

CULTURAL RESOURCES MANAGEMENT AT VA NATIONAL CEMETERIES

- 1. REASON FOR ISSUE:** This issuance is to recertify this directive, originally issued January 4, 2019. The content was reviewed and determined to be still accurate and current.
- 2. SUMMARY OF CHANGES:** This issuance makes no substantive changes to the content; however administrative edits were made to update reference citations and correct formatting. The former Appendix A was removed because it was redundant to the list of authorities provided in VA Directive 7545, Appendix A. Therefore, the former Appendix B is now labeled Appendix A.
- 3. RESPONSIBLE OFFICE:** National Cemetery Administration, Office of Design and Construction Service (43B), 425 I Street, NW, Washington, DC 20420, is responsible for the contents of this directive. Questions may be referred to the NCA Historic Architect.
- 4. RELATED PUBLICATIONS:**
 - a. VA Directive 7545, Cultural Resource Management.
 - b. VA Handbook 7545, Cultural Resources Management Procedures.
- 5. RESCISSIONS:** This issuance supersedes the prior issuance on January 4, 2019.
- 6. RECERTIFICATION:** This document is scheduled for recertification within five (5) years of the date issued.

/s/
Ronald E. Walters
Acting Under Secretary for Memorial Affairs

Distribution: Electronic

CULTURAL RESOURCES MANAGEMENT AT VA NATIONAL CEMETERIES

1. PURPOSE/AUTHORITY. The purpose of this directive is to:

a. Identify cultural resources management and associated responsibilities for National Cemetery Administration (NCA) employees. This includes planning, developing, and constructing new cemeteries and expanding existing properties, non-recurring maintenance (NRM), mini-minor construction projects, national shrine and all maintenance and repair projects using federal or non-federal funds, and funds granted to Tribal and State veterans cemeteries for construction, expansion, and for raise-and-realign projects.

b. Raise the level of awareness among NCA personnel, contractors, and volunteers concerning the significance of NCA's cultural resources and accountability based on mandatory regulations, laws and public-trust responsibilities when they are impacted by projects ("undertakings") and avoid adverse effects to historic and cultural resources.

c. Establish NCA mandatory policy to ensure compliance with Section 106 of the National Historic Preservation Act (NHPA), 36 CFR Part 800, Protection of Historic Properties and Department level guidance in VA Directive 7545, Cultural Resource Management and VA Handbook 7547, Cultural Resource Management Procedures.

2. BACKGROUND.

a. NCA performs historic preservation and cultural resources management responsibilities when managing, maintaining, and expanding national cemeteries and other facilities. Since 1966, federal agencies have been required to follow federal historic preservation mandates. Section 106 of the NHPA requires federal agencies to consider the effects of federally funded projects on historic properties and to afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on projects prior to the expenditure of any federal funds. If historic properties are adversely affected, federal agencies attempt to mitigate adverse effects by consulting with states or tribes and jointly entering into a Memorandum of Agreement (MOA) or Programmatic Agreement (PA). Prior to entering into MOAs or PAs, federal agencies use Section 106 checklists to ensure the proper stipulations and other relevant information is included in any MOA or PA.

b. In addition, section 110 of the NHPA sets out the broad historic preservation responsibilities of federal agencies and is intended to ensure that historic preservation is fully integrated into ongoing federal programs. Section 110 charges each federal agency with the affirmative responsibility for considering projects and programs that further the purposes of the NHPA, and it declares that the costs of historic preservation activities are eligible project costs in all undertakings conducted or assisted by a federal agency.

c. In September 2011, the Acting Keeper of the National Register of Historic Places (NRHP) issued a clarification of policy, stating that, "all national cemeteries are

exceptionally significant as a result of their congressional designation as nationally significant places of burial and commemoration for veterans.” Unlike most historic resources which are defined as at least 50 years old, NCA cemeteries regardless of their age, must meet special requirements set forth in the criterion considerations for cemeteries, memorials, graves, and commemorative properties and are eligible for NRHP listing. According to the Keeper’s clarification, any portion of national cemeteries developed for burial use is eligible for NRHP listing as contributing resources.

d. More than 100 NCA properties are listed in the National Register of Historic Places. Fourteen of these properties are also designated as the more significant National Historic Landmarks (NHLs). Preservation and protection of America’s cultural and archaeological resources are important functions and responsibilities of the Federal government for properties under its control or jurisdiction. NCA, as a federal agency has clear responsibilities to serve as a steward of its historic properties under its’ control.

