

**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 (hereafter ANC) maintains and operates Arlington National Cemetery (hereafter ANC) in Arlington County, Virginia, and has the need to maintain the ANC landscape, conduct military funerals, and maintain and repair buildings, structures, and monuments (hereafter Projects); and

WHEREAS, ANC plans to carry out the Projects pursuant to Army Regulation 200-1 ANC, undertakings subject to review under Section 106 of the National Historic Preservation Act (hereafter NHPA), 16 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. § 800; and

WHEREAS, ANC has determined that Projects involving the operation, maintenance and repair activities conducted at ANC, including grounds work and associated landscaping within the cemetery, are undertakings that have the potential to affect historic properties at ANC in accordance with 36 C.F.R. § 800.3; and

WHEREAS, ANC has defined the area of potential effects (hereafter APE) for the Projects covered by this Programmatic Agreement (hereafter Agreement) as the 637acre parcel in Arlington County, Virginia, known as ANC and associated viewsheds as defined in Attachment C; and

WHEREAS, ANC has determined that these undertakings may affect the proposed Arlington National Cemetery Historic District and the Memorial Amphitheater which are eligible for listing in the National Register of Historic Places (hereafter NRHP) and Arlington House which is listed in the NRHP, and has consulted with the Virginia State Historic Preservation Office (hereafter SHPO) pursuant to 36 C.F.R. § 800; and

WHEREAS, ANC, in accordance with 36 C.F.R. §§ 800.2(c)(2) and 800.6(c)(3), has invited the following federally recognized Indian tribes, for which ANC may have religious and cultural significance, to be consulting parties to this 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 has not received 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), has identified and invited the following organizations to participate as potential consulting or concurring parties to this Agreement: the National Park Service – George Washington Memorial Parkway (hereafter NPS-GWMP) the U.S. Commission of Fine Arts (hereafter CFA), the National Capitol Planning Commission (hereafter NCPC), Washington Headquarters Service (hereafter WHS), Joint Base Myer-Henderson Hall (hereafter JBM-HH), the National Trust for Historic Preservation (hereafter NTHP), Preservation Virginia (formerly the Association for the Preservation of Virginia Antiquities), the Virginia Council on Indians, the Arlington Historical Society, Inc., the Historical Society of Washington DC, and Arlington County and these parties have been invited to be consulting parties and concurring parties to this Agreement; and

WHEREAS, the CFA, the NCPC, Preservation Virginia, the Virginia Council on Indians, the Arlington Historical Society, Inc., and the Historical Society of Washington DC, have not indicated that they want to participate in this consultation; and

WHEREAS, Arlington County, NPS-GWMP, and the NTHP has accepted the invitation to participate as a concurring party to this Agreement; and

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

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

WHEREAS, a survey and evaluation, titled “*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 archaeological historic properties eligible for listing in the NRHP have been identified on ANC property and ANC has recognized the potential for undiscovered archaeological historic properties in areas of archaeological potential within ANC, shown in Attachment D; and

WHEREAS, ANC has developed an Integrated Cultural Resources Management Plan (ICRMP) for ANC which provides direction for the property procedures and treatment for historic properties at ANC; and

WHEREAS, ANC has been provided with a *Sourcebook for Historic Preservation* (hereafter *Sourcebook*) compiled from National Park Service publications by US Army Corps of Engineers, Norfolk District, 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 the cemetery; 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 part of this Agreement; and

WHEREAS, the planned expansions of ANC in the Millennium Area and Navy Annex Area are large scale construction projects that ANC is consulting with the SHPO and other consulting parties separately and, therefore, are not subject to review under this Agreement; however, once the planned expansions are complete, activities at these locations which are considered operations, maintenance, and repair activities as defined in Stipulation II, below, will be subject to the terms of this Agreement

NOW, THEREFORE, ANC, the SHPO, and the ACHP agree that the undertakings described above 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. Cultural Resources Manager

A. The ANC Executive Director, as defined by Department of the Army Directive 2010-04, shall designate the Chief of Staff of ANC as the Agency Official for Section 106 in accordance with 36 C.F.R. § 800.2(a). The Chief of Staff shall ensure that a staff person designated as the Cultural Resources Manager (hereafter CRM) shall be assigned responsibility for administering the process outlined in this Agreement. The CRM shall meet 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]) (hereafter SOI Professional Qualifications).

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

1. 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.

2. Analyzing existing ANC documents to identify specific undertakings that may be subject to review under the terms of this Agreement or 36 C.F.R. § 800 over a five-year planning cycle. The documents to be analyzed shall include, but are not limited to, the SHPO Data Sharing System (DSS) records or its successor database technology, cultural resource reports, National Environmental Policy Act (hereafter NEPA) environmental assessments, the ANC Master Plan, the ANC ICRMP, construction plans, and operations plans that are scheduled within five years of the date of the execution of this Agreement.

3. Establishing schedules and priorities within the planning cycle for the evaluation and treatment of historic properties that might be affected by undertakings.

4. Ensuring that information is available to ANC senior management and involved offices on potential adverse effects to historic properties, review requirements, and ANC's responsibilities under this Agreement, so that adverse effects may be identified and avoided early in the planning process.

5. Reviewing individual undertaking APE's when they have been developed to ensure that all types of historic properties are identified for each proposed undertaking and performing reviews, making determinations, and issuing approvals per the terms of this Agreement.

6. 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. Contractors seeking to undertake work on historic architectural properties at ANC shall be pre-qualified based on demonstrated experience in the successful application of the *Secretary of the Interiors Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (Weeks and Grimmer: 1995; 36 C.F.R. § 68); hereafter *Standards*). Contractors shall show past performance in the successful application of the *Standards* for the treatments required in statements of qualifications for bids and proposals. The *Standards* shall be referenced in scopes of work for undertakings.

