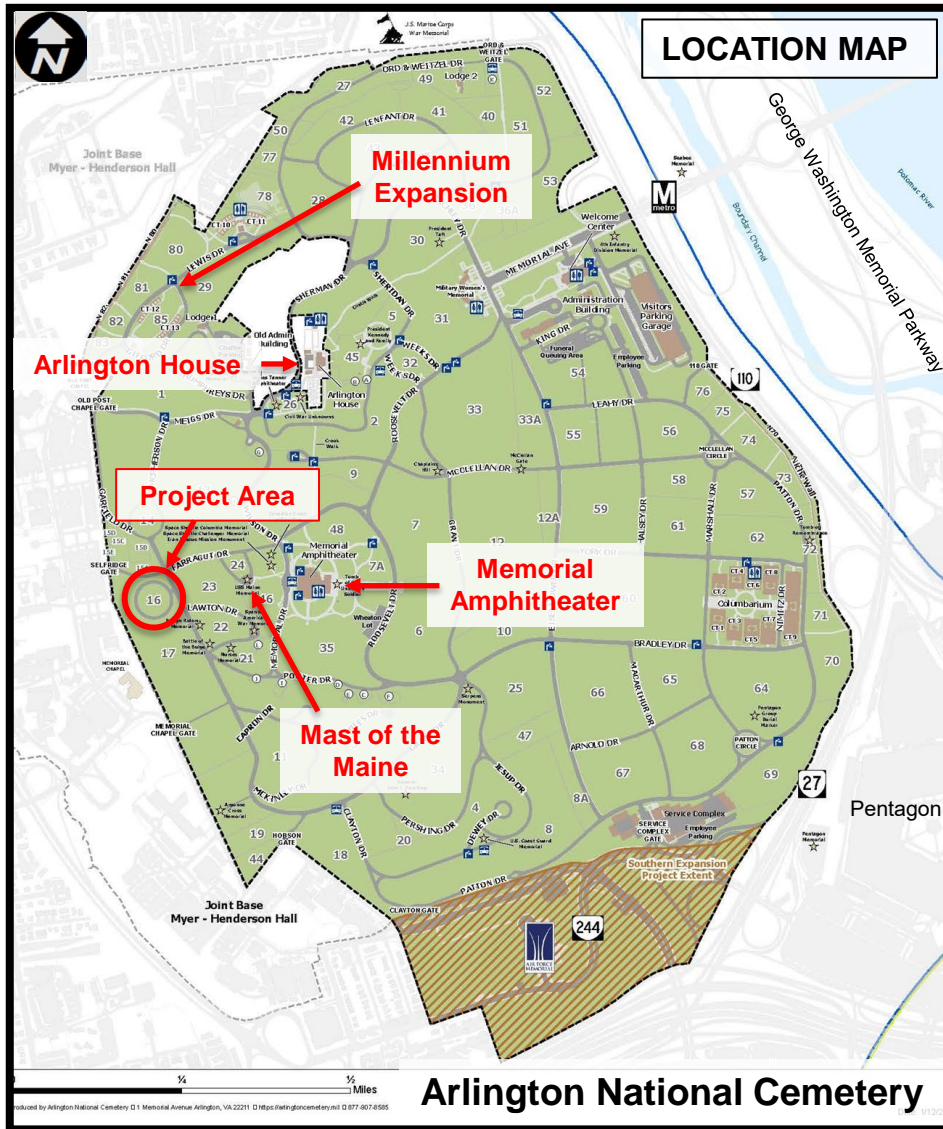


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LOCATION MAP & PROJECT DESCRIPTION



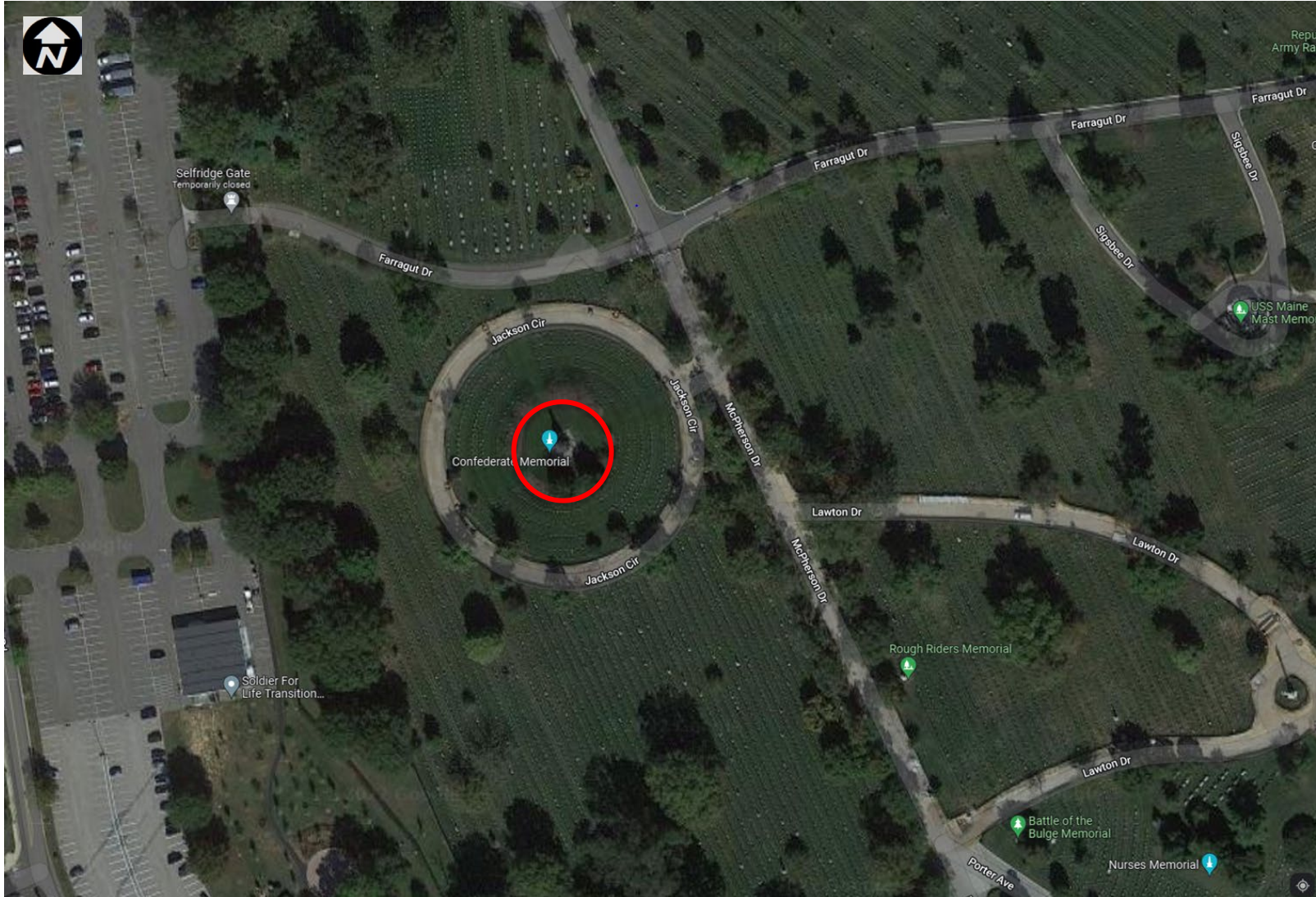
Army National Military Cemeteries (ANMC) proposes the removal of the bronze elements of the Confederate Memorial, which currently sit on a granite base in the center of Section 16 of Arlington National Cemetery. The proposed project is considered a federal undertaking with the potential to cause adverse effects on historic properties pursuant to 36 CFR 800.3(a).

As required by Congress and implemented by the Secretary of Defense, Arlington National Cemetery has been directed to implement the recommendations of 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). The Naming Commission was established pursuant to Section 370 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. This undertaking is a direct result of the Secretary of Defense's directive.

As a result, 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 in order to: 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 ANC.



PROJECT NARRATIVE



In 2022, the Historic American Buildings Survey (HABS) completed archival record of the Confederate Memorial, including photos and ortho-imagery generated from a photogrammetric model, which was submitted to the Library of Congress (LoC).

During disassembly, ground disturbance will be minimal. ANMC proposes leaving the granite pedestal in place, and not performing any ground disturbing activities, as the memorial is in the center of burial Section 16.

While the disassembly work occurs, the surrounding landscape, graves, and headstones will be protected. Staging will occur on the circular drive that surrounds the memorial. During the deconstruction, scaffolding will be erected around the memorial and covered with screening, to protect the surrounding landscape and grave markers and to ensure the safety of visitors in/around the vicinity of the deconstruction.

After disassembly, the memorial will be prepared for transport to a storage facility, and the site and landscaping will be restored. ANMC will develop interpretation for the site with input from consulting parties and the public.

Satellite View of Project Area.
Proposed project location in **RED**.



INITIATION OF THE SECTION 106 PROCESS



Per 36 CFR § 800.3, Army National Military Cemeteries (ANMC) initiated the section 106 process for the proposed removal of the Confederate Memorial's bronze elements from Arlington National Cemetery (ANC). The proposed project is considered a Federal undertaking, as defined in 36 CFR § 800.16(y), and is the type of activity that has the potential to cause effects on historic properties pursuant to 36 CFR § 800.3(a).

Per 36 CFR § 800.3(c), ANMC identified the Virginia Department of Historic Resources (DHR) as the appropriate State Historic Preservation Office (SHPO) to be involved in the section 106 process.

Per 32 CFR § 800.2, ANMC engaged the Advisory Council on Historic Preservation (ACHP) for assistance with the section 106 process. Notification was provided to the ACHP on 16 March 2023 via the Electronic Section 106 Documentation Submittal System (e106) Form, inviting the ACHP to participate in the Section 106 consultative process for the proposed undertaking.

Per 36 CFR § 800.3(c), ANMC continues to involve the public in the section 106 process. After initiating consultation with the DHR, ANMC notified potential consulting parties and the public of the undertaking via social media, the ANC website, and local news outlets, and invited them to participate in the consultation process. ANMC continues to post information regarding the proposed undertaking to the ANC website. ANMC continues to work in consultation with the DHR on all plans to involve the public and consulting parties in the section 106 process.



In the initial submission on 09 February 2023, ANMC requested that the DHR:

1. Assign a DHR file number to project
2. Respond to ANMC's request for review of finding that there is an undertaking that affects a historic property: the Confederate Memorial
3. Respond to ANMC's request for review of determination of eligibility

This submission to the DHR included a VCRIS Intensive Survey (Evaluation/Phase II survey) for the Confederate Memorial (DHR ID #000-1235).

ANMC noted it developed a Phase II Intensive-Level Survey report for the Confederate Memorial, in support of the VCRIS survey, for preliminary evaluation for determination of National Register eligibility.



ANMC received DHR's letter of 03 March 2023. In response, on March 16, 2023, ANMC provided a revised submission and requested that the DHR:

1. Concur with revisions to the section 106 initiation document for the proposed undertaking, incorporating comments received from the DHR. This included updates to the Area of Potential Effects (APE) and to the list of potential consulting parties.
2. Acknowledge receipt of the Advisory Council on Historic Preservation (ACHP) Electronic Section 106 Documentation Submittal (e106)
3. Acknowledge receipt of the Phase II (Intensive-Level) survey report to evaluate the individual eligibility of the Confederate Memorial to the National Register of Historic Places (NRHP)
4. After review of the Phase II survey report, respond to ANMC's request for review of determination of eligibility for the Confederate Memorial

In a letter dated, August 29, 2023, DHR concurred that the Confederate Memorial is individually eligible for listing in the National Register of Historic Places (NRHP).



In the third submission on 03 October 2023, ANMC provided:

1. A revised APE, in response to comments received from consulting parties and the public during the scoping period and the first consulting parties meeting
2. Assessment of adverse effects

In this fourth submission, ANMC provides:

1. A revised assessment of adverse effects, in response to comments received from consulting parties in relation to the second consulting parties meeting on 18 October 2023

ANMC requests that the DHR:

1. Concur with revisions to the APE
2. Respond to ANMC's finding of:
 - a) No adverse effects to the Fort Myer historic district
 - b) Adverse effects to the Confederate Memorial, Arlington National Cemetery Historic District, and Arlington House Historic District



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AREA OF POTENTIAL EFFECT COMMENTS



During the public scoping period, from August 4 – September 3, 2023, ANMC received comments regarding the previously established APE. The following are representative of the comments received:

- ...it's area of actual Area of Potential Effect; and potential effect is far beyond Jackson Circle and Section 16, but outwards to all of Arlington. The Historical significance origin story of Arlington House and how the it became the nation's truly National Military cemetery is encapsulated in it. And, the memorial's reach is really all across America and across the world, given the reverence and prominence we have bestowed on it. Without this memorial, there is no reason why Arlington is anything special. With it, Arlington says to the world what we can [aspire] to...Arlington Cemetery has a unique place in the American psyche and is essential to our national morale
- ...the removal of this monument will adversely the atmosphere and solemn of the cemetery...
- ...The correct area of potential effect would be a direct effect on the monument, both direct (as the monument is part of Arlington Cemetery's landscape and specifically the Confederate section) and indirect in the visual of the cemetery...
- ...This obviously will have an adverse effect on the historic properties and the entire Northern Virginia community...
- ...I'm not quite sure what message the military is trying to send to the inhabitants of Virginia by removing a cultural, respective piece of our resilience...



AREA OF POTENTIAL EFFECT COMMENTS



During the public scoping period, from August 4 – September 3, 2023, ANMC received comments regarding the previously established APE. The following are representative of the comments received:

- ...this memorial clearly qualifies for National Register status, and its area of effect is all of Arlington, and really all of America, because of Arlington's unique position in the American psyche, and is essential to our national morale. It has a unique and unmitigable impact on our culture...
- ...This Reconciliation Memorial is a part of the culture not only of America but the world. To say that the effect is limited to a small part of a cemetery is disingenuous. This Memorial is eligible to be a contributing object of its own historical significance in Arlington National Cemetery, which is a National Register Historic District which is the only National Military Cemetery with that designation. Former Secretary of the Navy Jim Webb's recent Op Ed in the Wall Street Journal shows how the memorial is a testament to how to re-unify a nation after a civil war. He used it with officials in Vietnam. If America cannot accept its own reconciliation, how can we promote it to other war torn cultures. The APE, as proposed, is just a small area inside the cemetery. This ignores the importance of the reconciliation message that America set by example for the world after our own bloody fratricidal war...
- ...The scope ANC is TOO SMALL, for the EIS, by much, because this "Reconciliation" monument is part of a larger schematic of objects supporting the re-unification of the United States after the War (1861-1865.)...



During the public scoping period, from August 4 – September 3, 2023, ANMC received comments regarding the previously established APE. The following are representative of the comments received:

- ...This memorial is part of the Washington Monumental Corridor Master Plan. The Monumental Corridor was part of the “American Renaissance” and North-South linkage promoted by renowned architects McMillan and Olmstead. They envisioned a “city beautiful” plan for Washington, DC that extended over the Potomac River into Virginia to Arlington House and the Cemetery. The bridge was to become a symbolic link between North and South from DC to Arlington and the addition of George Washington Memorial Parkway, punctuated with monuments and memorial evidenced this American Renaissance and to demonstrate to the world American unification. This beaux arts style memorial, is the most significant monumental artwork at Arlington is part of the American Renaissance which ignited in monumental art around the country., and as such is individually eligible for inclusion on the National Register. The entire Monumental Corridor, the Viewshed from Mount Vernon through to the Capitol must be included in the APE as they are part of the master plan and significant in the [north-south] reunification and the American Renaissance. The entire viewshed of the Washington Monumental core Master Plan [must] be included...



