

Adjudication of Public Comments Submitted to the Army in Reponse to the Army Program Comment Plan Published in Federal Register Notice of Availability at 90 FR 35287							
#	NAME OF REVIEWING OFFICIAL	OFFICE SYMBOL	DATE	Stakeholder	COMMENT	Army Response	Topic
100	Amanda Stratton	ACRA	8/24/2025	NGO	Adverse Effects. The APCP covers all management actions on “associated buildings, structures, and landscapes,” which are defined as “maintenance, repair, rehabilitation, renovation, additions, new construction, abatement of hazardous materials, mothballing, cessation of maintenance, demolition, lease, transfer, and conveyance.” (4.2.3) As ACRA noted in its comments to the Army on its APCP for Preservation of Pre-1919 Historic Army Housing, Associated Buildings and Structures, and Landscape Features, we were encouraged that the Plan – in a departure from other Army program comments – excluded adverse effect actions such as demolition, cessation of maintenance and new construction, instead requiring such actions be addressed through the process in 36 CFR 800.4 - 800.7, and 36 CFR 800.10 for National Historic Landmarks (NHLs). We are disappointed, therefore, that this APCP includes these actions as covered management actions. This is especially worrisome due to reports in the media about neglect of historic housing properties on Army installations and accompanying concerns that management companies have opted to demolish historic structures instead of maintaining them.1 This APCP would enable such actions to move forward without the consultation that Section 106 requires. ACRA urges the Army to exclude adverse effect actions like demolition, cessation of maintenance, and new construction from the APCP, particularly for NHLs.	The issues brought forth here are the reasons the Army pursued Program Comments for its historic housing. The implementation of the Army's prior ACHP-approved program comments for historic housing provided the Army the ability to implement management actions in a more efficient, consistent, and cost-effective manner. This has resulted preserved historic character of the housing, improved quality of life, health, and safety of the military families living in historic Army housing, saved millions of dollars in rehabilitation costs for reinvestment into additional rehabilitation efforts, and ensured that historic Army housing will be preserved as a viable and sustainable military real property asset which is critical to keeping historic buildings online.	Adverse effects
160	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	We are concerned that if the Warfighting PC is adopted, the incentive for the Army to avoid adverse effects will no longer exist, all decision-making will shift to an internal-only process that will reduce or eliminate consultation and transparency in the process, and that qualified installation-level cultural resources staff critical to the efficiency being sought will be removed from the process (as evidenced by existing PC implementation). As will become clear by the content of this letter, we are also concerned with an number of other issues, including the Army's apparent lack of understanding regarding the purpose of S.106, the Army's true motivation for introducing another PC including why the Army is proposing duplicative program alternatives when Georgia installations present clear evidence that Army Alternate Procedures (AAP), programmatic agreements (PA), and collaborative consultation with SHPO works to streamline the S.106 process, how “consultation” has been conducted thus far, how the Army PCs have been and will be implemented, the impending replacement of all existing program alternatives with the PCs, the methodology and guidance (or lack thereof) provided in the PC and its appendices, and the lack of clear statements on the treatment, protection, and preservation of archaeological sites.	The Army is a federal agency leader in Section 106, has consistently leveraged a variety of tools to meet our Section 106 compliance requirements. Program comments are higher-order compliance instruments intended to address an agency-wide category of undertakings and are subject to a higher-level of approval. They offer a strategic alternative to the standard Section 106 project-by-project, step-by-step review process. The primary benefit of program comments is that they allow a federal agency to comply with Section 106 in a tailored, consistent way for a category of undertakings rather than addressing each undertaking individually. The Army has found this to be an effective tool to better assist the Army with meeting its NHPA requirements in tandem with forthcoming rapid modernization and readiness requirements .	Adverse effects
175	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Further, keep in mind that not all adverse effect determinations under the NHPA can be categorically excluded under NEPA simply because they are being mitigated. Conversely, categorical exclusions that may seem inconsequential on paper, can cause adverse impacts to historic properties, including but not limited to the disposal of property without legally enforceable preservation protections, operations and maintenance on buildings 50 years old or older, or boundary changes that contain historic or archaeological resources. The Army's proposed approach of submitting individual actions through the NEPA public review process bears little resemblance to, and is not comparable with, the established Section 106 compliance framework or even with existing (working) program alternatives like AAP or PAS. This approach also ignores the fact that early consultation with SHPOs, Tribes, NHO's and others may prevent the need for a costly and time-consuming EA or EIS altogether. Additionally, the Army including any references to NEPA, due to the current flux in its regulations/guidelines and the fact that most Army undertakings are not put forward to the public or tribes through the NEPA process anyway, is, again, an example of the disingenuous nature of the proposed PC.	The Army understands the concern regarding the NEPA process and will remove NEPA review section of the PC.	Adverse effects
223	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	As written, the PC does not adequately address the resolution of adverse effects, which is required under the Section 106 process (§ 800.6) and involves consultation with SHPOs and other consulting parties. a. Section 4.2.4.7, “Mitigation Measures for Adverse Effects to Historic Properties,” sets forth standard mitigation measures, but the range of properties and undertakings covered by this PC is far too broad to allow for standard mitigation measures. b. It is also reasonable to question whether any of the mitigation measures mentioned in the PC (HABS/HAER/HALS documentation or archaeological data recovery report) would provide any meaningful level of public engagement or wide-ranging benefit, an outcome which may be desired by the affected communities and members of the public.	The Army will revise the program comment and including mitigation section. The standard mitigation measures address every type of effect. The Army will also implement compensatory mitigation in lieu of the standardized mitigation measures for adversely effected historic properties. Progma comments operate in plac e of 36 CFR 800.3-800.6. SHPO participation in the the Program Comment Plan consultation and further under the ACHP's Program Comment consultation met the consultation requirements for the development of the compliance document (the PC) governing resolution of adverse effects.	Adverse effects
251	Heather Gibb	IASHPO	8/22/208	SHPO	We are very concerned with how the Army might implement historic property identification efforts and resolve adverse effects at its numerous facilities. None of the proposed process is detailed in the proposed program comment.	The Army has been conducting identification efforts and resolving adverse effects under NHPA for over 40 years. Section 4.2.3.1 states identification matters will consider the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation or equivalent state-level standards. These include methods such as archival research, surveys, historic contexts, predictive models, and other reports to support these efforts. The Army intends to continue to utilize these methods to identify historic properties.	Adverse effects
338	Amy Spong	MNSHPO	8/19/2025	SHPO	The Program Comment Plan states that the Army will avoid adverse effects if possible. If adverse effects cannot be avoided, the historic property will be subject to a treatment plan prepared by the installation. There will be no consultation with stakeholders regarding the resolution of adverse effect, and there will be no stakeholder input on the treatment plans. In S106, stakeholders and the public play an integral role in resolving adverse effects to historic properties and under the Program Comment Plan, this role is eliminated.	Program comments operate in place of project-by-project consultation in 36 CFR 800. The Army will lead with avoidance of adverse effects in all planning. A program comment is a method for federal agencies to meet their Section 106 obligations. The PC is authorized pursuant to 36 CFR 800.14(e) and consultation is completed up-front during a specialized consultation process and a subsequent compliance agreement is developed based on the consultation. SHPO participation in the the Program Comment Plan and further under the ACHP's Program Comment consultation satiate the consultation requirements for the development of the compliance document (the PC) governing resolution of adverse effects.	adverse effects
107	Amanda Stratton	ACRA	8/24/2025	NGO	Amendments. The APCP would allow the Chairman of the ACHP to “amend this program comment to extend its applicability to the other military departments of the Department of Defense.” (9.1) ACRA opposes this provision, as it would vest in the Chair of the ACHP the sole authority to decide whether this broad program Comment is extended Defense-wide without any opportunity for public consultation or a vote of the Council. The APCP also gives the Army veto power over amendments to the Program Comment (9.3). We believe that the Council members should retain the right to amend the Program Comment if needed, as long as there is adequate consultation with the Army and stakeholders.	The ACHP requested the Program Comment be expanded to other MilDepts initially and the Army included this language to be responsive to their request. The ACHP chairman is appointed by the President and Senate approved. They are charged with continuing oversight of the execution of policies and to act on behalf of the Membership (ACHP Operating Procedures). This authority is subject to the vote on the Program Comment by the full Membership.	Amendments
156	Ira L. Matt	NATHPO	8/23/2025	NGO	Amendment. Section 9.0 allows ACHP to amend the PC after consulting the Army and “other parties as it deems appropriate.” NATHPO has significant concerns with this language. Allowing amendments without mandatory Tribal participation risks undermining existing protections and further marginalizing Indigenous voices in decisions that directly affect their heritage. Because amendments may substantially alter the scope or application of the PC, they must be subject to the same standard of consultation as its development. Requests: Require government-to-government consultation with federally recognized Indian Tribes and consultation with NHOs prior to any amendment that has the potential to affect Tribes. Ensure that NATHPO is invited to consult regarding all proposed amendments.	The ACHP chairman is appointed by the President and Senate confirmed. They are charged with continuing oversight of the execution of policies and to act on behalf of the Membership (ACHP Operating Procedures). This authority would be provided for subject to the vote on the Program Comment by the full Membership. Additionally, NATHPO is a member of the Council in addition to the presidentially-appointed tribal member and will have the opportunity to vote on this measure.	Amendments
245	Kathryn Leonard	AZSHPO	8/22/2025	SHPO	4. Section 9.1 of the PC Plan reads: Amendment by Chairman, ACHP. The Chairman of the ACHP may amend this program comment to extend its applicability to the other military departments of the Department of Defense. The AZ SHPO contends that the ACHP must consult with SHPOs, THPOs, Tribes and the public on the appropriateness of such action prior to pursuing an amendment.	The ACHP requested the Program Comment be expanded to other MilDepts initially and the Army included this language to be responsive to their request.The ACHP chairman is appointed by the President and Senate approved. They are charged with continuing oversight of the execution of policies and to act on behalf of the Membership (ACHP Operating Procedures). This authority provided for is subject to the vote on the Program Comment by the full Membership. Additionally, NCSHPO and NATHPO are an voting members of the Council in addition to the presidentially-appointed tribal member, and representative experts and members of the public.	Amendments

262	Richard Veit	SHA	8/23/2025	SHPO	9.1. Amendment by Chairman, ACHP. This section states that “The Chairman of the ACHP may amend this program comment to extend its applicability to the other military departments of the Department of Defense. The ACHP will notify the Army and will publish notice in the Federal Register regarding such amendment within 30 days after the Chairman’s issuance of the amendment.” The applicability of the Army’s program comment should not be extended to other military departments of the Department of the Defense. Other military departments have very different missions and and their installations contain historic properties often not found on Army installations. Therefore, other military department must prepare their own respective program comments and not use the proposed Army program comment.	The ACHP requested the Program Comment be expanded to other MiDepts initially and the Army included this language to be responsive to their request. The ACHP chairman is appointed by the President and Senate approved. They are charged with continuing oversight of the execution of policies and to act on behalf of the Membership (ACHP Operating Procedures). This authority would be provided for subject to the vote on the Program Comment by the full Membership. The Army does not concur with inference that the missions and the historic properties between MilDepts are substantially different which is evidenced by several DoD-wide ACHP approved Program Comments that capture historic properties across all MilDepts.	Amendments
411	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	Appendix A would benefit from a discussion of how the Army determines that an activity is an undertaking subject to Section 106. It appears that several of the Army Training and Testing Activities do not have the potential to harm historic properties. The PC has the express goal of avoiding confusion and streamlining, but this Appendix reads more like a confusing laundry list than a thoughtful approach to Section 106 compliance. The Army should consider revising this list and/or providing additional explanations. While I understand the Army is attempting to extend the reach of the PC, many activities at NHLs are given additional consideration in the PC and any of the activities listed in the Appendix would warrant that additional consideration if they are held at an NHL even if they have no potential to cause harm.	See the definiton of an undertaking in 36 CFR 800.16. A undertaking is defined as an action funded by or under the jurisdiction of a federal agency - not if it has the potential to harm a historic property. Appendix A is a list of some of the training and testing actions that comprise the category of undertakings. The Army intends to lead with avoidance of all adverse effects including to NHLs. Undertakings which have adverse effects on NHLs will be subject to higher-level review by the Army, the ACHP and the NPS to determine appropriate treatment plans for mitigation of adverse effects to NHLs.	Appendix A
412	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	Appendix C does not take into consideration the themes of significance for a historic property and places considerable focus on architectural details. This appendix could be improved with a discussion of other areas of significance, as well as the aspects of integrity that should be maintained.	The theme and context for historic properties addressed under this program comment is the military landscape. The Army will expand that discussion in the program comment. The Army will consider any specific technical comments that CTSHPO may offer regarding this topic.	Appendix C
129	Kiersten Faulkner	HHF	8/23/2025	NGO	7. Applicability to Non-Federal Land The Army leases some 26,000 acres from the State of Hawaii for training activities (19,700 acres at Pohakuloa Training Area and 6,322 acres at Kahuku Training Area, Kawaiiloa-Poamoho Training Area and Makua Military Reservation). The leases are set to expire in August 2029. The Army’s proposed land retention is the subject of current negotiation between the Army and the State and is the subject of intense public scrutiny and interest. In May and June 2025, the Hawaii Board of Land and Natural Resources (BLNR) rejected the Army’s final Environmental Impact Statements (FEIS) for the proposed lease renewal actions. The BLNR decisions cited the “clear lack of baseline data to enable the Department of Land and Natural Resources (DLNR) and the BLNR to determine and understand the extent of any impacts to natural, historical and cultural resources.... Areas where staff felt the FEIS fell short included adequately accounting for known and likely archaeological sites.” The BLNR’s decision was made after “hours of impassioned public testimony, primarily against the Army’s FEIS, and ... reviewing hundreds of written and oral testimonies, as well as comments from DLNR’s own divisions.” The issue illustrates two fundamental flaws in the Program Comment Plan: 1) NEPA processes are insufficient to address identification of historic properties and resolve potential effects to them, and 2) members of the public in Hawaii do not consider Army to be credible stewards or caretakers of historic properties or cultural resources, especially for sites that belong to the people of Hawaii in the public trust. HHF recommends that the Program Comment exclude all installations and lands in Hawaii, both those under federal ownership and those that are owned by others but managed by Army, and that it honor existing agreement documents and continue to apply 36 C.F.R. Parts 800.3 through 800.12 for specific undertakings that occur in Hawaii.	The Army acknowledges the comments provided here but are unable to address issues of land tenure in the Hawaiian Islands through this Program Comment; however, the Program Comment is intended to apply state and leased lands nationwide that are utilized by Army . RE: 1) The NEPA processes, the Army understands the concern regarding the NEPA process and will remove the NEPA review component of the PC; 2) the Army acknowledges HHF’s opposition the application of the PC in Hawaii, however, the scope of the PC will remain nationwide and include all Army warfighting readiness activities on all Army installations, facilities, and locations where NHPA Section 106 is applicable.	Applicability
152	Ira L. Matt	NATHPO	8/23/2025	NGO	Applicability and Prior Evaluations. Section 6.0 excludes from consideration properties previously determined not eligible for the NRHP. As currently proposed, the Army has not committed to any standards for reevaluation of these properties. However, many such eligibility determinations were made without Tribal consultation. Language at 36 CFR §800.4(c)(1) directs agencies to take into account the fact that changing perceptions or incomplete evaluations may require reevaluation. This is particularly important to account for given that many sacred sites, TCPs, and HPRCS are known only to Tribes; Army staff cannot generate this knowledge internally, nor can they replicate it through outside contractors. It should also be noted that Tribes frequently maintain a connection to a location regardless of physical disturbance. Requests: Require reevaluation of properties whenever a Tribe identifies potential cultural or religious significance of a geographic location. Identify a timeline for reevaluation consistent with State standards (e.g., 10yrs). Ensure prior determinations are revisited with full Tribal consultation to ensure other contributing qualities and/or eligibility criteria are considered.	The Program Comment will clarify that if at a future date, the Army reassesses properties previously determined not eligible for inclusion in the NRHP and subsequently determines such properties to be eligible for inclusion in the NRHP, NHPA Section 106 compliance for those properties shall occur by means of this program comment.	Applicability
101	Amanda Stratton	ACRA	8/24/2025	NGO	Staff Capacity and the Role of SHPOs. The APCP states in its Overview that the original regulations “assigned State Historic Preservation Officers (SHPO) a central role in Section 106 project review because federal agencies then lacked in-house professional historic preservation expertise. However, federal agencies now employ hundreds of historic preservation professionals and have sophisticated historic property management programs and plans. The Army currently employs over 300 historic preservation professionals at all levels within the department.” Recent and planned reductions-in-force and voluntary retirements may very well leave the Army without adequate personnel sufficiently trained in and experienced with cultural resources management. We therefore are concerned that, by relying on a reduced staff capacity at the Army, this Program Comment could result in uninformed decision making that adversely affects historic properties. Furthermore, the central role that SHPOs play in the Section 106 review process derives from the National Historic Preservation Act itself, namely 54 USC 306102, which requires federal agencies to ensure their procedures for compliance with Section 106 “provide a process for the identification and evaluation of historic property for listing on the National Register and the development and implementation of agreements, in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on historic property will be considered.” SHPOs play an important role in the process, as they are the government entities best suited to understand the specific historical and cultural context of sites in their states.	DoD was not subject to the degree of reductions that occurred in other agencies. Army maintains adequate staff to implement the program comment. Additionally, the Army recognizes the role of State Historic Preservation Officers (SHPOs) in advising and assisting federal agencies with their preservation responsibilities and this is reflected in the consultation process for developing the Program Comment.	Army historic preservation professionals
125	Kiersten Faulkner	HHF	8/23/2025	NGO	Army asserts that, “This program comment ensures that qualified historic preservation professionals support its implementation”9 and references its “well-established historic preservation program and strong record of innovative Section 106 compliance” with “over 300 historic preservation professionals and ... sophisticated historic property management programs and plans.” However, Army fails to note that its 40-year track record of historic preservation management is because of the requirement to comply with Section 106. In the absence of such a requirement, there is little expectation that Army would continue to employ its preservation staff nor to implement its preservation programs. The Catch-22 issue is that Army uses its compliance with Section 106 to justify why it no longer needs to comply with Section 106.	The Program Comment will be implement and it meets all substantive requirements of Section 106 of the NHPA. Implementaton of the Program Comment is complaine with Section 106 of the NHPA.	Army historic preservation professionals
126	Kiersten Faulkner	HHF	8/23/2025	NGO	If Army intends to maintain current staffing levels and programs, it should commit to that in the Program Comment itself. The implementation and reporting need to include an explicit requirement for every installation to hire, train, retain and utilize qualified preservation professionals or criteria for the selection and accountability of contracted qualified cultural resources management firms. These professionals need to be empowered to make determinations and influence outcomes for historic properties within their discipline (e.g. buildings and structures need to be overseen by qualified Historic Architects; archaeological sites be supervised by qualified Archaeologists.)	All substantive Section 106 activites under the Program Comment such as historic proeprty inventory, evaluation, and mitigation will be conducted under the supervision of individuals that meet the SOI Standards as is required.	Army historic preservation professionals
169	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Sixth, the assertion that the Army employees over 300 historic preservation professionals at all levels as part of the “success” of their S.106 compliance process seems inflated considering many installations do not have a cultural resources subject matter expert as their Cultural Resources Manager (CRM). Additionally, many CRMs are not Secretary of the Interior (SOI)-qualified historic preservation professionals. This claim begs several new questions: is the assertion that the Army has “over 300 historic preservation professionals” actually still accurate given the recent terminations of probationary employees? Does this statistic accurately account for those staff members who took one of the two deferred resignation program offers? Does it include only Army civilians or also the contract support professionals that installations rely on for expertise, whose contracts may be cancelled if the Army refuses to fund cultural resource management activities moving forward? And considering the installation-level cultural resource staff are being shut out of existing PC processes, including implementing the existing PCs at the installation level, when can we expect their numbers to be even further reduced? As evidenced in Georgia, SOI-qualified installation-level professionals are not empowered to make decisions or implement the previous Army PCs on behalf of the installation.	See above response.	Army historic preservation professionals
170	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	On top of that, the Army has not even consulted with the SOI-qualified professionals employed by the Army for this current PC process altogether. These professionals were not consulted regarding the need for another PC, nor have they been offered the opportunity to comment on the content of this or any other Army PC. Because the existing PCs are not being carried out by SOI-qualified historic preservation professionals, as the Army indicated they would be, we suspect that the proposed Warfighting PC will adhere to the same playbook. The Army is happy to tout the number of cultural resource professionals it employs, but it clearly does not value the input of these qualified staff members – the veritable “boots on the ground.” Is there, perhaps, a concern among Army leadership that if given the opportunity to engage in open, free, and substantive dialogue about these PCs, that installation-level staff may bring a few “home truths” to the table and speak truth to power about these PCs?	Army command and installation CRMs reviewed and commented on the Program Comment Plan and continue to be engaged during Program Comment development.	Army historic preservation professionals



183	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	The Army claims expertise in applying SOI Standards, yet there are no references to applicable NPS Preservation Briefs, terms are not always clearly defined, and NHPA-appropriate terminology is not consistently utilized.	The Army references to the Secretary of Interior's Standards for Treatment of Historic Properties, the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs, and the Secretary of the Interior's Standards for Rehabilitation throughout the Program Comment. Additionally it referenced Preservation Briefs 15, 22, 16, 47, 8, 2, 5, 29, 30, 4, 19, 29, 30, 45, 9, and 36, see Appendix D.	Secretary of Interior's Standards
230	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	Given the current pace of change within the federal government, the PC should require reporting on the Army's qualified historic preservation professionals (staff and / or consultants) to ensure that the goals of the Section 106 process, and of the PC, can be upheld.	All substantive Section 106 activities under the Program Comment such as historic property inventory, evaluation, and mitigation will be conducted under the supervision of individuals that meet the appropriate SOI Standards as is required.	Army historic preservation professionals
279	Lee Anne Hewett	ALSHPO	8/22/2025	SHPO	Section 2.1, Overview, seventh paragraph: We would note that three of the four regular US Army Posts in our state do not have SOI-qualified personnel on staff.	All Army Section 106 work is conducted under the supervision of qualified preservation professionals including at those locations in AL.	Army historic preservation professionals
281	Lee Anne Hewett	ALSHPO	8/22/2025	SHPO	Section 4.2.4.2., paragraph I. (g): Who will make this selection? How will the different aspects above be weighed in the decision process?	This will be done by the installation staff and supporting SOI-qualified personnel that meet requirements of NHPA Section 112(a)(1). The selection will follow the process outlined in the Design Guidelines (Appendix C).	Army historic preservation professionals
284	Lee Anne Hewett	ALSHPO	8/22/2025	SHPO	Section 4.2.4.7, fourth paragraph: Who will make these decisions? Better preserved examples in the same state? Just because there are multiple examples on one post or one state does not necessarily mean they are not considered rare and special elsewhere.	This will be done by the CRM or with supporting SOI-qualified personnel that meet requirements of NHPA Section 112(a)(1). As evidenced in both the <i>Study of the United States Quartermaster General Standardized Plans (1866-1942)</i> , the <i>Army Quartermasters Corps (USACE Seattle, Nov 1997)</i> and the <i>National Historic Context for Department of Defense Installations, 1790-1940: Volumes I- IV (USACE Baltimore, 1995)</i> , the Army Quartermaster Corp designed and constructed thousands of buildings from standardized plans across the United States. Multiple copies of the same building were built from identical plans and numerous installations and the Army, similar to other MilDepts, the Army believes it is in the best public interest to provide documentation of the best preserved structure either on the installation or elsewhere in the Army inventory.	Army historic preservation professionals
293	Katherine J. Marcopol	NJSHPO	8/22/2025	SHPO	Under the proposed Program Comment, all decision-making authority would be centralized within the Army. Eligibility determinations, findings of effect, and mitigation measures would be handled solely by Army cultural resource staff. The Comment further excludes nearly all World War II and Cold War-era resources, as well as properties previously determined ineligible for the National Register regardless of how much time has passed—foreclosing reevaluation and future research. SHPOs and THPOs should retain the right to review methodology before data recovery begins, and professional cultural resource reports and data should be proactively shared with them.	See 36 CFR 800.14(e) - Program Comments operate in-lieu of project by project reviews. WWII and Cold War resources have already been considered as historic properties and have been addressed under numerous Section 106 compliance agreements and extensively documented. Army will include language regarding reevaluation with passage of time.	Army historic preservation professionals
396	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	The PC proudly notes that the Army employs approximately 300 historic preservation professionals and owns 122,000 buildings and structures associated with the readiness mission that are subject to Section 106. While the number of professionals is commendable, this roughly equates to each staff person being responsible for more than 400 buildings at a time (and that is if all professionals were qualified in architecture rather than archaeology). At a time of continued staff reduction requests, can the PC include assurances that it would be void if the number of historic preservation professionals fell below a certain threshold? CTSHPO would like to point out that the purpose of an agency having qualified staff is to facilitate SHPO review and not supplant it as implied in the PC.	That is a novel interpretation of the purpose of federal agencies having qualified staff. All substantive Section 106 activities under the Program Comment such as historic property inventory, evaluation, and mitigation will be conducted under the supervision of individuals that meet the SOI Standards as is required. See 36 CFR 800.14(e) - Program Comments operate in-lieu of project by project reviews by SHPOs.	Army historic preservation professionals
397	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	Although the professional staff of 300 historic preservation specialists is noted in the opening of the PC, their role within the management and implementation of Section 4.2.4 is not clear, particularly Section 4.2.4.2. Overall, the PC would benefit from the clarification of the roles and responsibilities of historic preservation staff, consultants, or other Army staff. This would prevent future confusion.	Acknowledged.	Army historic preservation professionals
327	Chief Keith F. Anderson	Nansemond Indian Nation	8/22/2025	Tribe	The Program Comment should be clarified to state that preservation professionals making determinations for historic properties should meet the Secretary of the Interior ("SOI") Qualifications for the discipline relevant to a particular decision. The Program Comment does not specify what qualifications would be required of these individuals, and in consultation meetings Army staff have refused to confirm whether SOI Qualifications would be required.	Army will ensure the program comment clearly states that all substantive Section 106 activities under the Program Comment such as historic property inventory, evaluation, and mitigation will be conducted under the supervision of individuals that meet the applicable SOI Standards as is required.	Army historic preservation professionals
350	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	The Program Comment mentions the "over 300 historic preservation professionals at all levels within the department [of the Army]" who will be responsible for the bulk of the preservation work that is outlined in the document. There is nothing in the program comment that defines what qualifications these "historic preservation professionals" will possess. Even within the disciplines that are spelled out in the Secretary of the Interior's Professional Qualification Standards, it is plain that archaeologists, for example, are not qualified to make determinations of eligibility or of effect on above-ground resources and vice-versa. More specific information about who would be carrying out the work of the Program Comment needs to be shared and documented to ensure that the best qualified people are making the decisions.	see above response	Army historic preservation professionals
71	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	Renew funding for an Army Liaison position with the ACHP. Given the scope of the Army's historic resource portfolio and its stated commitment to its preservation program, the National Trust recommends that continued funding for an Army Liaison position with the ACHP should be a condition of this program comment.	An ACHP liaison position will not be a condition under this program comment. The position is no longer required by the Army.	Army Liaison
163	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Second, there is no basis for the Army's claim that existing Army PCs have "saved millions of dollars" since the true lifecycle of components like modern windows was not included in any of the PC justifications or studies. Further, the claim that consultation with the Army has been, is, or will be onerous to SHPO staff, based solely on the concerns that the National Conference of State Historic Preservation Officers (NCSHPO) raised in 2025 related to the recent impoundment of Historic Preservation Fund (HPF) dollars is not a valid argument and should not be considered as a reason to move forward with this PC. HPF funds have been released by the National Park Service (NPS) and consultation with the Army is not onerous to SHPO staff when the Army does not deliberately impede a good faith consultation process and utilizes existing means to create a more efficient and streamlined process.	The cost savings have been documented in each annual report on the housing program comments submitted to the ACHP, those reports are also posted on the Army's public web sites for each program comment. Uncertainty about the HPF is not the reason for moving forward with this program comment. Recommend SHPOs engage with NCSHPO regarding messaging on SHPO funding/staffing challenges ahead of public messaging. Also, direct you to the HPF funding level in the FY 2026 President's Budget.	Complaints regarding existing PCs
164	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Let's be candid, saving "millions of dollars" and removing what the Army has long complained is burdensome and unnecessary regulatory compliance were the two primary goals of proposing and implementing the previous PCs - none of which were implemented with any substantive or even good faith intention to preserve historic properties. Based on the information we have received so far on the currently proposed PC, we suspect the same motivations are at play. The Warfighting PC plan also indicates that the Army would like to free up resources to pursue "other preservation initiatives," however, the Army has provided no indication as to the nature of these other initiatives or evidence that they even exist. This consistent lack of clarity and/or information is another example of the Army being duplicitous in proposing this newest PC.	Disagree. The Army will revise the program comment for added clarity.	Complaints regarding existing PCs
168	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Fifth, the Army repeatedly describes the implementation of previous PCs as "successful." However, it's unclear to us whether the Army's continuing assertion that previous PCs have been "successful" is referring to successful preservation of historic properties or to the Army successfully dodging compliance requirements of S.106. As evidenced by what is occurring on installations in Georgia, it appears to be the latter. Rather than effectively balancing "historic preservation with operational needs," the previous Army PCs have provided the Army a clear path to circumvent historic preservation regulations with no consequences. No evidence is provided otherwise. For example, the annual report for the Vietnam Era Housing PC was 21 pages long and provided sparse details and data. Vietnam-era housing units in Georgia, of which there are over 2,000 across three installations, garnered three sentences in that report and in those sentences it was revealed that the Gordon Terrace complex would be demolished and new units constructed. Thus, claiming future PC annual reports will demonstrate the Army's care and stewardship of historic properties and be robust and full of specificity is disingenuous. (Fool us once and all that...)	Disagree. The Army will revise the program comment for added clarity.	Complaints regarding existing PCs
235	Kathryn Leonard	AZSHPO	8/22/2025	SHPO	Firstly, and perhaps most significantly, we would like to take this opportunity to call into question the legitimacy of the stated need for this PC. As you are aware, for several decades the Army has been engaging in the systematic abrogation of its responsibilities to provide SHPOs, THPOs, tribes, consulting parties and the public an opportunity to consult on Undertakings that have the potential to affect National Register-eligible and/or listed historic properties under Section 106 of the NHPA. The chief mechanism for doing so has been the serial issuance of Program Comments (per 36 CFR 800.14) to provide for unilateral decision making on effects assessment and treatments for entire classes of heritage assets at Army installations. These Program Comments achieve the stated goals of streamlining Section 106 reviews by facilitating the Army's ability to make critical managerial decisions (including demolition) about significant historic resources without further discussions or coordination with SHPOs.	The Army respectfully disagrees with this comment. Program comments are a legal authority provided to federal agencies under the regulations that the Army has found effective in managing its compliance responsibilities with its national defense mission. A program comment is a method for federal agencies to meet their Section 106 obligations provided in the regulations. It is authorized pursuant to 36 CFR 800.14(e) and consultation with SHPOs, tribes, and other stakeholders is a part of the PC development process that is completed up-front and a subsequent compliance agreement is developed based on the consultation.	Complaints regarding existing PCs

236	Kathryn Leonard	AZSHPO	8/22/2025	SHPO	<p>Program Comment Year of Adoption</p> <p>Program Comment for Preservation of Pre-1919 Historic Army Housing, Associated Buildings and Structures, and Landscape Features</p> <p>2024</p> <p>Program Comment for World War II and Cold War Era Army Ammunition Production Facilities and Plans</p> <p>2006</p> <p>Program Comment for Department of the Army Inter War Era Historic Housing, Associated Structures, and Landscape Features (1919-1940)</p> <p>2020</p> <p>Program Comment for Department of the Army Capehart and Wherry Era Army Family Housing, Associated Structures, and Landscape Features (1949-1962)</p> <p>2002</p> <p>Program Comment for Department of the Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1963–1975)</p> <p>2023</p>	Acknowledged.	Complaints regarding existing PCs
237	Kathryn Leonard	AZSHPO	8/22/2025	SHPO	The sheer number of PCs currently in force for DOD facilities might lead one to wonder: what remains that would be considered by the Army and the Advisory Council on Historic Preservation (ACHP) important enough to be subject to the consultation provisions of NHPA?	Rhetorical question.	Complaints regarding existing PCs
363	RJ Hillman	MOSHPO	8/22/2025	SHPO	While the NHPA has guidance for combining reviews with NEPA, the way in which this program comment attempts to merge these processes goes against the regulations for incorporating NEPA and NHPA reviews found in 36 CFR 800.8. The Army has specific steps that it must follow to coordinate NHPA and NEPA on a project-by-project basis and cannot make this decision carte blanche through a PC. The coordination process requires a legally binding document (ROD, PA, or MOA) for each undertaking when a NEPA decision is made prior to completion of Section 106. This fact alone makes the Army's use of 36 CFR 800.8 to justify overarching NHPA consultation through NEPA inappropriate, incorrect, and illegal.	The Army will remove the NEPA review section of the PC.	Complaints regarding existing PCs
432	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	If adopted, this would be the fourth Program Comment approved by the Council for the Army in five years. While the Army may view these prior Program Comments as successful, their long-term consequences have yet to be objectively evaluated by anyone other than the Army itself. NCSHPO and its members have already expressed concerns regarding the shortcomings of these earlier Program Comments. The current plan, in our view, would only exacerbate those issues.	Army and DoD have had program commets in place for over 20 years. They have been highly successful in balancing mission requirements with NHPA - see 36 CFR 800.1(a).	Complaints regarding existing PCs
104	Amanda Stratton	ACRA	8/24/2025	NGO	Traditional Knowledge. Under Inventory, evaluation, determination of effect, and monitoring of historic properties (4.2.4.1), the APCP states that “[i]nstallations may at their discretion seek nonbinding technical advice from SHPO staff and others, and may seek traditional knowledge from Tribal representatives, Tribal Historic Preservation Officers (THPOs), and Native Hawaiian Organizations.” The discretionary nature of this consultation appears to be at odds with the APCP's provisions under Consultation with Federally Recognized Indian Tribes and Native Hawaiian Organizations (4.2.4.10), which require Army to “continue Trust relationships with federally recognized Indian tribes.” Moreover, making consultation around traditional knowledge optional runs counter to the federal government's trust responsibility; such consultation should be mandatory.	The Army will revise and clarify tribal engagement as a requirement in the Program Comment.	Concerns regarding tribal resources (archaeology sites etc.)
143	Ira L. Matt	NATHPO	8/23/2025	NGO	<p>Scope and Opening Objection. NATHPO objects to the inclusion of archaeological sites, Traditional Cultural Places (TCPs), sacred sites, and historic properties of religious and cultural significance (HPRCS) within the scope of the proposed PC.</p> <p>The Army's justification for the PC rests almost entirely on the standardized nature of its built infrastructure and purported inefficiencies of project-by-project Section 106 reviews. While the Army employs more than 300 cultural resource professionals, only sovereign Tribal governments hold the cultural, spiritual, and place-based knowledge necessary to identify and evaluate TCPs, sacred sites, and HPRCS significant to them. The Army further shared that contractors complete most of the survey and documentation work; unless the Army contracts the Tribe directly to conduct surveys for these unique cultural sites, contract staff is similarly incapable of providing the information necessary for the Army to make a reasonable and good faith effort at identification and documentation. Unlike standardized housing built on national templates, archaeological sites and cultural landscapes are unique and tied to distinct Tribal knowledge systems. The Army acknowledges managing more than 84,000 archaeological sites across 13 million acres of land, yet the PC plan contains no mechanism to ensure Indigenous Knowledge (IK) is meaningfully incorporated into decision-making in a transparent and replicable manner.</p> <p>Request: Exclude archaeological sites, sacred places, TCPs, and HPRCS from the proposed PC.</p>	The Army will clairy and include additional provisions in the program comment for gov-to-gov consultation with tribes and Indigenous knowledge for any effects to historic properties of traditional religious and cultural significance.	Concerns regarding tribal resources (archaeology sites etc.)
144	Ira L. Matt	NATHPO	8/23/2025	NGO	<p>Indigenous Knowledge. This PC plan does not align with the Advisory Council on Historic Preservation's (ACHP) Policy Statement on Indigenous Knowledge and Historic Preservation (IK Policy), which recognizes IK as a distinct form of expertise.</p> <p>The PC fails to recognize and create authoritative space in the decision-making process for designated representatives of Indian Tribes who are the appropriate subject matter experts with the experience and qualifications necessary to inform federal agency decision making in the identification of, and assessment and resolution of adverse effects to, historic properties of religious and cultural significance to them.</p> <p>Additionally, this PC should recognize that, in many cases, identifying, vetting, and deciding whether and how to share IK requires research, work, or additional action on the part of the Tribe. If the Army requests that a Tribe provide IK via research, survey, monitoring, or other efforts that are the responsibility of the federal agency under the NHPA, the Tribe should be reimbursed or compensated.</p> <p>Requests: Integrate the principles contained in ACHP's IK Policy throughout the PC. Identify how the Army intends to store and manage IK including limiting access to and dissemination of sensitive IK internally and externally. Provide reimbursement when agencies request information from Indian Tribes, including IK, that would otherwise be the responsibility of the federal agency under NHPA.</p>	The Army will include provisions for the incorporation additional provisions for indigenous knowledge in the program comment.	Concerns regarding tribal resources (archaeology sites etc.)
145	Ira L. Matt	NATHPO	8/23/2025	NGO	<p>Burial Sites, Human Remains, and Funerary Objects. The PC plan does not explicitly refer to the ACHP's Policy Statement on Burial Sites, Human Remains, and Funerary Objects (Burial Policy) and its companion guidance document. Omitting this policy risks inconsistent treatment of burial sites, human remains, and funerary objects, which require early, respectful, and culturally appropriate consultation. Reliance on excavation or data recovery as standard mitigation is particularly problematic and inconsistent with many Tribes' values.</p> <p>Requests: Commit to fully implementing ACHP's Burial Policy and its companion guidance document and ensure its principles guide all identification, consultation, and treatment decisions where Tribal burials or funerary objects may be present, with deference to Tribal expertise and cultural protocols.</p>	Tribal burials and funerary objects will be treated under NAPGRA, not this program comment. The Army will clarify that point in the program comment. The program comment does not in anyway change any requirements under the Native American Graves Protection and Repatriation Act, the Safeguard Tribal Objects of Patrimony Act, nor will it alter, amend, real, interpret or modify tribal sovereignty, any treaty rights, or other rights of any Federally-recognized Tribes, or to preempt modify or limit the exercise of any such right.	Concerns regarding tribal resources (archaeology sites etc.)
146	Ira L. Matt	NATHPO	8/23/2025	NGO	<p>Identification and Access. The PC plan improperly shifts responsibility by encouraging Tribes to proactively identify historic properties, an inherent responsibility of the Army. Pursuant to 36 CFR 800.4(a)(4), the Army must gather information from Indian Tribes to support their identification efforts. The Army must also be cognizant that a Tribe may be reluctant to divulge specific information regarding the location, nature, and activities associated with such sites.</p> <p>Requests: Affirm Army's responsibility for identification and evaluation, guarantee safe access for Tribes when their expertise is warranted, and provide reimbursement for Tribal expertise.</p>	The Army will revise the language regarding identification of historic properties of religious and cultural significance. The program comment will not effect tribal access.	Concerns regarding tribal resources (archaeology sites etc.)
151	Ira L. Matt	NATHPO	8/23/2025	NGO	<p>Post Review Discovery. The current PC plan omits any provision for Post Review Discoveries; this is a serious flaw and continues to show that this PC cannot adequately account for archaeological sites, sacred places, TCPs, and HPRCS. Properties of religious and cultural significance to Indian Tribes are often not fully identified during initial surveys, particularly when IK is not adequately incorporated. Without a Post Review Discovery process, there is no safeguard to ensure that these places are considered if discovered during undertakings.</p> <p>Requests: Revise the PC to include a clear Post Review Discovery provision consistent with 36 CFR § 800.13. Require that the discovery process explicitly involve consultation with any Indian Tribe that may attach religious and cultural significance to the discovery. Ensure IK is recognized as essential to evaluating discoveries, determining significance, and resolving adverse effects. Commit that resolution of adverse effects resulting from Post Review Discoveries will be completed through consultation with affected Tribes, not unilaterally determined by the Army or its contractors.</p>	The Army concurs with the need to include a post-review discovery section and will add that into the Program Comment accordingly.	Concerns regarding tribal resources (archaeology sites etc.)
243	Kathryn Leonard	AZSHPO	8/22/2025	SHPO	2. Although “military landscapes” are discussed within the plan for the proposed PC, in the Arizona SHPO's opinion, the Army has not demonstrated an adequate understanding of cultural landscapes related to tribal heritage to warrant exemptions provided under a PC. These cultural resources, which often contain abundant archaeological sites and properties of traditional cultural and religious significance have been identified by tribes as present at several Arizona Army Installations. These resources warrant comprehensive documentation and evaluation in close cooperation with consulting tribes.	The Army fully understands cultural landscapes. There are no exemptions of tribal resources in the program comment.	Concerns regarding tribal resources (archaeology sites etc.)