C. The CRM shall post an electronic copy of this Agreement and of the *Sourcebook* to the ANC internal website within three weeks 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 four weeks of execution of this Agreement. The CRM will notify via email new personnel of this Agreement and the *Sourcebook* within two weeks of that personnel coming into relevant positions. New notifications via email shall be made within two weeks of amendments or updates to the Agreement or *Sourcebook*.

D. 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. Training opportunities may be internal or may include courses in association with outside interests.

II. Operations, Maintenance, and Repair Activities

A. ANC shall make all prudent and feasible efforts to conduct undertakings in accordance with the preservation and maintenance guidelines for historic buildings, landscapes, monuments and memorials in the *Sourcebook*. All such work shall be consistent with the *Standards*. All such undertakings determined by the CRM to not meet the criteria of effect in accordance with 36 C.F.R. § 800.5(a)(1) as defined in 36 C.F.R.800.16(i) shall not require review by the SHPO through Stipulation II(B) below.

B. Streamlined Review Process

Where the CRM determines one of the following criteria is met for a proposed undertaking, no consultation is required unless otherwise specifically requested by the SHPO.

1. Criteria for Using the Streamlined Review Process

One of the following criteria must be met in order for the CRM to use the Streamlined Review Process:

- a. The proposed undertaking must be an activity listed in Attachment A of this Agreement. These undertakings shall be known as “streamlined activities” for purposes of reference.
- b. The CRM must have reviewed the undertaking and certified that no historic properties will be affected by the proposed undertaking listed, including consideration of direct, indirect, and cumulative effects. The effect finding must be “No Historic Properties Affected” using the process as outlined below under Stipulation II(B)(2).

2. Using the Streamlined Review Process

- a. Identify the Undertaking’s APE: The CRM shall determine the undertaking’s APE in accordance with 36 C.F.R. § 800.4(a)(1) taking into account direct, indirect, and cumulative effects.
- b. Identify Historic Properties within APE: The CRM shall review the results of identification survey efforts and determine if there are historic properties located within the APE. The CRM may require additional survey if he/she believes it warranted in order to complete identification efforts.
- c. Evaluate Effect of Undertaking on Historic Properties in APE: The CRM shall assess the effect of the proposed undertaking, to include direct, indirect, and cumulative effects, on historic properties, and determine, if there are historic properties present, whether the undertaking would have no effect upon them pursuant to 36 CFR § 800.4(d)(1).
- d. Document Streamlined Review Process: If, after following steps a through d listed above, the CRM determines no historic properties are within the APE, or the proposed undertaking would result in a determination of “no historic properties affected” no consultation with the SHPO is required.

e. Document the Determination: An annual report of all undertakings reviewed using the Streamlined Review process shall be prepared by the CRM, using existing and readily available data sources and reporting systems in accordance with Stipulations IX and X below.

C. Standard Review Process

Standard Section 106 consultation shall be conducted in accordance with 36 C.F.R. § 800 for all undertakings that do not qualify for streamlined review under Stipulation I(B).

D. Cyclical Inspections

Annually, ANC shall ensure cyclical inspections of all NRHP eligible historic properties within ANC and maintain a record of the results of the inspection. The purpose of the inspection is to confirm that the preservation and maintenance guidelines are being correctly and successfully implemented. This record shall be included in the annual report in accordance with Stipulation X(A)(3) below.

E. ANC Horticulture Division

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

F. Non Routine Undertakings

The following undertakings shall not be considered routine, and shall require Section 106 consultation in accordance with 36 C.F.R. §800.3 through 6:

1. Where no replacement is made because the trees or shrubs were growing in a location that greatly impacts cemetery operations or the ability to conduct interment or grounds maintenance operations.
2. If trees or shrubs are removed to expand burial areas, or if the location of a tree which dies or is for other reasons removed is not replaced and converted into burial areas.
3. Where a tree is not replaced with the same species or at the same location and none of the exceptions under Attachment A(C) apply.

III. Preparation and Review of Documents

A. A draft of all final technical reports documenting archeological properties that are found in the APE shall be submitted to the SHPO and other consulting parties as appropriate for review and comment. ANC shall ensure that all comments received 30 calendar days of report receipt are taken into account in the final technical report. Copies shall be provided to the SHPO per standards in *Guidelines for Conducting Historic Resources Survey in Virginia* (rev. 2011), other consulting parties upon request, and posted on the ANC website.

B. All technical reports prepared pursuant to this Agreement shall be consistent with the federal standards entitled *Archeology and Historic Preservation: Secretary of the Interior's Standards*

and Guidelines (48 FR 44716-44742, September 29, 1983) and SHPO's *Guidelines for Conducting Historic Resources Survey in Virginia* (rev. 2011) and the SHPO's "Photographic Documentation for Virginia Department of Historic Resources (DHR) Survey" (Updated July 2009) memorandum, as applicable, or subsequent revisions or replacements to these documents.

C. ANC shall ensure that management summaries or abbreviated technical reports for all surveys that produce negative results submitted pursuant to Stipulation X(A)(5), below, shall include, at a minimum, a narrative description and graphic depiction of the survey area, number of acres surveyed, a discussion of the methodology used, a description of existing conditions, and a justification for why the results were negative (e.g. disturbed soils, negative shovel tests, excessive slope, etc.).

D. The SHPO and other consulting parties agree to provide comments on all technical reports, treatment plans, and other documentation arising from this Agreement within 30 calendar days of receipt unless otherwise specified in this Agreement. If no comments are received from the SHPO or other consulting parties, ANC may assume that the non-responding party has no comment.

IV. Confidentiality

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.

V. 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. § 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. § 79 Appendix B.

VI. Post Review and Interment Excavation Discoveries

ANC shall ensure that the provisions in this Stipulation shall be included as a stipulation of all ANC operations and contracts involving ground disturbance. Basic procedures and contact information shall be provided to project managers and supervisory contractors for on-site reference.

A. If previously unidentified, or unanticipated effects, to historic properties are discovered during excavation for construction, utility maintenance, or for interments, the excavation supervisor shall immediately halt the excavation in the immediate area of the finding and notify the ANC Chief Engineer and CRM of the discovery and implement interim measures (e.g., surveillance, concealment) to protect the discovery from looting and vandalism.

