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### **Federal Agency Programs Committee**

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Preserve America Executive Order 13287 Section 3 Report Planning

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Program Comment for Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features

*Please see the following paper at Tab 1 for the Federal Agency Programs Committee discussion:*

Cultural Resources Workforce Development

*Please see the following paper at Tab 4 for the Federal Agency Programs Committee discussion:*

National Register of Historic Places' Traditional Cultural Places Bulletin



**MEETING**  
**FEDERAL AGENCY PROGRAMS COMMITTEE**  
**Tuesday, February 21, 2023**  
**3 p.m.–4:30 p.m. EST**

Join ZoomGov Meeting:

<https://achp.zoomgov.com/j/1605088172?pwd=ZnM0aHZOeUtEVGF2YUJWQUhYUnBqQT09>

Meeting ID: 160 508 8172

Passcode: 494640

Dial in: (646) 828-7666

**PROVISIONAL AGENDA**

- I. Call to Order and Introductions
- II. Workforce Development
- III. Preserve America Executive Order 13287 Section 3 Report Planning
- IV. Nationwide Programmatic Agreements Guidance
- V. Program Comment for Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features
- VI. Update of National Register Bulletin 38 (Traditional Cultural Properties)
- VII. Other Updates
- VIII. Adjourn

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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## SECTION 3 OF EXECUTIVE ORDER 13287, “PRESERVE AMERICA” – STATUS REPORT Office of Federal Agency Programs

**Background.** Section 3 of Executive Order (EO) 13287, “Preserve America” calls for federal real property managers to assess every three years the status of their inventory of historic properties, their condition and management needs, and how historic properties under their ownership or control might support economic development. Agencies are further required to report their progress in identifying, using, and protecting these historic properties to the ACHP and the Secretary of the Interior (SOI) every three years. These reports provide the basis for the ACHP’s own triennial report on the state of federal stewardship of historic properties, which will be issued in early 2024. The next round of progress reports by federal agencies are due to the ACHP and SOI by September 30, 2023. These reports will inform the ACHP’s next report to be delivered to the President by February 15, 2024.

**Current Status.** The ACHP has traditionally provided advisory guidance to federal agencies on preparing their “Section 3 reports” in advance of triennial deadlines for submitting them. The staff is reviewing the 2020 advisory guidelines in order to bring focus to Administration initiatives that affect historic properties as well as where historic properties can contribute to such initiatives. Federal agencies are not required to structure their Section 3 progress report in response to questions in the guidelines, but doing so will assist the ACHP in preparing a report that addresses priorities identified by members. Agencies may use the advisory guidelines in conjunction with established agency reporting formats.

The staff is drafting the revised advisory guidelines and considering new and updated questions to reflect current themes in federal property stewardship. The ACHP expects to issue revised guidance no later than April 2023. The revised guidelines will be provided to ACHP members after the winter business meeting. In addition, the revised guidelines will be posted to the ACHP website and emailed to Senior Policy Officials, Federal Preservation Officers, and other relevant federal partners. Each Section 3 report highlights specific themes or timely issues that are critical to the management of these holdings and how they relate to important issues facing the nation, such as infrastructure, job creation, equity, and climate change.

**Next Steps.** Federal agencies are required to submit their triennial reports to the ACHP on or before September 30, 2023. The ACHP will compile, synthesize, and analyze the reports into the final report to the President which is due on February 15, 2024. Staff will update the committee on the report findings and recommendations as they develop.

Federal Agency Programs (FAP) Committee members will also be asked to offer their views on emerging issues that warrant attention in the ACHP’s own report to the President and their recommendations on steps the ACHP might take to reinforce the importance of submitting Section 3 progress reports in compliance with the EO.

**Action Needed.** Members are asked to suggest key federal historic property stewardship themes or questions that they believe should be examined in the upcoming report. The FAP Committee’s recommendations will be shared with the membership at the business meeting.

*February 15, 2023*



## NATIONWIDE PROGRAMMATIC AGREEMENTS GUIDANCE Office of Federal Agency Programs

**Introduction.** The Office of Federal Agency Programs (OFAP) staff has recently begun drafting updated technical assistance information on the development, content, and implementation of nationwide programmatic agreements (NPAs). The information will complement recently expanded materials on the development of program comments and could also supplement the ACHP's Guidance on Agreement Documents ([www.achp.gov/initiatives/guidance-agreement-documents](http://www.achp.gov/initiatives/guidance-agreement-documents)). Federal agencies continue to show increased interest in program alternatives, including NPAs, though the ACHP's publicly posted guidance about agreement documents does not specifically address NPAs or certain facets of statewide, regional, or nationwide programmatic agreements. Updates would offer clearer direction about factors that influence the development of and timeline for NPAs.

