



DEPARTMENT OF VETERANS AFFAIRS
NATIONAL CEMETERY ADMINISTRATION
WASHINGTON, DC 20420

Ms. Jennie A. Chinn, State Historic Preservation Officer
Executive Director
Kansas Historical Society
6425 SW 6th Avenue
Topeka, Kansas 66615

Subject: Section 106 Consultation for Demolition of Existing Buildings at Fort Scott National Cemetery, Fort Scott, Kansas

Dear Ms. Chinn:

The National Cemetery Administration (NCA) under the United States Department of Veterans Affairs (VA) is proposing to make certain improvements to the Fort Scott National Cemetery, located at 900 East National Avenue, in Bourbon County, Fort Scott, Kansas (see Figure 1). The proposed project involves the demolition of existing, vacant buildings on land that was acquired by Fort Scott National Cemetery in 2014 (details are provided in the project narrative below). The acquired 11.6-acre parcel is located at 816 East National Avenue, adjacent to the western boundary of the cemetery (see Figure 2). Fort Scott National Cemetery is a federal property that is owned by the VA and listed in the National Register of Historic Places (NRHP). As such, any planned demolitions at the cemetery constitute an undertaking, as defined in the *Code of Federal Regulations* (CFR) Title 36, Part 800.16(y).

Historic Background

The Fort Scott National Cemetery is an irregularly shaped property that encompasses 33 acres of land southeast of Fort Scott in Bourbon County. The military post of Fort Scott was originally established in 1842 between Fort Leavenworth, Kansas, and Fort Gibson, Oklahoma, and was named for General Winfield Scott, a former General-in-Chief of the Army. The fort was located along Military Road with the intention of maintaining peace and order between displaced Native American tribes, Native American tribes that were local to the area, and recent Euro-American settlers (NCA, 2014). An associated cemetery was built just 500 yards west of the fort, and 17 soldiers were buried there between 1843 and 1853 (National Park Service [NPS], 2014). In 1853, the Army conceded operational control of the fort and its cemetery, selling all of its lumber supplies and eventually auctioning off the post's buildings in 1855. The former post buildings would later become the center of the town of Fort Scott. The cemetery was subsequently converted into a public graveyard (NCA, 2014; Sammartino, 1999).

After the start of the Civil War in 1861, the Army restored Fort Scott as a Union soldier training site, supply center, and Army prison, and reclaimed use of the adjacent cemetery space. The original cemetery, however, was too small to be useful to the Army during the Civil War. As a result, the town citizenry and local officials procured 5 acres of land southeast of the fort; this land was previously owned by a neighboring Presbyterian church. For this reason, the land was initially

referred to as the “Presbyterian Graveyard” in 1861, before it officially became Fort Scott National Cemetery on November 15, 1862 (Sammartino, 1999). In 1863, the First Kansas Colored Infantry, an African-American regiment of the Union army, was stationed at Fort Scott; tragically, more deaths occurred among this unit than any other regiment in Kansas. The First Kansas Colored Volunteer Infantry Monument currently stands in Fort Scott National Cemetery as a reminder of their service (NCA, 2014). Five years later, in 1867, the bodies from the original post cemetery were relocated to the national cemetery, which includes a prisoners’ plot with the remains of 16 Union and Confederate soldiers. Eventually, the Union soldiers buried in the prisoners’ section were reinterred in the main part of the cemetery, while the bodies of the Confederate soldiers remained separate. In addition, 17 Native Americans who were enlisted with three of the Civil War Indian Home Guard Regiments were buried in the cemetery (NPS, 2014). The remains of other soldiers who died in various parts of Missouri and Kansas, along with bodies that had been buried at other forts that were closed by the federal government after the Civil War (including Fort Lincoln, Kansas), were also reburied in the Fort Scott National Cemetery during the 1860s. Perhaps the most famous burial at the cemetery is that of the Kansas poet Eugene Fitch Ware and his wife. During the Civil War, Ware fought with the 7th Iowa Cavalry, which was stationed at Fort Scott. The Ware Monument is marked by a large sandstone boulder (NCA, 2014).

