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Program Comment Status Briefing for the Advisory Council on Historic Preservation

28 June 2022



**Proposed Program Comment for
Army Vietnam War Era Historic Housing, Associated Buildings and
Structures, and Landscape Features (1963-1975)***

BRIEFING PURPOSE:

- This briefing is intended for the Advisory Council on Historic Preservation (ACHP) staff and the ACHP membership.
- The Army has now completed an eight-month Program Comment public participation period that included a nation-wide Federal Register announcement and public comment on the Program Comment Plan, followed by six-months of direct consultation with interested parties on all relevant topics pertaining to the proposed Program Comment.
- As of 22 June 2022, the Army concluded the public participation phase of the Program Comment process and is now moving to the next phase, preparation and submission of the Program Comment to the ACHP.
- This briefing provides the ACHP a comprehensive, to date summary of the proposed Program Comment for Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963-1975), including results of the public participation process and adjudication of several public comments.

* [Learn more about Army Historic Preservation from the Army Cultural Resources Story Map at www.denix.osd.mil/army-cr/home/.](http://www.denix.osd.mil/army-cr/home/)



**Proposed Program Comment for
Army Vietnam War Era Historic Housing, Associated Buildings and
Structures, and Landscape Features (1963-1975)***

BRIEFING AGENDA:

- I. INTRODUCTION TO THE PROPOSED PROGRAM COMMENT
- II. NATIONWIDE PUBLIC PARTICIPATION
- III. SUMMARY OF PROGRAM COMMENT FOR VIETNAM WAR ERA HOUSING
- IV. PROGRAM COMMENT PROCESS AND SCHEDULE
- V. ARMY VIETNAM WAR ERA HOUSING PROPERTY TYPE
- VI. CATEGORY OF UNDERTAKING
- VII. ACTIONS IMPLEMENTED IN RESPONSE TO CONSULTING PARTY REQUESTS
- VIII. MITIGATION MEASURES
- IX. CONCLUSION
- X. SUMMARY OF ADJUDICATED COMMENTS

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I. INTRODUCTION TO THE PROPOSED PROGRAM COMMENT

- GOAL:

The Army's goal for the Program Comment is to obtain programmatic compliance with NHPA 54 USC 306108 for the repetitive management actions occurring on this large inventory of similar property types by means of the program alternative procedure under 36 CFR 800.14(e), in lieu of conducting individual project reviews under 36 CFR 800.4 through 800.7.

- OBJECTIVE:

The objective of the Program Comment is to achieve the goal in a manner that provides the appropriate balance between historic preservation of the housing and the efficient, consistent and cost-effective management of the housing in order to improve of the quality of life, health, and safety of the Army families living in Vietnam War era housing.

- The goal and objective will be met by the ACHP's adoption of the Program Comment, and the Army's implementation of the Program Comment mitigation measures and management actions.



I. INTRODUCTION TO THE PROPOSED PROGRAM COMMENT (cont.)

- **The Army manages the largest portfolio of historic housing among all Federal agencies.** With over 30,000 historic homes currently, the Army will add 70,000 historic homes to our inventory within the next 50 years and will have an unprecedented total of over 100,000 homes subject to the NHPA.
- **An Army Housing Crisis was declared by Secretary of the Army in 2019** due to widespread reports of significant deficiencies in historic housing. Reports include Army family members being exposed to unsafe levels of lead from lead-based paint, asbestos, and mold in historic Army housing, and significant quality of life issues. These issues continue today and are a major ongoing concern in the Department of the Army, Department of Defense, and Congress. The vast majority of Vietnam War era housing was built for lower ranking enlisted personnel, who continue to be most residents.
- **The Army is implementing a commonsense approach to NHPA compliance for its large and growing inventory of historic housing.** The Army is seeking Program Comments for its large inventories of modern historic housing, while addressing our smaller inventory of more significant pre-1919 housing following the project-by-project review process in 36 CFR 800.4 through 800.6. The Army's approach is focused on improving the quality of life, health, and safety of the Army families living in historic housing in balance with historic preservation concerns.
- **The best means to address the Army Housing Crisis while ensuring 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 by means of the management capabilities provided by Program Comments. The efficacy of Program Comments in delivering these results for historic Army housing is demonstrated by our successful implementation of the ACHP approved Program Comment for Army Capehart Wherry housing (1949-1962) and the Program Comment for Army Inter-War era housing (1919-1940).