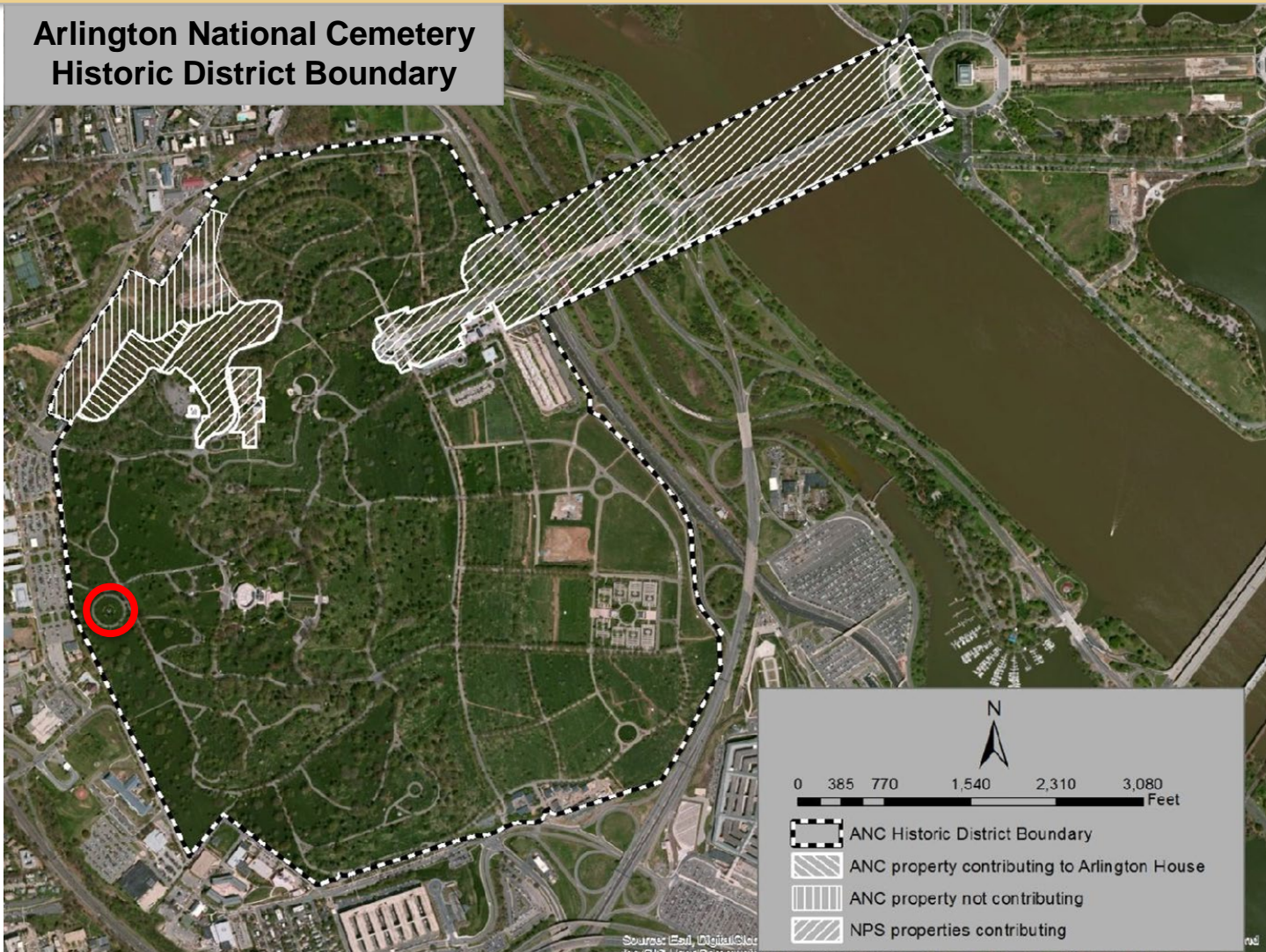
During the public scoping period, from August 4 – September 3, 2023, ANMC received comments regarding the previously established APE. The following are representative of the comments received:

- ...The Memorial Site has significance to Canada and other nations, and is eligible to be a UNSECO World Heritage Site. One of the graves in the plot marked by the memorial is of a Canadian citizen Jerry Cronan was killed at the Battle of Spotsylvania. There were many more citizens of other nations who perished in service to one of the states represented on the Memorial. These other nations need to be identified and consulted as they are being impacted as well. Because of its significance in American history, Arlington House and the Arlington National Cemetery are eligible for listing as a UNESCO World Heritage site. I wonder why this has not been done. But listed or not, the impact on the world and peoples of the world must be considered...
- the Memorial site has significance to those buried at it. There are over 500 soldiers and widows buried at the memorial. Some were relocated there from other sections of Arlington, others from POW camps nearby before the Memorial was erected. However, others chose to be buried there undoubtedly because of the new Memorial. Who is speaking for them? How can the government determine views of the dead. No impact study on this can ever be complete as the voices of the people who chose to be interred around the memorial cannot be heard. We shouldn't be messing with these peoples graves...



AREA OF POTENTIAL EFFECT

Arlington National Cemetery Historic District Boundary



Per 36 CFR § 800.4 & § 800.16, ANMC revised the Area of Potential Effects (APE), the full extent of which will be determined in consultation with the DHR.

The APE is the geographic area(s) within which an undertaking may directly or indirectly cause changes in the character or use of historic properties. The APE is influenced by the scale and nature of the undertaking and may be different for different kinds of effects caused by the undertaking. This includes locations where the project may be visible and/or audible.

For this undertaking, the project area is located within the Arlington National Cemetery Historic District (Virginia Department of Historic Resources [VDHR] #000-0042). Most of this work would occur in ANC Section 16, which is approximately 1.22 acres. The work would occur in previously disturbed areas. The project area includes locations where equipment will approach and be placed around the Confederate Memorial during staging, disassembly, removal, and storage operations (see pages 44 – 46 for additional illustrations).

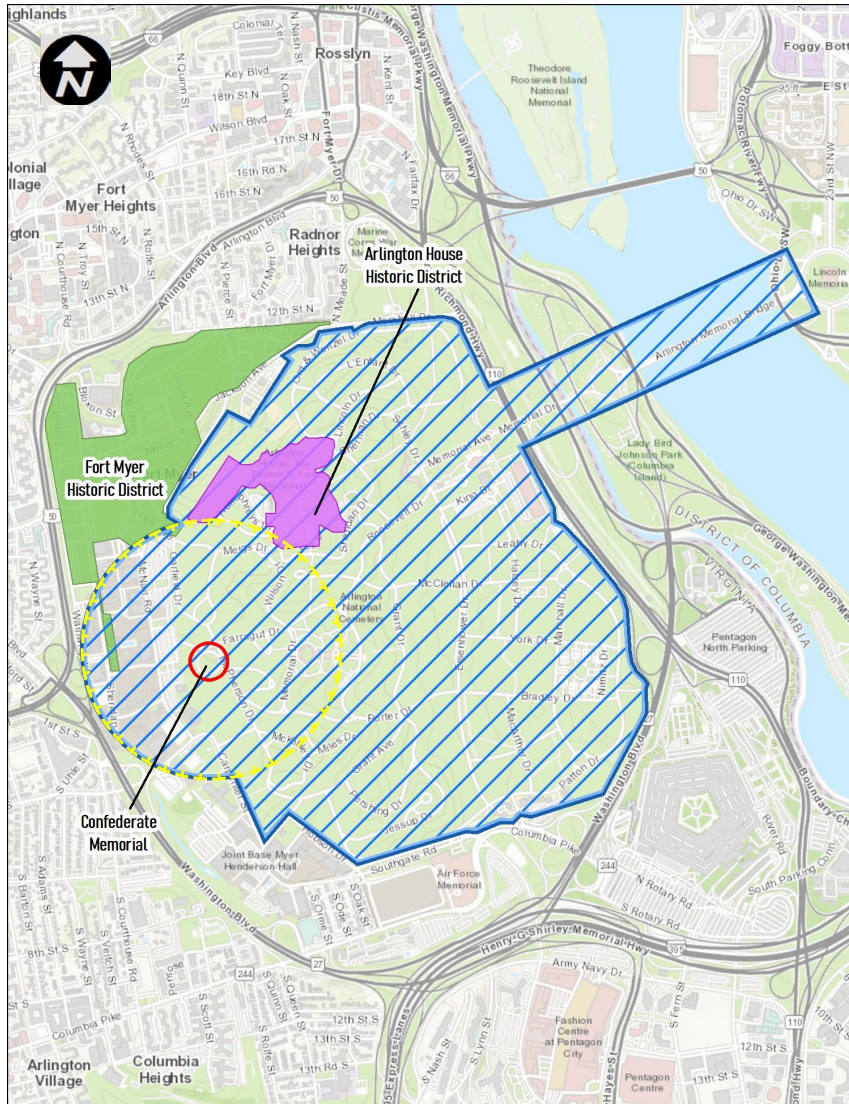
Satellite View of Project Area.
Proposed project location in **RED**.



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REVISED AREA OF POTENTIAL EFFECT



Comments indicated that the public considered the originally proposed APE too small and narrowly focused. The revised APE is expanded to include the entirety of the Arlington National Cemetery Historic District. Support for this APE is provided below:

- The proposed undertaking would directly affect 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 ANC Historic District also contains the Memorial Avenue corridor and the Arlington Memorial Bridge, which is a monument to the sacrifices and valor of our nation's military personnel and a symbolic link between north and south.
- The APE does not expand any further out from the ANC Historic District boundaries and the original viewshed APE. The DHR "Guidelines for Defining the Area of Potential Effects (APE)" recommend considering the scale of the construction in relation to the surrounding setting. The revised APE considers the scale of the removal, its impacts to the surrounding historic districts, long-term visual effects, and short-term construction-related effects.

Map View of Revised APE & Project Area.
APE outlined in **BLUE**.
Viewshed impacts outlined in **YELLOW**.
Proposed project location in **RED**.



REVISED AREA OF POTENTIAL EFFECT



VDHR guidelines recommend that the APE includes:

- all locations where the project will cause ground disturbance;
- all locations from which the project may be visible or audible; and
- all locations where the project may result in changes to land use, public access, traffic patterns, viewsheds, etc.

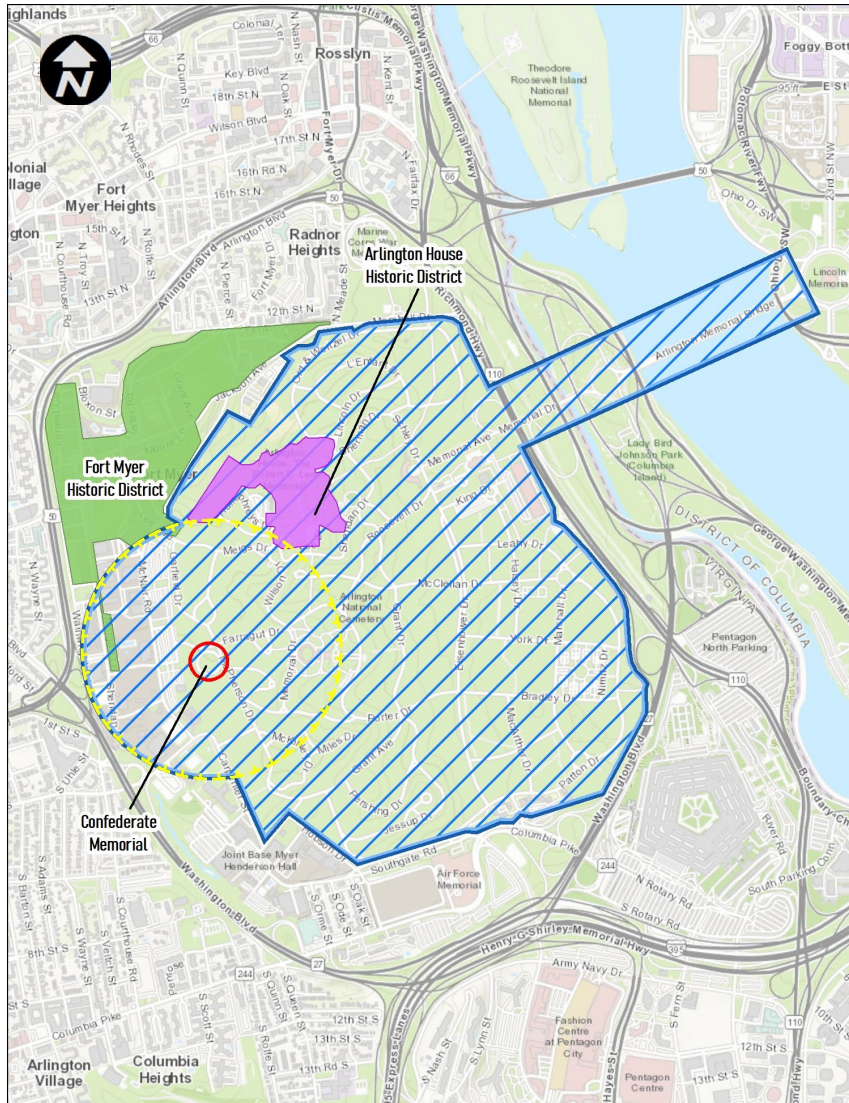
ANMC has determined that the APE should include the ANC Historic District boundaries and the original viewshed APE. This includes all areas that may be directly affected, all areas impacted visually or audibly, and all areas that may result in changes to land use and other similar aspects, like development, public access, traffic patterns, etc. In addition, ANMC does not plan for ground disturbance.

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.

Map View of Revised APE & Project Area.
APE outlined in **BLUE**.
Viewshed impacts outlined in **YELLOW**.
Proposed project location in **RED**.



IDENTIFICATION OF HISTORIC PROPERTIES



Historic Properties Located Within the APE:

Per 36 CFR § 800.4, the following is a list of historic structures and features contributing to the ANC, Fort Myer, and Arlington House historic districts, which are located within / adjacent to the APE. These properties are identified in the 2014 programmatic agreement among ANC, the Virginia SHPO, and the Advisory Council on Historic Preservation (ACHP), ANC's 2014 National Register nomination, and ANC's 2012 DHR Reconnaissance Level Survey.

- Confederate Memorial (DHR #000-1235 / #000-0042-0029)
- Arlington National Cemetery Historic District (DHR #000-0042)
- Boundary walls and gates (DHR #000-0042-0017)
- Grave Markers (DHR #000-0042-0021)
- Battle of the Bulge Memorial (DHR #000-0042-0025)
- Rough Riders Memorial (DHR #000-0042-0040)
- Spanish-American War Memorial (DHR #000-0042-0043)
- Spanish-American War Nurses Memorial (DHR #000-0042-0044)
- U.S.S. Maine Memorial (DHR #000-0042-0047)
- Arlington House Historic District (DHR #000-0001)
- Arlington House Cultural Landscape (CLI #600049)
- Fort Myer Historic District (DHR #000-0004)

Map View of Revised APE & Project Area.
APE outlined in **BLUE**.