Ownership of the cemetery property was officially transferred from the Fort Scott Town Company to the federal government in 1868. Shortly thereafter, two other small parcels of land, which totaled approximately 0.6 acre, were acquired in 1868 and 1873; a larger 4.9-acre property was acquired later in 1873, bringing the total acreage of the property up to 10.5 acres (Sammartino, 1999). A 4.5-foot-high, cement and flagstone wall was built at that time to delineate the property boundaries (Sammartino, 1999). That same year, however, the Army abandoned Fort Scott for the second and final time (NCA, 2014). Fort Scott National Cemetery remained a total of 10.5 acres of land until 1994, at which time the Fort Scott National Cemetery Veterans Expansion Committee donated 11.2 acres of land south of the original property, more than doubling the property size (Sammartino, 1999).

In 1999, the Fort Scott National Cemetery was individually listed in the NRHP. The NRHP registration form states that the cemetery is:

...significant under Criterion A because of its association with the Civil War and under Criterion C, because the lodge represents a distinctive design by Quartermaster General Montgomery C. Meigs, who was acclaimed as a master architect of civil works projects for the Quartermaster Corps. It is also significant under Criterion C for landscape design (Sammartino, 1999).

The Fort Scott National Cemetery is included in the 1994 NRHP multiple property submission for Civil War Era National Cemeteries. The associated multiple property documentation form emphasizes the importance of Quartermaster General Montgomery C. Meigs and his standardized designs for cemetery lodges: “His design represented the style of the period, yet was able to be used for construction of superintendents’ lodges in all parts of the country for many years...[and the] design is significant by its architect, its time, its use, and its flexibility in adapting to numerous variations in local building materials” (Sammartino, 1994).

From 2012 to 2013, Terracon Consultants, Inc., performed a Phase I Environmental Site Assessment (ESA) of the 11.6-acre property to the west of the cemetery, as part of a proposal to acquire the land for additional burial sites. The property includes a farmhouse and several outbuildings (Terracon, 2013a). An intensive cultural resources survey of the site was conducted on March 12, 2012. The

associated report, entitled *National Historic Preservation Act (NHPA) Section 106 Cultural Resource Investigations: Intensive Archaeological Survey (Kansas Phase II) Proposed Fort Scott National Cemetery Expansion Site, Bourbon County, Kansas*, was prepared by K&K Environmental LLC for Terracon. The report notes that the “entire site appears to have been previously disturbed by construction, utility placement, and/or overgrazing” (K&K Environmental LLC, 2012). A literature search and records review were conducted as part of the survey; no previously reported cultural resources were identified. The field work “did not result in the finding of cultural materials or other evidence of cultural activity indicative of a prehistoric or early historic occupation” (K&K Environmental LLC, 2012). No built environment properties on the site were identified as eligible for listing in the NRHP. In 2014, Fort Scott National Cemetery acquired the 11.6-acre property.

The Fort Scott Historic Area, which was listed in the NRHP in 1965, encompasses the original boundary of Fort Scott. The district, however, does not contain any part of the Fort Scott National Cemetery, including the recently acquired 11.6-acre parcel. The historic district was re-designated as the Fort Scott National Historic Site under the National Park Service in 1978.

Project Narrative and Description of Property

The Area of Potential Effects (APE) for the project corresponds to the current boundaries of the cemetery property, including the 11.6-acre parcel added in 2014 (see Figures 1 and 2). The proposed project consists of the demolition of a series of buildings that are located on the 11.6-acre, western section of the Fort Scott National Cemetery property. This section is a fairly level piece of ground that was historically used as a horse farm. It is bordered by the rest of Fort Scott National Cemetery to the east, East National Avenue to the north, Margrave Street to the west, and Eighteenth Street to the south.