B. Immediately upon receipt of the notification required in Stipulation VI(A), the CRM shall:

1. 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;
2. Clearly mark the area of discovery and establish a 50 foot buffer between the discovery and ground disturbing activities;
3. Implement additional measures, e.g., surveillance or concealment as appropriate, to protect the discovery from looting and vandalism;
4. Have a professional archaeologist inspect the construction site to determine the extent of the discovery and provide recommendations regarding its NRHP eligibility and treatment; and
5. Within 48 hours of the discovery ANC shall notify the SHPO and other consulting parties, as appropriate, of the discovery and describe the measures that will be implemented within five working days.

C. Upon receipt of the information required above, ANC shall provide the SHPO and other consulting parties with its assessment of the NRHP eligibility of the discovery and the measures proposed to resolve adverse effects. In making its evaluation, ANC in consultation with the SHPO may assume the discovery to be NRHP eligible for the purposes of Section 106 pursuant to 36 C.F.R. § 800.13(c). The SHPO and other consulting parties shall respond to the ANC assessment within 48 hours of receipt.

D. ANC will take into account the SHPO and other consulting parties' recommendations on eligibility and treatment of the discovery and carry out any appropriate required actions. ANC will provide the SHPO and consulting parties with a report on the actions within two weeks of implementation.

E. Interment activities may proceed in the area of the discovery once the Chief Engineer has determined that implementation of the actions undertaken to address the discovery pursuant to this Stipulation are complete.

F. Any disputes over the evaluation or treatment of previously unidentified historic properties will be resolved in accordance with Stipulation VIII (“Dispute Resolution”) of this Agreement.

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

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

B. If the remains are determined to be of Native American origin, ANC shall comply with the provisions of the Native American Graves Protection and Repatriation Act (hereafter NAGPRA) (25 U.S.C. Sec 3001 et seq.).

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

1. The name of the property or archaeological site and the specific location from which the recovery is proposed. If the recovery is from a known historic property, a state-issued site number must be included.
2. 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 four weeks prior to recovery) must be submitted.
3. A copy of the curriculum vita of the skeletal biologist who will perform the analysis of the remains.
4. A statement that the treatment of human skeletal remains and associated artifacts will be respectful.
5. An expected timetable for excavation, osteological analysis, preparation of final report, and final disposition of remains.
6. A statement of the goals and objectives of the removal (to include both excavation and osteological analysis).
7. If a disposition other than reburial is proposed, a statement of justification.

D. ANC 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. The parties to this Agreement shall release no photographs of any human remains or associated funerary artifacts 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. ANC shall notify the appropriate federally-recognized Tribe(s) and/or state recognized tribes when burials, human skeletal remains, or funerary artifacts are encountered on the project, prior to any analysis or recovery. ANC shall deliver any Native American Indian human skeletal remains and associated funerary artifacts recovered pursuant to this Agreement to the appropriate tribe to be reinterred. The disposition of any other human skeletal remains and associated funerary artifacts shall be determined in consultation with the SHPO and other appropriate consulting parties.

VIII. Dispute Resolution

A. Signatories or concurring parties to this PA 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 Signatories 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 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 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 a consulting party.

X. Annual Reporting and Monitoring

A. On July 1 of each year this Agreement remains in force, ANC shall prepare and provide, via the chain of command, an annual report will be completed that reviews the implementation of the terms of this Agreement and to determine whether amendments are needed. The annual status report shall address the following topics:

1. Problems with implementation or issues encountered during the previous year.
2. Changes ANC believes should be made in implementation of this Agreement.
3. A list of properties treated under this Agreement during the reporting period, including non-review activities found eligible for 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 all archaeological surveys conducted at ANC during the reporting period, subject to the confidentiality provisions of Stipulation IV of this Agreement.
6. Two copies of the annual report shall be provided to the SHPO and it will be posted on the ANC website. Consulting parties can request a hard copy as appropriate.

B. ANC shall ensure that its annual report is made available for public inspection that potentially interested members of the public are made aware of its availability, and that interested members of the public are invited to provide comments to the SHPO and to ANC.

C. The ACHP and the SHPO 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.

XI. Amendment and Termination

A. 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 of the last signature of the signatory parties.

B. 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(A), above. If within 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.

C. Should the position of CRM be vacated, ANC shall notify SHPO and the ACHP within five 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.

D. Once the Agreement is terminated, and prior to work continuing on the undertaking, ANC must either (a) execute an 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.

XII. 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 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.

XIII. Duration of Agreement

This Agreement shall remain in full force and effect for ten years after the date of the last signatory's signature. This Agreement shall be reviewed periodically, not less than five years from the execution of the Agreement. Sixty 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.

SIGNATORIES:

ARLINGTON NATIONAL CEMETERY

By: _____ Date: _____
Colonel Eric R. Belcher, Chief of Staff, Arlington National Cemetery

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Ms. Kathleen S. Kilpatrick, Director, Department of Historic Resources

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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

CONCUR:

ARLINGTON COUNTY

By: _____ Date: _____
(person, title)

NATIONAL PARK SERVICE

By: _____ Date: _____
(person, title)

NATIONAL TRUST FOR HISTORIC PRESERVATION

By: _____ Date: _____
(person, title)

Attachment A

Streamlined Activities: ANC Activities Not Requiring Review Under This Agreement

The following ANC activities have limited potential to adversely affect historic properties and therefore do not require review under this Agreement. If a proposed activity is not listed below then the undertaking must go through the Standard Review process in accordance with 36 C.F.R. § 800.3-6 prior to implementation. ANC, the SHPO, and the ACHP agree that no consultation is necessary for the conveyance or leasing of NRHP Historic District non-contributing or NRHP non-eligible ANC property.