287	Lee Anne Hewett	ALSHPO	8/22/2025	SHPO	Section 4.2.4.10, fourth paragraph: This section places the protection of sacred and/or archaeological resources entirely on the Tribes, which may not wish to share culturally sensitive information without a declared undertaking.	The Army will revise Program Comment language to address this point.	Concerns regarding tribal resources (archaeology sites etc.)
306	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	Archaeological Resources. DHR is very concerned about the overall lack consideration for archaeological resources and potential effects these “undertakings” may have on recorded and unrecorded archaeological sites that may be eligible for listing in the National Register of Historic Places (NRHP). The Program Comment plan does not clearly outline the identification and evaluation process for archaeological resources. The Program Comment plan does not specifically discuss the management of archaeological sites at any point besides when identifying appropriate mitigation. What does “streamlining compliance pertaining to archeological resources based on ongoing procedures” (Section 2.1 Pg. 5) mean in regard to archaeological survey identification and evaluation efforts? What is the process for consultation with SHPO when a survey has been completed? Will each installation staff SOI-qualified archaeologists with sufficient knowledge to make eligibility determinations for archaeological sites? DHR understands, both through our experience working with installation CRM staff and via discussions in the project briefing, that the Army relies on the work and recommendations prepared by contract cultural resource management firms. Under 36 CFR § 800, it is the role of the Federal Agency, in consultation with SHPO/THPOs and other consulting parties, to ensure the accuracy and consistency of work completed by outside contractors with applicable standards and guidelines. How does the Army intend to do that under this Program Comment? The Program Comment plan includes the word “landscapes” without a clear definition. Many landscapes include surveyed areas with recorded archaeological sites; however, many of the Army’s landscapes remain unsurveyed or the previous survey data is insufficient or inaccurate. Many of the previously recorded archaeological sites are unevaluated. Without early consultation through Section 106 reviews, DHR cannot provide comments regarding best practices for survey or make recommendations regarding identification and evaluation methods. Additionally, the Program Comment Plan does not address post-review discoveries or the process of consultation in the event an inadvertent find is discovered during ground-disturbing activities. For adverse effects, the standard mitigation will be avoidance or data recovery. The PC states that the data recovery reports will be made available to SHPO, Tribes, and NHOs when requested. However, it is not clear how and/or when SHPO, Tribes, and NHOs will be consulted regarding adverse effects to archaeological sites. How can a SHPO be made aware of or request a data recovery report when they are not consulted in the first place? Archaeological data recovery is a destructive process and its mitigative value lies in the future use to both the archaeological scientific community and its dissemination to the communities associated with the site(s). The Army’s proposed retention of this data with no mechanism for dissemination is a further potential adverse effect to any affected sites. DHR recommends that all archaeological data recovery reports must be provided to SHPO (subject to operational security requirements) and should be made publicly available by the Army upon request.	The Army will provide greater clarity regarding archeological sites and information availability in the program comment. Identification will consider the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation or equivalent state-level standards to inform identification, evaluation, documentation and treatment of archeological resources, which will be performed by SOI-qualified persons. The Army agrees for the need to include a post-review discovery section and will include in the Program Comment accordingly. Army will clarify and expand the section pertaining to military landscapes. Army will address dissemination of information in the program comment. Program comments stand in place of project by project consultation with SHPOs. Army CRMS and Army CRM contractors have the same professional qualifications and have access to the same information as SHPOs.	Concerns regarding tribal resources (archaeology sites etc.)
326	Chief Keith F. Anderson	Nansemond Indian Nation	8/22/2025	Tribe	The Program Comment should be revised to include more detail regarding how archaeological sites and cultural landscapes will be managed consistent with 36 CFR 800. The Program Comment appears to make a series of changes to how Section 106 of the National Historic Preservation Act (“NHPA”) is carried out for archaeological sites and landscapes but has relatively few mentions of these resources and how they will be processed under the Program Comment.	The Army will provide language to better address tribal equities and considerations in the program comment.	Concerns regarding tribal resources (archaeology sites etc.)
330	Chief Keith F. Anderson	Nansemond Indian Nation	8/22/2025	Tribe	The Program Comment should recognize the Army’s responsibility to consider the unique expertise of Tribal Nations regarding tribal historic properties, including traditional cultural places (“TCPs”) regarding which the Tribal Nations are the experts. Currently the Program Comment states that installations “may, at their discretion” seek “non-binding” technical advice or traditional knowledge from Tribal representatives. There are no details regarding when installations would seek this knowledge, and the framing of the Program Comment seems to discourage installations from giving this information any weight in decision making. This section of the Program Comment does not appear to be consistent with federal guidance regarding the identification and evaluation of TCPS, such as the National Park Service National Register Bulletin 38: Identifying, Evaluating, and Documenting Traditional Cultural Places.	The Army will provide expanded language regarding identification of historic properties of religious and cultural significance and indigenous knowledge in the program comment.	Concerns regarding tribal resources (archaeology sites etc.)
387	Julianne Polanco	CASHPO	8/25/2025	SHPO	Also of concern are provisions regarding adverse effects to archaeological resources in areas containing unexploded ordnance or hazardous materials and designating these effects as an “acceptable loss.” Archaeological resources, particularly those of cultural and religious importance to Tribes, are irreplaceable and require careful consultation and consideration. Section 106 of the NHPA (36 CFR 800.2(c)(2)) explicitly requires agencies to consult with Indian tribes and Native Hawaiian Organizations on a government-to-government basis when historic properties of religious and cultural significance may be affected. Collapsing tribal consultation into NEPA public comment periods undermines the federal government’s trust responsibilities and diminishes the role of Traditional Knowledge in decision-making. Government-to-government consultation cannot be substituted by public notice and must remain an independent, respectful process.	The Army intends to lead all undertakings with the outcome of avoiding adverse effects and will clarify in the program comment its intent to continue coordination with tribes regarding properties of of cultural and religious importance to Tribes. The Army acknowledges the concern regarding the term “acceptable loss” and will remove that language from the PC.	Concerns regarding tribal resources (archaeology sites etc.)
39	Lynda S. Ozan	OKSHPO	8/21/2025	SHPO	Section 4.2.4.8 pertaining to the use of conservation easements on properties outside the installation boundaries to “limit development and protect the Army mission” is acquiring an interest in property and should still be reviewable under Section 106. The lands specifically surrounding Fort Sill are of pre-historic and historic interest to many tribes in Oklahoma and a conservation easement has the potential to restrict traditional uses of the lands; that does not constitute a no adverse effect.	Fort Sill does not participate in the REPI program. REPI activities will be addressed in the program comment, and all substantive requirements of NHPA will be addressed. Re conservation easements on private lands - the Army has no authority to either restrict or allow access to private property.	REPI
404	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	Section 4.2.4.8 uses the term “Sentinel Landscape actions.” CTSHPO is not familiar with this term, please add it to the definitions.	The term Sentinel Landscapes will be removed from the PC.	definition
408	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	How will the Army determine the feasibility of archeological site mitigation.	It considers the costs of mitigation among other factors against the available funding and long-term financial resources to ensure the mitigation is realistic, achievable, and will document the property’s historical value. Decisions will be made as they are under current processes, by the installation.	definition
409	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	One of the health and safety hazards identified in this definition is “damaged roofs or walls.” How will this be applied? A nail hole can damage a wall but is hardly a threat to life or safety. Consider changing this vague term to something specific, such as structurally unstable roofs or walls.	Army will review that language in the program comment.	definition
184	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	There is a massive appendix provided to complement the design guidelines and direct decision makers on how to replace historic materials, but there is no appendix provided to direct decision makers on how to appropriately assess and repair historic materials. As such, the appendices are inherently flawed and deliberately skewed toward replacement. For example, throughout the guidelines, the language used implies that replacing historic materials should be done “when desired” even when replacement is not needed. This is another example of the Army utilizing vague or incomplete or leading language to allow inconsistent and potentially incompetent decision making and damage and/or inappropriate changes to historic properties.	The Design Guidelines are in accordance with the Secretary of Interior’s Standard for Rehabilitation. These are the same exterior guidelines that have been approved by the ACHP in two prior program comments for historic Army housing from this same period as the buildings under consideration, and this has not been an issue with implementation.	Design / building materials guidelines
185	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Throughout the appendices, the term “consider” is used when the guidance provided should direct the decision maker to align their decision with the SOI Standards. Language should be directive and not hide the Army’s intent (i.e., match existing stucco texture)	see above response	Design / building materials guidelines



186	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Character-defining features extend beyond architectural type and style; they are the features that are imperative to the building's significance. If a building serves a specific military function, elements that have nothing to do with the style, such as circulation patterns, would be character-defining. The SOI-qualified professional must determine what the building is significant for and what its period of significance (POS) is before character-defining features can be determined, particularly if the building has changed over time. Original features may not relate to the POS for the building.	SOI qualified professionals will implement the guidelines.	Design / building materials guidelines
187	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	If the Army expects their installations to “improve historic properties” then the appendices should have photographs or other illustrative aids, to aid in decision making and, again, avoid vagueness.	Photographs are in referenced sources - NPS Preservation Briefs 15, 22, 16, 47, 8, 2, 5, 29, 30, 4, 19, 29, 30, 45, 9, and 36, are all referenced - see Appendix D.	Design / building materials guidelines
188	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	As evidence the Army did not consult qualified cultural resource staff at any installation, we point out that Beaux Arts and Classical Revival are two separate architectural styles and should be addressed independently. If installation staff were allowed to vet the PC plan, this oversight may have been caught before publication.	Installation CRM staffs reviewed the draft program comment plan in its entirety prior to public review. Editorial error corrected.	Design / building materials guidelines
189	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Without providing a transparent, clearly stated, and straightforward method by which a decision maker can determine what is and is not technically and/or financially feasible, the decisions will be arbitrary and capricious. If such a method is infeasible to create, it's an infeasible standard to apply.	The procedure to assist in selection of appropriate building materials is included in Section 4.2.3.2. This is to be used in tandem with the Appendices C and D which are developed in accordance with the Secretary of Interiors Standard for Rehabilitation and support the repair and maintenance of historic material. These are the same procedures that have been approved by the ACHP in two prior program comments for historic Army housing from this same period as the buildings under consideration, and this has not been an issue with implementation.	Design / building materials guidelines
190	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	By including Preservation Briefs or even referencing them in the creation of this PC, the Army would know that maintaining rooflines and roof pitches is noticeably absent from the guidance provided for roofs.	The Army references multiple Preservation Briefs in this document. NPS Preservation Briefs 15, 22, 16, 47, 8, 2, 5, 29, 30, 4, 19, 29, 30, 45, 9, and 36, are all referenced - see Appendix D.	Design / building materials guidelines
191	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Most of the Army's historic properties fall within historic districts, and again, if installation cultural resources staff were consulted as part of this PC process, then it would be apparent that details explaining the relationship of buildings and features to one another, the potential for differing character areas within a district, or the need to be cognizant of why the district is significant and how the resources in that district relate to that significance should be included in the Guidelines for Historic District section(s) of the appendices.	Installation CRM staffs reviewed the draft program comment plan in its entirety prior to public review. These are the same guidelines that have been approved by the ACHP in two prior program comments for historic Army housing from this same period as the buildings under consideration, and this has not been an issue with implementation.	Design / building materials guidelines
192	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Substitute materials require a process to use, not mentioning this process every place the use of substitute materials is mentioned, contributes to the unhelpful vagueness for decision makers.	The procedure to assist in selection of appropriate building materials is included in Section 4.2.3.2. This is to be used in tandem with the Appendices C and D which are developed in accordance with the Secretary of Interiors Standard for Rehabilitation and support the repair and maintenance of historic material.	Design / building materials guidelines
193	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	The use of inconsistent terminology throughout the appendices will not allow a decision maker to make consistent decisions. As an example, entries, entry units, entrances, and entrance bays are all terms used interchangeably to reference the same thing. Furthermore, “entry” or “entrance” typically refers to not only the door and door surround, but the openings as well.	These are the same exterior guidelines that have been approved by the ACHP in two prior program comments for historic Army housing from this same period as the buildings under consideration, and this has not been an issue with implementation.	Design / building materials guidelines
194	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	The Army claims that replacing windows/doors is reversible, however because installation level staff were not consulted, the Army does not note that reversibility in this context is possible only if the windows/doors are the same size as existing windows/doors.	Installation CRM staffs reviewed the draft program comment plan in its entirety prior to public review. Us of substitute materials retains original fenestrations.	Design / building materials guidelines
195	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Army experts should be aware that the use of vinyl windows, doors, and siding as a replacement for historic window, door, and siding types does not meet SOI Standards. However, the Army's insistence on putting vinyl forward as an appropriate substitute material is inexplicable unless the Army's experts are either ignorant of the Standards and how to apply them or the Army is determined to ignore the Standards. Reasonable guidance related to substitute materials can be found in applicable NPS Preservation Briefs.	Vinyl is an appropriate substitute material and is reversible. It is one of several different recommended materials in appendix D for those applications. These are the same exterior guidelines that have been approved by the ACHP in two prior program comments for historic Army housing from this same period as the buildings under consideration, and this has not been an issue with implementation. Reference to NPS preservation briefs are provided in the appendices.	Design / building materials guidelines
196	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	The routine maintenance guidelines provided in the appendices currently do not indicate that repair should be appropriate to address the issue at hand, which is again inexplicable unless the purpose of the guidance is to signal that the decision maker need not consider what is and is not appropriate in any give routine maintenance situation involving a historic property.	These are the same exterior guidelines that have been approved by the ACHP in two prior program comments for historic Army housing from this same period as the buildings under consideration, and this has not been an issue with implementation.	Design / building materials guidelines
197	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	While pressure washers can be considered “non-abrasive” (in comparison to sand blasting, for example), pressure washers used inappropriately on historic surfaces can do extensive, irreversible damage. It is unfortunate, and again inexplicable, that a reference to a long-standing, reliable academic source, such as a TPS Brief, recommending cleaning using the gentlest means possible was left out of the appendices.	see above response	Design / building materials guidelines
198	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	While we know of no cobblestone streets on Army installations in Georgia, we suspect this street paving material (or another historic paving material that is not asphalt) may be present on an installation elsewhere in the U.S. If historic cobblestone streets are present somewhere, the installation level staff are probably well aware of how rare that is and that paving over historic cobblestone streets with asphalt will damage the underlying cobblestone. The current guidance in the appendices is that if a street is paved, regardless of the material type, it should be repaved with asphalt. If the Army allowed installation-level staff with deep expert knowledge of their installation's cultural resources comment on this PC plan before it was pushed out for public comment, that broad generalization that did not take local circumstances into account may have been addressed earlier.	Army has no cobblestone streets. Installation CRM staffs reviewed the draft program comment plan in its entirety prior to public review.	Design / building materials guidelines
199	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	“Window Bay” is not appropriate NHPA terminology as it appears the appendices are discussing windows, including the window itself and surrounds. The use of this phrasing in this context leads us to wonder whether this was just an editing oversight or the deliberate use of imprecise language to continue creating an overall impression that the Army is proposing good faith guidance.	That is the term used by the SOI qualified individuals that prepared the guidelines and has not been an issue.	Design / building materials guidelines
200	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Patching with incompatible materials will cause additional problems – installation-level staff know this and can probably tell horror stories about dealing with the aftermath of an incompatible repair job completed by untrained or inexperienced people. The Army's installation-level cultural resource staff know things, they see things, they've learned things from experience, and they encounter complex scenarios regularly and, at least in our experience in Georgia, resolve issues related to historic properties appropriately and efficiently every week.	Installation CRM staffs reviewed the draft program comment plan in its entirety prior to public review and will be involved in implementation of this program comment.	Design / building materials guidelines
201	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	The Army should be aware that the topics or items listed as part of introductory statements within the appendices do not always match the topics/items actually enumerated and discussed in the applicable sections	Reviewed for edits	Design / building materials guidelines
202	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	The Army's experts should know the differences between Exterior Insulation and Finish Systems (EIFS) and stucco. EIFS is not a stucco substitute or imitative material because it does not have the composition or profile of stucco. Again, we are forced to wonder why the Army would put forward EIFS as an appropriate substitute for stucco if their goal is to make “historic properties better.”	These are the same exterior guidelines that have been approved by the ACHP in two prior program comments for historic Army housing from this same period as the buildings under consideration, and this has not been an issue with implementation.	Design / building materials guidelines
203	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	When the Army makes statements like: “Matching historic walls in selective wall repair using imitative substitute masonry may pose challenges. Such challenges often lead to recladding full elevations.” the Army is explicitly and overtly encouraging decision makers to default to this approach rather than to seek a more selective approach. Obviously, we are aware that wholesale recladding of full elevations of a historic property with incompatible replacement materials would not meet the SOI Standards and we're confident installation-level staff across the country are also fully aware of this. This is another example of the Army telling us what is important to them – saving money and doing things using the quickest, easiest means possible – and we believe them.	Rhetorical statement, no response.	Design / building materials guidelines

204	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	To conclude these comments on the proposed appendices, it is the GASHPO's opinion that the treatment of historic properties and materials is not about desire, it's about what's appropriate. SOI-qualified professionals must be involved in carrying out all program alternative processes, including the PC process, at both the installation and national levels; the Army must engage their installation-level cultural resources staff in creating a comprehensive guide that makes sense and is appropriately applicable to wide variety of circumstances, situations, missions, and climates; the Army must use NHPA-appropriate terminology and definitions consistently and clearly throughout the document; the Army must use readily available, appropriate, academically-based guidance to inform the guidance they provide to decision makers including discussions of the use of substitute materials; significant clarity must be included, including life cycle costs within the assessment of economic and technical feasibility, process, and definitions; and reversibility is only achievable if structural changes have not been made.	Installation CRM staffs reviewed the draft program comment plan in its entirety prior to public review. Actions taken under the program comment will be under the supervision of SOI qualified individuals, as stated in the Plan.	Design / building materials guidelines
231	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	11. The PC establishes repair and design guidelines, which were not the focus of our review, given our larger, overarching concerns about the PC. However, there are some major concerns about this section as relates to the ongoing applicability and utility of this "perpetual" PC. a. At the top of page 37, it is stated that the guidelines do not "apply to buildings, structures, and landscapes constructed in 1941 and later". Additionally, 4.2.4.4 states that Section 106 compliance for 1941-1989 structures is already covered under existing MOAs and PCs. Just as the evolution of what is considered "historic" is not addressed in the context of identification and eligibility, it is also not addressed in the design guidelines section of this "perpetual" PC. b. Furthermore, the various sections which discuss substitute materials state, "Please note that the list of materials is anticipated to expand as new materials and products are developed and become available." This provides a large loophole; the PC does not stipulate that the Army would have to amend the PC in order to amend the list of substitute materials.	Substitute materials are reversible. Army does not believe that amendment of entire PC is needed simply to include an additional substitute material.	Design / building materials guidelines
413	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	Within the section titled, "Guidelines for Rehabilitation, Additions, Exterior Alterations, and Adjacent or Related Construction, and New and Replacement Construction," CTSHPO has the following comments: Item d states that "either in-kind or imitative substitute building" materials can be used, but historic preservation best practices, professional guidance, and industry standard implementation favors in-kind replacement. The Army should consider adding a statement requiring justification for the use of imitative materials. This is why a discussion about the aspects of integrity would assist the Army's decision making. This same comment is repeated for the Building Materials Catalog. In-kind replacement should be identified as the preferred action.	The materials selection process is in section 4.2.4.2 of the program comment plan.	Design / building materials guidelines
414	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	Within the section titled, "Guidelines for Rehabilitation, Additions, Exterior Alterations, and Adjacent or Related Construction, and New and Replacement Construction," Item e states that, "Restoration of missing documented historic features is not required." As written, this statement implies that the historic feature is being removed as part of the undertaking. If it is being removed as part of the undertaking, will it be identified as an adverse effect? Alternatively, is this statement referring to building rehabilitation where the historic feature had already been lost. Please clarify.	It refers to features already lost.	Design / building materials guidelines
415	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	Within the section titled, "Guidelines for Rehabilitation, Additions, Exterior Alterations, and Adjacent or Related Construction, and New and Replacement Construction," CTSHPO has the following comments: Items f through j should reference the appropriate sections of the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings regarding new additions and infill construction	The Appendix will be prefaced with to reference the Secretary of the Interior's Standards for Rehabilitation.	Design / building materials guidelines
416	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	In general, the guidelines are focused on above-ground resources, consider addressing archaeological guidance. For example, free standing solar arrays are accepted in historic districts because they are reversible, but they have the potential to harm significant archaeological deposits.	Procedures to address ground disturbing activities are included in the program comment.	Design / building materials guidelines
376	Craig A. Potts	KYSHPO	8/21/2025	SHPO	The Program Comment's duration is indefinite, yet the eligibility of buildings for the National Register changes over time. As written, the document uses a static cutoff (45 years as of 2025), meaning properties that become 50 years old in the future will not receive appropriate consideration. This undermines the intent of Section 106, which requires evaluation of properties as they achieve eligibility.	Army will clarify the treatment of post 1989 buildings in the program comment.	duration
69	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	Replace the program comment's indefinite duration with an expiration date of ten years. This expiration date should be eligible for extension by a vote of the ACHP.	Ten years is an arbitrary cut off with no justification. The ACHP has the authority to amend or terminate the program comment at any time.	Duration
108	Amanda Stratton	ACRA	8/24/2025	NGO	Sunset. The ACP would enable the Program Comment to remain in effect "until such time as the Army determines that this program comment is no longer needed and notifies the Council in writing, or the Council withdraws the program comment in accordance with 36 CFR 800.14(e)(6) and this program comment." (8.0) ACRA believes that the Program Comment should have a sunset date, at which point the Army may request an extension to the Council, approval of which would be subject to a public consultation process and a vote of the members of the Council. This will ensure that stakeholders and the public will have the ability to weigh in on whether the Program Comment should continue in its current form, be amended, or be allowed to expire.	The ACHP has the authority to amend or terminate the program comment at any time.	Duration
225	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	The PC lacks an end date. This is inadvisable, particularly when the ACHP has traditionally not encouraged MOAs or program PAs of long duration. Given the expansive scope of this PC, it should have a set duration (5-10 years), with mechanisms for evaluation, amendment, and extension which involve further consultation with SHPOs and other consulting parties.	The ACHP has the authority to amend or terminate the program comment at any time.	Duration
244	Kathryn Leonard	AZSHPO	8/22/2025	SHPO	3. The Army proposes that the PC will not apply to properties that have previously been determined ineligible for inclusion in the NRHP. This policy fails to recognize that some determinations of eligibility have been made on the basis of a property not meeting the 50-year threshold for NRHP listing at the time of its evaluation. It is important to provide for the opportunity to revisit eligibility determination predicated on the age of the resource, as appropriate.	The Army will clarify language to address re-evaluation of properties in the program comment.	Eligibility determination
296	Katherine J. Marcopol	NJSHPO	8/22/2025	SHPO	Contrary to the suggestion that Section 106 review procedures are too rigid to support Army readiness, the law already provides flexibility for urgent circumstances. Under 36 CFR § 800.12, federal agencies may proceed with undertakings in emergency situations—such as natural disasters, national security threats, or unforeseen hazards—without following the full consultation process, provided they make a reasonable and good-faith effort to consider historic properties "to the extent practicable." This emergency authority is neither vague nor theoretical; it is well-defined and has been successfully used in various federal contexts, including military operations. It permits agencies to act quickly when delay would compromise public safety or national defense. Importantly, it also allows agencies to work with the Advisory Council on Historic Preservation (ACHP) to establish alternative procedures tailored to their specific needs. This means the Army can—and in some cases already does—implement expedited or modified processes that still honor the spirit of Section 106 while meeting urgent mission requirements.	The Army will add an emergency procedure into the program comment.	Emergency situations
351	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	Section 4.2.4.1(d) of the Program Comment states that "Historic property management activities... will not occur in areas where there is a life safety risk including... any contaminated areas, buildings, and structures where there is a risk of exposure to hazardous substances, hazardous materials, hazardous waste, or other contaminants." The definition of "health and safety hazards" given in Section 10.0 includes such commonly occurring materials in historic buildings as lead-based paint, mold, and asbestos and also cites violations of health and safety codes. With proper precautions, any of these conditions, and many others in the definition, can be safe to work around, particularly for the conduct of preservation-related activities. Excluding these conditions wholesale is an over-extension.	The Army will review the language in consideration of this comment.	Emergency situations
378	Craig A. Potts	KYSHPO	8/21/2025	SHPO	Section 4.2.4.11 authorizes the Army Federal Preservation Officer to bypass all standard historic property management procedures whenever actions are deemed necessary for national security, with compensatory mitigation only "where feasible." While we respect national defense priorities, the provision creates an unchecked loophole for unilateral suspension of preservation responsibilities.	As stated this is for exceptional cases where there situations significantly impede military readiness, impact property uses for military readiness purposes, or otherwise compromise national security.	Emergency situations
3	Dan Everhart	IDSHP	8/18/2025	SHPO	We are also concerned about provisions in the National Defense Authorization Act that could extend this flawed framework to the Navy and Air Force. Multiplying its shortcomings across all military branches would compound adverse impacts to historic resources nationwide.	Rhetorical statement, no response.	Extension to other military services

17	Diana Welling	OHSPO	8/19/2025	SHPO	We are also deeply concerned that approval of this Program Comment would establish a precedent easily extended across the Department of Defense. Language in recent National Defense Authorization Acts already permits other services to adopt Army housing program comments. A similar provision could quickly apply this new Program Comment defense-wide, creating a de facto exemption from Section 106 for large segments of the military.	In their response to the Army's notification to ACHP of the intent to seek this program comment the ACHP requested the Program Comment be expanded to other MilDepts. Several existing Program Comments are DoD-wide due to similar property types and mission activities. Program comments are not an exemption, they are a complaince agreement and means whereby federal agencies can meet their Section 106 obligations. It is authorized pursuant to 36 CFR 800.14(e) and consultation is completed during a specialized consultation process and a subsequent program comment is developed based on the consultation. Program comments are developed under the authority of 36 CFR 800.14(e) while exemptions are authorized under an entirely different authority at 36 CFR 800.14(c).	Extension to other military services
53	Jessica L. Puff	HISHPO	8/24/2025	SHPO	9. The framework that is established within this Program Comment Plan allows the Chair of the Council to allow other DOD agencies to also utilize this Program Comment Plan. Such authority is an overreach. Any agency that (DOD or otherwise) must consult with SHPOs, THPOs, NHOs and consulting parties and bring the Program Comment to a vote before the Council before implementation. No one person, appointed by an elected official, should have such unilateral power to change preservation policy.	This authority is subject to the approval of the full membership of the ACHP.	Extension to other military services
66	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	• Eliminate the ability of the ACHP Chairman to apply the program comment unilaterally to other DoD agencies. As discussed above, this would be inconsistent with the Section 106 regulations.	see reply above.	Extension to other military services
82	Gwenyth A. Davis	DESHPO	8/24/2025	SHPO	The Program Comment Plan indicates the Army's intent to exclude all external consultation under Section 106 of the National Historic Preservation Act for any of its undertakings on Delaware soil. Compared to many other states and territories, the U.S. Army, Army Reserve, and Army National Guard do not have an extensive presence in Delaware. However, there are at least fourteen Army-related facilities, several of which contain known National Register-eligible or potential historic properties; one is located within a National Register-listed Historic District. Inherent in the Program Comment Plan is the potential ability to apply it to any future facility or activity, and to extend its reach to all Department of Defense (DOD) facilities and activities without a clear mechanism for consultation with stakeholders. There is a large DOD facility, Dover Air Force Base (DAFB), which hosts a National Register-listed building and many other cultural resources within or adjacent, including Native American and African American archaeological sites. DAFB is also adjacent to the John Dickinson Plantation, a National Historic Landmark which the Division of Historical and Cultural Affairs (DE SHPO's parent agency) owns and operates for the benefit of the public. Delawareans, and Tribes which consider Delaware to be ancestral lands, should have a seat at the table when the resources that represent the State's history and heritage may be affected by federal government actions.	In their response to the Army's notification to ACHP of the intent to seek this program comment the ACHP requested the Program Comment be expanded to other Military Departments. Several existing Program Comments are DoD-wide due to similar property types and mission activities. The ACHP chairman is appointed by the President and Senate approved. They are charged with continuing oversight of the execution of policies and to act on behalf of the Membership (ACHP Operating Procedures). This authority would be provided for subject to the vote on the Program Comment by the full Membership.	Extension to other military services
115	Kiersten Faulkner	HHF	8/23/2025	NGO	Historic Hawaii Foundation is alarmed by the assertion that the Army's Program Comment could be applied to other federal agencies; §800.14(e) requires an agency official to request the Council to comment or the Council may initiate program comments itself. The regulations do not allow the Chair to unilaterally extend or apply a Program Comment developed for one agency's category of undertaking to a different agency or a different category of undertaking.	See above response.	Extension to other military services
157	Ira L. Matt	NATHPO	8/23/2025	NGO	Extension to Other Department of Defense Branches. The PC plan proposes to allow the Chairman of the ACHP to amend the PC to extend its applicability to the other military departments of the Department of Defense (DOD), with notification occurring through a Federal Register notice. NATHPO has strong concerns with this provision. First, such an extension bypasses the consultation central to Section 106. Second, each DoD branch has distinct missions, landscapes, and cultural resource practices. Third, substituting Federal Register notice for direct government-to-government consultation undermines the ACHP's trust responsibility; Tribes must be engaged to assess whether proposed procedures are appropriate given the diversity of DoD installations and cultural contexts. Fourth, the capacity of other branches to implement a program of this scale is uncertain. Extending the PC without assessing readiness risks compliance failures and leaves Tribal heritage compromised. Requests: Remove unilateral authority for ACHP's Chairman to extend to other DoD departments. Require full Section 106 consultation with Indian Tribes before any extension.	See above response.	Extension to other military services
229	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	9. Section 9.1 states, "The Chairman of the ACHP may amend this program comment to extend its applicability to the other military departments of the Department of Defense." This provision should be deleted. There is no indication within this draft PC that any consideration has been given to its applicability outside of the Army, as it makes no mention of any non-Army properties, undertakings, procedures, or activities. The ACHP should advise from the outset on how the PC should be redrafted and resubmitted if using it DoD-wide is the end goal.	See above response.	Extension to other military services
331	Chief Keith F. Anderson	Nansemond Indian Nation	8/22/2025	Tribe	The Program Comment should not be applied to other branches of the military without consideration of their unique historic properties, leadership structure, historic preservation capacity, and public input from Tribal Nations, THPOs, SHPOs, and other affected parties. The draft Program Comment, without any legal justification from 36 CFR Part 800, gives the Chair of the ACHP unilateral authority to apply this Program Comment to all other branches of the U.S. military. The Program Comment should not be applied to other military branches without Tribal input, public review, and consideration of unique aspects of those branches and their historic preservation conditions and resources.	See above response.	Extension to other military services
357	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	Section 9.1 of the Program Comment states that the Chairman of the Advisory Council on Historic Preservation (ACHP) may "extend its [Program Comment's] applicability to the other military departments of the Department of Defense." This should be deleted from the Program Comment. While they are all military in nature, the departments are responsible for varied cultural resources and a Program Comment as extensive as this one should not be able to be applied to entirety of federal bodies based on one person's decision	See above response.	Extension to other military services
391	Julianne Polanco	CASHPO	8/25/2025	SHPO	The proposal to allow to the Chairman of the ACHP to apply the Program Comment to other branches of the Department of Defense (DOD) at their sole discretion is of concern. While the Navy, Air Force, Space Force, and Marines share the Army's responsibility to train and maintain a warfighting force, the resources under their management are unique and may require a standard different to the Army. Additionally, the comments provided above would pertain to the allowance of this Program Comment if used by other DOD branches.	See above response.	Extension to other military services
426	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	The Army's suggestion in Section 9.1 (pg. 19) that this Program Comment could be amended to extend applicability to other branches of DoD simply by action of the Chair further subverts the Section 106 process. Such an expansion would extend the already broad scope of this Program Comment beyond any manageable boundaries, applying it to entities with distinct missions and programs. This would exponentially increase the potential for unpredictable impacts on historic properties, while offering almost no opportunity for consultation. Given the Army's failure to meet the responsibilities under 36 CFR 800.14(e)(1) and 36 CFR 800.14(e)(2), the Army's current plan does not meet the threshold for a Program Comment of such scope. Moreover, the suggestion that the Program Comment could be applied to other departments without further consultation contradicts one of the Army's recurring justifications for the Program Comment itself: This Program Comment recognizes that among federal agencies, the Army faces a unique and significant NHPA Section 106 compliance challenge. The Army is disproportionately affected by the NHPA Section 106 review process due to the scale of its infrastructure and the accelerating transformation and modernization demands on the Army warfighting readiness mission. (Section 4.1, pg. 7) If the Program Comment is predicated upon the Army's "unique and significant" challenges, how can it reasonably be applied to other departments? NCSHPO respectfully suggests that if any other department wishes to pursue a program alternative, it should engage in open, early dialog with stakeholders to develop a more appropriate vehicle tailored to its distinct needs; one that balances efficiency with transparency and meaningful consultation, as intended by the National Historic Preservation Act.	In developing this program comment, the Army identified the category of undertakings, specified the likely effects on historic properties, and identified steps it will take to ensure the effects are considered. The Army followed the special public participation and consultation procedures for program comments at 36 CFR 800.14(e) and (f). The Army held six nationwide consultation conferences with the public and interested parties where it consulted with State Historic Preservation Offices (SHPO), non-governmental preservation advocacy organizations, Native Hawaiian Organizations (NHO), and Federally recognized tribes. The Army also held two exclusive government-to-government consultations directly with Federally recognized tribes. The Army formally elicited the views of the public and interested parties through a Federal Register notification, considered all comments received, and where feasible incorporated stakeholder comments and recommendations. The Army implemented best practices in preparation of this program comment and completed all due diligence for program comments required under 36 CFR 800. In their response to the Army's notification to ACHP of the intent to seek this program comment the ACHP requested the Program Comment be expanded to other MilDepts. Several existing Program Comments are DoD-wide due to similar property types and mission activities. The ACHP chairman is appointed by the President and Senate approved. They are charged with continuing oversight of the execution of policies and to act on behalf of the Membership (ACHP Operating Procedures). This authority would be provided for subject to the vote on the Program Comment by the full Membership.	Extension to other military services



50	Jessica L. Puff	HISHPO	8/24/2025	SHPO	6. Throughout the Program Comment (see pgs. 5-6) the Army maintains that the Program Comment Plan is appropriate because it will help to eliminate costly routine maintenance and repairs of historic resources by allowing the Army to substitute materials and make modifications to and potentially demolish/destroy historic resources without consultation. I might remind the Army that there are many projects the Hawaii SHPO has reviewed where the alterations proposed by the Army did not seem to be constrained by the budget. Thus, it's hard to understand or sympathize with the Army's claim that there is funding to replace original floors with imitative substitute materials but not restore or replace the original flooring when the same project also includes significant alterations and upgrades to interior and exterior building elements. This Program Comment Plan does not help to clarify how the Army determines what project elements can and cannot be funded or justify the use of imitative substitute materials. More information would be useful, but will not resolve the greater issues created by not establishing a clear process and missing clarifying information about the program comment.	Rhetorical statement, no response.	Funding
12	Diana Wetling	OHSPO	8/19/2025	SHPO	On behalf of the [State] Historic Preservation Office (SHPO), I appreciate the opportunity to provide comments on the Army's draft Program Comment for Warfighting Readiness and Associated Buildings, Structures, and Landscapes. We recognize the importance of maintaining military readiness and appreciate the Army's desire for efficiency in meeting its compliance responsibilities. However, after reviewing the draft, our office has significant concerns about the proposal as written	acknowledged	General
21	Diana Wetling	OHSPO	8/19/2025	SHPO	While we respect the Army's need to modernize and maintain readiness, the draft Program Comment, as written, undermines the spirit and legal requirements of Section 106. It diminishes consultation, weakens preservation standards, and sets a troubling precedent for other federal agencies. We strongly urge the Army to reconsider the scope of this proposal, strengthen consultation requirements, and adopt a more balanced approach that upholds both mission readiness and preservation responsibilities. Thank you for the opportunity to comment. We look forward to continued dialogue on this important issue.	36 CFR 800.1 defines the purpose of the Section 106 process to accommodate historic preservation concerns with the needs of federal agencies through consultation. This necessitates a balancing of historic preservation considerations with the imperatives of the Army's statutory military readiness mission. This Program Comment, authorized under 36 CFR 800.14(e), offers a specialized and strategically vital compliance agreement designed to restore this crucial balance and enhance the Army's ability to defend the nation	General
22	Allyson Brooks	WASHPO	8/20/2025	SHPO	We have reviewed the Program Comment Plan for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes. We are supportive of efforts to increase readiness, infrastructure, and modernization of Army installations. We applaud the effort to improve Army internal procedures to increase consistency and reduce risk. We also recognize that the Section 106 process is, by design, consultative.	The Army appreciates your participation in the development of this Program Comment.	General
35	Lynda S. Ozan	OKSHPO	8/21/2025	SHPO	The Oklahoma State Historic Preservation Office (OKSHPO) participated in the conference calls pertaining to the development of the Department of the Army Program Comments for Army Warfighting Readiness and Associated Buildings, Structures and Landscapes presented by the Army Federal Preservation Officer and staff. The OKSHPO engaged in the process due to the location of Fort Sill in Oklahoma.	The Army appreciates your participation in the development of this Program Comment.	General
36	Lynda S. Ozan	OKSHPO	8/21/2025	SHPO	Overall, the OKSHPO has serious reservations about the adoption of the Program Comments in relation to Fort Sill. Through the years, Fort Sill and the OKSHPO have worked to create a strong working relationship, based on difficult past experiences for the Base, the Tribes and the OKSHPO. Out of this experience has come many agreement documents that are specific to the Base which are far more meaningful to both the Base and the OKSHPO than what the FPO is proposing in this Program Comment. The proposed Program Comments do not address existing ICRMPs or other agreement documents. Conversations have also indicated that this Program Comment will supersede any existing agreement documents with relation to the Base. While Base command rotates every two to three years, the environmental staff remains, meaning that the Section 106 process remains intact and consistent regardless of command changes. The Fort Sill staff are quite competent and take a great deal of pride in their historic resources. The proposed Program Comments are incongruent with everything the Base, the privatized housing partners, the Tribes and the OKSHPO have worked to implement for the review process specific to Fort Sill; this program comment has the potential to make things more difficult for all parties involved.	That is not the opinion of commands, installations, and housing partners. As stated in the Plan, the inefficiency of the current Section 106 compliance process stems in part from a fragmented system of over 100 individual Army installation level Section 106 agreements, creating a complex and convoluted regulatory environment where each installation agreement has different idiosyncratic requirements, and similar historic properties are treated disparately based on varying and subjective views of the various stakeholders involved in Section 106 process. This inconsistency is particularly illogical, as Army construction has historically relied on standardized plans and designs, resulting in replicated building types nationwide. The complexity is compounded by the fact that some installations operate under multiple, concurrent Section 106 agreements. This program comment will bring consistency regardless of command changes.	General
42	Jessica L. Puff	HISHPO	8/24/2025	SHPO	The Hawaii State Historic Preservation Division (SHPD) has reviewed the Program Comment Plan for Army Warfighting Readiness Activities and Associated Buildings, Structures, and Landscapes (Program Comment). The SHPD is happy to consult with our federal partners to streamline consultations under Section 106 of the National Historic Preservation Act, and its implementing regulations at 36 C.F.R. § 800. We regularly work with local, state, and federal agencies to develop programmatic approaches to the Section 106 consultation process. It is imperative for the long-term success of such streamlined approaches to develop program alternatives that are well-written and clear in their communication, such that it is well understood by anyone who reads it. To that end, a program alternative needs to establish a detailed and well-organized process that outlines how the program alternative will fulfill the four-step process outlined at 36 C.F.R. Part 800 in an alternative/streamlined way.	The Army appreciates your participation in review of the Program Comment Plan and will consider your comment in preparing the Program Comment.	General
46	Jessica L. Puff	HISHPO	8/24/2025	SHPO	2. The Program Comment Plan suggests that the Army requires such a program alternative because of the burden placed upon the Army by the National Historic Preservation Act. It is important to note that compliance with federal law is not a burden, it's a privilege; particularly as it pertains to historic preservation policy. We (SHPOs, THPOs, NHOs, and federal agencies) have the unique honor and privilege to identify, document, assessed, consider, and promote the preservation of the country's most valuable and finite resources—its history and cultures—it is a responsibility that should not be taken for granted or viewed to be a burden.( see pg. 1-2 of the Program Comment Plan).Program alternatives should be established to support preservation, not to relieve an agency of having to consider preserving historic resources. Perhaps revise language if it was not what you intended to suggest.	Please refer to 36 CFR 800.1, regarding the purpose of section 106.	General
56	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	These comments are submitted on behalf of the National Trust for Historic Preservation in the United States ("National Trust"). The National Trust is a private charitable, educational, non-profit corporation chartered by Congress in 1949 to further the historic preservation policy of the United States and to "facilitate public participation" in historic preservation. 54 U.S.C. § 312102(a). The National Trust is headquartered in Washington, D.C. and has 27 historic sites open to the public. With more than one million members and supporters around the country, the National Trust works to protect significant historic sites and to advocate for historic preservation as a fundamental value in programs and policies at all levels of government. The National Trust is also a statutory voting member of the Advisory Council on Historic Preservation ("ACHP"), the body responsible for the adoption of program comments like the one proposed. Id. § 304101(a)(9); 36 C.F.R. § 800.14(e)(5).	The Army appreciates your participation in the development of this Program Comment.	General
57	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	As our nation approaches its 250th anniversary and prepares to celebrate our history, the preservation of our shared heritage provides an opportunity to highlight and celebrate the historic places that we share, including the Army's own rich legacy of historic places, which are critical to understanding the history of the United States. While the National Trust is strongly opposed to the Army's "Proposed Program Comment Plan for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes" (the "program comment"), we would be pleased to work with the Army to understand the Army's concerns about the compliance process for the National Historic Preservation Act ("NHPA"), and to help develop solutions that can more effectively preserve and reuse these significant historic assets.	The Army appreciates your participation in the development of this Program Comment as an effective solution.	General

