



CLEARED
For Open Publication

Sep 08, 2022

Department of Defense
OFFICE OF PREPUBLICATION AND SECURITY REVIEW



OVERVIEW AND TEXT OF THE PROGRAM COMMENT FOR DEPARTMENT OF THE ARMY VIETNAM WAR ERA HISTORIC HOUSING, ASSOCIATED BUILDINGS AND STRUCTURES, AND LANDSCAPE FEATURES (1963-1975)

Prepared by:

David Guldenzopf, Ph.D.
Army Federal Preservation Officer
Office of the Assistant Secretary of the Army
for Installations, Energy and Environment

Submitted to:

Reid Nelson
Executive Director (A)
Advisory Council on Historic Preservation

Date Submitted: August 26, 2022

Controlled by: Headquarters, Department of the Army
Controlled by: OASA IE&E
Distribution: Statement A
POC: Dr. David Guldenzopf, 703 459-7756

TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
SECTION I. OVERVIEW OF THE PROGRAM COMMENT FOR DEPARTMENT OF THE ARMY VIETNAM WAR ERA HISTORIC HOUSING, ASSOCIATED BUILDINGS AND STRUCTURES, AND LANDSCAPE FEATURES (1963–1975).....	5
1.0. Introduction.....	5
2.0. Army Vietnam War Era Housing and Program Comment.....	7
2.1 National Register of Historic Places Significance of Army Vietnam War Era Housing.....	7
2.2 Purpose and Need for the Program Comment	8
3.0. Planning, Public Participation and Consultation on the Program Comment.....	11
3.1. Four Phase Program Comment Development Process	11
3.1.1. Phase I - Initiation and Public Review.....	11
3.1.2. Phase II - Stakeholder Consultation.....	14
3.1.3. Phase III - Preparation and Submission of the Program Comment	15
3.1.4. Phase IV - ACHP Action and Army Implementation.....	15
4.0. Army Response to Comments from Consulting Parties	15
4.1. Army’s Strategic Approach to NHPA Compliance for Historic Housing.....	15
4.2. Army-wide Historic Context Development	16
4.3. Army-wide Inventory and Evaluation of Vietnam War Era Housing	16
4.4. Additional Research and Information.....	16
4.5. Reassessment of NRHP Significance of Army Vietnam War Era Housing.....	16
4.6. Substantive Revision of <i>Properties of Particular Importance</i> Definition and Approach .	16
4.7. Resolution on the Duration of the Program Comment	17
4.8. Review of Proposed Demolition and Reporting Requirements Incorporated	17
4.9. Annual Reporting and Annual Meeting Requirements Incorporated	17
4.10. Deed of Easement Boundary Review for Fort Meade, MD.....	17
5.0. Adjudicated Comments.....	17
5.1. Use of Prior ACHP Approved Program Comments for Historic Army Housing as Precedent for the Proposed Program Comment for Army Vietnam War Era Historic Housing	18
5.2. Category of Undertaking Proposed for the Program Comment.....	18
5.3. Implementation and Effect of the Program Comment.....	19
5.4. Mitigation Measures	20
5.5. Program Comment as an “Exemption” to Section 106.....	21
6.0. Summary	21
7.0. Additional Information	21
SECTION II. TEXT OF THE PROGRAM COMMENT FOR DEPARTMENT OF THE ARMY VIETNAM WAR ERA HISTORIC HOUSING, ASSOCIATED BUILDINGS AND STRUCTURES, AND LANDSCAPE FEATURES (1963–1975)	22
1.0. Introduction and Need for the Program Comment	22
1.1. Introduction.....	22
1.2. Need for the Program Comment.....	23
2.0. Intent and Scope of the Program Comment.....	24
2.1. Intent of the Program Comment	24
2.2. Scope of the Program Comment.....	25

3.0. Description and NRHP Significance of Army Vietnam War Era Housing	25
4.0. Category of Undertaking and Assessment of Effect.....	27
4.1. Category of Undertaking.....	27
4.2. Assessment of Effect.....	27
5.0. Mitigation Measures	28
5.1 Existing Mitigation Measures	28
5.2. Additional Mitigation Measures	29
5.2.1. Public Education on the History of Army Vietnam War Era Housing.....	29
5.2.2. Research on the History of Vietnam War Era Housing.....	29
5.2.3. Housing Inventory and Historical Documentation	29
5.2.4. Identification and Treatment of Properties of Particular Importance	29
5.2.4.1. Identification of Properties of Particular Importance	29
5.2.4.2. Treatment of Properties of Particular Importance for Cessation of Maintenance and Demolition	30
5.2.4.2.1. Criteria for Cessation of Maintenance and Demolition of Properties of Particular Importance.	31
5.2.4.2.2. Procedures for Cessation of Maintenance, and Demolition of Properties of Particular Importance.	31
5.2.5. Historic Preservation Tax Credits.....	32
5.2.6. Annual Reporting.....	32
5.2.7. Annual Meeting	33
6.0. Applicability of the Program Comment.....	33
7.0. Implementation of the Program Comment	34
7.1. Effect of the Program Comment.....	34
7.2. Duration of the Program Comment.....	34
7.3. Further Historic Property Identification and Evaluation	35
8.0 Treatment of Archeological Properties and Human Remains	35
8.1. Archeological Properties and Human Remains of Non-Native American and Non-Native Hawaiian Origin.....	36
8.2. Native American or Native Hawaiian Human Remains, Funerary Objects, Sacred Objects, and Cultural Patrimony	36
9.0. Program Comment Amendment and Withdrawal.....	36
9.1. Amendment by Chairman, ACHP	36
9.2. Amendment by Executive Director, ACHP.....	36
9.3. Withdrawal of the Program Comment.....	37
10.0 Definitions.....	37

EXECUTIVE SUMMARY

The Army has the extraordinary challenge of managing over 30,000 historic homes, the largest inventory of historic housing in the Federal government. Of that total, over 7,500 homes were constructed during the 13-year Vietnam War Era dating from 1963-1975. The Army has the responsibility to preserve historic housing in compliance with the National Historic Preservation Act, and that must occur in balance with consideration of the well-being of the military families who live in historic Army housing. This presents unique and significant challenges in managing compliance for the large inventory of modern historic housing from the Vietnam War Era. The scope and magnitude of this challenge requires innovative approaches to historic preservation compliance. The *Program Comment for Department of the Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963-1975)* is the best available solution to meet this unique challenge.

The Program Comment for Army Vietnam War Era housing is designed for the 21st century. It is a holistic approach to the management of thousands of recurring actions on this large inventory of modern historic homes. It is prioritized to improve the quality of life, health and safety of the Army families living in the housing; responsive to the Army's vast and growing inventory of modern historic housing; supports implementation of climate change adaptations for the housing; and it provides a more streamlined, consistent, efficient, and effective historic preservation process. The Program Comment is appropriately calibrated to the character and qualities of historical significance of Vietnam War Era housing; includes properly focused mitigation measures; is synchronized with Army real property business management practices; and will provide long-term preservation of the housing as a mission-supporting real property asset.

This Program Comment for Army Vietnam War Era housing follows the successful examples of the Advisory Council on Historic Preservation approved Program Comment for Army Capehart and Wherry housing (1949-1962) and the Program Comment for Army Inter-War Era housing (1919-1940). These two active Program Comments addressing modern historic Army housing have enabled the Army to integrate historic preservation as part of the solution to critical military family housing concerns. The Program Comment for Army Vietnam War Era housing is the next step in the Army's approach to successful management of its large and growing inventory of modern historic housing. The Program Comment for Army Vietnam War Era housing is responsive to 21st century challenges, meets the spirit and intent of the National Historic Preservation Act, and will build public confidence in the historic preservation process.

This document is divided into two major sections: Section I. *Overview of the Program Comment for Department of the Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963-1975)*, provides the contextual information necessary to understand the rationale for the Program Comment. Section II. *Text of the Program Comment for Department of the Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963-1975)*, is the full text of the Program Comment prepared by the Department of the Army in accordance with 36 CFR 800.14(e).

SECTION I. OVERVIEW OF THE PROGRAM COMMENT FOR DEPARTMENT OF THE ARMY VIETNAM WAR ERA HISTORIC HOUSING, ASSOCIATED BUILDINGS AND STRUCTURES, AND LANDSCAPE FEATURES (1963–1975)

1.0. INTRODUCTION

The Department of the Army (Army) is a large, complex Federal agency with a national defense mission to provide combat-ready military forces needed to deter war and protect the security of the United States. The Army's real property is a vital component of its national defense mission, and many of the buildings and other real property constructed by the Army over its 247-year history are now historic properties.

Among those historic properties, historic housing is a significant concern; it is a large part of the Army's total housing inventory, it is critical to the military readiness mission and well-being of thousands of Soldiers and their families, and historic housing requires substantial financial resources and process time for compliance with Section 106 of the National Historic Preservation Act (NHPA) (54 USC 306108) and the Advisory Council on Historic Preservation's (ACHP) Section 106 implementing regulation at 36 CFR Part 800.

The Army has the unique and extraordinary challenge of managing the largest inventory of historic housing in the Federal government. With an inventory of over 30,000 historic homes currently, the Army will add an additional 70,000 modern historic homes to its inventory within the next 50 years and will have an unprecedented total of over 100,000 historic homes subject to the NHPA. The Army has over 7,500 modern historic homes constructed during the 13-year Vietnam War Era from 1963-1975.

The Army's need to improve military housing conditions addresses a military readiness issue. In 2019 the Secretary of the Army declared an *Army Housing Crisis* due in large part to widespread deficiencies and significant quality of life, health, and safety issues in historic Army housing. Concerns focus on Army family member health and safety due to exposure to lead-based paint, asbestos, and mold in historic Army housing, significant quality of life issues, and the financial impacts of historic Army housing management. These issues continue today and are an ongoing concern at the highest levels of the Department of the Army, the Department of Defense, and Congress. The Government Accountability Office (GAO) has identified a direct connection between the condition of military housing and military readiness, reporting that concerns among service members about their housing made it difficult to focus on the military mission, some service members were leaving the military because of housing conditions, and the issue is also impacting the ability to recruit new service members into the military (*Military Housing*, GAO Report 20-281, March 2020).

The Army is implementing a rational, commonsense approach to NHPA compliance for its large inventory of historic housing. Due to the *Army Housing Crisis*, the magnitude of the Army's current inventory of historic modern housing, the forthcoming unparalleled growth in NHPA requirements for Army housing over the next 50 years, the Army is seeking Program Comments in accordance with 36 CFR 800.14(e) for its large inventory of modern historic housing. The Army will continue to address its smaller but more historically significant

inventory of pre-1919 housing following the project-by-project review process in 36 CFR 800.3 - 800.7 and in accordance with existing installation-level NHPA compliance agreements. The Army's NHPA compliance strategy applies different regulatory approaches with different standards appropriately attuned to its large and highly diverse inventory of historic Army housing property types and their varying levels of historic significance. Program Comments are a critical part of that strategy.

Program Comments are a method for Federal agencies to meet their obligations under Section 106 of the NHPA in a programmatic manner for repetitive management actions occurring on large inventories of similar historic property types. The regulatory procedure for issuing Program Comments to Federal agencies is at 36 CFR 800.14(e) and allows the ACHP to issue Program Comments on a category of undertakings in lieu of the Federal agency conducting individual case-by-case reviews under 36 C FR 800.3 – 800.7. Program Comments provide the flexibility needed by the Army to manage large inventories of similar historic properties that are subject to recurring management actions.

