

DRAFT FINDING OF NO SIGNIFICANT IMPACT REGARDING THE REMOVAL OF THE CONFEDERATE MEMORIAL FROM ARLINGTON NATIONAL CEMETERY, ARLINGTON, VIRGINIA

Introduction

An Environmental Assessment (EA) was prepared to evaluate the potential environmental impacts of removing the bronze elements of the Confederate Memorial from Arlington National Cemetery (ANC) in Arlington, Virginia. This EA is incorporated by reference. Congress directed the establishment of the Commission on the Naming of Items of the Department of Defense (DoD) that Commemorate the Confederate States of America or Any Person Who Served Voluntarily with the Confederate States of America (Commission) in section 370 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (FY21 NDAA). The Naming Commission recommended that the statue and other bronze elements that comprise the Confederate Memorial be removed. The FY21 NDAA, section 370(a), requires this action to be taken by 1 January 2024.

The EA provides an overview of the principal environmental resources that may be affected, the interrelationship of these resources, and potential impacts on the human environment. The EA was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 United States Code (USC) 4321 *et seq.*), Council on Environmental Quality (CEQ) regulations at Title 40 of the Code of Federal Regulations (CFR) Parts 1500-1508, and the Army NEPA regulation at 32 CFR Part 651 (Environmental Analysis of Army Actions). This Finding of No Significant Impact briefly states why the discretionary aspects of the proposed action will not significantly affect the human environment and that an Environmental Impact Statement (EIS) will not be prepared.

Description of the Proposed Action

The proposed action, which is required by section 370 of the FY21 NDAA, would remove the bronze elements of the Confederate Memorial, which currently sit on a granite base in the center of Section 16 of ANC. The granite base would be left in place.

Alternatives Considered

The EA analyzes the effects of action alternatives, which involve removal. The EA also analyzes a no-action alternative, under which the Memorial would not be removed. Although Congress required removal of the Memorial, the no-action alternative provides an environmental baseline against which impacts of the action alternatives can be measured.

Notwithstanding the fact that the removal action is non-discretionary, impacts of the removal itself are disclosed as a matter of public comity because of the magnitude of public interest in the issue.

Anticipated Environmental Effects

Based on information gathered and presented in the EA, it has been determined that Removal Alternative A would not result in any significant effects on environmental resources. Adverse impacts from implementing the proposed action would be negligible as to all environmental resource areas. Specifically, there would be no significant impacts with regards to air resources, greenhouse gases, and climate change; water resources; noise; or traffic and transportation.

Any significant impacts on cultural resources from the implementation of Removal Alternative A are a result of an action directed by Congress. The Army has no discretion to keep the Memorial in ANC. Impacts from non-discretionary actions are not subject to NEPA analysis and therefore do not affect the overall finding of no significant impact. Consequently, the overall environmental effect of implementing the proposed action is anticipated to be less than significant.

15-Day Public and Agency Review Period

The EA and a draft copy of this Finding of No Significant Impact were made available to the public and to appropriate government agencies for review and comment during a 15-day period that began on November 17, 2023, with the publication of a Notice of Availability on the ANC website and in local newspapers. The EA, along with instructions for submitting comments, were made available at <https://www.arlingtoncemetery.mil/About/Confederate-Memorial-Removal/NEPA>. Additionally, a hard copy of the EA was made available for review at ANC.

[A summary of comments will be inserted here.]

Findings

Based on the analysis contained in this EA and taking into consideration comments received from the public and from appropriate government agencies, I have concluded that implementation of the proposed action would not constitute a major federal action significantly affecting the quality of the human environment. Any cultural resource impacts associated with Removal Alternative A are the result of an action directed by Congress. The Army has no discretion to decide against removal. Consequently, implementation of the proposed action does not require the preparation of an EIS.

Approved by:

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