

## **VA Program Comment for Vacant and Underutilized Properties 2022 Annual Summary VA Response to Submitted Comments**

On October 26, 2018, the Advisory Council on Historic Preservation (ACHP) issued a ["Program Comment for Vacant and Underutilized Properties"](#) (VA Program Comment) at the request of the U.S. Department of Veterans Affairs (VA). The VA Program Comment enables VA to proceed with certain undertakings following an expedited Section 106 review process that complements VA's real property priorities in finding uses for its vacant and underutilized properties.

On July 6, 2022, VA provided the ACHP with documentation to fulfill the requirements of Section 3 of the VA Program Comment, "Annual Publication and Review of VA's Real Property Portfolio." Section 3 requires that for each year the VA Program Comment is in effect, VA will provide the ACHP with (a) a composite list of properties that could be subject to the Program Comment should an applicable undertaking covered by the Program Comment be proposed; and (b) a narrative explaining its conclusion that historic utilitarian properties may be eliminated without endangering the continued National Register of Historic Places (NRHP) eligibility of the historic districts in which they are located.

On July 25, 2022, the ACHP posted the composite list of properties and narrative on its [VA Program Comment](#) web page and emailed interested parties to inform them that the list was available for review and comment for 30 days. Section 3 of the VA Program Comment specifies that interested parties may request additional information and/or send comments to VA concerning properties on the composite list and VA will respond to such requests and comments.

It also specifies that within this 30-day period, State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), Indian tribes, and Native Hawaiian organizations (NHOs) may object to VA in writing if there is a discrepancy between their files and the eligibility evaluations in VA's Capital Asset Inventory (CAI), and/or they believe the elimination of one or more utilitarian properties within particular historic districts in their states could (individually or cumulatively) endanger the continued eligibility of such districts.

During the review period (July 25-August 26, 2022), interested parties provided VA with requests for additional information, comments, and objections concerning the properties on the 2022 list of 335 vacant and underutilized buildings, which was based on Fiscal Year (FY) 2021 data VA submitted to the Federal Real Property Profile (FRPP). Per Section 3 of the VA Program Comment, VA is responding to the submission of comments by providing a summary of the responses VA received from all interested parties during the Section 3 Annual Review.

## Summary of Responses for the 2022 Annual Review of the VA Program Comment Composite List

VA received responses from thirteen (13) interested parties, which included six (6) SHPOs, six (6) Indian tribes, and one (1) private architectural firm. Of note, this is the first time VA has received a response from an architectural firm. The following submitted comments regarding properties on the 2022 composite list:

- SHPOs: California, Colorado, Minnesota, Montana, Ohio, Wisconsin
- Indian tribes: Chickasaw Nation, Forest County Potawatomi, Hopi Tribe, Pine Creek Indian Reservation, San Carlos Apache Tribe THPO, Yuhaaviatam of San Manuel Nation
- Architectural Firm: Anderson Hallas Architects

The comments submitted addressed 128 of the 335 vacant and underutilized properties located in thirteen (13) states (AL, AZ, CA, CO, KY, MI, MN, MS, MT, OH, TN, TX, and WI) representing 38% of the composite list.

Building-Specific Comments included:

- Confirmations of NRHP eligibility status.
- Requests for certain utilitarian properties to be designated as non-utilitarian.
- Requests for VA to continue appropriate preservation measures and find alternative uses.
- Statements of no interest, no comments, or no objections for certain properties.

General Comments included:

- **Clarification on the designation of Enhanced Use Lease (EUL).** The Montana SHPO requested information about how the designation of EUL for four (4) buildings at Fort Harrison VA Medical Center (VAMC) would impact the integrity of the historic properties.
  - **VA Response:** The four buildings were part of a consultation for the EUL program, which resulted in a finding of no adverse effect concurred upon by the Montana SHPO on August 29, 2017. The associated projects were required to comply with the Secretary of the Interior's (SOI) Standards for Rehabilitation.
- **Alternative uses for properties to benefit Veterans.** The Hopi Veterans Services asked if buildings on the list could be converted to house veterans who may be commuting for medical services or are unhoused.
  - **VA Response:** After the passing of the PACT Act (2022), funding for EUL projects is expanded to include projects benefiting 'any veteran population requiring assistance' and not just unhoused veterans. The agency is exploring how this expansion in project definition may be

utilized at campuses to both serve veterans and protect historic properties.

- **Clarification on property eligibility.** The California (CA) SHPO requested that VA state whether properties are individually eligible for listing on the National Register of Historic Places (NRHP) or are contributors to a historic district on future composite lists.
  - **VA Response:** VA will consider adding this information to future composite lists to facilitate the review of consulting parties.
- **Existing agreements.** The Ohio (OH) SHPO reminded VA of an existing Programmatic Agreement (2015, amended 2020) at the Chillicothe VAMC that encompassed listed properties.
  - **VA Response:** The inclusion of properties on the composite list does not forego existing agreements.
- **Demolition of historic buildings will result in an adverse effect.** The Wisconsin (WI) SHPO noted that Buildings 2, 23, and 404, at the Tomah VAMC are contributing to two (2) historic districts, and demolition of these buildings would result in an adverse effect to the districts. The California (CA) SHPO noted Buildings 13, 20, 66, 156, 157, 158, 199, and 212, are contributing to a historic district, and the demolition of Buildings 13, 156, 157, 158, and 212 would result in the loss of integrity to the central core of the district. California (CA) SHPO requested additional mitigation measures beyond that of Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) documentation should Buildings 20, 66, or 99, be adversely affected.
  - **VA Response:** VA recognizes that demolition of historic properties is an adverse effect per 36 CFR 800.5(a)(2)(i). VA has no plans to demolish the aforementioned buildings at this time. VA acknowledges CA SHPO's request for additional mitigation beyond HABS/HAER and should demolition be proposed, VA will take it under consideration.
- **Requests for utilitarian properties to be designated as non-utilitarian.** The Minnesota (MN) SHPO restated their request for Buildings 215 and 219 at the Fort Snelling VAMC be designated as non-utilitarian.
  - **VA Response:** VA's response to this request remains the same as was originally stated in VA's 2019 response to the MN SHPO. The original use of Building 215 was utilitarian (i.e., gas station), and the original use of Building 219 was utilitarian (i.e., workshops - wheelwright and blacksmith), VA maintains that their categorizations is 'utilitarian.'