The Army is proposing a Program Comment in accordance with 36 CFR 800.14(e), for its inventory of Army Vietnam War Era housing, associated buildings and structures, and landscape features (1963-1975). The best available inventory information indicates that there are a total of 7,519 Vietnam War Era homes on 22 Army installations in 16 states.

The Army's proposed *Program Comment for Department of the Army (Army) Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963-1975)* (Program Comment) builds on the Program Comment for Army Capehart and Wherry Housing (1949-1962) issued by the ACHP in 2002, and the Program Comment for Army Inter-War Era Housing (1919-1940) issued by the ACHP in 2020. These prior Program Comments for historic Army housing serve as examples to guide the content of subsequent Program Comments addressing comparable issues and properties. The Army's 20 years of experience implementing Program Comments for historic Army housing validates and confirms that the best means to ensure long-term preservation of the Army's large inventory of modern historic housing is to sustain the housing as a viable mission-supporting real property asset through the flexible management capabilities provided by Program Comments.

The efficacy of Program Comments in delivering this outcome for modern historic Army housing is demonstrated by the successful implementation of the ACHP approved Program Comment for Army Capehart Wherry housing (1949-1962) and Program Comment for Army Inter-War Era housing (1919-1940). These two Program Comments continue to save millions of dollars in NHPA-related costs, streamline the NHPA Section 106 compliance process, deliver consistent preservation outcomes, and provide the flexibility to effectively improve the quality of life, health, and safety of Army families residing in the housing. With a 97% preservation rate of Army Capehart Wherry housing over the past 20 years of implementation, the Program Comment for Army Capehart Wherry housing demonstrates how flexible management capabilities ensures the long-term preservation of modern historic Army housing as a real property asset.

The Army must address complex and interrelated challenges associated with its historic housing in the context of new emerging issues of the 21st century. The Army is facing critical mission impacts attributable to historic housing conditions, the *Army Housing Crisis* and the quality of life, health and safety of housing occupants; a huge current inventory of historic modern housing; the unprecedented future growth in the Army's inventory of historic modern housing; the impacts to Army families occupying historic housing from the lengthy NHPA Section 106 compliance process required in 36 CFR 800.3 – 800.7; and the emerging need to implement climate adaptation measures for historic housing. For these reasons, the Army is seeking a Program Comment in accordance with 36 CFR 800.14(e) for its inventory of 7,500 modern historic homes from the Vietnam War Era (1963-1975).

2.0. ARMY VIETNAM WAR ERA HOUSING AND PROGRAM COMMENT

2.1 National Register of Historic Places Significance of Army Vietnam War Era Housing

The Army's Program Comment website for Vietnam War Era housing contains detailed information on the history, architectural design, and the National Register of Historic Places (NRHP) eligibility Army Vietnam War Era housing, see <https://www.denix.osd.mil/army-vwehh-pc>. Historic context information, historic documents, extensive installation level inventory, evaluation, and architectural documentation of the housing are located on the website.

Army housing from this period is considered *Modern Housing*, with examples of ranch-style homes, townhouses, and garden apartments. Starting in 1964, townhouses began to be constructed by the Army in significant numbers, and townhouses became the predominate type of Army family housing constructed during the Vietnam War Era. Standardized plans developed by civilian sector architects were used in the construction of Army Vietnam War Era housing, and the same plans, designs, building materials, and construction methods were used in the construction of 20.4 million comparable homes built in the private sector during this same 13-year period (<https://www.census.gov/construction/nrc/index.html>).

For purposes of the Program Comment, the inventory of Army Vietnam War Era housing is considered eligible for the NRHP under Criterion A for its association with the military history of the Vietnam War. The Vietnam War was a major event in American history from the early 1960s through the mid-1970s and its heightened warfighting requirement had direct implications for military activities at installations in the United States, including the Army family housing program.

Army Vietnam War Era housing is not considered significant under NRHP Criterion B, C, or D. Regarding Criterion B (Person), the housing is not associated with the productive lives of significant architects, military figures, or real estate developers from this period. Regarding Criterion C (Design/Construction), this property type does not represent distinctive characteristics of type, period, and method of construction, does not represent the work of a master; possess high artistic value; or represent a significant and distinguishable entity whose components lack individual distinction. Additionally, Army Vietnam War Era housing lacks architectural design integrity due to extensive physical modifications that have occurred, and does not convey significance under Criterion C. Regarding Criterion D (Information Potential),

the housing itself is unlikely to yield information important in history since it does not represent the principal source of information on design or construction methods and is not considered to be eligible for the NRHP under Criterion D.

For further information on the NRHP significance of Vietnam War Era housing see the *Program Comment Plan for Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963-1975)*, December 2021; *Historic Context for Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963-1975) Volume 1.*, January 2022; and *Historic Context for Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963-1975) Volume 2: Inventory and Evaluation of Army Vietnam War Era Housing at 10 Installations*, January 2022. These reports are located at <https://www.denix.osd.mil/army-vwehh-pc>.

2.2 Purpose and Need for the Program Comment

Addressing NHPA Section 106 compliance requirements for the thousands of repetitive management actions occurring on the large inventory of modern historic housing from the Vietnam War Era presents unique and significant challenges for the Army. The scope and magnitude of this challenge requires innovative approaches to historic preservation compliance. According to the ACHP, Program Comments as provided for in 36 CFR 800.14(e), were established to specifically address such situations. The proposed Program Comment is the best available NHPA compliance solution for Army Vietnam War Era housing.

Without a Program Comment, significant costs and process times are required to complete the NHPA Section 106 / 36 CFR 800.3 - 800.7 compliance process on project-by-project basis for each proposed management action on each Vietnam War Era home. Army installations would be required to inventory and identify each Vietnam War Era home, evaluate NRHP eligibility of each home, assess effects and adverse effects of each proposed management action on a project-by-project basis, resolve any adverse effects through develop of Memoranda of Agreement (MOA), and then implement any MOA required actions and mitigations; or if an MOA cannot be reached, terminate consultation and elevate the individual action to the head of the agency – the Secretary of the Army – for a final decision. This standard Section 106 compliance process is required for each undertaking on a case-by-case / project-by-project basis and must occur in consultation with individual State Historic Preservation Offices (SHPO), each affiliated Federally recognized Indian tribe or Native Hawaiian Organization (NHO), Tribal Historic Preservation Officers (THPO), the ACHP, and other stakeholders in accordance with 36 CFR 800.3 - 800.7.

The Army requires a more streamlined, efficient, consistent, and cost-effective means to manage the many repetitive management actions occurring on its inventory of 7,500 Vietnam War Era homes. Program Comments are intended to address a category of undertakings for such large inventories of similar property types in lieu of conducting individual reviews under 800.3. through 800.7. Addressing repetitive undertakings individually by the project-by-project review process under 36 CFR 800.3 - 800.7 rather than by a Program Comment would unnecessarily delay management actions that improve the quality of life, health, and safety for the Army

families living in Vietnam War Era housing and promote the long-term preservation of the housing as a real property asset.

Additionally, local Army installation-level project-by-project compliance for Army Vietnam War Era housing has resulted in inconsistent NRHP determinations of historic significance, and inconsistent preservation outcomes. The Program Comment process allows the Army to achieve a broader national perspective on the property type and its significance than local installations possess and account for in their project specific compliance actions. The Program Comment process allows the Army to provide consistent determinations and preservation outcomes for this large inventory of similar historic properties.

In addition to the need for more efficient, consistent, and cost effective NHPA compliance, the Army and this nation have an obligation to ensure and improve quality of life, health, and safety for the military families residing in historic housing. Army Vietnam War Era housing typically was constructed using single-pane windows, asbestos containing shingles and siding, minimal wall and attic insulation, galvanized steel pipes for water supply, cast iron drainpipes, 100-amp circuit breakers, obsolete HVAC components, asbestos floor and ceiling tiles, asbestos pipe insulation, and were painted on the interior and exterior with lead-based paint. Additionally, deterioration and damage to building elements and materials occurs continuously and must be addressed on an ongoing basis. While many of these issues and requirements may have been addressed in the past, many remain, and many continue to arise.

The Army must address the extensive recurring maintenance, repair, and rehabilitation requirements for this housing and seek to control those costs through the use of current industry standard building materials and methods; abate the building materials used in housing from this period that present lead-based paint, asbestos, and other hazards to housing occupants; implement renovations that address the need for additional bedrooms and expanded living space; provide kitchen and bathroom improvements; implement climate change adaptations through the use of modern resilient and energy efficient building materials; modernize heating, cooling and ventilation systems; modernize plumbing and electrical systems; and address NHPA compliance processes that can delay the rapid turnaround of housing units for reassigned military families.

To make certain that the inventory of Vietnam War Era historic housing can be maintained as a sustainable real property asset, the Army also must have the ability to manage its total Vietnam War Era housing inventory. Total inventory management requirements include mothballing housing and, while infrequent, the need to cease maintenance and demolish housing that is deteriorated, underutilized, obsolete, vacant, or presents health hazards or unsafe conditions for occupants. When such historic Army housing has been demolished in the past, it has typically occurred to support the construction of new housing to improve the quality of life of military families.

The Army also has the need to lease, transfer, or convey Vietnam War Era housing to allow for the Army's management of the inventory and facilitate housing operations by its housing privatization partners under the Army's Residential Communities Initiative (RCI). RCI operates on Army installations nationwide through the operation of legal partnerships between the Army and private sector developers. The Army is a member of the RCI partnership at each

installation. The RCI privatization partnership maintains an Army nexus with the housing projects, and compliance with the NHPA remains a core requirement for privatized housing. Current RCI partnerships and ground leases (which include the requirement for NHPA compliance) with the Army run through 2055. The Army has privatized 99% of Army Vietnam War Era housing.

The category of undertakings addressed by the Program Comment is *management actions*: maintenance, repair, rehabilitation, renovation, abatement of hazardous materials, mothballing, cessation of maintenance, demolition, new construction, lease, transfer, conveyance, and the use of current readily available industry standard building materials and methods in the implementation of management actions. This category of undertakings is defined based on both the Army's needs and is closely aligned with the category of undertakings approved and adopted by the ACHP in the Army's Program Comment for Army Capehart and Wherry Era housing approved by the ACHP in 2002, and the Program Comment for Army Inter-War Era housing approved by the ACHP in 2020.

Collectively, when these management actions are implemented under a Program Comment they create significant cost and process efficiencies that will maintain the inventory of Vietnam War Era historic housing as a viable real property asset into the future. The results of the management actions will significantly benefit the overall well-being of military families while maintaining the continuity of historic use as housing.

The proposed Program Comment for Vietnam War Era housing includes extensive mitigation measures that the Army will implement to ensure the effects of its management actions are accounted for and resolved. The Army's proposed mitigation measures meet the intent of historic preservation as it is defined in the NHPA and are commensurate with the NRHP significance of this housing. The mitigation measures include public education through broad web-based distribution of information and use of social media, in-depth scholarly research on the history and architecture of Vietnam Era housing, inventory and documentation of Vietnam War Era housing at all installations where it is present, the identification, review, and treatment of properties of particular importance, notification to RCI partners regarding historic preservation tax credits, and annual reporting.

The Army's approach to NHPA compliance for its modern historic housing and the Program Comment for Vietnam War Era housing is designed for the 21st century. It is a holistic approach to management of thousands of recurring actions for this large inventory of modern historic homes; prioritized to address mission readiness issues associated with historic housing conditions, the *Army Housing Crisis*; improve the quality of life, health and safety of the Army families living in the housing; be responsive to the Army's unique situation of a vast and growing inventory of historic modern housing; and support implementation of climate resiliency measures for the housing. The Program Comment is also appropriately calibrated to the character and qualities, NRHP significance, and ubiquity of the Vietnam War Era housing property type; includes mitigation measures that are properly focused on the effected property type; is synchronized with ongoing real property business management practices; and will provide long-term preservation by ensuring that the housing will be a mission-supporting real property asset into the future.