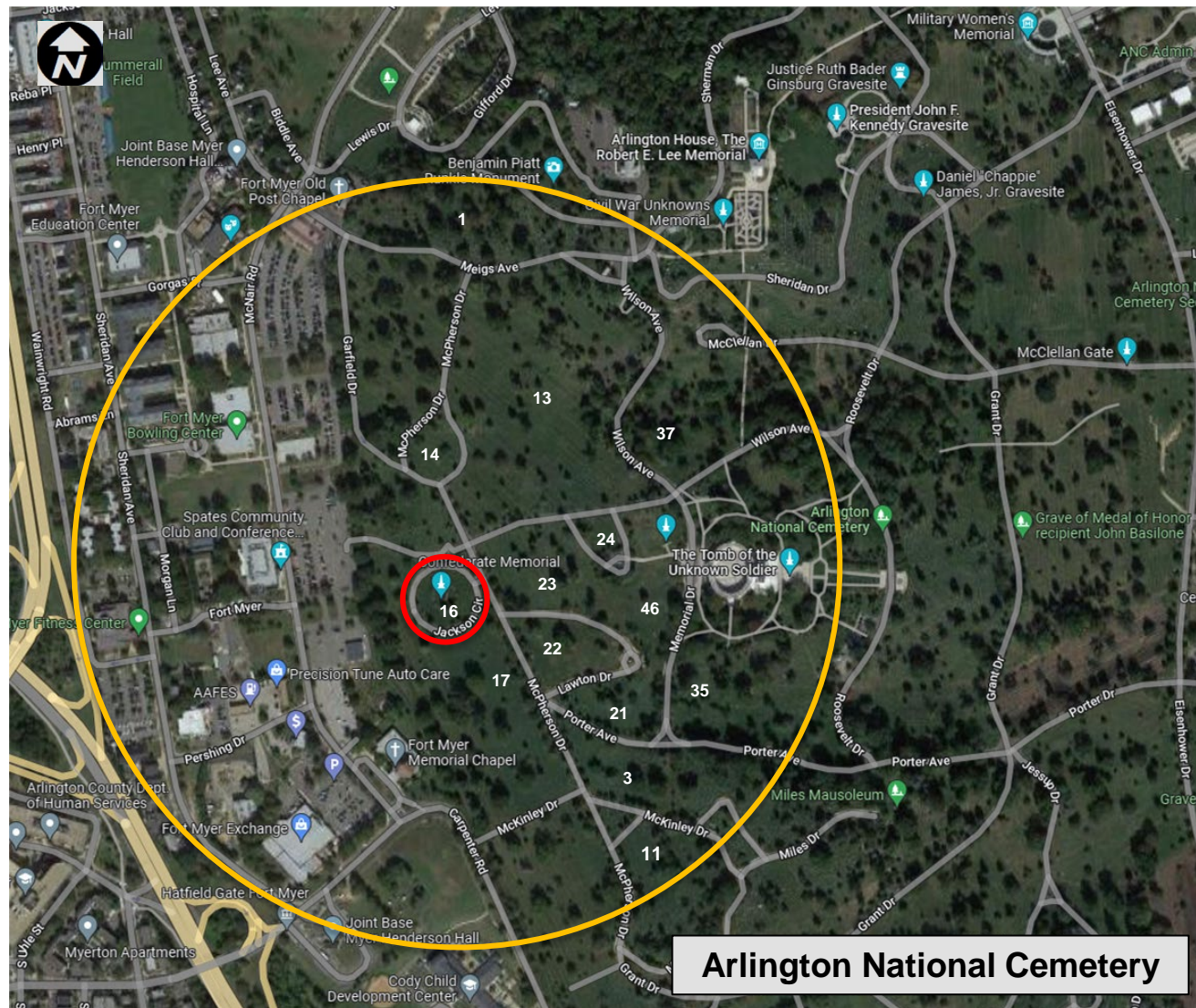
Viewshed impacts outlined in **YELLOW**.
Proposed project location in **RED**.



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IDENTIFICATION OF HISTORIC PROPERTIES



Viewshed Impacts:

The Confederate Memorial is visible from the following sites:

- Burial sections 1, 3, 11, 13, 14, 16, 17, 21, 22, 23, 24, 35, 37, & 46 (ANC)
- Section 13, white Civil War (enlisted) soldiers' primary burial ground historically referred to as the "Field of the Dead" (ANC)
- Custis Family gravesite (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. (Fort Myer)
- Fort Myer Memorial Chapel (Fort Myer)

Satellite View of Project Area.

*Viewshed impacts outlined in **YELLOW**.*

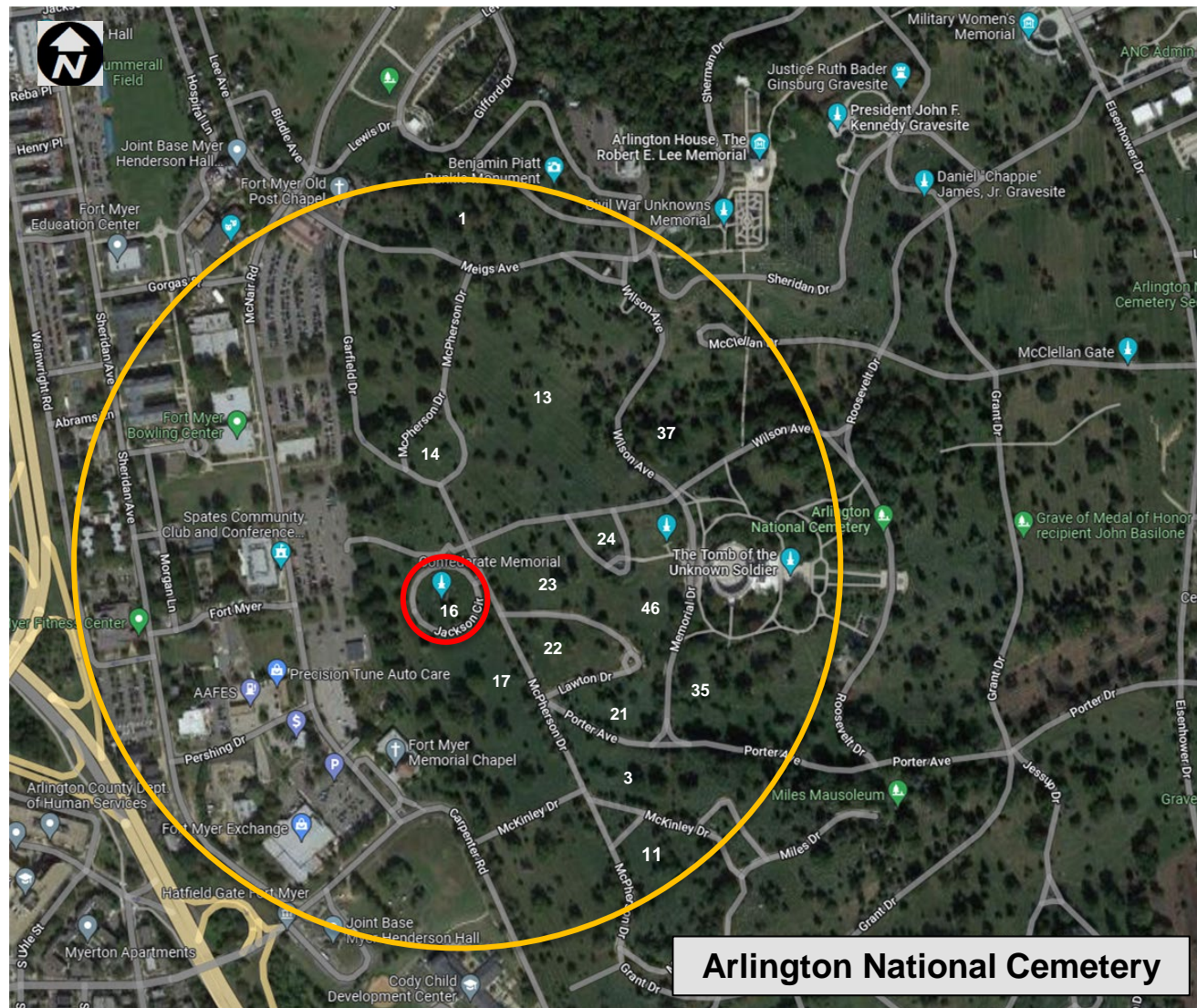
*Proposed project location in **RED**.*



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IDENTIFICATION OF HISTORIC PROPERTIES



Results of Identification & Evaluation:

Historic Properties Affected

Per 36 CFR § 800.4(d)(2), ANMC found that there are historic properties which may be affected by the undertaking. As a result, ANMC has notified all consulting parties, including Indian tribes or organizations, inviting their views on the effects and assess adverse effects, if any, in accordance with § 800.5.

Satellite View of Project Area.

Viewshed impacts outlined in **YELLOW**.

Proposed project location in **RED**.



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ASSESSMENT OF ADVERSE EFFECTS

Fort Myer Historic District: Assessment of Adverse Effects

By applying the criteria of adverse effects (36 C.F.R. § 800.5[a][1]), ANMC has determined that the undertaking—the removal of the bronze elements of the ANC Confederate Memorial—will result in **no adverse effects** on the characteristics that qualify the Fort Myer Historic District for listing in the National Register of Historic Places (NRHP).

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 NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

The proposed removal will not directly affect the Fort Myer Historic District. The undertaking may have temporary impacts to traffic patterns during the staging and transportation phases of the undertaking. No long-term impacts to land use, public access, or traffic patterns are anticipated. In addition, all staging and laydown areas will be within the Arlington National Cemetery Historic District.

There will be no viewshed changes to the Fort Myer Historic District. The Confederate Memorial and the proposed project area is not visible from the historic district. At the Fort Myer property line, views of the memorial are partially obscured by Fort Myer fencing, the ANC boundary wall, and trees and plantings on both sides of the boundary.

The project area is approximately 0.31 miles to the Fort Myer Historic District. Mature trees, other vegetation, buildings, and the boundary fence provide visual obstruction between the two areas in addition to the distance. The Confederate Memorial is partially visible from the Fort Myer Historic District. See photos 4 and 5 on page 28, and photos 18, 19, and 20 on pages 42 and 43, which show the views looking from the Fort Myer Historic District toward the Confederate Memorial.

The district's NRHP nomination notes that the connection between Fort Myer, ANC, and Arlington House, in that in 1861, the United States government expropriated the land now occupied by Fort Myer and the national cemetery from Mrs. Mary Custis Lee, wife of Confederate General Robert E. Lee. While the memorial is a part of the larger legacy and story of the American Civil War and national commemoration, the removal of the memorial does not reach the level of an adverse effect to the Fort Myer Historic District.

There will be no impacts to historic views or vistas to the Fort Myer Historic District. There will be no adverse effects to the integrity of the historic district that would diminish its historical and architectural significance. The district's character and use would not be impacted and therefore it is ANMC's determination that there would be **no adverse effects** to the Fort Myer Historic District.

Links to Fort Myer records:

Fort Myer National Register Historic District documents:

<https://www.dhr.virginia.gov/historic-registers/000-0004/>

<https://www.dhr.virginia.gov/historic-registers/000-0005/>



Arlington House Historic District: Assessment of Adverse Effects

By applying the criteria of adverse effects (36 C.F.R. § 800.5[a][1]), ANMC has determined that the undertaking—the removal of the bronze elements of the ANC Confederate Memorial—results in **adverse effects** on the characteristics that qualify the Arlington House Historic District and the Arlington House Cultural Landscape for listing in the National Register of Historic Places (NRHP).

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 NRHP 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 reduces its ability to convey its significance and impacts its historic integrity.

The undertaking does remove a contributing element to the ANC historic district, which includes the Arlington House Historic District. The NRHP nominations for both districts state that they are representative of themes related to military commemoration, Confederate commemoration, American Civil War history, and the design and development of the monumental core that connects the cities of Arlington, VA, and Washington, DC, and their connection to the McMillan Plan. The 1901 McMillan Plan considered Arlington House a symbol of the Confederate cause, and of the south in general. The Memorial Avenue corridor and the Arlington Memorial Bridge physically and symbolically united nation by joining the Lincoln Memorial on the north side of the Potomac River with Arlington House (the Robert E. Lee Memorial) on the south. The Memorial Bridge and Avenue also connect the nation's capital to Arlington National Cemetery, where thousands who died fighting to preserve democratic government have been laid to rest. The Arlington House NRHP nomination notes that name changes and park designation changes reflect shifting cultural views on Arlington House's place in history and in public notions of commemoration. The same can be said about the removal of the Confederate Memorial.

The Confederate Memorial, Arlington National Cemetery, and the Arlington House site are also associated with the ethnic heritage of the enslaved African Americans who worked and lived within its boundaries, and the larger story of enslavement and the legacy of the American Civil War.

The proposed removal impacts historic views and vistas in the landscape that borders the Arlington House Historic District. The proposed project area is approximately 0.38 miles from the Arlington House Historic District, which is a partially undulating landscape. The Confederate Memorial is not visible from the Arlington House Historic District. See photos 1 and 2 on page 26, and photo 1 on page 34 for a view of the area looking to the Confederate Memorial from locations south of Arlington House.

The undertaking does not impact the integrity of location, workmanship, feeling or associations of the overall Arlington House Historic District in a way that would change Arlington House's status as a National Register Historic District. No direct physical changes will be made to any other area of ANC beyond Section 16. Land use and circulation patterns within the historic district remain unchanged. When the Confederate Memorial is removed, the district will continue to convey its historic significance and retains the many other features that justify its status on the NRHP. The Arlington House Historic District continues to contribute to the nation's understanding of the Custis-Lee landscape, the military-cemetery landscape, politics and government, the Civil War, enslavement, the Lost Cause, and their collective legacies.

Links to Arlington House records:

Arlington House National Register Historic District documents:

<https://www.dhr.virginia.gov/historic-registers/000-0001/>

Arlington House Cultural Landscapes Inventory:

<https://irma.nps.gov/DataStore/Reference/Profile/2184626>



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ASSESSMENT OF ADVERSE EFFECTS

Confederate Memorial: Assessment of Adverse Effects

By applying the criteria of adverse effects (36 C.F.R. § 800.5[a][1]), ANMC has determined that the undertaking—the removal of the bronze elements of the ANC Confederate Memorial—will result in **adverse effects** on the characteristics that qualify the Confederate Memorial for individual listing in the National Register of Historic Places (NRHP).

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 NRHP 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 reduces its ability to convey its significance and impacts its historic integrity.

The undertaking would:

- Impact the historic location and association of the memorial within the ANC historic district.
- Change the historic views and vistas throughout the ANC historic district, especially in and around Section 16, causing permanent and irreversible changes.
- Remove the centerpiece of Section 16, changing the composition, aesthetics, and deviating from the intended design.
- Remove a large physical component of ANC's cultural landscape, altering the site-specific history and symbolism within the ANC historic district.
- Change the character of the memorial, leaving little of the memorial within the original landscape setting that contributes to its historic significance.
- The narrative inscribed on the memorial would no longer function as evidence of the Lost Cause's powerful and long-lasting hold on American culture.
- The ANC Historic District would lose a symbolic, visual illustration of this history, severing part of the interconnected narrative of American military memory embedded throughout the site.

