



DEPARTMENT OF VETERANS AFFAIRS
Office of Construction & Facilities Management
WASHINGTON DC 20420

March 7, 2018

Dear Tribal Leader:

We are writing to facilitate tribal consultation on the U.S. Department of Veterans Affairs (VA) effort to simplify the process of compliance with the National Historic Preservation Act (NHPA), for reduction of vacant and underutilized buildings, structures and land in its real property inventory.

We are seeking tribal input on an alternative process in the NHPA called Program Comment. This alternative allows review of an overall agency initiative by the Advisory Council on Historic Preservation (ACHP), the federal agency with oversight for Section 106 of the NHPA and the implementing regulations, 36 CFR Part 800. VA anticipates that a single Program Comment from the ACHP will reduce the overall time and budget required to review these real estate actions as compared to multiple individual reviews.

The Program Comment approach is authorized at 36 CFR Section 800.14 (e) in the implementing regulations for the NHPA. Development of the VA Program Comment for reduction of its unneeded real property began in late 2017, and is targeted for completion in May 2018. VA is currently seeking input from multiple stakeholders, including the Veterans Service Organizations, federally recognized Indian tribes, the National Association of Tribal Historic Preservation Officers, the National Conference of State Historic Preservation Officers and the National Trust for Historic Preservation. Following consideration of such input, VA will submit a formal request to the ACHP for consideration. During its 45-day review period, the ACHP will publish a draft Program Comment in the Federal Register for additional stakeholder and public input. ACHP will then render a decision on the proposed alternative process.

The Program Comment request from VA to ACHP will encompass a variety of real estate actions such as leases (including both Enhanced-Use Leases (EULs) under VA's authority at 38 U.S.C. §§ 8161-8169, and NHPA Section 111 leases authorized under 54 U.S.C. § 306121-306122), exchanges, sales, transfers, and demolition of buildings and structures, which VA identifies as unoccupied or underutilized at VA Medical Centers and National Cemeteries nationwide.

The Program Comment will apply to buildings, structures and land that are *historic properties*: properties identified as eligible or listed on the National Register of Historic Places. The Program Comment will *not* apply to historic properties that are identified as being of traditional religious or cultural significance to federally recognized Indian tribes or Native Hawaiian organizations.

VA is publishing a Notice of Availability (NOA) in the Federal Register concurrently with sending this letter. The VA NOA provides a 30-day public comment period on the decision to pursue a Program Comment; however, tribes may submit comments for up to 45 days from the date of this invitation. Any public comments and comments from tribes will be compiled and submitted to the ACHP, with the VA request for the Program Comment.

Page 2.

We are seeking tribal consultation regarding historic properties under VA jurisdiction: buildings, structures and land identified as significant in the historical development of the Department of Veterans Affairs and its services for Veterans. During this process, you may submit written comments electronically to tribalgovernmentconsultation@va.gov. We will offer a webinar on March 22 that will be hosted by the National Association of Tribal Historic Preservation Officers. If you are interested in participating in the webinar, please email us at the address above.

We appreciate your support as we move forward to consider historic properties in an effort to reduce our vacant and underutilized buildings portfolio. The Program Comment will streamline the review process and ultimately facilitate efficiency and lower costs to VA and taxpayers.

Sincerely,

A handwritten signature in black ink, appearing to read 'Douglas Pulak', written in a cursive style.

Douglas Pulak
Federal Preservation Officer