3.0. PLANNING, PUBLIC PARTICIPATION AND CONSULTATION ON THE PROGRAM COMMENT

The Army implemented an extensive planning, public participation, and consultation process for this Program Comment. This section summarizes that coordinated planning, public participation and consultation process spanning from July 2021 through June 2022. The Army initiated a coordinated planning effort with the ACHP, invited nation-wide participation from the public, and consulted with State Historic Preservation Offices (SHPOs), Tribal Historic Preservation Offices (THPOs), Native Hawaiian Organizations (NHOs), and non-governmental historic preservation organizations in the development of this Program Comment. The Army sought, discussed, and closely considered the views of all participants in the Program Comment consultation process and, where feasible, reached agreement regarding matters arising during the consultation.

3.1. Four Phase Program Comment Development Process

The Army implemented a four phase Program Comment development process that included extensive public participation and direct consultation with numerous interested parties:



3.1.1. Phase I - Initiation and Public Review

The first phase of the Army's Program Comment development process was *Initiation and Public Review*. Initiation and Public Review occurred from July 2021 through December 2021. This phase included the Army Federal Preservation Officer's (FPO) initial engagement with ACHP staff in July 2021 regarding the need for a Program Comment, formal notice to the ACHP Executive Director of the Army's intent to seek a Program Comment, preparation of the Program Comment Plan in coordination with ACHP staff, and public review of the Program Comment Plan via an Army Federal Register announcement and other public outreach. On September 22, 2021, an ACHP Program Comment Panel issued recommendations to improve the use of

Program Comments as a tool for NHPA Section 106 review efficiency. While many of the Panel's recommendations address internal ACHP processes, several recommendations are applicable to Federal agencies seeking a Program Comment from the ACHP. The Army's Program Comment Plan was developed to address the ACHP Program Comment Panel recommendations.

The ACHP Program Comment Panel recommends early coordination for the development of the Program Comment. Agencies are recommended to consult with ACHP staff early in the consideration of a Program Comment to clarify the agency's goals and confirm that a Program Comment will meet the agency's needs. Beginning in July 2021, preceding the ACHP Program Comment Panel recommendations, the Army FPO initiated discussions with ACHP staff regarding the Army's need for a Program Comment to address the many repetitive management actions occurring on its large inventory of similar housing types from the Vietnam War Era (1963-1975).

The Army FPO initiated direct dialogue with the ACHP Executive Director on September 27, 2021, following the discussions with ACHP staff. The ACHP Executive Director was informed of the Army proposal for a Program Comment for Vietnam War Era housing (1963-1975) and was asked to clarify the timing and process for implementing the ACHP Program Comment Panel recommendations relative to the Army's plans to initiate a Program Comment for Vietnam War Era housing.

The recommendations of ACHP Program Comment Panel state that once a Federal agency decides to develop a Program Comment, ACHP staff should encourage the agency to formulate a development plan outlining timing, outreach, and consultation strategies incorporating ACHP guidance and staff advice. The ACHP Panel also indicated that Federal agencies should be encouraged to share their preliminary plan with the ACHP for review prior to the agency making a formal request. According to the ACHP Panel, the preliminary plan should explain the category of undertakings to be covered by the Program Comment, the effects on historic properties, and the steps the agency will take to ensure the effects are considered.

While the Army understands that submission of materials to the ACHP before a formal request for a Program Comment is not required by regulation, the Army implemented the ACHP Program Comment Panel recommendations. The Army prepared a Program Comment Plan, submitted it to the ACHP for comment, and incorporated ACHP staff comments and advice. On September 29, 2021, the Army FPO provided ACHP Office of Federal Agency Programs (OFAP) with a draft of its Program Comment Plan for Vietnam War Era housing and requested ACHP staff review and comment. The draft Program Comment Plan explained the category of undertakings to be covered by the proposed Army Program Comment, the effects on historic properties, and the steps the Army would take to ensure the effects are taken into account. ACHP OFAP staff responded and provided guidance and advice on the Army's preliminary draft Program Comment Plan. The Army FPO revised the Program Comment Plan with respect to the ACHP OFAP comments.

On October 8, 2021, the Army FPO provided formal notification to the ACHP Executive Director of the Army's intent to seek a Program Comment for Army Vietnam War Era Historic

Housing, Associated Buildings and Structures, and Landscape Features (1963-1975). That formal notification included the Army's revised draft Program Comment Plan and a request for additional ACHP review of the revised draft Program Comment Plan.

On October 14, 2021, the Army FPO provided the Program Comment notification and the revised draft Program Comment Plan to the National Trust for Historic Preservation (NTHP), the National Conference of State Historic Preservation Officers (NCSHPO), and the National Association of Tribal Preservation Officers (NATHPO), as both ACHP members and as public leaders in historic preservation. The Army FPO informed the NTHP, NCSHPO, and NATHPO about the goal of the Program Comment, the management actions to be addressed by the Program Comment and indicated that the Program Comment Plan was intended to be responsive to the recommendations of the ACHP Program Comment Panel. The Army FPO further indicated to the NTHP, NCSHPO, and NATHPO that the Army had invested time in planning and developing the proposed Program Comment Plan including prior consultation with ACHP staff to ensure the goal is clear, confirm that a Program Comment will meet the Army's needs, identify the proposed Army Program Comment development timeline, and to clarify responsibilities for consultation.

On October 28, 2021, the Army FPO received additional comments on the Program Comment Plan from ACHP OFAP. The ACHP OFAP provided consolidated comments intended to hone the Army Program Comment intent and process and stated that the Army's Program Comment Plan for Vietnam War Era housing reflected a fully formed Program Comment proposal. The Army FPO further revised and then reissued a public review draft of the Program Comment Plan dated November 8, 2021.

The November 8, 2021, Program Comment Plan was subject to a nation-wide 30-day public review and comment by means of an Army notification published in the Federal Register. The Army's Federal Register Notice of Availability (NOA) at 86 FR 63003 informed the public of the Army's intention to seek a Program Comment for Vietnam War Era housing from the ACHP and provided the Army Program Comment Plan for a 30-day public review and comment period. To ensure broad awareness of the Federal Register notice and the opportunity to review the Army Program Comment Plan, the Army FPO also reached out directly via email to over 850 NHPA stakeholders including the ACHP, all SHPOs, all THPOs, all Federally recognized tribes, NHOs, and members of the interested public including the following non-governmental historic preservation organizations: NTHP, NATHPO, NCSHPO, and the Historic Hawaii Foundation (HHF). Additionally, the Army made an announcement on social media via its historic preservation Twitter account regarding the Federal Register NOA and availability of the Army Program Comment Plan for public review.

The Army received a total of 11 comments on the Program Comment Plan; one a Federally recognized Indian tribe (Choctaw), seven from SHPOs (AL, CO, MO, OK, SC, TX, and VA), and three from non-governmental preservation organizations (NTHP, HHF and NCSHPO). A new section was added to the final Program Comment Plan (Section XVI) that summarized the public comments received and the Army's response. The final Program Comment Plan, dated December 28, 2021, along with other pertinent documents and information were posted on the Program Comment website <https://www.denix.osd.mil/army-vwehh-pc> were

then used to guide and inform the Army's Program Comment public participation and stakeholder consultation during the second phase of Program Comment development process.

3.1.2. Phase II - Stakeholder Consultation

The second phase of the development process was *Stakeholder Consultation*. Stakeholder consultation occurred from January 2022 through June 2022. Concurrent with the release of the final Program Comment Plan on December 28, 2021, the Army FPO released a nation-wide announcement and invitation to over 850 NHPA stakeholders including non-governmental historic preservation organizations, all SHPOs, THPOs, Indian tribes, and NHOs to participate in a series of nation-wide Section 106 consultation conferences for the Army's proposed *Program Comment for Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963-1975)*.

The nation-wide Program Comment consultation conferences occurred monthly as indicated below. The Army FPO provided a briefing on a specific Program Comment topic at each consultation conference, followed by open forum discussion with all interested party participants. The consultation conferences addressed all major Program Comment areas. Written comments from interested parties regarding the proposed Program Comment were also invited to be submitted to the Army FPO at any time during the January – June 2022 consultation period.

Program Comment Consultation Conferences Sponsored by the Army in 2022:

January 26: Introduction, Scope, Purpose and Need, Goal and Objective, Development Process

February 23: Vietnam War Era Housing Property Type, Category of Undertaking

March 30: National Register Eligibility and Potential Effects

April 27: Mitigation Measures and Benefits of the Program Comment

May 25: Applicability, Implementation, Effect, and Duration

June 22: Consultation Summary and Conclusion

On March 28, 2022, the Army FPO provided a Program Comment update and status report to the ACHP members of the Federal Agency Programs (FAP) Committee. That update identified the scope, development process, public participation, and the ongoing nation-wide consultation. On June 28, 2022, ACHP staff provided the members of the FAP Committee an additional status report on the Program Comment and at that time, the Army also provided a comprehensive Program Comment briefing that was posted on the ACHP's members internal share-drive to further inform the ACHP membership. That briefing included a comprehensive summary of the Program Comment content and mitigation measures, the public participation and consultation process, photographic examples of the housing, actions the Army implemented in response to consulting party requests, and replies to concerns that arose during consultation.

During its public participation and stakeholder consultation period, the Army sought, discussed, and considered the views of all consulting parties and where feasible, the Army reached agreement with consulting parties, implemented changes, and took additional actions regarding numerous matters arising during the consultation. This nationwide outreach effort afforded the public and interested parties the opportunity for extensive consultation on all aspects

of the Program Comment. The Army also kept the ACHP membership fully informed on the progress, scope, and content of the Program Comment during the consultation period.

3.1.3. Phase III - Preparation and Submission of the Program Comment

The third phase of the Army's Program Comment development process, *Preparation and Submission* of the Program Comment occurred in July and August 2022. During this phase, the Army FPO prepared the Program Comment in coordination with the ACHP staff based on the most current information and considering all prior public participation and consultation with interested parties. On August 26, 2022, the Army FPO formally submitted the proposed Program Comment to the ACHP and requested ACHP action on the Program Comment in accordance with 36 CFR 800.14(e)(5) at the ACHP Fall Business Meeting on October 26, 2022.

3.1.4. Phase IV - ACHP Action and Army Implementation

The fourth phase of the Program Comment development process is *ACHP Action and Army Implementation*. Per 36 CFR 800.14(e)(5), the ACHP has 45 days from the date of the Army FPO's formal Program Comment submission to conduct consultation with SHPOs, THPOs, Indian tribes and NHOs and act on issuance of the Program Comment. However, in response to a request from the ACHP Executive Director, the Army has afforded the ACHP 60 days to complete their consultation. If the Program Comment is approved by majority ACHP membership vote, the ACHP will issue the Program Comment and the Army will proceed with implementation of undertakings in accordance with the terms of the Program Comment. If the Program Comment is not approved by a majority of ACHP memberships, the ACHP will decline to issue comment and the Army must then comply with the NHPA Section 106 project-by-project compliance process in 36 CFR 800.3 - 800.7, or applicable program alternatives for the individual management actions effecting each home in its inventory of over 7,500 Vietnam War Era homes.