Additionally, the proposed removal process could:

- Potentially result in unintentional damage to this historic resource during deconstruction, storage, and transportation.
- Damage the materials, design, and workmanship (which are qualifying characteristics of the historic property) if the monument is disassembled and not reconstructed.
- Compromise the memorial's safety and security depending on the condition of its future storage location after removal from ANC.
- Expose the memorial's time capsule, which primary source documents indicate is located beneath a granite cornerstone. The time capsule is a contributing element to the memorial.

The limited nature of the undertaking has no adverse effect on the graves in Section 16 or on any archaeological resources in that area. Since the intention of the undertaking is to remove only the bronze elements of the memorial, the granite base would remain in place and would mark the spot where this resource once stood. The headstones, circulation patterns, and horticultural elements of Section 16 will be preserved and unchanged. All construction work in Section 16 will be located in areas of the APE that have already been disturbed. 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 would be found.

See the Phase II (Intensive-Level) survey report to evaluate the individual eligibility of the Confederate Memorial to the NRHP for additional information.

[Link to Arlington National Cemetery records:](#)

Arlington National Cemetery National Register Historic District documents:

<https://www.dhr.virginia.gov/historic-registers/000-0042/>



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ASSESSMENT OF ADVERSE EFFECTS

Arlington National Cemetery Historic District: Assessment of Adverse Effects

By applying the criteria of adverse effects (36 C.F.R. § 800.5[a][1]), ANMC has determined that the undertaking—the removal of the bronze elements of the ANC Confederate Memorial—will result in **adverse effects** on the characteristics that qualify the Arlington National Cemetery Historic District for individual listing in the National Register of Historic Places (NRHP).

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 NRHP 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 reduces its ability to convey its significance and impacts its historic integrity.

The undertaking will have temporary impacts to traffic patterns during the staging and transportation phases of the undertaking. No long-term impacts to land use, public access, or traffic patterns are anticipated. The cemetery and Section 16 remain a commemorative burial space, however Section 16 will lack a commemorative object to serve as a focal point. The removal immediately impacts historic views and vistas in the cemetery sections surrounding Section 16 and the Confederate memorial. It also removes a contributing element to the ANC historic district.

As noted earlier, the NRHP nominations for both the ANC and Arlington House districts state their significant representation of themes related to military commemoration, landscape architecture, Confederate commemoration, American Civil War history, politics and government, and the design and development of the monumental core that connects Arlington, VA, and Washington, DC. The 1901 McMillan Plan considered Arlington House a symbol of the Confederate cause, and of the south in general. The Memorial Avenue corridor and the Arlington Memorial Bridge physically and symbolically united the nation by joining the Lincoln Memorial with Arlington House. When the Confederate Memorial was completed in 1914, the sponsors invoked similar themes of reconciliation, representative of late 19th- and 20th-century commemorative efforts.

This action does not, however, impact the integrity of location, workmanship, feeling or associations of the overall ANC Historic District in a way that would change ANC's status on the NRHP. No direct physical changes will be made to any other area of ANC beyond Section 16. Headstones and circulation patterns remain unchanged. The cemetery continues to convey its historic significance as a military cemetery, for its landscape architecture and architecture, and provides opportunities to study cultural resources that span the nation's history and represent the diverse stories of the American people.

When the Confederate Memorial's bronze elements are removed, ANC would maintain its standing on the NRHP. The cemetery continues to contribute to the nation's understanding by providing information on the Custis-Lee landscape, the military-cemetery landscape, politics and government, the Civil War, enslavement, the Lost Cause, and their collective 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. Similar to the changes in management occurring at Arlington House, the removal of the Confederate Memorial from the national cemetery reflects shifting cultural views on the place of public memorials and public notions of commemoration. The removal becomes part of the ANC's living history and ongoing period of significance.

Caitlin Smith, AIC PA
Cultural Resources Program Manager
Arlington National Cemetery
Army National Military Cemeteries

[Link to Arlington National Cemetery records:](#)

Arlington National Cemetery National Register Historic District documents:
<https://www.dhr.virginia.gov/historic-registers/000-0042/>



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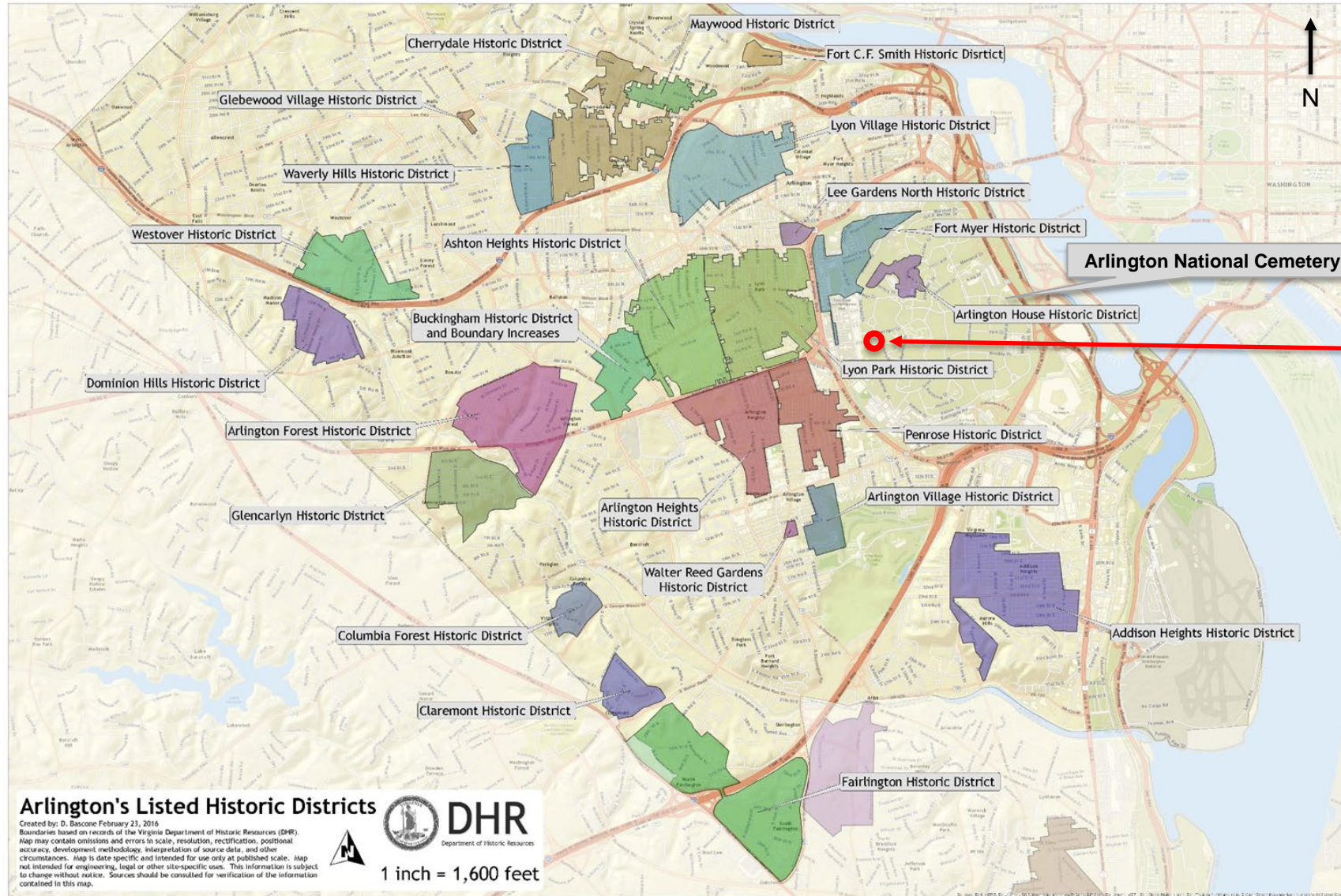
SUPPORTING DOCUMENTATION



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ARLINGTON'S LISTED HISTORIC DISTRICTS

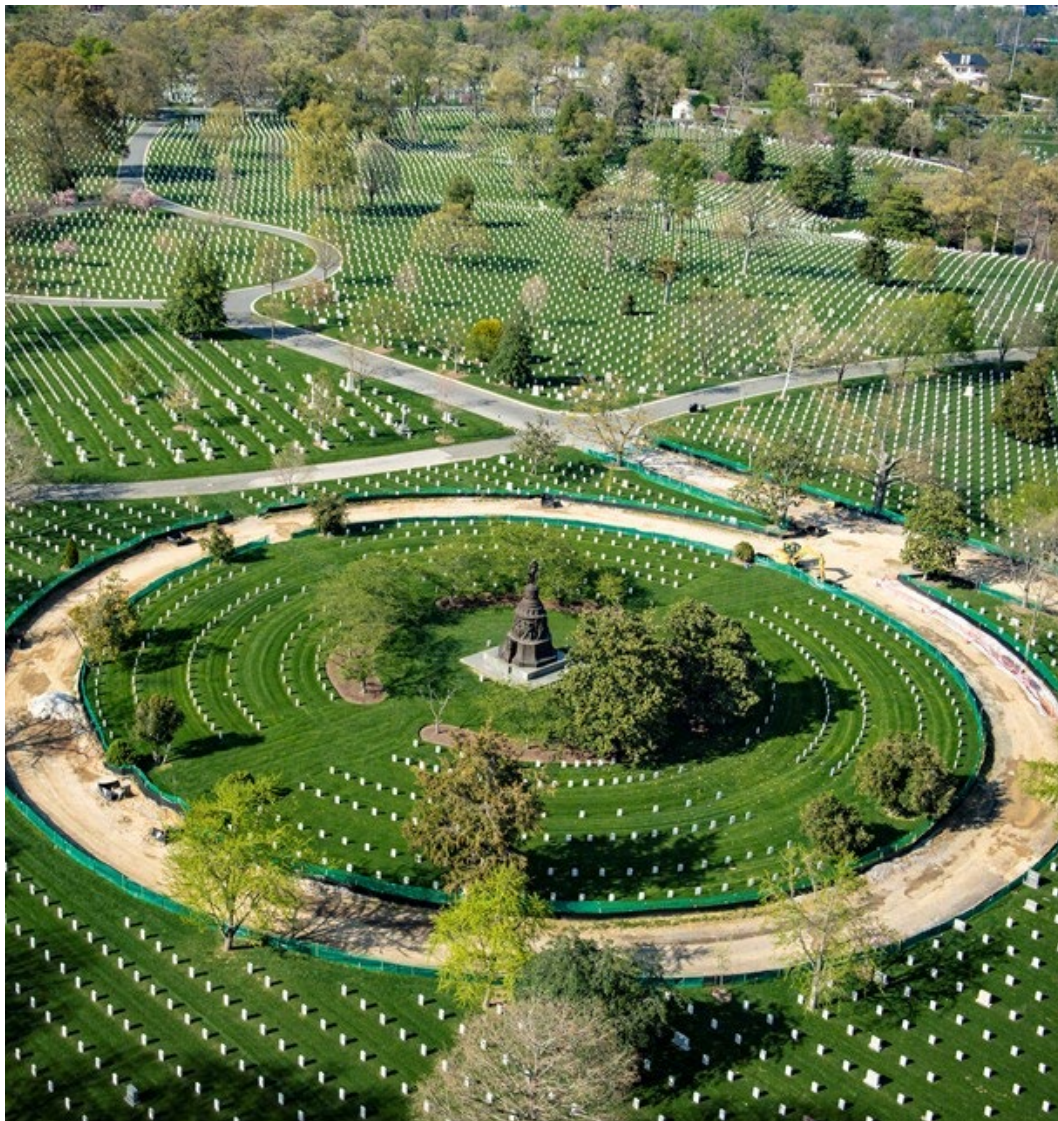




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EXISTING SITE VIEW & DESCRIPTION



*Aerial photography of Section 16
at Arlington National Cemetery,
Arlington, Va., April 20, 2022.*

Site Description:

Section 16 contains the remains of Confederate soldiers, arranged in concentric circles with government furnished headstones facing toward the center of the circle. The Confederate Memorial sits in the center of the circle, with four graves adjacent, one at each face. A circular drive separates the section from the rest of the cemetery.

The memorial stands approximately 33 feet tall and features a 30-foot-tall bronze sculpture atop an approximately 3-foot-tall polished granite base:

- The granite base is composed of two pieces: a 27-feet 8-inches square, with a height of 8-inches, supports a granite plinth that is 20-feet by 18-feet and 26-inches tall.
- Bronze elements taper from 15-feet wide and 6-feet 4-inch-tall base to a 5-feet 5-inch wide and 8-feet 8-inches tall frieze and plinth section, up to a statue on pedestal element.

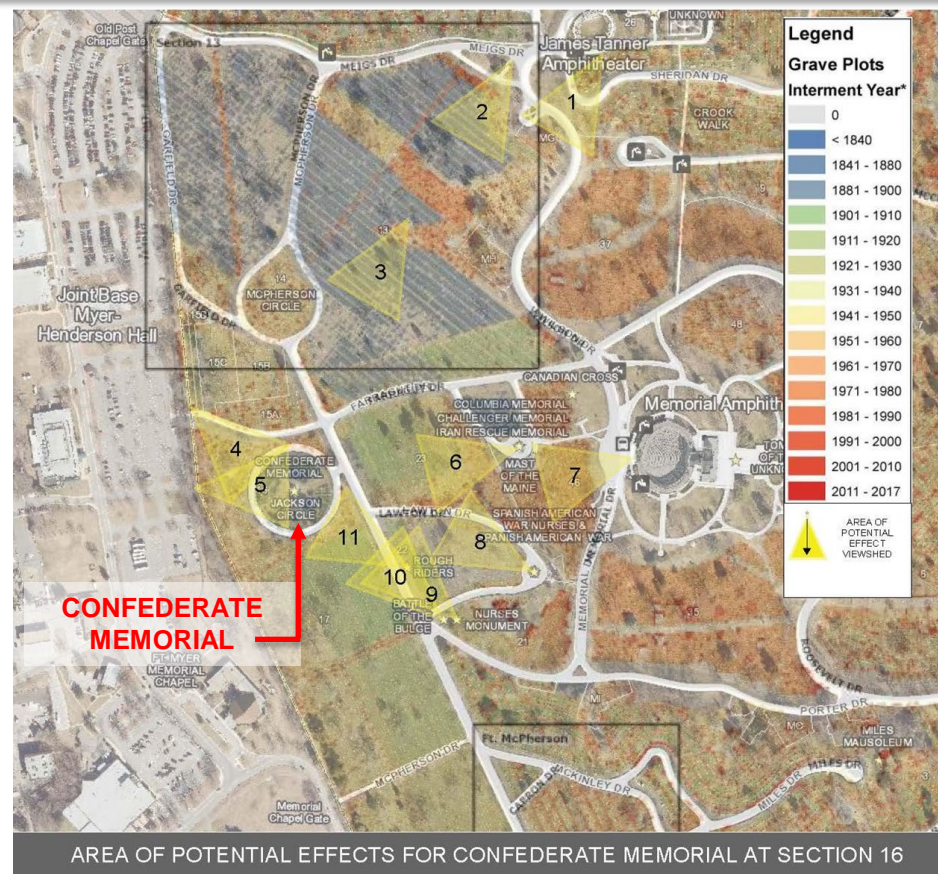
Four Confederate soldiers lie at the base of the Memorial, one on each side: the memorial's sculptor, Moses Ezekiel; Lt. Harry C. Marmaduke of the Confederate Navy; Capt. John M. Hickey of the Second Missouri Infantry; and Brig. Gen. Marcus J. Wright, who commanded brigades at the battles of Shiloh and Chickamauga.



