



AMERICA'S ARMY

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***Program Comment for
Vietnam War Era Historic Army Housing
(1963-1975): Applicability, Implementation,
Effect, and Duration***

**25 May 2022
Stakeholder Consultation Briefing**



**PROGRAM COMMENT FOR ARMY VIETNAM WAR ERA
HISTORIC HOUSING, ASSOCIATED BUILDINGS AND STRUCTURES,
AND LANDSCAPE FEATURES***

BRIEFING AGENDA FOR 25 MAY 2022:

- INTRODUCTION
- PROGRAM COMMENT APPLICABILITY
- PUBLIC COMMENT ON IMPLEMENTATION OF THE PROGRAM COMMENT
- PROGRAM COMMENT IMPLEMENTATION
- PROGRAM COMMENT EFFECT AND DURATION
- BACK-UP INFORMATION

*Additional information on Department of the Army Historic Preservation and Cultural Resources, and the *Army Cultural Resources Story Map*: <https://www.denix.osd.mil/army-cr/home/>

*Additional information on the Program Comment for Vietnam War Era Historic Army Housing: <https://www.denix.osd.mil/Army-vwehh-pc.>



INTRODUCTION

- The language for Applicability, Implementation, and Effect And Duration proposed in the Program Comment Plan for Vietnam Era Historic Army Housing (1963-1975) is based on the precedent set for those actions by the ACHP membership in their approval and issuance of the Program Comment for Army Inter-War Era Housing (1919-1940).



PROGRAM COMMENT APPLICABILITY

- The proposed Program Comment would apply to all privatized and non-privatized Army Vietnam War era housing, associated buildings and structures, and landscape features.
- There are no Army Vietnam War era historic housing, associated buildings and structures, and landscape features that have been determined to be National Historic Landmarks (NHL), or that are believed to qualify for NHL designation.
- Exceptions to applicability of the proposed Program Comment:
 - The proposed Program Comment would not apply to Vietnam War era housing at Fort Meade MD. The historic housing at Fort Meade is subject to a Deed of Easement dated 27 March 2003, between Mead Communities LLC and the Maryland Historical Trust. The Fort Meade Deed of Easement will continue to operate in accordance with applicable state and local laws. The Fort Meade has the only Army historic housing subject to a Deed of Easement.
 - The proposed Program Comment would not apply to Vietnam War Era housing that was 50 years old or older at the time of a prior NRHP evaluation at the installation level, was evaluated under National Register evaluation criteria 36 CFR 60.4(a)-(d) and determined to be not eligible for the NRHP with SHPO concurrence. As such, the Program Comment will not apply to those properties since no further NHPA compliance requirements apply to those properties. **There are no know situations of this instance.**
 - The proposed Program Comment would not apply when management actions may cause damage, physical destruction, or change in the physical features of all or any part of the following: NRHP eligible archeological sites and properties of traditional religious and cultural importance to Federally-recognized Indian tribes or Native Hawaiian Organizations; human remains and cultural items including funerary objects, sacred objects, and objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act; and Indian Sacred Sites as defined in Executive Order 13007.



PUBLIC COMMENT ON IMPLEMENTATION OF THE PROGRAM COMMENT

- The Army initiated public participation, in accordance with 36 CFR 800.14(e)(2), in its development of the Program Comment by publication of a Notice of Intent (NOA) in the Federal Register on 15 November 2021.
- The Federal Register NOA (86 FR 63003) informed the public of the Army's intention to seek a Program Comment for Vietnam War Era housing from the ACHP and provided a draft Army Program Comment Plan, dated 8 November 2021, for a 30-day public review and comment period.
- Some public commenters indicated that they believe the Program Comment should not be implemented in a manner that voids existing installation-level NHPA Section 106 agreements.
- The Final Program Comment Plan addresses the effect of the Program Comment on existing Section 106 agreement documents in Section XII, Implementation of the Program Comment, and it is further discussed herein.



PROGRAM COMMENT IMPLEMENTATION

- To clarify Program Comment implementation in general as established by the ACHP, all existing Section 106 agreements remain in place, none are not voided or canceled by Program Comments.
- Program Comment requirements simply stand in place of the requirements in existing agreements for the specific historic properties that are subject to the Program Comment.
- All existing agreements remain in effect and all other undertakings, property types, and requirements addressed in existing agreements remain under the terms of those agreements
- The Army's approach to implementation of the proposed Program Comment for Vietnam War era housing is based on this established ACHP precedent, the language is virtually identical to the implementation statement approved and adopted by the ACHP in the Army's Program Comment for Inter-War Era housing.
- This implementation statement was established after ACHP Office of General Council review of the statement for the Program Comment for Army Inter-War Era housing.
- The statement is in accordance with the effect of Program Comments as stated in 36 CFR 800.14(e), and the ACHP's Program Comment guidance.



PROGRAM COMMENT IMPLEMENTATION (cont.)