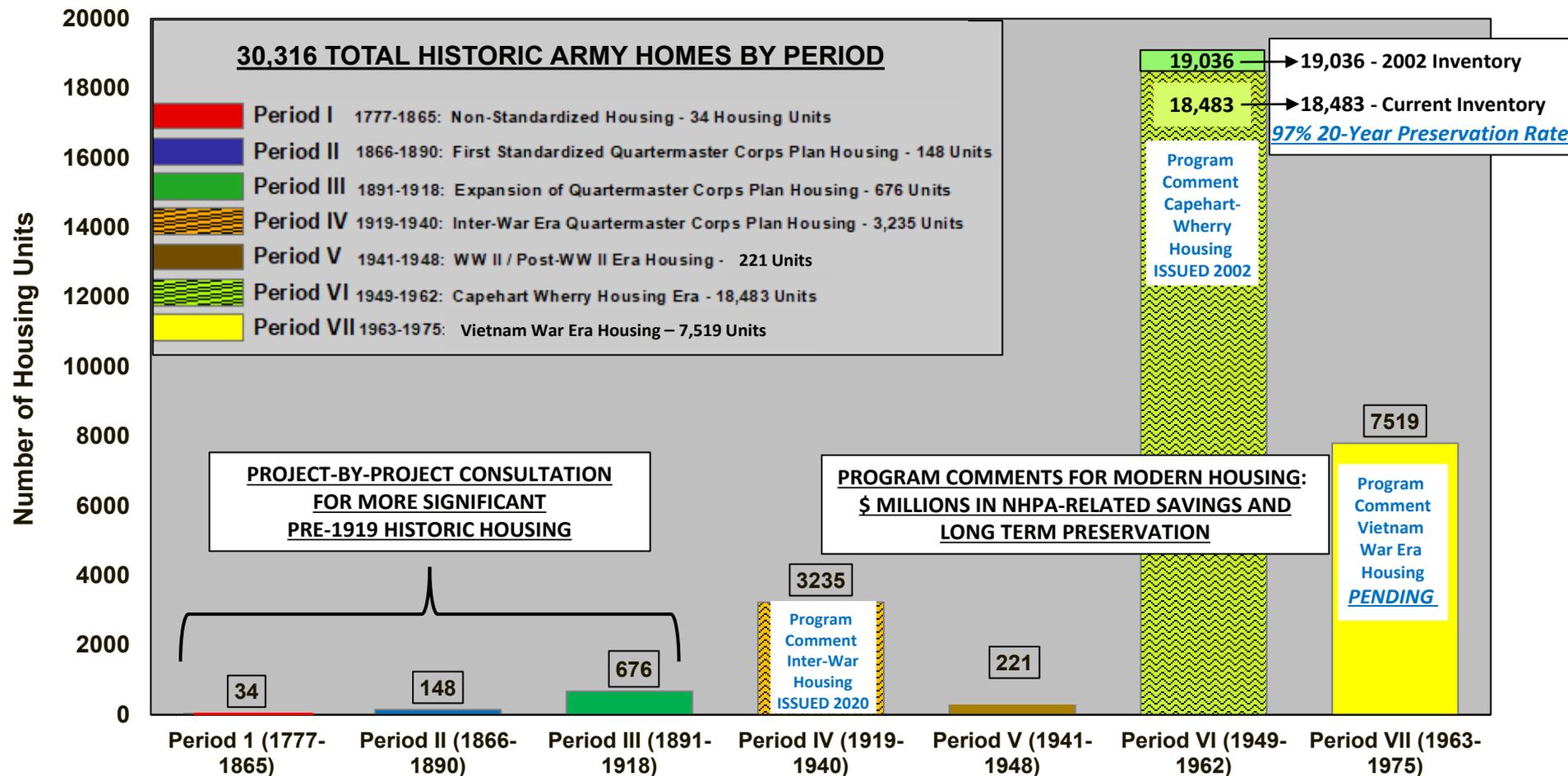


Program Comment for Army Vietnam War Era Historic Housing



ARMY'S APPROACH TO NHPA COMPLIANCE FOR HISTORIC HOUSING:

- Program Comments for large inventories of modern historic housing
- Project-by-project consultation for the inventory of more significant Pre-1919 historic housing