The proposed project is to remove site elements, including the farmhouse, outbuildings, and surrounding vegetation. After demolition, the site would be restored to a non-irrigated fescue pasture mix. Future use of the site would be for onsite burials and burial services. No new structures are proposed for the site, although a driveway may be added for site access. The demolition is necessary to “fulfill a need for additional burial space for veterans at the existing Fort Scott National Cemetery” (Terracon, 2013b). Currently, there are four buildings on the 11.6-acre site: a circa 1935 farmhouse with a large addition from 1996; a garage constructed circa 1950; a horse barn constructed in 1990; and a utility barn constructed in 2000. A shed, which was constructed in 2003, was previously located northeast of the residential building, but was noted as demolished prior to a design team site visit on December 17, 2014. Several foundations and concrete slabs exist on the property where structures were previously located. It is possible that the Fort Scott National Cemetery may retain the utility barn for storage. All of the buildings on the 11.6-acre property are vacant.

The approximately 3,900-square-foot farmhouse includes a circa 1935, two-story bungalow clad in asbestos, lap shingles and a large, modern addition (Photo 1). The building is covered in several steeply pitched, side-gabled, asphalt-shingle roofs, with the primary roof shading a concrete front porch. The residence has both wood and vinyl doors and windows. The large, one-story, 1996 addition extends from the farmhouse’s south elevation and includes an expansive wood deck (Photo 2). The circa 1950 garage, located just southeast of the farmhouse, is one story and includes three vehicle bays. The cinder-block garage is topped by a steeply pitched front-gabled roof covered in asphalt shingles, and the front (north) elevation is clad in asbestos shingles (Photo 3). Several original windows and a pedestrian door are located on the garage’s rear (south) elevation. The

gambrel-roof horse barn and the utility barn are both new construction, utilitarian structures (Photos 5 and 6).

Finding of Effect

The buildings and structures located within the 11.6-acre property are not listed or eligible for listing in the NRHP. The K&K Environmental LLC report produced in 2012 concluded that “the dwelling does not appear to warrant further consideration as to listing in the NRHP either individually or in concert with the outbuildings” (K&K Environmental LLC, 2012). The report noted the building lacked integrity of design and materials: “It should be noted the residential dwelling has been materially altered from its original construction with room additions and the application of siding, etc.” (K&K Environmental LLC, 2012). Regarding archaeological resources, the report determined that: “Ultimately, the investigators conclude the 11.6-acre property to be overly disturbed by construction and high-level use/activity, as well as being located too far distant from a perennial water source to warrant the finding of a significant prehistoric camp or village site” (K&K Environmental LLC, 2012). Therefore, there are no known historic properties within the boundaries of the 11.6-acre property.

On March 30, 2013, a Draft Environmental Assessment (EA) was prepared for the acquisition of the rural, 11.6-acre site adjacent to Fort Scott National Cemetery and the demolition of the associated buildings. The EA presented the results of K&K Environmental, LLC’s archaeological and cultural resources survey: “...based on the results of this Phase II investigation, the...development of the Fort Scott National Cemetery Expansion Site will not result in an adverse effect to any culturally-significant properties” (Terracon, 2013b). In addition, the EA noted that a letter was submitted to the Kansas State Historical Society, State Historic Preservation Office (SHPO) requesting concurrence on these findings. No response was received from SHPO. Tribal consultation also occurred with the Osage Nation, Oklahoma Tribe; no response was received. A notice of availability for public comment was published in the *Fort Scott Tribune* on March 30 and April 6, 2013 and was posted at the Fort Scott National Cemetery office and kiosk. Members of the public could access the EA online on a ShareFile website provided by Terracon or at the Fort Scott Public Library (Cunningham, 2013). The 30-day public comment period ended on May 7, 2013: “Terracon received no comments from the public and the VA received no comments from interested agencies regarding the project” (Cunningham, 2013). A Finding of No Significant Impact (FONSI) was completed on May 21, 2013, for the proposed acquisition of the 11.6-acre property and the demolition of the associated buildings. Since the 2013 EA indicated that no response was received from SHPO regarding concurrence on the finding of effect for the proposed action, the NCA is currently conducting the necessary coordination with SHPO to complete the Section 106 process for the demolition of buildings located within the 11.6-acre parcel.