58	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	The NHPA was enacted in 1966 to codify historic preservation as the policy of the United States “to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations.” 54 U.S.C. § 300101(1). It requires federal agencies to “administer federally owned, administered, or controlled historic property in a spirit of stewardship for the inspiration and benefit of present and future generations.” 54 U.S.C. §300101(3). The NHPA also created state historic preservation officers (“SHPOs”) in each state, and through its implementing regulations (specifically the “Section 106” process) the NHPA provides for SHPO, Tribal, and public participation in federal agency decision-making affecting historic resources. The intent of the NHPA is to encourage the preservation of our nation’s shared heritage, and to ensure that federal agency decisions affecting historic resources are made in an informed and transparent manner.	In developing this program comment, the Army has identified the category of undertakings, specified the likely effects on historic properties, and identified steps it will take to ensure the effects are considered. The Army followed the special public participation and consultation procedures for program comments at 36 CFR 800.14(e) and (f). The Army held six nationwide consultation conferences with the public and interested parties where it consulted with State Historic Preservation Offices (SHPO), non-governmental preservation advocacy organizations, Native Hawaiian Organizations (NHO), and Federally recognized tribes. The Army also held two exclusive government-to-government consultations directly with Federally recognized tribes. The Army formally elicited the views of the public and interested parties through a Federal Register notification, considered all comments received, and where feasible incorporated stakeholder comments and recommendations. The Army implemented best practices in preparation of this program comment and completed all due diligence for program comments required under 36 CFR 800.	General
73	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	Thank you for your consideration of these comments. We sincerely hope that the Army will reconsider this program comment and continue honoring its existing agreement documents and engaging in the Section 106 process. The National Trust is willing to assist the Army with its NHPA compliance. We would be eager to work with the Army on a comprehensive review of its historic preservation program, and we are confident that there is a better solution to the Army’s challenges than the proposed program comment. Our nation’s 250th anniversary is an occasion that warrants a collaborative effort between the National Trust and the Army to help better preserve the Army’s historic resources. We invite you to work with the National Trust, SHPOs, Tribes, the historic preservation community, and the general public on the important goal of preserving the Army’s historic resources, rather than pursuing the proposed program comment.	see above response	General
74	Amy Wyatt	WISHPO	8/24/2025	SHPO	Thank you for the opportunity to participate in consultation meetings and to comment on the Program Comment Plan for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes. The Wisconsin State Historic Preservation Office maintains a positive working relationship with cultural resources staff at Department of the Army installations working together to preserve historic resources that represent the Army’s history. We also work with the Army and Native Nations to protect significant resources located on federal land that represent some of the most sacred sites in our state and are connected to the deep history of Wisconsin. To fulfill our role as SHPO in Section 106, we have committed significant resources over the past 20 years to modernize and streamline our cultural resources database and Section 106 review process so that we may participate in consultation as efficiently as possible with federal agencies, Tribal Historic Preservation Officers, and local stakeholders. Wisconsin receives approximately 1600 federal projects for review annually and our average response time is 11 calendar days. Last year, we were able to resolve all projects with our federal partners, and through consultation reduced projects with adverse effects to only 41 projects out of 1600. These projects were mitigated through consultation with affected communities and project partners preserving cultural resources while allowing federal projects to move forward to accomplish the agency’s mission. We write to express the following broad concerns with the Program Comment.	The Army acknowledges your comment . The Army has experienced mission delays and has been in some instances required to elevate concerns with NHPA compliance.	General
81	Gwenyth A. Davis	DESHPO	8/24/2025	SHPO	Thank you for providing us the opportunity to review and comment on the U.S. Army’s “Program Comment Plan for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes” (hereinafter, Program Comment Plan, or Plan), which was published in the Federal Register on July 25, 2025, and presented by you and your colleagues at six weekly meetings (July 17 through August 21, 2025). The Delaware State Historic Preservation Office (DE SHPO) has significant concerns with the current document and its implications for preservation of historic resources located on or adjacent to current (or future) U.S. Army, Army Reserve, and Army National Guard facilities in our State. Further, we view this proposal as a grievous precedent that should not be adopted or emulated by other Department of Defense (DOD) agencies	The Army appreciates your participation in the development of this Program Comment.	General
90	Gwenyth A. Davis	DESHPO	8/24/2025	SHPO	Through the course of the Army’s six meetings, many voices – particularly from Hawaii – have eloquently advised the Army of the inherent contradiction between the Program Comment Plan and the intent, spirit, and letter of Section 106 of the NHPA and its implementing regulations, and the risk it poses to historic properties. We urge the Army to hear these powerful voices, and meaningfully consider the DE SHPO’s views expressed in this letter. Should the Army continue to pursue this Program Comment, we look forward to seeing how the Army modified the Plan to take into account comments received, as promised at the August 21st meeting.	Acknowledged.	General
91	Gwenyth A. Davis	DESHPO	8/24/2025	SHPO	Thank you for your consideration of these comments. If you have any questions, please do not hesitate to contact me at gwen.davis@delaware.gov or (302) 736-7410.	Acknowledged	General
92	Amanda Stratton	ACRA	8/24/2025	NGO	The American Cultural Resources Association (ACRA), the trade association for firms that specialize in cultural resource management (CRM), appreciates this opportunity to comment on the Department of the Army’s Program Comment Plan (ACPC) for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes.	Acknowledged	General
93	Amanda Stratton	ACRA	8/24/2025	NGO	ACRA member firms undertake much of the legally mandated CRM studies and investigations in the United States and employ thousands of CRM professionals, including anthropologists, archaeologists, architectural historians, historians, and an increasingly diverse group of other specialists. To help guide smart, sustainable economic development and safeguard important historic and cultural heritage assets, ACRA members apply specialized research skills within a framework of federal, state, local, and/or Indian Tribal laws and regulations, facilitating an open dialog where every stakeholder has a voice.	Acknowledged	General
94	Amanda Stratton	ACRA	8/24/2025	NGO	Section 106 of the National Historic Preservation Act (NHPA) is the cornerstone federal policy that balances the need to build our nation’s infrastructure with the need to preserve our past. CRM professionals and their clients respect the Section 106 process because it provides a clear, consistent roadmap to enable projects to move forward while considering their impact on the country’s diverse cultural heritage. Communities value the process because Section 106 gives citizens a voice in preservation.	Acknowledged	General
95	Amanda Stratton	ACRA	8/24/2025	NGO	Program comments are a useful tool to enable federal agencies to consider a group of similar undertakings to be addressed under the Section 106 process, instead of addressing each undertaking individually. Programmatic comments consider repetitive management actions that would not lead, inadvertently or otherwise, to the destruction of buildings and other assets of historical or cultural significance.	Acknowledged	General
96	Amanda Stratton	ACRA	8/24/2025	NGO	ACRA appreciates the importance of the Army’s ability to modernize and transform its facilities and assets to ensure military readiness in an increasingly dangerous world. To that end, ACRA and its member firms welcome the opportunity to work with the Army to ensure that its compliance with Section 106 strikes the right balance between safeguarding irreplaceable history and protecting national security.	Acknowledged	General
98	Amanda Stratton	ACRA	8/24/2025	NGO	Below are some of ACRA’s initial concerns and questions regarding the APCP.	Acknowledged	General
109	Amanda Stratton	ACRA	8/24/2025	NGO	ACRA welcomes the opportunity to work with you in crafting program comments that empower the Army to maintain its high level of combat-readiness while complying with the NHPA and ensuring that we continue to preserve our Nation’s history.	Acknowledged	General
110	Kiersten Faulkner	HHF	8/23/2025	NGO	On May 30, 2025, the Department of the Army Federal Preservation Officer (FPO) notified the Executive Director of the Advisory Council on Historic Preservation (ACHP) of the Army’s decision to seek a Program Comment for Army Warfighting Readiness Activities and Associated Buildings, Structures, and Landscapes (Program Comment) in accordance with 36 CFR 800.14(e). Army notified Historic Hawaii Foundation (HHF) of the decision and invited HHF to participate in the consultation via letter received via email on June 17, 2025. Historic Hawaii Foundation accepted the invitation to participate via email on June 25, 2025 and attended a series of virtual nationwide consultation conferences held weekly from July 17 through August 21, 2025. Subsequent to the invitation to consult, the Federal Register published a notice of availability for public review of the Army Program Comment Plan on July 25, 2025 inviting public comment. Historic Hawaii Foundation is providing these written comments for consideration of issues, concerns and recommendations related to the proposed Program Comment.	Acknowledged	General
111	Kiersten Faulkner	HHF	8/23/2025	NGO	Historic Hawaii Foundation (HHF) is a statewide nonprofit organization established in 1974 to encourage the preservation of sites, buildings, structures, objects and districts that are significant to the history of Hawaii. HHF is a consulting party to Army and other federal agencies and their state and local partners, pursuant to the implementing regulations of the National Historic Preservation Act (NHPA) at 36 Part 800.2(c)(5) as an organization with a demonstrated interest in the undertaking and a concern for the effects on historic properties. HHF is registered as a Native Hawaiian Organization (NHO) with the U.S. Department of Interior Office of Native Hawaiian Relations for the purposes of consultation under the National Historic Preservation Act Section 106 as an organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians.	Acknowledged	General

112	Kiersten Faulkner	HHF	8/23/2025	NGO	Summary of Guiding Principles and Historic Hawaii Foundation's Concerns The National Historic Preservation Act establishes the purpose and policy for the United States in preserving and safeguarding the historical and cultural foundations of the Nation. Congress found that “historic properties significant to the Nation’s heritage are being lost or substantially altered...the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural educational, aesthetic, inspirational, economic and energy benefits will be maintained and enriched for future generations...” In furtherance of this public benefit, the policy of the Federal Government, in partnership with States, local governments, Indian Tribes, Native Hawaiian organizations and individuals, to ... “administer federally owned, administered, or controlled historic property in a spirit of stewardship for the benefit of present and future generations.” The implementing regulations at 36 C.F.R. Part 800 provides the means and methods by which federal agencies further the government policy and legislative intent. Army's Program Comment is proposed under the authority in §800.14 Federal agency program alternatives, (e) Program comments. The regulation allows an agency official to request ACHP “comment on a category of undertakings in lieu of conducting individual reviews.”	Acknowledged.	General
117	Kiersten Faulkner	HHF	8/23/2025	NGO	Historic Hawaii Foundation summarizes key components of Army's reasoning for the Program Comment Plan for ease of reference (quotations from Program Comment Plan): • Properties affected: “As the largest military department in the Department of Defense (DoD), the Army manages the largest portfolio of buildings and structures in the DoD and among all federal agencies.” • Challenges: “The Department of the Army (Army) is undergoing a rapid transformation of its warfighting readiness activities, which encompass military training, testing, equipping, and industrial operations, along with their associated infrastructure. This modernization effort aims to create a leaner and more lethal force.” • NHPA Compliance: “The current Section 106 compliance process on Army installations is inefficient, inconsistent, and at times detrimental to mission readiness. This inefficiency stems from a fragmented system of 115 individual Programmatic Agreements (PAs) and Memoranda of Agreement (MOAs).” • Request for Alternative Procedure: “The Army is requesting a program comment from the Advisory Council on Historic Preservation (ACHP) to urgently streamline its compliance with Section 106 of the National Historic Preservation Act (NHPA) and 36 CFR Part 800.”3	Acknowledged.	general
118	Kiersten Faulkner	HHF	8/23/2025	NGO	Description of Undertaking Army states that, “The category of undertaking addressed by this program comment is Army warfighting readiness activities defined as all military training, testing, equipping, and industrial activities, and management actions for modernization of all buildings, structures, and landscapes associated with those activities. This undertaking may affect historic properties.”4 Activities: The proposed Program Comment applies to all Army warfighting readiness activities including military training, testing, equipping, and industrial activities, and all buildings, structures and landscapes associated with those activities. Management Actions: Covered management actions occurring on the associated buildings, structures and landscapes include: maintenance, repair, rehabilitation, renovation, additions, new construction, abatement of hazardous materials, mothballing, cessation of maintenance, demolition, lease, transfer, and conveyance. Application: This program comment applies to the Active Army, Army Reserves, and federally supported readiness activities of the Army National Guard (including federally supported activities on state lands and properties).5	Acknowledged.	general
142	Ira L. Matt	NATHPO	8/23/2025	NGO	The National Association of Tribal Historic Preservation Officers (NATHPO) respectfully submits the following comments on the Program Comment Plan for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes (PC plan). NATHPO is the only national organization devoted to supporting Tribal historic preservation programs. Founded in 1998, NATHPO is a 501(c)(3) non-profit membership association of Tribal government officials who implement federal and Tribal preservation laws. NATHPO empowers Tribal preservation leaders protecting culturally important places that perpetuate Native identity, resilience, and cultural endurance. Connections to cultural heritage sustain the health and vitality of Native peoples. NATHPO’s goal in submitting these comments is to protect Tribal sovereignty and ensure compliance with the National Historic Preservation Act (NHPA), particularly Section 106.	The Army appreciates your participation in the development of this Program Comment.	general
158	Ira L. Matt	NATHPO	8/23/2025	NGO	Conclusion. NATHPO appreciates the Army’s early coordination to inform consulting parties before ACHP review. This outreach has helped frame concerns and priorities before the ACHP formally considers the PC. However, the PC as drafted is unacceptable. Without revisions, the PC risks codifying the marginalization of Tribal voices, normalizing the loss of irreplaceable heritage, and undermining the trust responsibility. The Army’s interest in amending its compliance processes and addressing the scale of its infrastructure should not result in actions that fail to account for the values Tribes ascribe to their cultural sites. While nationwide streamlined treatment may be reasonable in certain circumstances, it is not appropriate for archaeological sites, sacred places, TCPS, or HPRCS.	Acknowledged. Army will address these concerns in development of the program comment.	General
159	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	The Georgia State Historic Preservation Office/r (GA SHPO) vociferously opposes the Army’s proposed program comment (PC) entitled, Program Comment for Army Warfighting Readiness Activities and Associated Buildings, Structures, and Landscapes (Warfighting PC). We would like to start by saying that the GA SHPO does not oppose PCs in general, as was inaccurately noted in one of the many “consultation” webinars but we do oppose yet another Army PC that would be the last in a long string of demonstrably inadequate and sub-par Army PCs that effectively allow the Army to fully circumvent Section 106 (S.106) of the National Historic Preservation Act (NHPA). We will be urging the Advisory Council on Historic Preservation’s (ACHP) Board of Directors to reject this PC.	Rhetorical statement, no response.	General
161	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	The GA SHPO has expressed consistent opposition to the ACHP’s approval of the Army’s previous PCs, and we reiterate that opposition here. It appears to our office that previous PCs have removed their associated resources from typical S.106 reviews and provided the Army broad and essentially unsupervised leeway to implement projects associated with the various resource types, up to and including demolition. We will also be urging the ACHP Board of Directors to unilaterally terminate all previous Army PCs.	Rhetorical statement, no response.	General
165	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Third, GA SHPO staff has participated in each of the six “consultation” webinars the Army has offered for the Warfighting PC. In only one of the six meetings (July 24th) did the Army enable the meeting chat function. The chat function was disabled in all other meetings effectively barring some participants from posing questions or providing comments on the content of the meeting. Comments and/or questions raised in a meeting’s chat can, and should, be part of the consultation record and not disallowed or ignored as both the chat and verbalized comments have been during the “consultation” meetings. The Army cannot believably claim they are conducting extensive consultation that is consistent with the intent of S.106 when virtually every single comment is being dismissed and no attempt at reaching an agreement is made.	Consultation meetings were held in conference mode. Army engaged in meaningful consultation, and has addressed all written comments.	General
179	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Furthermore, despite repeated boasts that the Army maintains a “...well-established historic preservation program ...” it became clear during one of the “consultations” that Army staff was unfamiliar that “the passage of time, changing perceptions of significance, or incomplete prior evaluations may require the agency official to reevaluate properties previously determined eligible or ineligible,” as outlined at 36 CFR 800.4(c)(1). Consistent with this need, the Army cannot maintain its “strong record of innovative Section 106 compliance” unless accurate, compliant, and current substantive studies, reports, plans, and guides produced by qualified professionals that specifically address the presence of historic properties have been completed. Without accurate documentation, decision makers will not and cannot adequately account for historic properties in planning for routine maintenance activities or other projects. Decisions allowing ill-considered activities that will adversely impact historic properties to move forward can and should be prevented. Continuing with the survey concerns, the proposal of doing Phase II at identified archaeological sites in advance of planning undertakings that could impact those sites would destroy the site. The Army should support its claim of successful preservation and implement the best management practice of preserving sites in place.	The Army is fully aware of 800.4(c)(1). All substantive requirements of the Section 106 process will be implemented by qualified professionals under the program comment. The Army has received numerous historc preservation awards from preservation organizations, SHPOs, and national awards from the National Trust for Historic Preservation and the ACHP demonstrating the effectiveness of our well established program. The program comment plan emphasizes that the Army’s first priority is to avoid adverse effects to historc properties, in order to preserve in place.	General
180	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	In conclusion, the GA SHPO points out that since NHPA was signed into law in 1966, the Army has completed its mission in Vietnam, participated in numerous small engagements during the remainder of the Cold War, carried out missions in Grenada and Panama, executed Desert Storm, Desert Shield, and numerous other missions in the Middle East, and after 9/11 carried out a myriad of missions fighting the global war on terror. In the last 59 years, the Army has accomplished all of this under the existing NHPA regulations using existing tools. As such, the GA SHPO challenges the Army to provide a detailed list of mission requirements that it has been unable to carry out specifically due to S.106 review, that are not outliers. The GA SHPO reminds the Army that current events will always seem exceptional and immediate concerns. However, in the spirit of the Army’s own “Monuments Men,” it should be a priority for the Army to find authentic ways to preserve historic properties on installations at home during military activities.	Acknowledge and the Army is appreciate of your participation in the PC Plan review.	General



181	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	If the decision is to move forward with this PC, we strongly urge the Army to systematically review all comments received and actually take them into account. There are numerous underlying concerns SHPOS nationwide have with the Army PCs as a whole, and instead of brushing off each comment as either not applicable or unimportant, the Army should either withdraw the proposed PC and focus on promoting AAPs and PAs instead or completely overhaul it.	The Army intends to continue to pursue the Program Comment and it will be prepared in consideration of all comments received prior to formal submission to the ACHP.	General
182	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Please refer to project number HP-250617-004 in any future correspondence regarding this project. If we may be of further assistance, please contact Stacy Rieke, Environmental Review Program Manager, at Stacy.Rieke@dca.ga.gov or (470) 522-7979.	Acknowledged.	General
205	Ronnie N. Inagaki	Hawaii	8/3/2025	Ronnie N. Inagaki	In regard to the above subject, I'd like to take the opportunity to provide written comments regarding the Army's proposed Program Comment for Warfighting Readiness and Associated Buildings, Structures, and Landscapes. As a resident of Hawai'i, I am deeply concerned about the implications of this Program Comment for our islands, especially in light of the expiring military land leases at Pōhakuloa, Makua, Kahuku, and Poamoho. Our lands hold irreplaceable cultural, historical, and environmental significance to both the Native Hawaiian community and the broader public. It is essential that any streamlined federal process fully respects and addresses the unique context and needs of Hawai'i.	Acknowledge and the Army is appreciate of your participation in the PC consultations.	General
217	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	Thank you for providing the opportunity to comment on the Department of the Army's proposed Program Comment for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes. The Maryland Historical Trust (MHT), Maryland's State Historic Preservation Office (SHPO), is an active and legally mandated participant in Section 106 consultation for federal undertakings in Maryland. MHT typically consults on over 3,000 federal undertakings each year and an additional 2,000 state assisted projects. Through consultation with federal agencies, the recipients of their funds/permits/licenses, other defined consulting parties, and the public, we strive to facilitate the appropriate consideration of historic properties in project planning and delivery and to help ensure compliance with the Section 106 regulations	Acknowledge and the Army is appreciate of the MHT's participation in the PC consultations.	general
218	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	MHT values the effectiveness of many current program alternatives applicable to Maryland, including Nationwide Programmatic Agreements, Program Comments, Exemptions, and multiple agency-specific programmatic agreements for federal agency programs and facilities in our state. Successful program alternatives include those with clearly defined goals and processes, and those developed through collaborative consultation with applicable parties.	Acknowledged.	General
233	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	MHT supports the implementation of Section 106 program alternatives that are defensible, transparent, well defined to achieve specific goals, and developed through good faith collaboration with all involved parties. We would support substantive reworking of the draft PC to incorporate the considerable comments provided by many consulting parties and produce a sound PC that meets the spirit and intent of a Section 106 program alternative. Thank you for your consideration of views shared on this proposed Program Comment	Acknowledged.	general
234	Kathryn Leonard	AZSHPO	8/22/2025	SHPO	Thank you for providing the opportunity to comment on the proposed Program Comment for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes (hereafter referred to as "Program Comment "or "PC"), which has been developed to streamline the Army's compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR Part 800) for Undertakings classified by the Army as "warfighting readiness activity." These activities may include military training, testing, industrial activities and the buildings, structures and landscapes associated with these actions. The Arizona SHPO has many concerns -both general and specific- about the proposed PC, which we provide in the comments below.	The Army appreciates your participation in the development of this Program Comment.	general
247	Kathryn Leonard	AZSHPO	8/22/2025	SHPO	As always, thank you for consulting with our office regarding this proposed Program Comment. Please contact me by telephone, 602.542.4009, or via e-mail at kleonard@azstateparks.gov, if you have any questions or concerns.	The Army appreciates your participation in the development of this Program Comment.	general
248	Heather Gibb	IASHPO	8/22/205	SHPO	Thank you for the opportunity to provide comments on the proposed Program Comment Plan for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes, prepared by the Department of the Army. The Iowa State Historic Preservation Office (SHPO), housed within the Iowa Economic Development Authority, receives funding through the National Park Service Historic Preservation Fund. The following comments are based on the undated plan available on the U.S. Army DENIX website as of August 12, 2025. This letter summarizes our overarching concerns regarding the program comment.	The Army appreciates your participation in the development of this Program Comment.	general
249	Heather Gibb	IASHPO	8/22/206	SHPO	The program comment, prepared by the Department of the Army, is not in compliance with federal law and regulations as per the Section 106 process and its implementing regulations, 36 CFR 800. Based on the proposed program comment, the U.S. Army would be able to exempt all undertakings from formal Section 106 review because every activity initiated by the U.S. Army could qualify as "Warfighting Readiness". This blanket declaration is inconsistent with other existing program comments. Past program comments had much tighter definitions of exempted undertakings, such as housing during certain periods of time, specific properties of the interstate system, projects involving energy efficiency, etc. Such blanket declarations of all undertakings by a federal agency is not in alignment with how program comments are intended to be developed. 36 CFR 800.14(e) specifies that "An agency official may request the Council to comment on a category of undertakings in lieu of conducting individual reviews under §§ 800.4 through 800.6" (emphasis added). Additionally, this proposed program comment is inconsistent with 36 CFR 800.14(a) because any alternative procedure must be consistent with Section 110(a)(2)(E), i.e., consistent with ACHP regulations; provide a process that involves consultation with SHPOs, Tribal Historic Preservation Officers (THPOs), and other interested parties; and consistent with the Native American Graves Protection and Repatriation Act (NAGPRA).	The proposed program comment is in full compliance with NHPA. Program Comments are not exemptions. Program comments are a legal authority provided to federal agencies under the regulations that the Army has found effective in managing its compliance responsibilities with its national defense mission. A program comment is a method for federal agencies to meet their Section 106 obligations provided in the regulations. It is authorized pursuant to 36 CFR 800.14(e) and consultation with SHPOs, tribes, and other stakeholders is a part of the PC development process.	General
255	Heather Gibb	IASHPO	8/22/212	SHPO	To summarize, the Iowa SHPO maintains that consultation established through Section 106, including consultations with the Department of the Army, continues to be effective and vital for preservation of historically significant properties. Our office supports local and state input into federal processes that could affect properties that help define our shared identity. Our office would gladly consider a nationwide programmatic agreement or other mechanism to streamline review processes and create exclusions for specific actions. However, this program comment as presented would effectively end all consultation and local voice regarding historic properties. As such, we do not support adoption of this program comment	Acknowledged	general
256	Richard Veit	SHA	8/23/2025	SHPO	The Society for Historical Archaeology (SHA) is pleased to submit the following comments on the U.S. Army's "Program Comment Plan for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes." The SHA understands the Army's need to propose a new program comment given the rapidly changing requirements of the Army's warfighting readiness, and the SHA commends the Army for their years of innovative approaches to the identification, evaluation and preservation of historic properties within Army installations across the country. The SHA, however, has several concerns with the proposed program comment.	The Army appreciates your participation in the development of this Program Comment.	general
257	Richard Veit	SHA	8/23/2025	SHPO	Formed in 1967, the Society for Historical Archaeology is the largest scholarly group concerned with the archaeology of the modern world (A.D. 1400-present). The main focus of the Society is the era since the beginning of European exploration. SHA promotes scholarly research and the dissemination of knowledge concerning historical archaeology. The SHA is specifically concerned with the identification, excavation, interpretation, and conservation of sites and materials on land and underwater.	Acknowledged.	general
263	Michael Sothan	NESHPO	8/22/2025	SHPO	Thank you for the invitation to comment on the Army's Program Comment Plan for Army Wm:fighting Readiness and Associated Buildings, Structures, and Landscapes. The Nebraska State Historic Preservation Office (SHPO) supports the goal for this effort which was stated as balancing the "critical warfighting readiness mission with its responsibilities for preserving historic properties, while complying with National Historic Preservation Act's (NHPA) Section 106 in a more efficient and effective manner." Additionally, the justification of "The Army's transformation aims to build a leaner, more lethal force capable of outclassing and outmaneuvering adversaries across all domains - land, air, sea, space, and cyberspace" is all supported. That said, we do have some notes that we wanted to share that can be found in this letter.	The Army appreciates your participation in the development of this Program Comment.	general
264	Michael Sothan	NESHPO	8/23/2025	SHPO	After review, the Army's Program Conunent Plan for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes. We wish to share our comments to the Program Conunent (PC) in its current form.	Acknowledged.	general

265	Michael Sothan	NESHPO	8/24/2025	SHPO	While we support streamline efforts as cited under 36 CFR 800.14(e), the concern we raise is that the current draft PC may go too far and weaken the consultation and decision-making standards of 36 CFR Part 800 putting at risk preservation outcomes intended in the NHP A.	In developing this program comment, the Army has identified the category of undertakings, specified the likely effects on historic properties, and identified steps it will take to ensure the effects are considered. The Army followed the special public participation and consultation procedures for program comments at 36 CFR 800.14(e) and (f). The Army held six nationwide consultation conferences with the public and interested parties where it consulted with State Historic Preservation Offices (SHPO), non-governmental preservation advocacy organizations, Native Hawaiian Organizations (NHO), and Federally recognized tribes. The Army also held two exclusive government-to-government consultations directly with Federally recognized tribes. The Army formally elicited the views of the public and interested parties through a Federal Register notification, considered all comments received, and where feasible incorporated stakeholder comments and recommendations. The Army implemented best practices in preparation of this program comment and completed all due diligence for program comments required under 36 CFR 800.	general
272	Michael Sothan	NESHPO	8/26/2025	SHPO	Overall the goals and justifications are worthy and good. With the above we wanted to note areas for revision that we hope would serve the public interest of Historic Preservation and the unique American story and history found within the Anny. Program Comments like this can become challenging and have unintended consequences that we hope can be avoided. A possible longterm solution to these goals would be a nationwide Programmatic Agreement, modeled on other Federal Agency frameworks that have been successful in streamlining the Section 106 process	The Army has used nationwide PAs in the past and has found them to be less effective solutions.	general
273	Michael Sothan	NESHPO	8/22/2025	SHPO	We hope the Anny and ACHP can refine and develop an improved pathway forward to achieving these goals that allows the Army to work with its stakeholders to develop an agreement that balances mission readiness with historic preservation in compliance with 36 CFR Part 800.	The Army will refine the Program Comment based on comments received through this consultation process and will prepare the program comment in coordination with the ACHP.	general
277	Lee Anne Hewett	ALSHPO	8/22/2025	SHPO	Should the Army be determined to proceed with consideration of the current draft Program Comment, we would offer the following technical comments upon the current version, as published in the Federal Register Notice of Availability:	Acknowledged.	general
280	Lee Anne Hewett	ALSHPO	8/22/2025	SHPO	Section 2.1, Development Process, fifth paragraph: The last sentence appears to state that the other sections won't be followed. Please clarify.	Implementation of the PC is contingent upon it passing the vote by the ACHP.	General
288	Lee Anne Hewett	ALSHPO	8/22/2025	SHPO	We appreciate the opportunity to comment upon the draft Army Warfighting Readiness Program Comment. Should you have questions or concerns regarding this letter, please contact Eric Sipes at Eric.Sipes@ahc.alabama.gov or 334.230.2667.	The Army appreciates your participation in the development of this Program Comment.	general
289	Katherine J. Marcopol	NJSHPO	8/22/2025	SHPO	The New Jersey Historic Preservation Office (NJHPO) has reviewed the proposed Program Comment Plan for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes. The Army's proposed Program Comment rests on the premise that State Historic Preservation Office (SHPO) reviews under Section 106 of the National Historic Preservation Act (NHPA) negatively impact Army readiness. However, this assertion is not supported by data or by the actual role of SHPOs within the Section 106 process. Furthermore, the proposed Program Comment would significantly undermine the statutory role of SHPOs and compromise the integrity of historic preservation, without demonstrating any tangible benefit to military operations. In short, the Program Comment is both unnecessary and deeply problematic.	See 36 CFR 800.14 (e) - The program comment implements authorized Section 106 regulatory provisions. Program comments explicitly operate in lieu of project by project consultation with SHPOs.	general
298	Katherine J. Marcopol	NJSHPO	8/22/2025	SHPO	In light of these concerns, we urge the Army to continue consultation with SHPOs, THPOs, and other stakeholders to develop a more targeted approach that balances historic preservation goals with operational needs, rather than adopting sweeping changes that limit involvement and weaken protections.	In developing this program comment, the Army held six nationwide consultation conferences with the public and interested parties where it consulted with State Historic Preservation Offices (SHPO), non-governmental preservation advocacy organizations, Native Hawaiian Organizations (NHO), and Federally recognized tribes. The Army also held two exclusive government-to-government consultations directly with Federally recognized tribes. The Army formally elicited the views of the public and interested parties through a Federal Register notification, considered all comments received, and where feasible incorporated stakeholder comments and recommendations. The Army implemented best practices in preparation of this program comment and completed all due diligence for program comments required under 36 CFR 800.	General
299	Katherine J. Marcopol	NJSHPO	8/22/2025	SHPO	Thank you for the opportunity to review and comment on the Program Comment Plan for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes. NJHPO looks forward to coordination from the ACHP regarding the revised Program Comment. Please do not hesitate to contact me if you have any questions or would like to discuss any of these comments in more detail.	The Army appreciates your participation in the development of this Program Comment.	General
300	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	We have received your request for comments on the Program Comment Plan referenced above. On 30 May 2025, the Department of the Army (Army) Federal Preservation Officer notified the Advisory Council on Historic Preservation (ACHP) of the Army's intent to request a Program Comment for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes in accordance with the National Historic Preservation Act (NHPA) 54 U.S.C. 306108, and 36 CFR § 800.14(e). The goal of the Program Comment is to provide the Army compliance with the NHPA for Army warfighting readiness activities by means of the procedures in 36 CFR § 800.14(e), in lieu of conducting individual projects reviews under 36 CFR § 800.3 through 800.7. Our comments are provided as assistance to the Army.	Acknowledged.	General
303	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	Intent and Justification for the Program Comment Please clarify how the Army is "disproportionately affected by the NHPA Section 106 review process?" The Army has emphasized repeatedly that it maintains a well-qualified staff of over 300 cultural resources professionals whom the Army believes is sufficient to implement this Program Comment and substitute for review of undertakings by SHPO. In Virginia a majority of the Army installations have existing, successful streamlining agreements in place to ensure that the Army is not obligated to consult under 36 CFR § 800 for numerous of undertakings that have low potential to adversely affect historic properties. With such an extensive and well qualified staff combined with the existing Agreements and four (4) Program Comments for military housing, the Army is well-positioned to focus its compliance under Section 106 to those undertakings for which input from SHPO/THPO staff and consulting parties with state and resource specific knowledge and experience is most valuable in evaluating eligibility and assessing effects. DHR understands that the Army believes that installation and project specific Programmatic Agreements and Memoranda of Agreement result in inconsistent treatment of Army properties that "historically relied on standardized plans and designs, resulting in replicated building types nationwide." DHR acknowledges that standard treatment measures, such as those included in existing program comments, for standard plan buildings is a reasonable request. For this reason, the Army has four (4) existing housing specific program comments to address this issue. DHR hopes that the Army is aware that they are stewards of more historic properties than those built by the Army to a standard plan. Archaeological sites and historic properties constructed and established prior to any standardization should not necessarily be applied standard treatments nor is the assessment of effects on these properties as straightforward as the Army contends. This Program Comment lacks specificity and detail to adequately account for the effects of undertakings on historic properties that do not fit the standard Army plans. The overview and justification for the Program Comment include disingenuous characterizations of burdensome reviews of undertakings under Section 106 of the National Historic Preservation Act, downplay and misrepresent the role SHPOs have in the Section 106 process, and suggest that the Army's obligation to comply with the National Historic Preservation Act "raises questions about [the NHPA's] continued efficiency and efficiency". This clearly expressed opinion that the requirements to fulfill its obligations under the NHPA are too onerous for the Army calls into question the Army's approach to compliance with the expectations of the NHPA if given the allowances proposed in the Program Comment. If complying with the requirements under the NHPA and consideration of the recommendations of SHPO, consulting parties, and the public are incongruous with the Army's goals of modernization, absent any meaningful review by parties outside the Army (as proposed in this Program Comment) there will be no regulatory obligations hindering the Army from determining that any obligations for historic preservation will be determined to be, as emphasized repeatedly in Appendix C of the Program Comment Plan, "not technically or financially feasible."	Program comments are a legal authority provided to federal agencies under the section 106 regulations. The Army has found PCs effective in managing its compliance responsibilities. It is authorized pursuant to 36 CFR 800.14(e) and consultation with SHPOs, tribes, and other stakeholders is a part of the PC development process and a subsequent Program comment is developed based on the consultation. All substantive requirements of the Section 106 process are met under the program comment. The Army refers you the Militray Landscape discussion. The historic military landscape context will be expanded in the profram comment since it has an important implication for the Section 106 process. The current Section 106 project review processes in 36 CFR 800 and in Army Section 106 compliance agreements adversely effects historic military landscapes. The project-by-project, step-by-step review process delays, modifies, and may halt the full implementation of Army warfighting readiness activities and mission-critical infrastructure development. This directly impacts the defining features and characteristics that contribute to the historical significance of the military landscape. In essence, the standard Section 106 project review process compromises and diminishes the integrity of these evolving, living historic landscapes by hindering the ongoing historical processes that continue to shape them.	General
318	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	Conclusion It is DHR's opinion that this Program Comment lacks the basic requirements under 36 CFR § 800.14(e) for a program comment. This Program Comment fails to identify the category of undertakings to which it will apply. It fails to adequately address the likely effects on historic properties (including a complete disregard to effects to any historic properties except those built by the Army). It fails to clearly specify the steps the agency official will take to ensure that the effects are taken into account. It completely lacks a time period for which the comment is requested. The Program Comment puts all of the above requirements at the judgement, discretion, and internal decision making of the Army. It precludes any meaningful input from SHPOs, THPOs, Tribal governments, Native Hawaiian Organizations, consulting parties, and the public. Consultation via NEPA, especially considering ongoing changes to existing NEPA regulations, is an insufficient mechanism for external review as it relates to historic properties.	Disagree. The category of undertakings is clearly specified and is further detailed in appendix A, all effects are addressed to all property types by implementation of the substantive requirements of 106 (identification, evaluation, assessment of effect, and treatment), input from stakeholders occurred during the devlopment process as is evidenced by this administrative record, program comments operate in-lieu of project by project reviews as stated in the regulation.	general
320	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	Thank you for allowing us the opportunity to review the Program Comment plan. If you have any questions regarding these comments, please contact Jenny Belleville-Marrion at 804-482-8091 or via email, jennifer.belleville-marrion@dhr.virginia.gov.	Acknowledged.	general

321	Chief Keith F. Anderson	Nansemond Indian Nation	8/22/2025	Tribe	The Nansemond Indian Nation (the “Nation”) provides the following comments on the Army Program Comment Plan or Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes (the “Program Comment”). The Nation is a federally recognized Tribal Nation with a population of over 500 citizens headquartered in Suffolk, Virginia. The Nation’s federal service area includes Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Virginia, which is a region with a high concentration of military installations. Department of Defense facilities in Tidewater Virginia include several locations where ancestral remains have been recovered and which hold archaeological landscapes of immense significance to Virginia Algonquian Tribes.	The Army appreciates your participation in the development of this Program Comment.	general
332	Chief Keith F. Anderson	Nansemond Indian Nation	8/22/2025	Tribe	Again, the Nation has considerable concerns regarding the implications of this Program Comment for our ancestral and contemporary homelands. If this Program Comment moves forward, we request that the Army revise this Program Comment to clarify and adjust its language based on the issues raised above.	The Army will address your concerns in development of the program comment in coordinatino with the ACHP.	general
333	Amy Spong	MNSHPO	8/19/2025	SHPO	The Minnesota State Historic Preservation Office (MN SHPO) appreciates the opportunity to comment on the Program Comment Plan for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes (Program Comment Plan). MN SHPO staff reviewed the Program Comment Plan and participated in the consultation conference calls that were held throughout July and August.	The Army appreciates your participation in the development of this Program Comment.	general
341	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	Thank you for the opportunity to review and comment on the Program Comment Plan for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes (hereafter the Program Comment). The Notice of Availability for the Program Comment was published in the Federal Register on 25 July 2025. As Rhode Island State Historic Preservation Officer (SHPO), I have the following comments on the Program Comment.	The Army appreciates your participation in the development of this Program Comment.	general
342	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	First, I am concerned that the Department of the Army (Army) sees the National Historic Preservation Act and specifically Section 106 as, quoting the Program Comment, a “significant impediment” and the process as “inefficient, inconsistent, and at times detrimental to mission readiness” to such an extent that eliminating it altogether across Army jurisdiction is the only response that the Army feels is appropriate. To my knowledge, there has been no nationwide effort to address the specific issues that the Army identifies, but rather, the proposed solution is to find a substitute for a regulatory process that has been in place for over 50 years.	Program comments are a legal authority provided to federal agencies under the regulations that the Army has found effective in managing its compliance responsibilities with its national defense mission. A program comment is a method for federal agencies to meet their Section 106 obligations provided in the regulations. It is authorized pursuant to 36 CFR 800.14(e) and consultation with SHPOs, tribes, and other stakeholders is a part of the PC development process that is completed and a subsequent compliance agreement is developed based on the consultation.	general
358	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	As you can see by the concerns called out above, as Rhode Island SHPO, I believe that the proposed Program Comment is deeply flawed. The effort to sidestep federal regulations that have successfully been carried out for over 50 years by the application of a vague, yet sweeping program comment is not appropriate	Program comments are a legal authority provided to federal agencies under the section 106 regulations that the Army has found effective in managing its compliance responsibilities with its national defense mission.	general
359	RJ Hillman	MOSHPO	8/22/2025	SHPO	Thank you for your notice of a Program Comment Plan and associated materials posted to the Federal Register (July 25, 2025) regarding the proposed Army Program Comment on Warfighting Readiness (PC). Our general feedback is outlined within this letter, please find an attached copy of the proposed PC with our specific comments.	Acknowledged.	general
360	RJ Hillman	MOSHPO	8/22/2025	SHPO	Montana SHPO has numerous concerns relating to the structure, content, and handling of this program comment and are strongly opposed to the program comment as it is currently written. There are major issues with the comment, which include, the far-reaching nature of the comment, too much unilateral decision-making power in the hands of the Army and the Army FPO, the PC as proposed, lacks critical information, and wrongly places the initiative for tribal consultation on tribes rather than the Army.	Army and DoD have had program comments in place for over 20 years. They have been highly successful in balancing mission requirements with NHPA - see 36 CFR 800.1(a).	general
361	RJ Hillman	MOSHPO	8/22/2025	SHPO	Additionally, the PC implies that SHPOs are the lynch pin of consultation issues, and that an overabundance of Programmatic Agreements with SHPOs and other Section 106 regulations have created an overly complex consultation process for the Army. It should be noted however that Agencies, not SHPOs, THPOs or NHOs, start the process for creating an agreement and are responsible for managing those agreements. Further, the Army has numerous existing program comments that provide sweeping exclusions for reviews. If Section 106 compliance has become too complex due to existing overlapping agreements, the Army should review existing agreements to determine which are still necessary and which could be modified or removed. Creating a sixth program comment for Army undertakings would only further complicate the process.	The Army has gone through the assessment process and will continue to pursue the Program Comment as they have been found more effective in addressing NHPA compliance for the Army that PA and MOAs.	general
367	RJ Hillman	MOSHPO	8/22/2025	SHPO	Thank you for your thoughtful review of our comments both in this letter and those included in the attached draft of the PC. We look forward to continuing consultation on this PC in the hopes of creating a working document that SHPOs, THPOs, NHOs, the Army, and other consulting parties can legitimately approve. If you have any questions or concerns, do not hesitate to contact me at (406) 444-7719 or RJ.Hillman@mt.gov. Thank you for consulting with us.	The Army appreciates your participation in the development of this Program Comment.	general
368	Craig A. Potts	KYSHPO	8/21/2025	SHPO	On behalf of the Kentucky State Historic Preservation Office (SHPO), thank you for the opportunity to comment on the Army's proposed Program Comment. While we recognize the Army's obligation to ensure military readiness, we have serious concerns about how this Program Comment would alter compliance with the National Historic Preservation Act (NHPA) and diminish the statutory consultation role of SHPOs, THPOs, and other stakeholders	See 36 CFR 800.14(e) - Program Comments include consultation with SHPOs and others. The Army followed the special public participation and consultation procedures for program comments at 36 CFR 800.14(e) and (f).	general
379	Craig A. Potts	KYSHPO	8/21/2025	SHPO	We ask the Army to substantially revise the draft to ensure that Section 106 consultation remains meaningful, that preservation standards are maintained, and that historic properties continue to receive the careful consideration required under federal law. Thank you for the opportunity to comment. We look forward to continuing consultation and finding solutions that balance military readiness with preservation responsibilities.	The Army intends to review and analyze feedback for the revision of the Program Comment. The program comment implements the substantive requirements of the section 106 process (inventory, evaluation, assessment of effect, and treatment) and follows all applicable SOI standards.	general
380	Laura V. Trieschmann	VTSHPO	8/25/2025	SHPO	Thank you for the opportunity to comment on the above-referenced project. The Vermont State Historic Preservation Office (VT SHPO) is providing the following comments pursuant to 36 CFR 800.4, regulations established by the Advisory Council on Historic Preservation (ACHP) to implement Section 106 of the National Historic Preservation Act (NHPA). As	The Army appreciates your participation in the development of this Program Comment.	general
384	Laura V. Trieschmann	VTSHPO	8/25/2025	SHPO	Therefore, VT SHPO does not support the implementation of the Army Program Comment Plan.	The Army will continue to pursue the Program Comment as they have been found effective in addressing NHPA compliance for the Army.	general
385	Julianne Polanco	CASHPO	8/25/2025	SHPO	The Department of the Army Federal Preservation Officer (FPO) has notified the Executive Director of the Advisory Council on Historic Preservation (ACHP) of the Army's decision to seek a Program Comment for Army Warfighting Readiness Activities and Associated Buildings, Structures, and Landscapes (Program Comment) in accordance with 36 CFR 800.14(e). The Army is seeking comments from the State Historic Preservation Officer (SHPO) on the draft Program Comment. In addition to reviewing the draft Program Comment, SHPO staff have attended the Army's associated consultation conference series, held in July and August of 2025. The SHPO comments are below.	Acknowledged.	general
392	Julianne Polanco	CASHPO	8/25/2025	SHPO	If you have any questions or comments, please contact staff historian Tristan Tozer at (916) 894-5499 or Tristan.Tozer@parks.ca.gov. Sincerely,	Acknowledged.	general
394	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	The National Historic Preservation Act (Act) was passed by congress to create a national program of historic preservation in response to government actions that resulted in substantial historic loss. While the Act established incentive programs; special relationships between federal, state, and local government; and an honorary designation program; the implementing Section 106 regulations were designed to make sure that the actions of the federal government resulting in historic loss would not be repeated. Section 106 was designed to protect historic properties from government action through a transparent and consultative process. As noted in the lengthy justification, requiring a federal agency to contemplate its actions may be difficult, but it is not without purpose or merit. While the PC notes the extensive number of properties under the Army's administration, the number of built properties subject to Section 106 through the funding actions of the Federal Emergency Management Administration or the Department of Housing and Urban Development are equally as numerous and represent a wider array of constantly changing properties. In addition, the land holdings of the Bureau of Land Management or the United States Forest Service far surpass the Army. The Army is not in a unique situation or has an undue burden for compliance. The purported goals of the PC could be achieved through other, mutually acceptable, agreements.	The Army has gone through the assessment process and will continue to pursue the Program Comment as they have been found more effective in addressing NHPA compliance for the Army that PA and MOAs. The Army's national defense misssion is fudamentally different than HUD, FEMA, BLM or USFS.	general
395	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	Based on the Army's Justification for preparing this PC as a need for clarification, CTSHPO has noted multiple areas of confusing statements that should be clarified before implementation. CTSHPO urges the Army to reconsider the PC as written and offers the following comments.	Acknowledged.	general
405	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	Section 4.2.4.11 states that there may be the need to deviate from standard “Historic Property Management procedures” in “exceptional cases.” For clarification are the referenced procedures those contained in the PC or is it a reference to other procedures (e.g., a Historic Properties Management Plan)? As additional clarification, who will decide when there is an “exceptional case” and based on what criteria?	The National Security Consideration will be considered and implemented by the FPO is those exceptional cases. It will addresses compensatory mitigation measures and reporting to the ACHP.	general
407	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	In Section 8.0, please correct the awkward repetitive wording of the last sentence: “or the Council withdraws the program comment in accordance with 36 CFR 800.14(e)(6) and this program comment.”	Acknowledged.	general



