

VA Program Comment for Vacant and Underutilized Properties
2024 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 April 23, 2024, 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 May 6, 2024, the ACHP posted the composite list of properties and narrative on its [VA Program Comment](#) webpage 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 (May 6 – June 5, 2024), interested parties provided VA with requests for additional information, comments, and objections concerning the properties on the 2024 list of 329 vacant and underutilized buildings, which was based on Fiscal Year (FY) 2023 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 2024 Annual Review of the VA Program Comment Composite List

VA received responses from six (6) interested parties, all of which were SHPOs. The following submitted comments regarding properties on the 2024 composite list:

- SHPOs: Arizona, California, Connecticut, Georgia, Indiana, and North Carolina.

The comments submitted addressed 42 of the 329 vacant and underutilized properties located in six (6) states (AZ, CA, CT, GA, IN, and NC) representing 13% 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.

General Comments included:

- **Loss of Historic Properties/Consideration of Alternatives.** Citing the inclusion of the Raleigh, Salisbury, and Wilmington National Cemetery lodges on the list, the North Carolina (NC) SHPO made clear that the loss of these buildings would result in an adverse effect to historic properties and encouraged VA to consider alternatives to loss. The CA SHPO requested a more detailed analysis of the potential cumulative effects posed by implementing the Program Comment at the West LA VA Medical Center.
 - **VA Response:** VA will continue to include all properties that meet the definitions of “vacant” and “underutilized” per Section 2.2 of the VA Program Comment on the composite list. As mentioned in VA’s most recent Preserve America Section 3 Report (September 2023), the VA National Cemetery Administration has partnered with the U.S. Army Corps of Engineers on a multi-lodge rehabilitation project, which includes the lodges at Raleigh and Salisbury. In regards to the potential implementation of the Program Comment at the West LA VA Medical Center, pursuant to the Programmatic Agreement Regarding the Redevelopment of the WLA Campus (2019), VA will take into consideration the cumulative effects to the historic district should the Program Comment ever be used at the campus.
- **Clarification on the inclusion of properties on the list.** The Georgia (GA) SHPO interpreted the inclusion of five (5) historic buildings in VA facilities in Georgia to indicate that these buildings are “being considered for disposition.”
 - **VA Response:** VA will continue to include all properties that meet the definitions of “vacant” and “underutilized” per Section 2.2 of the VA Program Comment on the composite list. The decision to dispose of buildings is based on multiple factors, and inclusion on the program comment list does not mean that VA is considering these buildings for disposal.
- **Requests for utilitarian properties to be designated as non-utilitarian.** The Indiana (IN) SHPO requested Building 105 at the Marion VA Medical Center, coded as utilitarian, be changed to non-utilitarian. The Connecticut (CT) SHPO requested that Building 7 at the West Haven VA Medical Center, coded as utilitarian, be changed to non-utilitarian. The California (CA) SHPO requested Buildings 13, 20, and 23 at the West LA VA Medical Center, coded as utilitarian, be changed to non-utilitarian.
 - **VA Response:** VA concurs that these buildings are non-utilitarian as defined in the Program Comment and will amend the composite list.
- **Clarification of Historic Status:** The CT SHPO requested that four (4) buildings at the Newington VA Connecticut Healthcare System (Buildings 4, 6, 7, and 8) coded as National Register Eligible be changed to National Register listed.
 - **VA Response:** VA concurs that these buildings are contributing to the NRHP-listed Newington VA Hospital Historic District and will amend the composite list.
- **Clarification on the inclusion of properties on the list:** The Arizona (AZ) SHPO requested that the seventeen (17) historic buildings that are contributing to the Fort Whipple Historic District in Prescott, Arizona, not be included in the composite list because the cultural context of the

Prescott VA Medical Center exceeds the thresholds of the Program Comment as there is a multi-component archaeological site encompassing the district and because property-specific alternative procedures have not been followed.

- **VA Response:** VA includes all properties that meet the definitions of “vacant” and “underutilized” per Section 2.2 of the VA Program Comment on the composite list. The inclusion of these properties on the composite list does not preclude them from being subject to the standard Section 106 process. As stated in Section 2.1 of the VA Program Comment, “VA may choose to utilize a case-by-case approach for each undertaking and meet Section 106 requirements by following 36 CFR 800.3-800.7 in the event VA determines the undertaking warrants individual consideration.”

Regarding the archaeological component of the Prescott VA Medical Center, Section 2.1 of the Program Comment states “This Program Comment does not apply to ... (1) Archaeological historic properties, or (2) properties of traditional religious and cultural significance to Indian tribes or NHOs. Undertakings with the potential to affect any of these historic properties will follow the standard Section 106 review process, or if extant, the process detailed in any previously executed Section 106 agreement documents that govern such undertakings.” Should an undertaking be proposed for any of the buildings on the list that has the potential to affect archaeological historic properties or properties of traditional religious and cultural significance to Indian Tribes or NHOs, VA will not use the Program Comment. However, because the Program Comment also covers activities with no ground disturbance (e.g., limited maintenance and repair actions and leasing actions), VA includes all eligible buildings on the list to maximize opportunities to find uses for those that are vacant and/or underutilized.