II. SUMMARY OF PROGRAM COMMENT FOR VIETNAM WAR ERA HOUSING (1963-1975)

- **The Army's proposed Program Comment for Vietnam War era housing is designed for the 21st century. The Program Comment is:**
 - Focused directly on addressing the ***Army Housing Crisis*** and improving the quality of life, health, safety, and wellbeing of the Army families living in the housing
 - Responsive to the issue of the Army's huge and growing inventory of historic modern housing
 - Appropriate to the significance and ubiquity of the Vietnam War era housing property type
 - Includes extensive mitigation measures appropriately focused on the property type
 - Synchronized with ongoing real property business management practices
 - Supports implementation of climate change adaptations for the housing, and
 - Provides long-term preservation of the housing as a mission-supporting real property asset
- The Army conducted a robust eight-month public participation process and went above and beyond ACHP Program Comment Panel recommendations in development of the Program Comment Plan. The Army sought, discussed, and considered the views of all consulting parties and, where feasible, reached mutual agreement regarding various matters arising during the consultation.
- This Program Comment and its approach to management of the Army's large and growing inventory of modern historic housing meets the spirit and intent of the NHPA, fully satisfies the Army's statutory obligations, is responsive to 21st century challenges, and will help build public confidence in the historic preservation process.



II. SUMMARY OF PROGRAM COMMENT FOR VIETNAM WAR ERA HOUSING (cont.)

PURPOSE AND NEED FOR THE PROGRAM COMMENT

- Addressing NHPA Section 106 compliance requirements for the thousands of repetitive management actions occurring on this large inventory of modern housing from the Vietnam War era presents unique and significant challenges for the Army.
- According to the *ACHP Program Comment Questions and Answers*, Program Comments as provided for in 36 CFR 800.14(e), were established by regulation to specifically address situations such as this, where a Federal agency has repetitive management actions occurring within a large inventory of similar historic property types.
- Local Army installation-level project-by-project compliance has resulted in inconsistent preservation outcomes for the Army's Vietnam War era housing property type. 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.
- A Program Comment is the best NHPA compliance solution of the Army's inventory of Vietnam War Era housing. If a Program Comment is not in effect, the Army is faced with high costs and lengthy process time to comply with Section 106 for each management action occurring on each Vietnam War era home.



II. SUMMARY OF PROGRAM COMMENT FOR VIETNAM WAR ERA HOUSING (cont.)

PURPOSE AND NEED FOR THE PROGRAM COMMENT (cont.)

- Without a Program Comment, significant compliance costs and process times are required for the NHPA Section 106 / 36 CFR 800 compliance process for each management action. The Army must inventory and identify each housing unit, evaluate National Register of Historic Places (NRHP) eligibility of each unit, assess effects and adverse effects of each proposed management action, resolve any adverse effects through develop of Memoranda of Agreement (MOA), and then implement any MOA required 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. Section 106 project-by-project compliance for each management action must occur in consultation with individual State Historic Preservation Offices (SHPO), Federally-recognized Indian tribes or Native Hawaiian Organizations, and other stakeholders, in accordance with 36 CFR 800.4-800.7.
- The Army requires a more efficient, consistent, and cost-effective means to manage the many thousands of repetitive management actions occurring on this inventory of over 7,500 Vietnam War era housing units.
- As stated in the *ACHP Section 106 Success Story: Capehart Wherry Housing Challenge Spurred Innovative Solution*, DoD officials indicated that the Program Comment for Capehart Wherry housing (1949-1962) would save \$80 million to \$90 million in NHPA compliance costs by replacing the individual case-by-case review process. Also, the Army documented in its 2021 Annual Report for the Program Comment for Army Inter-War Era historic housing (1919-1940) how that Program Comment has saved the Army millions of dollars in NHPA compliance related costs and process efficiencies in just its first full year of operation.
- The Army anticipates that similar significant NHPA compliance cost savings will result from the Program Comment for Vietnam War era housing in addition to improved process efficiency, greater consistency in preservation outcomes, and long-term preservation of the housing as a real property asset.



II. SUMMARY OF PROGRAM COMMENT FOR VIETNAM WAR ERA HOUSING (cont.)

PURPOSE AND NEED FOR THE PROGRAM COMMENT (cont.)

- To ensure the quality of life, health and safety of the military families who live in this historic housing, 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; modernize heating, cooling and ventilation systems; modernize plumbing and electrical systems; address climate change adaptation needs; 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 including mothballing housing, and while infrequent, to cease maintenance, and partially or wholly demolish housing that is highly deteriorated, underutilized, vacant, or presents health hazards or unsafe conditions for occupants. When Army housing has been demolished in the past, it has typically occurred to remove highly deteriorated, vacant, and underutilized housing, and to provide for construction of new housing for Army families.
- Additionally, the Army has need to lease, transfer, and convey Vietnam War era housing generally for the purposes of housing privatization, to allow for housing operations by our housing privatization partners under the Army's Residential Communities Initiative (RCI).