4.0. ARMY RESPONSE TO COMMENTS FROM CONSULTING PARTIES

During its eight-month Program Comment public comment and consultation period (November 2021 – June 2022) the Army sought, discussed, and considered the views of the public and all consulting parties, reached agreement with consulting parties and implemented Program Comment changes, provided clarifications, and conducted additional actions regarding numerous matters arising from the consultation. As part of that extensive good-faith consultation, the Army provided the following explanations, significant changes, and additional actions during the consultation phase (Phase II) of the Program Comment:

4.1. Army's Strategic Approach to NHPA Compliance for Historic Housing

The Army explained its strategic approach to NHPA compliance for its total inventory of over 30,00 historic homes to all interested parties during the Program Comment consultation period. Due to the *Army Housing Crisis*, the magnitude of the Army's current inventory of modern historic housing, and the unprecedented further growth in NHPA requirements for that modern housing, the Army confirmed that is seeking Program Comments for its large inventories

of modern historic housing, to include housing from the Vietnam War Era (1963-1975). The Army also confirmed during consultation that it will continue to address its smaller but more historically significant inventory of pre-1919 housing following the project-by-project review process in 36 CFR 800.3 through 800.7, and in accordance with existing installation-level NHPA compliance agreements rather than through Program Comments.

4.2. Army-wide Historic Context Development

In response to requests from interested parties for additional historic context research and to aid further evaluation of NRHP eligibility, the Army developed a new and extensive Historic Context for Vietnam War Era Housing and published it on the Program Comment website (<https://www.denix.osd.mil/army-vwehh-pc>) to inform the consultation process.

4.3. Army-wide Inventory and Evaluation of Vietnam War Era Housing

In response to interested party requests for additional inventories and evaluations, the Army rapidly conducted an inventory and evaluation of Vietnam War Era Housing at 10 Army installations and published that information on its Program Comment website to inform the consultation process.

4.4. Additional Research and Information

In further response to interested party requests for additional inventories and evaluations, the Army also made additional installation-specific research reports available to consulting parties and the public through the Program Comment website. This included installation-specific historic contexts, inventories, and evaluations as well as an applicable DoD-wide historic context report.

4.5. Reassessment of NRHP Significance of Army Vietnam War Era Housing

In response to requests for a reassessment of NRHP significance, the Army provided significant additional information and conducted a reassessment of NRHP significance based on that information. The additional information and reassessment confirmed Army Vietnam War Era housing significance and eligibility for the NRHP under Criterion A, and also confirmed the lack of significance under NRHP Criteria B, C, and D.

4.6. Substantive Revision of *Properties of Particular Importance* Definition and Approach

In response to interested party request to review and redefine *Properties of Particular Importance*, the Army consulted and obtained interested party agreement on a major revision to the definition that significantly broadens the potential number of properties falling into this category. The Army also adjusted the identification and treatment of *Properties of Particular Importance* to provide coordination with the ACHP at each step in the process.

4.7. Resolution on the Duration of the Program Comment

Army resolved an interested party objection to the proposed duration of the Program Comment through explanation of the Army's real property business management requirements and need to synchronize NHPA Section 106 compliance with those ongoing real property management requirements.

4.8. Review of Proposed Demolition and Reporting Requirements Incorporated

In response to interested party requests, the Army has incorporated a project-by-project public review process for the proposed cessation of maintenance, and demolition of Vietnam War Era housing that are determined to be properties of particular importance. The Army has also incorporated annual reporting and annual review of demolition activity for all Vietnam War Era housing.

4.9. Annual Reporting and Annual Meeting Requirements Incorporated

In response to consulting party requests, Army incorporated an annual reporting and annual meeting requirement. The Army will submit a Program Comment annual report to the ACHP. After submission of the annual report, the Army will meet with the ACHP and invitees during an annual meeting to discuss implementation of the Program Comment. The annual report and annual review meeting will address demolition activity, any significant issues or misunderstandings that may have arisen while implementing the Program Comment, how those were addressed, how they may be avoided in the future, and will provide an overall assessment of the effectiveness of the Program Comment in meeting its intent and purpose.

4.10. Deed of Easement Boundary Review for Fort Meade, MD

In response to a request from the MD SHPO, the Army re-examined the historic preservation Deed of Easement boundaries at Fort Meade, MD to verify MD SHPO's assertion that Fort Meade's Vietnam War Era housing were not included in the easement boundaries and should therefore be included in the Program Comment. Army reviewed the easement boundaries and confirmed Fort Meade's Vietnam War Era housing is outside the easement boundaries. The Army has incorporated Fort Meade's Vietnam War Era housing into the Program Comment in accordance with the MD SHPO's request.

5.0. ADJUDICATED COMMENTS

During its eight-month Program Comment public participation and consultation period the Army sought, discussed, and considered the views of all consulting parties and, where feasible, the Army reached agreement with consulting parties and implemented changes and took additional action regarding numerous matters arising during the consultation. There were also specific matters where mutual agreement with certain NGO requests was not feasible for reasons stated in the following review and adjudication of comments. The matters where mutual agreement was not feasible arise from comments from two participating NGO's, the NTHP and

the NCSHPO. These matters were subject to direct consultation during the public participation period and to written review and response.

The NTHP submitted two sets of written comments dated April 5, 2022, and May 13, 2022, during the public participation period. The Army responded to each set of NTHP comments on April 22, 2022, and June 10, 2022, respectively. The NTHP written comments and Army responses were provided to the ACHP Executive Director, ACHP OFAP staff, and to all other interested parties participating in the Program Comment consultation to further inform that consultation. The NTHP comments regarding matters where mutual agreement was not feasible, and the Army's response are summarized as follows.

5.1. Use of Prior ACHP Approved Program Comments for Historic Army Housing as Precedent for the Program Comment for Army Vietnam War Era Historic Housing

The NTHP objects to the use of prior Program Comments for historic Army housing approved by the ACHP membership and formally adopted by the Chairman of the ACHP as examples to guide the content of the proposed Program Comment for Vietnam War Era housing. The objection is based on the NTHP's assertion that prior Program Comments do not create "legal precedent." The prior ACHP approved Program Comments being referred to are the Program Comment for Army Capehart Wherry housing (1949-1962) and the Program Comment for Army Inter-War Era housing (1919-1940).

Army Adjudication:

The Army agrees that prior Program Comments do not create a binding "legal precedent." However, the Army is right to rely on the example of past and successful Program Comments approved by the ACHP when it develops and submits new Program Comments. When the ACHP adopts and issues a Program Comment, such ACHP approved Program Comments may serve as examples to guide and justify the content of subsequent Program Comments that as in this case address similar issues and properties.

5.2. Category of Undertaking Proposed for the Program Comment

The NTHP objects to the category of undertakings that include the Army's inventory management requirements. The NTHP specifically objects to cessation of maintenance and demolition as an undertaking, to the inclusion of new construction as an undertaking, and objects to the inclusion of transfer, sale, and lease of the housing. The NTHP prefers that each one of these repetitive inventory management actions be addressed individually for each Vietnam War Era home following the project-by-project review process in 36 CFR 800.3 - 800.7.

Army Adjudication:

The Army identified and discussed the need for these management actions at length in the Program Comment Plan, in the monthly consultation conferences, and in the Army's written correspondence to the NTHP dated April 22, 2022, and June 10, 2022. There is no demonstrated need or valid reason stated by the NTHP to exclude these actions from the proposed Program

Comment. The ACHP has approved the inclusion of transfer, sale and lease, and demolition in previous Program Comments for historic Army housing, there are extensive mitigation measures included that minimize, reduce, and mitigate any adverse effects resulting from these management actions, and the inventory of Army Vietnam War Era housing is not architecturally significant.

Exclusion of these management actions from the Program Comment would unnecessarily delay implementation of activities that improve the material living conditions and wellbeing of Army families and is not a suitable course of action in the context of the Army Housing Crisis and in consideration of the characteristics of this inventory of modern historic housing. As stated at 36 CFR 800.14(e), agencies propose Program Comments to address a category of undertakings in lieu of conducting individual reviews under 36 CFR 800.3 - 800.7. The Army has identified the category of undertakings necessary to address this historic property type holistically and programmatically.

Addressing these repetitive inventory management undertakings individually by the project-by-project review process under 36 CFR 800.3 - 800.7 rather than by the Program Comment does not align with the regulatory purpose of Program Comments; is not consistent with previous ACHP approved Program Comments for Army Inter-War Era housing and Army Capehart Wherry housing; and most importantly would unnecessarily delay actions that ultimately improve the quality of life, health, and safety of the Army families living in Vietnam War Era housing.

Additionally, the Army has incorporated in the Program Comment specific criteria and a project-by-project public review process for the cessation of maintenance, and demolition of Vietnam War Era housing designated as properties of particular importance. Further, the Army has also included an annual review and annual reporting requirement for all Vietnam War Era housing demolition activity.

5.3. Implementation and Effect of the Program Comment

The NTHP objects to the Army's proposed statement regarding implementation of the Program Comment and its effect on prior installation specific Section 106 agreements.

Army Adjudication:

To clarify Program Comment implementation as established by the ACHP, existing Section 106 agreements are not voided or canceled by Program Comments. Program Comment requirements simply stand in place of the requirements in existing agreements for the specific properties that are subject to the Program Comment. All existing agreements remain in effect and all other undertakings, property types, and requirements addressed in existing agreements remain under the terms of those agreements.

The Army's language for implementation of the Program Comment for Vietnam War Era housing is also required in order to have the intended regulatory effect of Program Comments as stated in 36 CFR 800.14(e) - to operate in lieu of conducting the individual reviews under 800.3.

through 800.7. Additionally, the implementation language is virtually identical to the implementation statement approved by the ACHP membership in the Army's Program Comment for Inter-War Era housing. That implementation language was approved and adopted by the ACHP after ACHP General Counsel review of the language.

5.4. Mitigation Measures

The NTHP desires the Army to address the Program Comment for Capehart Wherry housing as a mitigation measure for the proposed Program Comment for Vietnam War Era housing.

Army Adjudication:

The purpose of Section 106 mitigation measures is to address the adverse effects of Federal agency undertakings on the historic properties that are affected by those undertakings. The Army's proposed mitigation measures for the Program Comment for Army Vietnam War Era housing directly address the effects of the undertaking on Vietnam War Era housing. The mitigation measure proposed by the NTHP to assess the Program Comment for Capehart-Wherry housing does not address the effects of the undertaking on Army Vietnam War Era housing.

While the Army recognizes the NTHP's desire for the Army to conduct a review of Program Comment for Capehart Wherry housing (1949-1962) as a mitigation measure for the Program Comment for Vietnam War Era housing (1963-1975), the Army believes that is inappropriate and unnecessary. Such a mitigation measure is unnecessary since the ACHP has the unilateral authority provided by 36 CFR 800.14(e)(6) to initiate a review of any Program Comment, including the Program Comments for Capehart Wherry housing that were adopted by the ACHP not just for the Army but also for the Navy and Air Force. Additionally, the purpose of Section 106 mitigation is to address the adverse effects of undertakings on the historic properties that are affected by those undertakings. The Army's proposed mitigation measures for the Program Comment for Army Vietnam War Era housing are appropriately focused directly on Vietnam War Era housing. The mitigation measure proposed by the NTHP does not address the effects of the undertaking on Army Vietnam War Era housing. The NTHP argues that a "nexus" is created "...since two years' worth of historic resources affected by this [Vietnam War Era housing] Program Comment are currently subject to the Capehart-Wherry Program Comment." That statement is incorrect, there is no such nexus or overlap.