- The proposed Program Comment would be implemented at all Army installations with privatized and non-privatized Vietnam War era housing, in consideration of relevant specific exceptions to its applicability.
- The Army would implement the proposed Program Comment in lieu of conducting individual project reviews under 36 CFR 800.4 - 800.6.
- The Program Comment would supersede and replace requirements for Army Vietnam War era housing, associated buildings and structures, and landscape features in Army Programmatic Agreements (PAs) and Memoranda of Agreement (MOAs).
- The Army would implement the proposed Program Comment in lieu of PA or MOA requirements and procedures previously applicable to Army Vietnam War Era housing, associated buildings and structures, and landscape features.



PROGRAM COMMENT IMPLEMENTATION (cont.)

- The Army would not implement any further historic property identification, evaluation, documentation, or mitigation efforts in connection with the management actions covered by the proposed Program Comment, other than those that are specified in the Program Comment.
 - The Army's Vietnam War era housing is adequately identified, evaluated, and documented by existing information and by information that will be developed under the Program Comment mitigation measures.
 - Army Vietnam War era housing areas are the equivalent of urban / suburban housing development tracts in the civilian sector. As such, there is significant prior ground disturbance in Vietnam War era housing areas resulting from the construction the housing including overall grading of the entire neighborhood development sites, housing construction, construction of associated buildings and structures, road and sidewalk construction, installation of above and below ground utilities, landscaping, construction of recreational structures, and subsequent ground disturbing actions that have occurred after the original construction.
 - Such areas of extensive ground disturbance associated with housing tract development are generally considered to have a low probability for the presence of NRHP eligible archeological properties, and no further efforts to identify archeological properties within Vietnam War era neighborhoods will be conducted in connection with the implementation of Program Comment management actions other than those specified in the Program Comment as follows:
 - If any currently known NRHP eligible archeological properties in Vietnam War era neighborhoods are adversely affected by Program Comment management actions, those effects will be addressed following the procedures in 36 CFR 800.4 - 800.7, or by following procedures in an applicable installation Programmatic Agreement. The unanticipated discovery of NRHP eligible archeological properties or human remains during the implementation of management actions for Vietnam War era housing will be addressed following the procedures in 36 CFR 800.4 - 800.7, or by following procedures in an applicable installation Programmatic Agreement, and / or by following the compliance procedures of the Native American Graves Protection and Repatriation Act, as appropriate.



PROGRAM COMMENT EFFECT AND DURATION

EFFECT

- The effect of the Program Comment is to provide the Army compliance with the NHPA 54 USC 306108 (Section 106) for the repetitive management actions occurring on this large inventory of similar property types by means of the alternative program procedures under 36 CFR 800.14(e), in lieu of conducting individual project reviews under 36 CFR 800.4 through 800.6.
- By following to the terms of the proposed Program Comment, the Army meets its responsibilities for compliance with Section 106 for management actions associated with Vietnam War era housing, associated buildings and structures, and landscape features.

DURATION

- As stated in 36 CFR 800.1, one of the primary purposes of the Section 106 process is to accommodate historic preservation concerns with the needs of Federal agencies. Historic preservation concerns are often most effectively addressed when they are integrated and synchronized with the needs of ongoing Federal agency business management processes.
- Over 99% of Army's Vietnam War era housing is privatized. The Army's Program Comment Plan for Army Vietnam War era housing proposes the Program Comment remain in effect through 2055 to integrate and synchronize the Program Comment with the ongoing business management process in place for this privatized Army housing.
- The proposed effective period through 2055 synchronizes with the term of the ground leases executed between the Army and the Army's privatized housing partners under our housing privatization program.



PROGRAM COMMENT EFFECT AND DURATION (cont.)

- The proposed 2055 duration for the Program Comment for Vietnam War era housing is also based on the precedent set by the ACHP membership in their approval of the Program Comment for Army Inter-War era housing.
- The ACHP membership approved the same term (through 2055) for the Program Comment for Army Inter-War era housing for the same reason, to synchronize with the term of the existing ground leases for that privatized housing and integrate Section 106 with the business management requirements for the housing. Upon termination of the ground lease, ownership of all privatized housing and improvements located within the boundaries of the ground lease is automatically conveyed back to the Army.
- The Program Comment is proposed to remain in effect through 2055 unless, prior to that time, the Army determines that such comments are no longer needed and notifies the ACHP in writing, or the ACHP withdraws the Program Comment in accordance with 36 CFR 800.14(e)(6).
- The ACHP has the existing unilateral authority provided by 36 CFR 800.14(e)(6) to withdraw Program Comments at any time, and that authority can be used to address any concerns that may arise during Program Comment implementation.
- Following such withdrawal, the Army would be required to comply with Section 106 through the process in 36 CFR 800.4 - 800.7, or an applicable program alternative under 36 CFR 800.14, for each individual undertaking formerly covered by this Program Comment.