A. Archaeological Resources

The following undertakings shall not require further SHPO review:

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 (per SOI Professional Qualifications) Archaeologist.
3. Individual land disturbing projects including interments resulting in three acres or less of disturbance surveyed for archaeological resources, if no sites are found. A qualified (per SOI Professional Qualifications) archaeologist must conduct the archaeological survey and testing program of the project area in accordance with reporting standards of Stipulations III(B) and III(C). A summary report of any such surveys shall be included in the Annual Report as required in Stipulation X(A)(5). The summaries may be bound as an annual technical report and two copies on acid free paper and one electronic copy in Adobe® Portable Document Format (.pdf) shall be provided to the SHPO and one copy to the other consulting parties as appropriate when requested.
4. 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.
5. Routine foot trail maintenance that does not involve major new ground disturbance, and erosion control measures.
6. Grounds keeping activities to include, but is not limited to, lawn mowing, trimming bushes, pruning trees, planting and weeding existing beds.
7. Routine cemetery maintenance including mowing, clearing, reseeding, fencing, and straightening of headstones
8. Interments in areas identified as having been subjected to severe ground disturbance in Attachment D..

B. Buildings, Structures and Objects

The following undertakings shall not require further SHPO review:

1. Undertakings involving non-contributing buildings, interiors, structures and objects provided they do not involve new ground disturbance and that the APE does not contain any NRHP district contributing resources.
2. Maintenance and repair in-kind all NRHP district contributing objects, buildings and structures 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 (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):

i. Repair in-kind of existing materials

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

iii. 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):

i. 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.

ii. 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

iii. Adjusting counterweights.

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

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

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

iii. 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.

iv. 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, 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):

i. 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.

ii. Repair in-kind and replacement in-kind of gutters and down spouts.

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

i. 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.

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

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

iv. repointing of masonry and brick with mortar of like materials, installation techniques and finish texture.

v. 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.

vi. Removal of exterior wiring, conduit, wiring devices, antennas, transformers, and related electrical systems.

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

i. Repair in-kind of existing materials.

ii. Replacement in-kind of those portions that have deteriorated beyond repair to match the existing appearance, materials, and form. Any associated mortar replacement shall be with a mortar mix that is softer than the surrounding masonry. New mortar joints shall match the existing in color, texture, profile, and width.

C. Landscape Features and Vegetation

The following undertakings shall not require further SHPO review:

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. If a tree fails to establish after two attempts at planting, that selection may be switched.

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 Army National Military Cemeteries (ANMC) 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. ANMC 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. The titles below, outlined in red, are linked to the component sections and will display that section if the reader viewing the document in Portable Document Format (pdf). 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 SAHNCC 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
List of Contributing and Non-Contributing Properties
Arlington National Cemetery

HISTORIC BUILDINGS AND STRUCTURES INVENTORY



Figure 1. Arlington National Cemetery Historic District Map.

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

Listed Properties:

None (Nomination is in draft form as of January 2013)

Arlington House is listed on the NRHP, but not on ANC property.

Individually Eligible Properties:

Memorial Amphitheater

Arlington National Cemetery Historic District

Table 1. List of contributing and noncontributing elements in the historic district.

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	Non-contributing
Gate, East /Columbia Pike		Post-1966	Non-contributing
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	Non-contributing
Gate, Service Complex	Service Complex	Post-1966	Non-contributing
Gate, South/Clayton	Section 18, Patton Drive and Clayton Drive	1934	Contributing, Criterion C
Gate, Visitors Center		1988	Non-contributing
Gate, Visitors Center Parking		1988	Non-contributing
Gate, West	Farragut Drive, Sections 15 & 17	1888-1893	Contributing, Criterion C

RESOURCE NAME	LOCATION	YEAR BUILT	STATUS
Fencing, Chain Link	South side of Section 53	Post-1966	Non-contributing
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	Non-contributing
Stone Wall, Seneca Sandstone	West, northwest, and north boundaries	1879	Contributing, Criterion C
Stone Wall, Seneca Sandstone	Northeast Boundary	Post -1966	Non-contributing
BUILDINGS AND STRUCTURES			
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 20th Century	Non-contributing
Lodge #2	Section 27	1895	Contributing, Criterion C (Interior NC)
Lodge #2 Garage	Section 27	ca. 1935	Non-Contributing, supporting structure
Memorial Amphitheater		1920	Contributing, Criteria A,C
Old Amphitheater	Section 26	1873	Contributing, Criteria A,C
Old Warehouse Complex Buildings	Section 29	ca. 1950s	Non-contributing
Parking Garage		1987	Non-contributing
Receiving Vault	Section 13	1938	Contributing, Criteria A,C

RESOURCE NAME	LOCATION	YEAR BUILT	STATUS
Service Complex 1	Section 69	ca. 1970-1999	Non-contributing
Service Complex 2	Section 69	ca. 1970-1999	Non-contributing
Tourmobile Bus Stop Structure	Section 70	1992	Non-contributing
Visitors Center		1988	Non-contributing
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 20th Century	Non-contributing
Footbridges, North and South	Section 29	1935	Non-contributing, lack integrity
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	Non-contributing
Road System	West of Eisenhower	ca. 1802-2010	Contributing, Criterion C
Road System	Eisenhower and east of Eisenhower	1966	Non-contributing
Sidewalks, Concrete/Flagstone	Section 54	ca. 1970	Non-contributing
Sidewalk, Concrete	Along Meigs Drive	1920s	Contributing, Criterion C

RESOURCE NAME	LOCATION	YEAR BUILT	STATUS
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	Non-contributing, lack integrity
DRAINAGE FEATURES			
Drainage Ditches and Culverts	Section 29	1935	Non-contributing, lacks integrity
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	Non-contributing
Drainage Ditches and Culverts	East of Eisenhower	Post-1966	Non-contributing
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

RESOURCE NAME	LOCATION	YEAR BUILT	STATUS
MEMORIALS			
3rd 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	Contributing, Criterion A
Civil War Unknown	Section 26	1866	Contributing, Criterion A
Confederate Monument	Section 16	1914	Contributing, Criterion A
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

