**VA Program Comment for Vacant and Underutilized Properties**

**2019 Annual Summary**

**Timeline**

* **October 26, 2018**
  + The Advisory Council on Historic Preservation (ACHP) issued the "Program Comment for Vacant and Underutilized Properties” at VA’s request.
* **April 1, 2019**
  + VA provided the ACHP with documentation to fulfill the requirements of Section 3 of the VA Program Comment, “Annual Publication and Review of VA’s Real Property Portfolio:” (a) a composite list and (b) a narrative.
* **April 8, 2019**
  + ACHP posted the composite list of properties and narrative on the VA Program Comment Website and emailed interested parties to inform them that the list was available for review and comment for a 60-day period.
* **April 8, 2019 – June 7, 2019**
  + Interested parties provided VA with requests for additional information, comments, and objections concerning the properties on the 2019 composite list of 391 vacant and underutilized buildings.
  + VA received written responses from twelve (12)interested parties, which included seven (7) SHPOs, one (1) Indian tribe, one (1) city, and three (3) preservation organizations (1 county, 1 state, and 1 national).
  + The comments submitted addressed 218 of the 391 vacant and underutilized properties located in 13 states (AL, AZ, CA, GA, IA, IL, IN, MD, MN, MO, NJ, PA, and TX), representing 55% of the composite list.
* **September 30, 2019**
  + VA presented an implementation webinar to educate interested parties on the Program Comment and posted it on the VA Program Comment Website.
* **January 28, 2020**
  + VA responded to comments and updated the 2019 list accordingly.
    - VA updated the historic status of nine (9) buildings.
    - VA removed one (1) building from the 2019 list; it now has 390 buildings.
    - VA re-categorized one (1) building from non-utilitarian to utilitarian.
* **February 12, 2020**
  + VA provided Annual Summary Information to interested parties.
* **February 26, 2020**
  + VA holds Annual Meeting.

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**VA Response to Submitted Comments**

On October 26, 2018, the Advisory Council on Historic Preservation (ACHP) issued a "[Program Comment for Vacant and Underutilized Properties](https://www.federalregister.gov/documents/2018/10/26/2018-23397/notice-of-issuance-of-the-us-department-of-veterans-affairs-program-comment-for-vacant-and)" (VA Program Comment) at the request of the U.S. Department of Veterans Affairs (VA). The VA Program Comment enables VA to proceed with certain undertakings following an expedited Section 106 review process that complements VA’s real property priorities in finding uses for its vacant and underutilized properties.

On April 1, 2019, VA provided the ACHP with documentation to fulfill the requirements of Section 3 of the VA Program Comment, “Annual Publication and Review of VA’s Real Property Portfolio.” Section 3 requires that for each year the VA Program Comment is in effect, VA will provide the ACHP with (a) a composite list of properties that could be subject to the Program Comment should an applicable undertaking covered by the Program Comment be proposed; and (b) a narrative explaining its conclusion that historic utilitarian properties may be eliminated without endangering the continued National Register of Historic Places (NRHP) eligibility of the historic districts in which they are located.

On April 8, 2019, ACHP posted the composite list of properties and narrative on its [VA Program Comment](https://www.achp.gov/VA/VAProgramComment)  web page and emailed interested parties to inform them that the list was available for review and comment for 60 days. Section 3 of the VA Program Comment specifies that interested parties may request additional information and/or send comments to VA concerning properties on the composite list and VA will respond to such requests and comments. It also specifies that within this 60-day period, State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), Indian tribes, and Native Hawaiian organizations (NHOs) may object to VA in writing if there is a discrepancy between their files and the eligibility evaluations in VA's Capital Asset Inventory (CAI), and/or they believe the elimination of one or more utilitarian properties within particular historic districts in their states could (individually or cumulatively) endanger the continued eligibility of such districts.