II. SUMMARY OF PROGRAM COMMENT FOR VIETNAM WAR ERA HOUSING (cont.)

PURPOSE AND NEED FOR THE PROGRAM COMMENT (cont.)

- The Program Comment provides the Army the ability to implement management actions in a more efficient, consistent, and cost-effective manner. These actions in turn improve the quality of life, health, and safety of the Army families living in Vietnam War era housing and help ensure that the inventory of Vietnam War era historic housing will continue to function as a viable and sustainable real property asset.
- Efficient, consistent, and cost-effective management provided by the Program Comment helps to improve the quality of life, health, and safety for military families, creates a more sustainable mission-supporting real property asset, and thereby ensures the long-term preservation of the housing.



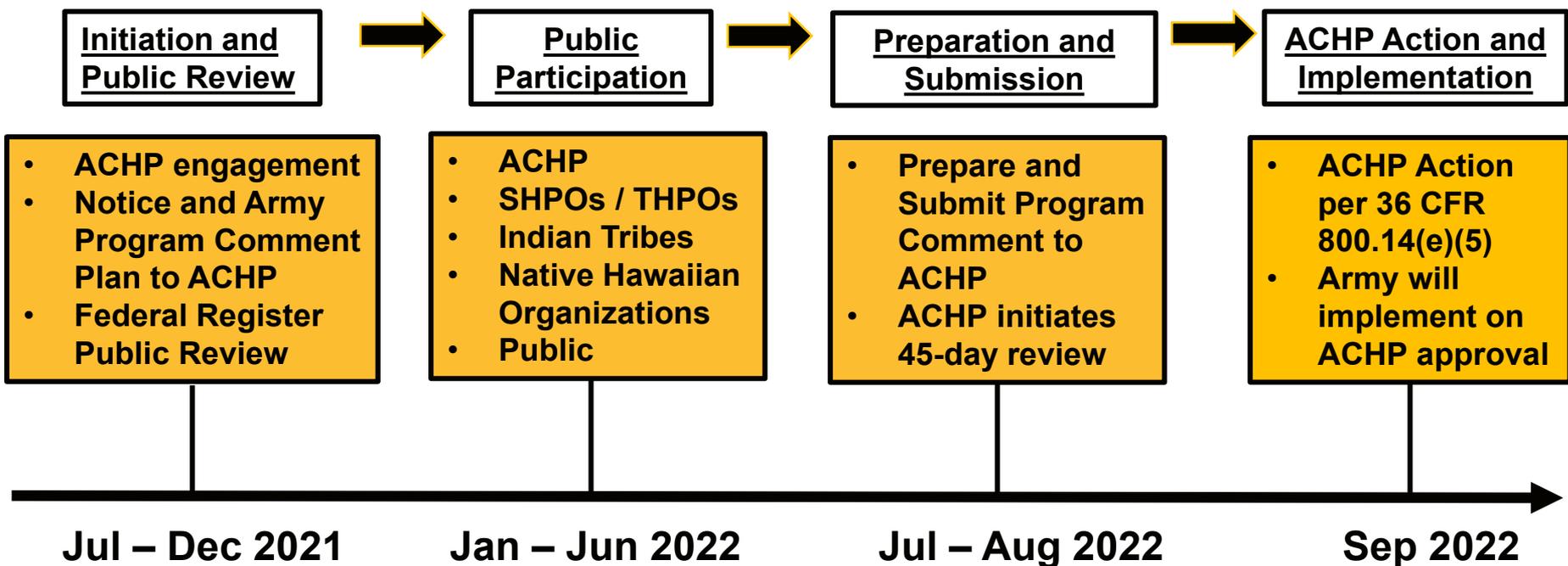
III. NATIONWIDE PUBLIC PARTICIPATION

- **The Army implemented an eight-month public participation period for the Program Comment.**
- In November 2021, the Army prepared a Draft Program Comment Plan for Vietnam War Era Housing (1963-1975) in coordination with ACHP staff and following the ACHP Program Comment Panel recommendations.
- The Army then went beyond the ACHP Panel recommendations and provided the Draft Program Comment Plan for a nationwide 30-day public review through a Federal Register notification on 15 November 2021 (86 FR 63003) and by direct FPO outreach to over 850 stakeholders.
- The Final Program Comment Plan was published on 28 December 2022 and was provided to the ACHP and posted on the Army's public web site. The Final Program Comment Plan addressed the Federal Register public comments received from 11 organizations (1 THPO, 7 SHPOs, and 3 NGOs). The Final Program Comment Plan was used to guide and inform a series of nationwide consultation conferences that began in January 2022.