Within the northeastern section of the original cemetery boundaries are several buildings, structures, and objects that contribute to the NRHP-listed Fort Scott National Cemetery: a 1931 rostrum, a 1876 Lodge, a 1901 utility building, four structures (the wall, main entrance gate, service gate, and pedestrian gate in the vicinity of the utility building), and the Ware Monument. The most significant building within the cemetery is the 1876 Lodge, which was constructed in the Second Empire-style using the designs of Brigadier General Montgomery C. Meigs (NPS, 2014; Sammartino, 1999). No contributing resources would be removed or altered as a result of the proposed demolition project; therefore, the contributing resources within the Fort Scott National Cemetery would not be affected by the proposed project.

The proposed demolitions would likely have minor, but beneficial, direct impacts to the Fort Scott National Cemetery landscape. The demolitions would occur within a confined area of the cemetery property that is not original to Fort Scott National Cemetery, which is composed of 11.6 acres of land that has been previously surveyed and determined to contain no historic properties. The proposed project would not significantly alter the cemetery's overall feeling or setting, and would potentially improve the overall appearance of the grounds by removing structures that are not compatible with the historic setting. The future development of the land for burials would allow the cemetery to remain in operation for an extended period of time and provide additional burial space for veterans. In this way, the demolition of the buildings on the 11.6-acre property would have beneficial effects by facilitating the continued operation of the historic cemetery. Therefore, the proposed project would not adversely affect the historic characteristics of the Fort Scott National Cemetery or jeopardize its eligibility for inclusion in the NRHP.

Several attachments are included for further reference. Figure 1 identifies the boundary of the APE on a USGS quadrangle map and Figure 2 identifies the project elements. Current photographs of the existing buildings and structures on the 11.6-acre property are included in addition to the draft demolition drawings (dated January 8, 2015). Also enclosed is the report *Intensive Archaeology Survey (Kansas Phase II) Proposed Fort Scott National Cemetery Expansion Site, Bourbon County, Kansas*.

Request for Concurrence and Agency Contact Information

In compliance with 36 CFR 800.5(b), the NCA respectfully requests your concurrence with the finding of **no adverse effect** to historic properties for the proposed undertaking to demolish a farmhouse and several outbuildings on an 11.6-acre property that was recently acquired by Fort Scott National Cemetery. Your response is requested within 30 days from receipt of this letter. Please direct all correspondence to me, Steve Davis, NCA, 425 I Street NW, Rm. 5E.425G, Washington, D.C., 20005. Or please email a response to me at steve.davis@va.gov and to Eirik Heikes (FourFront Design, Inc.) at EHeikes@4FRONT.biz. If you have any questions, please contact me at 202-632-4833.

Sincerely,

Steve Davis
Project Manager, NCA

Enclosures:

1. Figures
 - Figure 1 Area of Potential Effects
 - Figure 2 Project Elements
2. Photographs
3. Draft Drawings for the Demolition of Existing Buildings

4. *Intensive Archaeology Survey (Kansas Phase II) Proposed Fort Scott National Cemetery Expansion Site, Bourbon County, Kansas*

Sources:

Cunningham, Caitlin, Esq. 2013. *Finding of No Significant Impact (FONSI)*. Department of Veterans Affairs, Fort Scott National Cemetery Proposed Expansion. Real Property Service, Office of Construction and Facilities Managements. May 21.

K&K Environmental LLC. 2012. *National Historic Preservation Act (NHPA) Section 106 Cultural Resource Investigations: Intensive Archaeology Survey (Kansas Phase II) Proposed Fort Scott National Cemetery Expansion Site, Bourbon County, Kansas*. Veterans Administration (VA) Project. Prepared for Terracon. K&K Project No. 004028. April 4.

National Cemetery Administration (NCA). 2014. "Fort Scott National Cemetery." United States Department of Veterans Affairs. <http://www.cem.va.gov/cems/nchp/ftscott.asp>. Last updated August 26. Accessed September 2, 2014.

National Park Service (NPS). 2014. "Fort Scott National Cemetery: Fort Scott, Kansas." *Civil War Era National Cemeteries: Honoring Those Who Served*. U.S. Department of the Interior. http://www.nps.gov/nr/travel/national_cemeteries/Kansas/Fort_Scott_National_Cemetery.html. Accessed September 2, 2014.