417	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	Out of respect to our environment, our history, and our future generations; especially as we prepare for our country's 250th anniversary; CT SHPO strongly recommends reconsideration of the Program Comment for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes. We not only object to the Program Comment as drafted, we strongly object to its use by other Department of Defense Agencies. The Army cites their strong preservation ethic as demonstrated by prior engagement and stewardship, as well as employment of 300 historic preservation specialists. Other defense agencies do not have this record nor investment in personnel. Finally, CTSHPO acknowledges that we have few Army properties that would be subject to the PC. We advocate for local involvement and continued consultation in the spirit of the Act. For additional information, please contact Catherine Labadia, Environmental Reviewer and Deputy State Historic Preservation Officer, at catherine.labadia@ct.gov or (860) 500-2329.	The Army will continue to pursue the Program Comment as they have been found effective in addressing NHPA compliance for the Army. The document will be revised according to comments received during consultation and the Federal Register notice prior to formal submission to the ACHP.	general
418	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	After reviewing the Army's Program Comment plan, the National Conference of State Historic Preservation Officers (NCSHPO), on behalf of its members, would like to take this opportunity to point out the following concerns that should be addressed:	Acknowledged.	general
420	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	NCSHPO respectfully requests that the Army revise its plan to meet these requirements, cited below: a) Category of Undertakings: In Section 6, Applicability, the Army seeks to define the category of undertakings as "all Army warfighting readiness activities." (pg. 18) In consultation meetings, the agency official (the Army Federal Preservation Officer) has confirmed that these activities encompass the full scope of undertakings conducted by the Army. However, "readiness" is a strategic concept, not a specific set of project types, and includes a wide and NCSHPO Comments, Army PC, August 2025, Page 2 of 9 inconsistent range of activities. An attempt by an agency to define its entire mission as a single category of undertakings can only be seen as a subversion of the Section 106 process. For all of their flaws, the previous Program Comments secured and celebrated by the Army were focused on a suite of potential management actions tied to specific building types. A more consistent approach, if the Army wishes to address its inventory of buildings not covered by the existing Program Comments, would be to follow a similar path – not to simply use everything the agency does as justification for bypassing or obfuscating any future consultation for impacts upon historic properties. b) Likely Effects on Historic Properties: Because the agency official seeks to define the category of undertakings as essentially limitless, the likely effects on historic properties are similarly broad and unpredictable. This plan makes no attempt to enumerate the types of effects that may occur, despite regulatory requirements to do so. c) Steps to Ensure that Effects are Taken Into Account: Likewise, the agency official has not specified the steps to ensure that effects will be considered, as required by the regulation. When this omission was pointed out by an attendee at an August 7 consultation meeting, the response was that the Army will simply follow its existing procedures. When asked to clarify what those procedures entail, it was acknowledged that they are too varied to be included in the Program Comment, effectively reinforcing the argument that such a broad and ill-defined category of undertakings cannot be meaningfully addressed in a single Program Comment. d) Identify the Time Period: Unlike any other Program Comment adopted, or indeed any other national program alternative to Section 106 adopted in the last 20 years, there is no term or expiration date offered in this proposal. Instead, the Army proposes that the Program Comment remain in effect until the Army "determines that [it] is no longer needed," or until the Council chooses to withdraw it. This language effectively defines the time period as "forever." Forever, in our view, is not an appropriate time period.	The Army will provide additional detail in the program comment regarding the Army's statutory mission. Appendix A contains details on the categories of readiness undertakings. The program comment will be developed in coordination with the ACHP to ensure likely effects are specified and those effects are taken into account. The ACHP approved Program Comment for Army Capehart Wherry housing similarly has the same duration proposed here. The Army intends to operate under this program comment in perpetuity therefore there is no expiration date, and one isn't needed since at any time the ACHP can withdraw and terminate the program comment.	general
45	Jessica L. Puff	HISHPO	8/24/2025	SHPO	Based on this reading of the Program Comment Plan, the Hawaii SHPO has the following comments, questions, and concerns: 1. Throughout the Program Comment Plan, the Army fails to consistently recognize SHPOs, THPOs, and NHOs; often referencing just one or two of the three. All three entities should be referenced equally.	The Army will utilize the appropriate terms as applicable.	Hawaii
47	Jessica L. Puff	HISHPO	8/24/2025	SHPO	The Army claims that the Program Comment Plan will protect historic resources; at this time it is impossible to agree. The Army has confirmed that they do not have a full understanding of the historic and cultural resources they are responsible for, citing only 65% of their resources have been surveyed. Additionally, the Program Comment Plan only includes treatment measures for architectural resources and seems overly focused on pre-1941 architectural resources. Similarly, the Program Comment Plan inaccurately identifies the architectural styles found throughout the Army's holdings and leases (Please note that Albert Kahn's architecture is Industrial/ early American Modern—not International Style or any of the other architectural styles listed. Also note that there are no representations of architectural styles from Hawaii (i.e. Dickey, Plantation Style); I suspect Hawaii is not the only state that is not accurately represented within the Program Comment Plan.) It is therefore hard to understand how the Army intends to fulfill their claim to preserve historic resources when they have an incomplete and inaccurate understanding of the resources under their care. Archaeological resources were briefly mentioned and cultural resources/Traditional Cultural Places weren't mentioned at all. Please include better representation and treatment measures that reflect the appropriate treatment of Hawaiian historic and cultural resources (i.e. fishponds, heiau, petroglyphs, etc). and iwi kupuna. I expect it would be appropriate to include similar representations and treatment recommendations for Indigenous resources in other states and U.S. territories as well.	Army's 65% inventory of its holdings is well above and beyond the inventory levels of many federal agencies. Special considerations for properties of religious and cultural significance have been incorporated. Iwi kapuna will be addressed through NAGPRA compliance. Architectural styles on Army installations in Hawaii fall under the general categories presented.	Hawaii
137	Kiersten Faulkner	HHF	8/23/2025	NGO	Historic Hawaii Foundation recommends that all historic buildings and structures, regardless of era or NHL status, be treated in accordance with the Secretary of the Interiors Standards and Guidelines under the supervision of qualified historic architects and/or architectural historians.	They are. Some eras however such as WWII and Cold War have been addressed under other program alternatives, and extensively documented for preservation purposes so are no longer treated under those standards.	Hawaii
206	Ronnie N. Inagaki	Hawaii	8/3/2025	Ronnie N. Inagaki	The recent decision by the Hawai'i Board of Land and Natural Resources (BLNR) to deny the Army's Final Environmental Impact Statement underscores the necessity for transparency, comprehensive information, and genuine community involvement. Furthermore, the recent passage of Resolution 234-25 by the Honolulu City Council, urging the state to ensure the health and safety of residents by demanding the military cease all bombing activities at the Pōhakuloa Training Area (PTA), reject land swaps without strict conditions, and conduct a full Ka Pa'akai Analysis. Demonstrates clear and current public and governmental support for increased transparency, accountability, and consideration of demilitarization regarding military land use in Hawai'i. This resolution calls for a reassessment of the impacts and future of military land holdings, further underscoring the need for thorough, community-centered review processes.	This is outside the scope of the proposed Program Comment.	Hawaii
207	Ronnie N. Inagaki	Hawaii	8/3/2025	Ronnie N. Inagaki	The situation at Pōhakuloa Training Area (PTA) is emblematic of these concerns. The expiring leases, BLNR's rejection of the Army's FEIS, and documented contamination and cultural impacts at PTA highlight the inadequacy of past oversight and the urgent need for meaningful state and local authority in all decisions affecting these lands. PTA's history and current controversies make clear that Hawai'i's circumstances are unique and deserve a tailored approach, not a one-size-fits-all federal process.	Rhetorical statement, no response.	Hawaii
208	Ronnie N. Inagaki	Hawaii	8/3/2025	Ronnie N. Inagaki	Hawai'i bears the highest percentage of military impact among all states, with 5.6% of its land under military control. Most of the military's landholdings are Hawaiian trust lands—seized lands, Department of Hawaiian Home Lands (DHHL) lands, and lands taken from ali'i trusts through eminent domain. In 2023, new sites in Hawai'i were added to the Department of Defense's list of most contaminated locations. Over 3,800 acres have been acquired from Kamehameha Schools alone, including 44 acres in Kālia, Waikiki, 134+ acres in He'eia, and 3,630 acres in the moku of 'Ewa (Hālawā, Waiawa, Mānana) (see Appendix A). These facts underscore the historic and ongoing burden placed on Hawai'i's land and people by military activities, further justifying the need for a more rigorous, transparent, and locally accountable review process. With these concerns in mind, I respectfully request direct responses to the following questions as they relate to the Program Comment:	Acknowledged	Hawaii
213	Ronnie N. Inagaki	Hawaii	8/3/2025	Ronnie N. Inagaki	Request for Exemption or Alternative Process for Hawai'i and Similarly Affected States or Territories Given the unique legal, cultural, and environmental circumstances of Hawai'i, including unresolved land claims, the presence of significant Native Hawaiian cultural sites, and ongoing state-level concerns about transparency and stewardship. I strongly recommend that Hawai'i be exempted from this Program Comment. Instead, I urge that Section 106 compliance for Army activities in Hawai'i continue to be handled on a case-by-case basis, with full consultation and consent of state agencies, Kānaka Maoli, and affected communities.	The Army will continue to include Hawaii in this Program Comment.	Hawaii
214	Ronnie N. Inagaki	Hawaii	8/3/2025	Ronnie N. Inagaki	Furthermore, I encourage you to consider similar exemptions or the development of alternative processes for other states or territories facing comparable issues. The current "one-size-fits-all" approach of the Program Comment does not adequately address the distinctive circumstances and public sentiment in Hawai'i and elsewhere. Exempting Hawai'i (and similarly affected states or territories) would demonstrate respect for local authority and the special trust obligations owed to Indigenous peoples and unique cultural landscapes and ensure that federal streamlining does not override essential local oversight and protections.	Hawaii and all other states and territories where NHPA is applicable will be included in this Program Comment.	Hawaii

215	Ronnie N. Inagaki	Hawaii	8/3/2025	Ronnie N. Inagaki	Finally, I urge the Army and the Advisory Council on Historic Preservation to fully respect the will of Hawai'i's people, the rights of Kānaka Maoli, and the authority of state and local agencies. The Program Comment must not be used as a means to bypass essential community and state oversight or to perpetuate past injustices.	See 36 CFR 800.14(e) - Program Comment development included consultation with SHPOs, NHOs, and others. The Army followed the special public participation and consultation procedures for program comments at 36 CFR 800.14(e) and (f).	Hawaii
216	Ronnie N. Inagaki	Hawaii	8/3/2025	Ronnie N. Inagaki	Appendix A: Military Impact and Land Acquisition in Hawai'i <ul style="list-style-type: none"> <li>Hawai'i bears the highest percentage of military impact among all states at 5.6%.</li> <li>Most military landholdings are Hawaiian trust lands—seized lands, DHHL lands, and lands taken from ali'i trusts through eminent domain.</li> <li>In 2023, new sites in Hawai'i were added to the Department of Defense's most contaminated sites (Dept. of Defense via Environmental Working Group).</li> <li>Over 3,800 acres have been acquired from Kamehameha Schools, including 44 acres in Kālia, Waikiki, 134+ acres in He'eia, and 3,630 acres in the moku of 'Ewa (Hālawā, Waiawa, Mānana).</li> <li>Sources: Dept. of Defense via Visual Capitalist, Environmental Working Group, Hui o Ho'ohonua, "The Waiwai of Pu'uloa," Why Demil.pdf.</li> <li>For more, see: bit.ly/whydemil</li> </ul>	Acknowledged	Hawaii
131	Kiersten Faulkner	HHF	8/23/2025	NGO	9. Historic Properties Management Procedures in Conjunction with Appendices C & D Design Guidelines and Materials PC Plan Section 4.2.4.1 states that Army installations will "follow their current procedures for identification, evaluation, determination of effect, and monitoring of historic properties". Section 4.2.4.1 goes on to state that "[t]hese activities will be conducted under the supervision of qualified preservation professionals and are generally supported through contract with qualified cultural resources management firms and organizations". HHF objects to several provisions:	Comment noted	Historic Properties Management Procedures
132	Kiersten Faulkner	HHF	8/23/2025	NGO	a. Within the PC Plan, there does not appear to be a formalized step by step process which either follows 36 C.F.R. 800.3-800.8 or references these steps with documentation and reporting.	See 36 CFR 800.14(e) Program Comments operate in place of the review and consultation procedures in 36 CFR 800.3 - 800.7	Historic Properties Management Procedures
133	Kiersten Faulkner	HHF	8/23/2025	NGO	b. Within the PC Plan, we could find no stated requirement for the qualifications of the preservation professionals or criteria for the selection and accountability of contracted qualified cultural resources management firms. The CP Plan does not appear to require that alterations to buildings and structures need to be overseen by qualified Historical Architects, nor that archaeological sites be supervised by qualified Archaeologists.	The program comment will specify that all substantive requirements of the Section 106 process will be conducted under the supervision of SOI qualified individuals.	Historic Properties Management Procedures
134	Kiersten Faulkner	HHF	8/23/2025	NGO	c. Section 4.2.4.2 describes a procedure to assist in selection of appropriate building materials (in conjunction with Appendices C – Design Guidelines and D-Building Materials Guidelines) but it does not require documentation of the steps taken, by whose authority, and justification of the final selection made.	This is the same procedure approved by the ACHP and effectively implemented by the Army in two other Army program comments without any significant issues.	Historic Properties Management Procedures
136	Kiersten Faulkner	HHF	8/23/2025	NGO	e. Section 4.2.4.4 states that "associated buildings, structures, and landscapes constructed during World War II and the Cold War era (1941-1989) have been adequately addressed by existing documentation and are not subject to the historic properties management procedures of this program comment unless they are designated NHLs." • Significant buildings and structures constructed during WWII are significant for their association with historic events and unique architectural styles, including those that have not been nominated as NHLs, and need to be afforded the same protection as those built before 1941. • This dictates a cut off of 84 years in contradiction to the 50-year requirements of NHPA. It does not allow for a rolling date to assess properties that may acquire significance during the term of the Program Comment or reassessment of significance as additional information or context comes to light.	The Army's Cold War period and WWII period buildings have been adequately documented under other ACHP-issued Program Comments and under other Section 106 actions. The extensive documentation includes the following: A 244-page annotated Cold War bibliography at <a href="https://www.denix.osd.mil/army-pcwr/">https://www.denix.osd.mil/army-pcwr/</a> contains extensive references documenting Army and DoD-wide Cold War era historic properties. Also see: National Historic Context for Department of Defense Installations, 1790-1940, Volumes I-4. DoD Legacy Resource Management Program Project 92-0075 (1995); Military Training Lands Historic Context, USACERL, 2010; World War II Temporary Military Buildings, USACERL Technical Report CRC-93/01,1993; World War II and the U.S. Army Mobilization Program: A History of 700 and 800 Series Cantonment Program, Legacy Resources Management Program, USACERL; Army Ammunition Production During the Cold War (1946-1989) , US Army Environmental Command, 2009; Army Ammunition and Explosives Storage in the United States: 1775-1945, US Army Corps of Engineers, 2000; Unaccompanied Personnel Housing During the Cold War 1946-1989, US Army Environmental Center, 2003; Historic Context for DoD Facilities WWII permanent Construction, US Army Corps of Engineers, Baltimore District, 1997; Historic Context for DoD Facilities World War II Permanent Construction, US Army Corps of Engineers, Baltimore District, 1997; California Historic Military Buildings and Structures Inventory, US Army Corps of Engineers, Sacramento District, 2000; A Historic Context for the African American Military Experience, USACERL, 1998; Army historic contexts at <a href="https://aec.army.mil/Conservation/CulturalResource-Technical-Documents/">https://aec.army.mil/Conservation/CulturalResource-Technical-Documents/</a> .	Historic Properties Management Procedures
6	Dan Everhart	IDSHPO	8/18/2025	SHPO	Treatment of Resources The PC applies limited design/material guidelines (§4.2.4.2, Appendices C & D) to pre-1941 properties, removes review entirely for interiors (§4.2.4.3), and excludes most WWII and Cold War-era properties (§4.2.4.4) from historic property procedures unless they are NHLs. This approach disregards the historical value of many properties and landscapes, especially in Idaho whose military history was nationally significant in the World War II and Cold War periods.	see the above response - compliance and mitigation has occurred for that category of properties.	Interiors
18	Diana Wetling	OHSPO	8/19/2025	SHPO	The draft program comment also diminishes preservation outcomes in several ways. Interiors of pre-1941 properties are excluded from consideration, despite their potential historic significance. Broad allowance for substitute materials prioritizes cost and convenience over preservation standards. Adverse effects in contaminated or ordnance areas are labeled "acceptable losses," contrary to the NHPA mandate to avoid or minimize harm to the maximum extent feasible.	Interiors of historic Army buildings have been heavily modified and must be managed for mission requirements. Application of substitute materials is IAW SOI Standards for Rehabilitation and NPS Preservation Brief 16 which emphasize the flexibility in application that was intended by the Standards. The Army's first priority is to avoid adverse effects as stated in the Plan. Acceptable loss language will be removed.	Interiors
228	Elizabeth Hughes	MDSPO	8/23/2025	SHPO	8. The PC effectively creates an exclusion for interior spaces of pre-1941 buildings and structures. Section 4.2.4.3 states, "Therefore, there is no review, special building material requirements or procedures, design guideline considerations, or special procedures for maintenance, repair, rehabilitation, renovation, and alterations to the interior spaces of pre-1941 buildings and structures." However, an exclusion is a separate type of Program Alternative from a Program Comment. An exclusion can only be considered when, per the Section 106 regs (§ 800.14(c)(ii)), "The potential effects of the undertakings ... upon historic properties are foreseeable and likely to be minimal or not adverse." This PC does not establish those conditions, so an exclusion for pre-1941 interiors should not be included.	Interiors of historic Army buildings have all been modified to ensure their continued use as mission supporting buildings.	Interiors
268	Michael Sothan	NESHPO	8/22/2025	SHPO	Treatment of Resources - The PC applies limited guidelines (§4.2.4.2, Appendices C & D) to pre-1941 properties and excludes most WWII and Cold War-era properties (§4.2.4.4) from historic property procedures unless they are National Historic Landmarks (NHL). This approach may result in unintentional loss of American historic resources. In Nebraska we have many DOD sites whose military history was nationally significant post World War II era, especially the Cold War period (Strategic Air Command and the Maitin Bomber Facility as examples) both are eligible for Listing but that has not been perused due to Federal and State capacity and in an effort to stay more flexibility to evolving missions. This rule may result in public pressure to list many more properties as NHL's.	Interiors of historic Army buildings have all been modified over the years for mission purposes. The DoD and Army's Cold War and WWII properties have been addressed under other ACHP-issued Program Comments and a PMOA.	Interiors
309	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	4.2.4.3. We have concerns regarding the following PC statement, "The significance of the interiors of pre-1941 Army mission associated buildings and structures are that they represent the ongoing evolution of interior spaces in response to changing military, technological, life, health, and safety requirements. To maintain their significance, the interiors must continue to develop and change in response to changing military needs." The statement that the original interior floorplans have been modified is a gross overgeneralization and is therefore inaccurate. While DHR understands and has supported that adaptive reuse is needed to continue mission requirement for the Army, several of the pre-1941 buildings and structures at Virginia installations retain the overall floor plans and significant historic fabric in the interiors.	The statement is accurate. The Army's pre-1941 buildings and structures have been in continuous use by the Army since their construction. Original interior floorplans have been modified; current floorplans include rooms that were not features of the original design, new walls and partitions have been added that were not features of the original design, floors, walls, and ceilings have been cut through and modified to add plumbing, electrical service, and heating and ventilation ductwork, plaster walls have been replaced with drywall, paint and plaster have been removed to create a new appearance. The significance of the interiors of pre-1941 Army mission associated buildings and structures are that they represent the ongoing evolution of interior spaces in response to changing military missions. To maintain their significance, the interiors must continue to develop and change in response to changing military mission needs. Therefore, there is no historic preservation review, special building material requirements, design considerations, or special historic preservation procedures for maintenance, repair, rehabilitation, renovation, or floorplan alternation required for the interior spaces of pre-1941 buildings and structures.	Interiors

353	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	Section 4.2.4.3 of the Program Comment, which deals with interiors of pre-1941 buildings and structures, implies that all building interiors have modified floorplans and mechanical systems and drywall replacing plaster. While this may be true in some, or even most, buildings, it is not likely true in all, and those outliers may be the most important to preserve. The section concludes that no special treatments are therefore required for interior spaces in pre-1941 buildings. This blanket statement should be removed from the document.	See above response.	Interiors
371	Craig A. Potts	KYSHPO	8/21/2025	SHPO	3. The Program Comment draft exempts interiors of pre-1941 properties from any review, arguing they have been too heavily modified and therefore lack significance. This is an overly broad dismissal. Many interiors retain historic character or associative significance and deserve evaluation before alterations proceed.	See above response.	Interiors
400	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	Section 4.2.4.3 describes changes to the interior spaces of the Army's pre-1941 buildings and structures from the original floorplans as justification for not requiring review or special considerations for future interior alterations. As historic preservation professionals know, alterations to original historic spaces can achieve their own historic significance. Summarily dismissing interior historic spaces using this justification avoids the identification step of Section 106. The PC should not circumvent the legislation. Please consider revising this section to include an evaluation of the interior's significance and integrity.	See above response.	Interiors
401	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	Similarly, Section 4.2.4.4 is unconcerned with an entire subset of World War II and Cold War era (1941-1989) properties because they have already been extensively documented. Mitigation likely was completed for those properties on a case-by-case basis with no intention of mitigating the loss of all properties nationwide. The Section 106 process allows for loss, but the loss should be mitigated. Please consider revising this section to allow for mitigation that includes efforts not consisting of documentation. The mitigation also should reflect the cumulative loss of properties from this era, so that as these property types continue to diminish, their loss can be adequately mitigated.	Representative property types have been documented nationwide as a result of DoD's nationwide Program Comments and other agreements. Additionally, WWII and Cold War Era NHL properties will be preserved under this program comment.	Interiors
429	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	8) The Army's statement regarding the significance of pre-1941 Army mission associated buildings and structures displays a fundamental misunderstanding of historic preservation. In Section 4.2.4.3. (pg. 12) the Program Comment plan contains the following statement: The significance of the interiors of pre-1941 Army mission associated buildings and structures are that they represent the ongoing evolution of interior spaces in response to changing military, technological, life, health, and safety requirements. To maintain their significance, the interiors must continue to develop and change in response to changing military needs. This statement is not in keeping with professional preservation standards or the law; it is tantamount to saying that the best way to preserve an interior is to replace it. National Park Service guidance makes it clear that the significance of a property is not derived from its current use but rather from its historic context. Additionally, under NHPA, it is not incumbent upon the Army to evaluate the historical significance of a given undertaking, but to evaluate the impact of the undertaking on the historical property. NCSHPO respectfully suggests that the Army remove this language from the Program Comment plan.	Interiors of historic Army buildings have been modified across the years and cannot be frozen in time, and they must continue to be modified to support mission purposes.	Interiors
135	Kiersten Faulkner	HHF	8/23/2025	NGO	d. Sections 4.2.4.2 and 4.2.4.3 state that only the "exteriors" of pre-1941 buildings, and no interiors, will be subject to the Historic Management Process • While the interiors of buildings may have undergone alterations that have obliterated historic materials and configurations, there are certainly administrative and command level structures with significant interiors and ceremonial spaces worthy of protection. • Likewise, WWII- and Cold War-era structures are significant for their association with historic events and unique architectural styles, making their exclusion from even this basic level of care inexplicable.	Interiors of historic Army buildings have been modified over the years and must continue to change in support of the mission. The Army's Cold War and WWII properties have been addressed and mitigated under other ACHP-issues Program Comments and a PMOA.	Interiors
209	Ronnie N. Inagaki	Hawaii	8/3/2025	Ronnie N. Inagaki	1. Inventory and Mapping Transparency The Program Comment aims to streamline federal historic preservation reviews, which depend on knowing what properties and landscapes may be affected. While federal law may not require a comprehensive, public, parcel-by-parcel inventory of Army-managed lands in Hawai'i, both the BLNR and our community have made it clear that this information is essential for transparency and meaningful oversight. Will the Program Comment process include a commitment to provide a full, detailed, and publicly accessible inventory and map of all Army-leased and used lands in Hawai'i, to support informed Section 106 compliance and consultation?	No, Section 304 of the NHPA protects certain sensitive information about historic properties from disclosure to the public when such disclosure could result in a significant invasion of privacy, damage to the historic property, or impede the use of a traditional religious site by practitioners.	Inventory
316	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	At the time of this draft, the Program Comment is for the Department of the Army. How will this affect joint bases that are operated by other military agencies (for example Fort Eustis)?	Only joint bases where the Army is the Lead Service, IAW DoDI 4165.73, would be covered by the PC. The Air Force is lead service for Joint Base Langley Eustis, so the PC will not apply unless the ACHP Chair so authorizes.	Joint bases
52	Jessica L. Puff	HISHPO	8/24/2025	SHPO	The Army has identified that this Program Comment Plan includes properties both under Army control as well as Army leased lands. It is absolutely inappropriate to apply a Program Comment to lands leased by the Army without fully disclosing that information to your landlord. When will you begin consultation with the Board of Land and Natural Resources and the Department of Land and Natural Resources regarding this Program Comment Plan?	The Program Comment is nationwide and applicable to the Active Army, Army Reserves, and federally supported readiness activities of the Army National Guard (including federally supported activities on state lands and properties) and locations where Section 106 of the NHPA is applicable. HI SHPD is part of DLNR and representation from HI SHPD and DLNR was present in the consultation.	Leased lands
37	Lynda S. Ozan	OKSHPO	8/21/2025	SHPO	The document indicates under section 4.2.4.1 that "Adverse effects to any historic properties located in areas containing UXO or in contaminated areas are an acceptable loss in consideration of the Army's ongoing historic preservation program." Given the occupation by tribal entities and the military at these locations, labeling this as "an acceptable loss" is not acceptable. The Army should be focused on the cleanup and restoration of culturally significant areas; not in labeling them "acceptable losses." The OKSHPO requests that continued archaeological investigations occur throughout the base before the areas are used as training grounds.	The Army cannot prioritize historic preservation over risk to human lives. Undertakings where there is an imminent threat to human health and safety such actions have been exempted through PAs and ICRMPs for years and the PC is consistent with that. This may be comprised of actions including but not limited to in-place disposal of unexploded ordnance; disposal or ordnance in existing open burning/open detonation units; emergency responses to releases of hazardous substances, pollutants and contaminants; and/or military training and testing activities in designated surface danger zones/duded impact areas. There are no plans to include any type of investigations within these areas because of the hazards associated with them.	Life safety risk
150	Ira L. Matt	NATHPO	8/23/2025	NGO	Acceptable Loss in UXO and Contaminated Areas. Treating sites in unexploded ordnance (UXO) or contaminated areas as acceptable losses presumes that sacred and cultural sites can be written off without consultation. Further, it fails to account for the ongoing significance a location can have regardless of physical impact. Requests: Eliminate "acceptable loss" as a default outcome. Require consultation and develop alternative approaches such as remote documentation or culturally appropriate recognition measures that respect Tribal values while addressing safety.	The term acceptable loss will not be used in the program comment. Compensatory mitigation will be addressed for such situations.	Life safety risk
177	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Tenth, as currently outlined, "... any areas where there is a significant risk of exposure to hazardous substances, hazardous materials, or hazardous waste..." justifies not doing any cultural resource management compliance work if merely encapsulated asbestos or lead paint is present. This claim is duplicitous language that is vague, and intentionally circuitous. Additionally, health and safety hazards do not equate to an emergency situation, and we remind the Army that historic building materials are not just those used in a building's initial construction.	The Army cannot prioritize historic preservation over risk to human lives. Undertakings where there is an imminent threat to human health and safety such actions have been exempted through PAs and ICRMPs for years and the PC is consistent with that. This may be comprised of actions including but not limited to in-place disposal of unexploded ordnance; disposal or ordnance in existing open burning/open detonation units; emergency responses to releases of hazardous substances, pollutants and contaminants; and/or military training and testing activities in designated surface danger zones/duded impact areas. There are no plans to include any type of investigations within these areas because of the hazards associated with them.	Life safety risk
32	Allyson Brooks	WASHPO	8/20/2025	SHPO	Compensatory mitigation is an excellent concept. The use of compensatory mitigation for loss or damage to buildings or TCPs is an important consideration. Damage to a TCP could correspond to the purchase of another TCP for conservation purposes, for example. If one historic building must be damaged or lost, another could be rehabilitated or preserved.	Acknowledged.	Mitigation
78	Amy Wyatt	WISHPO	8/24/2025	SHPO	Standardized Treatments and Mitigation While there may be some standardized types of historic buildings across Army installations, the concept of standardized evaluation, mitigation, and treatment is not appropriate for the unique historic resources with local or regional significance that are also located on installations. SHPOs, interested parties, and local stakeholders are best suited to determine an appropriate resolution to an adverse effect and should have a voice in any mitigation plan to ensure the protection of these irreplaceable resources. The prescribed treatment for archaeological sites disregards standard evaluation practices for archaeology and implies that the Army will move to data recovery before conducting Phase I and Phase II evaluation. While the guidance states that the Army will follow state-specific standards for archaeology, the removal of consulting parties and the requirement for SHPOs and THPOs to request excavation reports for projects about which we will not be notified raises concerns that state archaeological standards will not be followed. Additionally, some of the building preservation treatments prescribed in Appendix C Design Guidelines and Appendix D Materials Guidelines disregard basic practices that are generally accepted as routine and appropriate under the Secretary of the Interior Standards for Rehabilitation.	The proposed Program Comment considers the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation for the inventory, evaluation and mitigation of historic properties (including archeological properties) which is specified in section 4.2.3.1. The standardized mitigation proposed in the Program Comment for archeological properties isn't limited to data recovery, however, it is an option. Both Appendix C and D were developed by SOI-qualified personnel in accordance with the Secretary of Interior's Standards for Rehabilitation and supporting NPS Preservation Briefs.	Mitigation



87	Gwenyth A. Davis	DESHPO	8/24/2025	SHPO	<p>4. The Program Comment would truncate the opportunity for meaningful mitigation of adverse effects to historic properties and for public benefit from such mitigation. The Army will not mitigate for adverse effects on resources it considers “duplicative.” Therefore, if the Army chose to destroy a historic building in Delaware, they could claim (with no external consultation) there’s no need for mitigation if a “similar” building still exists in California or had been documented for mitigation purposes in Alabama. The proposal does not include any detailed information on how the Army will make such comparisons and/or track what types of resources remain extant and where they are located.</p> <p>This approach also disregards the significance properties may have at the state or local level. The proposal appears to entirely omit any mitigation for destruction of resources that are significant under Criterion B (association with a significant person), or Criterion A (association with historical events or patterns in history). Some of the known Army-related resources in Delaware may potentially be eligible under these criteria. Further, for any mitigation that the Army does actually carry out, it will only share the resulting information “upon request.” Given the insular nature of the Army’s proposed process, there is no clear mechanism by which States, Tribes, NHOs, local governments, or the public will know to make any such request.</p>	<p>Comment misinterprets the statment on avoidance of duplication of effort, no where does it state the Army will not mitigate, it states that information regarding other similar properties should be included in the treatment plan. As evidenced in both the <i>Study of the United States Quartermaster General Standardized Plans (1866-1942) (USACE Seattle, Nov 1997)</i> and the <i>National Historic Context for Department of Defense Installations, 1790-1940: Volumes I- IV (USACE Baltimore, 1995)</i>, the Army Quartermaster Corp designed and constructed thousands of buildings from standardized plans across the United States therefore a national approach is most appropriate. Multiple copies of the same building were built from identified plans and numerous installations across the Army and other MilDepts. The Army believes it is in the best public interest to take this into account in planning for mitigations. Will adjust language to address comments regarding information sharing.</p>	Mitigation
138	Kiersten Faulkner	HHF	8/23/2025	NGO	<p>10. Mitigation Measures for Adverse Effects to Historic Properties</p> <ul style="list-style-type: none"> <li>• The PC Plan states that “where adverse effects to historic properties cannot be avoided, the affected property will be subject to a treatment plan prepared by the installation. Treatment plans shall be cost effective and focus on mitigation of the adverse effect. Commands will review and approve treatment plans for non-NHL properties. Army installations will implement command approved treatment plans.” Historic Hawaii Foundation objects to the closed-loop of Army unilaterally deciding both what an effect will be and how to resolve it. The department should not be in the role of self-regulation and review of its own projects when the consequences will impact the public trust. Such a review process would essentially be self-dealing and have inescapable conflicts of interest. HHF is strongly concerned that Army would fail to prioritize and take actions to protect and preserve cultural sites and historic properties affected by its actions in circumstances in which cultural resources conflict with its aims. The PC Plan does not include any safeguards to ensure professional judgment, eliminate conflicts and ensure ethical decision-making. It is unwise to allow any regulated entity to self-enforce, as the temptation to make pretextual determinations at the expense of historic and cultural preservation outcomes may be too tempting for the self-regulated entity to overcome.</li> </ul>	<p>Army has been operting in this manner now for over 20 years following ACHP approved program comments. ACHP has the unilateral authority to terminate the program comment if it is not being approiately implemented.</p>	Mitigation
139	Kiersten Faulkner	HHF	8/23/2025	NGO	<p>Army proposes to utilize “standard mitigation measures for buildings, structures, and landscapes” through documentation or data recovery.17</p>	Acknowledged.	Mitigation
140	Kiersten Faulkner	HHF	8/23/2025	NGO	<p>HHF is concerned that if documentation is the only mitigation include in the “standard” it may not be sufficient, proportionate or equivalent to the potential adverse effect allowed in the management actions. The PC Plan notes that “compensatory mitigation” may be implemented on properties other than those directly affected by the undertaking, or other types of creative offset mitigation activities.”</p> <p>HHF is concerned that there are no procedures or accountability for the selection of “compensatory mitigation.”</p>	Comment acknowledged.	Mitigation
147	Ira L. Matt	NATHPO	8/23/2025	NGO	<p>Mitigation. The PC plan treats excavation and data recovery as a primary mitigation measure. This practice is inconsistent with the NHPA and predetermines the values that make a site eligible for the National Register of Historic Places (NRHP). For many Tribes, excavation is not a neutral treatment, it frequently results in direct harm to sacred places, TCPs, and HPRCS, adversely affecting the cultural and spiritual attributes that give them significance.</p> <p>Defaulting to data recovery demonstrates that little effort has been made to engage in meaningful consultation or to evaluate sites beyond their potential for archaeological data. This contradicts both Section 106 requirements and the ACHP’s Indigenous Knowledge and Burial policies, which emphasize preservation in place as the preferred treatment and culturally appropriate consultation as the foundation of decision-making.</p> <p>Language at 4.2.4.7.(3) requires that consulting parties request copies of any reports resulting from data recovery “subject to operational security review.” This restrictive practice does not serve Indian Tribes or the general public any benefit as a mitigative action and further burdens Tribes as they must solicit these products to provide comment.</p> <p>Section 4.2.4.7.(3) further compounds the process by noting that the Army will engage in “Avoidance of duplication of effort.” The language supporting this proposal is confusing and appears to treat all place-based sites as having similar eligibility criteria, information potential, and cultural value, something that couldn’t be further from the truth.</p> <p>Requests: Remove excavation and data recovery as default mitigation. Require consultation with Tribes and other consulting parties to determine the appropriate course to resolve adverse effects, prioritizing preservation in place and culturally appropriate measures over excavation.</p>	<p>Acknowledged. The program comment will address these issues in expanded discussion of indigenous knowledge. Operational Security review is required. Avoidance of duplicaton of effort will be adjusted to only address the Army’s buildings and structures.</p>	Mitigation
212	Ronnie N. Inagaki	Hawaii	8/3/2025	Ronnie N. Inagaki	<p>4. Restoration and Cleanup Commitments If the outcome of the Program Comment or lease negotiations leads to the return of lands, how will the Army ensure that the process for addressing historic properties including documentation, restoration, or mitigation will be transparent and include community and state agency input? Will the Program Comment set standards for restoration or preservation in these cases?</p>	The lease negotiations in Hawaii are outside of the scope of the Program Comment.	Mitigation
260	Richard Veit	SHA	8/23/2025	NGO	<p>Section 4.2.4.7. Mitigation Measures for Adverse Effects to Historic Properties. This section (under part 3) states that “The Army will address adverse effects to archeological sites by avoidance or data recovery excavations conducted in consideration of the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, or relevant state-specific standards.” Are these mitigation measures developed in consultation with the appropriate SHPOs, THPOs, federally recognized Tribes, and NHOs?</p> <p>This section goes on to state: “In lieu of data recovery excavations, the Army may implement site protective measures such as capping or signage to mitigate, minimize, or avoid adverse effects, or by monitoring ground disturbing activities.” Again, will implementation of these actions be developed in consultation with the appropriate SHPOs, THPOs, federally recognized Tribes, and NHOs?</p> <p>Part 4 of this section then states: “To maximize resource efficiency, the Army will avoid duplicating mitigation efforts for historic properties adversely affected by its actions. When developing a treatment plan for mitigation of adverse effects, the Army will determine if similar building, structure, landscape, or archeological property types have been previously documented or if known better-preserved examples exist on the installation or elsewhere. If adequate documentation or preserved examples sufficiently represent the adversely affected property, they will be incorporated into the treatment plan to avoid redundant mitigation efforts.” Given the often unique nature of historical archaeological sites, how</p> <p>will the Army determine if a proposed mitigation measure is duplicative with “similar” archaeological property types that have been previously documented or represent “better-preserved examples...,” especially in terms of archaeological sites that are located “elsewhere,” that is, outside an installation? The program comment must be explicit on how this analysis of duplication will be accomplished and carried out, especially in terms of consultation with the appropriate SHPOs, THPOs, federally recognized Tribes, and NHOs.</p>	<p>Program comments per 36 CFR 800.14(e) operate in lieu of the project-by-project review process. The program comment will be prepared to address these issues. Archeological properties that tribes or NHOs acrive religious or cultural significance to will be addressed through government to government or consultative channels to develop an appropriate treatment plan. The Avoidance of Duplication of Effort portion of the PC will be confined to historic Army buildings and structures.</p>	Mitigation
270	Michael Sothan	NESHPO	8/24/2025	SHPO	<p>Mitigation - The PC appears to limit common mitigation practices (§4.2.4.(d)). While there is often some level of pre-existing documentation this proposed approach introduces a potential for higher levels of risk to National Historic Sites being lost without adequate documentation or considering other mitigation steps that may be available. Mitigation is meant to be for the public good and should be meaningful and developed with some level of consultation. Once lost we can’t go back.</p>	The Program Comment will include stipulations for standard mitigations on specific historic property groups (buildings/structures/landscapes, archeological sites, etc) but also will allow for compensatory mitigation and flexibility to incorporate indigenous knowledge and tribal considerations into properties of traditional religious and cultural importance.	Mitigation
285	Lee Anne Hewett	ALSHPO	8/22/2025	SHPO	<p>Section 4.2.4.7, fifth paragraph: This section suggests that rehabilitation done in one location could be used as mitigation for an adverse effect somewhere else? Will that be on the same post or at least in the same state? This seems to completely minimize protections for historic properties under the National Historic Preservation Act and potentially reduce it to a single act of mitigation that would allow entire classes of sites/buildings/structures to be destroyed elsewhere.</p>	<p>As evidenced in both the <i>Study of the United States Quartermaster General Standardized Plans (1866-1942) (USACE Seattle, Nov 1997)</i> and the <i>National Historic Context for Department of Defense Installations, 1790-1940: Volumes I- IV (USACE Baltimore, 1995)</i>, the Army Quartermaster Corp designed and constructed thousands of buildings from standardized plans across the United States. Multiple copies of the same building were built from identical plans and numerous installations across the Army and other MilDepts. The Army believes it is in the best public interest to provide documentation of the best preserved structure either on the installation or else-where in the Army inventory.</p>	Mitigation
295	Katherine J. Marcopol	NJSHPO	8/22/2025	SHPO	<p>The proposed Program Comment’s mitigation provisions are also inadequate. It relies almost exclusively on HABS/HAER/HALS recordation, with little or no mitigation required if a similar property type has already been documented. Documentation alone does not resolve the permanent loss of historic resources. Moreover, declaring adverse effects in areas with unexploded ordnance or contamination as “acceptable loss” sidesteps the Army’s obligation to consider avoidance, minimization, and meaningful mitigation. Effective mitigation should be proportionate to the effect, developed in consultation with SHPOs, Tribes, and other parties. In past cases, NJHPO has collaborated with Army partners to develop creative mitigation strategies that were both compensatory and cost-effective.</p>	The NHPA at 54 USC 300315.1 includes documentation under the definition of historic preservation and is a commonly accepted form of mitigation in the Section 106 process by SHPOs. The Army also under the program comment may implement compensatory mitigation in lieu of the standardized mitigation measures for adversely effected historic properties. The acceptable loss provision will be removed from the PC.	Mitigation