- Monthly consultation conferences open to all interested parties were hosted by the Army FPO beginning on 26 January 2022 and continued for a six-month period through 22 June 2022. Topics addressed:
 - Jan 26: Introduction, Background, Scope, Purpose and Need, Goal and Objective, Development Process
 - Feb 23: Vietnam War Era Army Housing Property Type, Category of Undertaking
 - Mar 30: National Register Significance and Potential Effects
 - Apr 27: Mitigation Measures and Benefits of the Program Comment
 - May 25: Applicability, Implementation, Effect, and Duration
 - Jun 22: Consultation Summary and Conclusion
- Interested parties involved in the consultation included 28 offices (10 THPOs, 13 SHPOs, 4 NGOs, ACHP) and totaled 47 individuals. Monthly topical consultation briefings were provided to the public on the Army's Program Comment website in advance of each scheduled monthly consultation conference.



IV. PROGRAM COMMENT PROCESS AND SCHEDULE

- The Army sought, discussed, and considered the views of all consulting parties and, where feasible, reached mutual agreement regarding various matters arising during the consultation.
- The Army has now concluded the Public Participation phase of the Program Comment process and will move to the next phase, Preparation and Submission of the Program Comment to the ACHP.





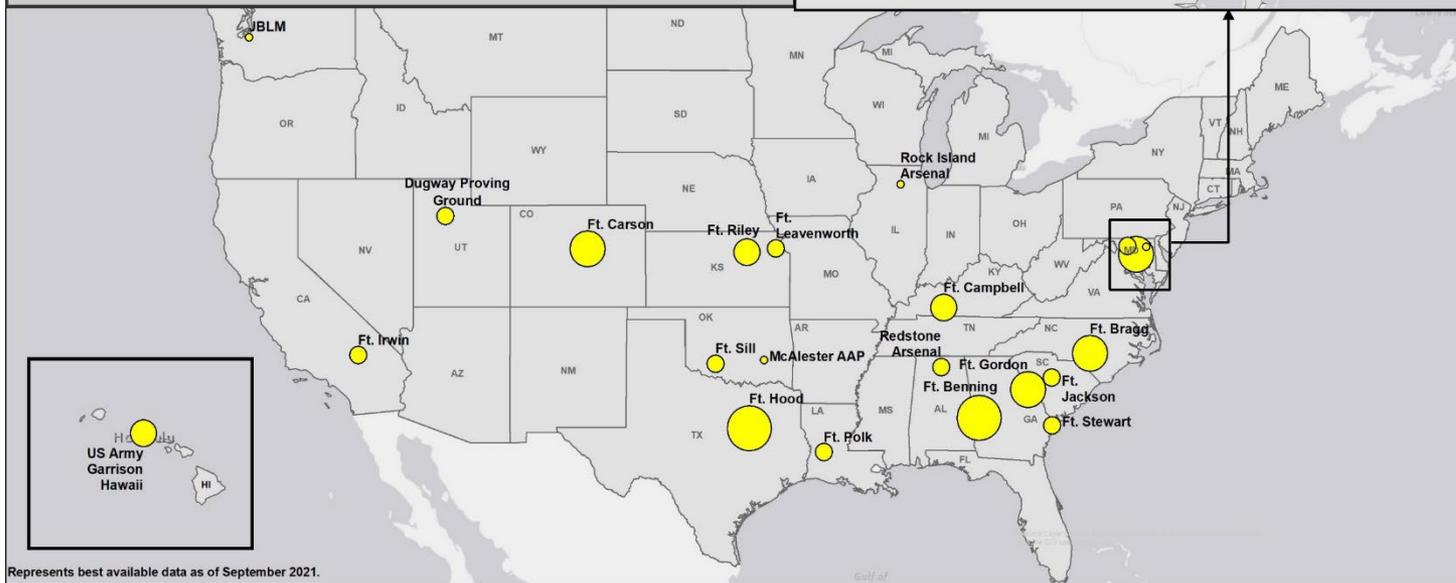
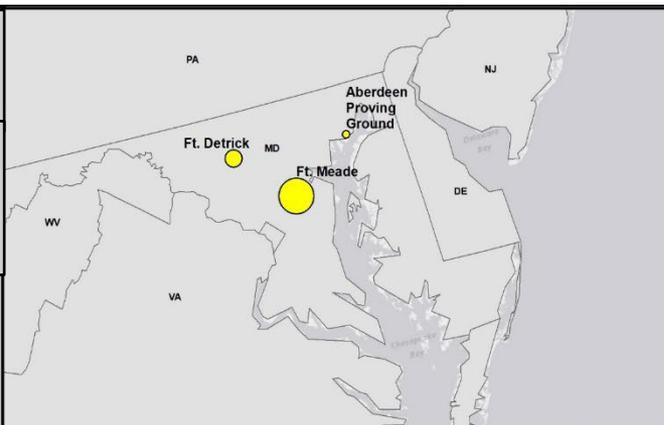
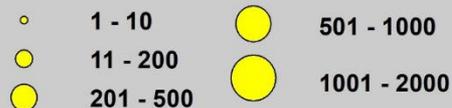
Program Comment for Army Vietnam War Era Historic Housing