RESOURCE NAME	LOCATION	YEAR BUILT	STATUS
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
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

RESOURCE NAME	LOCATION	YEAR BUILT	STATUS
John Wingate Weeks	Section 5	1926	Contributing, Criterion A
SMALL SCALE FEATURES			
Benches, Concrete	Various	Late 20th Century	Non-contributing
Benches, Custis Walk Concrete Benches	Custis Walk	Early –Mid 20 th Century	Contributing based on age
Benches, Visitors Center	Visitors Center	1988	Non-contributing
Benches, Wood Slat and Concrete	Various	Late 20th Century	Non-contributing
Benches, Metal	Memorial Amphitheater	Late 20th Century	Non-contributing
Bollards, Concrete	Section 29	Late 20th Century	Non-contributing
Bollards, Metal	Various	Late 20th Century	Non-contributing
Exterior Lighting, Visitors Center	Visitors Center Plazas	Late 20th Century	Non-contributing
Fencing, Metal Bollard and Chain	Memorial Amphitheater	Late 20th Century	Non-contributing
Fencing, Wooden	Section 29	Late 20th Century	Non-contributing
Fencing, Wood Post and Metal Chain	JFK Gravesite,	Late 20th Century	Non-contributing
Fencing, Wrought Iron around Custis Graves	Section 13	19th Century	Contributing, Criterion C
Gate, Roosevelt	Entrance	2004	Non-contributing
Flag Pole	Memorial Amphitheater	Early 20 th Century	Contributing, Criterion C
Flower Receptacles, Concrete	Section 51, various	Late 20th Century	Non-contributing

RESOURCE NAME	LOCATION	YEAR BUILT	STATUS
Signs, Informational	Various	Late 20th Century	Non-contributing
Signs, Sections	Various	Mid-Late 20 th Century	Non-Contributing,
Signs, Street	Various	Late 20th Century	Non-contributing
Signs, Traffic	Various	Late 20th Century	Non-contributing
Stonework, Retaining Walls	Grant Drive along Section 3	Late 20th Century	Non-contributing
Stonework, Tree Wells	Section 46	Late 20th Century	Non-contributing
Trash Receptacles, Concrete	Various	Various	Non-contributing
Trash Receptacles, Metal	Various	Late 20th Century	Non-contributing
Water Spigots	Various	Mid-Late 20th Century	Non-contributing
Water Fountains	Memorial Amphitheater, Red Spring, Various	Late 20th Century	Non-contributing
VEGETATION			
Vegetation	Picturesque planting pattern of trees west of Eisenhower	Current	Contributing, Criterion C

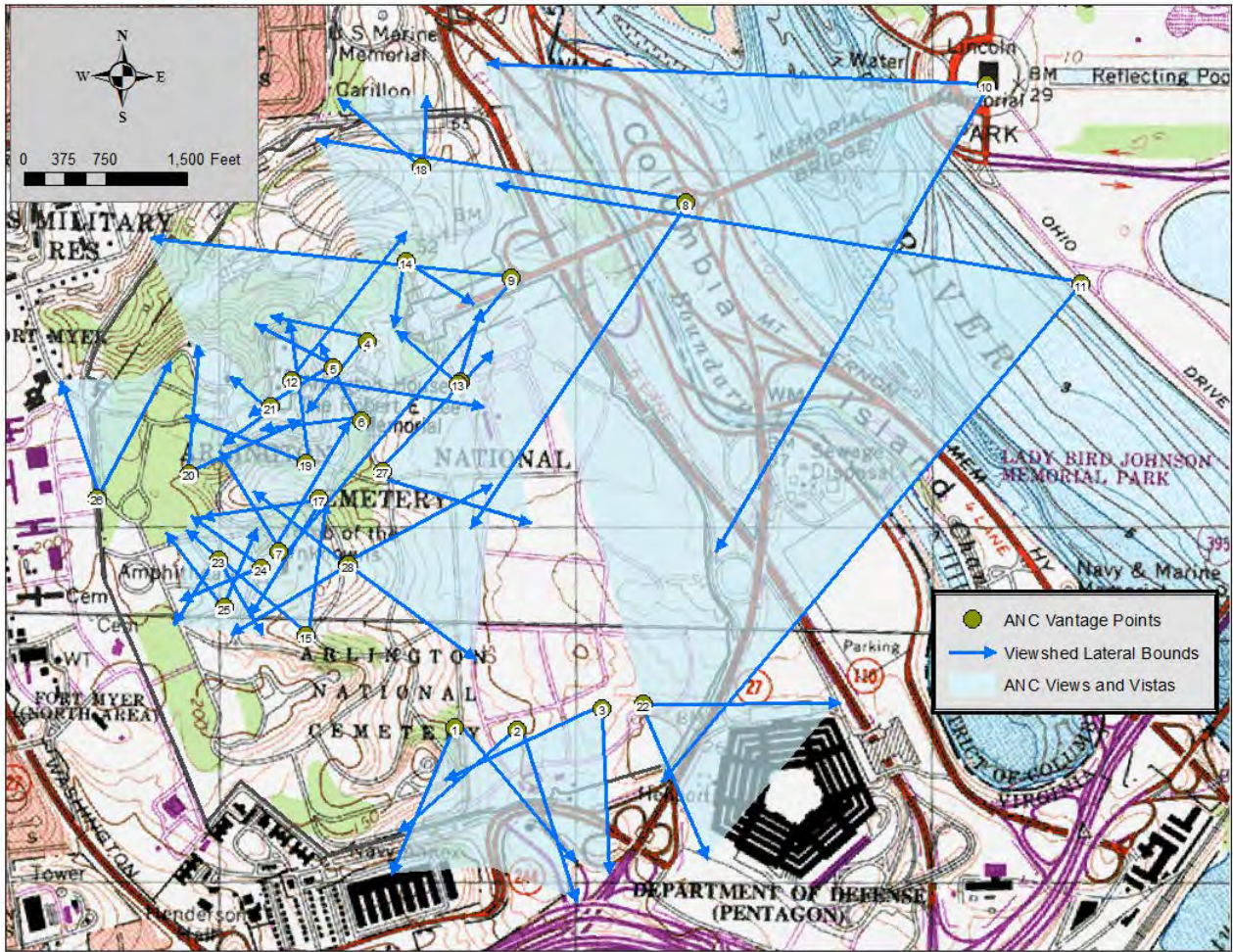


Figure 2. Arlington National Cemetery Views and Vistas.

