



# FORT MONROE

*Where Freedom Lives*

## Jefferson Davis Arch Public Meeting

July 29, 2019

## Purpose of the Public Meeting

- To provide the FMA's statement on Virginia Code § 15.2-1812, *Memorials for War Veterans*
- To review all stages of the consultation process to date
- To hold discussions on further prudent and feasible mitigation alternatives which the public may want to see included in a final Memorandum of Understanding (MOU)

## Virginia Code § 15.2-1812, Memorials for War Veterans

Addressing the concern of whether the proposed undertaking would be in violation of Virginia Code § 15.2-1812, *Memorials for War Veterans*, the Fort Monroe Historic Preservation Officer (FMHPO) has conferred with the appropriate parties and has been advised that this code section does not apply to the proposed undertaking in that the Jefferson Davis Memorial Park / Arch currently resides on the grounds of Commonwealth of Virginia property and as such is not within a locality.

## Review of Consultation Process

- Initiation of Review of the Requested Undertaking April 18,2019
- **Stage I:** Define APE and Identify Historic Properties May 16, 2019
- **Stage II:** Determination of Effect June 13, 2019
- **Stage III:** Avoid or Minimize Adverse Effect July 12, 2019
- **Stage IV:** Develop of a Mitigation Agreement Date TBD

## Initiation of the Undertaking

- On April 18, 2019, a letter addressed to the FMHPO was presented to the Fort Monroe Board of Trustees from the Governor of the Commonwealth of Virginia requesting that the FMHPO, *“initiate the process of removing the Jefferson Davis Arch from Fort Monroe, as well as removing references to Jefferson Davis Memorial Park”*
- On April 18, 2019, the Fort Monroe Board of Trustees voted unanimously in support of the *“removal of the Jefferson Davis Arch and the intent of the letter of the Governor as soon as possible and in compliance with all legal requirements.”*
- On April 19, 2019, the FMHPO began compliance review of the requested undertaking by performing due diligence in review of all Fort Monroe governing documents as well as research into the contributing status of the resources having the potential to be affected.

# Stage I

## Define Area of Potential Effect (APE) and Identify Historic Properties

### Historic Properties Identified having the Potential to be Effected

- The Jefferson Davis Memorial Park / Arch
  - Non-contributing Landscape Feature to the National Historic Landmark (NHL)
  - Contributing Landscape to the National Registry of Historic Places (NRHP)
  
- The South Bastion (Casemates 21 & 22)
  - Contributing Elements to the National Historic Landmark (NHL)
  - Contributing Elements to the National Registry of Historic Places (NRHP)

## Stage I

### Determination of Potential to Affect Historic Properties

On May 16, 2019, the FMHPO determined that the requested undertaking does have the potential to affect historic properties by altering directly or indirectly any of the characteristics that qualify them for inclusion in the VLR and/or the NRHP.

As a result, the FMHPO sought comments concerning effects on historic properties identified within the APE as they relate to the requested removal of the Jefferson Davis Arch from Fort Monroe.

The FMHPO also requested that stakeholders and members of the public consider whether, if the references to the NHL in the PA and MOU are erroneous and that the documents should have referenced the NRHP instead of NHL, and if so, should the PA and MOU be amended and/or this apparent discrepancy otherwise resolved before a determination of effect can be rendered?

All Stage I comments received from the signatory parties, consulting parties and members of the public were reviewed and considered as well as made public on the Fort Monroe website.

Stage I consultation concluded.

# Stage II

## Determination of Effect

### Potential Direct Effects of the Requested Undertaking

- Physical destruction of all or a part of the property.
  - Arch w/stone piers
  - Potential impact to the adjacent parade side walls of the south bastion
  - Potential impact to the ramp and three (3) masonry ramp gutters of the ramp of the south bastion
  - Potential impact to the terreplein within the geographic APE of the arch in the staging/mobilization of a removal operation.
- Removal of the property from its historic location.
  - Arch w/stone piers
- Change in character of the property's use or of physical features and association within the property's setting that contribute to its historic significance.
- Sub-surface ground disturbance within Loci 10 of Site 44HT0027 associated within area of three (3) stone piers

# Stage II

## Determination of Effect

### Indirect Effects

The following historic properties are present and located within the APE for indirect Visual effects and would be affected either directly or indirectly by the proposed undertaking:

Contributing Buildings: 21, 22, 33, 50 (NPS), 60, 64,128, 141, 142, 146, 147,157, 166, 233,  
Old Point Comfort Lighthouse (US Coast Guard).

Contributing Landscape Features: Jefferson Davis Memorial Park/Arch (NRHP),  
Fort Monroe Live Oaks, Pet Cemetery.