V. ARMY VIETNAM WAR ERA HOUSING PROPERTY TYPE

Army Vietnam War Era Housing Numbers and Distribution

Army Vietnam War Era Housing 1963-1975: 7,519 homes on 22 Army installations in 16 states



Installation	Number of Homes
Fort Hood TX	1832
Fort Benning GA	1292
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
Total	7,519

Represents best available data as of September 2021.



V. ARMY VIETNAM WAR ERA PROPERTY TYPE (cont.)



Fort Riley KS – 1963



Fort Campbell, TN – 1963



Fort Detrick, MD – 1965



Fort Gordon, GA – 1966



Fort Benning, GA – 1969



Fort Carson, CO – 1970



Fort Jackson, SC – 1972



Fort Bragg, NC – 1974-1975



Fort Benning, GA – 1975



V. ARMY VIETNAM WAR ERA PROPERTY TYPE (cont.)

- This Army family housing constructed between 1963 and 1975 is composed primarily of ranch style single and duplex housing, townhouses, and some garden-style apartments also.
- Army Vietnam War era housing used the same contractors, designs, building materials, construction methods, and community planning practices that were being used for the 20+ million homes that were built in the private sector during this same 13-year period.
- Based on extensive historic context research and inventories, the Army's Vietnam War era housing was determined significant under National Register of Historic Places (NRHP) Criterion A (Event), for its association with the history of the Vietnam War.
- The Army's Vietnam War era housing inventory lacks architectural integrity due to substantial physical modifications and does not convey significance under NRHP Criterion C (Architectural Design/Construction) nor under other NRHP criteria (B and D).
- There is no National Historic Landmark (NHL) designated Army Vietnam War era housing nor are there any that qualify for NHL designation.



VI. CATEGORY OF UNDERTAKING

- **Management actions include activities to address individual homes and activities to manage the entire inventory of Army Vietnam War era housing.**
- The Army's large inventory of Vietnam War Era housing, associated buildings and structures, and landscape features are subject to frequent and repetitive management actions.
- The category of undertaking for the proposed Program Comment is **management actions** defined as 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 undertaking is defined based on both the Army's needs and on precedent set by the ACHP in the approval of other Program Comments for Army family housing.
- The category of undertaking defined for this Program Comment aligns with the category of undertaking approved and adopted by the ACHP in the Army's Program Comment for Army Capehart and Wherry Era historic and the Program Comment for Army Inter-War Era historic military family housing.



VII. ACTIONS IMPLEMENTED IN RESPONSE TO CONSULTING PARTY REQUESTS

- During the eight-month Program Comment public participation and consultation period the Army sought, discussed, and considered the views of all consulting parties and as a result, the following actions were implemented by the Army in response to requests from consulting parties:
 - **Additional Historic Context Research:** Consulting parties requested that the Army conduct additional historic context research before the Program Comment is submitted to the ACHP in order to further evaluate NRHP eligibility. The Army agreed and published a new and extensive Historic Context in February 2022 during the stakeholder consultation.
 - **Additional Army-wide Inventory and Evaluation of Vietnam War Era Housing:** Consulting parties requested that the Army conduct additional inventory and evaluation of Vietnam War Era housing before the Program Comment is submitted to the ACHP in order to further evaluate NRHP eligibility. The Army agreed and published a new inventory and evaluation of Vietnam War Era housing for 10 Army additional installations in February 2022 during the stakeholder consultation.
 - **Additional Installation-level Reports and Information:** In response to consulting party comments, the Army also provided additional reports and information from installations-specific sources pertinent to the inventory and evaluation of the property type and has posted several installation-specific inventory and evaluation reports and an applicable DoD-wide historic context report on the Program Comment website.



