



# COMMONWEALTH of VIRGINIA

## Department of Historic Resources

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### DHR Guidance Regarding Confederate Monuments

Echoing Governor Northam's [recent comments](#) regarding removal of Confederate monuments and public safety, the Virginia Department of Historic Resources (DHR) urges those advocating for removal of these monuments in Virginia localities to allow for a legal and deliberative process. As soon as July 1, localities may legally remove monuments; in the meantime, vandalism, potentially a Class 6 felony under state law (§ [18.2 – 137](#)), may unnecessarily pose a risk to public safety and will impede the orderly removal of the monuments.

During these turbulent times, owners of monuments are faced with difficult and time-sensitive choices. DHR offers the following guidelines to support the removal of monuments in a manner adhering to best preservation practices, one that will also allow for input from local officials and citizenry about the ultimate fate of each monument.

#### Guidance for Localities:

On July 1, amendments to Virginia Code §15.2-1812 take effect that empower localities to remove, relocate, contextualize, or cover certain monuments or memorials for war veterans, including Confederate monuments, through prescribed steps. In the meantime, removing a monument prior to July 1 may leave a local government legally vulnerable.

Other relevant Code sections regarding damages and penalties:

§15.2-1812.1

§18.2-137

Guidance Regarding Contextualization of Monuments: As required by HB 1537, DHR and the Board of Historic Resources are in the process of developing regulations for localities regarding the contextualization of monuments that remain on public property in their existing location. The purpose of the contextualization is to explain to the public the history of the monument, the motivation for its erection, and the truth regarding the “Lost Cause.”

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The Board of Historic Resources is responsible for promulgating regulations regarding the process for contextualization of certain monuments or memorials for war veterans. This is the sole responsibility of the BHR under this legislation. The BHR draft regulations are currently expected to be drafted before the end of July 2020, and the BHR will vote on approval of the draft regulations at their next meeting in September 2020 in order to begin the regulatory process.

#### Guidance for Easement Property Owners:

In the event of an emergency, the Department of Historic Resources (DHR) may grant permission for the temporary removal of monuments located on properties protected by easements held by the Board of Historic Resources. The provisions contained within the specific easement, as well as the following protocols, will guide such removal:

1. A written request for removal must be submitted to the DHR Easement Program Architect by the property owner, consistent with the project review process. The request should include a photograph(s) of the monument, a site plan to confirm its approximate location on the property, and describe the means and methods of removal. The likelihood of ground disturbance should also be addressed, as well as the proposed storage location for the monument.

Because of the emergency nature of the request, the standard 30-day review period will not apply. All efforts will be made to respond to the request within two (2) business days of receipt of the request. Receipt of a request will be acknowledged via electronic mail within one (1) business day. Clearly indicate the proposed timeline for removal in a written request.

Please note that any request for removal of a funerary monument, crypt, or other memorial marking the interment of an individual or individuals will also be evaluated against applicable state law.

2. Comprehensive documentation of the monument must be completed prior to removal. Photographs of the monument itself, as well as its setting, should be taken from multiple angles and perspectives. Documentation must include a written condition assessment, taking particular note of any instances of deterioration or aspects in need of repair.
3. The monument should be removed in a single piece whenever possible. If disassembly is required, it should occur at the original joints and in such a manner that facilitates its re-installation. It may also be acceptable to temporarily remove a portion of a monument (i.e. a statue, sculpture, or plaque).
4. Project planning should include efforts to minimize ground disturbance, including that resulting from the removal of the monument or the use of any heavy equipment. Use of protective construction mats and avoiding the use of heavy or tracked equipment after a rain event may help to minimize ground disturbance. If

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disturbance cannot be avoided, archaeological investigation may be required prior to monument removal.

5. Notify local law enforcement of the removal plans.
6. Whenever possible, the monument should remain on the easement property, with all components stored together. Secure, interior storage conditions appropriate to the monument material should be identified. Where it is necessary to store monument components in multiple locations, each component should be clearly labeled, and a single document listing the location and method of storage of all components shall be provided to essential staff persons associated with the owner and the easement program of DHR. If the monument will be stored for a duration of time longer than one (1) year, a conservation plan must be submitted for DHR review and approval within the first year of storage.
7. Following the removal of a monument, the verification of the proper storage of the monument will be included as part of future stewardship monitoring visits by DHR.
8. The cost of removal is the responsibility of the property owner. Depending on the monument design, the use of heavy machinery and/or specialized professionals may be necessary. Anticipate potential difficulty securing a contractor to complete the work, due to both expediency and safety concerns. Entities listed on the [DHR Historic Trades Directory](#) may be helpful, but are not specifically endorsed by DHR.
9. Reinstallation should follow the standard easement program request for project review.

All easement property requests should be submitted to:

Megan Melinat  
Easement Program Architect  
Virginia Department of Historic Resources  
2801 Kensington Avenue  
Richmond, VA 23221  
[megan.melinat@dhr.virginia.gov](mailto:megan.melinat@dhr.virginia.gov)

#### Considerations for Appropriate Removal:

- Pre-Removal Documentation is highly recommended. This may include 3-D scanning, photography, photogrammetry, and written condition documentation.
- Cost – depending on the monument, removal may require the services of a general contractor, crane operator, mason, riggers, archaeologist (if surrounding landscape is impacted by removal)
- Team Qualifications – should include qualified conservator (American Institute for Conservation can provide a list of conservators for your locality and their number is 202-452-9545)
- Contractors – obstacles may be encountered when attempting to procure local services; some firms are not interested for safety reasons
- Methods – remove in a single piece if possible. If not, disassemble at original joints

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- Safekeeping of associated plaques, time capsules, removal ornament
- Storage, Repurposing, Deaccessioning, Acquisition by another entity or institution
- Security
- Coordinate activity with local government officials, including law enforcement, well in advance of planned work. Be aware of local historic district overlays and other local laws, methods, processes that may apply to monument removal.
- If a property is individually listed on the National Register of Historic Places, consultation with the National Register program at the National Park Service should occur prior to removal. Monuments moved without prior consultation with the National Park Service are immediately delisted by the Keeper of the National Register.