328	Chief Keith F. Anderson	Nansemond Indian Nation	8/22/2025	Tribe	The Program Comment should be revised to include more detail regarding how decisions exempting the Army from alleged duplicative mitigation would be made and how the Army plans to meet its tribal consultation responsibilities and the requirements of 36 CFR 800 regarding this decision making. In cases when treatment plans to mitigate impacts on historic properties are required, the Program Comment encourages Army installations to evaluate whether similar building, structure, landscape, or archeological property types have been previously documented and to avoid redundant mitigation efforts if so. The Program Comment currently gives far too much discretion for individual Army preservation personnel to determine that adverse effects to historic properties do not require mitigation, or that such effects have already been mitigated by a different resource potentially far removed from the resource in question. The Army should not exclude Tribal Nations, SHPOs, the Advisory Council on Historic Preservation (“ACHP”), and other consulting parties from these types of decisions	The Army recognizes that avoidance of duplication of effort may not always be appropriate for all instances and historic property types and that section will be modified.	mitigation
403	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	Section 4.2.4.7 portrays mitigation as prescriptive where the only option is documentation. Mitigation should be meaningful. While CTSHPO respects that the Army does not want to invest in creative approaches, there should be other options to mitigation than just documentation that can be adjusted to the scale of loss. Some other commonly used approaches include signage, booklets, tours, oral history projects, National Register listings, etc. Please consider allowing for mitigation options than just documentation. Part 3 of this section states that SHPO can request copies of archaeological reports. Setting aside how a SHPO would know how or when to make this request, because the need for an archaeological survey often is based on the results of previous investigations, these reports are of great benefit to our office. Submission of archaeology reports to the relevant SHPO should be included as a matter of course. This way, your consultant will be sure to include it in their project costs up front and provide a more predictable outcome for the Army in alignment with the stated PC goals. Part 4 avoids the purpose of resolving adverse effects within Section 106. Mitigation resolves the specific action of a project and not the loss of a class of historic properties. Similar to comments above, the increasing loss of a diminishing resource should result in a mitigation commensurate with the greater loss. In addition, documentation is not the only form of mitigation. Of all the parts of this PC, CTSHPO strongly urges striking this section. As with above, predictability with a menu of mitigation options should be considered rather than removing the mitigation requirement. Mitigation is what will continue to hold an agency responsible for its actions. Without this requirement, what will keep the Army from continued adverse effects or the need for a historic preservation program to avoid them?	54 USC 300315.1 includes documentation as a definition of preservation and historic preservation and is a commonly accepted form of mitigation in the Section 106 process by SHPOs. The Army reserves the right to implement compensatory creative mitigation in lieu of the standardized mitigation measures for adversely effected historic properties. Reporting will occur through the annual reports. We look at expanding mitigation options.	Mitigation
8	Dan Everhart	IDSHPO	8/18/2025	SHPO	Mitigation Under 36 CFR 800.6(a), agencies must resolve adverse effects regardless of prior documentation. The PC instead treats existing documentation as justification for reduced or no mitigation and allows “acceptable loss” of historic properties in UXO and contaminated areas (§4.2.4.1(d)). This is inconsistent with the standard Section 106 process, which requires agencies to consider avoidance, minimization, and mitigation for each undertaking whether or not the resources have been previously documented. The Army’s reliance on HABS/HAER/HALS recordation (§4.2.4.7) or “document and destroy” as “standard mitigation” is also inadequate. Mitigation should be meaningful and preservation-oriented—developed in consultation with SHPOs, Tribes, and other interested parties.	The Army cannot prioritize historic preservation over risk to human lives. Undertakings where there is an imminent threat to human health and safety such actions have been exempted through PAs and ICRMPs for years and the PC is consistent with that. This may be comprised of actions including but not limited to in-place disposal of unexploded ordnance; disposal or ordnance in existing open burning/open detonation units; emergency responses to releases of hazardous substances, pollutants and contaminants; and/or military training and testing activities in designated surface danger zones/duded impact areas. There are no plans to include any type of investigations within these areas because of the hazards associated with them.	Mitigation /Life safety risk
323	Chief Keith F. Anderson	Nansemond Indian Nation	8/22/2025	Tribe	The Nation does not think that the Army has provided sufficient evidence regarding the need for this Program Comment, but if the Program Comment is enacted the Nation requests the following revisions and consideration of the following concerns:	Acknowledged.	need
399	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	Although the PC will replace these individual approaches, the PC also states (Section 4.2.4.1f) that the Army can continue to use exclusions and exemptions from existing agreements even after they expire. It is difficult to understand how the PC replacing only parts of the “fragmented system” would be an improvement in efficiency or consistency. This approach creates doubt as to the stated need of the PC. If the PC is a needed improvement, then it should wholly replace existing agreements rather than the bits and pieces from existing contracts that the Army perceives to be in its benefit. Alternatively, because these agreement documents were developed in good faith, the Army should consider allowing space within the PC for these localized agreements to continue and the opportunity for future action/property specific agreement documents to be used.	The program comment will developed to wholly replace all existing Army agreements.	Need
4	Dan Everhart	IDSHPO	8/18/2025	SHPO	NEPA Substitution The PC proposes using NEPA public review (Environmental Assessments or Environmental Impact Statements) in lieu of the step-by-step consultation requirements in 36 CFR 800.3–800.7. Idaho SHPO’s experience shows that NEPA documents often omit the detailed identification, evaluation, and effects analysis of cultural resources necessary for Section 106 compliance. This forces us to request additional information, slowing down the process—the opposite of efficiency.	The Army understands the broader concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC which exclusively governs NHPA.	NEPA
5	Dan Everhart	IDSHPO	8/18/2025	SHPO	Removal of SHPO and Tribal Consultation from Routine Reviews The proposed PC shifts consultation to NEPA public review periods (§4.2.4.9–4.2.4.10) and eliminates the step-by-step consultation framework required by 36 CFR 800.3–800.6. This effectively sidelines SHPOs, Tribes, and other consulting parties from the iterative process Congress intended. Section 106 requires federal agencies to seek, discuss, and consider the views of consulting parties (36 CFR 800.16(f)) throughout the process—not just at the end through a NEPA document.	The Army understands the broader concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC.	NEPA
25	Allyson Brooks	WASHPO	8/20/2025	SHPO	Due to changes in regulations and guidance that stem from the United States Supreme Court Seven County Infrastructure Coalition decision, we oppose replacing the Section 106 review process required in 36 CFR 800.3 - 800.7 with the public review procedures in the National Environmental Policy Act. We contend that the regulations in 36 CFR 800.3 - 800.7 should remain a stand-alone process.	see response above	NEPA
44	Jessica L. Puff	HISHPO	8/24/2025	SHPO	Furthermore, the Program Comment Plan thinly justifies this presumptive exemption by suggesting SHPOs, Tribal Historic Preservation Officers (THPOs), and Native Hawaiian Organizations (NHOs) can consult on the project under the National Environmental Policy Act (NEPA) process. The Department of Defense’s Implementing Procedures for NEPA are not an equal or appropriate substitute and will effectively result in SHPOs, THPOs, and NHOs doing the work of the Army for the Army instead of the Army fulfilling their obligations to identify and assess historic resources as well as avoid, minimize, and mitigate effects. The consultation process requires that consulting parties notify the Army of their interest in consulting rather than the Army notifying consulting parties of their undertaking. It also does not require a final/complete scope of work to be identified, making it difficult to understand exactly where or how historic and cultural resources will be impacted.	see response above	NEPA
62	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	III. The proposed Program Comment would eliminate public and SHPO input for Army undertakings affecting historic resources, and NEPA would not serve as a legally adequate substitute. The proposed program comment claims “that ACHP, SHPO, Tribe, interested party, and the public’s review of individual warfighting readiness activities and projects will occur through the public review procedures in the National Environmental Policy Act (NEPA).” (Program Comment Plan, Pg. 9). Additionally, “[r]view and comment on individual actions covered under this program comment will be conducted through the public review process for NEPA documents and within NEPA public review timeframes.” Id. at pg.16. In our view, this approach to public participation is inconsistent with 36 C.F.R. § 800.8 and will not result in meaningful public nor SHPO input on undertakings affecting historic resources. Unlike Section 106, the NEPA process does not require specific notice to SHPOs and historic preservation organizations and advocates regarding undertakings that have the potential to affect historic resources. Under Section 106 the Army has a responsibility to consult with SHPOs and to “identify any other parties entitled to be consulting parties and invite them to participate”, while under NEPA there are no such requirements. 36 C.F.R. § 800.3(c) and (e). Additionally, many of the activities that would be authorized by the proposed program comment will fall under NEPA categorical exclusions and will not result in any notice or public comment at all. Further, the vast majority of NEPA reviews result in the preparation of Environmental Assessments, which are far more limited in their scope and consideration of potential adverse effects to historic properties than Section 106. The scope of review under current NEPA regulations also no longer mandates consideration of cumulative impacts, in contrast to the Section 106 regulations, which do explicitly require cumulative effects to be addressed. 36 C.F.R. § 800.5(a)(1). These crucial discrepancies between the public participation requirements of NEPA and Section 106 underscore why they are two separate laws, and why 36 C.F.R. § 800.8 exists. NEPA simply does not provide for the same type and degree of public participation that Section 106 does and is not legally adequate to satisfy the Army’s responsibilities under Section 106. The Army’s claim that the proposed program comment will not diminish public participation because it would still occur under NEPA is thus incorrect. The public participation requirements under Section 106 differ from the requirements under NEPA, and NEPA is not an appropriate replacement for Section 106. In light of the National Trust’s Congressional mandate to “facilitate public participation” in historic preservation, this aspect of the program comment is particularly concerning for the National Trust. 54 U.S.C. § 312102(a).	see response above	NEPA

77	Amy Wyatt	WISHPO	8/24/2025	SHPO	Substitution of NHPA Consultation with NEPA We oppose linking the Section 106 review process to procedures outlined in NEPA due to the current environment of rapid changes in interpretation and implementation of NEPA, including how it interacts with the NHPA. In our current experience, we find that Army installations do not provide NEPA materials to SHPOs, nor invite them to consult on NEPA projects. We contend that review under the NHPA, 36 CFR 800.3-800.7 should be a stand-alone process to provide full consideration of cultural resources as the NHPA intended.	see response above	NEPA
85	Gwenyth A. Davis	DESHPO	8/24/2025	SHPO	2. The Program Comment would relegate all opportunity for comment on undertakings to an increasingly vague and weakened process under the National Environmental Policy Act (NEPA), which is not equivalent to the legal requirements for consultation under Section 106. The Army's assertion that stakeholders can comment through the NEPA public process is a hollow "consolation prize" for excluding these parties from Section 106 review. Additionally, NEPA regulations and/or procedures are rapidly changing, vary from agency to agency, and are currently under excessive pressure to reduce or eliminate public comment. Further, the approach disregards the unique roles afforded to SHPOs and others under the National Historic Preservation Act (NHPA), and ignores the federal government policy, as established in that Act, to carry out its terms in partnership with States, local governments, Indian tribes, NHOs, and private organizations and individuals.	see response above	NEPA
103	Amanda Stratton	ACRA	8/24/2025	NGO	Consultation and Review. The APCP lacks specificity about how consultation and review processes will work, particularly with respect to the development of Environmental Impact Statements (EIS) and Environmental Assessments (EA) under NEPA. Section 4.2.4.1(a) states that "Army installations will follow their current procedures for" the identification of historic properties within the area of potential effect, the evaluation of identified properties for eligibility for inclusion in the National Register of Historic Places (NRHP), and for determining the effect of undertakings on historic properties, and that such activities shall be conducted "under the supervision of qualified preservation professionals and are generally supported through contract with qualified cultural resources management firms and organizations." But 4.2.4.1(b) states that "identification, evaluation, determination of effect, and monitoring of historic properties" is to be implemented under the public review processes of NEPA. ACRA believes that additional clarification of which procedures would apply is needed.	see response above	NEPA
119	Kiersten Faulkner	HHF	8/23/2025	NGO	Inappropriate to comply with National Historic Preservation Act by Substituting National Environmental Policy Act requirements Army states that, "Review and comment on individual actions covered under this program comment will be conducted through the public review process for NEPA documents and within NEPA public review timeframes."	see response above	NEPA
120	Kiersten Faulkner	HHF	8/23/2025	NGO	Historic Hawaii Foundation objects to the substitution of NEPA for NHPA compliance. Army is planning to conduct National Environmental Policy Act (NEPA) compliance only and allow that to substitute for historic preservation reviews. There are key differences in these two laws: NEPA is a disclosure law that does not require changes to the proposed action or mitigation of its effects so long as those decisions are disclosed; NHPA requires project modifications to avoid, minimize and mitigate adverse effects to historic properties; NEPA requires presentation of information and an opportunity for public comment; NHPA requires consultation with NHOs (and Tribes), preservation organizations and the public, where consultation means to seek agreement on issues related to historic property identification, effect on historic properties and resolution of adverse effects; NEPA processes result in a Record of Decision which is self-implemented by the agency, while NHPA process results in a legally-binding and enforceable memorandum of agreement between the agency and the State Historic Preservation Officer; and NEPA regulations have recently been voided in the courts and not replaced with new rules and regulations, leaving little to no guidance or enforcement, while NHPA regulations remain valid and enforceable. In these fundamental ways, it is clear that NEPA does not satisfy the requirements of NHPA and 36 C.F.R. 800 to act in partnership with States, Native Hawaiian Organizations and individuals and organization with an interest in preserving historic properties to administer historic property in a spirit of stewardship.	see response above	NEPA
148	Ira L. Matt	NATHPO	8/23/2025	NGO	Tribal Consultation. Section 4.2.4.10 states that consultation will occur during National Environmental Policy Act (NEPA) review periods. This is inconsistent with the NHPA which requires direct consultation with Tribes on HPRCS. Request: Revise Section 4.2.4.10 to explicitly require early, direct, and ongoing consultation with Indian Tribes pursuant to the NHPA.	Program comment will be prepared to better address Government to Government relationships with tribes and consultative relationships with NHOs.	NEPA
149	Ira L. Matt	NATHPO	8/23/2025	NGO	NEPA as a Substitute for Section 106 Consultation. The PC plan proposes to rely on NEPA processes as a vehicle for notification and consultation. NATHPO has significant concerns with this approach. Relegating consultation opportunities to the NEPA process places an additional burden on Tribes. They must continually monitor large volumes of NEPA documents across multiple installations, identify undertakings that may affect HPRCS, and respond under short comment timelines. Further, due to changes in regulations and guidance systems in the United States Supreme Court Seven County Infrastructure Coalition decision, we oppose replacing the Section 106 review process required at 36 CFR 800.3-800.7 with the public review procedures in NEPA. Request: The Program Comment should require early, direct, and consultation under Section 106, independent of NEPA, to ensure Tribal concerns are properly addressed.	see response above	NEPA
174	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Eighth, maintaining stakeholder engagement solely through the NEPA public review process will cut out practically all stakeholder involvement since the Army approves most of its undertakings through Records of Environmental Consideration that are not published to the public through the NEPA process or otherwise. Tribes have previously voiced their opinion that involvement through the same channel as the general public is not compatible with a government-to-government relationship. Aside from previously approved PCs, CATEXs were developed in consultation with stakeholders specific to an installation and its environment, resources, and recurring undertakings. Using them collectively across all Army properties violates the spirit of consultation they were developed under and poses an increased risk of adverse effects to historic properties when used in situations/locations other than intended in individual agreements.	see response above	NEPA
224	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	In Section 4.2.4.9, "Review and Comment on Individual Actions", the PC applies NEPA processes and timelines. However, Section 106 is a standalone law that should not be conflated with NEPA. In addition, the CEQ's NEPA regulations were rescinded earlier this year by Executive Order, and federal agencies, including the ACHP, are currently revising their own NEPA regulations and procedures. Insofar as the possibility of streamlining processes is unclear, eliminating the existing references to NEPA is advisable.	The Army understands the concern regarding the NEPA process and has removed the NEPA review component of the PC.	NEPA
240	Kathryn Leonard	AZSHPO	8/22/2025	SHPO	To this point, we feel it is important to note that a) findings of Adverse Effects under Section 106 NHPA are frequently made for projects that are Categorically Excluded from NEPA review; b) the threshold for adequate identification efforts established by NHPA, including the requirement to engage tribes in historic property identification efforts is considerably different for NHPA; and c) NEPA does not direct the agency to apply the criteria of adverse effect to individual historic properties, as is the case with NHPA.	see response above	NEPA
254	Heather Gibb	IASHPO	8/22/211	SHPO	The Department of the Army proposes to shift its notification of an undertaking from the official Section 106 process to NEPA announcements instead. This is inconsistent with 36 CFR 800, including 36 CFR 800.3 – Initiation of the section 106 process and 800.8 – Coordination with the National Environmental Policy Act. Notifications in such a manner shifts the burden of initiating consultation to the stakeholders themselves. This requires stakeholder staff time to monitor Army activities and constantly search for potential projects, rather than providing expedient review and responses to Section 106 submissions and notifications provided by the agency.	see response above	NEPA
261	Richard Veit	SHA	8/23/2025	SHPO	4.2.4.9. Review and Comment on Individual Actions. This section states that "Review and comment on individual actions covered under this program comment will be conducted through the public review process for NEPA documents and within NEPA public review timeframes. NEPA documents (as defined under NEPA) are Environmental Impact Statements (EISs) and Environmental Assessments (EAs). Public review is a required part of the process for preparation of EISs and EAs." This requirement for review and comment is too limiting, as actions that are Categorical Exclusions can also have adverse effects on historic properties. Therefore the public should be provided an opportunity to comment when there is an adverse effect, especially in terms of proposed measures to resolve any adverse effects.	see response above	NEPA
266	Michael Sothan	NESHPO	8/25/2025	SHPO	National Environmental Policy Act (NEPA) Substitution - The PC proposes using NEPA public review in lieu of the consultation requirements in 36 CFR 800. We are concerned that NEPA documents often omit the details needed to successfully complete NHPA Section 106 identification, evaluation, and effects analysis of cultural resources as required by the law. When this occurs it often necessitates our office to request additional information, which could slow down the process. We do not want that to happen. We are concerned this proposed change may not have the desired effect on efficiency that is being sought, and that we would like to support.	see response above	NEPA
267	Michael Sothan	NESHPO	8/26/2025	SHPO	Consultation process - The proposed PC shifts consultation to NEPA public review periods (§4.2.4.9-4.2.4.10) and eliminates the consultation process outlined in 36 CFR 800.3-800.6. This may eliminate the ability for early and effective consultation that often identifies potential conflict points and addresses them early in the process. By going through a NEPA document, the consultation process may be rushed and only considered at the end of the planning process. We fear this could create unintentional pain points and reduce proactive cooperation and early chances to minimize adverse effects.	Program Comments operate in place of 36 CFR 800.3-800.6 review process - see 36 CFR 800.14e. The Army understands the concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC which exclusively governs NHPA.	NEPA



286	Lee Anne Hewett	ALSHPO	8/22/2025	SHPO	Section 4.2.4.9, first paragraph: We would remind your office that NEPA categorical exclusions are not necessarily the same as NHPA categorical exclusions. Please see the Advisory Council on Historic Preservation's guidance for the integration of NEPA and NHPA.	Acknowledged	NEPA
292	Katherine J. Marcopul	NJSHPO	8/22/2025	SHPO	Nevertheless, the proposed Program Comment would grant the Army broad exemptions from the established Section 106 process, effectively bypassing consultation with SHPOs, Tribes, and other stakeholders. The Program Comment's proposal to substitute NEPA public review for the step-by-step consultation process in 36 CFR 800.3–800.7 is misleading and inadequate to meet the intent of Section 106. NEPA reviews are limited in scope and constrained by strict timelines, often focusing on broad environmental impacts rather than the detailed identification, evaluation, and effect assessment of historic properties. Consequently, NJHPO seldom reviews projects through NEPA, and when we do, the documents often omit the detailed cultural resource analysis necessary for Section 106 compliance. This gap forces us to request additional information after the fact, an approach that is less efficient and ultimately more time-consuming than established Section 106 review. In addition, the Department of Defense's new consolidated NEPA procedures, published on June 20, 2025, centralize decision-making, compress review timelines, and impose strict page limits, further limiting review.	Program Comments operate in lieu of the standard 36 CFR 800.3-800.7 review process - see 36 CFR 800.14e. Program Comments are not exemptions. Program comments are higher-order compliance instruments intended to address an agency-wide category of undertakings and are subject to a higher-level of approval. They offer a strategic alternative to the standard Section 106 project-by-project, step-by-step review process. The primary benefit of program comments is that they allow a federal agency to comply with Section 106 in a tailored, consistent way for a category of undertakings rather than addressing each undertaking individually. The Army has found this to be an effective tool to better assist the Army with meeting its NHPA requirements in tandem with forthcoming rapid modernization and readiness requirements . The Army understands the broader concern regarding the NEPA process and has removed the NEPA review component of the PC.	NEPA
307	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	DHR has concerns about the lack of clarity regarding SHPO's roles in consultation. Throughout the Program Comment plan and during the public briefings, the Army has stated that SHPOs can assist through the NEPA process. Unfortunately, often the NEPA process (alone) is not adequate for meaningful consultation regarding potential adverse effects to historic properties. When substituting NEPA for Section 106, an agency must provide advance notice to the ACHP and SHPO/THPOs that intends to use the process and documentation for preparing an EA/FONSI or EIS/ROD to comply with Section 106. According to the ACHP's A Handbook for Integrating NEPA and Section 106 (2013), the projects using a Categorical Exclusion must follow the normal Section 106 procedures at 36 CFR § 800.3-800.6 or an applicable program alternative. It is very important to remember that many actions considered to be categorical exclusions under NEPA would be considered an undertaking that have the potential to affect historic properties under Section 106. This Program Comment precludes consultation with SHPOs on those types of undertakings. If NEPA is to be used as an alternative to Section 106 Review, the process and the SHPO's role should be clearly defined in the Program Comment, at a minimum. Additionally, the Army should review and revise their guidelines for implementing NEPA reviews to include more thorough guidance on evaluating impacts on cultural resources and seeking comments from SHPOs. Furthermore, a SOI-qualified professional should be assessing the impacts when completing the NEPA worksheets. Current Army NEPA procedures do not include providing NEPA documents directly to SHPO. DHR recommends that the Program Comment require direct notification and submission to SHPO of the availability of NEPA documents for comment.	Program Comments operate in lieu of the standard 36 CFR 800.3-800.7 review process see 36 CFR 800.14e. The Army understands the concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC which exclusively governs NHPA.	NEPA
314	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	The Army will provide an annual report on the Program Comment to the ACHP for the preceding year. Given the number of staff at the ACHP and the number of actions that will be included in the report for review, we recommend that the annual report be submitted to SHPOs for review. Furthermore, DHR recommends that the Program Comment should clarify the content of the annual report to include a list of projects initiated in the preceding year under the program comment and updates on ongoing projects, the recommendations made by the HPRB regarding those projects subject to the Program Comment, the results of NEPA consultation, effect determinations, and any mitigation measures implemented.	The Army will incorporate language that will have installations prepare and post their annual report on a public website an notify the respective SHPOs, Tribes and other stakeholders.	NEPA
329	Chief Keith F. Anderson	Nansemond Indian Nation	8/22/2025	Tribe	The Program Comment should not eliminate the public review periods required under Section 106 in favor of public review performed to comply with the National Environmental Policy Act ("NEPA"). The Program Comment asserts that the Army would continue to consult with federally recognized Tribal Nations on a government-to-government basis on individual actions with the potential to affect historic properties but claims that this consultation would occur during public review periods required under NEPA. NEPA and Section 106 can already and are often already integrated for projects that require compliance with both laws. Not all federal undertakings that affect Tribes would also require NEPA review, as some might be subject to categorical exclusions under NEPA. For example, decisions regarding Army collections management would not necessarily require a NEPA assessment but would have significant effects on Tribal cultural heritage.	The Army understands the concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC which exclusively governs NHPA. Government to Government relationships with tribes transcend NHPA and NEPA and Army installations will continue to communicate through those and through the special consultative relationships with NHOs - that will be clarified in the program comment.	NEPA
336	Amy Spong	MNSHPO	8/19/2025	SHPO	The Program Comment Plan eliminates S106 consultation with stakeholders on all individual undertakings. Instead, the Army is proposing to use the National Environmental Policy Act (NEPA) public comment process to substitute for meaningful consultation with SHPOs, THPOs, federally recognized tribes, NHOs, local governments, and other interested stakeholders under S106. Using the NEPA public comment process to substitute for consultation under S106 (rather than the coordination allowed under 36 CFR 800.8) is problematic. NEPA documentation related to cultural resources is insufficient and does not provide the information required under 36 CFR 800.11. The Program Comment Plan does not describe what happens if a stakeholder has concerns about a proposed undertaking and how consultation would continue to resolve those concerns. It also does not describe how consultation will occur on federal undertakings that do not result in an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). Further, it does not outline how S106 requirements will be met if NEPA is rescinded or if the Army modifies its NEPA procedures to completely remove public comments.	Program Comments operate in lieu of the standard 36 CFR 800.3-800.7 review process, see 36 CFR 800.14e. The Army understands the concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC which exclusively governs NHPA. .	NEPA
343	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	Overall, I am concerned that the Program Comment is exceedingly far-reaching in its scope, that many types of projects will go without review under the proposal to use the National Environmental Policy Act (NEPA) in place of Section 106, and that the accountability provided for in the reporting process is not sufficient. It has been clear throughout the multiple Program Comment consultation meetings that you have hosted that other SHPOs and meeting attendees also have many concerns.	Program Comments operate in lieu of the standard 36 CFR 800.3-800.7 review process, see 36 CFR 800.14e. The Army understands the concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC which exclusively governs NHPA.	NEPA
345	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	The Program Comment states, and it has been repeated in consultation meetings, that the "review of individual warfighting readiness activities and projects will occur through the public review procedures in the National Environmental Policy Act." Many consultation meeting participants have raised the concern that NEPA is, itself, under review or alteration at the federal level at this moment, and therefore, agreeing to rely on NEPA is fraught with uncertainties. I am additionally concerned with why the Program Comment does not simply state that the Army will seek to utilize the NEPA Substitution Process in lieu of Section 106. That process is established and has existing guidance beyond the basic NEPA guidelines.	The Army understands the concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC which exclusively governs NHPA.	NEPA
346	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	Rhode Island falls into line with other SHPOs who, in the consultation meetings, expressed that we rarely see reviews under NEPA. In the 15 or so years that I have been in a position at the RISHPO where I would be aware of NEPA reviews, I can recall fewer than 20, and approximately a quarter of those have come up as a result of a particular type of project in the last five years. SHPOs are simply not as familiar with NEPA as they are with Section 106, our staff are not as experienced in navigating the process, and reviewing NEPA documents takes longer than reviewing Section 106 documents that we are intimately familiar with. The idea stated in the consultation meetings that utilizing NEPA will make reviews easier and be a time savings for SHPOs is simply not true.	The Army understands the concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC which exclusively governs NHPA.	NEPA
347	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	The NEPA process was not designed to be the only protection for historic and cultural resources. While historic and cultural resources are technically considered on equal footing with the other environmental concerns examined in the NEPA process, they are, in my experience, afforded reduced status. Agencies carry out NEPA to evaluate traditional environmental concerns such as potential ecological, health, and aesthetic impacts. Project alternatives that decrease other impacts are often favored over those that minimize impacts to historic and cultural resources. This may be because Section 106 has traditionally been the stronger protection for historic and cultural resources.	Section 106 addresses "historic properties" only, not histoic and cultural resources. The Army understands the concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC which exclusively governs NHPA.	NEPA

348	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	In addition, and probably more importantly, I am concerned that many projects that would be reviewed under Section 106 will not be reviewed under NEPA. Unlike Section 106, NEPA contains a provision for Categorical Exclusions. These are defined in part as “a category of actions which do not individually or cumulatively have a significant effect on the human environment...” The Council on Environmental Quality (CEQ) states, in its 2010 memorandum entitled Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act, that “Today, categorical exclusions are the most frequently employed method of complying with NEPA.” (page 3). Though required to be approved by the CEQ, categorical exclusions could seemingly cut out reviews of smaller projects among which there could be significant variation, such as window replacement, relocation of buildings out of their historic context, or the demolition of utility buildings.	Program Comments operate in lieu of the project by project review process in 36 CFR 800.3-800.7, see 36 CFR 800.14e. The Army understands the broader concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC which exclusively governs NHPA.	NEPA
362	RJ Hillman	MOSHPO	8/22/2025	SHPO	The Montana SHPO opposes language in this PC which relegates SHPO review to the NEPA process through the public comment review period. SHPOs operate under the NHPA, which is a separate law from NEPA and has different requirements the Army must complete in order to be legally compliant. Coordination of NHPA and NEPA under 800.8 still requires one on one consultation with SHPOs, THPOs, and NHOs. The proposed PC does not offer an opportunity for SHPOs or the ACHP to object to combining the NHPA and NEPA process for an individual undertaking which is required per 36 CFR 800.8(c)(2)(ii).	The Army understands the concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC which exclusively governs NHPA. Government to Government relationships with tribes transcend NHPA and NEPA and Army installations will continue to communicate through those and through the special consultative relationships with NHOs.	NEPA
373	Craig A. Potts	KYSHPO	8/21/2025	SHPO	The draft relies on the National Environmental Policy Act (NEPA) process to stand in for Section 106. NEPA, however, does not require consultation with SHPOs, Tribes, or theACHP. NEPA is not an acceptable substitute for Section 106 consultation.	Program Comments operate in lieu of the project by project review process in 36 CFR 800.3-800.7, see 36 CFR 800.14e.The Army understands the concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC which exclusively governs NHPA.	NEPA
386	Julianne Polanco	CASHPO	8/25/2025	SHPO	Program Comments can be effective tools for managing specific categories of resources, but this Program Comment is very expansive in its scale and scope by including all buildings, structures, and landscapes under the Army’s purview. While acknowledging program comments are alternative procedures, it is concerning that this one proposes to replace the National Historic Preservation Act, Section 106 process with that of the National Environmental Policy Act (NEPA), without ensuring the standards outlined in 36 CFR 800.8(c)(1)-(5) are met. Of note, the SHPO, Indian tribes, and interested parties will no longer have an avenue for meaningful consultation on effects to historic properties. Simply notifying the public of effects to historic properties via the Federal Register is no substitute for the meaningful consultation, four-step initiation, identification, assessment, and resolution process codified in the Section 106 regulations. Additionally, recent changes to NEPA call into question the opportunity for consultation at all.	The Army understands the concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC which exclusively governs NHPA. Government to Government relationships with tribes transcend NHPA and NEPA and Army installations will continue to communicate through those and through the special consultative relationships with NHOs. Program Comments operate in lieu of the project by project review process in 36 CFR 800.3-800.7, see 36 CFR 800.14e.	NEPA
423	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	3) The Army’s plan to substitute the SHPO review process with the NEPA process described in Section 4.2.4.1(b) (pg. 9) does not adequately meet the NEPA coordination requirements as outlined in 36 CFR 800.8(c)(1). These requirements establish the standards for utilizing the NEPA process to comply with Section 106 obligations. They include consultation with the SHPO to determine the Area of Potential Effects (APE) and to identify historic properties, as specified in §§ 800.4 through 800.5. Additionally, they require consultation “regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian tribes, and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties.” The regulations also make clear that actions categorically excluded under NEPA must still undergo Section 106 review, including appropriate SHPO consultation, if they meet the definition of an undertaking. The Army’s attempt to utilize NEPA procedures to bypass SHPO consultation clearly contradicts established regulatory requirements, which call for agencies to pursue substantially the same consultation efforts in coordination with NEPA as they would through the standard process. Moreover, with recent and ongoing changes and legal challenges to the NEPA process, the future of its compatibility with Section 106 is less certain rather than more. We urge the Army to carefully reconsider and resolve this conflict in a future, more thoughtfully crafted plan for its proposed program alternative.	The Army understands the concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC which exclusively governs NHPA. Program Comments operate in lieu of the project by project review process in 36 CFR 800.3-800.7, see 36 CFR 800.14e.	NEPA
102	Amanda Stratton	ACRA	8/24/2025	NGO	Replacement of 106 Procedures with NEPA. The APCP states that “ACHP, SHPO, Tribe, interested party, and the public’s review of individual warfighting readiness activities and projects will occur through the public review procedures in the National Environmental Policy Act (NEPA)” in place of Section 106. (4.1). ACRA is very concerned that this approach will preclude meaningful public consultation on the effects of Army undertakings on historic properties. NEPA and NHPA are separate statutes, with their own processes designed to enable public input into the environmental and cultural resource effects of federal undertakings. They entail distinct public consultation requirements, timelines, and decision making criteria. Although NEPA does require agencies to consider the effects of projects on cultural resources, that does not relieve agencies from their statutory obligations under NHPA. Furthermore, this APCP comes on the heels of the Defense Department’s decision to rescind the NEPA regulations promulgated by the Army, Navy and Air Force and replace them with Department-wide implementing procedures.2 ACRA is deeply concerned that relegating much of the NEPA process into a guidance document that does not convey the force of regulation will not only weaken the ability to assess the environmental and cultural impacts of Army actions and create fewer opportunities for public comment on subsequent changes, but could potentially place such actions in conflict with the statutorily mandated regulations implementing Section 106. By shoehorning cultural resources review for the massive number of properties that would be covered by this APCP into a non-regulatory NEPA process, the APCP increases the risks to irreplaceable historic assets. ACRA urges the Army to reconsider this approach.	The Army understands the concern regarding the NEPA process and its use as a reviewing mechanism and has removed the NEPA review component of the PC which exclusively governs NHPA. Program Comments operate in lieu of the project by project review process in 36 CFR 800.3-800.7, see 36 CFR 800.14e. NHPA addresses historic properties only, not “cultural resources.”	NEPA
19	Diana Welling	OHSHPO	8/19/2025	SHPO	We are especially concerned about the treatment of National Historic Landmarks (NHLs). The draft delegates NHL treatment plans to an internal Army Historic Properties Review Board. This lacks transparency and does not meet the Section 110(f) requirement for the highest standard of protection. NHLs warrant external review and consultation, not closed internal processes.	The Army will avoid adverse effects to NHLs to the maximum extent possible in consideration of the exigencies of the warfighting readiness mission. The program comment will include a provision for review of any adverse effects NHLs by the ACHP and NPS as required.	NHLs
65	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	Eliminate National Historic Landmarks from the scope of the program comment. As discussed above, the program comment does not adequately satisfy the requirements of Section 110(f). However, the Army owns only 20 NHLs so it should not be a substantial burden to exclude them from this program comment in order to ensure compliance with Section 110(f).	The program comment will meet the special considerations at 110(f) and 36 CFR 800.10 by consulting with the ACHP and NPS during deliberations for Army NHLs. The Army will implement the standard of care in the Secretary of the Interior’s Standards and Guidelines for Federal Agency Historic Preservation Programs (63 FR 20496), standard and guideline 4(j) pertaining to NHLs. In accordance with 4(j), when alternatives to avoid an adverse effect to NHLs appear to require undue cost or compromise the undertaking’s goals and objectives, the Army will balance those goals and objectives with the intent of Section 106 of the NHPA.	NHLs
89	Gwenyth A. Davis	DESHPO	8/24/2025	SHPO	6. The Plan lacks consistency with Section 106 regulations regarding effects on National Historic Landmarks (NHL). Minimally, consultation with the ACHP, as well as the National Park Service, is required by statute. We strongly advise the Army to also include SHPOs, THPOs, NHOs, local governments and the public in such consultation as well. As discussed above, the prospect of an extension of the Program Comment to other DOD agencies poses a direct concern to at least one Delaware NHL.	The Army will meet the special considerations at 36 CFR 800.10 by consulting with the ACHP and NPS during NHLdeliberations. The Army will implement the standard of care in the Secretary of the Interior’s Standards and Guidelines for Federal Agency Historic Preservation Programs (63 FR 20496), standard and guideline 4(j) pertaining to NHLs. In accordance with 4(j), when alternatives to avoid an adverse effect to NHLs appear to require undue cost or compromise the undertaking’s goals and objectives, the Army will balance those goals and objectives with the intent of Section 106 of the NHPA.	NHLs
121	Kiersten Faulkner	HHF	8/23/2025	NGO	2. Protection of National Historic Landmarks Army states that, “There are 20 NHLs located on Army installations, including both individual NHL properties and NHL districts.”7 These include three National Historic Landmarks in Hawaii: Palm Circle (Fort Shafter), Wheeler Field (Schofield Barracks) and Opana Radar Site (Kahuku Training Area).	This is correct. There are 20 officially designated NHLs located on Army installations, including both individual NHL properties and NHL districts. Most of the Army’s NHLs were constructed by the Army and continue to serve the Army’s national defense mission. NHL housing at Palm Circle, and other locations are addressed under the Army’s historic housing program comments	NHLs
122	Kiersten Faulkner	HHF	8/23/2025	NGO	Historic Hawaii Foundation objects to the inclusion of contributing resources located in National Historic Landmark districts in the Nationwide Program Comment. These properties have previously been identified through rigorous review to designate them as among the Nation’s most significant historic properties. The NHPA and associated preservation regulations and guidelines recognize that NHL properties must be afforded a higher level of protection.	NHLs are included in the ACHP approved Program Comment for pre-1919 housing including the Army housing at Palm Circle in HI.. This program comment will be prepared to address the higher level of care.	NHLs
123	Kiersten Faulkner	HHF	8/23/2025	NGO	Historic Hawaii Foundation objects to the inclusion of contributing resources located in National Historic Landmark districts in the Nationwide Program Comment. These properties have previously been identified through rigorous review to designate them as among the Nation’s most significant historic properties. The NHPA and associated preservation regulations and guidelines recognize that NHL properties must be afforded a higher level of protection. (a) Statutory requirement. Section 110(f) of the act requires that the agency official, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking. Furthermore, each NHL has documented significance, characteristics and features unique to its location, place in history and status. The NHL program identifies historic and archaeological sites, buildings, and objects which “possess exceptional value as commemorating or illustrating the history of the United States” (NHPA Section 110 Guidelines). To co-mingle these exceptional properties into a pool of unrelated properties nationwide for the purpose of an expedited program is inappropriate, diminishes the importance of the NHL program, threatens the protection of our Nation’s most significant properties and is contrary to stated National Policy for the protection of historic properties.	The program comment will be prepared to meet the special considerations at 110(f) and 36 CFR 800.10 by consulting with the ACHP and NPS. The Army will implement the standard of care in the Secretary of the Interior’s Standards and Guidelines for Federal Agency Historic Preservation Programs (63 FR 20496), standard and guideline 4(j) pertaining to NHLs. In accordance with 4(j), when alternatives to avoid an adverse effect to NHLs appear to require undue cost or compromise the undertaking’s goals and objectives, the Army will balance those goals and objectives with the intent of Section 106 of the NHPA.	NHLs
227	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	7. The PC does not appear to adhere to the requirement of the Section 106 regs which states, “The agency official shall request the Council [ACHP] to participate in any consultation to resolve adverse effects on National Historic Landmarks” (§ 800.10(b)).	The PC will include language for the Army to meet the special considerations at 36 CFR 800.10 by consulting with the ACHP and NPS for adverse effects to NHLs.	NHLs

282	Lee Anne Hewett	ALSHPO	8/22/2025	SHPO	Section 4.2.4.5. Regarding Yuchi Town Archaeological Site - Please note that this site is actually located in Alabama. Our office would object in the strongest terms to any adverse effect to this National Historic Landmark site with documented Contact Period Native American burials.	Acknowledged. Yuchi Town is listed as GA since the Ft. Benning's address is formally a GA address.	NHLs
283	Lee Anne Hewett	ALSHPO	8/22/2025	SHPO	Section 4.2.4.5., third paragraph: Will you afford the Secretary of the Interior the ability to comment upon undertakings potentially affecting National Historic Landmarks?	Yes, the Army will include the language in the Program Comment.	NHLs
310	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	4.2.4.5. While it is true that the NHL district at Fort Myer includes Army family housing historic districts addressed under the Army's historic housing Program Comments, the contributing buildings and landscape of the NHL are not just housing. Section 110(f) of the National Historic Preservation Act (NHPA) requires federal agencies to take extra care when their actions might directly and adversely affect an NHL. Agencies must minimize harm to the landmark to the maximum extent possible. The PC has not outlined specific procedures laid out in the PC to meet the requirement for extra care agencies must give NHL's and this needs to be specified within the document or in the Appendices.	The program comment will be prepared to address this issue.	NHLs
355	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	Section 4.2.4.6 of the Program Comment states that treatment plans for National Historic Landmarks (NHLs) will implement standard mitigation measures identified in Section 4.2.4.7. The latter section only includes two types of mitigation for above-ground resources - documentation (4.2.4.7(2)) and compensatory mitigation (4.2.4.7(5)). Only one type of mitigation for archaeological resources is included - data recovery (4.4.4.7(3)) (avoidance is not a type of mitigation). There are a number of other types of mitigation that may be appropriate and should not be excluded from consideration by not being included in this section of the Program Comment.	Compensatory mitigations have been included in mitigation options and minimization measures have been included in the standard treatments for archeological sites. Additional mitigation measures will be included.	NHLs
374	Craig A. Potts	KYSHPO	8/21/2025	SHPO	6. The Program Comment draft acknowledges the need to minimize harm to NHLs but allows readiness demands to override full compliance. Decisions would be made internally by the Army Historic Properties Review Board rather than through consultation with SHPOs and Tribes. Section 110(f) requires minimizing harm to NHLs "to the maximum extent possible," which would include external consultation.	The program comment will include language requiring consultation with the ACHP and NPS during NHL deliberations.	NHLs
388	Julianne Polanco	CASHPO	8/25/2025	SHPO	The Program Comment's treatment of National Historic Landmarks (NHLs) is noted. While the draft acknowledges obligations under Section 110(f), it permits balancing "undue cost" and mission requirements against avoidance and minimization. Congress deliberately afforded NHLs the highest level of protection under federal law. Avoidance and minimization is the first order, with mitigation considered only after every reasonable alternative has been exhausted.	The "undue cost" language was drawn directly from The Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs (63 FR 20496), standard and guideline 4(j) pertaining to NHLs.	NHLs
410	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	Historic building materials are defined as being from the period of initial construction, but this should be changed to include all material dating from the period of significance regardless of its status as a National Historic Landmark (NHL). For example, a Civil War fort should not be destroyed in an effort to only preserve the underlying Revolutionary War fort construction materials.	Historic building materials is defined in the Program Comment plan as building materials that were used in the initial construction of a building, and for designated NHLs it means all materials within the period of significance.	NHLs
430	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	9) The Army has not presented a plan to hold the 20 National Historic Landmarks under its stewardship to a higher standard of care, as required in 54 U.S. Code § 306107. The Army states that "this Program Comment meets the requirements of NHPA Section 110(f) by planning and requiring actions to minimize harm to National Historic Landmarks (NHLs) to the maximum extent possible" (pg. 8). However, it provides no substantive details on how that will be achieved, beyond a vague commitment to avoid adverse effects "to the maximum extent possible," so long as doing so does not result in "undue costs." This does not constitute sufficient evidence of the higher standard of care mandated by law for historic properties recognized by the Secretary of the Interior as among the nation's most significant. NCSHPO requests that the Army develop a detailed plan outlining how it will implement this higher standard of care and engage in meaningful consultation with stakeholders regarding that plan.	The Army will further address review of NHLs in the program comment.	NHLs
51	Jessica L. Puff	HISHPO	8/24/2025	SHPO	7. The Program Comment Plan suggests that the Army has received comments from the National Park Service and the Advisory Council on Historic Preservation (ACHP). Has the Army shared these comments with consulting parties? Where are the comments available? When will the Army share them?	All comments submitted in response to the Federal Register announcement are provided in the Administrative Record.	NPS and or ACHP comments
166	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Throughout each meeting and in the Warfighting PC plan, the Army described itself variously as a collaborative consultation partner, an attentive listener, a good and responsible steward of historic properties, and a forward thinking, innovative, and successful practitioner of the S.106 process. However, the Army's demeanor and the condescending tone of voice regularly employed by Army staff during the meetings along with the patronizing and often duplicitous language put forward in the meeting and in the Warfighting PC plan signal to us that the Army has no interest in engaging in meaningful consultation or collaboration. Furthermore, the GA SHPO points out that the end of the 30-day review period for this PC ends on a Sunday. Again, the Army made a deliberate choice regarding the start date of the review period and had the ability to change the end date yet made no effort to mitigate the end of the review period falling on a weekend.	Rhetorical comment, no response.	PC consultation meeting
41	Lynda S. Ozan	OKSHPO	8/21/2025	SHPO	Finally, a document such as this deserves more consideration than a once-a-week meeting for six weeks. Meaningful consultation does not include a lecture by the federal agency with dismissive responses to genuine questions.	Rhetorical comment, no response.	Program comment plan consultation
334	Amy Spong	MNSHPO	8/19/2025	SHPO	We'd like to note that stakeholders have been invited to comment on a Program Comment Plan, and not a Program Comment. We feel this does not meet the requirement for SHPO consultation on proposed program comments as required under 36 CFR 800.14(e)(3). The Army states that the proposed program comment leverages the successful approach and processes of the Army's four existing program comments for historic housing and demonstrates that the Army can effectively balance historic preservation with operational needs. Based on the comments provided during the consultation conference calls and our limited experience with the other program comments, we recommend the Army share documentation that demonstrates the success and effectiveness of these program comments and provide any comments the agency has received from the Advisory Council on Historic Preservation (ACHP) and the National Conference of State Historic Preservation Officers (NCSHPO).	This follows ACHP best practices recommendation for program comments. See ACHP "Program Comment Questions and Answers" <a href="https://www.achp.gov/program_comment_questions_and_answers">https://www.achp.gov/program_comment_questions_and_answers</a> . See the four program comments for historic Army housing summarize at <a href="https://www.denix.osd.mil/army-cr/army-dod-comments/">https://www.denix.osd.mil/army-cr/army-dod-comments/</a> . For additional details including annual reports for the program comments for Pre-1919 housing, Inter War era housing (1919-1940) and Vietnam War Era housing (1963-1975) see the following sites: <a href="https://www.denix.osd.mil/army-pre1919-pchh/">https://www.denix.osd.mil/army-pre1919-pchh/</a> , <a href="https://www.denix.osd.mil/army-pchh/">https://www.denix.osd.mil/army-pchh/</a> , and <a href="https://www.denix.osd.mil/army-vwehh-pc/">https://www.denix.osd.mil/army-vwehh-pc/</a> . See ACHP Army Program comment Success Story at <a href="https://www.achp.gov/success-stories/capehart-wherry-army-housing">https://www.achp.gov/success-stories/capehart-wherry-army-housing</a> . See <a href="https://www.denix.osd.mil/army-cr/army-dod-comments/">https://www.denix.osd.mil/army-cr/army-dod-comments/</a> for a summary of each Army and DoD program comments.	Program comment plan consultation
364	RJ Hillman	MOSHPO	8/22/2025	SHPO	The timeline for consultation for this PC is also problematic. The program comment was posted to the federal register on July 25th, 2025, comments are due on Sunday August 24th, 2025, and the final consultation webinar takes place on Thursday August 21st, 2025. This leaves consulting parties with less than one full business day after the final consultation webinar to review, compile, edit, and submit their comments on the proposed PC. It is not unreasonable to assume that information received, or discussions had during the final webinar may influence the comments we provide to the Army. The Army should have waited until the initial consultation webinars were completed or closer to completion before posting the program comment to the federal register to ensure consulting parties had adequate time to provide helpful and constructive feedback. Montana SHPO also believes this indicates the Army's failure to consult in good faith.	The Program Comment Plan was provided to all SHPOs well before the Federal Register announcement was even made. The publication of the Program Comment plan in the Federal Register is consistent with the ACHP best practices for federal agencies in the development of a Program Comment. Concurrent publication and consultation assists the agencies meet the requirements of 36 CFR 800.14(e)(2) and 800.14(f) and inform revisions to the plan. Further, the program comment itself will be vetted by the ACHP following the program comment process in 36 CFR 800.14e.	Program comment plan consultation
365	RJ Hillman	MOSHPO	8/22/2025	SHPO	Further, the Montana SHPO believes the Army should not have posted the PC to the federal register until the entirety of the PC was complete. As the Army noted during the third webinar on July 31st, there is no section in this program comment version dealing with Unanticipated Discoveries. Nor is there a process for managing contributing and non-contributing resources within a historic district. How can consulting parties be expected to review and comment on an incomplete document? We see this as another example of the Army not consulting in good faith.	Th publication of the Program Comment Plan in the Federal Register is consistent with the ACHP recommendation to federal agencies in the development of a Program Comment. Concurrent publication and consultation assists the agencies meet the requirements of 36 CFR 800.14(e)(2) and 800.14(f) and inform revisions to the plan. The Army will add an inadvertent discover section when the program comment is prepared. The ACHP will vet the program comment with SHPOs per process in 36 CFR 800.14e.	Program comment plan consultation
366	RJ Hillman	MOSHPO	8/22/2025	SHPO	The Army's consultation on this program comment has been subpar. The Army has failed to adequately address THPOs', SHPOs', and NHOs' concerns during webinars and consultation discussions. In theory having multiple weekly meetings would be helpful, however due to the structure, and length of these meetings they were not particularly constructive. Too much time was spent recapping the goal and intent of the PC at the start of each meeting, and a great deal of time was also spent recapping each section of the PC. This resulted in almost half of each consultation webinar being taken up by lectures instead of discussion. Future consultation should cut the restating of goal and intent, provide quicker recaps of PC sections, or increase the length of the meetings to enable longer discussion periods. There were several occasions in which the meeting was ended before all those present were able to voice their concerns. Montana SHPO believes this is unacceptable and indicates the Army's failure to consult in good faith.	The Army's consultations were designed to ensure accessibility to over 800 stakeholders nationwide and to be informative to those who were unable to attend the entire series of consultations. Our experience in developing and vetting six prior program comments is that not all SHPO staff, tribes and other stakeholders are familiar with program comments and therefore explanatory information was necessary.	Program comment plan consultation