VII. ACTIONS IMPLEMENTED IN RESPONSE TO CONSULTING PARTY REQUESTS (cont.)

- **The following actions were implemented by the Army as a result of requests from consulting parties (cont.):**
 - **Reassess the Determination of NRHP Eligibility:** Consulting parties requested that the Army reassess its determination of NRHP eligibility of the property type with reference to NRHP Criterion C. The Army conducted the requested reassessment in response to these comments based on consideration of additional inventory and evaluation information. With reference to Criterion C, the Army provided significant additional information indicating that Army Vietnam War Era housing is not eligible for the NRHP under Criterion C.
 - **Definition of Properties of Particular Importance:** Consulting parties indicated concern regarding the definition of properties of particular importance. The Army has taken these comment into consideration and has now significantly revised the definition of Properties of Particular Importance to the satisfaction of consulting parties and will use that revised definition in the Program Comment submitted for ACHP action.
 - **Identification and Treatment of Properties of Particular Importance:** Consulting parties requested that the identification and treatment of properties of particular importance also be adjusted. The Army made the adjustment to include coordination with the ACHP at each step in the process.



VII. ACTIONS IMPLEMENTED IN RESPONSE TO CONSULTING PARTY REQUESTS (cont.)

- **The following actions were implemented by the Army as a result of requests from consulting parties (cont.):**
 - **Duration of the Program Comment:** Consulting parties initially objected to the proposed duration of the Program Comment (through 2055) but are now in agreement following the Army's explanation of the synchronization of the duration with ongoing Army real property management requirements.
 - **Annual Report:** Consulting parties requested that the Army include an annual report on implementation of the Program Comment. The Army agreed to incorporate annual reporting into the Program Comment.
 - **Demolition Activity Review and Reporting:** Consulting parties requested review and reporting of demolition activity. The Army agreed and will provide a summary of any known future demolition proposals and any decisions made for housing demolition and in an Annual Report.
 - **Annual Meeting:** After submission of the Annual Report, the Army would meet with the ACHP and invitees during an annual meeting to discuss implementation of the Program Comment. The annual report and annual review meeting would address any significant issues or misunderstandings that may have arisen while implementing the Program Comment, how those were addressed, and how they may be avoided in the future, and provide an overall assessment of the effectiveness of the Program Comment in meeting its intent and purpose.



VIII. MITIGATION MEASURES

Mitigation Measures to be Implemented Upon ACHP Approval of the Program Comment:

The proposed mitigation measures include a combination of actions that appropriately addresses the NRHP significance of and provide for the preservation of Army Vietnam War era housing:

- **Public Education:** The Army will maintain a website containing information about the history of the Army Vietnam War Era housing for public educational purposes. The Army will use **social media** (Twitter) to distribute information on Vietnam War Era historic housing and Army historic preservation to the public.
- **Research:** The Army will conduct additional in-depth professional research and prepare additional nation-wide Army Vietnam War Era housing historic context information.
- **Additional Inventory, Evaluation, and Documentation:** The Army will inventory, evaluate, and document representative architectural styles, design elements, associated buildings and structures, and landscape features. This mitigation measure provides information for **100%** of installations with the Vietnam War Era housing property type and will be used to identify Properties of Particular Importance.
- **Identification and Treatment of Properties of Particular Importance:** The Army will, in coordination with the ACHP, seek to identify Vietnam War Era housing that may have particular importance. Once identified the Army will in coordination with the ACHP conduct additional documentation of those properties and will ensure preservation through continued use as military housing.
- **Tax Credits:** The Army will advise its housing privatization partners that Vietnam War Era housing may be eligible for historic preservation tax credits and provide information sources.
- **Annual Reporting:** The Army will provide an Annual Report to the ACHP. The Annual Report will provide the status of the Army's implementation of the mitigation measures.



IX. CONCLUSION

- **The Army's proposed Program Comment for Vietnam War era housing is a flexible approach to management of the Army's large and growing inventory of modern historic housing, it meets the spirit and intent of the NHPA, fully satisfies the Army's statutory obligations, and is responsive to 21st century challenges.**
- **The Army's proposed Program Comment for Vietnam War era housing is designed for 21st century challenges:**
 - It is a holistic, efficient, and effective approach to management of thousands of recurring actions for a large inventory of modern historic housing; prioritized to address the Army Housing Crisis and improving the quality of life, health, safety, and wellbeing 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 housing.
 - The proposed Program Comment is also appropriately calibrated to the nature, significance, and ubiquity of the Vietnam War era housing property type; includes extensive 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.