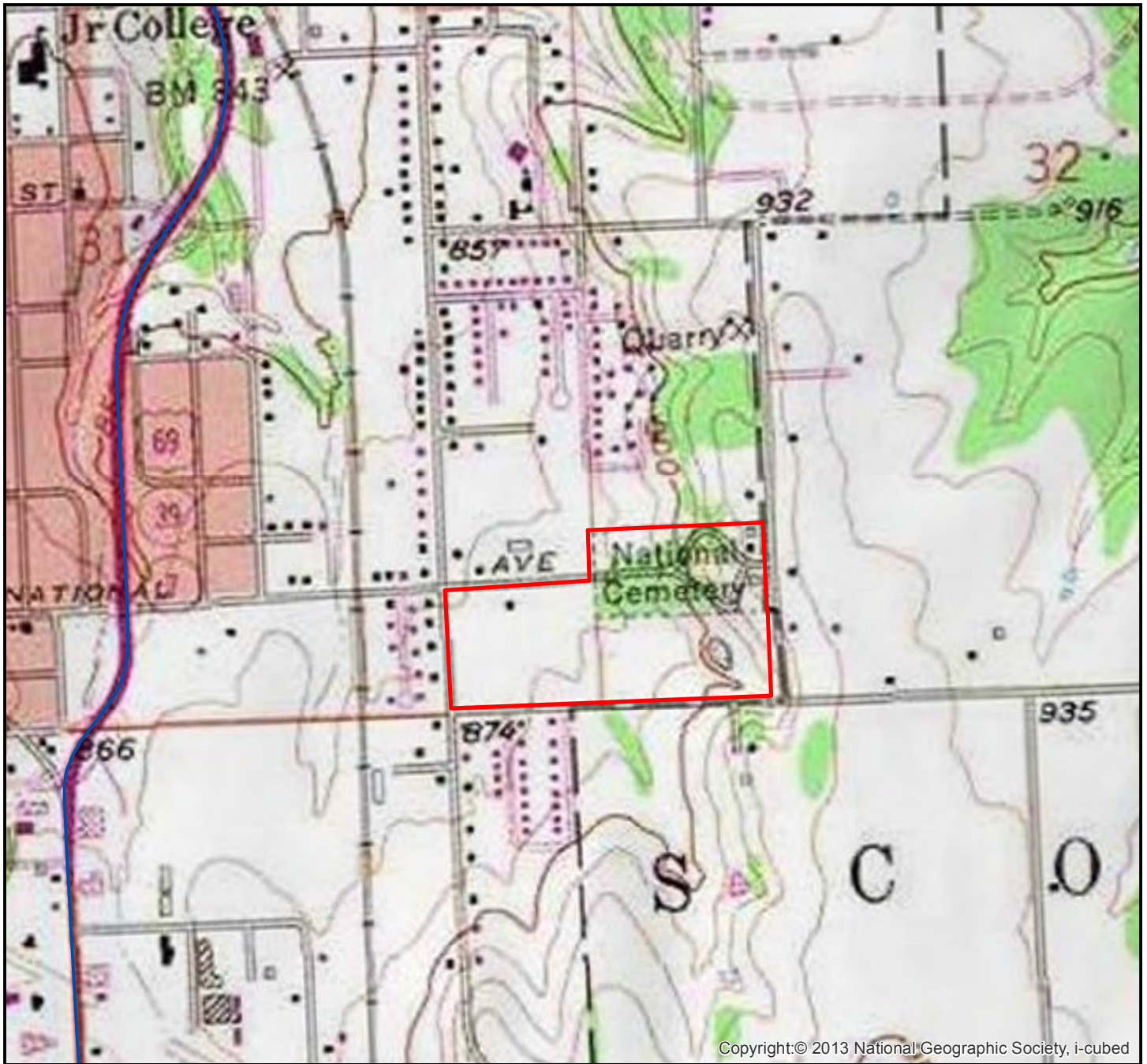
Sammartino, Therese T. 1994. "Civil War Era National Cemeteries." National Register of Historic Places Multiple Property Documentation Form. United States Department of the Interior. National Park Service.