The Capehart Wherry Program Comment addresses housing built from 1949 through 1962 as stated in the ACHP's Federal Register notice of approval for that Program Comment (67 FR 39332). Housing built after 1962 is not subject to the Program Comment for Capehart Wherry housing. The proposed Program Comment for Vietnam War Era housing addresses housing constructed from 1963 through 1975. There is no housing that would be subject to the proposed Program Comment for Vietnam War Era housing that is subject to the Program Comment for Capehart Wherry housing. There is no nexus or overlap between the Program Comments since their coverage is defined by distinctive separate dated time periods. Additionally, in review of this specific mitigation proposed by the NTHP, ACHP staff indicate that addressing a previous Program Comment is not an appropriate mitigation measure for this Program Comment.

5.5. Program Comment as an “Exemption” to Section 106

The NTHP stated that the proposed Program Comment will “exempt” Vietnam War Era housing from compliance with Section 106.

Army Adjudication:

The Army addressed this statement from the NTHP both in consultation and in writing. The same unfounded comment, that a Program Comment is an “exemption” from Section 106, was made in 2002 during the ACHP’s public comment period regarding the Army Program Comment for Capehart Wherry housing. The ACHP formally responded to this comment in their Federal Register (FR) notice of approval of the Army Program Comment for Capehart Wherry housing, see section II. *Response to Public Comments* in 67 FR 39332, June 7, 2002. The ACHP stated in their FR notice that: “The Program Comment process is not an exemption. The Program Comment reflects what the Army must follow to be in compliance with Section 106.” The Army referred the NTHP to the ACHP General Counsel for any further clarification on this point.

6.0. SUMMARY

The Program Comment for Army Vietnam War Era housing meets the spirit and intent of the NHPA, satisfies the Army’s statutory obligations, is responsive to 21st century challenges, and will help build public confidence in the historic preservation process.

The Army’s approach to historic housing and the Program Comment for Vietnam War Era housing is designed for the 21st century. It is a holistic, efficient, and effective approach to the management of thousands of recurring actions for this large inventory of over 7,500 modern historic homes; prioritized to address the *Army Housing Crisis* and improve the quality of life, health and safety of the Army families living in the housing; is responsive to the Army’s unique situation of a vast and growing inventory of historic modern housing; and its flexibility supports implementation of climate change adaptations for the housing. The Program Comment is also appropriately calibrated to the character, qualities, NRHP significance, and ubiquity of the Vietnam War Era housing property type; includes mitigation measures that are properly focused on the effected property type; is synchronized with ongoing real property business management practices; and will provide long-term preservation by ensuring that the housing will be a mission-supporting real property asset into the future.

7.0. ADDITIONAL INFORMATION

Additional information regarding the Program Comment for Army Vietnam War Era housing is at: <https://www.denix.osd.mil/army-vwehh-pc>.

SECTION II. TEXT OF THE PROGRAM COMMENT FOR DEPARTMENT OF THE ARMY VIETNAM WAR ERA HISTORIC HOUSING, ASSOCIATED BUILDINGS AND STRUCTURES, AND LANDSCAPE FEATURES (1963–1975)

1.0. INTRODUCTION AND NEED FOR THE PROGRAM COMMENT

1.1. Introduction

Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. 306108 requires Federal agencies to take into account the effects of projects they carry out, license, or assist (undertakings) on historic properties, and to provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment regarding such undertakings. The ACHP has issued the regulations that set forth the process through which Federal agencies comply with these responsibilities. Those regulations are codified under 36 CFR 800 (Section 106 regulations).

Under 36 CFR 800.14(e), agencies can request the ACHP provide Program Comments on a category of undertakings, in lieu of conducting individual reviews of those undertakings under 36 CFR 800.3 – 800.7. An agency can meet its NHPA Section 106 responsibilities regarding the effects of a category of recurring undertakings on a large inventory of similar historic properties by following the steps set forth by the ACHP in a Program Comment.

The Army's real property is a vital component of its national defense mission, and many of the buildings and other real property constructed by the Army over its 247-year history are historic properties. Among those historic properties, historic housing is a significant concern; it is a large part of the Army's total housing inventory, is critical to the readiness mission and well-being of thousands of Soldiers and their families, and it requires extensive financial resources and process time for compliance with NHPA Section 106 and 36 CFR Part 800.3 – 800.7

The Army has a unique and significant challenge among Federal agencies in managing NHPA Section 106 compliance for its inventory of historic housing. The Army has the largest inventory of historic housing in the Federal government with over 30,000 historic homes currently over 50 years old and subject to NHPA Section 106 requirements. The Army's historic housing inventory includes examples that span from the late 18th century through the modern historic housing of the late 20th century that is subject of this Program Comment, representing a diverse inventory of American domestic architectural styles with highly varied levels of integrity and historic significance. The Army will see an additional 70,000 modern historic homes added to its historic housing inventory over the next 50 years and will in this century have an unprecedented total of over 100,000 historic homes subject to NHPA Section 106 requirements.

This *Program Comment for Department of the Army (Army) Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963–1975)* (Program Comment) provides the Army with an alternative means to comply with NHPA Section 106, and its implementing regulations at 36 CFR 800 regarding the category of undertakings termed *management actions* for Vietnam War Era housing, associated buildings and structures, landscapes, and landscape features (hereinafter referred to as Vietnam War Era housing). The

Army has over 7,500 modern historic homes constructed during the 13-year Vietnam War Era from 1963-1975. Management actions required for this housing include maintenance, repair, rehabilitation, renovation, abatement of hazardous materials, mothballing, cessation of maintenance, demolition, new construction, lease, transfer, conveyance, and the use of current readily available industry standard building materials and methods in the implementation of management actions.

1.2. Need for the Program Comment

The need for the Program Comment is based on the Army's obligation to provide quality housing to its Soldiers and their families. To provide quality housing for military families, the Army must implement actions to improve Army Vietnam War Era housing conditions and the quality of life for Soldiers and their families; address the health and safety risks from certain historic building materials used in the construction of Vietnam War Era historic housing; ensure cost efficient and consistent management of the overall inventory; and address lengthy NHPA compliance processes times for actions intended to improve Vietnam War Era housing. Housing and associated living conditions are critical factors for military family resiliency in the face of the challenges and stressors Soldiers and their families must cope with in their daily lives.

In 2019, the Secretary of the Army declared an *Army Housing Crisis* due primarily to widespread deficiencies and significant quality of life, health, and safety issues effecting military families living in historic Army housing. The Army must address ongoing historic housing challenges in the context of newly emerging 21st century issues. Ongoing challenges include the huge current inventory of historic modern housing subject to the NHPA Section 106 compliance; impacts to the military mission attributable to historic housing conditions; the need to improve historic housing conditions to address quality of life, health, and safety issues for Army families; and the impacts to Army families occupying historic housing due to the time it takes to comply with NHPA Section 106 and the procedures in 36 CFR 800.3 – 800.7. Emerging 21st century issues include the unprecedented growth in the Army's inventory of modern historic housing that will occur over the next 50 years; the related upsurge in NHPA Section 106 compliance requirements and associated significant financial impacts and compliance process impacts; and the need to implement sustainable climate adaptation measures for historic Army housing.

The Army must address the extensive recurring maintenance, repair, and rehabilitation requirements for Vietnam War Era housing and seek to control those costs through the use of current industry standard building materials and methods; abate the building materials used in housing from this period that present lead-based paint, asbestos, and other hazards to housing occupants; implement renovations that address the need for additional bedrooms and expanded living space; provide kitchen and bathroom improvements; implement climate change adaptations through the use of modern resilient and energy efficient building materials; modernize heating, cooling and ventilation systems; modernize plumbing and electrical systems; and address NHPA compliance processes that can delay the rapid turnaround of housing for reassigned military families.

To make certain that the inventory of Vietnam War Era historic housing can be maintained as a viable real property asset, the Army must also have the ability to manage its total

Vietnam War Era housing inventory. Total inventory management requirements include mothballing housing and, while infrequent, the need to cease maintenance and demolish housing that is deteriorated, underutilized, obsolete, vacant, or presents health hazards or unsafe conditions for occupants. When such historic Army housing has been demolished in the past, it has typically occurred to replace that housing with new housing construction to improve the quality of life, health and safety of military families.

The Army also has the need to lease, transfer, or convey Vietnam War Era housing to allow for management of the total inventory and to facilitate housing operations by its housing privatization partners under the Army's Residential Communities Initiative (RCI). RCI operates on Army installations nationwide through the operation of legal partnerships between the Army and private sector developers.

The Army's NHPA compliance strategy for its current inventory of over 30,000 historic homes applies different regulatory approaches and standards that are consistent with the large and highly diverse inventory of historic Army housing property types and their varying levels of integrity and historic significance. The Army has pursued Program Comments in accordance with 36 CFR 800.14(e) for its large inventory of modern historic housing including the Program Comment for Army Capehart Wherry housing (1949-1962), the Program Comment for Army Inter-War Era housing (1919-1940). The Army is now seeking this Program Comment for its inventory of modern historic housing from the Vietnam War Era (1963-1975). The Army does not intend to seek Program Comments for its more historically significant inventory of pre-1919 historic housing and plans to continue to follow the project-by-project review process in 36 CFR 800.3 - 800.7 and existing installation-level NHPA compliance agreements for pre-1919 housing.

2.0. INTENT AND SCOPE OF THE PROGRAM COMMENT

2.1. Intent of the Program Comment

The intent of this Program Comment is to provide the Army compliance with NHPA Section 106 for the repetitive management actions occurring on the Army's inventory of Vietnam War Era housing by means of a Program Comment under 36 CFR 800.14(e), in lieu of conducting individual project reviews under 36 CFR 800.3 - 800.7.

This Program Comment acknowledges that the Army faces unique and significant challenges in managing NHPA Section 106 compliance for its large and growing inventory of modern historic housing.

This Program Comment recognizes that standardized plans developed by civilian sector architects were used in the construction of Army Vietnam War Era housing and that similar designs, plans, building materials, and construction methods were used in the construction of over 20 million comparable homes built in the private sector during this same 13-year period.

This Program Comment acknowledges that the Army's inventory of Vietnam War Era housing is eligible for the National Register of Historic Places (NRHP) under Criterion A, due to its association with the history of the Vietnam War. Army Vietnam War Era housing is not

eligible for the NRHP under Criteria B, C, or D. The Army's inventory of Vietnam War Era housing has been extensively altered to the degree that it lacks architectural design integrity.

This Program Comment addresses a category of undertakings termed *management actions* and recognizes that implementation of those management actions directly improves the quality of life, health, safety, and the overall material living conditions for thousands of military families living in Army Vietnam War Era housing.

This Program Comment recognizes the positive historic preservation outcomes resulting from a more flexible, efficient, consistent, and cost-effective management process that helps to preserve the continuity of historical use of Army Vietnam War Era housing as a mission-supporting real property asset.

This Program Comment requires the Army to implement mitigation measures and recognizes that the adverse effects of management actions on Army Vietnam War Era housing are addressed and resolved through implementation of those mitigation measures.