X. SUMMARY OF ADJUDICATED COMMENTS

SUMMARY OF ADJUDICATED COMMENTS:

- During the Program Comment public comment and participation period the Army sought, discussed, and considered the views of all interested parties and, where feasible, the Army reached agreement with interested parties regarding numerous matters arising during the consultation (see **VII. ACTIONS IMPLEMENTED IN RESPONSE TO CONSULTING PARTY REQUESTS**).
- There are certain matters where mutual agreement was not feasible for reasons stated in the following review and adjudication of comments. The National Trust for Historic Preservation (NTHP) was the only interested party that submitted written comments during the six-month period of direct consultation with interested parties. The NTHP submitted two sets of comments dated 5 April 2022 and 13 May 2022. The Army responded to each set of NTHP comments on 22 April 2022 and 10 June 2022, respectively. The matters where mutual agreement was not feasible arise from the NTHP comments and were previously addressed in the Army responses to those comments.
- The NTHP written comments and Army responses were provided to the ACHP Executive Director, ACHP OFAP staff, and to all interested parties participating in the Program Comment consultation to further inform that consultation.

**X. SUMMARY OF ADJUDICATED COMMENTS (cont.)****(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**

- 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 precedents for 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."

ARMY ADJUDICATION:

- There are many kinds of non-judicial precedent, including precedents created by the actions of the heads of federal agencies exercising their statutory authorized roles and responsibilities.
- Precedent for future Program Comments is established when the Chairman of the ACHP adopts and issues a Program Comment, following ACHP membership majority vote, in accordance with the Chairman's statutory authorities and 36 CFR 800.14(e)(5). Those approved Program Comments serve as examples to guide content in subsequent similar Program Comments.



X. SUMMARY OF ADJUDICATED COMMENTS (cont.)

(2) CATEGORY OF UNDERTAKING PROPOSED FOR THE PROGRAM COMMENT

- The National Trust for Historic Preservation (NTHP) objects to the category of undertakings that include the Army's **inventory management requirements**. The NTHP specifically objects to including demolition as an undertaking, objects to the inclusion of new construction as an undertaking, objects to the inclusion of cessation of maintenance as an undertaking, and objects to the inclusion of transfer, sale, and lease as an undertaking. The NTHP prefers that each one of these repetitive inventory management actions be addressed for each Vietnam War era home individually following the project-by-project review process in 36 CFR 800.4 through 800.6.

ARMY ADJUDICATION:

- The Army has articulated the need for the management actions in detail in the Program Comment Plan, in the ongoing monthly consultation venue, and in our written correspondence to the NTHP dated April 22, 2022, and June 17, 2022. There is no demonstrated need to exclude these undertakings from the proposed Program Comment when there is ACHP Program Comment precedent for their inclusion, the housing is not architecturally significant, and when there are extensive measures that minimize, reduce, and mitigate any adverse effects resulting from these actions.
- Exclusion from the Program Comment would unnecessarily delay implementation of actions that will ultimately 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 nature and magnitude 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 800.4. through 800.6**. The Army has identified the category of undertakings necessary to holistically and programmatically address this historic property type.
- Addressing the repetitive inventory management undertakings individually by the project-by-project review process under 36 CFR 800.4 through 800.6 rather than by the Program Comment does not align with the regulatory purpose of Program Comments; is not consistent with the precedent Program Comments for Army Inter-War era housing and Army Capehart Wherry housing; and would unnecessarily delay inventory management actions that ultimately improve the quality of life, health, and safety of the Army families living in Vietnam War Era housing.



X. SUMMARY OF ADJUDICATED COMMENTS (cont.)

(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 NHPA agreements.

ARMY ADJUDICATION:

- The Army's language for implementation of the Program Comment for Vietnam War era housing is proposed for the Program Comment to have the intended regulatory effect as stated in 36 CFR 800.14(e) - to operate in lieu of conducting individual reviews under 800.4. through 800.6. Additionally, the implementation language is based on ACHP precedent, it is virtually identical to the implementation statement approved by the ACHP membership and adopted by the Chairman of ACHP in the Army's Program Comment for Inter-War Era housing. The implementation language was approved and adopted by the ACHP after ACHP General Council review of the language.

(4) MITIGATION

- NTHP desires the Army to address the 2002 Program Comment for Capehart Wherry housing as a mitigation measure under the proposed Program Comment for Vietnam War era housing.

ARMY ADJUDICATION:

- The purpose of Section 106 mitigation measures are 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 (*management actions*) on Vietnam War era housing. The mitigation measure proposed by the National Trust to assess the Program Comment for Capehart-Wherry housing do not address the effects of the undertaking on Army Vietnam War era housing.