421	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	The Army has not adequately addressed the regulatory requirements for Program Comments found in 36 CFR 800.14(e)(2). The agency official shall arrange for public participation appropriate to the subject matter and the scope of the category and in accordance with the standards in subpart A of this part.	In developing this program comment, the Army has identified the category of undertakings, specified the likely effects on historic properties, and identified steps it will take to ensure the effects are considered. The Army followed the special public participation and consultation procedures for program comments at 36 CFR 800.14(e) and (f). The Army held six nationwide consultation conferences with the public and interested parties where it consulted with State Historic Preservation Offices (SHPO), non-governmental preservation advocacy organizations, Native Hawaiian Organizations (NHO), and Federally recognized tribes. The Army also held two exclusive government-to-government consultations directly with Federally recognized tribes. The Army formally elicited the views of the public and interested parties through a Federal Register notification, considered all comments received, and where feasible incorporated stakeholder comments and recommendations. The Army implemented best practices in preparation of this program comment and completed all due diligence for program comments required under 36 CFR 800.	Program comment plan consultation
433	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	Finally, I wish to express disappointment with the unproductive attitude displayed towards both preservation and the role of State Historic Preservation Officers during the consultation process thus far. As with previous Program Comment consultations, questions or comments are generally not responded to or met with a barely concealed impatience, while the Army paints itself as a victim of bureaucratic and inefficient external forces in the form of SHPOs and others. This implied disdain is unhelpful and runs counter to the consultative and collaborative nature intended for and inherent in the Section 106 process. We are committed to continuing to work together with the Army in meaningful consultation related to its historic preservation responsibilities.	Rhetorical statement	Program comment plan consultation
1	Dan Everhart	IDSHPO	8/18/2025	SHPO	The Idaho State Historic Preservation Office (SHPO) has reviewed the Army's Program Comment Plan for Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes. We must express our opposition to the Program Comment (PC) in its current form. Although described as a streamlined alternative under 36 CFR 800.14(e), the Idaho SHPO believes that the draft PC weakens the consultation and decision-making standards of 36 CFR Part 800 and fails to ensure meaningful preservation outcomes. We are also concerned about provisions in the National Defense Authorization Act that could extend this flawed framework to the Navy and Air Force. Multiplying its shortcomings across all military branches would compound adverse impacts to historic resources nationwide.	Acknowledged.	Program comment reconsideration / rejection
11	Dan Everhart	IDSHPO	8/18/2025	SHPO	As written, the Program Comment removes critical consultation safeguards, relies on inadequate mitigation, and weakens accountability—while positioning itself as a model for other branches. We strongly urge the ACHP to reject this draft and instead work with SHPOs, Tribes, and stakeholders to develop an agreement that balances mission readiness with genuine historic preservation in compliance with 36 CFR Part 800.	Acknowledged.	Program comment reconsideration / rejection
43	Jessica L. Puff	HISHPO	8/24/2025	SHPO	After reading through your Program Comment Plan, the Hawaii State Historic Preservation Officer (SHPO) cannot support it. The Program Comment Plan is severely lacking in a clear, concise, and appropriate alternative to the Section 106 process. There is no clear process outlined within the Program Comment Plan that identifies how the Army will meet its requirements under the National Historic Preservation Act; not just in terms of Section 106, but it also raises significant concerns over the Army's ability to meet its obligations under Section 110. Instead, it effectively abolishes an exemption for Section 106 for undertakings that are only vaguely defined.	The Army acknowledges your opposition to the Program Comment but will continue to pursue the Program Comment as they have been found effective in addressing NHPA compliance for the Army. A program comment isn't an exemption but is a method for federal agencies to meet their Section 106 obligations. It is authorized pursuant to 36 CFR 800.14(e) and consultation is completed up-front during a specialized consultation process and a subsequent compliance agreement is developed based on the consultation. SHPO participation in the the Program Comment Plan and further under the ACHP's Program Comment consultation satiate the consultation requirements for the development of the compliance document governing resolution of adverse effects.	Program comment reconsideration / rejection
59	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	The program comment would function as a de facto exemption for the Army from compliance with the NHPA and would eliminate Section 106 consultation regarding virtually all Army undertakings. The National Trust does not believe that the program comment is consistent with the spirit and intent of the NHPA nor its legal requirements. We urge the Army to reconsider the program comment, and to seek to comply with the NHPA and Section 106 through the normal consultation process and negotiated Programmatic Agreements rather than through the proposed program comment.	As the NTHP knows, a program comment isn't an exemption but is a method for federal agencies to meet their Section 106 obligations. It is authorized pursuant to 36 CFR 800.14(e) and consultation is completed during the specialized consultation process in 36 CFR 800.14(e). Program comments are authorized under 36 CFR 800 and Army and DoD has found them to be the best solution to the broad issues faced.	Program comment reconsideration / rejection
114	Kiersten Faulkner	HHF	8/23/2025	NGO	HHF recommends withdrawing the current Program Comment request and redrafting the substantive provisions to apply only to specific category of undertakings and/or for actions that are minimal or not adverse. Otherwise, a different program alternative would be a more appropriate framework (e.g. alternative procedures, nationwide programmatic agreement, prototype programmatic agreement or standard treatments).	The Army has previously implement all of those frameworks and found them ineffective. Program Comments are the proven best solution for Army.	Program comment reconsideration / rejection
274	Lee Anne Hewett	ALSHPO	8/22/2025	SHPO	Upon review of the draft Army Warfighting Readiness Program Comment Plan, we strongly urge your office to reconsider this attempt to implement a one-size fits all program comment that fails to fully consider the unique and varied historic properties owned and managed by the U.S. Army (hereafter, Army) across all 50-states and U.S Territories. Rather, we would encourage the Army to consider an installation-by-installation approach that could be tailored to preservation issues most appropriate to the historic resources and archaeological resources present at each post.	The Army will continue to pursue the Program Comment as they have been found effective in addressing NHPA compliance for the Army. The issues with an installation by installation approach were addressed in the Program Comment Plan.	Program comment reconsideration / rejection
340	Amy Spong	MNSHPO	8/19/2025	SHPO	The national preservation program's strength is the partnership it creates among federal, tribal, state, and local governments, and the requirement that federal agencies also engage these partners and the public while considering the effects of their undertakings on historic properties through S106 consultation. This Program Comment undermines this partnership, and we do not support its implementation as written	This program comment follows required regulatory procedures for program comments.	Program comment reconsideration / rejection
10	Dan Everhart	IDSHPO	8/18/2025	SHPO	Alternative Agreement Frameworks Instead of this PC, the Idaho SHPO recommends pursuing a nationwide Programmatic Agreement, modeled on successful frameworks used by the Bureau of Land Management. This approach, consistent with 36 CFR 800.14(b), would provide flexibility, transparency, and meaningful state-by-state consultation.	The Army has previously implement NPAs and found them ineffective. Program Comments are the proven best solution for Army.	Programmatic Agreements
16	Diana Welling	OHSHP	8/19/2025	SHPO	The Army already has Alternate Procedures (AAPs) available that, when implemented in good faith, provide effective, streamlined Section 106 compliance. Some installations successfully use these AAPs in partnership with SHPOs and Tribes. Where they have failed, the cause is not the Section 106 framework itself, but uneven implementation and weak relationship management. Creating a broad Program Comment to replace case-by-case review could undermine successful existing agreements rather than strengthen them.	The Army Alternate Procedures (AAP) are too resource-intensive to prepare, challenging to development, and often misunderstood by stakeholders. This is evidenced by the fact that only three Army installations have been able to adopted AAP in the past 20 years. Also, the AAP exacerbates the issue of a highly fragmented compliance system.	Programmatic Agreements
20	Diana Welling	OHSHP	8/19/2025	SHPO	Rather than pursuing a single nationwide Program Comment of this scope, the Army should instead develop targeted Programmatic Agreements for recurring, routine undertakings, such as standardized maintenance and rehabilitation. Complex or high-impact undertakings should remain subject to case-by-case review. Consultation mechanisms with SHPOs, Tribes, and other stakeholders must be strengthened, ensuring early and ongoing engagement. At the same time, the Army should continue and improve the use of Alternate Procedures where they are working effectively.	While Programmatic Agreements (PAs) are supposed to be designed to streamline the Section 106 process, their complexity and individualized requirements have resulted in unintended challenges, including repetitive project-by-project consultations, even for activities with no adverse effect on historic properties. Additionally, the Army has encountered requests for mitigation measures that are broader in scope than anticipated, multiple mitigation requirements for single actions, and overly stringent interpretations of the Secretary of Interior's Standards. These approaches haven't balanced historic preservation with the the unique operational needs of active military installations.	Programmatic Agreements
26	Allyson Brooks	WASHPO	8/20/2025	SHPO	We do not have any data demonstrating that the Installation level agreements have been ineffective. Conversely, they are overall beneficial for the state-federal relationship and targeted to the regional resource. We have a good relationship with Army command at JBLM. We contend that reforming the concept of the installation cultural resource management plan (CRMP) is a more effective compliance tool. This is particularly important to ensure that such CRMPs reflect current technologies and best practices that are operative in the larger cultural resources and environmental community.	ICRMPs are not a compliance tool. They address the broad category of cultural resources, beyond the purview of NHPA and historic properties. ICRMPs are internal planning documents not a Section 106 compliance agreement.	Programmatic Agreements
28	Allyson Brooks	WASHPO	8/20/2025	SHPO	Existing Programmatic and Memorandum of Agreements are contracts and cannot be unilaterally terminated. If the Army is replacing all agreements with this program comment, there should be formal notice of the termination of agreements.	The Army program comment will have a revised section regarding current NHPA PAs and MOAs.	Programmatic Agreements
48	Jessica L. Puff	HISHPO	8/24/2025	SHPO	The Army has consistently claimed within the consultation meetings and the Program Comment Plan that it will, "[leverage] the successful approach and processes of the Army's four ACHP-approved program comments for historic housing, which have demonstrably improved the quality of life for soldiers and their families, preserved the historic character of housing." It is important to remind the Army that the Advisory Council on Historic Preservation (Council) vote for the four program comments referenced by the Army were not unanimous. There are many who do not share your sentiments and do not view the implementation of the Army's existing program comments as a success. The Hawaii SHPO is one such entity; specifically, because the other four program comments have eliminated the ability of NHOs and descendants as well as consulting parties and veterans from consulting on the Army's undertakings. We do not view such actions that limit participation and transparency as successes. Alternatively, we do view our local programmatic approaches with other Department of Defense (DOD) agencies to be incredibly useful. The Hawaii SHPO recommends that if the Army is seeking a program alternative for certain undertakings associated with Warfighting Readiness that they redirect their focus to developing a Prototype Programmatic Agreement rather than a Program Comment.	The Army respectfully disagrees. Army housing Program Comments explicitly state that if implementation of any management actions under those Program Comment may cause damage, physical destruction, or change in the physical features of all or any part of a known NRHP-eligible archeological site or property of traditional religious and cultural importance to Federally recognized Indian tribes or Native Hawaiian Organizations, those effects will be addressed by the Army following the procedures in 36 CFR 800.4 - 800.7.	Programmatic Agreements

54	Jessica L. Puff	HISHPO	8/24/2025	SHPO	10. Additionally, the Program Comment Plan allows for measures within expired Memoranda of Agreement, Programmatic Agreements, and other program alternatives to be applied after expiration under this Program Comment Plan. It also seems to suggest that the Army has the right to terminate existing agreements in favor of applying the Program Comment Plan instead. Such decisions are absolutely inappropriate, disrespectful, and undermine the historic preservation consultation process established within the National Historic Preservation Act.	The Army will adjust the section regarding current NHPA compliance documents.	Programmatic Agreements
61	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	The Army's justification for the proposed program comment is insufficient. The Army's justification for the program comment mischaracterizes the normal NHPA Section 106 review process as overly burdensome. This is simply not true. Quantitative studies show that SHPO review and processing times are both efficient and faster than statutorily required, and the process is required by Section 106. As the National Trust and many SHPOs have repeatedly pointed out, the Army's stated issues with Section 106 are not the fault of the law and are generally not experienced by other federal agencies. Furthermore, as the Army is aware, numerous alternative approaches are available to streamline compliance in a manner that is consistent with the Section 106 regulations (unlike the current proposal), and we would welcome the opportunity to continue to work with the Army to develop and adopt these approaches. The Army's justification for the proposed program comment is also contradictory. The Army asserts that its inventory of historic buildings is too large for normal NHPA Section 106 compliance to be reasonable. "The NHPA Section 106 project-by-project, step-by-step review process in 36 C.F.R. § 800 for an inventory of this magnitude is not sustainable." (Program Comment Plan, Pg. 4). Contradictorily, the Army also asserts that Section 106 compliance is overly burdensome because too many agreements have been entered into for the exemption of Army undertakings from "project-by-project, step-by-step" Section 106 review. "The current Section 106 compliance process on Army installations is inefficient, inconsistent, and at times detrimental to mission readiness. This inefficiency stems from a fragmented system of 115 individual Programmatic Agreements (PAs) and Memoranda of Agreement (MOAs)," (Program Comment Plan, Pg. 5). The Army and individual SHPOs have painstakingly developed and executed 115 agreements. These agreements are highly effective and already exempt the vast majority of the Army's undertakings from standard project-by-project review. Relief from "project-by-project, step-by-step review" is thus not a reasonable justification for the proposed program comment. Yet the Army asserts in the program comment plan that "the Army continues to be bound by the same lengthy, project-specific, step-by-step consultation process mandated by the ACHP's regulation, raising questions about its continued efficiency and efficacy". (Program Comment Plan, Pg. 4.) The existing system of agreements tailored for specific installations and categories of undertakings and resources is in fact a workable and efficient process for the effective consideration of the Army's historic resources. While the program comment plan repeatedly calls for national standardization of the treatment of the Army's historic resources, the historic significance of similar buildings can differ from installation to installation and merit different treatments. Installation-specific agreements are thus far superior to nationwide standards for the treatment of the Army's historic resources. In our view, the Army cannot lawfully terminate all 115 existing Section 106 agreement documents, which are binding contracts between the Army and state governments, by simply unilaterally superseding them with the program comment, instead of invoking the specific termination procedures spelled out in each agreement, which typically require a consultation process. Additionally, the Army's justification for the program comment in large part relies on the purported ability of its internal historic preservation program to adequately care for the Army's historic resources without the consultation required by Section 106 of the NHPA, which includes consultation with others, including State and Tribal Historic Preservation Officers. This aspect of the Army's justification is inconsistent with the public comments that the Army has received during Section 106 consultations for many projects, and for this and its other program comments. In the experience of the National Trust, and based upon consistent feedback from SHPOs, the Army does not consistently apply the Secretary of the Interior's Standards for the Treatment of Historic Properties correctly and does not consistently fulfill its Section 110 stewardship responsibilities under the NHPA. 54 U.S.C. § 306102.	The Army's justification for the program comment is sound. The current agreements and the manner in which they have been implemented is a significant issue. The Army will adjust the section regarding current NHPA compliance documents.	Programmatic Agreements
67	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	Eliminate the preemption of existing Section 106 agreements. These agreements have been carefully negotiated and tailor-made to address the wide variety of historic resources and issues at the different installations. Retaining them would substantially improve the Army's compliance with the NHPA.	see response above	Programmatic Agreements
79	Amy Wyatt	WISHPO	8/24/2025	SHPO	Dissolution of Binding Agreements Any currently binding agreements, including Memoranda of Agreement or Programmatic Agreements, between SHPOs, THPOs, and Army departments or installations should abide by their stated terms and should not be terminated with this Programmatic Comment. Signatories to the agreements, including the Army, should abide by and follow the specified termination process with all signatories if the agreement is to be terminated.	The Army will review termination of those agreements.	Programmatic Agreements
86	Gwenyth A. Davis	DESHPO	8/24/2025	SHPO	3. The Plan would appear to allow wholesale suspension of the Army's consultation commitments under existing Programmatic Agreements (PA) or Memoranda of Agreement (MOA) for specific projects. This approach disregards the legally binding nature of PAs and MOAs which were negotiated in good faith. A Program Comment cannot be used to unilaterally override such agreements; they would have to be individually amended or terminated, in consultation with the SHPO and any other parties to the agreement, in accordance with Section 106 regulations. The Army indicates it will still carry out work stipulated by such agreements, but will omit any requirements to engage anyone outside the Army to do so. We have an existing MOA with the Delaware Army National Guard stipulating mitigation measures for its partial demolition of the Wilmington Readiness Center, a National Register-eligible property. Although the MOA's key provisions have been fulfilled, the project is not yet complete. Under the Program Comment, it appears that the Army would not honor remaining MOA stipulations, e.g., a requirement to report and consult with SHPO on any new discoveries, such as burials. We find this prospect very troubling, and urge the Army to reconsider this approach.	The Army will review termination of those agreements.	Programmatic agreements
130	Kiersten Faulkner	HHF	8/23/2025	NGO	8. Relationship of this Program Comment to existing Section 106 Agreements The Program Comment is ambiguous and confusing in regards to how existing Section 106 agreements will be affected. In some cases, the PC Plan states that "mitigation measures in current Pas and MOAs but not yet carried out...will be met by the relevant installation." <sup>14</sup> The PC Plan states that "existing agreements are not voided, rather the program comment replaces the external review requirements in those existing agreements with the requirements of the program comment for the undertaking and properties covered by this program comments." <sup>15</sup> The Army also claims the right to "continue to apply Installation-level exclusions or project exemption lists in Army MOAs, PAs, and AAPs... Installations may use any applicable exclusion or exemption found in any Army MOA, PA, or AAP. Such exclusions and exemptions will continue to be applicable under this program comment after expiration of those MOAs, PAs, or AAPs." <sup>16</sup> The Army appears to want to selectively apply the portions of existing agreements that it finds favorable to itself while unilaterally eliminating provisions it finds inconvenient. However, Section 106 documents are legally-binding and enforceable agreements between the federal agency and the State Historic Preservation Officer. Each has been developed for specific properties and undertakings to address the issues and considerations unique to that situation. Army cannot rewrite them other than through the terms of the agreements themselves, either via amendment or termination. HHF recommends that the Program Comment require Army to honor the terms and conditions of existing Section 106 Agreements until and unless formally amended, terminated or expired.	The Army is making changes to the section regarding current NHPA compliance documents.	Programmatic agreements
154	Ira L. Matt	NATHPO	8/23/2025	NGO	Prior Agreements. The PC would supersede existing Programmatic Agreements (PAs) and Memoranda of Agreement (MOAs), while retaining exemptions from expired agreements. This action would undermine years of consultation and tailored protections while extending local exemptions nationally, an action that undermines the spirit of the NHPA. Requests: NATHPO is opposed to this PC superseding existing agreement documents. NATHPO is opposed to this PC being able to apply locally developed exemptions in a national manner without full consultation on their utility and applicability.	The Army is making changes to the section regarding current NHPA compliance documents.	Programmatic agreements
171	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Seventh, a "standardized, efficient, and flexible framework for the Army to manage historic properties while fulfilling its warfighting readiness mission," is already provided for in the AAP framework. Similar to the other Army PCs, the Warfighting PC fails to acknowledge that the Army already has a streamlined compliance process in the AAP that already meets every stated goal of the proposed PC. While this PC plan does not explicitly state that it will void all existing PAs, MOAs, and AAPs, its adoption would effectively void these agreements. In the same vein, AAPs, PAs, etc. cannot be declared "null and void" and yet have portions (i.e., excluded items) remain valid. The PCs should allow for expediting solutions that are working successfully (such as PAs or AAPs) to continue without interruption. It is the GA SHPO's opinion that the Army should focus on requiring installations to engage in good faith, substantive consultation with their respective SHPOs to implement workable AAPs or PAs, rather than wasting time and energy putting forward yet another PC in the face of much opposition. As such, the GA SHPO recommends exempting Army installations in Georgia from being required to utilize this PC, if adopted, because the PAs and AAPs currently in place are good-faith agreements that work and already effectively streamline the S.106 review process.	The AAP is failed approach due to the manner in which it is structured. It has been in place for 20 years and the Army has only been able to complete 3 installation AAPs due to the onerous nature of the AAP process put in place by the ACHP and the opposition of SHPOs to the AAP process. The Program Comment is intended to be nationwide and applicable to the Active Army, Army Reserves, and federally supported readiness activities of the Army National Guard (including federally supported activities on state lands and properties). There will be no state exemptions.	Programmatic agreements

172	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	While we understand that AAP has not always worked on some installations, it is clear to our office that these challenges likely stem from the Army's lack of attention to building and fostering relationships or mutual respect with the necessary parties. Our office very successfully consults with a Georgia installation utilizing the AAP and due to our excellent working relationship with the cultural resources team at this installation, we know from experience that if the Army could focus their attention on fixing fraught relationships where they exist then using the AAP would be a more workable solution. We do not see "lengthy project reviews" due to the use of the AAP, in fact, we don't see most projects because of it, therefore, our office has no such administrative burden claimed in this PC Plan as it relates to AAPs. The Army's forceful attempt to implement these PCs when the AAP and PAs offer the same level of S.106 streamlining is set up for failure because the Army has yet to address the underlying fundamental challenge of all program alternative processes: their insistence that the consultation process be adversarial and, therefore, their reluctance to build and foster successful, collaborative working relationships with stakeholders.	The Army has implemented all due diligence and has consulted in good faith regarding the proposed Program Comment.	Programmatic agreements
173	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Based on our first-hand experience, the Army's assertion that it's a SHPO's fault if S.106 project reviews are lengthy, convoluted, and ultimately too costly is wildly inaccurate and deeply insulting. As a case in point, the GA SHPO and one of the Army installations in Georgia entered into a PA in 2011 to streamline S.106 consultation for undertakings on the installation. Between 2012 and 2021, while the PA was in effect and being implemented by SOI-qualified cultural resource professionals at the installation, the GA SHPO reviewed a total of 24 projects (over a 10 year period) that were not covered under the PA. This PA expired in 2022. Since then, the GA SHPO has consulted in a timely and good faith manner on at least two drafts of the PA renewal, however the Army has not renewed the PA. As result, since 2022, the cultural resource staff at the installation has been required to submit every undertaking on the installation to the GA SHPO for review under S.106. To put these numbers into perspective and compare them with the previous 10-year period, from 2022 to date, GA SHPO has received 330 projects for review. In less than four years, the number of projects the installation was required to send for S.106 review (and the GA SHPO was required to review) has increased by approximately 1,275% above the previous 10-year period. The Army (not the installation staff or SHPO) allowed the PA to expire with a full understanding that all undertakings would have to be sent to the SHPO for review. The Army (not the installation staff or SHPO) has "slow rolled" the PA renewal process. The Army (not the installation staff or SHPO) has deliberately made an efficient system of S.106 consultation, governed by a PA that was negotiated and implemented in good faith, inefficient and burdensome to both their own cultural resources staff and to the SHPO staff.	To be valid, any comparison of fluctuation in the number of actions over time must be compared with the mission driven changes in tempo of operations during the same period.	Programmatic agreements
258	Richard Veit	SHA	8/23/2025	SHPO	The following are SHA's specific concerns and questions on the proposed program comment plan: Section 4.1. Intent. This section states that "in accordance with 36 CFR 800.14(e), the Army will implement this program comment in lieu of conducting individual undertaking reviews under 36 CFR 800.3 - 800.7, Army NHPA Section 106 Memoranda of Agreement (MOAs), Programmatic Agreements (PAs), and Army Alternate Procedures (AAP), for the activities and properties covered by this program comment." Section 106 agreements are contracts and cannot be amended or terminated without implementing the amendment or termination stipulations of the MOAs or PAs. Therefore, the Army must formally amend or terminate existing agreements in order to replace them with this program comment.	Acknowledged.	Programmatic agreements
275	Lee Anne Hewett	ALSHPO	8/22/2025	SHPO	We would point your office to the highly successful and recently renewed Program Alternative utilized by Fort Benning, Georgia/Alabama that utilizes a Historic Properties Management Plan in coordination with their Integrated Cultural Resources Management Plan to expedite and minimize consultation necessary for compliance with Section 106 of the National Historic Preservation Act (54 U.S.C 306108, as codified in 36 CFR Part 800).	The AAP is failed Army-wide approach due to the manner in which it is structured. It has been in place for 20 years and the Army has only been able to complete 3 installation AAPs due to the onerous nature of the AAP process put in place by the ACHP and the opposition of many SHPOs to the AAP process.	Programmatic agreements
276	Lee Anne Hewett	ALSHPO	8/22/2025	SHPO	If this Program Alternative strategy was applied at a post-by-post level across Army holdings, it would seemingly allow the Army the flexibility it desires with the draft Program Comment, with the added benefit of tailoring historic preservation to the resources at each post and at a state-by-state level of coordination, and thus, allowing participants in the Section 106 process a more active voice in the overall process.	Applying the AAP as indicated would mean the Army would have to independently negotiate over 130 individual AAPs with each SHPO office. After 20 years of the AAP being in place, the Army has only been able to implement the AAP at 3 installations due to SHPO opposition to the AAP process. Each of those 130+ AAPs would still result in the same fragmented idiosyncratic system that is currently in place, and it is therefore not a valid solution.	Programmatic agreements
301	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	As stated in the Program Comment, the Army is a large and complex federal agency. Each Army installation has its own history, cultural resources, training activities, landscape, and challenges. Just as the Army has specialized units with unique training requirements, each installation must be able to develop a unique approach to support the Warfighter, and act as stewards of our nation's historic properties. In the past, DHR has been supportive of the use of program alternatives to streamline the Section 106 review process, and DHR has encouraged federal agencies to develop individual programmatic agreements to streamline routine operations and maintenance activities. We have worked closely with cultural resource managers and historic preservation professionals at various Department of Defense (DOD) installations to tailor agreement documents that fit the needs of the installation. DHR believes that these individual programmatic agreements empower base commanders to make decisions that suit the needs of the Soldiers while preserving our nation's history and cultural resources. DHR has strong concerns about the statement that this proposed Program Comment will supersede the existing programmatic agreements (PAs), memoranda of agreements (MOAs), and other program alternatives that we have established with our military installations in Virginia.	The Army is making changes to the section regarding current NHPA compliance documents.	Programmatic agreements
305	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	Historic Properties Management Procedures Section 4.2.4.1 (a) states, "Army installation will follow their current procedures for identification of historic properties within the area of potential effect of Army undertakings, evaluation of identified properties for eligibility for inclusion in the National Register of Historic Places (NRHP), and determination of the effects of the undertaking on historic properties...and monitoring historic properties." DHR presumes that current installation procedures include following 36 CFR § 800.3-800.7 and consulting with SHPO/THPO and consulting parties; absent the clearly defined steps in 36 CFR 800.3-800.7 the role of the Program Comment Plan is to provide a replacement procedure to installations. As this statement provides the only explanation within the Program Comment regarding the internal procedures the Army intends to use in lieu of consultation with SHPO/THPO and consulting parties under 36 CFR § 800.3-800.7, DHR recommends that the Program Comment Plan be revised to include specific details regarding how the Army will internally review individual undertakings and, per 36 CFR § 800.14 (e), specify the steps the Army will take to ensure that effects to historic properties are taken into account. This internal review should include review of undertakings by Secretary of Interior (SOI) qualified professionals who have expertise in the appropriate fields necessary to assess effects (i.e. an archaeologist should review potential effects to archaeological resources, identified or unidentified, and architectural historian should review potential effects to buildings, objects, structures, and districts.). Section 4.2.4.1(b) of the Program Comment states, "To streamline processes, the identification, evaluation, determination of effect, and monitoring of historic properties will be implemented by Army installations and activities in lieu of project-by-project reviews and consultations required under 36 CFR § 800.3 - 800.7, MOAs, PAs, AAPs for the activities and properties covered by this Program Comment." It is DHR's opinion that existing Agreements, especially those established to document agreed upon mitigation measures for ongoing projects with adverse effects, remain valid and it is DHR's opinion that the Army is obligated to uphold the terms of the Agreements. If the Army seeks to terminate these Agreements, they must do so via the procedures outlined in the Agreement document. Section 4.2.4.1 (f) allows for the use of installation level exclusions or project exemption lists from existing Agreements and states that "Installations may use any applicable exclusion or exemption found in any Army MOA, PA, or AAP. Such exclusions and exemptions will continue to be applicable under this Program Comment after the expiration of those MOAs, PAs, and AAPs." DHR objects to this attempt to both invalidate existing Agreements as stated in Section 4.2.4.1 (b) while keeping in perpetuity exemptions that were developed in consultation for specific properties. Exemption lists are installation specific for a reason and take into account installation specific historic property issues. It is inappropriate to assume that exemptions acceptable for one installation can apply to all. This further shows the Army's lack of understanding regarding the complexities of historic property management and belief that all properties managed by the Army are the same, interchangeable, and of the same significance. Agency efforts to identify and evaluate historic properties should include early consultation with SHPOs and Tribal Preservation Officers (THPOs), as appropriate. Furthermore, the identification of historic properties is an ongoing process. Due to possible changes to resources that may occur over the passage of time, advancements in scholarship, and other rapid developments that affect many parts of the state, we often recommend re-survey of previously evaluated resources every five years. DHR recommends revising section 4.2.4 to clearly define the process identification and evaluation of historic properties in consultation with SHPOs/THPOs in order to fulfill the Army's obligations under 36 CFR § 800.4.	The Army is making changes to the section regarding the internal review process and current NHPA compliance documents. This comment indicates a lack of understanding regarding the nationwide scope of Army property types and military landscape approach to management. The Army will expand and further detail the military landscape application. Language will be added regarding re-evaluation of properties with changes in time or knowledge. The Army will remove the section regarding application of existing exemptions.	Programmatic agreements
339	Amy Spong	MNSHPO	8/19/2025	SHPO	The Program Comment Plan states that review processes in any existing Memorandum of Agreement (MOA) and Programmatic Agreement (PA) would be superseded by the process in the Program Comment, that installations may use any applicable exclusion or exemption found in any existing MOA or PA, and the exclusions and exemptions will continue to be applicable under the Program Comment after expiration of the original MOAs and PAs. This is problematic as existing MOAs or PAs apply to specific undertakings, installations, and/or historic properties, and it is unlikely the exclusions and exemptions in those agreements would be applicable elsewhere.	The Army is making changes to the section regarding current NHPA compliance documents.	programmatic agreements
352	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	Section 4.2.4.1(d) of the Program Comment states that exclusions and exemptions in Army MOAs, PAs, and AAPs will continue to be applied under this Program Comment, however, Section 7.0 states that warfighting readiness activities will be implemented in place of review and consultation procedures in 36 CFR 800.3-800.7 and Army PAs, MOAs, and AAPs. This double standard would serve the Army's interest at the expense of the other parties in the agreements.	The Army is making changes to the section regarding current NHPA compliance documents.	programmatic agreements
369	Craig A. Potts	KYSHPO	8/21/2025	SHPO	The Program Comment specifies that Army readiness undertakings will proceed "in place of any review and consultation procedures in 36 CFR 800.3-800.7 and Army PAs, MOAs, and AAPs." While existing agreements are not voided, their consultation requirements are overridden. This discards years of collaboration between the Army, SHPOs, Tribes, and local communities.	This program comment builds on and is the next step in the evolution of the Section 106 process.	Programmatic agreements



398	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	CT SHPO understands that avoiding confusion is an important point in the development of the PC. This point is expounded on when noting that it will replace 115 individual Programmatic Agreements and Memoranda of Agreement. The PC states that it will replace individual undertaking reviews previously resolved with Programmatic Agreements, Memoranda of Agreement, or Army Alternate Procedures for undertakings (Section 4.1). The PC is extensive, so it is difficult to understand what may not be covered. It may be helpful to identify activities that are not covered by the PC.	Actions not covered will be specified.	Programmatic agreements
424	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	4) The Army's justification for its inability to meet Section 106 requirements does not have a basis in facts or verifiable data (see Section 1.0, pg. 2). In the overview of its plan, the Army states that its current approach to Section 106 compliance is "inefficient, inconsistent, and at times detrimental to mission readiness" (pg. 5). While we trust the Army to evaluate the effectiveness of its own program, the explanation provided is flawed. The Program Comment plan seeks to place blame on "a fragmented system of 115 individual Programmatic Agreements (PAs) and Memoranda of Agreement (MOAs)", characterizing it as a "labyrinthine regulatory system." Although the purpose of these agreements might be a source of confusion to those at the headquarters level, they are in fact the cumulative product of thoughtful, collaborative work between installation CRMs, SHPOs, and other stakeholders working on the ground. They reflect tailored responses to the needs of historic properties within distinct environmental and cultural contexts. Far from being "illogical," as the plan characterizes them, these agreements demonstrate the National Historic Preservation Act functioning as intended, empowering individual states to contribute meaningfully to federal decision-making, while accounting for variations in their respective resource types and regional contexts. NCSHPO and its members suggest that effective Section 106 implementation is best measured by the quality of work carried out by professionals working together in the field; not by the number of Program Comments an agency produces.	This program comment builds on and is the is the next step in the evolution of the Army's Section 106 process. When the Program Comment Plan was vetted internally with Army commands and installation CRMs, the overwhelming response was very positive and it was recognized as highly beneficial to implementation of the Army mission.	Programmatic agreements
428	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	7) The Army's suggestion that this Program Comment will unilaterally alter signed agreements without the consent of signatories is troubling and seems to be in direct conflict with the law. Section 7.0, Execution and Effects, of the Program Comment plan states: To further clarify Program Comment implementation; existing agreements are not voided, rather the Program Comment replaces the external review requirements in those existing agreements with the requirements of the Program Comment for the undertaking and properties covered by this Program Comment. (pg.18) This statement deserves scrutiny, as its implications are significant. The notion that the requirements of a signed legal agreement can be overridden by directive of the Army, the ACHP, or any other entity without the approval of the parties to that agreement reflects a fundamental misunderstanding of what constitutes an "agreement." It also raises broader concerns about the Army's approach to cooperation, consultation, and consent. NCSHPO respectfully requests that the Army remove this language from its Program Comment and reconsider the reasoning that led to its inclusion.	The Army is making changes to the section regarding current NHPA compliance documents.	Programmatic agreements
40	Lynda S. Ozan	OKSHPO	8/21/2025	SHPO	The OKSHPO also believes that a condition should be written that allows the Installations to choose if they participate in this Program Comment.	The primary benefit of program comments is that they allow a federal agency to comply with Section 106 in a tailored, consistent way and the Army is intending to implement this nationwide at all installations with no exemptions.	Random
313	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	4.2.4.8. DHR has reviewed DOD Readiness and Environmental Protection Integration (REPI) undertakings that included shoreline restoration and other resiliency actions that included ground disturbing activities that had the potential to affect historic properties. These undertakings should be reviewed by SHPOs.	REPI undertakings will be addressed through the Program Comment.	Random
315	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	Additional Questions DHR has additional questions and comments to consider: <ul style="list-style-type: none"><li>The National Guard often uses state funding in addition to federal funding and must continue to follow state environmental regulations.</li></ul>	Army National Guard are dual-funded by both state and federal funds and compliance requirements are contingent upon what type of money is driving a project. All NHPA compliance activities are driven through the expenditure of federal funds through the National Guard Bureau, and those activities will be covered under the program comment.	Random
317	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	Arlington National Cemetery (ANC) is one of two national cemeteries owned and maintained by the Department of the Army. Does the Army consider the activities at ANC to fall under warfighting readiness? DHR recommends that the Army's activities at ANC should be excluded from this Program Comment.	The Army is including ANC and all cemeteries in the Program Comment. ANC specifically is an integral part of the Army mission.	Random
2	Dan Everhart	IDSHPO	8/18/2025	SHPO	Although described as a streamlined alternative under 36 CFR 800.14(e), the Idaho SHPO believes that the draft PC weakens the consultation and decision-making standards of 36 CFR Part 800 and fails to ensure meaningful preservation outcomes.	The Army has implement many program comments and this program comment will, like all others, ensure meaningful preservation outcomes that are in balance with the military mission.	Removal of project-by-project review/consultation for SHPO/THPOs
14	Diana Welling	OHSPO	8/19/2025	SHPO	The draft appears to effectively remove SHPO and Tribal Historic Preservation Officer (THPO) from Section 106 review, substituting internal Army processes or NEPA public comment periods. This is not consultation within the meaning of Section 106. Substituting NEPA for Section 106 ignores statutory requirements under Title 54 and fundamentally alters the nature of consultation.	The Army understands the concern regarding the NEPA process and will removed the NEPA review component of the PC. Consultation for the program comment has occurred in accordance with 36 CFR 800.14(e), and ACHP program comment guidelines and best practices.	Removal of project-by-project review/consultation for SHPO/THPOs
31	Allyson Brooks	WASHPO	8/20/2025	SHPO	36 CFR Part 800 gives SHPOs and THPOs the right to review methodology before commencing with data recovery. This consultation should be retained. In addition, all inventory site data and professional cultural resource reports should be proactively shared with the respective SHPO and THPOs.	Language has been updated to address concerns regarding application of indigenous knowledge to assessment and mitigation of properties of traditional religious and cultural importance to Federally recognized tribes and NHOs. SHPOs do not possess indigenous knowledge. SHPOs do not possess any knowledge regarding archeological sites that is not available to installation CRMs.	Removal of project-by-project review/consultation for SHPO/THPOs
33	Allyson Brooks	WASHPO	8/20/2025	SHPO	4.2.410 should reference the requirement under NHPA to consult with Native Hawaiians and Indian Tribes on properties of cultural and religious significance. This is a statutory requirement that cannot be altered without a Congressional amendment.	Language to address this has been incorporated.	Removal of project-by-project review/consultation for SHPO/THPOs
63	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	The proposed Program Comment would substantially and unreasonably diminish the effectiveness of the NHPA. The Army is one of the largest owners of historic resources in the federal government, controlling over 120,000 historic buildings, 13 million acres of land, 84,000 archaeological sites, 20 National Historic Landmarks ("NHLs"), and numerous other historic resources. Combined with the portfolios of the DoD's other military departments, the scope of the proposed program comment includes a significant percentage of the federal government's historic resources. Exempting such a staggering number of historic resources from the NHPA's Section 106 consultation process would fail to comply with the NHPA's intention to ensure that our nation's significant historic resources are considered as a part of agency undertakings. As we approach the 250th anniversary of our nation's founding, the legacy of historic resources owned and cared for by the Army, and the Army's own history represented by the resources, should be acknowledged as increasingly important and valued by the public. The use of 36 C.F.R. § 800.14(e) to negate the protections of the NHPA for such a substantial number of our nation's historic resources is contrary to the purpose and intent of the NHPA. Congress established a system whereby every federal agency is required to consider the effects of their undertakings on historic resources, and every state is required to have a SHPO who in turn has a responsibility to advise and assist Federal agencies in carrying out their historic preservation responsibilities. 54 U.S.C. §§ 302303(b)(5), (6), (9). The proposed program comment is inadequate to ensure compliance with these requirements of the NHPA. The National Trust is also concerned that the proposed program comment fails to sufficiently avoid and minimize potential adverse effects to National Historic Landmarks as required by 54 U.S.C. § 306107. The Army asserts that "This program comment meets the requirements of NHPA Section 110(f) by planning and requiring actions to minimize harm to National Historic Landmarks (NHLs) to the maximum extent possible". The use of this program comment would not qualify as a maximum effort to "undertake such planning and actions as may be necessary to minimize harm to the landmark". The "maximum extent possible" standard requires engaging in Section 106 consultation and public outreach under 36 C.F.R. § 800.3(c) and (e). Deviating from the standard Section 106 process by reducing the level of consultation and public outreach is inherently a diminution of "such planning and actions as may be necessary to minimize harm to the landmark," and does not qualify as the "maximum" effort required by 54 U.S.C. § 306107.	The program comment enhances the effectiveness of the NHPA by approximately integrating the process with its mission to achieve the proper balance to meet the purpose of the Section 106 process as stated in 36 CFR 800.1. The program comment is not an exemption and has followed a robust consultation process, ACHP program comment guidance and best practices. Program Comments are valid Section 106 compliance tool developed as stated in 36 CFR 800.14(e) to operate in lieu of SHPO project by project reviews. The program comment will be adjusted to address the requirement to consult with ACHP and NPS for adverse effects to NHLs.	Removal of project-by-project review/consultation for SHPO/THPOs
75	Amy Wyatt	WISHPO	8/24/2025	SHPO	Given the relationships we have built and the successful consultation that we have participated in with our Tribal partners, local communities, and federal agencies, we are dismayed at how the Program Comment portrays the relationship between SHPOs and federal agencies. SHPOs work every day with local stakeholders to find appropriate applications of the Secretary of the Interior's Standards for Rehabilitation based on the scope of the undertaking and the nature of the historic resources affected. Consultation with SHPOs, THPOs, and citizens are at the heart of Section 106 consultation for preserving our nation's historic properties. This Program Comment proposes to restrict project review to Army personnel and allows installations at their discretion to only solicit non-binding technical advice from SHPOs and traditional knowledge from Tribal representatives, THPOs, and Native Hawaiian organizations. This process circumvents the participation of consulting parties and the valuable connections we have to communities and violates the partnership outlined 54 USC § 300101. Regarding the internal review process, the Program Comment references Army historic preservation personnel but does not provide documentation of how personnel meet the Secretary of the Interior Professional Qualification standards and assurances that staff reviewing projects will have the necessary experience and knowledge to identify, evaluate, and preserve cultural resources, specifically archaeological resources, which may be affected.	Program comments are a legal authority provided to federal agencies under the regulations that the Army has found effective in managing its compliance responsibilities with its national defense mission. A program comment is a method for federal agencies to meet their Section 106 obligations provided in the regulations. It is authorized pursuant to 36 CFR 800.14(e) and consultation with SHPOs, tribes, and other stakeholders is a part of the PC development process that is completed up-front and a subsequent compliance agreement is developed based on the consultation.	Removal of project-by-project review/consultation for SHPO/THPOs