During the review period (4/8/2019 - 6/7/2019), interested parties provided VA with requests for additional information, comments, and objections concerning the properties on the 2019 list of 391 vacant and underutilized buildings, which was based on Fiscal Year (FY) 2018 data VA submitted to the Federal Real Property Profile (FRPP).

**Summary of Responses for the 2019 Annual Review of the VA Program Comment Composite List**

VA received written responses from twelve (12)interested parties, which included seven (7) SHPOs, one (1) Indian tribe, one (1) city, and three (3) preservation organizations (1 county, 1 state, and 1 national). However, the city (Sausalito, CA) submitted comments regarding a property that was not included on the 2019 composite list and therefore will not be included in the summary. The following interested parties submitted comments regarding properties on the 2019 composite list:

* SHPOs: CA, MD, MN, MO, NJ, PA, TX
* Indian tribe: Yocha Dehe Wintun Nation (CA)
* Preservation Organizations: Historic Augusta, Landmarks Illinois, and National Trust for Historic Preservation (NTHP)

The comments submitted addressed 218 of the 391 vacant and underutilized properties located in 13 states (AL, AZ, CA, GA, IA, IL, IN, MD, MN, MO, NJ, PA, and TX), representing 55% of the composite list.

Building-Specific Comments included (see Enclosure for more details):

* Confirmations of and clarifications on the NRHP status documented on the composite list
* Requests for more information regarding past/ongoing/future undertakings and consultations
* Requests for updated eligibility determinations
* Requests for certain properties that VA designated as utilitarian to be changed to non-utilitarian
* Objections to the inclusion of certain properties on the composite list accompanied with requests for their removal from consideration under the VA Program Comment
  + Note: While several interested parties used the term “object” in their submissions, these types of objections do not meet the specific parameters of “objections” per Section 3 of the VA Program Comment; consequently, VA will respond to these objections as comments.
* Requests to be included as consulting parties for future consultations for specific properties
* Statements of no interest and/or no objections regarding certain properties
* Requests for clarification on how ongoing Section 106 consultations regarding certain properties would be affected by their inclusion on the composite list

Based on the building-specific comments received, VA has updated the 2019 composite list as follows:

* The historic status of Building 100 (Boiler Plant/Incinerator) at the VA Illiana Health Care System (1900 E. Main St., Danville, IL 61832) has changed from “Non-contributing element of NHL/NRL district” to “Evaluated, Not Historic.”
* The historic status of Building 5 (Service), Building 33 (Service), and Building 48 (All Other) at the Captain James A. Lovell Federal Health Care Center (3001 Green Bay Road, North Chicago, IL 60064) has changed from “Non-contributing element of NHL/NRL district” to “Evaluated, Not Historic.”
* The historic status of Building 2002 (Assistant Superintendent Lodge/Cottage) at Baltimore National Cemetery (5501 Frederick Avenue, Baltimore, MD 21228) has changed from “National Register Eligible” to “National Register Listed.”
* The historic status of Building 18 (Old Guard Shack/Storage Shed) at the Minneapolis VA Health Care System (One Veterans Drive, Minneapolis, MN 55417) has changed from “Evaluated, Not Historic” to “Not Evaluated” and will therefore no longer be included on the 2019 composite list.
* The historic status of Building 215 (Gas Station) and Building 219 (Sawmill and Wheelwright/Storage), also at the Minneapolis VA Health Care System, has changed from “National Register Eligible” to “National Register Listed.”

Additionally, VA corrected the categorization of Building 29 (Rental Quarters Garages) at Battle Creek VA Medical Center (5500 Armstrong Road, Battle Creek, MI 49037), changing it from non-utilitarian to utilitarian.