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APE VIEWSHEDS: 2022



1. JAMES TANNER AMPITHEATER, 1873
2. RECEIVING VAULT
3. CUSTIS FAMILY PLOT, 1853
4. SELFRIIDGE GATE, 1958
5. MCNAIR ROAD, JOINT BASE MYER-HENDERSON HALL
6. MAST OF THE MAINE (USS MAINE MEMORIAL), 1912
7. MEMORIAL AMPHITHEATER, 1920
8. SPANISH-AMERICAN WAR MEMORIAL, 1902
9. SPANISH-AMERICAN WAR NURSES MEMORIAL,
10. BATTLE OF THE BULGE MEMORIAL, 2002
11. ROUGH RIDERS MEMORIAL, 1906



1. JAMES TANNER AMPHITHEATER, 1873



1

2. RECEIVING VAULT



2



3. CUSTIS FAMILY PLOT

3





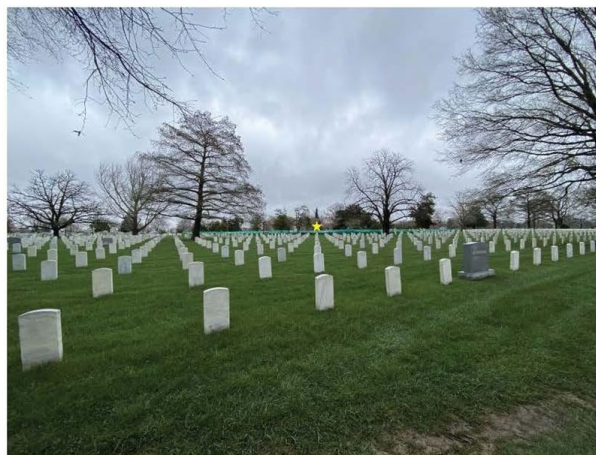
4. SELFRIDGE GATE, 1958

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5. MCNAIR ROAD, JOINT BASE MYER-HENDERSON HALL

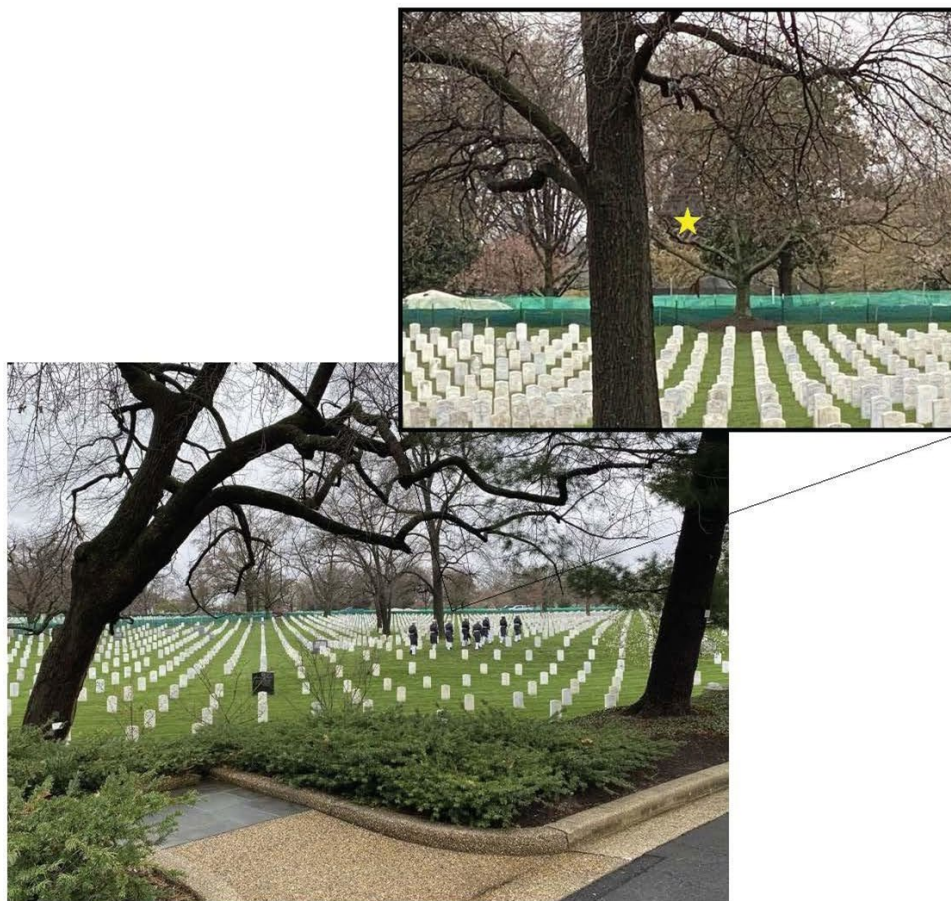
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6. MAST OF THE MAINE (USS MAINE MEMORIAL), 1912

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7. MEMORIAL AMPHITHEATER, 1920

7



8. SPANISH-AMERICAN WAR MEMORIAL, 1902

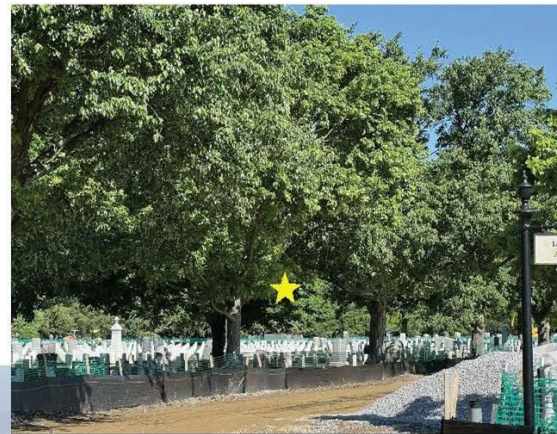
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9. SPANISH-AMERICAN WAR NURSES MEMORIAL

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10. BATTLE OF THE BULGE MEMORIAL, 2002

10





11. ROUGH RIDERS MEMORIAL, 1906

11

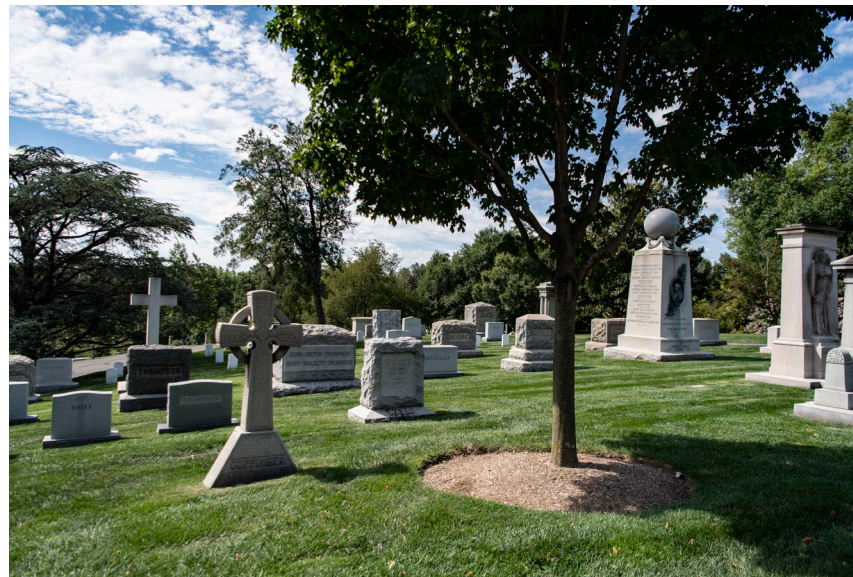
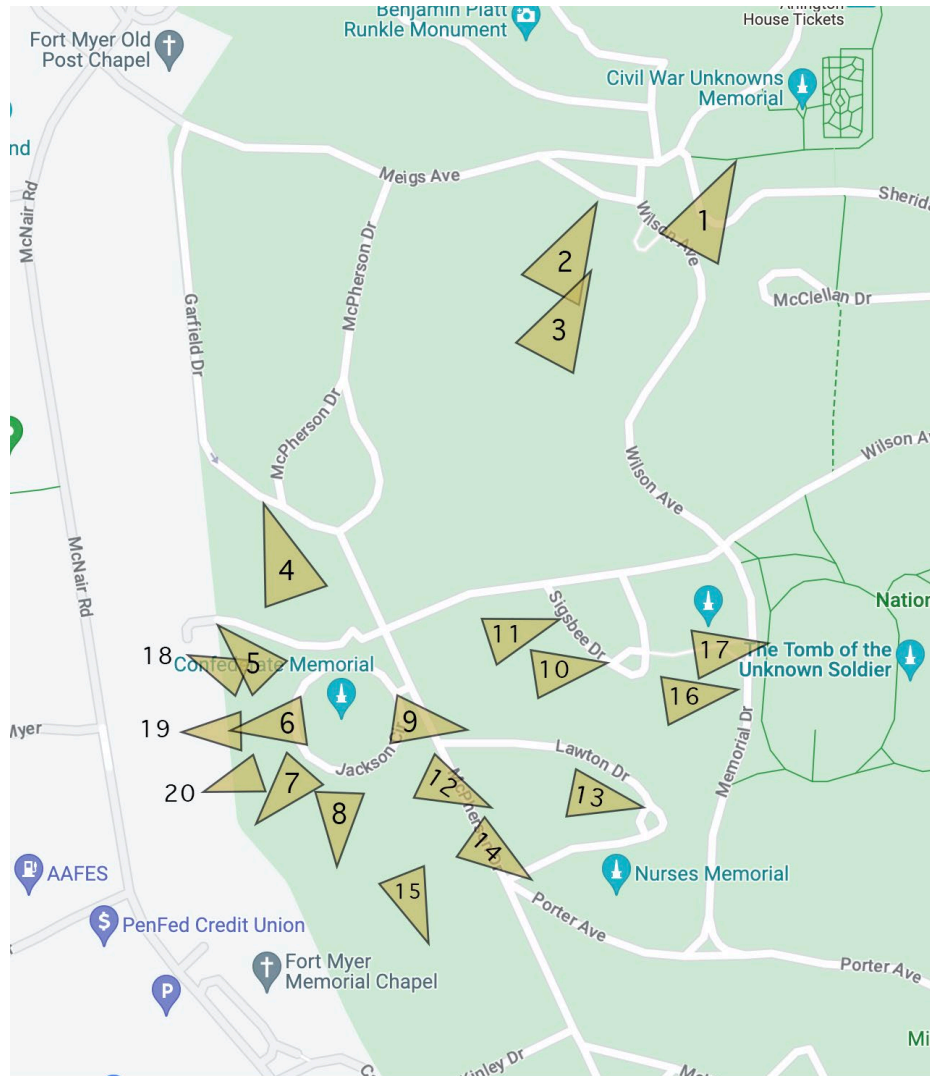




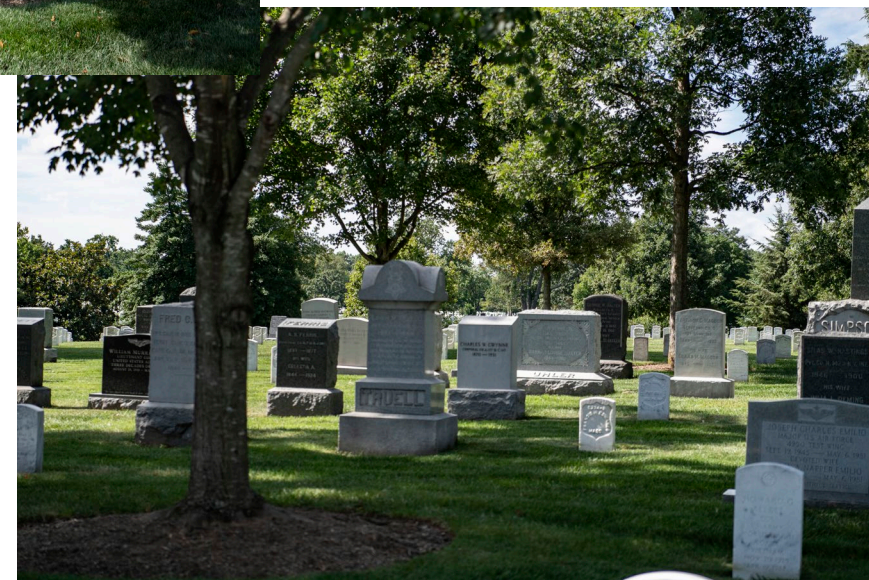
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APE VIEWSHEDS: 2022



View 1: Confederate Memorial not visible



View 2: Confederate Memorial not visible

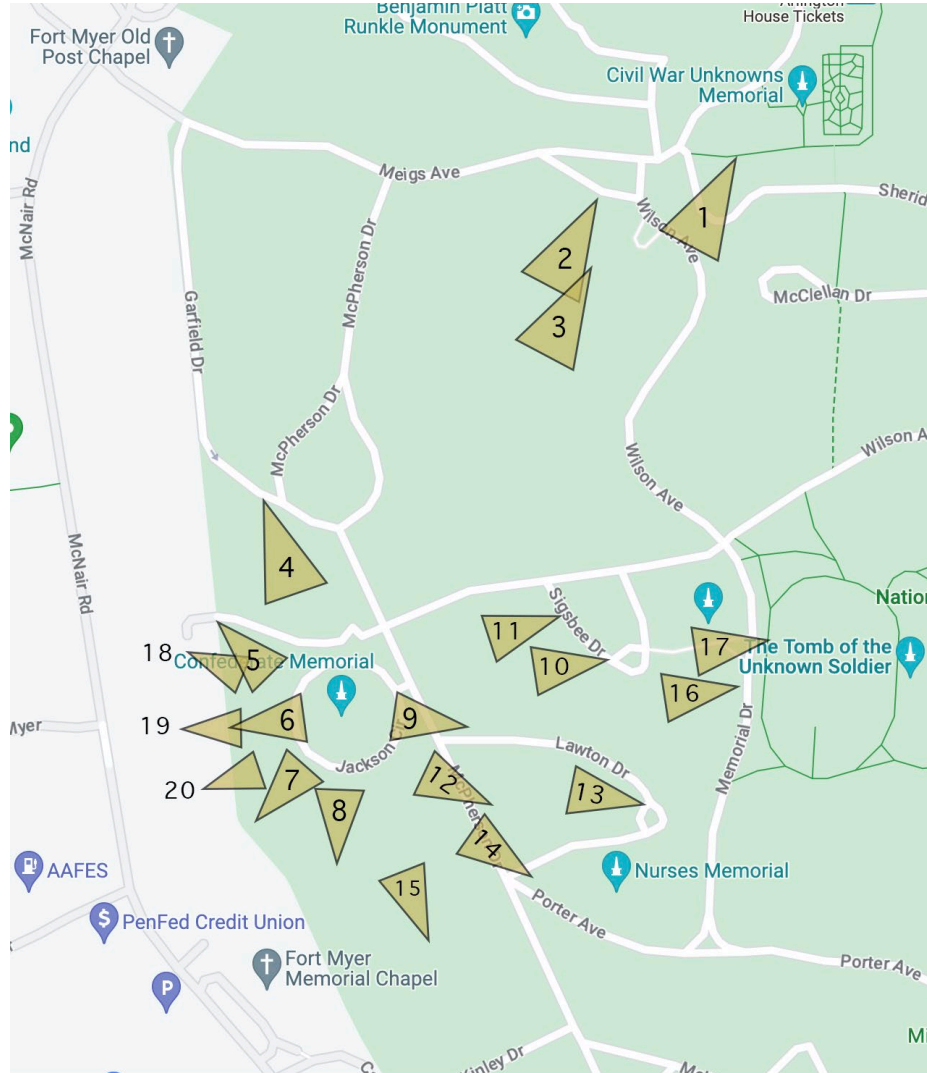
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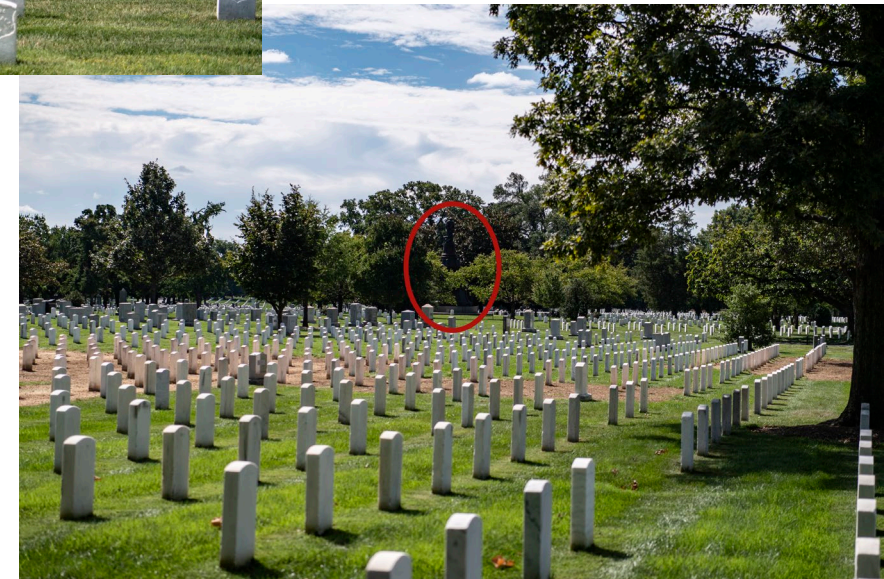
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APE VIEWSHEDS: AUGUST 2023