3. POLICY. It is NCA’s policy to protect and preserve cultural resources under NCA control by considering and mitigating, when possible, adverse effects and by timely and efficient compliance with cultural resources legal requirements. By adhering to these requirements, NCA preserves, protects, and perpetuates cultural resources for future generations in a spirit of stewardship to the highest extent feasible given the agency’s mission and mandates.

4. RESPONSIBILITIES.

a. Deputy Under Secretary for Field Programs and Cemetery Operations is responsible for:

(1) Approving training programs for cemetery-wide cultural resources awareness; and

(2) Promoting cultural resources protection and compliance with historic preservation requirements as a priority for cemetery staff.

b. Deputy Under Secretary for Management is responsible for:

(1) Setting program goals for the NCA Cultural Resources Management Program;

(2) Appointing personnel necessary to administer the NCA Cultural Resource Management Program;

(3) Establishing overall policy and guidelines to implement the NCA Cultural Resources Management Program;

(4) Establishing a process to plan and request financial resources for implementing and administering the NCA Cultural Resources Management Program and cultural resource awareness activities; and

(5) Reviewing cultural resources management reports to assess the adequacy and effectiveness of the NCA Cultural Resources Management Program and implementing measures to improve cultural resource management at NCA facilities.

c. Director, Design and Construction Service is responsible for:

(1) Managing and overseeing the NCA Cultural Resources Management Program;

(2) Reviewing operational standards and measures for the NCA Cultural Resources Management Program;

(3) Analyzing data collected to provide Cultural Resources Management reports to responsible offices; and

(4) Administration of cultural resource management records, maintaining official copies of all incoming, outgoing and decisional records for the purpose of tracking all NCA Section 106 undertakings in a backed-up electronic drive, by year or property.

d. Design and Construction Service Managers are responsible for:

(1) Coordinating all minor projects in advance of design development and implementation of projects with the historic architect to ensure that coordination with the State Historic Preservation Office and/or the Tribal Historic Preservation Office as well as potential stakeholders follow the Section 106 consultation process; and

(2) Completing and maintaining Section 106 checklists and programmatic agreements and associated documents on assigned projects.

e. Director, Veterans Cemetery Grants Program is responsible for ensuring that entities receiving federal funding certify they complied with cultural resources and historic preservation authorities prior to VA issuing to a state or tribal organization a Notification of Grant Award.

f. District Executive Directors are responsible for:

(1) Verifying that Cemetery Directors, District Engineers, and Cultural Resources Management Officer (CRMO) complete Cultural Resources Awareness Training;

(2) Verifying that Regional CRMO reports all Section 106 and Section 110 activities to the NCA Historic Architect;

(3) Verifying that District Engineer provides accurate and complete Section 106 Checklists with Project Submissions;

(4) Coordinating with the NCA Historic Architect on cultural resources compliance issues, including compliance inspections, compliance monitoring, and reporting; and

(5) Assigning Cultural Resources Management Program performance goals for District cemeteries.

g. District Engineers are responsible for submitting accurate and complete Section 106 Agreement Checklists with Project Submissions to the “NCA Section 106 Mailbox” if a federal undertaking is planned on a historic property in their district.

h. District Cultural Resources Management Officers (CRMO) are responsible for:

(1) Maintaining a set of cultural resource consultation records at the District Office; and

(2) Reporting on an annual basis any Section 106 undertakings and Section 110 activities to the Historic Architect.

i. Cemetery Directors are responsible for:

(1) Submitting to their District Engineer accurate and complete Section 106 Checklist with Project Submissions;

(2) Verifying that Cemetery Staff completes Introductory Cultural Resources Awareness Training; and

(3) Planning, allocating, and managing resources (human, financial, technological, and specialized skills) essential to implementing and maintaining the Cultural Resources Management program.

j. NCA Historic Architect is responsible for:

(1) Administering, coordinating, and planning operations for the NCA Cultural Resources Management Program at the field level;

(2) Representing NCA to VA’s Historic Preservation Office and professional and historic preservation organizations;

(3) Developing cultural resources management guidance and training for NCA employees;

(4) Meeting with District Executive Directors/Engineers for compliance inspections, compliance monitoring, and reporting;

(5) Responding to NCA staff and public requests for information on the NCA Cultural Resources Management Program;

(6) Carrying out State Historic Preservation Officer (SHPO)/Tribal Historic Preservation Officer (THPO) consultation;

(7) Reporting to NCA Leadership, and ACHP program office cultural resources activities;

(8) Reviewing, analyzing and assessing the appropriate level of Section 106 responses for NCA undertakings per the District submissions;

(9) Facilitating the MOA or PA Process in the case of adverse effects to historic resources;

(10) Maintaining a repository to retain copies of all incoming, outgoing and decisional records and tracking all NCA Section 106 undertakings electronically and organized by year or property; and

(11) Coordinating with the NCA History Program in a timely manner to document historic resources for Section 106 undertakings.

