



May 6, 2024

Reid Nelson  
Executive Director  
Advisory Council on Historic Preservation  
401 F Street NW, Room 308  
Washington, DC 20001

**Re: Proposed Program Comment Plan for the Preservation of Pre-1919 Historic Army Housing, Associated Buildings and Structures, and Landscape Features**

Dear Reid,

The National Conference of State Historic Preservation Officers (NCSHPO) submits the following comments in reference to the proposed Program Comment for the Preservation of Pre-1919 Historic Army Housing, Associated Buildings and Structures, and Landscape Features. These comments have already been shared numerous times throughout the consultation process, however, we feel they bear repeating as the written comment deadline is upon us.

1. The majority of the resources covered by this Program Comment are National Historic Landmarks (NHLs). NHLs require a higher standard of care. The only thing this Program Comment does in this regard, as opposed to the Program Comments adopted for other Army housing types, is that it does not include demolition. That, in our view, does not constitute a higher standard of care.
2. SHPOS have been clear throughout this process about their wish to consult on the selection of materials – particularly in this case since we are talking about NHLs. This is, after all, their function and right as outlined under the National Historic Preservation Act (NHPA). The primary purpose of this Program Comment is so eliminate any consultation with SHPOs, over their objection, as an efficiency measure. It is one thing if a program alternative is developed through consultation where SHPOS agree to forego consultation on certain types of undertakings – it is another when an agency ignores their desire to consult and instead tries to force a program alternative that deliberately takes them out of the equation.
3. The premise of the Program Comment is that substitute materials are in compliance with the Secretary’s Standards. As with anything involved with interpreting the Standards, in some cases this is true – and in others it is not. This is precisely why SHPOs want to consult. Allowing an agency to simply decide on their own, without any consultation with SHPOS (or THPOs), and over their objection, is contrary to the NHPA.
4. The reason for this agreement that has been presented by the Army is needed cost savings. While in some cases that is no doubt true, by the Army’s own demonstration, the excessive costs shown for the renovation of this housing type frequently originates from their own choices and, in the case of privatized housing partners, deliberate and long-standing neglect. In some cases the wishes of Army Cultural Resource staff frequently exceed what SHPOs would be willing to accept or recommend and, consequently feed a narrative of overly

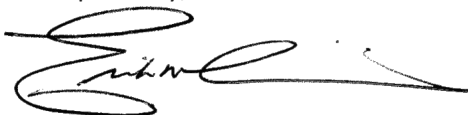
- conservative SHPO interpretation of standards. Costs are further exacerbated by the use of the Army Corps as contractor – which seems to generate project costs far exceeding what the tax paying public experiences. Further, decisions demonstrated at Fort McNair involving the enclosure and reconstruction of sleeping porches in a flood plain, basement flood proofing, and sprinklers are not issues that this Program Comment will address. Therefore, the underlying problem of “excessive costs” will still exist.
5. The Program Comment supposes that the remedy for disagreements over the selection of materials and their subsequent compliance with the Secretary’s Standards (ultimately leading to the effect finding) is to just pre-settle the question – that substitute materials, used at the Army’s own discretion, with no consultation, even for NHL’s is acceptable. It takes this a step further and unilaterally determines that the effects are not adverse. This assertion is a substantial overreach and is simply false.
  6. We think this Program Comment is another example of using too blunt of an instrument – leading to yet another dangerous precedent to follow for other federally owned properties.

Additionally, we wish to note our support for the letters submitted by individual SHPOs that have extensive experience with consultation with the Army and who have provided detailed and articulate comments outlining their opposition.

Overall, we believe the passage of yet another Program Comment over serious objections raised by SHPOs and other Council members is a bad precedent. While it may provide some short-term appearance of relief, it will not only undermine the entire Section 106 process, it will continue to erode confidence and trust in the Advisory Council and have more wide-reaching effects than I think many are willing to acknowledge.

Thank you for considering our comments.

Respectfully,

A handwritten signature in black ink, appearing to read "Erik M. Hein". The signature is fluid and cursive, with a large initial "E" and "H".

Erik M. Hein  
Executive Director