**Status.** New materials currently being drafted include a development process flow chart and frequently asked questions, sample stipulations for monitoring and reporting protocols, and advice on managing timelines in the development of program alternatives in general. The staff will draw on existing NPA examples as well as other statewide or regional agreements in identifying examples and best practices.

Refinement of the development timeline will also incorporate input from the National Conference of State Historic Preservation Officers, which signs NPAs rather than individual State Historic Preservation Officers. When complete, these materials will be made available on the ACHP's website, integrated into Section 106 training materials, and publicized via Section 106 e-newsletters. Sample stipulations appropriate for program PAs at multiple scales will be added to the examples in the ACHP's Guidance on Agreement Documents.

**Action Needed.** Members are asked to suggest examples of agreements or consultation processes that resulted in executed program PAs as best practices for inclusion in guidance and training materials.

*February 15, 2023*



**ARMY VIETNAM WAR ERA (1963-1975) HISTORIC HOUSING, ASSOCIATED BUILDINGS  
AND STRUCTURES, AND LANDSCAPE FEATURES PROGRAM COMMENT**  
**Office of Federal Agency Programs**

**Background.** The Department of the Army (Army) requested that the ACHP issue a Program Comment for Vietnam War Era Housing, Associated Buildings and Structures, and Landscape Features (1963-1975) (Program Comment) in August 2022. The Program Comment was considered by the members at the ACHP's fall business meeting, where members expressed two major concerns about it: the Army's decision that demolition must remain part of the scope of management actions, and concern about the unknown number of Properties of Particular Importance. Following extensive deliberation, the members voted not to adopt the Program Comment.

**Current Status.** On January 26, 2023, the ACHP received an updated version of the proposed Program Comment for Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963-1975) along with a request that the ACHP issue this updated Program Comment by March 17, 2023. Pursuant to 36 CFR 800.14(e)(5), unless the ACHP requests additional documentation, notifies the Army that it will decline to comment, or obtains the consent of the Army to extend the period for providing comment, the ACHP shall comment to the Army within 45 days of the request. The Army provided a short extension to the 45-day regulatory window, requesting a decision by March 17, 2023.

Prior to its resubmission on January 26, ACHP staff provided comments to the Army recommending review of their determination of eligibility based the completed inventory, asking the Army to ensure sufficient time be provided to consulting parties to review the completed inventory, requesting clarification around the type of documentation completed as mitigation for Properties of Particular Importance, and advising the Army to further expand on their requirement for inclusion of demolition as a management action. A summary of these comments and the Army's response was provided to the members via email on January 30.

The current Program Comment was changed from the version the members acted upon in October in the following ways: 1) clarification that the Program Comment applies to the entire inventory of Army Vietnam War Era Housing regardless of eligibility listing on the National Register of Historic Places, and 2) the inclusion of a completed identification of Army Vietnam War Era Housing (illustrating that Properties of Particular Importance are present on Oahu, Hawaii, and represent 7 percent of the inventory), and 3) addition of documentation of the Properties of Particular Importance. This proposed Program Comment reflects input the ACHP provided to the Army following consultation and incorporates feedback provided to the Army during its own public and consulting party participation period.

**Next Steps.** In the coming weeks, ACHP staff will be consulting Indian tribes, Native Hawaiian organizations, Tribal Historic Preservation Officers, State Historic Preservation Officers, and the public on the provisions of this Program Comment, in accordance with the requirements of the regulations. Staff will also schedule a meeting on February 17, 2023, at 1 p.m. EDT, to provide the members with an opportunity to collectively discuss the updated proposed Program Comment. Members are also free to

reach out to other members and/or staff before and after such a meeting to discuss these program alternatives.

***Action Needed.*** Members will receive an update on any further revisions that may have been made to the Program Comment as the result of member input from the February 17 meeting, or consultation with states, Indian tribes, Native Hawaiian organizations, or others. Members will be afforded the opportunity to provide any last recommendations or observations about the revised Program Comment so that the document may be finalized and presented to the members for vote via unassembled meeting from March 13-17, 2023.

*February 15, 2023*