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**U.S. Department of Veterans Affairs**  
**Proposed Nationwide Programmatic Agreement for Major Leasing Program**  
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Date	Method	Organization / Person	Comment	Response
10/01/2024	In meeting	Ohio SHPO	Ohio SHPO recommended inclusion of an inadvertent discoveries clause in the agreement, especially in cases of Build-to-Suit Lease Actions.	See Stipulation VIII of the revised draft.
10/01/2024	In meeting	Ohio SHPO	Ohio SHPO asked what VA meant by “notification.”	See Stipulation V – VII and Attachment C of the revised draft.
10/01/2024	In meeting	Maryland SHPO	Maryland SHPO thanked VA for the details provided on the webpage and in the presentation. The Maryland SHPO is supportive of program alternatives when well-defined. The Maryland SHPO looks forward to reviewing the drafts and anticipates submitting comments and suggestions.	VA appreciates the feedback and looks forward to input from the Maryland SHPO.
10/01/2024	In meeting	Maryland SHPO	Maryland SHPO asked what VA would do when using a Build-Out Lease Action in a building more than 50 years of age.	See Stipulation V – VII of the revised draft.
10/01/2024	In meeting	Montana SHPO	Montana SHPO thanked VA for hosting the meeting. MT SHPO appreciated the explicit information.	VA appreciates the feedback and looks forward to input from the Montana SHPO.
10/01/2024	In meeting	Montana SHPO	Montana SHPO asked how VA would determine effects to TCPs	See Stipulation V – VII of the revised draft.

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			without speaking with Tribes in Build-to-Suit Lease Actions.	
10/01/2024	In meeting	Indiana SHPO	Indiana SHPO appreciated the thorough information provided by VA.	VA appreciates the feedback and looks forward to input from the Indiana SHPO.
10/01/2024	In meeting	Indiana SHPO	Indiana SHPO asked how SHPO offices would receive copies of archaeological record checks or results of surveys in Build-to-Suit Lease actions.	VA responded in the meeting that it typically conducts a Phase I archaeological survey in advance of construction and/or development. VA also supplies such information to SHPOs and other parties.  See Stipulation V – VII and Attachment C of the revised draft.
10/01/2024	Via email	National Conference of State Historic Preservation Officers	NCSHPO recommended that VA continue to focus on clarity and not to “hesitate to repeat key points or annotate the draft to provide added explanations of intent.”	VA appreciates the guidance of the NCSHPO.
10/01/2024	Via email	National Conference of State Historic Preservation Officers	NCSHPO asked if VA would post the slideshow [presentation] on its webpage.	VA posted the slideshow to the <a href="#">VA HPO website</a> following the meeting.
10/02/2024	In meeting	Choctaw Nation	The Choctaw Nation asked, “The VA complex in Talihina, OK recently closed. Does the VA have thoughts of returning and reusing it since the Veterans in this area	VA responded that the facility in Talihina was a State Veterans Home, not a VA facility.

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			are expanding according to the map you showed?"	The Choctaw Nation responded, "Thank you for that clarification. In that case, we have a vacant facility you may be interested in."
<b>10/02/2024</b>	In meeting	Choctaw Nation	The Choctaw Nation asked what notification would entail.	See Stipulation V – VII and Attachment C of the revised draft.
<b>10/02/2024</b>	In meeting	Gun Lake Tribe	The Gun Lake Tribe asked "Who would be the main signatories on the nPA? Are there other highlights from the SHPO meeting you can share with us now?"	<p>VA responded that it reached out to NCSHPO, NATHPO, federally recognized Tribes and Native Hawaiian Organizations, Native Alaskan organizations, ACHP, and others. VA is aware that not all Tribes and NHOs are members of NATHPO. NATHPO and NCSHPO would be signatories also the ACHP. VA will review procedures for allowing Tribes that are not members of NATHPO to sign.</p> <p>The ACHP added, "The programmatic agreement shall take effect when executed by the Council, the agency official and the appropriate SHPOs/THPOs when the programmatic agreement concerns a specific region or the president of NCSHPO when NCSHPO has participated in consultation. A programmatic agreement shall take effect on tribal lands only when the THPO, Indian tribe or a designated representative of the tribe is a signatory to the agreement. (36 CFR 800.14(b)(2))."</p> <p>See the title of the revised draft.</p>