5. REFERENCES. Public laws, executive orders and regulations governing cultural resource management activities are listed in VA Directive 7545, Cultural Resource Management, Appendix A. Specific references mentioned in this directive are:

a. National Historic Preservation Act of 1966 (54 U.S.C. § 100101).

b. 36 CFR Part 800, Protection of Historic Properties.

c. VA Directive 7545, Cultural Resource Management, February 22, 2024.

d. VA Handbook 7545, Cultural Resource Management Procedures, December 5, 2011.

6. DEFINITIONS.

a. **Adverse Effect.** An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association. This may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative. Examples of adverse effects are outlined in 38 CFR § 800.5, and briefly summarized here: physical destruction or damage; alteration not consistent with the Secretary of the Interior's Standards; relocation of a property; change of use or physical features of a property's setting; visual, atmospheric, or audible intrusions; neglect resulting in deterioration; or transfer, lease, or sale of a property out of Federal ownership or control without adequate protections. (36 C.F.R. § 800.5(a)(1) and (2)).

b. **Archaeological resource.** Any material remains of past human life or activities which are of archaeological interest. This generally includes, but is not limited to pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Non-fossilized and fossilized paleontological specimens, or any portion or piece thereof, are not considered archaeological resources unless found in an archaeological context. (16 U.S.C. §

470bb(1)). Further definitions specifying classes of material remains are outlined in 43 C.F.R. § 7.3(a).

c. Cultural resource. The term “cultural resource” is used here to include all aspects of the human environment that have historical, architectural, archaeological, or cultural (e.g., traditional and religious) significance, including, but not limited to, historic properties, archaeological resources and data, Native American ancestral remains and cultural items, religious places and practices, historical objects and artifacts, historical documents, and community identity (VA Directive 7545). In the context of NCA’s real estate, this includes but is not limited to: buildings (lodges, garages, admin buildings), structures (rostrum, wall/fence, gates, vault, columbaria, roads, bridges.), objects (headstone, monument, flagpole, site features) and landscape (burial sections, plantings, vistas, walkways).

d. Historic property. Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria. (36 C.F.R. § 800.16(l))

e. National Register of Historic Places. The National Register of Historic Places (NRHP) is the Federal government’s official list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. (36 C.F.R. § 60.1(a) and <https://www.nps.gov/subjects/nationalregister/faqs.htm>)

f. National Historic Landmark. A district, site, building structure or object determined by the Secretary of the Interior to possess national significance in American history, archaeology, architecture, engineering, and culture. (36 C.F.R. § 65.3(h))

g. Undertaking. A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval and those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency. (41 C.F.R. § 102-78.25)

Appendix A

Cultural Resources Management Policies

The following is a selection of key policies regarding cultural resources management as outlined in law. While not an exhaustive list, it is the policy of the U.S. Government to:

a. Secure for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals (16 U.S.C. §470aa(b));

b. Create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans (42 U.S.C. § 4331 (a));

c. Serve as the trustee of the environment for succeeding generations (42 U.S.C. § 4331 (b)(1));

d. Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings (42 U.S.C. § 4331 (b)(2));

e. Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice (42 U.S.C. § 4331(b)(4));

f. Utilize a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment (42 U.S.C. § 4332(A));

g. Ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations (42 U.S.C. § 4332(B)); and

h. Work in cooperation with nations and in partnership with states, local governments, Indian tribes, and private organizations and individuals to:

(1) Use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations (54 U.S.C. § 300101(1));

(2) Provide leadership in the preservation of the historic property of the United States and of the international community of nations and in the administration of the national preservation program (54 U.S.C. § 300101(2));

(3) Administer federally owned, administered, or controlled historic property in a spirit of stewardship for the inspiration and benefit of present and future generations (54 U.S.C. § 300101(3));

(4) Contribute to the preservation of non-federally owned historic property and give maximum encouragement to organizations and individuals (54 U.S.C. § 300101(4));

(5) Encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment (54 U.S.C. § 300101(5)); and

(6) Assist state and local governments, Indian tribes and Native Hawaiian organizations, and the National Trust to expand and accelerate their historic preservation programs and activities (54 U.S.C. § 300101(6)).