Best Practices for Damaged Monuments:

- Documentation of Damage: Hire a conservator to document damage, there may be kinds of damage that a non-expert may not recognize. Documentation should take the form of photography and written reports at the least, more documentation is always better.
- Paint removal: The owner of the monument should decide if the paint is now an important part of the history of the monument that should be preserved before the decision for removal is made. Please keep in mind that while paint and other forms of vandalism may be disfiguring to the monument, it may also now form an important part of the history of the monument. If it is decided that the paint removal is necessary. It should be thoroughly documented by a qualified conservator, samples of all paints and other vandalization materials should be taken and stored if deemed necessary for documentation and future study before removal takes place. A qualified conservator should be hired to perform any paint removal. A conservator will prioritize the preservation of the original surface of the sculpture that survives underneath the paint or other vandalizing material.
- Masonry damage should be prioritized if there are safety and structural concerns. A professional conservator should both consult on structural repairs and perform aesthetic repairs on masonry, stone, and brick.
- Conservation/Preservation of damaged monuments: The owner of the monument should decide if the damage is now an important part of the history of the monument that should be preserved before the decision for repair is made. Please keep in mind that while vandalism may be disfiguring to the monument, it may also now form an important part of the history of the monument. If it is decided that the repair is necessary, it should be thoroughly documented by a qualified conservator, samples of all paints and other vandalization materials should be taken and stored if deemed necessary for documentation and future study before repair takes place. A qualified conservator should be hired to perform any repair and conservation treatment. A conservator will prioritize the preservation of the history of the sculpture that survives.

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- Be aware that monuments may contain time capsules and other purposefully placed materials from the time of the monument's installation that should be considered and looked for when the statue, pedestal and/or, associated objects are removed.

### Implications Regarding National Register of Historic Places and Virginia Landmarks Register Listings.

In order for an individually listed monument/memorial to retain continuous National Register listing, it should not be relocated until the Keeper of the National Register has cleared the proposed move. See [36CFR60.14\(b\)](#).

Individually listed monuments/memorials that are moved without clearance by the Keeper are automatically delisted from the National Register.

Delisting a monument/memorial because it has been moved without Keeper clearance is not a punitive action. Grounds for removing a property from the National Register are explained at [36CFR15](#).

- An example of a removed memorial is Appomattox Statue in Alexandria. In addition to contributing to the Alexandria Historic District, the memorial was individually listed in the registers. The United Daughters of the Confederacy removed Appomattox Statue during the first week of June 2020 as part of a negotiated agreement with the City of Alexandria. Because the Keeper of the National Register was not consulted about the memorial's removal, Appomattox Statue was delisted at the moment it was removed. The statue may be re-nominated for listing after it has been reinstalled in another outdoor setting (statues in museums are not eligible for listing).

As part of the consultation process with the Keeper, the original nomination should be scrutinized to understand what qualities of the monument made it eligible for individual listing and/or contributing status in a historic district. For instance, the [Turner Ashby Memorial](#) is listed under Criterion A in the area of Social History and its significance is very much tied to its location as the place Ashby is thought to have died in battle, as well as it being the site of annual commemorations by the United Daughters of the Confederacy ever since. It is not possible to relocate the site of Ashby's death. If the elements associated with the memorial, therefore, are moved to a new location, it is not likely these elements in their new location would be eligible for the Registers.

Monuments/memorials that are contributing to a listed historic district lose their contributing status if they are moved without clearance by the Keeper. If moved out of the historic district, the monument can no longer contribute to the district. If the monument is moved to a new location within the historic district, it may continue to contribute if the Keeper has approved the new location.

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Concerning most historic districts in Virginia, removal of a monument/memorial that is a contributing object or structure likely would not cause the entire district to be delisted. Both the VLR and NRHP have a high bar for delisting a historic district, as the entire district must be found no longer to be a distinguishable entity with significance and integrity. That said, demolitions in one area on the edge of a district can result in changing the district's boundary to remove that area. Demolitions that eat up the center of a district likely would lead to delisting as the VLR and NRHP do not allow 'donut holes' in districts. But the types of monuments and memorials in most districts do not have that kind of scale.

Not all Confederate monuments and memorials are already listed in or recommended eligible for listing in the VLR and NRHP. For example, Norfolk's mayor ordered removal of the Confederate Monument in downtown on June 12 as a matter of public safety. This statue was not within a listed historic district, was not individually listed, and furthermore had not ever been evaluated by DHR for Register eligibility.

**Report of the Monuments Work Group (2016):** In 2015, former Governor Terry McAuliffe tasked a diverse Work Group to make recommendations for best practices that may help localities foster a constructive dialogue when it comes to discussions regarding monuments. DHR was a member of the Work Group and presented statistics and recommendations on historic monuments and memorials—including ones referencing the Civil War, both Confederate- and Union-affiliated. The Work Group issued its [report](#) of recommendations in 2016. Appendix A of the report included a presentation DHR made to the Work Group summarizing information the agency has compiled on war memorials in Virginia. In July 2018, DHR updated the presentation to reflect newer figures resulting from our ongoing survey efforts. Here is that [updated presentation](#)

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