127	Kiersten Faulkner	HHF	8/23/2025	NGO	<p>5. Consultation with Native Hawaiian Organizations</p> <p>The Program Comment draft asserts that “Army installations in Hawaii will continue ongoing respectful consultative relationships with NHOs. Army installations will take into consideration the significance that federally recognized Indian tribes and NHOs ascribe to historic properties of traditional religious and cultural importance.”<sup>10</sup> However, the means by which such “consultative relationships” and “consideration” is proposed would be limited to the NEPA-required public review period. The PC plan also states that installations, “at their discretion” may seek non-binding advice from SHPO staff and traditional knowledge from NHOs.</p> <p>This is not consultation, nor is it respectful to the Native Hawaiian organizations, communities and individuals who ascribe traditional religious and cultural importance to associated sites, structures and districts.</p> <p>NHO representatives who participated in the consultation meetings about the Program Comment Plan made it abundantly clear that the Army’s proposal is insufficient. NHOs voiced clear and explicit concerns that the proposal would be a violation of Native Hawaiian rights and responsibilities for stewardship and safeguarding lands and cultural places that are significant due to associations with traditional beliefs, events, or oral accounts that are important to the Hawaiian history, traditional practices, and cultural identity.</p> <p>Since the annexation of Hawaii as a U.S. territory in 1898, the United States has had a continuing role in the stewardship of lands and resources in the islands as well as the political and trust relationship with the Native Hawaiian people. Congress further recognized a special political and trust relationship with the Native Hawaiian community through more than 150 legislative enactments.<sup>11</sup> Under laws that include the NHPA, Congress charged Federal agencies to work with Native Hawaiian organizations before taking actions that have the potential to significantly affect Native Hawaiian resources, rights, or lands.</p> <p>ACHP has made it clear that “Consultation constitutes more than simply notifying a Native Hawaiian organization about a planned undertaking. The ACHP views consultation as a process of communication... Carrying out the process in the spirit and intent of the NHPA can lead to less adversarial relationships and better historic preservation outcomes. In fact, many Native Hawaiians believe that it is the kuleana (responsibility) of federal agencies to protect historic properties. Thus, a collegial or cooperative attitude or approach to the Section 106 process builds trust and good working relationships.”<sup>12</sup></p> <p>Historic Hawai’i Foundation objects to the Army’s proposed limitations on consultation with NHOs. At minimum, the Program Comment needs to include a robust consultation protocol, policy and procedure for both ongoing programmatic consultation and site-specific engagement with Native Hawaiian organizations, communities and individuals.</p>	The Army will incorporate tribal and NHO consultation for effect to historic properties of traditional religious and cultural importance and address indigenous knowledge of NHOs in the review process.	Removal of project-by-project review/consultation for SHPO/THPOs
128	Kiersten Faulkner	HHF	8/23/2025	NGO	<p>6. Consultation with Other Parties with Interest in Effect on Historic Properties</p> <p>The Program Comment draft explicitly states that Army will no longer engage with State Historic Preservation Officers and staff, nor with other consulting parties with an interest in the effect of actions on historic properties, nor with those with a legal or economic interest, nor with local governments. Review of individual projects will only occur under the public review processes of NEPA.</p> <p>Historic Hawai’i Foundation objects to the Army’s proposed limitations on consultation. NEPA is an environmental disclosure process, not a means to evaluate and avoid, minimize and mitigate potential adverse effects to historic properties and cultural resources. Eliminating the knowledge, expertise and input of those who ascribe significance to the affected properties is counter to the purpose of the National Historic Preservation Act.</p>	The program comment will be revised to address indigenous knowledge of NHOs in the review process.	Removal of project-by-project review/consultation for SHPO/THPOs
210	Ronnie N. Inagaki	Hawaii	8/3/2025	Ronnie N. Inagaki	2. State and Community Oversight Section 106 and the Program Comment emphasize consultation, but meaningful involvement is especially important in Hawai’i, where state and local laws, as well as the recent BLNR decision, play a major role. How will the Program Comment ensure that state agencies like BLNR and affected communities have a robust, ongoing role in the review and management of historic properties, especially in cases where state and federal processes intersect?	Sate and local environmental reviews under NEPA continue to occur regardless of the program comment and include cultural resources.	Removal of project-by-project review/consultation for SHPO/THPOs
211	Ronnie N. Inagaki	Hawaii	8/3/2025	Ronnie N. Inagaki	3. Coordination with State Processes The Program Comment does not replace state environmental reviews or lease requirements. What specific measures will the Army include in the Program Comment to coordinate Section 106 compliance with state-level processes, and ensure that any actions taken under the Program Comment in Hawai’i also meet state and local expectations for historic and cultural preservation?	The Program Comment is limited in scope to the NHPA.	Removal of project-by-project review/consultation for SHPO/THPOs
219	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	Consultation is one of the core principles of the Section 106 process established in the ACHP’s regulations in 36 CFR Part 800. Key participants in the Section 106 process include the federal agency, SHPOs, tribes, local governments, applicants for federal assistance/permits/licenses, and other individuals and organizations with a demonstrated interest in the undertaking, along with the public. Consultation affords these parties the opportunity to comment on undertakings that may affect historic properties in their communities. Such input is vital to guiding project planning and the decision-making process for projects that may affect significant resources.	The Army invited over 800 stakeholders to consult on the development of the Program Comment. A program comment is a method for federal agencies to meet their Section 106 obligations provided in the regulations. It is authorized pursuant to 36 CFR 800.14(e) and consultation with SHPOs, tribes, and other stakeholders is a part of the PC development process that is completed up-front and a subsequent compliance agreement is developed based on the consultation.	Removal of project-by-project review/consultation for SHPO/THPOs
220	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	The current draft Program Comment (PC) would essentially eliminate this consultation and the associated benefits, transparency, and community engagement that such a consultation process provides, consolidating all actions and decisions with the federal agency and eliminating all external checks and balances in order to circumvent the intent of the Section 106 process. MHT offers the following comments on the draft PC, primarily focused on global issues rather than the detailed specifics of included project activities.	See above response.	Removal of project-by-project review/consultation for SHPO/THPOs
232	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	Given that the PC does not require notification to SHPOs regarding the use of the PC, it would not be possible for an individual or SHPO to know that a given project has been covered under this PC. SHPOs regularly receive inquiries from concerned public, local governments, and other non-profit organizations regarding projects taking place in their communities. How would SHPOs respond to or redirect those inquires appropriately when they had never been notified of the project?	The Program Comment is being updated to ensure installations provide their respective state SHPOs the annual report on undertakings addressed under the PC. The public will be able to provide comments through the NEPA process for major actions.	Removal of project-by-project review/consultation for SHPO/THPOs
239	Kathryn Leonard	AZSHPO	8/22/2025	SHPO	This implicit rejection of Section 106 NHPA compliance responsibilities is also reflected in the proposed plan to evaluate and report the effects of individual undertakings solely through the National Environmental Policy Act (NEPA) review process. We join our SHPO colleagues in reminding the Army that NEPA review cannot replace a federal agency’s legal responsibility to provide review of Undertakings under Section 106 of the NHPA, which requires federal agencies to take into account the effects of their undertakings on historic properties - and in the case of adverse effect, consult with SHPOs/THPOs, tribes, consulting parties and the public to provide for the resolution of such effects.	The Army fully addresses Army Section 106 compliance responsibilities through the program comment. The Army understands the concern regarding the NEPA process and has removed the NEPA review component of the PC. Government to Government relationships with tribes transcend NHPA and NEPA and Army installations will continue to communicate through those and through the special consultative relationships with NHOs.	Removal of project-by-project review/consultation for SHPO/THPOs
250	Heather Gibb	IASHPO	8/22/2017	SHPO	The intention of the National Historic Preservation Act (NHPA) Section 106 process is to enable federally recognized tribes and Native Hawaiian Organizations (NHO), states, and local communities to have active roles in the process as it concerns historic properties that might be affected by federal activities. The NHPA, and its implementing regulations, created a process for dialog between the federal government and stakeholders by assigning specific roles to Federal agencies, SHPOs, THPOs, Tribes, and others. Such dialog has ensured avoidance, appropriate treatment, or mitigation of effects for countless properties. A primary purpose of the Section 106 process is to tap into the specialized, detailed knowledge, expertise, and familiarity of local communities, certified local governments, tribal partners, and SHPO staff have, leading to better outcomes for historic properties and citizens. Removing active consultation from Section 106 undertakings will eliminate local voices and result in lasting adverse effects to historic properties.	The Army invited over 800 stakeholders to consult on the development of the Program Comment. A program comment is a method for federal agencies to meet their Section 106 obligations provided in the regulations. It is authorized pursuant to 36 CFR 800.14(e) and consultation with SHPOs, tribes, and other stakeholders is a part of the PC development process that is completed up-front and a subsequent compliance agreement is developed based on the consultation.	Removal of project-by-project review/consultation for SHPO/THPOs
252	Heather Gibb	IASHPO	8/22/2019	SHPO	We also have significant concerns that the Army proposes to determine that certain historic properties are “acceptable loss(es)” without involvement from consulting parties. The Army maintains that it “is regularly subjected to overly expansive mitigation requests, or excessive numbers of mitigations for single actions, often treating active military installations as if they were tourist attractions, rather than vital components of national defense.” Military bases often do have significant historic properties with strong ties to U.S. history. They are historically very valuable properties that must be preserved. The Section 106 process is a powerful tool to ensure that those resources are maintained at a cost commensurate with the importance and historic value of the properties. Continuing to work with preservation partners to ensure that historic properties on military bases are preserved is vital to maintaining our history.	The acceptable loss language has been removed.	Removal of project-by-project review/consultation for SHPO/THPOs
253	Heather Gibb	IASHPO	8/22/2010	SHPO	Iowa’s shared identity is reflected in our historic properties, some of which are related to Army activities within the state, such as frontier forts like Fort Atkinson and National Historic Landmarks like Fort Des Moines. Providing active and meaningful consultation with federal partners on undertakings that might affect historic properties in our state is a key function for the Iowa SHPO. Based on statistics for the current and previous federal fiscal years (FFY24 and FFY25), we received 18 projects from Army affiliated programs with an average review time of 15 days. We will continue to provide meaningful and timely consultation on the undertakings submitted by the Department of the Army.	The Army appreciates that the Iowa SHPO has been responsive for those few Army assets located in Iowa. The Army has not been subject to responsive reviews nationwide and has experienced mission delays and has been in some instances required to elevate concerns with NHPA compliance to the state governor level. The Army is therefore continuing to seek this program comment.	Removal of project-by-project review/consultation for SHPO/THPOs



259	Richard Veit	SHA	8/23/2025	SHPO	<p>Section 4.2.4.1. Inventory, evaluation, determination of effect, and monitoring of historic properties. This section states that “To streamline processes, the identification, evaluation, determination of effect, and monitoring of historic properties will be implemented by Army installations and activities in lieu of project-by-project reviews and consultations required under 36 CFR 800.3 - 800.7, MOAs, PAs, AAPs for the activities and properties covered by this program comment.” This seems to suggest that no further consultation with Section 106 consulting parties will take place regarding activities covered by the program comment once it is finalized. This would contradict federal requirements for consultation with Tribal Historic Preservations Officers (THPOs), federally recognized Tribes, and Native Hawaiians organizations (NHOs) on properties of religious and cultural significance.</p> <p>This section goes on to state that “Installations may at their discretion seek non-binding technical advice from SHPO staff and others, and may seek traditional knowledge from Tribal representatives, Tribal Historic Preservation Officers (THPOs), and Native Hawaiian Organizations.” As noted above, the Army is required to consult with THPOs, federally recognized tribes, and NHOs. Consultation with SHPOs must also be required in the proposed program comment, especially in terms of resolving adverse effects (including mitigation measures) on National Register-listed and eligible archaeological sites. Below are SHA’s comments on the section of the program comment (4.2.47) dealing with mitigation measures.</p> <p>Finally, in terms of this section and also the section below on mitigation measures, the proposed program comment should be specific on the type of qualified preservation professional conducting and/or supervising the activities under the program comment; that is, a historic built environment professional needs to be the individual dealing with the built environment while an archaeologist should be conducting or supervising actions involving archaeological resources, or the qualified professional should be an individual with documented expertise in both fields. Further, these individuals should meet the Secretary of the Interior’s Professional Qualification Standards (48 Fed. Reg. 44738-39, September 29, 1983).</p>	Please review 36 CFR 800.14(e) for an understanding of how program comments are developed through consultation with SHPOs and others. The Army invited over 800 stakeholders to consult on the development of the Program Comment. A program comment is a method for federal agencies to meet their Section 106 obligations provided in the regulations. It is authorized pursuant to 36 CFR 800.14(e) and consultation with SHPOs, tribes, and other stakeholders is a part of the PC development process that is completed up-front and a subsequent compliance agreement is developed based on the consultation.	Removal of project-by-project review/consultation for SHPO/THPOs
278	Lee Anne Hewett	ALSHPO	8/22/2025	SHPO	<p>Section 2.1, Overview, fourth paragraph: Statements ignore the fact that Section 106 consultation gives a voice in the protection of historic properties to the states. In addition, please elaborate on how the Army is negatively affected by the consultation process.</p>	see response above	Removal of project-by-project review/consultation for SHPO/THPOs
302	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	<p>DHR has concerns that the broad nature of the proposed Program Comment plan will not only disempower the State Historic Preservation Officers (SHPOs) from providing meaningful consultation about the potential effects to our nation’s historic properties and suppress the public’s voice but also undermine the base commander’s ability to make decisions about how to protect our nation’s historic properties at the installation where they serve.</p>	The Army acknowledges the SHPOs role to advise and assist federal agencies with their Section 106 responsibilities, hence the consultation and comments on the development of the PC and Army’s response.	Removal of project-by-project review/consultation for SHPO/THPOs
312	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	<p>4.2.4.7 The PC does not clearly define the procedures of consultation with SHPO, Tribes, and NHOs regarding the resolution of adverse effects. 36 CFR § 800.6 states that “the agency official shall consult with the SHPO/THPO and other consulting parties, including Indian tribes and Native Hawaiian organizations, to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties.”</p>	Please review 36 CFR 800.14(e) for an understanding of how program comments operate. Per the regulation, program comments operate in lieu of 36 CFR 800.4-800.6.	Removal of project-by-project review/consultation for SHPO/THPOs
319	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	<p>The Army is the steward of our Nation’s history on the lands managed by the Army. The historic properties that may be affected by the Army’s Warfighting readiness activities do not just include buildings, structures, objects, and landscapes owned and operated by the Army. Encompassed with Army managed lands are archaeological sites representing thousands of years of American history and prehistory; buildings, structures, and landscapes built and established before the Army’s use of the land; and culturally significant landscapes, traditional cultural places, and burial spaces containing ancestral remains of federally recognized Tribes, Native Hawaiian Organizations, and other communities. The diversity of the historic properties managed by the Army and the complexities involved in considering impacts to them in Federal decision-making epitomizes the purpose and value of the National Historic Preservation Act and the intent of 36 CFR § 800. The Army’s cultural resource staff are not subject matter experts in all of the myriad of historic properties under the Army’s purview; SHPOs/THPOs and consulting parties serve a vital role in assisting the Army in their obligations to consider the effects their activities have on those properties.</p>	Please review the section on the Military landscape. The Army’s CRMs and its consultants have access to the same information as SHPOs.	Removal of project-by-project review/consultation for SHPO/THPOs
324	Chief Keith F. Anderson	Nansemond Indian Nation	8/22/2025	Tribe	<p>The Program Comment should include much more detail regarding how the Army plans to meet its tribal consultation responsibilities and how and in which circumstances Tribal Nations and SHPOs would be consulted regarding decisions made in Section 106 review processes, inadvertent discoveries, or management decisions regarding archaeological sites on installations.</p>	Consultation with SHPOs, tribes, and other stakeholders is a part of the PC development process and is completed up-front. The overarching government-to-government relationship between the Army and federally recognized Indian tribes transcends the NHPA Section 106 process. Under this program comment, the Army will continue Trust relationships with federally recognized Indian tribes, and the Army will continue to address federally recognized Indian tribes on a government-to-government basis in recognition of Tribal sovereignty. Army installations and activities in Hawaii will continue ongoing respectful consultative relationships with NHOs. Through these ongoing consultation relationships, the Army will continue to take into consideration the significance that federally recognized Indian tribes and NHOs ascribe to historic properties of traditional religious and cultural importance. The Army will expand on the parts of the program comment regarding tribal consultation.	Removal of project-by-project review/consultation for SHPO/THPOs
325	Chief Keith F. Anderson	Nansemond Indian Nation	8/22/2025	Tribe	<p>The Program Comment should be revised to retain review and comment roles for Tribal Nations, THPOs, and SHPOs given their unique knowledge about cultural resources and sacred sites across the Nation. Currently the Program Comment provides sweeping discretion to the Army, giving individual Army installation historic preservation professionals the decision-making authority for all phases of the Section 106 process – identification and evaluation of historic properties, assessment of effects, and mitigation or avoidance of adverse effects – without requiring input or concurrence from Tribal Nations, SHPOs, or other consulting parties.</p>	See above response.	Removal of project-by-project review/consultation for SHPO/THPOs
335	Amy Spong	MNSHPO	8/19/2025	SHPO	<p>While we support agency efforts to streamline Section 106 (S106) reviews, we do not support the use of the Program Comment Plan as currently proposed. It removes SHPOs, THPOs and other interested stakeholders from the consultation process, negating our role to represent the interests of the State of Minnesota and its citizens in preserving our collective cultural heritage (36 CFR 800.2(c)(1)). The comments provided below are a high-level summary of MN SHPO’s main concerns with the Program Comment Plan.</p>	acknowledged	Removal of project-by-project review/consultation for SHPO/THPOs
337	Amy Spong	MNSHPO	8/19/2025	SHPO	<p>Under S106, the federal agency and the SHPO/THPO consult about the National Register eligibility of historic properties. According to the Program Comment Plan, Army installations will make National Register determinations without any stakeholder or public input. We understand that installations may use inventory information completed under existing Cultural Resource Management Plans or other survey efforts, but passage of time, changing perceptions of significance, or incomplete prior evaluations should be considered, and the agency may need to reevaluate properties for listing in the National Register. The Program Comment Plan does not provide a means to update survey and inventory information with the SHPOs and THPOs. The Program Comment Plan also states that “Indian tribes and NHOs are encouraged to proactively identify the locations of historic properties, including those historic properties of traditional religious and cultural importance, during their consultations with Army installation representatives.” It is the federal agency’s responsibility to make sure adequate identification efforts are completed for their undertakings, not Indian tribes and NHOs.</p>	These comments will be taken into account during the development of the Program Comment and language appearing in the Program Comment Plan will be adjusted.	Removal of project-by-project review/consultation for SHPO/THPOs
370	Craig A. Potts	KYSHPO	8/21/2025	SHPO	<p>The draft plan shifts responsibility for identification, evaluation, and effects determinations entirely to Army staff or contractors, with SHPOs relegated to offering “non-binding technical advice.” This weakens the statutory consultation framework of Section 106 and reduces the role and consultation authority of SHPOs and Tribes.</p>	Please review 36 CFR 800.14(e) for an understanding of how program comments operate. Per the regulation, program comments operate in lieu of 36 CFR 800.4-800.6.	Removal of project-by-project review/consultation for SHPO/THPOs
377	Craig A. Potts	KYSHPO	8/21/2025	SHPO	<p>Section 4.2.4.7 requires SHPOs to request archaeological data recovery reports upon their completion. This undermines the ability of the SHPOs to fulfill several of their obligations under § 302303 of the NHPA.</p>	The Army will adjust this section during development of the Program Comment	Removal of project-by-project review/consultation for SHPO/THPOs
382	Laura V. Trieschmann	VTSHPO	8/25/2025	SHPO	<p>Under the rubric of “Army Warfighting Readiness and Associated Building, Structures, and Landscapes,” this program comment seeks to eliminate individual NHPA Section 106 review and associated consultation for most Army undertakings, replacing it with the public review procedures in the National Environmental Policy Act. All identification, evaluation, determination of effect, and monitoring of historic properties will be implemented by the Army with no oversight or consultation by SHPOs.</p>	Please review 36 CFR 800.14(e) for an understanding of how program comments operate. Per the regulation, program comments operate in lieu of 36 CFR 800.4-800.6.	Removal of project-by-project review/consultation for SHPO/THPOs
383	Laura V. Trieschmann	VTSHPO	8/25/2025	SHPO	<p>In contrast with the existing Army program comments that are specific to historic military housing, the current program comment request will involve a full spectrum of historic property types including individual buildings, complexes, historic districts, National Historic Landmarks, and known and as yet undocumented archaeological sites. Viewed from this perspective, the proposed Army Program Comment Plan is a thinly veiled effort to remove the NHPA Section 106 consultative process that has effectively identified and protected historic properties associated with our military heritage and other significant historic resources within our military installations.</p>	see response above	Removal of project-by-project review/consultation for SHPO/THPOs



393	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	The Connecticut State Historic Preservation Office (CTSHPO) attended a series of presentation briefings hosted by the Department of the Army (Army) and reviewed the referenced Program Comment (PC). Our office is not aware of any consultation that may have occurred as a precursor to its development. We understand from the Justification and Overview that the PC is intended to reduce workloads and facilitate the Army's mission. CTSHPO fully supports the use of a PC as an alternate method for federal agencies to customize Section 106 to a category of undertakings to reduce redundancy and efficiency. Unfortunately, the promulgated PC is not designed to streamline the process, but to bypass consultation, the cornerstone of this legislation.	Please review 36 CFR 800.14(e) for an understanding of how program comments operate. Per the regulation, program comments operate in lieu of 36 CFR 800.4-800.6.	Removal of project-by-project review/consultation for SHPO/THPOs
425	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	As further justification for its plan, the Army posits that "The current project-by-project review process mandated by Section 106 poses a significant impediment to [its] transformation and modernization efforts" (pg. 2), but offers no facts to support this claim. Rather, it cites the scale of the Army's infrastructure and a nebulous "accelerating operational tempo." Scale and tempo are not a mandate for the Army to abandon its duty to adequately consult with stakeholders as required under law. The Army's budget remains proportionate to the scale of its operations and, accordingly, it has the resources necessary to support the preservation of historic properties as intended by Congress, in a transparent and consultative manner. We respectfully suggest that any justification for a program alternative must be supported by appropriately cited data and verifiable facts that can be reviewed and evaluated by stakeholders.	In developing this program comment, the Army has identified the category of undertakings, specified the likely effects on historic properties, and identified steps it will take to ensure the effects are considered. The Army followed the special public participation and consultation procedures for program comments at 36 CFR 800.14(e) and (f). The Army held six nationwide consultation conferences with the public and interested parties where it consulted with State Historic Preservation Offices (SHPO), non-governmental preservation advocacy organizations, Native Hawaiian Organizations (NHO), and Federally recognized tribes. The Army also held two exclusive government-to-government consultations directly with Federally recognized tribes. The Army formally elicited the views of the public and interested parties through a Federal Register notification, considered all comments received, and where feasible incorporated stakeholder comments and recommendations. The Army implemented best practices in preparation of this program comment and completed all due diligence for program comments required under 36 CFR 800.	Removal of project-by-project review/consultation for SHPO/THPOs
431	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	10) The Army's proposed Program Comment is inconsistent with the stated goals and spirit of the National Historic Preservation Act. The NHPA was adopted because federal agencies were making unilateral decisions impacting our nation's historic properties without any input, consideration or exploration of alternatives. Section 1 of the National Historic Preservation Act opens with a declaration by Congress, which includes the following: "The historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people." Sustained consultation on the part of Federal agencies, no matter how vital their core mission may be, is an essential component of this purpose. SHPOs and local stakeholders possess the expertise needed to identify and protect the historical and cultural foundations unique to each state. Their active involvement is not optional; it is fundamental to the preservation process. Given the vast number of times that SHPOs and SHPO consultation are referenced in the text of the NHPA and its implementing regulations, the Army would do the Nation a great disservice by reducing their role to the extent proposed in this Program Comment in the name of efficiency.	See 36 CFR 800.14 (e) and above response.	Removal of project-by-project review/consultation for SHPO/THPOs
9	Dan Everhart	IDSHPO	8/18/2025	SHPO	Annual Reporting The PC allows only three years of annual reporting (\$5.0), after which reports are provided only once every three years. This is insufficient for a document that replaces project-by-project consultation nationwide. Detailed annual reporting for the full duration of the PC is essential to maintain accountability. Detailed annual reports—covering actions taken, resources affected, and mitigation implemented—should be required for every year for the life of the PC.	The annual reporting provision of the program comment has been revised.	Reporting
34	Allyson Brooks	WASHPO	8/20/2025	SHPO	SHPOs and THPOs should receive that annual report, not just the ACHP. There should be a local meeting by the Army installation with the SHPO and the THPOs. This assists with relationship building as well as developing creative solutions to difficult problems.	The annual reporting provision of the program comment has been revised.	Reporting
55	Jessica L. Puff	HISHPO	8/24/2025	SHPO	I have additional comments within the attached, marked-up, Program Comment Plan and DOD NEPA Implementing Procedures. However, before closing, it's important to further emphasize that the Program Comment Plan seems intent on diminishing the role consulting parties play in the national historic preservation program and ensuring that fair checks and balances are in place to hold federal agencies like the Army accountable for their responsibilities to identify, document, and preserve historic resources. Thus, the Program Comment Plan needs to be amended to require consistent annual reporting. Annual reports must be shared with SHPOs, THPOs, NHOs, and voting members of the Council. And, the advisory committee identified within the Program Comment Plan must have representation from SHPOs, THPOs, NHOs, the ACHP, NPS, National Council of State Historic Preservation Officers, and the National Trust for Historic Preservation.	The Army implemented best practices in preparation of this program comment and completed all due diligence for program comments required under 36 CFR 800. The annual reporting provision of the program comment has been revised .	Reporting
70	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	Require annual reporting and annual meetings to continue for the life of the program comment, rather than ending after three years. In light of the unprecedented scope of the program comment, annual reporting and annual meetings will be crucial to evaluating the effectiveness and addressing potential problems that may arise.	The annual reporting provision of the program comment has been revised.	Reporting
80	Amy Wyatt	WISHPO	8/24/2025	SHPO	Proposed Reporting Process The annual report schedule, which will then be replaced by a report every three years, is not enough to offset the loss of consultation and comment required in the National Historic Preservation Act (NHPA) under 36 CFR 800.3-800.7. Reporting should continue annually so that citizens, SHPOs, and THPOs will have a timely understanding of what is happening to local historic resources and how the Program Comment is being implemented. The report should include the types of projects, resources affected, and whether appropriate mitigation is being implemented to preserve historic resources while ensuring that the Army fulfills its imperative to maintain warfighting readiness.	The annual reporting provision of the program comment has been revised.	Reporting
106	Amanda Stratton	ACRA	8/24/2025	NGO	Annual Reports and Meetings. The APCP proposes that the Army provide a report on the Program Comment annually for the first three years and then once every three years. The report will "identify any significant issues that may have arisen while implementing the program comment, how those were addressed, and how they may be avoided in the future" as well as "an assessment of the overall effectiveness of the program comment." (5.0) ACRA urges the Army to require inclusion in the report a list of projects that were undertaken using the Program Comment, which will better enable the Council, stakeholders and the public to understand how it is being used and what if any historic properties were affected. Without such disclosure, there may be no way for the public to know about undertakings that could adversely affect historic properties. In addition, ACRA believes that the Army should file reports annually for the life of the Program Comment, not just in the first three years. Again, such reports may be the only way for the public to learn about specific undertakings. Learning about undertakings up to three years after they happen is not sufficient to gauge the impacts of the Program Comment. The APCP also would require the Army to "schedule a meeting with the ACHP and any other ACHP identified invitees to discuss implementation of the program comment," but only at the Council's request. ACRA strongly recommends that the Army institute a process that ensures public consultation on an annual basis, either through a meeting open to all stakeholders or other means for the public to share their feedback to the Army on the Program Comment.	The annual reporting provision of the program comment has been revised.	Reporting
141	Kiersten Faulkner	HHF	8/23/2025	NGO	11. Annual Reporting Army proposes reporting on the PC implementation via an annual report for the first three years of implementation to the ACHP for the preceding year. Thereafter, "reporting for the remaining duration of this program comment will occur once every three years through the Army's submission to the ACHP Section 3 Report to the President under Executive Order (EO) 13287 Preserve America." 18 A report required by Executive Order is unreliable; Executive Orders can and do change. The Program Comment itself needs to include all terms, conditions and requirements independently of other reports. At best, it could note that all required reports could be satisfied with a single submittal so long as the cover letter for the report explains which requirements are being satisfied with a unified document. HHF recommends: • The written report on the implementation of the agreement needs to be provided annually throughout the duration of the Program Comment. • The meeting with ACHP should include NCSHPO and State or Tribal Historic Preservation Officers who request to be involved, and any other parties at the request of ACHP, NCSHPO or a State SHPO. • These conferences should be held annually for the first five years and then biannually for the duration of the Program Comment. • At the annual conference, ACHP should make a formal determination on whether the Program Comment is achieving the policy, purpose and public benefit of the National Historic Preservation Act and whether or not the Program Comment should continue, be modified or be terminated in order to meet the NHPA aims.	The annual reporting provision of the program comment has been revised.	Reporting
155	Ira L. Matt	NATHPO	8/23/2025	NGO	Periodic Review and Reporting. The PC has indefinite duration, and limits reporting to only the ACHP; Tribes and NATHPO are excluded. Requests: Limit duration to 10 years. Require reviews at 1, 2, and 5 years. Transmit all reports directly to Indian Tribes and NATHPO. Make NATHPO a mandatory invitee to all review meetings.	The annual reporting provision of the program comment has been revised. NATHPO is a member of the Advisory Council on Historic Preservation.	Reporting

226	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	6. The PC lacks specific goals, supporting data, solid reporting, and measurable outcomes to gauge the impact of its implementation. The reporting requirements are practically nonexistent and give SHPOs and other consulting parties no information about what activities have occurred in their states, and therefore no way to evaluate or question the effectiveness of the PC beyond what the Army chooses to report. Since the PC also does not require notification to SHPOs regarding the use of the PC, this offers excessive latitude and limited accountability to the Army. We recommend making annual reporting required and setting further parameters about the report contents in order to establish appropriate oversight and accountability.	The annual reporting provision of the program comment has been revised. The installation or activity annual report will identify each undertaking and summarize efforts to identify, evaluate, assess effect, and avoid or treat adverse effects to historic properties. It will include survey data that may be requested by stakeholders to fill data gaps.	Reporting
246	Kathryn Leonard	AZSHPO	8/22/2025	SHPO	5. The plan for the proposed PC proposes a three-year cadence for distribution of the Annual Report and scheduling of the Annual Meeting. We remind the Army that a three-year cycle is not "annual." Given the broad authorities established by the proposed PC, we believe that reporting should not only occur on an annual cadence, but should include a full accounting of all undertakings- including determinations of eligibility, and finding of effects- completed under the PC within the prior year.	The PC has been updated to include installation level annual reports that will be available to SHPOs, tribes and stakeholders. The installation or activity annual report will identify each undertaking and summarize efforts to identify, evaluate, assess effect, and avoid or treat adverse effects to historic properties.	Reporting
271	Michael Sothan	NESHPO	8/25/2025	SHPO	Reporting - The PC reduces the reporting to once every three years (\$5.0). Ammal reports we feel would be more manageable and reduce long-look back periods and incomplete records impacts on the required reporting. A three-year report puts a lot of pressure on Army and SHPO staff to complete, maintain documentation for, and be responsive to public questions.	The PC has been updated to include installation level annual reports that will be available to SHPOs, tribes and stakeholders. The installation or activity annual report will identify each undertaking and summarize efforts to identify, evaluate, assess effect, and avoid or treat adverse effects to historic properties.	Reporting
356	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	Section 5.0 of the Program Comment describes the process for annual reporting and annual meetings, however, the reporting details do not include a list of what projects that Army has carried out under the Program Comment. It is impossible to adequately evaluate the effectiveness of the Program Comment without knowing how it has been utilized.	The PC has been updated to include installation level annual reports that will be available to SHPOs, tribes and stakeholders. The installation or activity annual report will identify each undertaking and summarize efforts to identify, evaluate, assess effect, and avoid or treat adverse effects to historic properties.	Reporting
390	Julianne Polanco	CASHPO	8/25/2025	SHPO	Reporting and meetings should remain annual throughout the life of the Program Comment, rather than only occurring for the first three years of implementation	Reporting has been updated to be annually through the life of the PC.	reporting
406	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	In Section 5.0, the Army uses the justification of aligning with Executive Order 13287 to furnish reporting on its historic preservation program to once every three years. The purpose of the Executive Order is very different from documenting compliance with Section 106. CTSHPO requests that demonstration of compliance continues on an annual basis. Further, we request that the Army commit to sharing its annual report with relevant SHPOs.	The PC has been updated to include installation level annual reports that will be available to SHPOs, tribes and stakeholders. The installation or activity annual report will identify each undertaking and summarize efforts to identify, evaluate, assess effect, and avoid or treat adverse effects to historic properties.	Reporting
427	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	6) The annual reporting and meeting requirements outlined in Section 5, Annual Report and Annual Meeting, (pg. 17) are not adequate for a Program Comment of this suggested scope. If the intent of the Program Comment is to cover all Army mission activities, it is insufficient for the Army to simply identify "significant issues" and provide a self-assessment of the Program Comment's effectiveness. Reports related to the many previous Army Program Comments (cited by the FPO as models for this one) have been self-congratulatory in nature, offering limited useful details. These reports are often repetitive, with content copied from earlier submissions and minimal attention paid to specificity or relevance. The goal of reporting should be to provide enough verifiable data to allow external parties to draw their own conclusions about the Program Comment's effectiveness, and for SHPOs and other stakeholders to see how the Army's activities are impacting historic properties in their respective states. The current template for Program Comment reporting falls far short of this purpose. We respectfully request that the Army revise its reporting model for this or any other Program Comment, making it a more robust tool for meaningful analysis, consistent with the Army's own high standards. Likewise, the reporting period should be commensurate with the scope of the Program Comment. To avoid a lack of transparency, this Program Comment would require robust, annual reporting for the full duration of its effect. Annual meetings should also be held for the full duration, with a broader and more representative group of stakeholders than just "the ACHP and any other ACHP-identified invitees." NCSHPO respectfully requests that the Army plan incorporate ongoing annual meetings which include NCSHPO, the National Trust for Historic Preservation, the National Association of Tribal Historic Preservation Officers (NATHPO), and all 59 State Historic Preservation Officers (representing each state, territory, freely associated state, and the District of Columbia), as well as any Tribes that may be affected by this Program Comment.	The PC has been updated to include installation level annual reports that will be available to SHPOs, tribes and stakeholders. The installation or activity annual report will identify each undertaking and summarize efforts to identify, evaluate, assess effect, and avoid or treat adverse effects to historic properties. NCSHP(O and NATHPO are members of the ACHP.	Reporting
7	Dan Everhart	IDSHPO	8/18/2025	SHPO	Centralization of Decision-Making in the Army FPO The Army Historic Properties Review Board (§4.2.4.6) and provisions allowing the FPO to override procedures for "national security considerations" (§4.2.4.11) place nearly all substantive decision-making inside the Army, without external review. This undermines the independent checks and collaborative problem-solving intended in the Section 106 process. If this Review Board moves forward, it should contain a member from the Advisory Council on Historic Preservation (ACHP) and the National Conference of State Historic Preservation Officers (NCSHPO).	Army reserves the right to make decisions relevant to national security concerns at Army installations.	Review board
29	Allyson Brooks	WASHPO	8/20/2025	SHPO	A representative of NCSHPO, NATHPO, and one independent SOI qualified expert, should be added to the Army Historic Properties Review Board.	This section has been revised in the Program Comment. Note that the HPRB is an internal Army group comprised of representatives of the Army Secretariate including the Army Federal Preservation Officer (FPO), Deputy FPO, and a representative(s) from a relevant Army command. The FPO may request ad hoc participation of other individuals as needed to obtain special expertise or diverse viewpoints. Invitation to ad hoc members that are involved will be invited based on the specific issue, geographical location, or resource type. For NHLs, ACHP and NPS will be consulted as required.	Review Board
38	Lynda S. Ozan	OKSHPO	8/21/2025	SHPO	Section 4.2.4.6 references the establishment of an internal review board. It states that the FPO may request ad hoc participation of other individuals as appropriate to obtain special expertise or other viewpoints." The OKSHPO recommends the inclusion of a SHPO representative as they also have expressed expertise in this area and, if not an actual SHPO, we would prefer someone from the cultural resource division of the base being impacted by the actions be included.	See above response.	Review Board
72	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	Add non-Army representatives to the Advisory Board, including representatives from ACHP, NPS, NCSHPO, and NATHPO.	See above response.	Review board
76	Amy Wyatt	WISHPO	8/24/2025	SHPO	Proposed Army Historic Preservation Review Board We request that the Army Historic Preservation Review Board include SHPO representation. At a minimum, this would involve a SHPO representative at every meeting, whether that is through a national representative, like the National Conference of State Historic Preservation Officers, or regional SHPO representatives.	See above response.	Review Board
105	Amanda Stratton	ACRA	8/24/2025	NGO	Historic Properties Review Board. The APCP would create a Historic Properties Review Board (HPRB) to address "historic property management issues that cannot be resolved at the installation or command levels," to be comprised of the Federal Preservation Officer (FPO), Deputy FPO, and a representative from a relevant Army command. Under the APCP, the FPO may (but is not required to) request ad hoc participation of other individuals as appropriate to obtain special expertise or other viewpoints. (4.2.4.6) ACRA urges the Army to ensure that any SHPOs under whose jurisdiction the undertaking(s) exist be included in the process to ensure their views are taken into account. This is especially critical in the case of NHLs.	See above response	Review board
153	Ira L. Matt	NATHPO	8/23/2025	NGO	Oversight and the Historic Properties Review Board. The PC plan establishes an internal Army Historic Properties Review Board (HPRB). However, no Tribal expertise is represented. Requests: Guarantee Tribal and/or NATHPO representation on the HPRB whenever HPRCS, sacred sites, TCPs, or NHLs associated with Tribes are considered. Require direct consultation with affected Tribes before any final HPRB decision. Compensate any non-federal participants.	See above response	Review board