Sammartino, Therese. 1999. "Fort Scott National Cemetery." National Register of Historic Places Registration Form. United States Department of the Interior. National Park Service.

Terracon Consultants, Inc. 2013a. *Phase I Environmental Site Assessment-Update: Fort Scott National Cemetery Proposed Expansion*. Contract # VA-101-10-RP-0084(E), Task Order 20. Project No. 02117105. Prepared for Carpenter/Robbins Commercial Real Estate, Inc. May 16.

Terracon Consultants, Inc. 2013b. *Environmental Assessment Report: Fort Scott National Cemetery Proposed Expansion*. Prepared for the U.S. Department of Veterans Affairs and Carpenter/Robbins Commercial Real Estate, Inc. May 21.

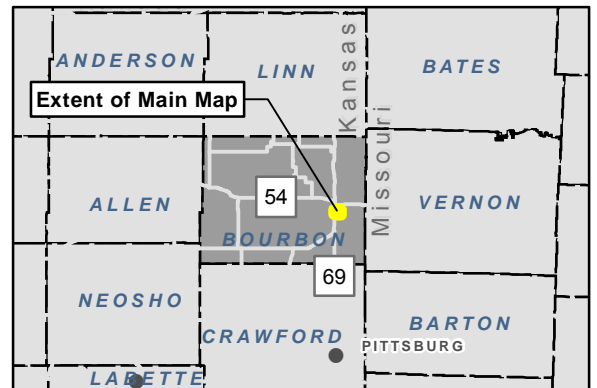
Enclosure 1
Figures



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Legend

Area of Potential Effects



Fort Scott, Kansas 7.5 USGS Quad, 1978
Township 25 S, Range 25 E Section 32

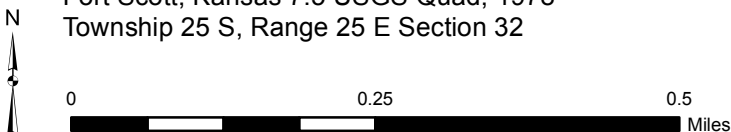


Figure 1
Area of Potential Effects
Fort Scott National Cemetery
Bourbon County, Kansas



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Legend

- Area of Potential Effects
- 11.6-Acre Acquired Parcel
- Buildings/Structures to Potentially be Demolished

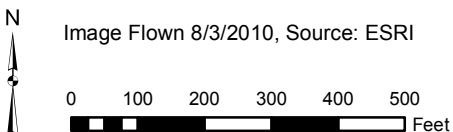
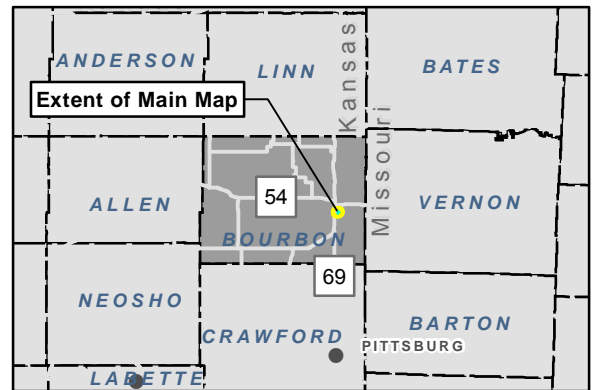


Figure 2
Project Elements
 Fort Scott National Cemetery
 Bourbon County, Kansas

Enclosure 2
Photographs

Demolition of Existing Buildings - Photographs
Fort Scott National Cemetery, Bourbon County, Kansas



Photograph 1: 1935 bungalow-style farmhouse (rear addition visible on far left), northeastern corner



Photograph 2: 1935 farmhouse, 1996 rear addition with deck, southwestern corner

Demolition of Existing Buildings - Photographs
Fort Scott National Cemetery, Bourbon County, Kansas



Photograph 3: 1950 garage, northeastern corner



Photograph 4: 1950 garage, southeastern corner

Demolition of Existing Buildings - Photographs
Fort Scott National Cemetery, Bourbon County, Kansas



Photograph 5: 1990 horse barn (northeastern corner) with concrete slab in the foreground



Photograph 6: 2000 utility pole barn, northeastern corner