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 14th 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 Not Owned by Arlington National Cemetery but Contributing to the Arlington National Cemetery Historic District
National Park Service

- 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
29 January 2013

1 Application of National Register of Historic Places Criteria

Archaeological sites are primarily considered eligible under Criterion D, but in exceptional 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 CFR 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 NRHP criteria cited for archaeological sites which are found to be NRHP eligible.

The landscapes, buildings, structures, and monuments of Arlington National Cemetery contribute to the NRHP historic district under Criteria A or C. Neither they nor the burials are considered 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 descendents); 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 National Cemetery 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

2 Inventory of Known Archaeological Resources

Site #	Cultural Components	NHPA Section 110 Status
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 20th c. 1st 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)

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. There are three sites recorded on ANC property. These are 44AR0032, 44AR0043, and 44AR0046, and one on National Park Service 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 National Park Service 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.

3 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.

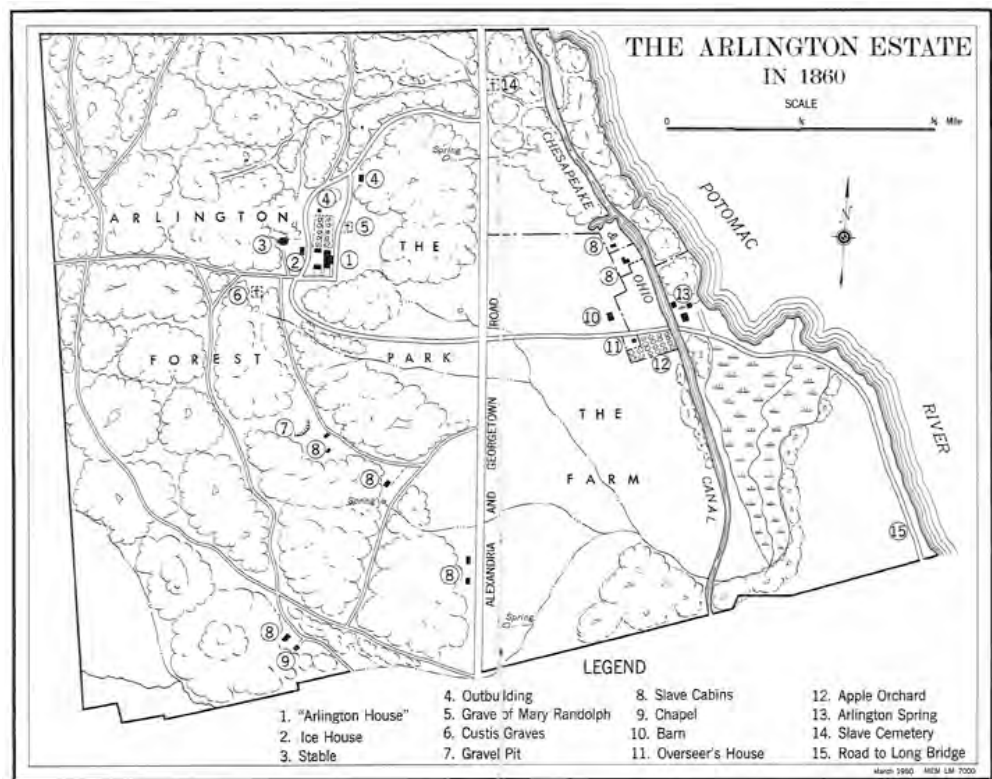


Figure 1 - Composite Map of Antebellum Arlington Estate (Nelligan 1962)

Most of the development on Arlington or complex the

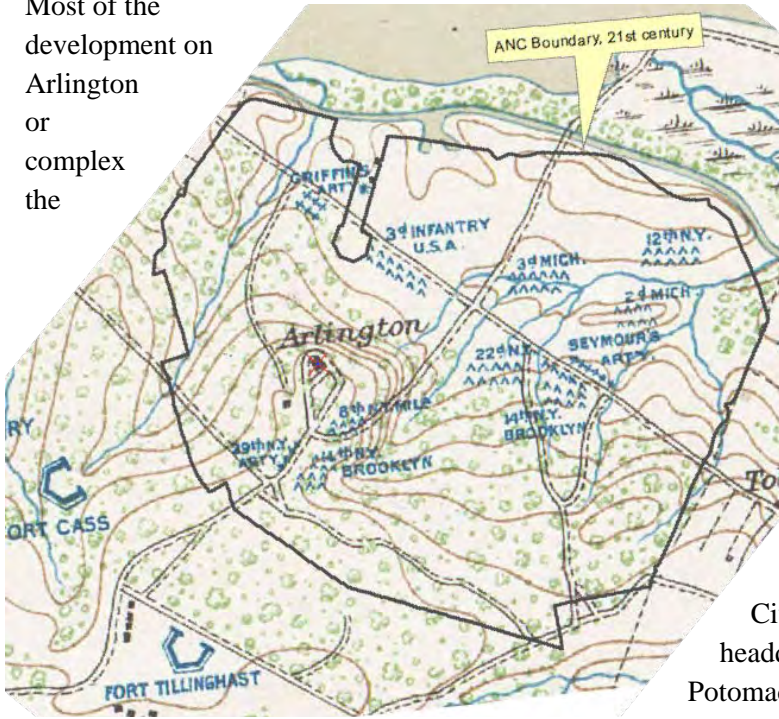


Figure 2 - Military Positions at Arlington, ca. September 1861 (US War Department 1895: Plate 6)

colonial and antebellum Arlington Farm ANC property is either preserved at House and NPS property adjacent to it, destroyed by development. The main of the farm operations, consisting of overseer's quarters, barn, and slave cabins has been destroyed by development. It was in the general vicinity of the 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 2). Interestingly, the map, compiled long after the war does not show Fort Whipple, built in 1863 on what 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 3 - Detailed 1888 Map of Arlington Estate Showing Freedmen's Village and Homesteads (National Archives 1888)

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 Drives. Georeferencing of a very detailed map of the Arlington Estate in 1888 (Figure 3) 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 4).