View 3: Confederate Memorial partially visible



View 4: Confederate Memorial partially visible

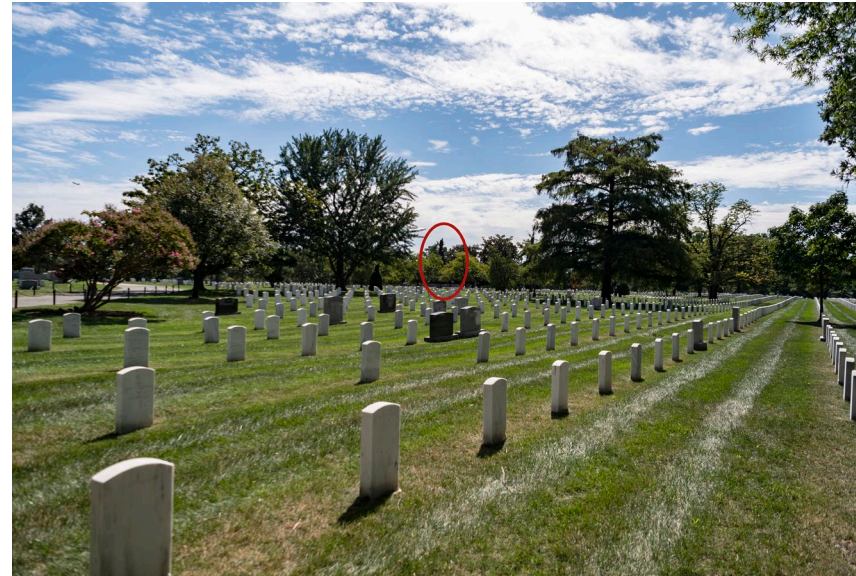
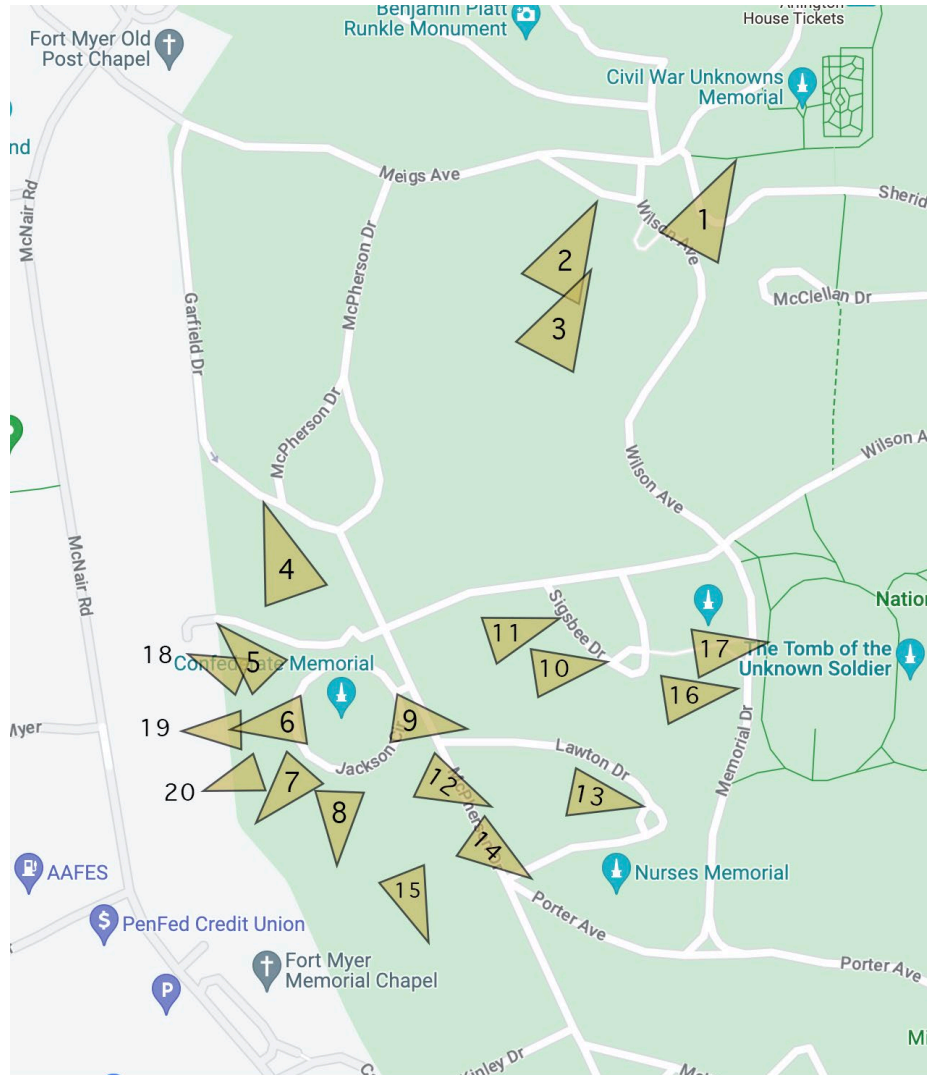
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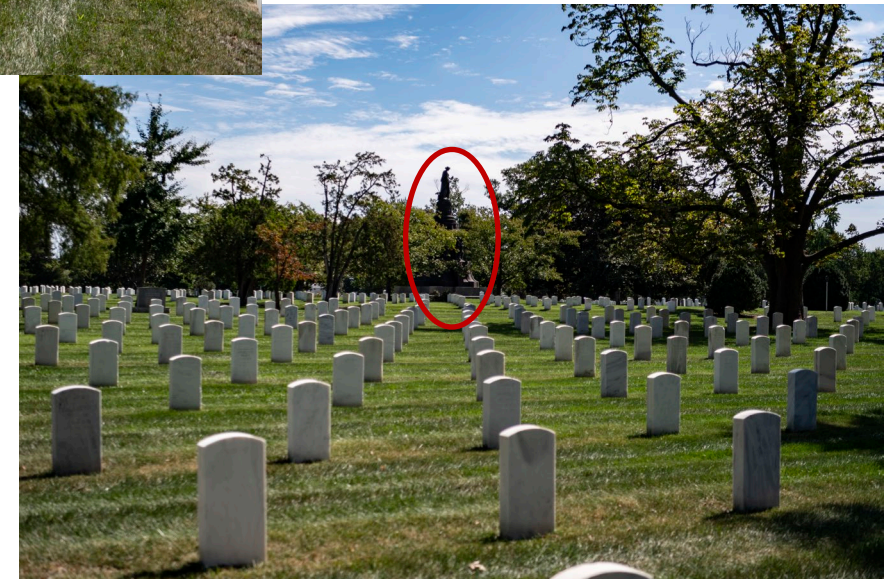
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APE VIEWSHEDS: AUGUST 2023



View 5: Confederate Memorial partially visible



View 6: Confederate Memorial partially visible

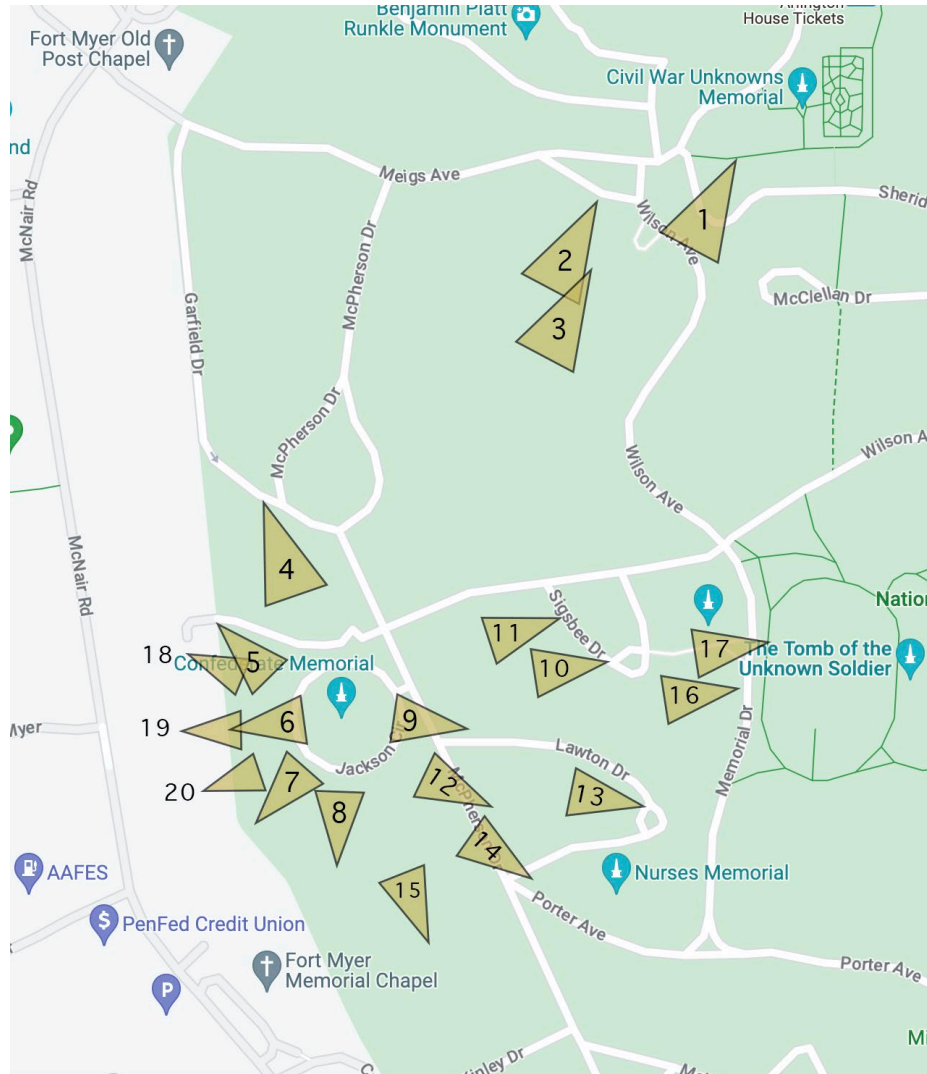
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APE VIEWSHEDS: AUGUST 2023



View 7: Confederate Memorial visible



View 8: Confederate Memorial visible

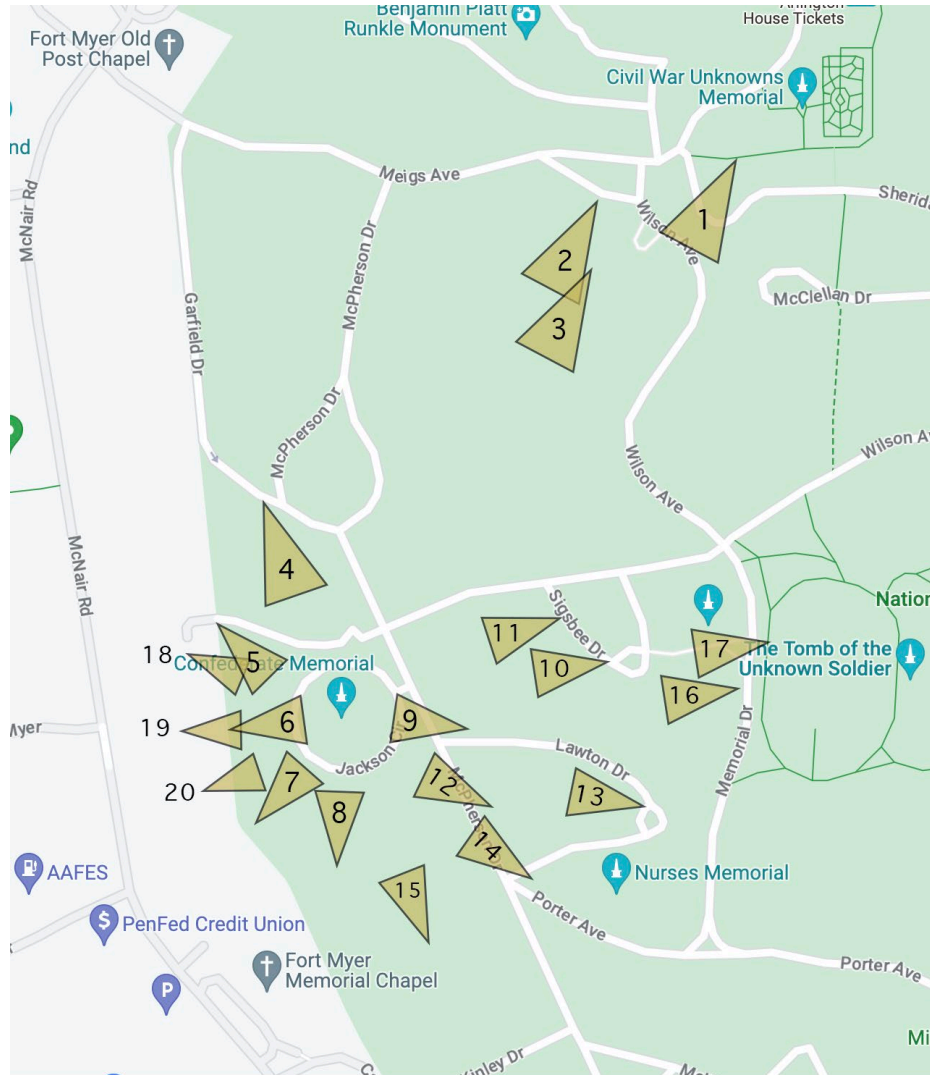
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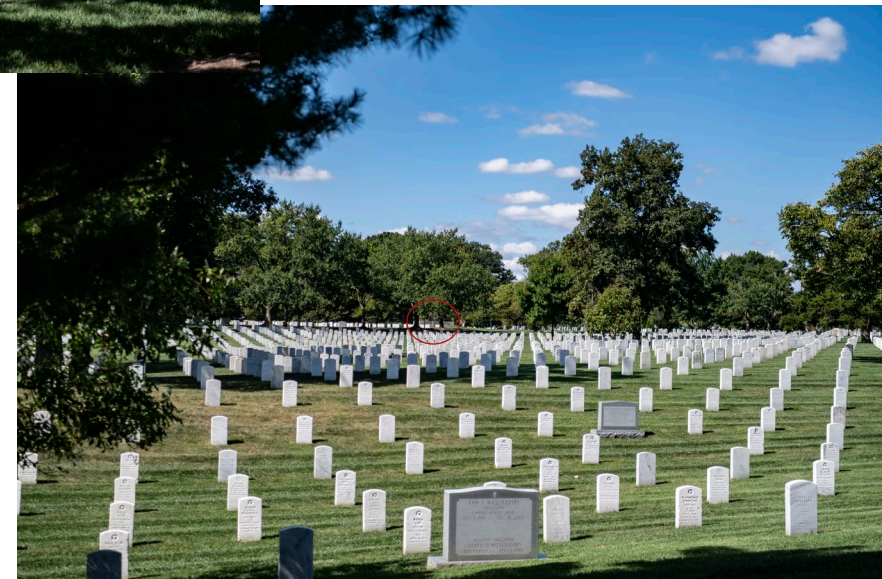
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APE VIEWSHEDS: AUGUST 2023