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10/07/2024	In meeting	North Carolina SHPO	<p>The NC SHPO noted its good working relationship with VA over the past several years. NC SHPO asked about Build-Out Lease Actions. Many historic buildings are available in the state that may work for leases such as mid-century schools. These types of Lease Actions give the NC SHPO the most “heartburn” with regard to historic properties.</p>	<p>VA responded that fewer Build-Out Leases have been selected [than other Lease Actions]. VA ORP looks at several different criteria, not just historic status. If a building meets the criteria and is offered, VA will consider it. VA addresses these renovations through Section 106. VA HPO would like to see more Build-Outs including those in historic buildings.</p>
10/07/2024	In meeting	North Carolina SHPO	<p>The NC SHPO noted the proposed nPA seems reasonable. The NC SHPO asked: What are the proposed processes for notifications and determinations? Would there be discussions with SHPOs and Tribes?</p> <p>The NC SHPO noted a need for an exchange of information prior to making a determination especially in the case of Build-to-Suit and Build-Out Lease Actions.</p>	<p>VA responded that the agency requires SOI qualified staff to review all proposed leases. VA is looking to identify historic properties through research early in the process to avoid such properties. VA would reach out to SHPOs and/or Tribes, perhaps informally, as needed. Of VA’s past few decades of lease actions, only one had the potential to affect historic properties. As historic properties tend to not fit the programmatic needs of our medical requirements, and it was problematic. VA executed a programmatic agreement for various potential sites, with that site included. However, a different property was ultimately selected. Therefore, VA is open to reporting.</p> <p>See Stipulation V – VII and Attachment C of the revised draft.</p>

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10/15/2024	Via letter	Catawba Indian Nation	The Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. However, the Catawba are to be notified if Native American artifacts and / or human remains are located during the ground disturbance phase of this project.	VA thanks the Catawba Indian Nation for the information.  See Stipulation V – VII and Attachment C of the revised draft regarding notification and Stipulation II for the process for Tribal execution.
10/09/2024	Via letter	Colorado SHPO	Colorado SHPO noted “note two potentially significant issues in the Consultation Plan:  (1) Section 110(k) of the National Historic Preservation Act takes a strong stance against those who “with intent to avoid the requirements of Section 106, has intentionally significantly adversely affected a historic property” in advance of a federally-funded or permitted activity (see also 36.CFR.800.9(c)(1)). Although Section 110(k) violations are not common, we encourage the VA to	See the Whereas Clauses and Stipulation V – VII and Attachment C of the revised draft.

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			<p>include a mechanism for monitoring Move-In Ready Lease Actions to ensure that the landlord has not intentionally damaged or destroyed historic features/properties in order to complete the lease without Section 106 review.</p> <p>(2) Regarding Build-Out Lease Actions, we are generally in concurrence with the statements provided in the Consultation Plan for non-historic buildings. However, we are concerned by the statement that in the case of historic buildings, “VA would allow time for review and objections, rather than seeking concurrence.” We do not support this position. It has the potential to reduce the Section 106 process from a process of mutual respect and cooperation to one where one party (the VA) holds all of the power, and the remaining parties are reduced to functionaries whose comments may be disregarded at the discretion of the federal agency. We respect</p>	

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			<p>that the VA may have the best of intentions here; however, in our experience, agreements constructed upon these lines inevitably devolve into an exercise in meaningless box-checking, with the agency only seeking 'comment' to show that it did so.</p> <p>We further note that the difference between true consultation and "review and objections" is most keenly felt by Tribal Historic Preservation Offices. As sovereign nations THPOs hold the right to be consulted with on a government-to-government basis, rather than being asked to provide comments.</p> <p>Finally, although the VA will not own the buildings it leases under this Program comment, it retains by nature of being a large federal agency the power to demand concessions from its potential landlords. We strongly believe that making the protection of</p>	

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			cultural and archaeological resources a requirement of any lease should be a priority for the VA.”	
<b>10/30/2024</b>	Via letter	ACHP	<p>(1) This effort to develop an integrated Section 106 review process of major leasing acquisition, design, and construction is supported by the ACHP.</p> <p>As a general matter, the ACHP concurs that a Nationwide PA is an appropriate strategy for VA to address its Section 106 compliance for these types of activities.</p> <p>(2) VA should review comments received during this consultation period and determine if the proposed Section 106 process or programmatic allowances should be adjusted. During the consultation meetings, some parties raised questions regarding the identification effort for the proposed Build-to-Suit leasing activities, specifically how VA expected to identify traditional</p>	See the revised draft for incorporation of ACHP comments.

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			<p>cultural places without consultation. The ACHP encourages VA to consider options for consulting with Indian Tribes and other parties in the acquisition-phase of a Build-to-Suit leasing activity, given the potential for these activities to adversely affect historic properties.</p> <p>(3) The ACHP suggests VA consider refining the process by which it will notify parties of these decisions based on the types of historic properties that may be encountered, as well as taking into account state-specific survey and reporting standards.</p> <p>(4) Once VA reviews and considers written comments on this proposal, providing a draft agreement for signatories to review, and potentially discuss at an upcoming meeting, would be an appropriate next step in the process.</p>	
<b>10/31/2024</b>	Via letter	Alaska SHPO	(1) Our office has found that there are too many reasons	See Stipulation V – VII of the revised draft.

