

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

DEFEND ARLINGTON,	)	
C/O SAVE SOUTHERN HERITAGE FLORIDA, et al.,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
v.	)	No. 23-441
	)	
UNITED STATES DEPARTMENT OF DEFENSE, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	
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ROY P. HUDSON, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	No. 23-2094
v.	)	
	)	
UNITED STATES DEPARTMENT OF DEFENSE, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	
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**DECLARATION OF KAREN DURHAM-AGUILERA**

Pursuant to 28 U.S.C. § 1746, I, Karen Durham-Aguilera, declare as follows:

1. I am the Executive Director of the Office of Army Cemeteries and Army National Military Cemeteries. In that role, I hold responsibility for overseeing the implementation of the Commission of the Naming of Items of the Department of Defense’s (“Naming Commission”) recommendation to remove the Confederate Memorial from Arlington National Cemetery (“ANC”).

2. Consistent with my previous May 26, 2023, declaration in this matter, ECF No. 10-3, my staff has been conducting National Environmental Policy Act (“NEPA) and National Historic Preservation Act (“NHPA”) reviews in preparation for removing the Confederate Memorial from ANC.

3. As to NEPA, the Army published a Final Environmental Assessment (“EA”) and Draft Finding of No Significant Impact (“FONSI”) on November 17, 2023.<sup>1</sup> The comment period for the EA and Draft FONSI ends on December 2, 2023. At the close of the comment period, the Army will consider comments received, and incorporate and address them as appropriate. If the Army makes a final determination to sign the FONSI, it expects to complete the NEPA process, aside from signature on the FONSI, on December 8, 2023. However, no final action will be taken under NEPA until the NHPA process is finalized as detailed below

4. On November 17, 2023, the Army concurrently sent to the Advisory Committee on Historic Preservation (“ACHP”) and the Virginia State Historic Preservation Office (“SHPO”) a proposed final Programmatic Agreement (“PA”) for resolving adverse effects. The Army requested that the ACHP and SHPO provide comments on the proposed final PA by December 02, 2023. Upon verbal request the Army extended the date to December 8, 2023. Upon the Army’s consideration and incorporation of any comments, it will finalize the PA and send it to the ACHP and SHPO for signature, completing the NHPA process. The Army expects that the NHPA process under Section 106 will be complete on December 14, 2023.

5. Based on the above timing, ANC projects to begin removing the Memorial from ANC on or around December 18, 2023, after completion of both the NEPA and NHPA processes. The Army expects removal to take approximately 4 days.

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<sup>1</sup> Available at <https://www.arlingtoncemetery.mil/About/Confederate-Memorial-Removal/NEPA>.

Executed on December 1, 2023

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Karen Durham-Aguilera