View 9: Confederate Memorial partially visible



View 10: Confederate Memorial partially visible

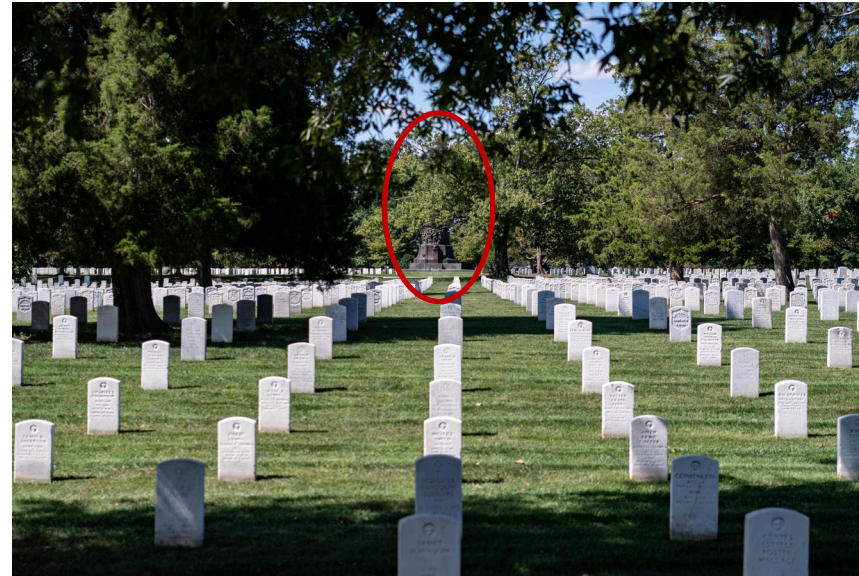
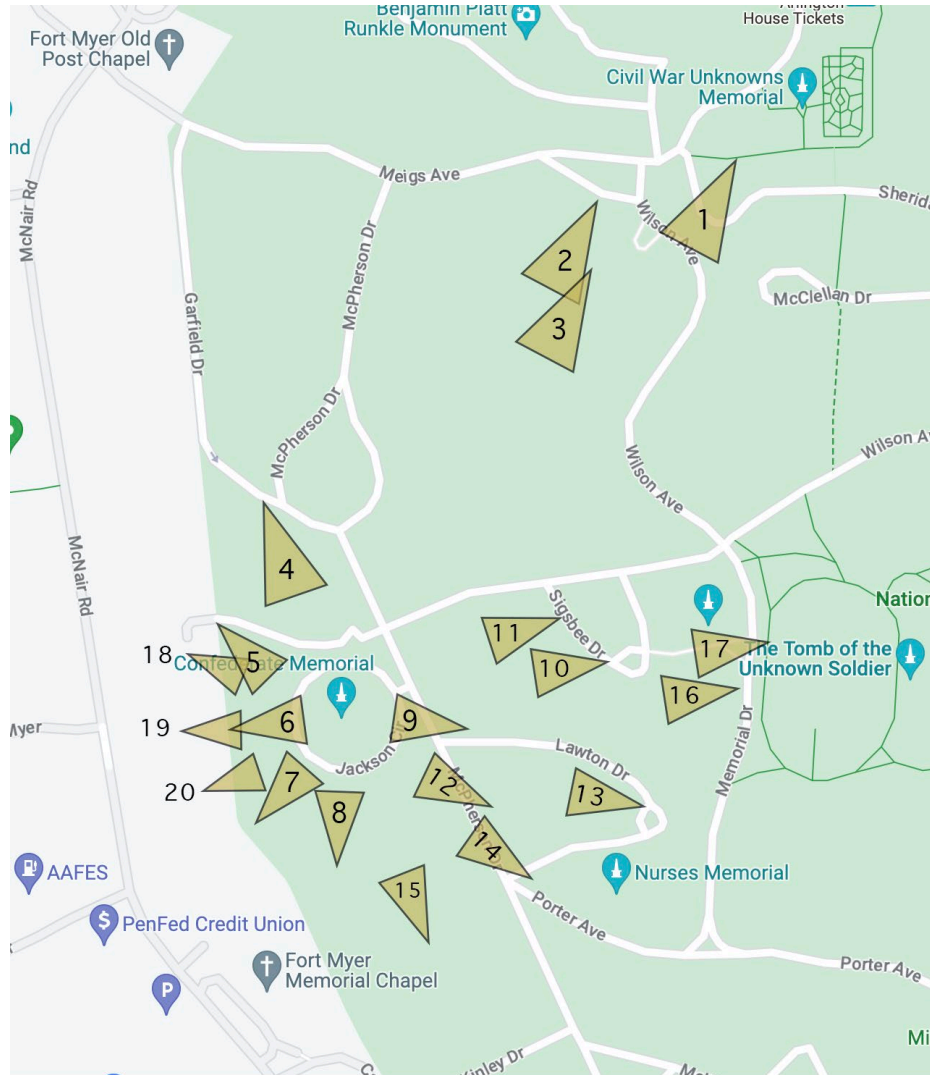
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APE VIEWSHEDS: AUGUST 2023



View 11: Confederate Memorial partially visible



View 12: Confederate Memorial partially visible

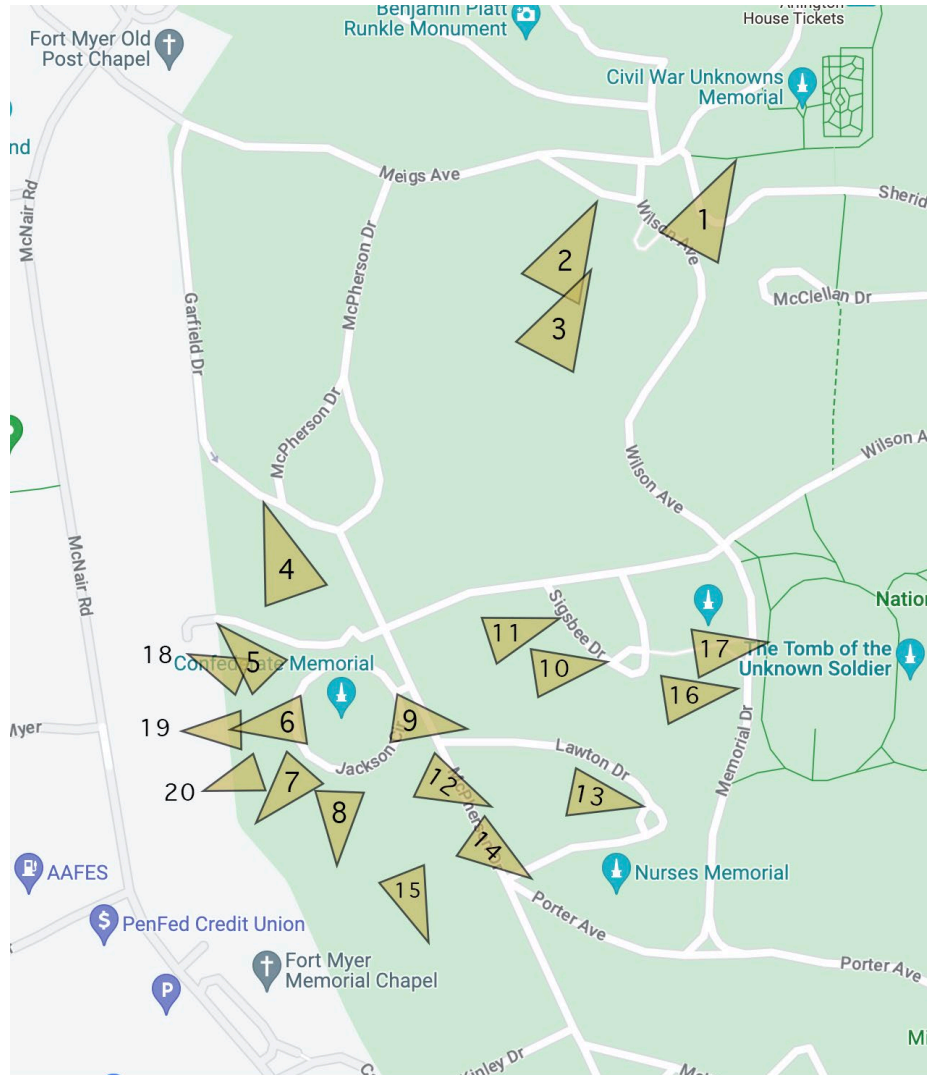
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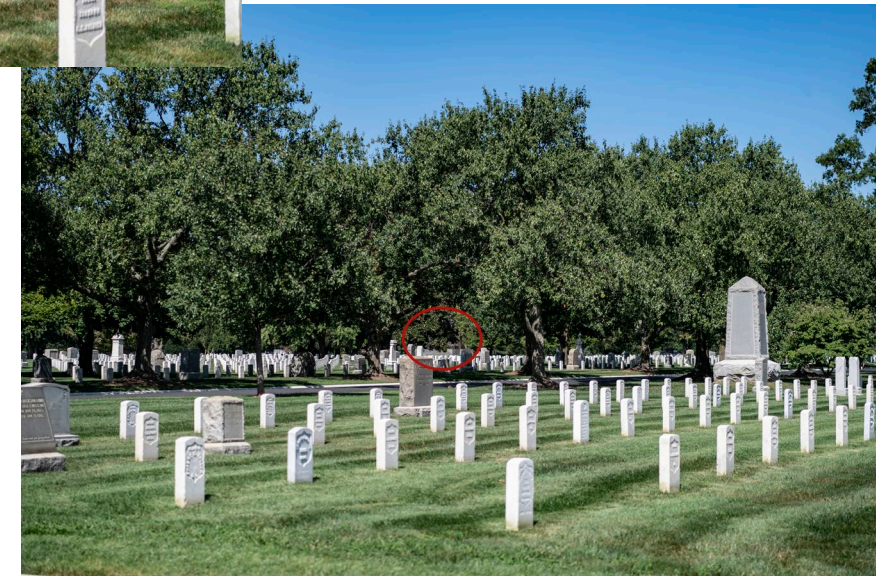
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APE VIEWSHEDS: AUGUST 2023