2.2. Scope of the Program Comment

The scope of the Program Comment for Army Vietnam War Era housing includes all privatized and non-privatized Army housing constructed from 1963-1975. The Army's best available inventory information indicates there are 7,519 Vietnam War Era homes constructed from 1963-1975 on 22 Army installations in 16 states. The Army's current inventory of 7,519 Vietnam War Era homes indicates the following locations and numbers of homes: Fort Hood, TX – 1832 Vietnam War Era homes; Fort Carson, CO – 839; Fort Gordon, GA – 740; Fort Meade, MD – 675; Fort Bragg, NC – 615; USAG-Hawaii, HI – 256; Fort Campbell, KY – 230; Fort Riley, KS - 211; Fort Sill, OK – 199; Fort Polk, LA – 182; Fort Irwin, CA – 120; Fort Jackson, SC – 119; Fort Leavenworth, KS – 44; Fort Detrick, MD – 40; Dugway Proving Ground, UT – 39; Fort Stewart, GA – 38; Redstone Arsenal, AL – 18; Joint Base Lewis McChord (JBLM), WA – 10; Rock Island Arsenal, IL – 10; McAlester Army Ammunition Plant, OK – 6; Aberdeen Proving Ground, MD – 4. This inventory represents the best available Army Vietnam War Era housing inventory information as of the date of this Program Comment.

3.0. DESCRIPTION AND NRHP SIGNIFICANCE OF ARMY VIETNAM WAR ERA HOUSING

The Army Vietnam War Era housing property type includes military housing constructed on Army installations during the period 1963-1975 to house the increased number of military personnel required to support the Vietnam conflict. This property type is comprised of residential buildings including ranch houses, townhouses, and garden apartment buildings along with associated structures, such as carports and storage sheds, and landscape features concentrated in distinct neighborhoods within the residential areas of Army installations. Reflecting expediently constructed and cost-effective examples of housing types popular in the civilian sector, this military housing is characterized by a functional contemporary architectural character, minimal ornamentation, and high degree of standardization in design, materials, and construction. While many of the properties in these military neighborhoods have collectively undergone significant

modifications for active use over the years, the property type retains a significant historical association with the Vietnam War.

The US Army Corps of Engineers (USACE) managed the contracting and construction of Army family housing for the Department of the Army during the Vietnam War Era. Beginning in 1964, USACE used new standardized housing design plans developed for DoD by civilian architectural firms as a basis for Army housing construction contracts (DoD Design Folio, 1964). The standardized plans in the DoD Design Folio reflect housing designs that the architects were already using in the private sector. USACE hired local and regional architectural and engineering firms from the private sector to construct the Army family housing at each installation. Due to wartime financial constraints, the standardized design plans in the DoD Design Folio were subject to extensive site-specific design modifications, and the actual housing constructed was much more modest, stripped-down versions of the housing depicted in the DoD Design Folio.

Army ranch-style homes, townhouses, and garden apartments from this period are categorized as *Modern Housing*. Starting in 1964, townhouses began to be constructed by the Army in significant numbers, and townhouses became the predominate type of Army family housing constructed during the Vietnam War Era. The Army townhouse neighborhoods used standard civilian sector designs and principles of residential cluster development. The townhouses were constructed for enlisted personnel up to and including junior officers (lieutenants and captains). Army townhouse cluster developments applied and followed the existing trends in community planning and neighborhood design concepts from the civilian sector. Army housing constructed during this period used the same designs, building materials, and construction methods that were used in millions of homes constructed in the private sector during this period.

The Army's Vietnam War Era housing property type is historically significant under NRHP Criterion A based on its historical association with the Vietnam War. The Vietnam War was a major event in American history from the early 1960s through the mid-1970s. The heightened warfighting requirements and costs had direct implications for military activities at installations in the United States, including the Army family housing construction program. The Vietnam War had a significant fiscal impact on Army housing construction appropriations, influencing the types and numbers of housing built. The 1964 DoD Design Folio states that DoD objectives dictated the development of a family housing development plan that would provide reduced costs in siting, construction, and maintenance. The solution was the clustered townhouse development. Multi-story, row-unit townhouses, closely sited within large open areas was recognized as creating the required economies of scale. While ranch style single family and duplex housing designs for senior officers were included in the DoD Design Folio and continued to be constructed in limited numbers, townhouse construction on Army installations predominated during the Vietnam War Era. Army Vietnam War Era housing illustrates the historical progression of Army housing policy, the influence of wartime policies and their financial implications as reflected in the housing construction program.

Army Vietnam War Era housing is not significant under NRHP Criteria B, C, or D. Army Vietnam War Era is not associated with the productive lives of significant architects, military figures, or real estate developers from this period (Criterion B (Persons)). Regarding Criterion C

(Design/Construction), this property type does not represent distinctive characteristics of type, period, and method of construction, does not represent the work of a master; possess high artistic value; or represent a significant and distinguishable entity whose components lack individual distinction. Standardized plans developed by civilian sector architects were used in the construction of Army Vietnam War Era housing, and the same plans, designs, building materials, and construction methods were used in the construction of the 20.4 million comparable homes built in the private sector during this same 13-year period. Additionally, this inventory of housing has had extensive and substantial physical modifications impacting its architectural design integrity including extensive replacement of original interior and exterior building elements and original building materials. Army Vietnam War Era housing overall lacks architectural design integrity due to substantial physical modifications that have occurred and does not convey significance under Criterion C. Regarding Criterion D (Information Potential), the housing inventory is not likely to yield important information since it does not represent the principal source of information on design or construction of housing from this period.

The Army's Program Comment website for Vietnam War Era housing contains additional information on the history, architecture, and the NRHP significance of Army Vietnam War Era housing, see <https://www.denix.osd.mil/army-vwehh-pc>. Historic context information, historic documents, installation level inventory, evaluation, and documentation of the housing, and the Army's December 28, 2021, *Program Comment Plan for Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963-1975)* are located on the website.

4.0. CATEGORY OF UNDERTAKING AND ASSESSMENT OF EFFECT

4.1. Category of Undertaking

The category of undertaking addressed by this Program Comment is *management actions*. Management actions are defined as maintenance, repair, rehabilitation, renovation, abatement of hazardous materials, mothballing, cessation of maintenance, demolition, new construction, lease, transfer, conveyance, and the use of modern industry standard building materials and methods in the implementation of management actions.

This category of undertakings is defined based on both the Army's Vietnam War Era housing management needs and on two previous Program Comments for modern historic Army housing. The definition of management actions as the category of undertaking for Vietnam War Era housing follows the definition of management actions established in the Program Comment for Army Capehart Wherry housing and the Program Comment for Army Inter-War Era housing.

4.2. Assessment of Effect

The Army's management actions will have an adverse effect on Army Vietnam War Era housing. An adverse effect occurs when an action may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. The characteristic that qualifies Army Vietnam War Era

housing for inclusion in the NRHP is its historical association with the Vietnam War under NRHP Criterion A.

The Army's mitigation measures focus on addressing the adverse effects of management actions on the housing's historical association with the Vietnam War and include: professional research and public education regarding the history of the housing within the historic context of the Vietnam War; inventory and documentation regarding the housing's location, design, setting, materials, workmanship, and feeling; and the identification and treatment of properties of particular importance, among other measures. The mitigation measures ensure the adverse effects of management actions are taken into account in consideration of the NRHP significance of the Army Vietnam War Era housing property type.

5.0. MITIGATION MEASURES

NHPA Section 106 mitigation measures address and resolve the adverse effects of undertakings on historic properties and the qualities that make the properties historically significant. Since the Army's inventory of Vietnam War Era housing is significant based on its historical association with the Vietnam War, the mitigation measures for Army Vietnam War Era housing are properly focused on mitigating adverse effects to the significance of Army Vietnam War Era housing under NRHP Criterion A.

5.1 Existing Mitigation Measures

The Army has extensive existing documentation on the history and historic context of Vietnam War Era housing. The Army also has extensive inventory and evaluation reports of Vietnam War Era housing recording its design and architectural style, interior designs and floorplans, factors influencing design variations, and its associated buildings and structures, and landscape features. This existing set of Army-wide documentation serves as Program Comment mitigation measures since it provides comprehensive documentation and recordation of Vietnam War Era housing, associated buildings and structures, and landscape features. The existing mitigation documentation for Army Vietnam War Era housing has been consolidated and is available to the public on the Army's Vietnam War Era Housing Program Comment website <https://www.denix.osd.mil/army-vwehh-pc>.

The Army's existing mitigation documentation includes the Historic Context for Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963-1975) Volume 1. January 2022; Historic Context for Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963-1975) Volume 2: Inventory and Evaluation of Army Vietnam War Era Housing at 10 Installations, January 2022; Vietnam and the Home Front: How DoD Installations Adapted, 1962–1975, June 2014; Department of Defense Housing Design Folio, 1964; Fort Gordon Cold War Architectural Survey, April 2005; Architectural Survey Conelly Duplex Units, Hawthorne Army Depot, NV, September 2014; and Architectural Inventory and Evaluation of 1970s-Era Family Housing at U.S. Army Garrison Fort Carson, CO, August 2019.

5.2. Additional Mitigation Measures

The Army will carry out the following additional mitigation measures for Army Vietnam War Era housing. All additional mitigation measures will be completed within three calendar years from the date of ACHP issuance of the Program Comment, unless otherwise specified.

5.2.1. Public Education on the History of Army Vietnam War Era Housing

The Army will maintain a public website containing information about the history of the Army Vietnam War Era housing for public educational purposes. The Army will provide relevant public documentation regarding Vietnam War Era housing and make that information available via the website, thereby providing the public a single and readily accessible source of information on the history of this housing. The Army will also use social media to distribute information on Vietnam War Era historic housing and other Army historic preservation information.

5.2.2. Research on the History of Vietnam War Era Housing

The Army will provide scholarly information on the history of Vietnam War Era housing through additional in-depth professional research and presentation of additional Army Vietnam War Era housing historic context information. The Army will conduct archival research and assess historical information relevant to the nation-wide historic context of the housing, address the history and characteristics of the military construction program for Vietnam War Era housing, and other important aspects pertaining to the history of Army Vietnam War Era housing in the context of the Vietnam War.

5.2.3. Housing Inventory and Historical Documentation

This mitigation measure includes the creation of historical information for Army Vietnam War Era housing based on the conduct of additional installation-level surveys. The Army will conduct a sample inventory and document a representative set of Vietnam War Era housing architectural styles, associated buildings and structures, and landscape features to include information on the housing's location, design, setting, materials, workmanship, and feeling. This inventory and documentation will be conducted on an Army-wide basis to complete a sample inventory and create historical documentation of Vietnam War Era housing from all Army installations known to have Vietnam War Era housing. For consistency in documentation, the Army will use standardized building inventory forms prepared by a professional historic preservation consultant for this effort.

5.2.4. Identification and Treatment of Properties of Particular Importance

5.2.4.1. Identification of Properties of Particular Importance

The Army will identify and document Vietnam War Era housing that may have particular importance. Properties of particular importance are defined as Army Vietnam War Era housing that retains a high degree of integrity, represents particularly important historical aspects of the

Army Vietnam War Era housing program, and that represents particularly important building types or methods of construction. To be considered of particular importance Army Vietnam War Era housing must retain original location, scale, mass, proportion, materials, and ornamentation from the period of construction.

The Army will identify and provide a list of properties of particular importance to the ACHP within six months from the date of ACHP adoption of this Program Comment. For Vietnam War Era housing identified as being of particular importance, the Army will prepare additional documentation of those properties in coordination with the ACHP and provide that documentation to the ACHP within twelve months from the date of ACHP adoption of this Program Comment. The additional documentation of properties of particular importance prepared in accordance with this section, and the processes set forth under Section 5.2.4.2 as applicable, serves to mitigate any adverse effects that management actions may have on these properties.

The Army will notify relevant SHPOs, installations or privatized housing partners (as appropriate) of designated Army Vietnam War Era housing properties of particular importance, and of the mitigation documentation prepared for those properties upon completion of that documentation. Within funding and mission constraints, the Army will consider the preservation of these properties through their continued historical use as housing.