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Program Comment for Vietnam War Era Historic Army Housing



BACK-UP INFORMATION



GOAL AND OBJECTIVE OF THE PROGRAM COMMENT

- GOAL:

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

- OBJECTIVE:

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

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



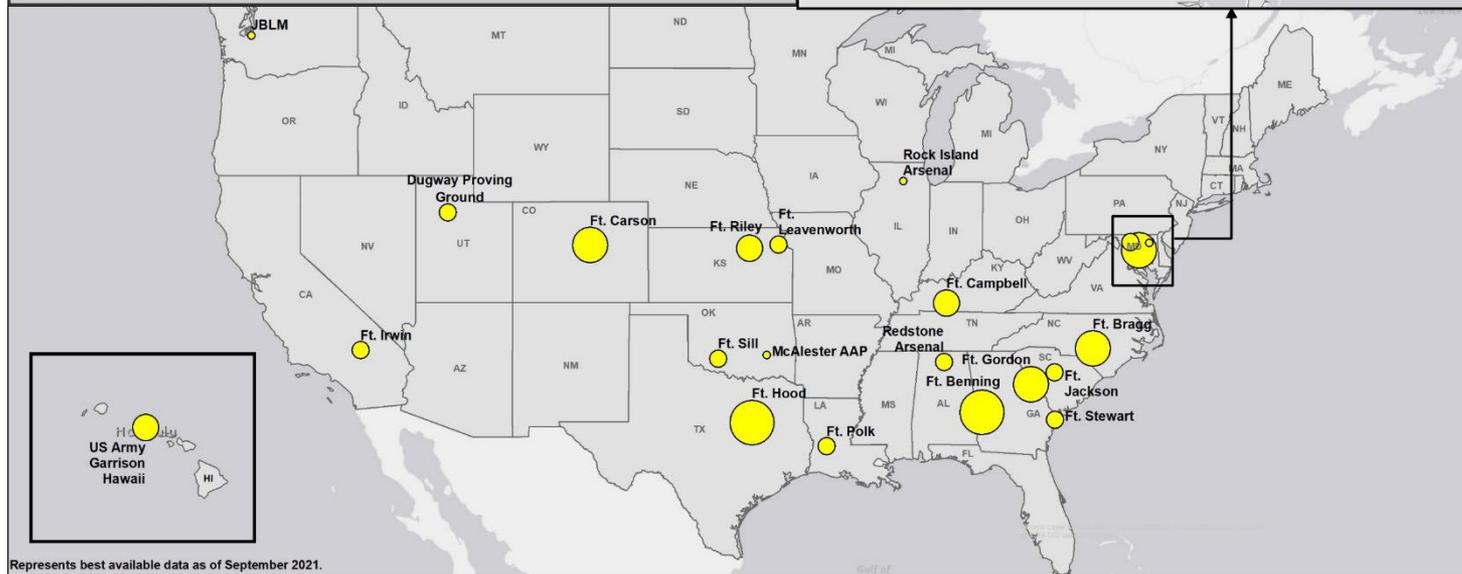
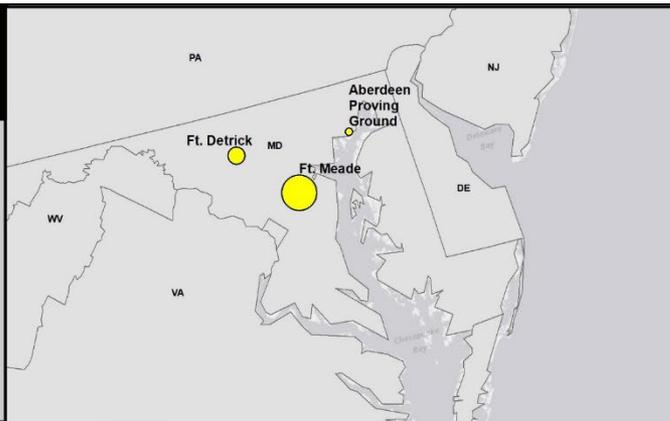
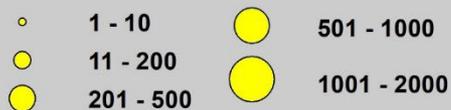
ARMY VIETNAM WAR ERA HOUSING PROPERTY TYPE DISTRIBUTION

Army Vietnam War Era Housing Property Type Distribution

Period VII

1963-1975: Vietnam War Era Housing – 7,519 Units

Number of Period VII Housing Units Per Installation



Installation	Housing unit Numbers
Fort Hood TX	1832
Fort Benning GA	1292
Fort Carson CO	839
Fort Gordon GA	740
Fort Meade MD	675
Fort Bragg NC	615
USAG-Hawaii HI	256
Fort Campbell KY	230
Fort Riley KS	211
Fort Sill OK	199
Fort Polk LA	182
Fort Irwin CA	120
Fort Jackson SC	119
Fort Leavenworth KS	44
Fort Detrick MD	40
Dugway Proving Ground UT	39
Fort Stewart GA	38
Redstone Arsenal AL	18
Joint Base Lewis	
McChord (JBLM) WA	10
Rock Island Arsenal IL	10
McAlester Army Ammunition Plant OK	6
Aberdeen Proving Ground MD	4
Total	7,519

Represents best available data as of September 2021.



PROGRAM COMMENT DEVELOPMENT PROCESS