## Stage II

### Determination of Effect

On June 13, 2019, after considering the direct and indirect effects for the undertaking and applying the principles provided in Stipulation III.D.4.vi) of the MOU, the FMHPO determined that the proposed undertaking will have an adverse effect on historic properties by altering directly and indirectly characteristics that qualify them for inclusion in the VLR and/or the NRHP.

The FMHPO requested concurrence and/or comment from stakeholders and members of the public on the FMHPO's determination of adverse effect on historic properties.

All Stage II comments received from the signatory parties, consulting parties and members of the public were reviewed and considered as well as made public on the Fort Monroe website.

Stage II consultation concluded.

## Stage III

### Avoid or Minimize Adverse Effect

The purpose of the Stage III consultation was to consider potential modifications and/or alterations to the requested undertaking that would avoid, minimize or mitigate any adverse effects to historic properties and to seek concurrence with the Department of Historic Resources (DHR) on those proposed modification in order to enter into a mitigation agreement with the DHR and the Fort Monroe Authority (FMA).

The requested undertaking of removing the Jefferson Davis Arch would result in the irreversible demolition of the arch itself as well as the potential to damage adjacent historic properties and landscape features previously identified, all of which are located within Management Zone E and are contributing resources to the NRHP listed Fort Monroe Historic Landmark District.

## Stage III

### Avoid or Minimize Adverse Effect

The FMHPO is bound by the Fort Monroe *Governing Documents* to avoid, to the greatest extent possible, any adverse effects to the Contributing resources of Fort Monroe. As the Jefferson Davis Arch is a Contributing Landscape feature to the NRHP, if not the NHL, the FMHPO must still seek to avoid, minimize, or mitigate any adverse effects and in doing so, seek concurrence of the proposed minimization with the Department of Historic Resources (DHR).

Since avoidance of adverse effect is not possible as the contributing resource is not listed as Contributing to the NHL and resides on Commonwealth of Virginia Property and that the FMHPO has been advised that Virginia Code § 15.2-1812, *Memorials for War Veterans* does not apply in this instance, the FMHPO has made the recommendation to minimize the adverse effect by altering only the letters and non-historic plaque from the Jefferson Davis Arch, and entering the objects into curation at the Casemate Museum in perpetuity.

In recommending the above, the FMHPO seeks to minimize the adverse effect by avoiding the irreversible demolition of the Jefferson Davis Arch as well as the potential to damage adjacent historic properties and sub-surface archeological resources located within Management Zone E.

# Stage III

## Avoid or Minimize Adverse Effect

On July 12, 2019, the FMHPO recommended the following modification to the proposed undertaking to modify and minimize the adverse effects to historic properties of the NRHP District.

- Carefully and deliberately remove the letters identifying the memorial park and rededication plaque after properly documenting the existing locations of both.
- Provide letters and plaque to the Casemate Museum and enter all into the museum collection for curation in perpetuity.

The FMHPO requested concurrence and/or comment from stakeholders and members of the public on the FMHPO's recommendations to modify and minimize the adverse effects.

All Stage III comments received from the signatory parties, consulting parties and members of the public have been reviewed and considered as well as made public on the Fort Monroe website as they have been received.

Stage III consultation concluded.

# Stage III

## Develop Mitigation Agreement

- III.D.4.x)c) If the FMHPO determines that the adverse effect still exists, the FMHPO shall, in consultation with the DHR and the project proponent, and other stakeholders pursuant to the protocol developed in Stipulation III.D.2.iii)g) above, develop a legally binding mitigation agreement (Mitigation Agreement) with the agreed upon measures to mitigate the adverse effect.
- 1) The proposed mitigation shall be proportional to the nature and severity of the effect and the significance of the historic property impacted.
  - 2) The mitigation shall be, to the greatest extent practicable, related to the historic property affected, however, alternative mitigations may be considered when appropriate.
  - 3) The mitigation shall have the greatest public benefit possible.
  - 4) The FMHPO shall ensure that the mitigation is carried out.
  - 5) The Mitigation Agreement shall include the following:
    - (i) Duration: Provisions for the timeframe in which it will remain in effect, termination, and reconsideration of terms if the undertaking has not been implemented within a specified time.
    - (ii) Discoveries: Provisions for unexpected archaeological discoveries during the implementation of the terms of the Mitigation Agreement.
    - (iii) Amendments: Procedures to amend the Mitigation Agreement.
    - (iv) Termination: Provisions if any signatory determines that the terms of the Mitigation Agreement cannot be, or are not being, carried out.



# FORT MONROE

*Where Freedom Lives*

## Discussion on Further Prudent and Feasible Mitigation Alternatives



# FORT MONROE

---

*Where Freedom Lives*

Adjourn