5.2.4.2. Treatment of Properties of Particular Importance for Cessation of Maintenance and Demolition

Property management requirements for Army Vietnam War Era housing may necessitate the cessation of maintenance, and demolition of properties of particular importance. In such instances the Army, or the Army housing privatization partner where housing has been privatized, will implement the criteria in Section 5.2.4.2.1 and procedures in Section 5.2.4.2.2 to authorize such management actions.

Where Army Vietnam War Era housing has been privatized, the privatized housing partner is the lead entity responsible for implementing the criteria and procedures. Where Army Vietnam War Era housing has not been privatized, the Army installation is the lead entity responsible for implementing the criteria and procedures. Cessation of maintenance, and demolition are ongoing management actions. Treatment of properties of particular importance under Section 5.2.4.2.1 and Section 5.2.4.2.2 for cessation of maintenance and demolition is therefore an ongoing mitigation requirement that is not subject to completion within three years from the date of ACHP issuance of the Program Comment.

Until the identification and documentation of properties of particular importance in accordance with Section 5.2.4.1 is complete, the Army and Army privatized housing partners will continue cessation of maintenance, and demolition activities with caution and will avoid cessation of maintenance, and demolition of identified properties of particular importance that have not been documented.

5.2.4.2.1. Criteria for Cessation of Maintenance and Demolition of Properties of Particular Importance.

The Army installation or the Army housing privatization partner where housing has been privatized (as appropriate), may identify a requirement to cease maintenance, and to demolish Army Vietnam War Era housing designated as properties of particular importance under this Program Comment only if it determines that such housing meets one of the following criteria: a) deteriorated, b) underutilized, c) excess to current needs, d) vacant, e) presents health hazards to occupants, f) presents unsafe conditions to occupants or, g) requires replacement with new housing construction to improve the quality of life of military families.

5.2.4.2.2. Procedure for Cessation of Maintenance, and Demolition of Properties of Particular Importance.

a) Public Notice and 30-Day Public Comment Period. The Army installation, or the Army housing privatization partner where housing has been privatized, will provide a public notice through standard or existing public notification procedures. The public notice will identify a 30-day public comment period for submission of public comments regarding the proposed cessation of maintenance, and demolition of Army Vietnam War Era Housing properties of particular importance. The public notice will provide a point of contact for Army installation or the Army housing privatization partner and include either a mailing address, email address, or telephone number; indicate the required 30-day timeframe for providing comments; state that Army Vietnam War Era housing properties of particular importance are proposed for cessation of maintenance, and demolition under this Program Comment; identify the specific properties under consideration; indicate and provide justification for the specific Section 5.2.4.2.1. criterion applied; identify where to obtain additional information including representative photographs of the properties; and may reference the Army's Program Comment website at <https://www.denix.osd.mil/army-vwehh-pc> as a source of additional information.

b) 30-Day Comment Period for SHPOs, Indian tribes, NHOs. The Army installation, or the Army housing privatization partner will ensure the public notice is delivered to the responsible SHPO and appropriate Indian tribes or NHOs. Delivery may occur electronically or via mail delivery. The public notice will also be provided to the ACHP by the Army installation or the Army housing privatization partner for informational purposes. The ACHP may choose to comment during the 30-day comment period. The delivery of the public notice to the SHPO, Indian tribes, and NHOs serves as notification and commencement of the 30-day comment period. The Army installation or the Army housing privatization partner will retain documentation indicating the manner and date of delivery of the public notice to SHPOs, Indian tribes, NHOs, and ACHP. A request from the public, SHPO, Indian tribes, NHOs, or ACHP for additional information will be addressed by the Army installation or the Army housing privatization partner at the soonest possible time and is not cause for extension of the 30-day comment period or for objection to the proposed action.

c) Comment and Objection Procedure. The public, SHPO, Indian tribes, or NHOs must provide any comment or objection within the identified 30-day comment period. Any SHPO, Indian tribe, NHO, and public party objection to proposed cessation of maintenance, and

demolition must indicate how the demolition criteria in Section 5.2.4.2.1. have not been properly applied, and/or indicate how the procedure in Section 5.2.4.2.2. a) and b) has not been properly followed. If no public party, SHPO, Indian tribe, or NHO objections are received within the 30-day comment period, the Army installation or the Army's privatized housing partner will proceed with implementation of the management action.

Where a SHPO, Indian tribe, NHO, or public party objection received during the 30-day comment period indicates that the demolition criteria has been improperly applied or the demolition procedure has not been properly followed, the Army installation or privatized housing partner will coordinate with the objecting party and take appropriate action to resolve the objection. The installation or privatized housing partner will address the objection in coordination with the objecting party and will respond to the objecting party in writing regarding how the objection will be or has been resolved. Where Army Vietnam War Era housing has been privatized, the privatized housing partner is the adjudicating entity for objections. Where Army Vietnam War Era housing has not been privatized, the Army installation is the adjudicating entity for objections.

d) ACHP Review Procedure. If a public party, SHPO, Indian tribe, or NHO believes that an appropriately made objection has not been properly addressed in accordance with Section 5.2.4.2.2. c), they may request ACHP review and comment regarding the objection. The ACHP will notify the Army Federal Preservation Officer (FPO) when it has received a request for ACHP review under this Section within 3 days of receipt of the review request. The Army FPO will coordinate with the Army installation or Army privatized housing partner and consult with the ACHP to address the objection. Within 30 days after receipt of a request for ACHP review, the ACHP will provide the Army FPO with recommendations to take into account in reaching a decision on the proposed action or will provide notice that it declines to comment. The Army FPO will respond to the ACHP and indicate how the Army installation, or the Army housing privatization partner has or will take ACHP recommendations into account in reaching the final decision regarding the proposed cessation of maintenance, and demolition of properties of particular importance. The ACHP will notify the relevant public party, SHPO, Indian tribe, or NHO regarding the results of the ACHP review.

5.2.5. Historic Preservation Tax Credits

The Army FPO will advise its Residential Communities Initiative (RCI) privatized housing partners that Vietnam War Era housing may be eligible for Federal and State historic preservation tax credits upon ACHP adoption of this Program Comment. Upon request from RCI housing partners, the Army FPO will provide appropriate supplemental information including offices and website locations that provide information on applicable tax credits.

5.2.6. Annual Reporting

On or before December 31st of each reporting year, the Army will provide an Annual Report to the ACHP for the preceding fiscal year. The Annual Report will provide the status of the Army's implementation of the mitigation measures. The Annual Report will include a summary review of Army decisions made for housing demolition, any known future demolition

proposals. The Annual Report will include summary information regarding proposed demolition of properties of particular importance and their status in terms of the requirements of section 5.2.4.2 of this Program Comment. The Annual Report will identify any significant issues or misunderstandings that may have arisen while implementing the Program Comment, how those were addressed, how they may be avoided in the future; and will include an assessment of the overall effectiveness of the Program Comment in meeting its intent and purpose.

5.2.7. Annual Meeting

After its submission of the Annual Report and upon the ACHP's request, the Army will schedule a meeting with the ACHP, the National Conference of State Historic Preservation Officers (NCSHPO), the National Association of Tribal Historic Preservation Officers (NATHPO), the National Trust for Historic Preservation (NTHP), and any ACHP identified invitees to discuss implementation of the Program Comment. The Army will provide its Annual Report on the Vietnam War Era Housing Program Comment to the meeting invitees at least two weeks prior to the Annual Meeting. The Annual Meeting provides an opportunity for attendees to provide their views assessing the overall effectiveness of the Program Comment in meeting its intent and purpose. The Army will document the occurrence of the meeting and participants, discussion topics agenda, and will document its response to recommendations by the ACHP, NCSHPO, NATHPO, and NTHP, as an outcome of the Annual Meeting. Annual Meetings may take place in-person, by phone, by videoconference, or any combination of such methods.

6.0. APPLICABILITY OF THE PROGRAM COMMENT

This Program Comment applies to all Army Vietnam War Era housing, associated buildings and structures, landscapes and landscape features, and neighborhoods built between 1963 and 1975. Over 99% of Army's Vietnam War Era housing is privatized housing operated under the Army's RCI program. The Program Comment applies to all Army Vietnam War Era housing, both privatized and non-privatized.

The Program Comment does not apply to Vietnam War Era housing that was 50 years old or older at the time of a prior NRHP evaluation at the installation level, was evaluated under National Register evaluation criteria 36 CFR 60.4(a)-(d) and determined not eligible for the NRHP following the procedures in 36 CFR 800.4(c). The Army is currently unaware of any such properties. No further NHPA compliance requirements apply to such properties. If such housing becomes known and is reevaluated and determined eligible for the NRHP at some point in the future, the Program Comment will apply to that housing.

The Program Comment does not apply when a Program Comment management action may cause physical damage, destruction, or change in the physical features of other historic properties including properties of traditional religious and cultural importance to Federally recognized Indian tribes or NHOs; human remains, funerary objects, sacred objects, and cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (NAGPRA).

The Army reviewed its National Historic Landmarks (NHL) documentation to confirm there is no Army Vietnam War Era housing designated as individual NHLs or as contributing properties to any NHL district. There are no Army Vietnam War Era historic housing, associated buildings and structures, and landscape features that are NHLs, or that qualify for NHL designation.

7.0. IMPLEMENTATION OF THE PROGRAM COMMENT

7.1. Effect of the Program Comment

The Program Comment for Army Vietnam War Era housing includes all privatized and non-privatized Army housing constructed from 1963-1975. By adhering to the terms of the Program Comment, the Army meets its responsibilities for compliance with Section 106 of the NHPA for management actions associated with Army Vietnam War Era housing.

The Army will implement the management actions under the Program Comment in lieu of conducting individual project reviews under 36 CFR 800.3 - 800.7. This Program Comment supersedes and replaces any requirements for Army Vietnam War Era housing in all Army Section 106 Programmatic Agreements (PA) and Memoranda of Agreement (MOA).

The Army will implement the proposed Program Comment in lieu of all PA or MOA requirements and procedures previously applicable to Army Vietnam War Era housing. PAs and MOAs may identify this Program Comment and its effect on Vietnam War Era housing by indicating that the Program Comment meets all Army responsibilities for compliance with Section 106 of the NHPA for management actions associated with Army Vietnam War Era housing. PAs, MOAs, any other agreements, procedures, plans, standards, or guidelines shall not in any way modify, effect, or alter the terms of this Program Comment. The terms of this Program Comment may only be modified through amendments made in accordance with Section 9.0 of this Program Comment.

The Army will implement the Program Comment in lieu of any procedures, development agreements, lease and conveyance documents, environmental management plans, guidelines, reporting requirements, Cultural Resources Management Plans, and all other documents, standards, procedures, or guidelines pertaining to the preservation and management of Vietnam War Era housing.

7.2. Duration of the Program Comment

The Program Comment will remain in effect from the date of issuance by the ACHP through December 31, 2055. This duration serves to integrate NHPA compliance with the ongoing real property management process in place for privatized Army housing. The duration of the Program Comment synchronizes with the term of the ground leases that have been executed with the Army's privatized housing partners under the RCI program. Upon termination of Army RCI program ground leases, ownership of all RCI partnership owned improvements including all housing that is located within the boundaries of the ground lease is conveyed back to the Army.

The Program Comment will remain in effect from the date of issuance through December 31, 2055, unless prior to that time the Army determines that such comments are no longer needed and notifies the ACHP in writing, or the ACHP withdraws the Program Comment in accordance with 36 CFR 800.14(e)(6), or the ACHP amends the Program Comment to change its duration per Section 9.0. Following withdrawal, the Army will be required to comply with Section 106 through the process in 36 CFR 800.3 - 800.7, or an applicable program alternative under 36 CFR 800.14, for each individual undertaking formerly covered by this Program Comment.