General Comments included:

* **There should be more detailed location information in future lists.** The MO SHPO, PA SHPO, and NTHP requested that future composite lists contain a street address and/or coordinates. The NTHP also recommended that thumbnail size pictures and links to available survey and/or additional documentation be included.
  + **VA Response:** VA will include more detailed location information in future lists. VA will not be providing photos and links on the 2020 composite list due to current technological limitations but will consider this for future lists.
* **VA should prioritize rehabilitation in its management of historic properties.** The CA SHPO encouraged VA to work with potential partners in using incentives such as the Federal Historic Preservation Tax Incentives program to stimulate the rehabilitation of all individually listed and contributing buildings in its inventory.
  + **VA Response**: VA has updated its [VA Handbook 7633](https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=899&FType=2), *Managing Underutilized Real Property Assets, Including Options for Reuse and Disposal*, to reflect the prioritization of reuse. VA’s first priority, where possible, is to rehabilitate underutilized assets for productive use within VA; the asset is next evaluated for reuse by external stakeholders.
* **The Implementation Webinar and Annual Meeting should be held prior to the closure of the comment period for the 2019 composite list**. The NTHP suggested that interested parties would be in a better position to review and comment on the 2019 composite list had VA hosted the implementation webinar and annual meeting during the 60-day annual review period. It recommended that VA reopen the comment opportunity for the 2019 composite list to allow interested parties to provide additional comments following the webinar and the first annual meeting.
  + **VA Response:** VA is not reopening the annual review period for the 2019 composite list.
    - Section 3 of the VA Program Comment requires that within the first year of the Program Comment's adoption, VA will present an implementation webinar to educate interested parties on the Program Comment. VA presented this webinar on September 30, 2019 and it is available on the [ACHP’s VA Program Comment web page](https://www.achp.gov/VA/VAProgramComment).
    - Section 7 of the VA Program Comment requires that summary information about utilization of the Program Comment be compiled by VA's Federal Preservation Officer (FPO) annually. Once the summary information is available, VA is required to convene an annual meeting to report on use of the VA Program Comment. The annual meeting will include the opportunity to discuss the composite list of VA properties provided during the Section 3 consultation process. VA anticipates convening the annual meeting in early 2020 and looks forward to discussion of the list then.
* **Buildings and campuses that are part of an ongoing Section 106 review process should be removed from the 2019 composite list.** The NTHP recommended that buildings and campuses with ongoing Section 106 consultations be removed from the composite list and addressed via the standard Section 106 process instead of via the VA Program Comment.
  + **VA Response:** VA will continue to include all properties that meet the definitions of “vacant” and “underutilized” per Section 2.2 of the VA Program Comment on the composite list. The inclusion of these properties on the composite list does not preclude them from being subject to the standard Section 106 process. As stated in Section 2.1 of the VA Program Comment, “VA may choose to utilize a case-by-case approach for each undertaking and meet Section 106 requirements by following 36 CFR 800.3-800.7 in the event VA determines the undertaking warrants individual consideration.”
* **VA should provide an explanation for the inclusion of entire campuses/historic districts.** TheNTHP expressed concerns about the inclusion of entire campuses and historic districts eligible or listed on the NRHP on the 2019 composite list. The NTHP recommended these larger undertakings should proceed under the standard Section 106 review process, and these campuses should be removed from the composite list. The NTHP also requested that VA provide a list of campuses where all or a majority of the buildings are included on the 2019 composite list, provide a special explanation or rationale for the inclusion of the campus, and specify whether the campus (or those buildings) are currently undergoing a Section 106 or other environmental review.
  + **VA Response:** VA will continue to include all properties that meet the definitions of “vacant” and “underutilized” per Section 2.2 of the VA Program Comment on the composite list, including campuses with multiple properties. The inclusion of these properties on the composite list does not preclude them from being subject to the standard Section 106 process. As stated in Section 2.1 of the VA Program Comment, “VA may choose to utilize a case-by-case approach for each undertaking and meet Section 106 requirements by following 36 CFR 800.3-800.7 in the event VA determines the undertaking warrants individual consideration.” Moreover, Section 5.3 of the VA Program Comment provides additional consideration when an entire historic district that is subject to the Program Comment is proposed for deconstruction or demolition. VA will address the remainder of the NTHP’s requests concerning the inclusion of entire campuses and historic districts in its annual report and meeting.