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

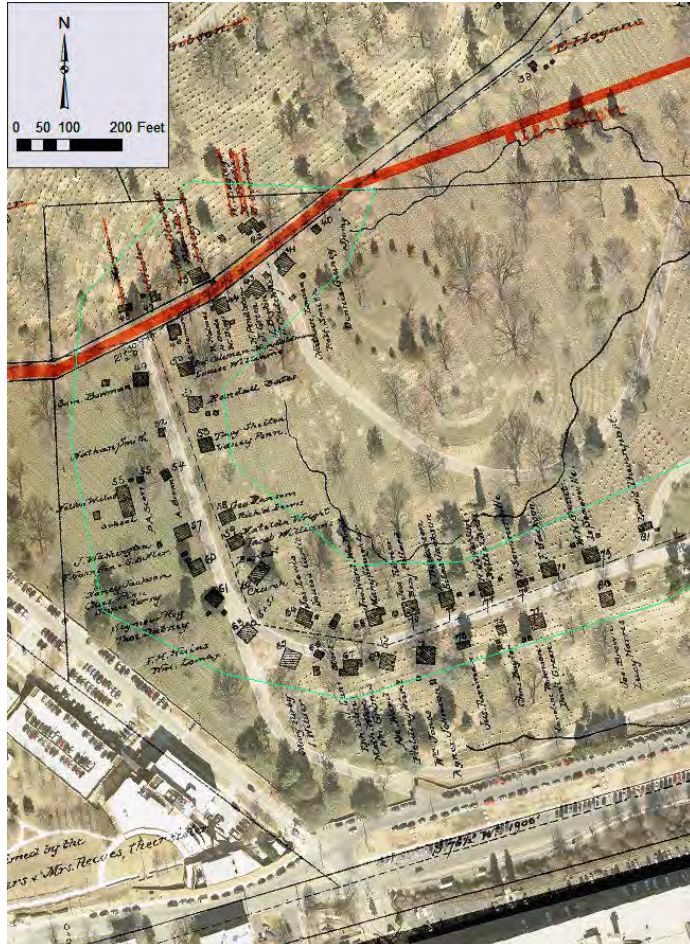


Figure 4 - Transparency of 1888 Map Georeferenced in ArcMap Showing Continuity of Street Pattern

