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

**2021 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 June 28, 2021, 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 June 30, 2021, 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 (6/30/2021 – 7/30/2021), interested parties provided VA with requests for additional information, comments, and objections concerning the properties on the 2021 list of 369 vacant and underutilized buildings, which was based on Fiscal Year (FY) 2020 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 2021 Annual Review of the VA Program Comment Composite List**

VA received responses from nine (9)interested parties, which included four (4) SHPOs, three (3) Indian tribes, one (1) preservation organization, and one (1) private developer. Of note, this is the first time VA has received a response from a developer. The following submitted comments regarding properties on the 2021 composite list:

* SHPOs: Alabama, Colorado, Massachusetts, and Virginia
* Indian tribes: Nottawaseppi Huron Band of the Potawatomi, Squaxin Island Tribe, and Arapaho Tribe of the Wind River Reservation
* Preservation Organization: National Trust for Historic Preservation (NTHP)
* Developer: Pennrose

The comments submitted addressed 102 of the 369 vacant and underutilized properties located in 11 states (AL, CO, IN, IL, MA, MD, MI, OH, VA, WA, and WY) representing 28% of the composite list.

Building-Specific Comments included:

* Confirmations of NRHP eligibility status
* Requests for certain utilitarian properties to be designated as non-utilitarian
* Requests for more information on the plans for or disposal of certain properties
* Requests for VA to continue preservation measures and find alternative uses
* Statements of no interest, no comments, or no objections for certain properties

Based on the building-specific comments received, VA has updated the 2021 composite list as follows:

* VA corrected the categorization of Building 8 at Edith Nourse Rogers Memorial Veterans Hospital (200 Spring Road, Bedford, MA), changing its categorization from utilitarian to non-utilitarian.

General Comments included:

* **VA should host a meeting to discuss the 2021 Composite List.** The NTHP requested that VA host a virtual meeting with key consulting parties to discuss the updated composite list.  
  + **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 virtually convening its third annual meeting in late 2021. 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 continue preservation measures for national cemetery lodges.** The Virginia SHPO encouraged VA to continue active preservation measures on lodges in national cemeteries designed by Montgomery Meigs – some of which date to the 1870s – and to find alternative uses that will extend their usefulness.   
  + **VA Response**: As mentioned in VA’s most recent Preserve America Section 3 Report (September 2020), NCA has entered into an Interagency Agreement with the US Army Corps of Engineers on a multi-lodge rehabilitation project. Many lodges designed by Montgomery Meigs are included in this agreement. In Virginia, the Glendale National Cemetery lodge is part of this initiative; at the Richmond National Cemetery lodge NCA recently updated the appliances and plumbing fixtures in anticipation of securing a new tenant.
* **Demolition of historic buildings will result in an adverse effect.** The Colorado (CO) SHPO noted that Buildings 1 and 4 at the Denver VA Medical Center (VAMC) are contributing to a historic district, and demolition of these buildings would result in an adverse effect to the district.
  + **VA Response:** VA has reported Buildings 1 and 4 at the Denver VAMC as excess to the General Services Administration (GSA), which is the lead federal agency for the property disposal. Section 106 consultation, in which the CO SHPO is participating, is ongoing. It is anticipated that a memorandum of agreement will be executed to resolve adverse effects.
* **The NTHP asked for additional information about the specific disposition of 11 historic buildings that were taken off the 2020 list via property disposal.**
  + **VA Response:** These 11 buildings were subject to executed Section 106 agreements and have been demolished:
    - Hampton, VA, B52 ([PA](https://www.achp.gov/sites/default/files/programmatic_agreements/2020-07/va.va_.hampton%20vamc.demolition%20of%20historic%20buildings%2050%20and%2052.pa_.18jun2020.pdf), 2020) and B71 ([MOA](https://www.achp.gov/sites/default/files/2018-11/va.va_.hampton%20vamc.demolition%20of%20building%2071%20and%20construction%20of%20admin%20building.moa_.26sep2017.pdf), 2017)
    - Marion, IN, B10, 11, 18, 24, 60, 75, and 95 ([MOA](https://www.achp.gov/sites/default/files/2018-07/in.va_.marion%20vamc.demolition%20of%20eighteen%20buildings.moa_.07sep2001.pdf), 2001, [amended](https://www.achp.gov/sites/default/files/2018-07/in.va_.marion%20vamc.demolition%20of%20eighteen%20buildings.moa_.amendment.21may2009.pdf), 2009)
    - Northampton, MA, B19 ([MOA](https://www.achp.gov/sites/default/files/2019-04/ma.va_.northampton%20vamc.demolition%20of%20buildings%2017%2C%2018%2C%2019%2C%2021%20and%2023.moa_.17apr2019.pdf), 2019) and 27 ([MOA](https://www.achp.gov/sites/default/files/2018-11/ma.va_.northampton%20vamc.demolition%20of%2013%20buildings.moa_.23jul2018.pdf), 2018)
* **The NTHP noted that it was not clear how to identify which of the listed properties were newly added this year, and that presumably, the new listings would be properties that have only been vacant or underutilized for two years, since those with a longer vacancy or underutilization status would have been previously added to the list.**
  + **VA Response:** Correct. Of the properties newly added to this year’s list, 26 are identified through their listed vacancy of two years. Properties with vacancies greater than two years newly added to this year’s list were erroneously omitted from prior lists. Corrections to the data in VA’s Capital Asset Inventory (CAI) have led to their addition to this year’s list. These include:
    - Battle Creek, MI – Building 83
    - Bedford, MA – Building 8
    - Castle Point, NY – Building 21
    - Marion, IN – Building 120
    - Prescott, AZ – Buildings 1, 3, and 6
* **The AL SHPO and NTHP noted concerns about the condition of the Central Alabama VA Health Care System Tuskegee, AL campus and large number of vacant buildings at the campus. The NTHP encouraged VA to seek alternatives for rehabilitation and reuse and requested information regarding the efforts to execute an Enhanced Use Lease (EUL) at Tuskegee.**
  + **VA Response:** In 2019, VA solicited proposals for EUL development projects at the Tuskegee campus via two Requests for Qualifications (Notice ID: [36E77619Q0109](https://sam.gov/opp/f4deb2f1adccb7178c17c7b25ccab70c/view) and [36E77619Q0110](https://sam.gov/opp/962188403da04d8c96c53c7f5a937df7/view)). These efforts have yet to result in a feasible project. VA has sought and continues to welcome support from the NTHP and other preservation partners in identifying financially viable reuse options.