

# Oregon Commission on Historic Cemeteries

## Position Paper

*The Oregon Commission on Historic Cemeteries has created several position papers to convey their opinion of best practices on various topics related to historic cemeteries.*

### Recommendations Concerning Development Around Historic Cemeteries

November 2014

The Oregon Commission on Historic Cemeteries (OCHC) is mandated to support the preservation of Oregon's historic cemeteries. The cemeteries are under pressure from several issues including neglect, vandalism, and development. In many cases development has been good for historic cemeteries, in other cases burials have been covered, disturbed and destroyed without concern. If the cemetery is incorporated into the plans to begin with, the results are typically happy all around. To help protect historic cemeteries and make the development process smooth, the OCHC recommends the following practices.

1. Know and follow Federal, State and Local laws. In many cases historic cemeteries qualify as historic properties and archaeological sites, both of which have laws in place for their protection. If the cemetery has been abandoned for over 75 years it would be considered an archaeological site. Archaeological sites and Tribal burials have different laws, be sure you know and follow them. Burials of Native Americans in historic cemeteries fall under additional laws. Cemeteries on land in Trust and State and Federal land fall under specific laws. Applicable laws are below, but may not be comprehensive, but sure to complete your own research regarding state and federal laws.
2. Inform the Commission. Removal of historic cemeteries requires notification to the Oregon Commission on Historic Cemeteries. They have two weeks to respond to the plan. If the cemetery is dedicated, then additional public notification is required. The Commission is happy to help come up with solutions to preserve the cemeteries and they have a grant program to support preservation. If the cemetery is an archaeological site, then additional requirements apply. If the cemetery includes burials of Native Americans additional laws apply.
3. Have a plan. Know exactly what to do if there are human remains discovered. The first contact is to the State Police to ensure it is not a crime scene, the next step is to contact the State historic Preservation Office (SHPO). The SHPO archaeologists can assist you with a plan and are part of the required process when human remains are discovered.
4. Expect to find something. Historic cemetery records are notoriously patchy and it is common for unmarked burials to be outside the known cemetery boundary. Be prepared to discover remains if you are working close to the cemetery boundary. Again, if the cemetery is an archaeological site additional laws and recommendations apply.



5. Avoid the hazard. At least 200 feet should be the distance from the known cemetery boundary for any development. This will help avoid burial disturbance. More is preferred to protect the historic character of the cemetery in addition to the burials.
  
6. Consider the historic character of the cemetery. Most Oregon cemeteries did not have buildings up close, even in urban areas.
  - a. Use trees, landscape and decorative fencing as a barrier.
  - b. Keep neighboring buildings to one story.
  - c. Avoid non-compatible materials (metal, reflective glass, etc.) on neighboring buildings.
  - d. Build well away from the cemetery
  
7. Mitigate for the changes surrounding the cemetery. Be a partner in the preservation of the cemetery. In some cases, the cemetery can fulfill green space requirements or serve as a park like space. Some mitigation options include
  - a. Fencing, lighting and other security measures
  - b. Signs and interpretive panels
  - c. Marker repair using appropriate preservation practices
  - d. Repair and preservation of other historic features
  - e. Tree trimming, removal of invasive plants, landscaping and plantings

State Historic Preservation Office – Archaeology [www.oregonheritage.org](http://www.oregonheritage.org)

Oregon Commission on Indian Services (Tribal Contact information)

### State Laws

ORS 97

ORS 358.920

OAR 736-051-0080-0090

ORS 166.076

ORS 376.197

ORS 358.905-358.961

ORS 390.235-390.240