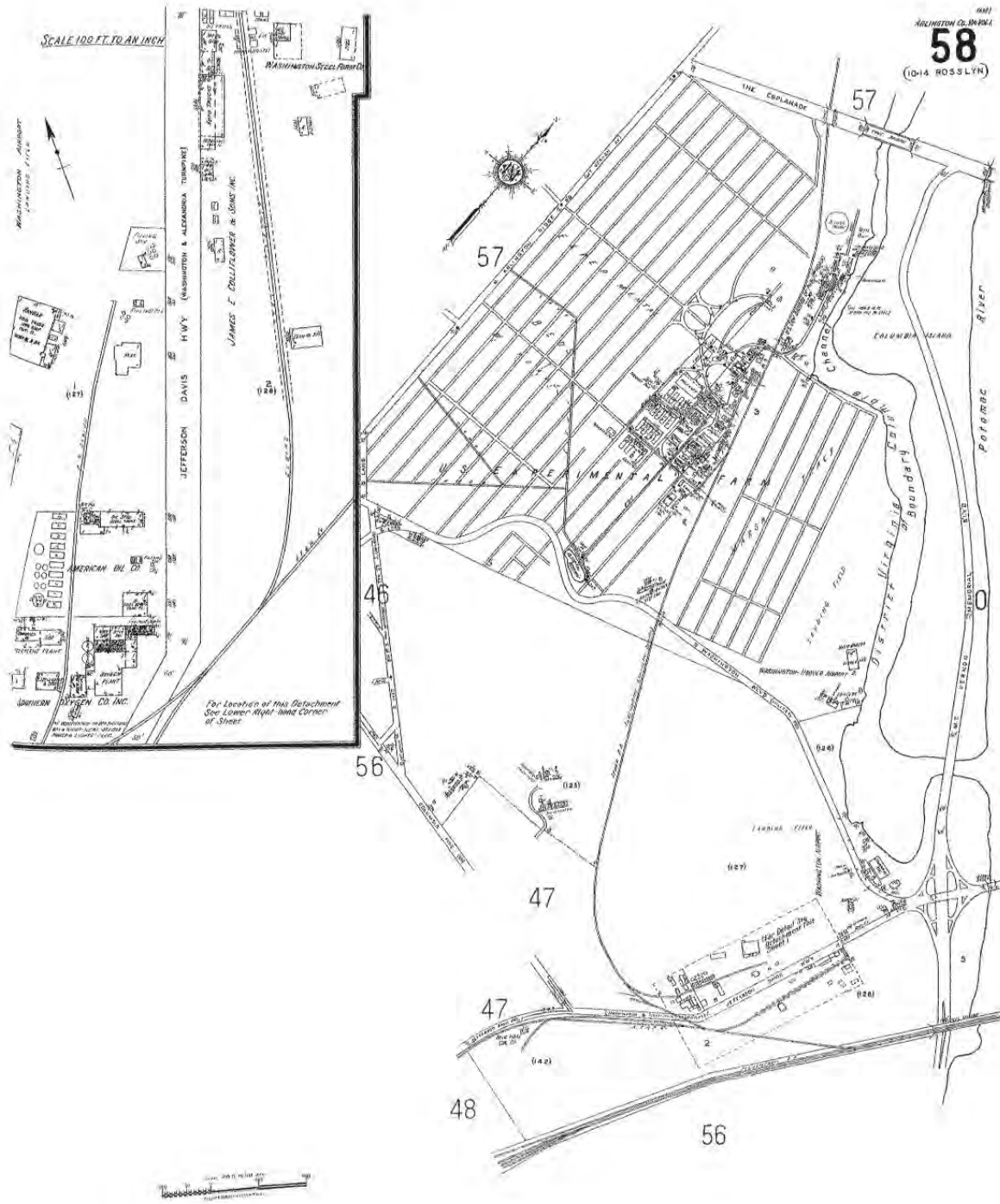


Figure 5 Sanborn Insurance Map of Arlington Experimental Farm 1939

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



Figure 6 South Post Ft. Myer 1949



Figure 7 - Burial Space Usage at ANC 2012 (green areas represent areas without current burials and include areas 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 USDA Experimental Farm (Figure 5), and later as South Post Fort Myer (Figure 6) 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 survey 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

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, and briefly described in the table below. The recorded sites in the table 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
20th Century**	1949 Aerial, 2011 Satellite Image	High

* 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 and contemporary ANC structures are included in the ground disturbance layer.

4 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 8.

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. 3) The Millennium Area.

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 7 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 6).

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 29 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.

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

In 1966 the South Post of Fort Myers, 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 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 U.S. 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 5) these were demolished to make way for the streets, barracks, dining halls, and utilities of the South Post complex (Figure 6). 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.

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 recommended, and is scheduled for September 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 are recommended as not NRHP eligible. Consultations on the Millennium Project continue. Almost the entire area would be subject to heavy ground disturbance under all alternative plans developed to date. Any archaeological resources determined NRHP eligible would be mitigated through data recovery.

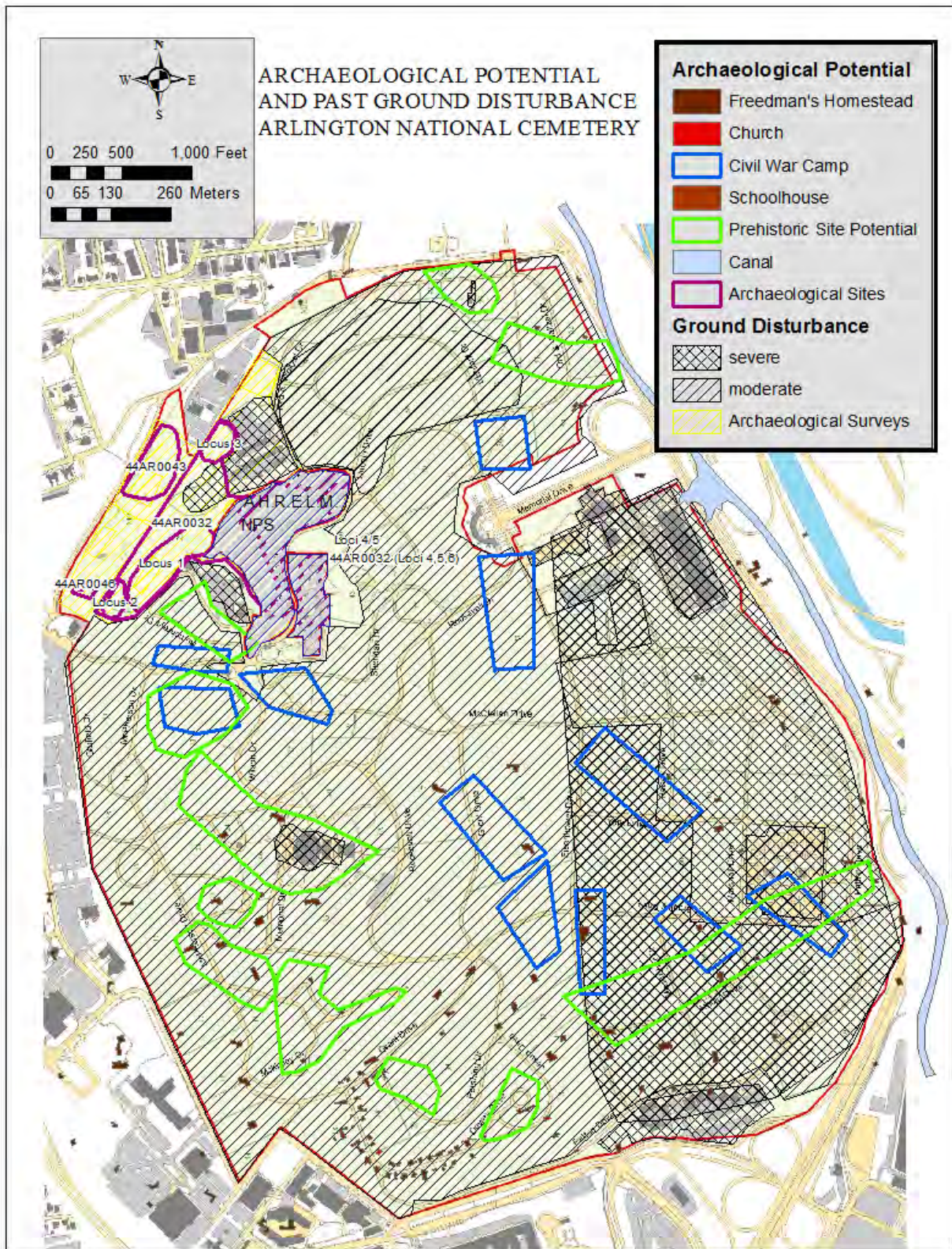


Figure 8 - Archaeological Sites and Potential at ANC

5 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 Army National Cemeteries Program 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.

6 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.