176	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	Ninth, the membership of the proposed Army Historic Properties Review Board (HPRB) is defined as the Army Federal Preservation Officer (FPO), Deputy FPO, who would by definition be deferential to the FPO, and a representative from an Army command, who is unlikely to be a cultural resources subject matter expert. Establishing the Army FPO or HPRB as the only oversight, goes against the principle that cultural resources are the property of the citizenry of the United States, not the Army. If the draft PC moves forward as it is currently proposed, the Army should be honest and amend it to say that the FPO is the final arbiter in all matters. However, the historic properties the Army stewards may be important to states, localities, and tribes whose representatives should have a role in their oversight. Tribes and SHPOs should also have a role in the review process because they possess subject matter expertise specific to the cultural resources in their purview, be it a particular Tribe's material culture or a particular state's architectural variations. This combined expertise is beyond what an individual FPO or small internal/unqualified review board, looking at only the national perspective and the cultural resources they think they know, could possibly make up for. Therefore, for a fully transparent process, the proposed Army HPRB must include experts outside of Army personnel (i.e., NCSHPO, NATHPO, NTHP, etc.) that will not be inclined to rubber stamp directives from their superiors in the chain of command. As an example, at the national level, the Army has claimed on the one hand that recreational facilities, childcare centers, and healthcare facilities (along with barracks, rest stations, etc.) are 'not important to the mission' and therefore cannot contribute to identified historic districts. However, on the other hand, the Army asserts these buildings are important enough to invest in to "improve the quality of life for soldiers and their families." If the soldiers are the mission, as is said numerous times, the Army cannot "have its cake and eat it, too." The outside perspective is the only voice identifying this inconsistency and moving the Army to considering these buildings as contributing. In this same vein, one person alone (i.e., the ACHP Chair) should not be able to amend significant portions of the PC or expand its reach significantly.	See above response.	Review board
242	Kathryn Leonard	AZSHPO	8/22/2025	SHPO	We also offer the following detailed comments on the Proposed PC: 1. We request that the Army Historic Properties Review Board, which in the proposed PC will play a crucial role in ensuring the agency's responsible stewardship of historic properties and adherence to historic preservation laws and regulations, have standing representation from the National Conference of Historic Preservation Officers (NCSHPO,) the National Association of Tribal Historic Preservation Officers (NATHPO) as well as the ACHP. In matters of policy and for Undertakings in which elements of a National Historic Landmark are either entirely or partially located within the boundaries of the area of potential effects, we request that representation from NPS Landmarks division be present to ensure Army compliance with Section 110(f) of the NHPA as well as 36 CFR 800.6 and 800.11.	See above response	Review board
269	Michael Sothan	NESHPO	8/23/2025	SHPO	The PC mentions the Army Historic Properties Review Board (§4.2.4.6) as being able to override procedures for "national security considerations" (§4.2.4.11). While the need for this is respected. We suggest that the decision-making process has some Preservation influence to ensure a minimal level of transparency; we suggest a member be included from the Advisory Council on Historic Preservation (ACHP) and the National Conference of State Historic Preservation Officers (NCSHPO).	See above response	Review board
294	Katherine J. Marcopol	NJSHPO	8/22/2025	SHPO	Under the proposed Program Comment, unresolved issues or adverse effects would be elevated to the Army Historic Properties Review Board (HPRB). Even treatment plans for adverse effects to National Historic Landmarks would be reviewed and approved entirely within this Army-controlled structure. As proposed, the HPRB would be composed solely of Army representatives—the Federal Preservation Officer, Deputy FPO, and a designated command representative—with only discretionary authority to invite ad hoc participants. If the HPRB is established, NJHPO strongly urges that representatives from the Advisory Council on Historic Preservation (ACHP), the National Conference of State Historic Preservation Officers (NCSHPO), and the National Association of Tribal Historic Preservation Officers (NATHPO) be mandatory participants.	see above response	Review board
311	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	4.2.4.6. While we understand that Program Comments are not required to include processes for consultation with State Historic Preservation Officers, the presence of an entirely internal Army Historic Properties Review Board (HPRB), including a FPO that works directly for the Army, only have an obligation to meet mission requirements. Given the inherent conflicts of interest, an independent reviewer(s), from outside those restrictions, is necessary to be on a review board. It is unclear from the Program Comment what the process, criteria, or threshold for review by the HPRB will be. This should be clearly defined.	See above response	Review board
389	Julianne Polanco	CASHPO	8/25/2025	SHPO		see above response	Review board
402	Jonathan Kinney	CTSHPO	8/25/2025	SHPO	As noted in the National Historic Preservation Act, "the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans." Because historic resources are in the 'public interest,' it is important for the government to be transparent about its decision making. For that reason, the Army Historic Properties Review Board (Section 4.2.4.6) should include more public representation. Please add representatives from the National Conference of State Historic Preservation Officers and the National Trust for Historic Preservation as permanent members of the Board[AC1].	See above response	Review board
88	Gwenyth A. Davis	DESHPO	8/24/2025	SHPO	5. The Plan lacks appropriate mechanisms for external oversight to ensure accountability. All internal disputes regarding historic preservation matters and the review/approval of treatment plans for National Historic Landmarks would be handled by a panel whose membership (as defined thus far) consists solely of Army personnel, providing no opportunity for state, tribal, local government, or public input. In the August 21st meeting, the Army committed only to consider including other subject matter experts on a case by case basis, and gave no criteria as to when it would deem that necessary. The DE SHPO agrees with our colleagues' recommendations on this point. At minimum, the panel should have standing representatives from the National Conference of State Historic Preservation Officers (NCSHPO), the National Association of Tribal Historic Preservation Officers (NATHPO), the National Trust for Historic Preservation (National Trust), and the Advisory Council on Historic Preservation (ACHP). Further, it appears that the Program Comment would give the Chair of the ACHP unilateral power to apply the Program Comment to other DOD agencies; it is not clear if the ACHP's posting of such a decision in the Federal Register would allow for objections to be raised by affected stakeholders. The ACHP would also solely determine whether to hold a meeting to discuss the Army's annual report, and if so whom to invite to such a meeting. This approach does not provide for a transparent evaluation of the government's actions. Given the breadth and lack of end date for this proposed Program Comment, annual reporting should remain annual (not roll over to every 3 years), and must be more robust and detailed, so as to clearly document – subject to review and comment from all stakeholders – whether the Army's decision-making under the Program Comment is appropriately taking into account the effects on historic properties, as required by Section 106.	See above response. Also see respose above regarding annual reporting changes.	Review Board
13	Diana Wetling	OHSHPO	8/19/2025	SHPO	The proposed Program Comment is extremely broad, covering virtually all Army readiness activities and associated properties. Program comments are intended for defined categories of undertakings with predictable effects. A blanket substitution of case-by-case review with a single Army-wide process risks undermining the statutory intent of Section 106, which requires balancing preservation values with agency needs through consultation.	This is an interpretation - not the plain language from the regulation.	Scope
64	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	V. The National Trust will recommend to the ACHP that the scope of the program comment should be dramatically reduced. As the ACHP begins its review of the proposed program comment, we will urge the ACHP to make substantial changes to reduce the scope and applicability of the program comment and to incorporate safeguards	Acknowledged.	Scope
83	Gwenyth A. Davis	DESHPO	8/24/2025	SHPO	This and other specific areas of concern with the Plan are more fully outlined below. But in short, we share the recommendation that others have stated during the above-referenced meetings: the DE SHPO strongly urges the U.S. Army to withdraw the Program Comment Plan or significantly reduce its scope, and provide for meaningful consultation with all stakeholders on undertakings in accordance with the spirit, intent, and letter of Section 106 of the National Historic Preservation Act (Section 106) and its implementing regulations (36 CFR Part 800).	Acknowledged	Scope
84	Gwenyth A. Davis	DESHPO	8/24/2025	SHPO	1. The Program Comment would be too broad in scope, encompassing virtually any activity on lands the Army owns, manages, or leases. Functionally, the Program Comment would exempt all Army undertakings from the standard Section 106 review process which requires consultation with external stakeholders. To date, the Army has not identified a single type of undertaking that would not be covered by the Program Comment, and has provided no analysis of why all of the listed undertaking types equally "deserve" to be subject to an expedited process. In our view, this is a substantial overreach of the intent of Program Comments or other alternative review procedures allowed under Section 106 regulations. The Army proposes to conduct all reviews internally, effectively excluding SHPOs, Tribes, Native Hawaiian Organizations (NHOs), local governments, and the public from having a voice in decisions that impact historic properties within their communities. The Army cites various reasons for this approach. Meaningful consultation is a shared responsibility, and all parties must be willing to reflect on and improve their roles in that process. However, the Army should recognize that Section 106 does not prescribe a specific outcome – it requires a transparent and inclusive review process. At the core of that process is consultation with those who bring valuable knowledge, diverse perspectives, and insights that can lead to more informed and responsible outcomes.	Program Comments are not exemptions. Program comments are higher-order compliance instruments intended to address an agency-wide category of undertakings and are subject to a higher-level of approval. They offer a strategic alternative to the standard Section 106 process. NHO and Federally-recognized tribes are still involved in the internal process under the PC.	Scope



97	Amanda Stratton	ACRA	8/24/2025	NGO	We are concerned, however, that the extremely broad scope of this APCP, combined with the short timeframe in which interested parties can comment, could lead to inadvertent and unforeseen effects that fail to strike that right balance. ACRA believes it is critical for the Army to get this Program Comment right the first time in order to avoid irreversible damage to our cultural heritage in the future. Therefore, we urge the Army to consider extending the comment period.	The Army will refine the Program Comment based on comments received through consultation prior to final submission to the ACHP. Additional consultation with stakeholders will occur once the PC is submitted to the ACHP for their action.	Scope
99	Amanda Stratton	ACRA	8/24/2025	NGO	<p>• Scope. The APCP would cover a massive scope of projects across a multitude of military installations: “The category of undertaking addressed by this program comment is Army warfighting readiness activities defined as all military training, testing, equipping, and industrial activities, and management actions for modernization of all buildings, structures, and landscapes associated with those activities.” (4.1). As the APCP indicates, this includes 122,000 buildings and structures that are currently 45 years of age and older, including nearly 10,000 pre-1941 buildings and structures. The expansive scope of this APCP goes well beyond previous program comments, and the number of structures it covers dwarfs those of other Army program comments (for example, the Program Comment for the Preservation of Pre-1919 Historic Army Housing, Associated Buildings and Structures, and Landscape Features covers 867 structures, and the Program Comment for Department of the Army Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features [1963-1975] covers 7,843 structures).</p> <p>Considering that the Army’s broad national defense mission, as so well-stated in the APCP, is to “provide combat-ready military forces to deter war and protect the security of the United States,” it would be difficult to envision what Army buildings, structures and landscapes would not be associated with warfighting readiness activities, and therefore not covered by this APCP. The scope of this APCP demands that the Army ensure robust public engagement and participation in its development.</p>	The Army invited over 800 stakeholders to consult on the development of the Program Comment. In developing this program comment, the Army identified the category of undertakings, specified the likely effects on historic properties, and identified steps it will take to ensure the effects are considered. The Army followed the special public participation and consultation procedures for program comments at 36 CFR 800.14(e) and (f). The Army held six nationwide consultation conferences with the public and interested parties where it consulted with State Historic Preservation Offices (SHPO), non-governmental preservation advocacy organizations, Native Hawaiian Organizations (NHO), and Federally recognized tribes. The Army also held two exclusive government-to-government consultations directly with Federally recognized tribes. The Army formally elicited the views of the public and interested parties through a Federal Register notification, considered all comments received, and where feasible incorporated stakeholder comments and recommendations. The Army implemented best practices in preparation of this program comment and completed all due diligence for program comments required under 36 CFR 800.	Scope
124	Kiersten Faulkner	HHF	8/23/2025	NGO	<p>3. Category of Undertaking</p> <p>The regulation allowing a program comment requires that “The agency official shall identify the category of undertakings.”<sup>8</sup></p> <p>Army has defined the category as: “Army warfighting readiness activities... and management actions for modernization of all buildings, structures, and landscapes associated with those activities.”</p> <p>These properties include everything from command centers (Category 1), to missile facilities (Category 2) to laundries in barracks (Category 7). The actions include any physical activity that would affect the properties, including demolition, transfer, maintenance, renovation or new construction.</p> <p>The definition of category is so broad as to be meaningless. Army has defined it to be synonymous with the purpose and mission of the Army writ large. This is antithetical to the purpose of Program Comments.</p> <p>Historic Hawaii Foundation objects to the broad and ill-defined scope of the proposed “category.”</p>	The defined category of undertakings is valid under the regulation.	scope
162	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	First, regarding the title of the Warfighting PC, we recommend the Army describe the PC honestly: the Warfighting PC will cover all properties on an Army installation (i.e., all buildings, sites, structures, objects, districts, infrastructure, and landscapes) not already covered by existing PCs, so the title of the Warfighting PC should reflect that reality. Further, since the Warfighting PC will affect the treatment of archaeological sites on Army installations nationwide, the title of the PC should make that clear. Using the word “landscape” alone in the title appears to be intentionally misleading. This title choice can and likely has led stakeholders to question whether the Army is purposefully trying to “sneak things past” stakeholders.	Title changed to Program Comment for Army Warfighting Readiness and Associated Infrastructure	Scope
221	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	<p>1. The category of undertaking as stated in Sections 4.1 and 6.0 is too broad.</p> <p>a. Section 6.0 states, “This program comment applies to all Army warfighting readiness activities including military training, testing, equipping, and industrial activities, and all buildings, structures and landscapes associated with those activities. Covered management actions occurring on the associated buildings, structures and landscapes include maintenance, repair, rehabilitation, renovation, additions, new construction, abatement of hazardous materials, mothballing, cessation of maintenance, demolition, lease, transfer, and conveyance.” b. The use of the terms “military landscapes” and “landscape features” are so broad as to encompass “all buildings, structures, landscapes, facilities, and features therein” (see definition in Section 10.0).</p> <p>c. Appendix B indicates that buildings such as hospitals and community buildings are intended to be covered in this PC; it seems questionable whether those fall into the “readiness activities” enumerated elsewhere. This observation highlights the importance of clearly defining what is and is not covered in the PC.</p> <p>d. Section 2.1 gives a total of “over 350,000 buildings and structures” in Army management, going on to state, “Currently, 122,000 buildings and structures associated with the readiness mission are subject to Section 106 of the NHPA.” The Army already has a number of PCs and other programmatic alternatives in place which address many of its properties, so it is unclear whether the Army intends that this PC would cover every type of property and undertaking not already covered under a PC.</p>	The category of undertaking is appropriate.	Scope
222	Elizabeth Hughes	MDSHPO	8/23/2025	SHPO	<p>2. As written, the PC does not adequately address identification of historic properties or assessment of adverse effects, which are required under the Section 106 process (§800.4 - §800.5) and involves consultation with SHPOs and other consulting parties. a. Section 4.2.4.1 states, “Army installations will follow their current procedures for identification of historic properties within the area of potential effect of Army undertakings, evaluation of identified properties for eligibility for inclusion in the National Register of Historic Places (NRHP), and determination of the effect of undertakings on historic properties.” The fact that these procedures are not included in this document, were not provided for review, and may in fact change as and when the Army wishes, is highly problematic.</p> <p>b. Section 6.0 states, “If at a future date, properties previously determined not eligible for inclusion in the NRHP are reassessed and subsequently determined to be eligible for inclusion in the NRHP, NHPA Section 106 compliance for those properties shall occur by means of this program comment.” This is also problematic, as it does not amount to an actual requirement for ongoing identification or re-evaluation. c. The PC does not at all address post-1989 properties, yet it has no expiration date; therefore, there is no way for it to address the evolution of what may be considered historic, either with the passage of time, emergence of new historical themes and patterns, increased rarity, or other factors. This is one argument against making the agreement perpetual in duration.</p> <p>d. In a similar vein, it is unclear whether the Army intends to continue identification or reevaluation of potential NHLs, which should also be a requirement.</p>	See 36 CFR 800.14(e) - Program comments operate "in lieu" individual project reviews under 800.4-800.6. Inventory, evaluation, assessment of effect, and mitigation of historic properties will be consistent with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. Adjustments have been made to the program comment to address post-1989 properties.	Scope
238	Kathryn Leonard	AZSHPO	8/22/2025	SHPO	In proposing this current PC under the sweeping umbrella of “wartime readiness activities,” the Army has answered this question. Simply put, a proposal for a PC that broadly encompasses all activities associated with the Department’s mission and purpose can only be construed as the Army’s attempt to exempt itself from compliance with Section 106 of the NHPA altogether.	Disagree. A program comment is a method for federal agencies to meet their Section 106 obligations. It is authorized pursuant to 36 CFR 800.14(e) and consultation is completed up-front during a specialized consultation process and a subsequent compliance agreement is developed based on the consultation. A program comment is not an exemption.	Scope

304	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	<p>Implementation</p> <p>According to 36 CFR § 800.14(e) in regard to Program Comments, the agency request must identify the category of undertakings, specify the likely effects on historic properties, specify the steps the agency official will take to ensure that the effects are taken into account, identify the time period for which the comment is requested and summarize any views submitted by the public. Typically, Program Comments are designed for repetitive management actions or a class of similar undertakings.</p> <p>Section 4.2.3 states, “This program comment covers management actions on all buildings, structures, and landscapes associated with Army warfighting readiness activities that are currently subject to NHPA Section 106 requirements and those that may be subject to Section 106 into the future.” The U.S. Army’s mission is to “deploy, fight, and win our Nation’s wars.” So, “warfighting readiness” could apply to all undertakings, as confirmed in the briefing meetings. “Warfighting readiness” is not a clearly defined or specific undertaking class. Appendix A lists Army “activities” that fall under the umbrella of “warfighting readiness;” these activities are not clearly defined undertakings or types of undertakings. Appendix B lists the types of buildings or structures that are associated with “warfighting readiness;” these buildings and structure types are similarly not defined undertakings or types of undertakings. DHR recommends revising Section 4.2 to include a list of actions that are clearly defined as specific undertakings and/or include a list of clearly defined existing resources for which the Army intends to apply this Program Comment. The requirements under Section 106 of the NHPA are driven by undertakings and their potential effects not the presence or absence of buildings, structures, and landscapes that are “subject to NHPA Section 106 requirements.” This misinterpretation of 36 CFR § 800 and the Federal action (not property) that drives review is apparent throughout the Program Comment. Existing Army Program Comments pertain specifically to the management of existing historic buildings by type. This program comment, however, intends to encompass “activities” with potential effects beyond the fabric of existing buildings greater than 45 years of age. The inclusion of the construction of new facilities in the definition of “warfighting readiness” and the scope of the Program Comment further complicates the identification of a category of undertakings and definition of clear procedures for substituting reviews under 36 CFR § 800.3-800.7. DHR recommends excluding construction of new facilities from this Program Comment.</p> <p>Likewise, the lack of duration of the agreement does not meet the requirements in 36 CFR § 800.14(e) for the Army’s Program Comment request. A duration should be added to the Program Comment.</p>	<p>Program comments address a category of undertakings, here being warfighting readiness activities - military training, testing, equipping, and industrial activities, and management actions occurring on associated infrastructure. Army warfighting readiness activities, management actions, and associated infrastructure are further detailed in Appendix A, and are defined in the definitions section of this program comment. Associated built infrastructure is detailed in Appendix B. The Army identified the category of undertakings, specified the likely effects on historic properties, specified the steps the agency official will take to ensure that the effects are taken into account, identified the time period for which the comment is requested and summarized any views submitted by the public. There is no defined duration for program comments in 36 CFR 800.14(e)</p>	scope
322	Chief Keith F. Anderson	Nansemond Indian Nation	8/22/2025	Tribe	<p>Overall, the Nation is concerned that the broad and nonspecific nature of this Program Comment will result in the Department of Defense failing to meet its obligations to consult with federally recognized Tribal Nations; will eliminate important review and comment functions of federally-recognized Tribal Nations, Tribal Historic Preservation Officers (“THPOs”), and State Historic Preservation Officers (“SHPOs”); and will significantly limit Tribal awareness regarding Army activities that have effects on archaeological sites of significance to our Nation. The Nation is also aware that this Program Comment has caused considerable concern within preservation organizations, Tribal Nations, and SHPOs, and requests that the Army revise this Program Comment in consideration of the feedback it is receiving and conduct additional consultation before finalizing the comment.</p>	<p>The program comment was revised to clarify that government to government relationships with Federally-recognized tribes transcend the NHPA and will be maintained and enhanced. Additional tribal consultation will occur when the program comment is submitted to the ACHP.</p>	scope
344	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	<p>The scope of the Program Comment, as described in Section 4.1, appears to be essentially any activity that the Army undertakes. It is worth quoting the definition used in this section, that Army warfighting readiness activities include, “all military training, testing, equipping, and industrial activities, and management actions for modernization of all buildings, structures, and landscapes associated with those activities.” Short of actually engaging a foe, this appears to request a blanket exemption from Section 106 for any day-to-day activity that the Army may undertake. By including “all buildings, structures, and landscapes associated” there seems to be no project or resource type to which the Program Comment would not apply.</p>	<p>The category of undertakings is defined in Appendix A of the PC. A program comment is a method for federal agencies to meet their Section 106 obligations provided in the regulations. It is authorized pursuant to 36 CFR 800.14(e) and consultation is completed up-front during a specialized consultation process and a subsequent compliance agreement is developed based on the consultation.</p>	scope
349	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	<p>The Program Comment references the ACHP-approved program comments for historic Army housing, and these were mentioned many times in the consultation meetings as examples of how this new Program Comment will be utilized. There is, however, at least one significant difference: the existing program comments all are for resources with the same use – housing – while this Program Comment is for a wide variety of resource types. It is not an equivalent comparison.</p>	<p>Other Army PCs do specifically address historic housing but also incorporate support structures, landscapes, and archaeological sites. This program comment acknowledges that historic Army housing and mission associated infrastructure were planned and developed in a coordinated manner during the same time periods. Under this program comment, they are now treated in the same manner for Section 106 compliance.</p>	scope
375	Craig A. Potts	KYSHPO	8/21/2025	SHPO	<p>7. By extending coverage to more than 122,000 buildings and structures, the draft’s proposed streamlined approach risks incremental and widespread losses of historic character. Without external oversight, these cumulative impacts may go undocumented and unmitigated.</p>	<p>ACHP provides external oversight for all program comments and may unilaterally withdraw any program comment.</p>	scope
381	Laura V. Trieschmann	VTSHPO	8/25/2025	SHPO	<p>As indicated in 36 CFR 800.149.(e) and associated ACHP guidance, a program comment is intended to address “a category of undertakings” or “class of undertakings” to reduce “repetitive management actions affecting large inventory of similar types of historic properties.” The Army Program Comment Plan is in direct contradiction of the intent of the program comment alternative because it is too broad in scope, with application across all types of undertakings and the wide range of potential effects to disparate categories of historic properties.</p>	<p>The scope is appropriate for a program comment.</p>	scope
419	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	<p>1) The plan does not adequately address the regulatory requirements for program comments found in 36 CFR 800.14(e)(1). The agency official shall identify the category of undertakings, specify the likely effects on historic properties, specify the steps the agency official will take to ensure that the effects are taken into account, identify the time period for which the comment is requested and summarize any views submitted by the public.</p>	<p>In developing this program comment, the Army has identified the category of undertakings, specified the likely effects on historic properties, and identified steps it will take to ensure the effects are considered. The Army followed the special public participation and consultation procedures for program comments at 36 CFR 800.14(e) and (f). The Army held six nationwide consultation conferences with the public and interested parties where it consulted with State Historic Preservation Offices (SHPO), non-governmental preservation advocacy organizations, Native Hawaiian Organizations (NHO), and Federally recognized tribes. The Army also held two exclusive government-to-government consultations directly with Federally recognized tribes. The Army formally elicited the views of the public and interested parties through a Federal Register notification, considered all comments received, and where feasible incorporated stakeholder comments and recommendations. The Army implemented best practices in preparation of this program comment and completed all due diligence for program comments required under 36 CFR 800.</p>	scope
422	Erik M. Hein	NCSHPO (not North Carolina)	8/22/2025	NGO	<p>NCSHPO respectfully requests that the Army schedule additional consultation when it is fully prepared to do so, in keeping with these requirements, as cited below: a) Participation appropriate to the subject matter and scope: By failing to adequately address the basic information required by 36 CFR 800.14(e)(1), the Army has rendered meaningful public participation impossible. Although the Army hosted six consultation meetings, these sessions offered little beyond the reading aloud of text copied from the Program Comment plan and provided minimal additional clarity. As a result, stakeholders were effectively blocked from being able to engage in the “substantive dialogue” the Army claimed to seek. For participation to have occurred appropriate to the subject matter and scope, the scope itself would first need to have been clearly defined and thoroughly explained; ideally, before the Army had committed to a flawed foundational concept. Consultation should have begun at the earliest stages of decision-making, including a discussion of whether a Program Comment was even the appropriate program alternative to satisfy the Army’s goals. This approach would have better aligned with ACHP guidance and more fully satisfied regulatory requirements.</p>	<p>see response above</p>	scope
113	Kiersten Faulkner	HHF	8/23/2025	NGO	<p>Historic Hawaii Foundation believes that the scope of the “Army Warfighting Readiness and Associated Buildings, Structures, and Landscapes” exceeds the parameters of §800.14(e). The regulation requires the identification of a “category of undertakings.” The Army Program Comment does not identify a discernable category of undertaking and so is beyond the authorities established. Instead, the substance of the Program Comment appears to be functioning as an Exemption (§800.14(c)), which may only be used when the potential effects of the undertakings within the program or category upon historic properties are likely to be minimal or not adverse. The Program Comment therefore fails to comply with either standard, as a category of undertaking (§ 800.14(e) or minimal/not adverse (§800.14(c)).</p>	<p>The category of undertakings is defined in Appendix A of the PC. A program comment is a method for federal agencies to meet their Section 106 obligations provided in the regulations. It is authorized pursuant to 36 CFR 800.14(e) and consultation is completed up-front during a specialized consultation process and a subsequent compliance agreement is developed based on the consultation.</p>	scope
116	Kiersten Faulkner	HHF	8/23/2025	NGO	<p>Historic Hawaii Foundation is deeply alarmed that the broad scope, blanket exemptions and lack of external review that is contemplated by the Program Comment undermines the policy and public benefit for which NHPA was established. The overly broad scope of the category of activities and procedures in the Program Comment as proposed actually subverts the intention of the enabling statute rather than furthers its fundamental purpose.</p>	<p>The category of undertakings is defined in Appendix A of the PC. A program comment is a method for federal agencies to meet their Section 106 obligations provided in the regulations. It is authorized pursuant to 36 CFR 800.14(e) and consultation is completed up-front during a specialized consultation process and a subsequent program comment is developed based on the consultation.</p>	scope

60	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	<p>We hereby offer the following specific comments:</p> <p>I.</p> <p>The scope of the program comment is overbroad.</p> <p>The scope of the proposed program comment would encompass all Army undertakings and all of the Army's historic resources. This is inconsistent with 36 C.F.R. § 800.14(e), which requires that program comments apply to a "category" of undertakings. Past program comments, including the Army's, have always addressed specific categories of resources and/or undertakings where repetitive preservation and management issues merited alterations to streamline the standard Section 106 compliance process. The proposed program comment does not follow that precedent and instead requests that the Army be completely exempted from all future consultation under the NHPA regardless of the category or nature of the undertaking. This is beyond the authorities established in 36 C.F.R. § 800.14(e).</p> <p>Given its all-encompassing scope and non-consideration of any specific "category", the proposed program comment is both practically and legally a de facto exemption from the NHPA, rather than a program comment. Exemptions to the NHPA are provided for in 54 U.S.C. § 304108(c), and require more stringent considerations than program comments, such as "the magnitude of the exempted undertaking" and "the likelihood of impairment of historic property." Those criteria have not been considered here. In any event, there has never been an exemption (or a program comment) granted to an agency with the expansive scope that the Army now requests.</p> <p>The proposed program comment would also empower the Chairman of the ACHP to unilaterally "extend its applicability to the other military departments of the Department of Defense," without a vote by ACHP members. Program Comment Plan, 9.1, Pg. 19. The scope of the proposed program comment thus not only encompasses all of the Army's activities and historic resources, but also potentially those of the Navy, Marine Corps, Air Force, and all other Department of Defense ("DoD") military departments. This breathtaking scope is far beyond a "category" of resources or undertakings and instead would include hundreds of thousands of dramatically different historic resources. This proposed provision also violates the plain language of 36 C.F.R. § 800.14(e), which states that an agency official may "request the Council" to issue a program comment, and does not empower the Chairman to unilaterally establish or extend program comments. These aspects of the program comment are inappropriate and inconsistent with the legal requirements of the NHPA.</p>	<p>The Army acknowledges the NTHP's opposition to the categories of undertakings outlined in Appendix A but does not agree that this is beyond the scope of 36 CFR 800.14(e). The ACHP in fact requested that the Program Comment be expanded to all other Military Depts when the Program Comment was initially proposed and the Army included this language to be responsive to their initial request. Similar categories of historic properties exist between all the MilDepts as evidenced by the development and approval of several DoD-wide Program Comments that cover all the MilDepts. The ACHP chairman is appointed by the President and Senate approved. The chair is charged with continuing oversight of the execution of policies and to act on behalf of the Membership (ACHP Operating Procedures). This authority would be provided for subject to the vote on the Program Comment by the full Membership.</p>	<p>Scope of the PC / extension to other services</p>
15	Diana Welling	OHSPO	8/19/2025	SHPO	<p>The draft also frames the Army as a "victim" of delays caused by SHPOs and Tribes, rather than acknowledging shared responsibilities under the NHPA. This framing is condescending, risks eroding trust, and is inconsistent with the cooperative intent of Section 106. Here in Ohio we pride ourselves on being responsive to our federal partners and meeting 30 day deadlines for 97% of the 5,000 projects we review annually under Section 106.</p>	<p>The Army acknowledges this comment and appreciates that the Ohio SHPO has been responsive in OH. The Army has not been subject to responsive reviews nationwide and has experienced mission delays and has been in some instances required to elevate concerns with NHPA compliance to the state governor level.</p>	<p>SHPO opinions on their purpose and or performance</p>
23	Allyson Brooks	WASHPO	8/20/2025	SHPO	<p>Insulting SHPOs in the document is highly unnecessary and counterproductive to maintaining good relationships between federal and state governments. The Army can make their case without diminishing the work of their counterparts in state government. We do not view our relationship with the Army as adversarial, and we do not operate in a vacuum. The SHPO plays a key role in representing the citizens of the state in which the Army installation is located. We are also a key locus of technical and historic knowledge of the local community that affords the installation insights they would not otherwise have. The SHPO-Army installation relationship should be strengthened not weakened.</p>	<p>The Army acknowledges this comment but non-concurs. No SHPOs have been "insulted."</p>	<p>SHPO opinions on their purpose and or performance</p>
24	Allyson Brooks	WASHPO	8/20/2025	SHPO	<p>We object to the insinuation that SHPOs take too long to respond. The WASHPO generally responds to undertakings within one business week. If a project needs a more immediate response, we have always prioritized the military needs as requested. We have a decades long track record of timely responses to both installation and the public.</p>	<p>The Army acknowledges this comment and appreciates that the Washington SHPO believes they have been responsive to the Army for those installations located in WA. The Army has not been subject to responsive reviews nationwide and has experienced mission delays and has been in some instances required to elevate concerns with NHPA compliance to the governor level.</p>	<p>SHPO opinions on their purpose and or performance</p>
27	Allyson Brooks	WASHPO	8/20/2025	SHPO	<p>We see our role as balancing war and military readiness with the preservation of our nation's tangible and incredibly significant military history. Since the United States v. Gettysburg Elec. Ry. Co.   160 U.S. 668 case in 1896, Americans have viewed the Army as a key leader in the protection and preservation of our shared history. Our work in historic preservation respects and honors our military past and present. Preserving significant buildings is a means of acknowledging the hard-fought battles of our veterans and should be viewed as an opportunity rather than a hindrance.</p>	<p>Acknowledged.</p>	<p>SHPO opinions on their purpose and or performance</p>
30	Allyson Brooks	WASHPO	8/20/2025	SHPO	<p>SHPOs should be able to review treatment plans within a reasonable time. We are in position to assist as opposed to hinder.</p>	<p>The Army acknowledges the SHPOs role to advise and assist federal agencies with their preservation responsibilities, hence the consultation on the development of the Program Comment. The program comment will reserve the flexibility to bring in ad hoc participation of other individuals as needed to obtain special expertise or diverse viewpoints.</p>	<p>SHPO opinions on their purpose and or performance</p>
49	Jessica L. Puff	HISHPO	8/24/2025	SHPO	<p>The Army has consistently claimed and blamed State Historic Preservation Offices for the time it takes for the Army to complete their Section 106 consultations and has consistently praised their own historic preservation efforts. This is grossly inappropriate and insulting. As a reminder, it was the Army who chose to violate the Native American Graves Protection and Repatriation Act at PTA and Makua. It has been the Army who has failed to accurately identify historic properties and make affects assessments that the Hawaii SHPO can concur with. It is the Army who has refused to take into account comments they receive from the Hawaii State Historic Preservation Division (SHPD), NHOs, OHA, and consulting parties in Hawaii that have held up Section 106 consultation. And, it is the Army who has submitted unacceptable surveys and reports. All of which have held up the Army's Section 106 consultation and evidencing why the regulations require agencies make a "good faith effort" to consult. We raise these issues not for the sake of argument, but to remind the Army that perspective can easily change based upon your position and the view your position affords you. Therefore, such sentiments are best left out of documents, such as program alternatives.</p>	<p>The Army acknowledges this comment but non-concurs. The Army has not been subject to responsive reviews nationwide which has resulted in mission delays and has been in some instances required to elevate concerns with NHPA compliance to the governor level.</p>	<p>SHPO opinions on their purpose and or performance</p>
167	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	<p>Fourth, consultation with SHPOs as part of S.106 is imperative so that more localized concerns regarding historic properties can be taken into account and a federal agency fully considers what impacts the demolition of an architecturally unique bank, designed specifically for use by the military community, during a construction expansion as the population increased on the installation would have. In Georgia, we enjoy both a collegial and congenial working relationship with the cultural resources staff at various installations. Over the years and through consultation on both simple and complex projects, we have forged a mutual trust and have worked through challenges together in good faith. In particular, the use of existing Army tools for expediting and streamlining has furthered this relationship and allowed meaningful consultation to proceed. The GA SHPO provides timely responses when projects are submitted for our review, many times well before the end of a typical 30-day review period and SHPO staff are also available to, and often accessed by, Army staff for technical assistance on a regular basis. While this positive working relationship does not guarantee total agreement of all parties on all points at all times, our mutual respect for one another provides us space to agree to disagree without damaging our working relationships, and while thoroughly and accurately accounting for historic resources and project impacts. In our experience the approach to consultation need not default to an adversarial engagement.</p>	<p>The relationship appears to be ready to move to this next program comment level.</p>	<p>SHPO opinions on their purpose and or performance</p>



241	Kathryn Leonard	AZSHPO	8/22/2025	SHPO	<p>The Army proposes the need for a Warfighting Readiness PC on that basis that “current NHPA Section 106 project-by-project review process for historic preservation is unsustainable due to the Army's huge infrastructure, accelerating operational tempo, and decreasing State Historic Preservation Office (SHPO) review capacities.” We would like the Army to clarify, or minimally qualify, this statement. Although our state of federal funding for the activities of the Arizona SHPO is precarious, our office has not experienced a reduction in force, and within the last two years, has actually expanded our review capacity through execution of cost recovery agreements with other federal agencies. In fact, according to our records, since January of 2020, the Arizona SHPO has engaged in 98 consultations (2 in active review) with the Army on requests for concurrence with documentation adequacy, determinations of NRHP eligibility, determinations of effect, or some combination of the three. Our average response time over this five-year period is 19.6 calendar days, well within the statutory mandated 30-day review period. We encourage the Army to make careful examination of the internal business practices of its individual installation’s cultural resources programs, who frequently take months to respond to requests for additional documentation, consultation meetings, and execution of agreement documents identified by the Army as critical-paths for project planning.</p>	<p>Army will add additional information regarding the Militray Landscape context into the program comment. This program comment implements the concept of the military landscape as the nationwide context for warfighting readiness activities and associated infrastructure. Each Army installation in its entirety is a military landscape. The military landscape is a holistic, all-encompassing concept composed of two primary components present on installations: built infrastructure and natural infrastructure, collectively referred to in this program comment as associated infrastructure. The military landscape context recognizes that each Army installation constitutes a continuously evolving historic military landscape. Army military landscapes are defined by ongoing infrastructure change and modification in response to the changing demands of the Army's statutory warfighting readiness mission. Consequently, the changes and new features that emerge from ongoing military readiness actions are not incidental alterations but intrinsic character-defining elements essential to the military landscape's ongoing historical narrative.. The project-by-project, step-by-step review process delays, modifies, and may halt the full implementation of Army warfighting readiness activities and mission-critical infrastructure development. This directly impacts the defining features and characteristics that contribute to the historical significance of the military landscape. In essence, the standard Section 106 project review process itself compromises and diminishes the integrity of these evolving, living historic landscapes by hindering the ongoing historical processes that continue to shape them. Army has numerous examples of process delays. SHPO "average response times" are skewed by many no effect determinations. The statistic regarding turnaround for adverse effect actions from project consultation initiation to completion of MOA//PA would be less misleading.</p>	<p>SHPO opinions on their purpose and or performance</p>
290	Katherine J. Marcopol	NJSHPO	8/22/2025	SHPO	<p>SHPOs serve a vital consulting role in the Section 106 process. They represent the interests of their states’ residents, providing essential statewide and local context that federal agencies alone cannot replicate. This ensures that national, state, and community-level historic values are fully considered. Without SHPO participation, the Section 106 process loses its collaborative nature and its grounding in local expertise and public accountability. SHPOs do not have veto power over federal undertakings, nor can they arbitrarily delay or block projects. Their function is to advise and provide expertise on how federal actions may affect historic properties, and in most cases, this role is fulfilled efficiently and without controversy.</p>	<p>The Army acknowledges the SHPOs role to advise and assist federal agencies with their preservation responsibilities, hence the consultation for this program comment invited all SHPOs and NCSHPO to participate in its development. Army CRMs have access to the same information as SHPOs, and are often more knowledgeable regarding the Army histoirc properties on their installations. The nationwide approach in this program comment enhances state and local level histoires by identifying their appropriate nationwide context and placing those state and local histories within that national perspective.</p>	<p>SHPO opinions on their purpose and or performance</p>
291	Katherine J. Marcopol	NJSHPO	8/22/2025	SHPO	<p>There is ample evidence that efficiency in the Section 106 process can be achieved through coordination and targeted investment. For example, at Picatinny Arsenal in New Jersey, the Army has successfully implemented Army Alternative Procedures (AAP) that allow the installation to conduct Section 106 review more efficiently while still addressing installation-specific preservation needs. If the Army considers the current AAP recertification process burdensome, the NJHPO would be willing to discuss limiting recertification to major revisions. Similar collaborative strategies could be adapted on a broader, state-specific scale, such as through the execution of Prototype Programmatic Agreements in states where the volume or complexity of undertakings warrants such support. When delays do occur, they are usually the result of insufficient staffing or internal processing challenges—issues that should be addressed administratively rather than through sweeping regulatory exemptions.</p>	<p>Acknowledged and the Army appreciates your offices willingness to improve Army processes. The Army has experienced mission delays and has been in some instances required to elevate concerns with NHPA compliance. The Army has implemented every type of program alternative offered in 36 CFR 800 and finds program comments as the best at scale solution for Army's mission.</p>	<p>SHPO opinions on their purpose and or performance</p>
297	Katherine J. Marcopol	NJSHPO	8/22/2025	SHPO	<p>There is no evidence that Section 106 review has impeded the Army's ability to carry out its mission. On the contrary, the process has repeatedly shown itself to be adaptable when approached in good faith by all parties involved. Mechanisms already exist within the current framework—such as programmatic agreements, AAPs, and emergency procedures—to streamline reviews when appropriate.</p>	<p>see above response</p>	<p>SHPO opinions on their purpose and or performance</p>
372	Craig A. Potts	KYSHPO	8/21/2025	SHPO	<p>4. The draft permits widespread substitution of historic materials with modern alternatives whenever “economic or technical feasibility” is cited. While feasibility is an appropriate consideration, the language as written risks making cost the primary determinant in preservation decisions.</p>	<p>See the SOI Standards for Treatment of Historic Properties 36 CFR 68.3: "The standards will be applied taking into consideration the economic and technical feasibility of each project."</p>	<p>substitute materials</p>
68	Elizabeth S. Merritt	NTHP	8/24/2025	NGO	<p>Eliminate from the scope of the program comment the transfer and conveyance of properties out of the Army's ownership and control. The conveyance of unneeded property out of Army ownership is not sufficiently related to the program comment's stated purpose of ensuring warfighting readiness. There is no reason why these conveyances should not be developed through Section 106 consultation.</p>	<p>Transfer and conveyance of properties supports the warfighting readiness mission.</p>	<p>Transfer and conveyance of properties</p>
178	Jennifer Flood, MHP, LEED Green Associate	GASHPO	8/23/2025	SHPO	<p>Eleventh, the Warfighting PC does not include language that would support the many claims the Army has made during “consultation” webinars. For example, the Army claims they are good stewards and do successful preservation, yet the Army does not indicate in the any of its PCs that it will apply appropriate legal protections when property is transferred out of federal oversight. The Army claims that its intent is to avoid adverse effects to National Historic Landmarks (NHL), yet mitigation for impacts to NHLs is included in the PC and it is merely “standard” mitigation measures - NHLs deserve better. The Army claims that they will bring appropriate parties to the table for consultation on mitigation when needed yet does not specifically mention including the National Park Service (NPS), the administrator of HABS/HAER/HALS documentation programs, at a minimum even though NPS determines what level of HABS/HAER/HALS documentation is appropriate for a given property. The Army claims they do successful preservation, but then says they will not do additional mitigation when additional adverse effects are determined. The mitigation should be commensurate to the adverse effect, and as such, while duplicative is not needed, additional creative mitigation should still be done.</p>	<p>Appropriate mitigation will occur for property transfers. The NHL section has been updated to include consultation with the ACHP and NPS. Feedback received from them may be incorporated into the treatment plans for NHLs. Creative mitigations are provided for under Compensatory Mitigation.</p>	<p>transfer and conveyance of properties</p>
308	Julie V. Langan, Director	VASHPO	8/22/2025	SHPO	<p>Comments on cited Program Comment (PC) sections 4.2.4.1 (c) “Inventory, evaluation, and mitigation of historic properties will consider the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, and any state- specific standards.” How can state-specific standards be applied without SHPO consultation when our guidelines entail coordination with our office, even if done apart from the Section 106 project review division (Review and Compliance Division)?</p>	<p>State guidelines are generally provided for the respective office's website. For example, State of Virginia guidelines for conducting archeological investivatons are at <a href="https://www.dhr.virginia.gov/pdf_files/Guidelines_For_Conducting_Archaeological_Survey_in_VA_June2009.pdf">https://www.dhr.virginia.gov/pdf_files/Guidelines_For_Conducting_Archaeological_Survey_in_VA_June2009.pdf</a> . These state standards supplement the SOI standards and are implemented by professionals without need for consultation on a project by project basis.</p>	
354	Jeffrey D. Emidy	RISHPO	8/22/2025	SHPO	<p>Section 4.2.4.4 of the Program Comment lists four approved program comments for buildings of the Cold War era, then concludes that management actions on all Cold War era resources have been adequately addressed by existing documentation and are therefore not subject to the historic properties management procedures described in the Program Comment. The four types of resources covered in the approved program comments cannot represent every type of Cold War era building, structure, and landscape, so the blanket statement is simply not appropriate.</p>	<p>The documentation for Cold War resources is extensive and not simply limited to the housing program comments. A 244-page annotated Cold War bibliography at <a href="https://www.denix.osd.mil/army-pcwr/">https://www.denix.osd.mil/army-pcwr/</a> contains extensive references documenting Army and DoD-wide Cold War era historic properties. Also see: National Historic Context for Department of Defense Installations, 1790-1940, Volumes I-4. DoD Legacy Resource Management Program Project 92-0075 (1995); Military Training Lands Historic Context, USACERL, 2010; World War II Temporary Military Buildings, USACERL Technical Report CRC-93/01,1993; World War II and the U.S. Army Mobilization Program: A History of 700 and 800 Series Cantonment Program, Legacy Resources Management Program, USACERL; Army Ammunition Production During the Cold War (1946-1989) , US Army Environmental Command, 2009; Army Ammunition and Explosives Storage in the United States: 1775-1945, US Army Corps of Engineers, 2000; Unaccompanied Personnel Housing During the Cold War 1946-1989, US Army Environmental Center, 2003; Historic Context for DoD Facilities WWII permanent Construction, US Army Corps of Engineers, Baltimore District, 1997; Historic Context for DoD Facilities World War II Permanent Construction, US Army Corps of Engineers, Baltimore District, 1997; California Historic Military Buildings and Structures Inventory, US Army Corps of Engineers, Sacramento District, 2000; A Historic Context for the African American Military Experience, USACERL, 1998; Army historic contexts at <a href="https://aec.army.mil/Conservation/CulturalResource-Technical-Documents/">https://aec.army.mil/Conservation/CulturalResource-Technical-Documents/</a>.</p>	