

National Register Eligibility of National Cemeteries - A Clarification of Policy - A Clarification of Policy (9/8/2011)

Summary

All national cemeteries are considered exceptionally significant as a result of their Congressional designation as nationally significant places of burial and commemoration. This means they meet the special requirements set forth in the National Register Criterion Considerations for cemeteries, graves, commemorative properties, and resources less-than-50 years of age. It also means that for the purpose of documenting a national cemetery as a National Register district, facilities and sections developed within the past fifty years are considered significant and are eligible for National Register listing as contributing resources. While most national cemeteries fall under the jurisdiction of the U.S. Department of Veterans Affairs, several others are managed by either the National Park Service or the U.S. Department of Defense.

Background

National cemeteries continue to expand, and many include land held for future development. For this reason, questions typically arise about the selection of boundaries and the contributing/noncontributing status of parcels of land within a cemetery's boundaries. Based on prior agency to agency consultations, the Keeper of the National Register in June 1981 sent a letter to the Federal Preservation Officer of the Veterans Administration (after 1989 known as the Department of Veterans Affairs) clarifying a policy that applied to the National Register eligibility and the unique set of issues associated with the eligibility of national cemeteries—properties considered ever-changing and recognized for their continuing exceptional importance.

The following statement of policy was consequently set forth on page 36 of the National Register Bulletin, *How to Apply the National Register Criteria for Evaluation*:

National Cemeteries administered by the Veterans Administration are eligible because they have been designated by Congress as primary memorials to the military history of the United States. Those areas within a designated national cemetery that have been used or prepared for the reception of the remains of veterans and their dependents, as well as any landscaped areas that immediately surround the graves may qualify. Because these cemeteries draw their significance from the presence of the remains of military personnel who have served the country throughout its history, the age of the cemetery is not

a factor in judging eligibility, although integrity must be present. A national cemetery or portion of a national cemetery that has only been set aside for use in the future is not eligible.

This statement clarified that, for evaluating National Register eligibility, the age of a national cemetery was not a determining factor and that sections of the cemetery prepared for use or already in use were differentiated from unimproved land that was not ready to receive burials. Recent efforts to nominate national cemeteries have raised additional questions and are addressed in this clarification of policy.

Classification

Because they contain a combination of resource types and cover substantial acreage, national cemeteries are considered historic districts for the purposes of National Register listings and determinations of eligibility. Generally national cemeteries are significant under Criterion A for their association with significant events related to the nation's military history and the role of the Department of Veterans Affairs. Those having artistic or architectural significance as designed landscapes or for the design of memorials, monuments, or historic buildings, may also be documented under Criterion C.

Regardless of the date of acquisition or construction, the overall acreage within the boundaries of the cemetery that has been developed for cemetery purposes is considered one contributing site for National Register purposes. This site includes commemorative sections of the cemetery containing existing graves and memorials, sections having the infrastructure necessary to receive new interments and memorials (for example, streets, utilities, pre-placed crypts, columbaria, and memorial walkways), and areas of the cemetery developed for administrative and maintenance purposes (offices, restrooms, garages, and maintenance yards). Unimproved acreage within the cemetery boundaries that is being held for future use is considered noncontributing; although it does not need to be counted as a separate noncontributing site, its location and approximate size should be described in Section 7 of the National Register nomination and indicated on the sketch map for the district. As additional sections are developed in the future, the National Register documentation can be updated with continuation sheets describing the newly developed section and revising the description of the acreage considered contributing. In cases where new land is acquired after National Register listing, the more involved process for expanding boundaries set forth in 36 CFR Part 60.14(a) will need to be followed to update the nomination.

Buildings, structures, or objects that are substantial in size or scale or have special importance are to be classified according to the definitions provided on page 15 of the National Register Bulletin, *How to Complete the National Register Registration Form*. Certain smaller-scale features, such as grave markers, street signs, water fountains, curbs and culverts, and plantings are considered integral to the overall contributing site and its identity as a national cemetery; these should be described collectively as significant or character-defining features of the site in Section 7 of the National Register form but do not need to be classified and counted separately.

Period of Significance

The period of significance for a national cemetery is the period of time beginning with the date of the earliest burials and extending to the present. A closing date of "present" allows the recognition of the highly significant values these places have had in the recent past (for example, honoring those killed in recent wars). This policy means that recently developed areas are to be included within the boundaries of the historic district and recently constructed resources are to be recognized as contributing resources. Land acquired for future development but not yet developed can be included in the National Register boundaries but will not be considered contributing.

The period of significance for a national cemetery may include development that occurred before its designation as a national cemetery, and resources in place at the time of nomination may be considered contributing. It is anticipated that most cemeteries will represent multiple layers of expansion with new sections being acquired and developed for use periodically as available grave sites are depleted.

Several other possible closing dates were considered. It was suggested that "1973," the date when the majority of military cemeteries was transferred from the U.S. Army to what is now the National Cemetery Administration, be used as an end date for all national cemeteries. While "1973" is a date of great importance in the administration of the nation's programs to provide burial benefits to veterans and their families, it is not a date that applies to the continuing evolution of these places as national cemeteries or to the ongoing program of cemetery administration. That year may mark the beginning of a new stage in the history of national cemetery management, but it doesn't qualify as the endpoint of historically significant activities.

The suitability of using the date fifty years before the present as the closing date was also considered. While this approach is often taken in National Register nominations, it often results in an arbitrary end date and, in the case of properties having continuing significance, warrants frequent revision. For

national cemeteries, which by their designation are deemed in perpetuity exceptionally important, such a date has little meaning and precludes recognition of the highly significant values these places engender as they receive more burials and continue to honor those who have served the nation. A question was also raised about inactive cemeteries and the suitability of ending the period of significance for such a cemetery with the date it was officially closed to new burials. While such a date may be meaningful from a historical perspective, it does not take into consideration the ongoing role and exceptional importance of national cemeteries as public places of commemoration and honor even if new burials can no longer be accommodated. After closely examining this issue, the National Register has determined that the "present" is the end date most consistent with the Congressional intent of the federal laws establishing the national cemeteries and with the National Register policies for evaluating properties of continuing exceptional importance.

Boundaries

The boundaries of an eligible historic district for a national cemetery can be based on the current land holdings of the federal agency responsible for managing the cemetery. National Register boundaries should encompass all portions of the land that are used for burial, commemorative, and administrative purposes, including recently improved areas and new construction. To avoid having to expand the boundaries at a later date, the district can also include any noncontributing acreage currently being held for the future expansion of the cemetery.

Contributing and Noncontributing Resources

National Register documentation standards require that resources that are substantial in size or scale or importance be classified as contributing or noncontributing. The National Register program recognizes that the contributing resources for a given cemetery may differ in age, function, design qualities, and the way each relates to the mission of the national cemetery program or the operation of the national cemetery. Differences may also exist between those resources that are integral to the nationally significant values and commemorative functions of the national cemetery—including memorials, areas prepared for burials, designed landscape features, and administration buildings—and those that relate to the day-to-day operations of the cemetery—including comfort stations, maintenance facilities, and service roads. For National Register purposes, component resources contribute to the cemetery's significance regardless of their age, function, or administrative role. In addition, some resources may reflect additional historical values important at the local, state, or national levels of significance due to their age or history prior to a cemetery's designation.