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

**2020 Annual Summary**

**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 May 26, 2020, 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” for the second year. 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 June 1, 2020, 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 30 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 30-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 (6/1/2020 – 7/1/2020), interested parties provided VA with requests for additional information, comments, and objections concerning the properties on the 2020 list of 371 vacant and underutilized buildings, which was based on Fiscal Year (FY) 2019 data VA submitted to the Federal Real Property Profile (FRPP). Per Section 3 of the VA Program Comment, VA is responding to the submission of comments by providing a summary of the responses VA received from all interested parties during the Section 3 Annual Review.

**Summary of Responses for the 2020 Annual Review of the VA Program Comment Composite List**

VA received written responses from twelve (12) interested parties, which included six (6) SHPOs, five (5) Indian tribes, and one (1) preservation organization. The following interested parties submitted comments regarding properties on the 2020 composite list:

* SHPOs: AL, CO, MA, MI, MT, and TX
* Indian tribes: San Manuel Band of Mission Indians, Squaxin Island Tribe, Cherokee Nation, Chickasaw Nation, and Choctaw Nation
* Preservation Organization: National Trust for Historic Preservation (NTHP)

The comments submitted addressed 197 of the 371 vacant and underutilized properties located in 19 states (AL, AR, AZ, CA, CO, GA, IL, KY, LA, MA, MD, MI, MS, MT, NC, PA, SC, TX, and WA) representing 53% of the composite list.

Building-Specific Comments included:

* Confirmations of NRHP eligibility status
* Requests for clarification of eligibility status
* Requests for certain utilitarian properties to be designated as non-utilitarian
* Requests for removal of certain properties from the composite list
* Requests to be included as consulting parties for future consultations
* Requests for cultural resources surveys to be conducted for specific properties
* Statements of no interest, comments, or no objections for 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 2020 composite list as follows:

* The historic status of Building 6 (Other Institutional Uses) at the Sam Rayburn Memorial Veterans Center (1201 E. 9th Street, Bonham, TX, 75418) has changed from “Evaluated, Not Historic” to “National Register Eligible.”
* Building PRRTP2 at 1817 Pleasant Dr., Dallas, TX has changed from “Evaluated, Not Historic” to “Not Evaluated” and has been removed from the list.

Additionally, VA corrected the categorization of Building 18 (Laboratories) at Edith Nourse Rogers Memorial Veterans Hospital (200 Spring Road, Bedford, MA) and Building 43 (Warehouse) at Fort Harrison VA Medical Center, (3687 Veterans Drive, Fort Harrison, MT), changing both from utilitarian to non-utilitarian.

General comments included:

* **VA should host a meeting to discuss the 2020 Composite List.** The NTHP requested that VA host a meeting to provide an opportunity for consulting parties to engage in back-and-forth dialogue, ask questions about the status of ongoing efforts to find new uses for VA’s vacant and underutilized buildings, exchange ideas, and seek ways to work together to find preservation solutions. Additionally, the NTHP suggested that such a meeting would also provide a more efficient way to respond to comments.  
  + **VA Response**: VA is required to convene an annual meeting to report on use of the VA Program Comment. The annual meeting includes the opportunity to discuss the composite list of VA properties provided during the Section 3 consultation process. All topics raised by the NTHP in its letter are welcome discussion at the annual meeting. VA anticipates convening its second annual meeting in late 2020. While VA does not plan to convene an additional meeting beyond the annual meeting, any interested party that wishes to discuss the list in greater detail is welcome to reach out to [VA’s Historic Preservation Office](https://www.cfm.va.gov/historic/#:~:text=The%20VA%20Historic%20Preservation%20Office,historic%20properties%20to%20serve%20Veterans.) in advance of the annual meeting.
* **VA should provide additional information in future lists.** The NTHP recommended that thumbnail size pictures and links to available survey and/or additional documentation be included.  
  + **VA Response:** VA will not be providing photos and links on the 2021 composite list due to current technological limitations but will consider this for future lists.
* **VA should consider rehabilitation and adaptive reuse of its historic properties.** The TX SHPO and NTHP encouraged VA to seek and consider alternatives including rehabilitation and adaptive reuse by VA or by third parties, including through Enhanced-use Leases (EULs) or other agreements.   
  + **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.
* **Buildings and campuses that are part of an ongoing Section 106 review process should be removed from the 2020 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.** The NTHP expressed concerns about the inclusion of entire campuses and historic districts eligible for or listed on the NRHP on the 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 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.
  + In its 2020 narrative, VA noted there is one entire historic district that is subject to the Program Comment: Pittsburgh, Highland Drive, PA. It has been reported as excess to the General Services Administration (GSA) and GSA is pursuing a programmatic agreement for the disposal of the historic property.