7.3. Further Historic Property Identification and Evaluation

The Army's Vietnam War Era housing has been extensively identified, evaluated, and documented by existing information and by information developed under the Program Comment's additional mitigation measures. The Army will not implement any further historic property identification, evaluation, and mitigation efforts in connection with the management actions covered by the Program Comment other than those efforts specified as additional mitigation measures in Section 5.2 of this Program Comment.

Army Vietnam War Era housing areas are the equivalent of urban / suburban housing development tracts in the private sector. As such, there is significant prior ground disturbance in Vietnam War Era housing areas and neighborhoods resulting from the original construction the housing including overall grading of the entire development sites, housing construction, construction of associated buildings and structures, road and sidewalk construction, installation of above and below ground utilities, landscaping, construction of recreational structures, and subsequent ground disturbing actions that have occurred after the original construction. Such areas of extensive ground disturbance associated with housing tract development are considered to have a low probability for the presence of NRHP eligible archeological properties. Therefore, no further efforts to identify or evaluate archeological properties are required for the implementation of Program Comment management actions.

8.0 TREATMENT OF ARCHEOLOGICAL PROPERTIES AND HUMAN REMAINS

Army installation NHPA agency officials including installation commanders, garrison commanders, or their designees, and installation cultural resource managers shall ensure that RCI partners, contractors, and installation staff involved in implementing management actions in Vietnam War Era housing neighborhoods are provided sufficient information regarding the presence of known archeological properties, burials, Native American or Native Hawaiian human remains, funerary objects, sacred objects, and cultural patrimony within those neighborhoods, and the installation's procedures in the event of discovery of or effects to such resources and human remains.

8.1. Archeological Properties and Human Remains of Non-Native American and Non-Native Hawaiian Origin

If a previously known NRHP eligible archeological property will be adversely affected by a Program Comment management action, mitigation measures to resolve the adverse effect to that archeological property will be developed following the procedures in 36 CFR 800.3 – 800.7, or by following the archeological property mitigation procedures in an applicable installation NHPA PA or MOA, as appropriate. The discovery of a NRHP eligible archeological property or human remains of non-Native American and non-Native Hawaiian origin during the implementation of management actions for Vietnam War Era housing will be addressed following the procedures in 36 CFR 800.13 regarding post review discoveries, or by following the archeological property discovery procedures in an applicable installation NHPA PA or MOA, as appropriate. Archeological properties associated with the Vietnam War Era (1963-1975) located in Army Vietnam War Era neighborhoods are addressed under this Program Comment as landscape features.

8.2. Native American and Native Hawaiian Human Remains, Funerary Objects, Sacred Objects, and Cultural Patrimony

The Army acknowledges that the respectful treatment of Native American and Native Hawaiian human remains is a paramount concern and that an appropriate treatment is to protect and preserve Native American or Native Hawaiian human remains in situ, wherever possible. If Native American or Native Hawaiian human remains, funerary objects, sacred objects, and cultural patrimony may be affected by or are discovered during the implementation of management actions under this Program Comment, the Army installation agency official will implement the appropriate statutory provisions of NAGPRA and the appropriate regulatory compliance procedures in 43 CFR 10, a NAGPRA Comprehensive Agreement, or a NAGPRA Plan of Action, as appropriate.

9.0. PROGRAM COMMENT AMENDMENT AND WITHDRAWAL

The ACHP may formally amend this Program Comment after consulting with the Army, and other parties as it deems appropriate.

9.1. Amendment by Chairman, ACHP

The Chairman of the ACHP, after notice to the rest of the ACHP membership and the Army may amend this Program Comment to extend its duration. The ACHP will notify the Army and will publish notice in the Federal Register regarding such amendment within 30 days after their issuance.

9.2. Amendment by Executive Director, ACHP

The Executive Director of the ACHP, after notice to the ACHP membership and the Army may amend this Program Comment to adjust due dates and make corrections of

grammatical and typographical errors. The ACHP will notify the Army and will publish notice in the Federal Register regarding such amendments within 30 days after their issuance.

9.3. Withdrawal of the Program Comment

If the ACHP determines that consideration of Army Vietnam War Era housing is not being carried out in a manner consistent with this Program Comment, the ACHP may withdraw the Program Comment. The Chairman will notify the Army and will publish notice in the Federal Register regarding withdrawal of the Program Comment within 30 days of the decision to withdraw. If this Program Comment is so withdrawn, the Army shall comply with the requirements of 36 CFR 800.3 – 800.7, or an applicable program alternative, for individual undertakings effecting Army Vietnam War Era housing.

10.0 DEFINITIONS

The following definitions apply to and are implemented by this Program Comment:

Abatement means actions to eliminate, lessen, reduce, or remove hazardous and toxic materials, and unsafe conditions.

Army Vietnam War Era historic housing includes all privatized and non-privatized housing, with construction started or completed during the period 1963-1975, that is located on an Army installation or joint base and owned, operated, and or managed by the Army or by an Army privatized housing partner including those operating under the RCI program. The terms *housing*, *Army Vietnam War Era housing*, and *Vietnam War Era housing* are used interchangeably in the Program Comment and mean all Army Vietnam War Era historic housing, associated buildings and structures, landscapes and landscape features, and neighborhoods.

Army Vietnam War Era housing property type means Army Vietnam War Era housing, associated buildings and structures, landscapes and landscape features, and Vietnam War Era neighborhoods.

Army Vietnam War Era neighborhood means a geographical area, district, development, community, subdivision, or locality on an installation that is characterized by and comprised predominantly of Army Vietnam War Era housing, associated buildings and structures, and landscapes and landscape features.

Associated buildings and structures includes detached garages, carports, storage buildings, above and below ground utilities and service systems including water, sewage, storm water, gas, and electrical service systems, tennis courts, pools, buildings and structures associated with recreational and athletic activities, playgrounds and playground equipment, all other recreational buildings and structures, fencing, community centers, shelters, associated ancillary facilities that support housing, and any and all other buildings, structures, and objects associated with Army Vietnam War Era housing and neighborhoods.

Cease maintenance means an action to permanently halt maintenance and repair of housing and /or associated buildings and structures and landscape features when: the property is no longer in a mission supporting operational status; resources are and will remain unavailable to maintain, mothball, or demolish the property; and there is no foreseeable alternative use or intent to bring the property back to operational status at a future time.

Current industry standard building materials and methods means modern building materials and methods that are currently in use in the construction industry today. It includes natural, composite, and synthetic building materials. It does not mean buildings materials or methods original to and used at the time of construction Vietnam War Era housing or building materials that have been used in the past to replace the original historic building materials.

Demolition and demolish means complete dismantling and/or destruction of Army Vietnam War Era housing in its entirety, or partial demolition to remove exterior portions of the housing.

Deteriorated means Army Vietnam War Era housing that is damaged, in disrepair, or otherwise impaired as to affect the quality of life of military family occupants.

Historic property means buildings, sites, structures, objects, and districts that are eligible for inclusion or that are included in the NRHP.

Landscape features and landscapes includes the overall design and layout of the Vietnam War Era housing neighborhoods and communities including roadway circulation systems and patterns, plantings and landscaping, open spaces, playgrounds, recreational landscape features including but not limited to recreational and athletic fields, golf courses, fencing, parking areas, signage, site furnishings, parade grounds, lighting, sidewalks and curbing, driveways, setbacks, all visual elements and viewsheds into Vietnam War Era historic properties and neighborhoods and out from Vietnam War Era historic properties and neighborhoods into other historic properties and districts, any and all other landscape features associated with Vietnam War Era housing and neighborhoods, and any archeological properties associated with the Vietnam War Era (1963-1975). The term *landscape features* as used throughout the Program Comment is inclusive of all Vietnam War Era landscapes and landscape features.

Lease, transfer, and conveyance means the execution of lease, transfer, and conveyance documents for the purposes of lease, possession, management, operation, and transfer of Vietnam War Era housing. Includes execution of transfers and conveyances of ground leases and property ownership between RCI partners, between RCI partners and the Army; and actions to transfer or convey Vietnam War Era housing by sale or other means out of Federal governmental ownership and control or out of RCI partner ownership and control to non-Federal government entities.

Maintenance and repair means activities required to maintain the interior and exterior of housing, mechanical systems, and all interior and exterior building features, elements, and materials in an operational state, or to bring them back to operating condition by repair or replacement of obsolete, broken, damaged, or deteriorated mechanical systems, features, elements, and materials on housing interiors or exteriors.

Management actions means maintenance, repair, rehabilitation, renovation, abatement of hazardous materials, mothballing, cessation of maintenance, demolition, new construction, lease, transfer, conveyance, and the use of current readily available industry standard building materials and methods in the implementation of management actions.

Mechanical systems means heating, ventilation, air conditioning, plumbing, and electrical systems, and the individual elements and components of each system.

Mitigation measures means any existing, new, or updated materials or actions that serve to address, reduce, minimize, or otherwise mitigate adverse effects on historic properties, and may include research reports, historical documentation, recordation, and other materials and activities.

Mothballing means an action to close and deactivate housing and /or associated buildings and structures for a long period, with the intent that the property would be brought back to a mission supporting operational status at some future time.

New construction or new housing construction means the use of current industry standard building materials and methods for construction of new housing, associated buildings and structures, and landscape features within existing Vietnam War Era housing neighborhoods. New construction within existing Vietnam War Era housing neighborhoods may or may not occur in the immediate area of demolished Vietnam War Era housing, associated buildings and structures, and landscape features, and may or may not be similar in design and layout to existing Vietnam War Era housing and neighborhoods.

Original historic building materials and historic building materials means the building materials that were used in the initial construction of Vietnam War Era housing.

Privatized housing means Army housing that has been privatized under the Army's Residential Communities Initiative (RCI). The RCI operates on Army installations through the operation of legal partnerships between the Army and private sector developers. At each installation where RCI housing is located, the Army conveys ownership of existing housing and leases land to the RCI partnership. The RCI partnership then operates and manages the conveyed housing and leased lands for military housing purposes.

Properties of particular importance are Army Vietnam War Era housing that retains a high degree of integrity, represents particularly important historical aspects of the Army Vietnam War Era housing program, and that represent particularly important building types or methods of construction. To be considered of particular importance Army Vietnam War Era housing must retain original location, scale, mass, proportion, materials, and ornamentation from the period of construction.

Public educational materials mean Vietnam War Era housing historic contexts, reports, and other documentation containing public information on the history of Vietnam War Era housing.

Quality of Life means the general wellbeing and material living conditions of individuals and military families living in historic housing.

Rehabilitation means repairs, additions, and other alterations and modifications to a building that preserve, to the greatest extent possible, historic building materials, historic building design, and other historic building features in accordance with Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR 68).

Renovation means improvements to housing using current industry standard building materials and methods and including any interior and exterior alterations and modifications; additions that increase square footage of housing; interior floor plan changes; actions to improve energy efficiency and climate resiliency; removal and replacement of out of date, obsolete, damaged, deteriorated, or defective interior and exterior building materials and elements including windows and doors; removal and replacement of interior walls, ceilings, and flooring; removal and replacement of mechanical systems or elements thereof; and other alterations and modifications that modernize housing to improve the quality of life of residents.

Viewshed includes all the area visible from a particular location, viewing point, or series of viewing points. It includes all visual elements and surrounding points that are in the line of sight from any location, viewing point, or series of viewing points and excludes all points and locations that are not visible and/or are obstructed by terrain, other natural features, man-made features, and points beyond the horizon.