View 13: Confederate Memorial partially visible



View 14: Confederate Memorial partially visible

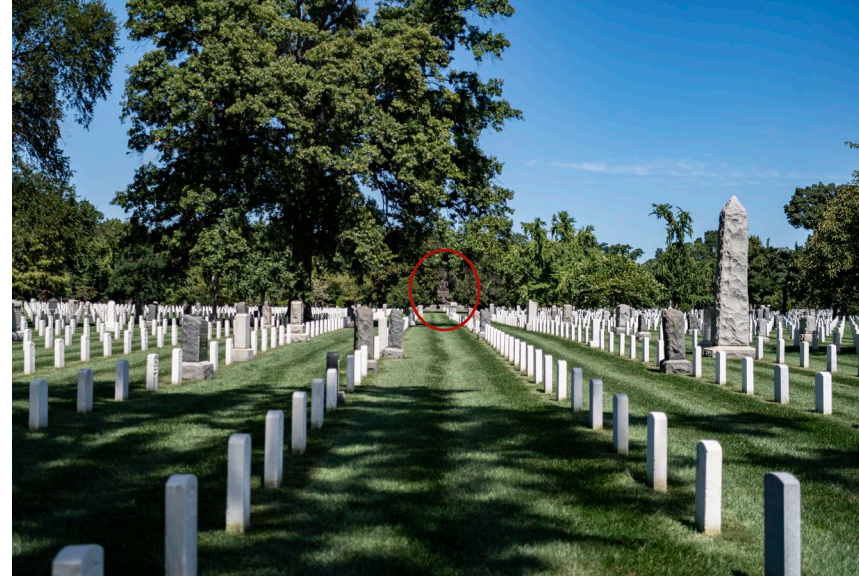
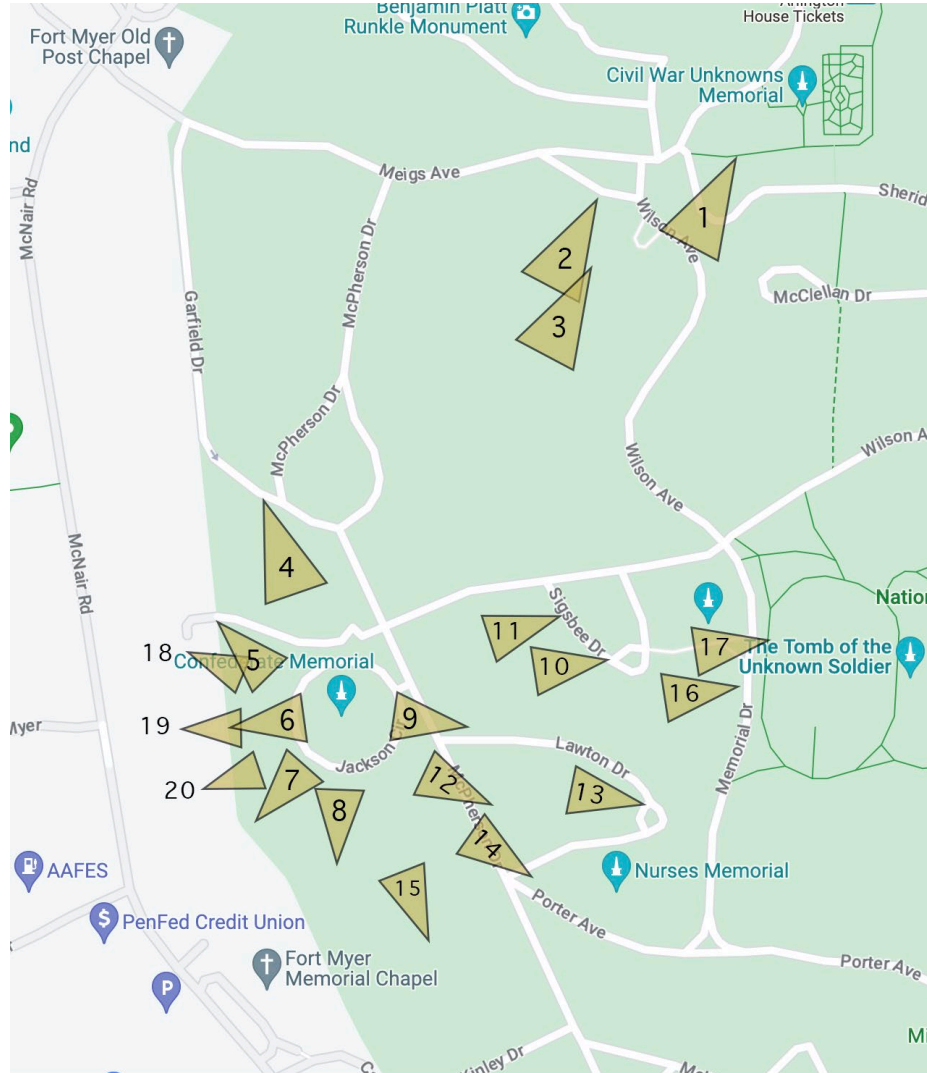
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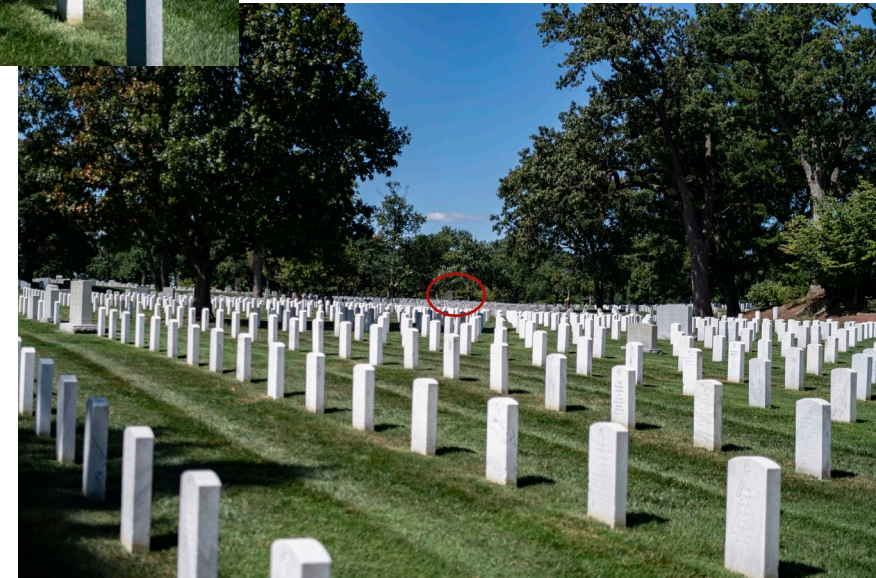
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APE VIEWSHEDS: AUGUST 2023



View 15: Confederate Memorial partially visible



View 16: Confederate Memorial partially visible

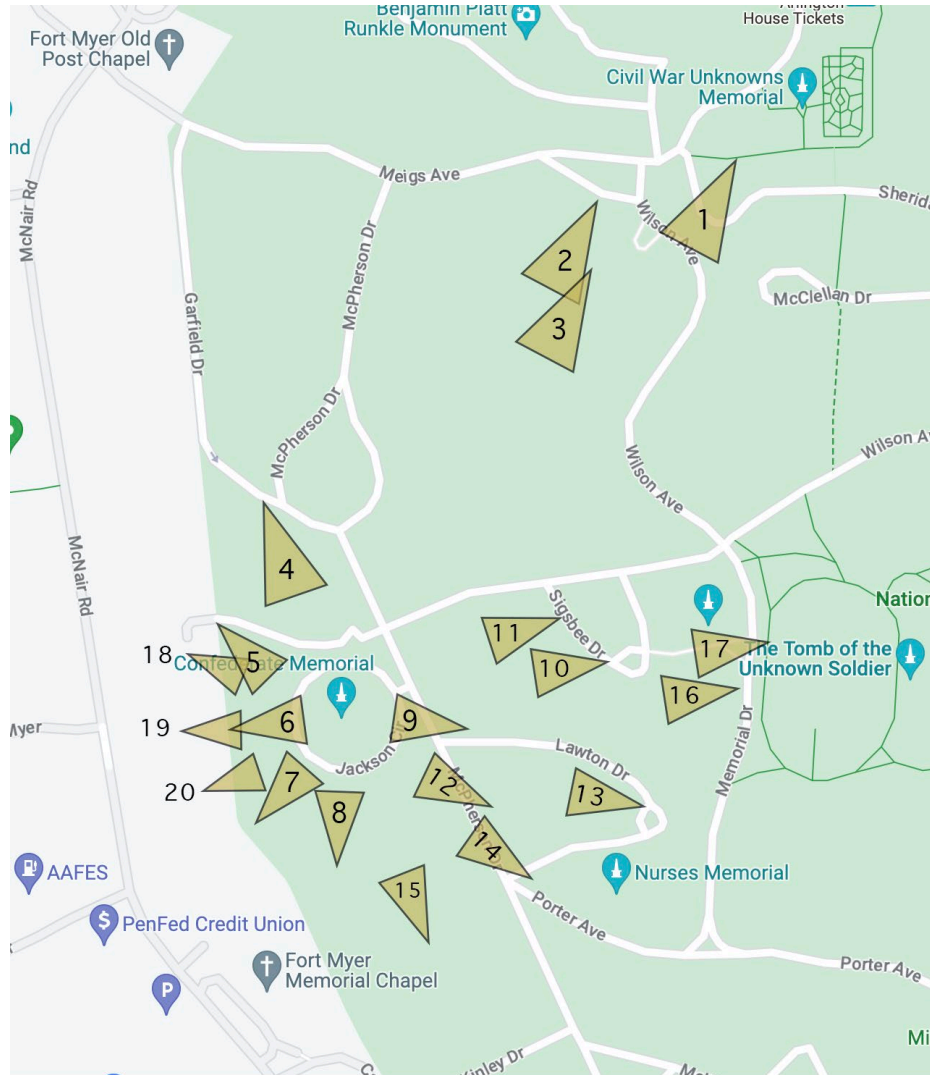
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number in **YELLOW**.



ARLINGTON NATIONAL CEMETERY

HONOR • REMEMBER • EXPLORE

APE VIEWSHEDS: AUGUST 2023



View 17: Confederate Memorial not visible



View 18: Confederate Memorial partially visible from Fort Myer boundary

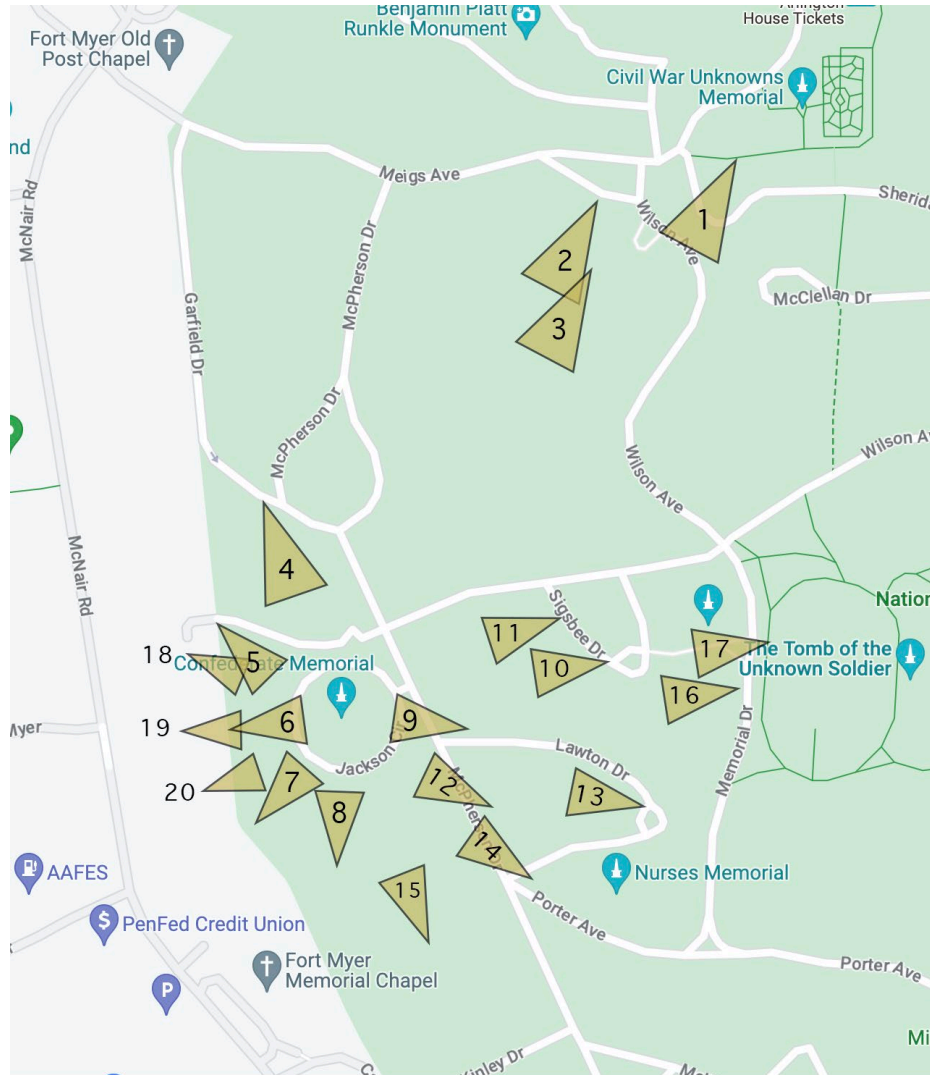
Viewshed Map Key
Angle of photo and photo
number in **YELLOW**.



ARLINGTON NATIONAL CEMETERY

HONOR • REMEMBER • EXPLORE

APE VIEWSHEDS: AUGUST 2023



View 19: Confederate Memorial visible from Fort Myer boundary



View 20: Confederate Memorial visible from Fort Myer boundary

Viewshed Map Key
Angle of photo and photo
number in **YELLOW**.



DELIBERATIVE WORK PRODUCT

1. STATUS QUO, NO CHANGE IS MADE TO THE CURRENT CONFIGURATION OF THE CONFEDERATE MEMORIAL.

1. STATUS QUO, NO CHANGE IS MADE TO THE CURRENT CONFIGURATION OF THE CONFEDERATE MEMORIAL.

* 1. NO ACTION REQUIRED.

2. ALTERNATIVE A, INTERPRET THE CONFEDERATE MEMORIAL

- 2.1 EXAMINE MEMORIAL AND SUBMIT A BRIEF CONDITION REPORT.
- 2.2 PROVIDE CYC/JCA MAINTENANCE INCLUDING:
 - 2.2.1 SPOT REPAIRS/REPLACEMENT OF LEAD JOINT COVERS OF GRAVITY BASE (10-YEAR CYCLE).
 - 2.2.2 TRIM VEGETATION AROUND PEDestal (ANNUAL CYCLE).
 - 2.2.3 REMOVE ELEVATORS LEFT BEHIND BY VISITORS (MONTHLY CYCLE).

3. ALTERNATIVE 3 - DISASSEMBLE BRONZEWORK AND GRANITE PEDESTAL FOR REUSE

- [illegible]

4. ALTERNATIVE C - DEMOLISH BRONZEWORK AND GRANITE BASE

4. EXAMINE STATUE AND BASE. PROVIDE DISASSEMBLY PLAN FOR REVIEW BY GOVERNMENT AND ARCHITECT. INDICATE LOCATIONS OF CUTTING, IF REQUIRED. DESCRIBE METHODS FOR DISASSEMBLY. LABEL EACH ELEMENT ON AN ELEVATION OR PHOTOGRAPH WITH A UNIQUE IDENTIFICATION NUMBER FOR EACH ELEMENT. THE DOCUMENTATION SHOULD INDICATE THE NUMBERED ELEMENTS IN SITU BEFORE THEY ARE DISASSEMBLED FOR THE HISTORIC RECORD.

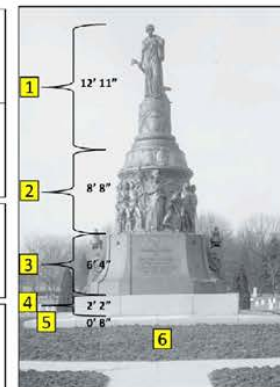
Approximate Height	12' 11"
Approximate Pedestal Width	4' 8.5"
Approximate Plinth Width	5' 5"

Approximate Height	8' 8"
Approximate Width (Frieze)	5' 5"
Approximate Width (Plinth)	9' 3"

Approximate Height	6' 4"
Approximate Width (Top)	11' 2"
Approximate Width (Bottom)	14' 11"

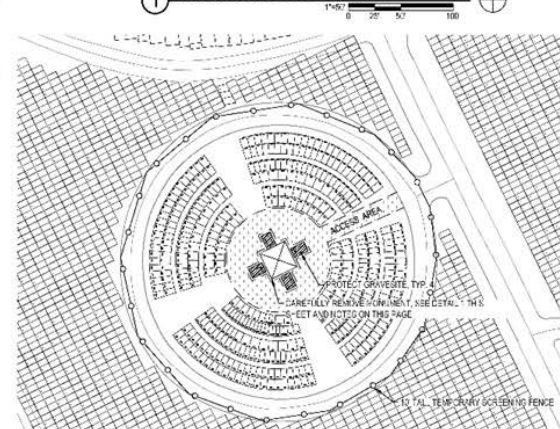
Height	2' 2"
Width	20' 0.5"
Depth	18' 0.5"

Height	0' 8"
Width	27' 8"
Depth	27' 8"



Multi-layer
First layer - 32' square / 1' deep
Second Layer - 34' square / depth unknown

1 MONUMENT ELEVATION



2 SITE PLAN EXISTING CONDITIONS

GRAVESITE BOUNDARIES INDICATED HAVE NOT BEEN
VERIFIED. MARKER LOCATIONS MAY HAVE SHIFTED
OVER TIME. VERIFY CONDITIONS AT FOUNDATION
BY CONDUCTING HAND-EXCAVATED TEST PITS.

FILE NAME: STONE LOCATIONS V2.DWG
PUR REF: XXXXX
PLOT DATE: 5/20/2022 12:15:15 PM



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[illegible][illegible]

AVC MOVEMENT STUDY
ARLINGTON NATIONAL CEMETERY
ARLINGTON, VA

ALTERNATES A, B AND C.
REMOVE TAG AND PREP FOR STORAGE

SHEET
IDENTIFICATION
HP-101



Proposed Limits of Construction (LOC) outlined in RED.

**Possible equipment
and laydown areas
outlined in BLUE.**