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			<p>for properties to have been previously determined not eligible for the National Register of Historic Places to include a general exemption from consultation. We recommend that properties evaluated under Criteria Consideration G be reevaluated if once consideration is no longer applicable.</p> <p>(2) Build-to-Suit project do have the potential to adversely affect previously unknown archaeological sites. We recommend that these projects include preliminary survey to reduce inadvertent discoveries.</p> <p>Furthermore, we recommend that protocols for inadvertent discoveries and the discovery of human remains be further developed to provide appropriate guidance.</p>	

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11/01/2024	Via email	Rincon Band of Luiseno Indians	The Rincon Band requested a Word copy of the draft nPA.	VA responded on 11/04/2024 with a copy of the draft outline in Word. VA distributed the draft to all parties in December 2024 and January 2025.
11/01/2024	Via email	Georgia SHPO	The Georgia SHPO provided specific comments on the outline.	VA thanks the Georgia SHPO for its comments.
12/19/2024	Via email	Gun Lake Tribe	The Gun Lake Tribe requested an extension due to the office closure.	VA granted the extension as requested.
12/19/2024	Via email	Pueblo de San Ildefonso	The Pueblo de San Ildefonso declined to participate in this consultation effort.	VA respects the decision of the Pueblo de San Ildefonso.
12/19/2024	Via email	Navajo Nation	The Navajo Nation declined to participate in this consultation effort but asked to be kept informed.	VA respects the decision of the Navajo Nation.
12/19/2024	Via email	ACHP	The ACHP received the draft nPA.	The ACHP sent formal comments on the draft document in February 2025. Those comments are noted below.
12/19/2024	Via email	OHCRA	The OHCRA received the draft nPA.	The OHCRA did not submit additional correspondence nor comments on the draft document.
01/15/2025	Via letter	Alabama SHPO	Alter definition of “disturbed soils” to – “Soils mechanically disturbed to the depth of the proposed undertaking. These soils	As this agreement is nationwide in scope, VA intends to discuss this matter in the second round of consultation meetings.

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			are unlikely to possess intact and/or distinct soil horizons and have little potential to retain historic properties within their original depositional contexts. This definition does not include agricultural plowing, which typically does not reach depths to preclude the presence of intact cultural resources.”	
<b>01/15/2025</b>	Via letter	Alabama SHPO	Alter definition of “historic” to follow the definition of “historic property” found in 36 CFR 800.	VA considered the comment. See Stipulation I.h of the revised draft.
<b>01/17/2025</b>	Via email	Georgia SHPO	The GA SHPO provided in-text edits on the draft nPA.	VA considered the comments. See Attachment A, Stipulation I, and Stipulation VI with Attachment C of the revised draft.
<b>01/23/2025</b>	Via email	Ohio SHPO	1. In lines 181-183 it reads as if the VA is only going to consult under 36 CFR 800 if the leased space is greater than 25 acres or 225, 000 gross square feet. This is awfully large. Is the intent that for anything above that the VA will consult, and anything below that the VA is going to use the PA? Is there a consultation flow chart that might help us understand this?	1. The proposed nPA would not apply to projects that large. Such undertakings would be addressed through a “standard” Section 106 process. 2. The proposed buffer is specific only to utility corridors and extends to both sides of the line. See text edits to clarify in Stipulation VI.a.i.1-2. 3. A draft of the Historic Properties Form is included in the revised draft as Attachment C.

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			<p>2. In lines 308-309, and 380 the agreement mentions only using a 2-foot buffer for ground disturbance locations. This might need to be a bit more dependent on the site conditions.</p> <p>3. We would like to see the Notification Form and would like to no more about what information it contains.</p>	
<b>01/24/2025</b>	Via email	Montana SHPO	The MT SHPO provided in-text edits on the draft nPA.	VA considered the comments. See Stipulation I and Stipulation VI of the revised draft.
<b>01/29/2025</b>	Via email	Kansas SHPO	The KS SHPO reviewed the draft and had no comments.	VA appreciates the KS SHPO's review.
<b>01/31/2025</b>	Via letter	Delaware SHPO	<ol style="list-style-type: none"> <li>1. The DE SHPO requested a draft of the notification form.</li> <li>2. The DE SHPO asked for clarification about "disturbed soils."</li> <li>3. The DE SHPO recommended that VA coordinate with the respective SHPO prior to archaeological survey.</li> <li>4. The DE SHPO requested clarification on the acreage and square footages used to determine applicability of the nPA.</li> </ol>	<ol style="list-style-type: none"> <li>1. A copy of the draft Historic Properties Form is included in Attachment C of the revised draft.</li> <li>2. As this agreement is nationwide in scope, VA intends to discuss this matter in the second round of consultation meetings.</li> <li>3. VA considered the comment. See the requirements of the Historic Properties Form in Attachment C and Stipulation VI.a of the revised draft.</li> <li>4. VA has specific design criteria based on anticipated patient loads and functions. VA reviewed recent clinic undertakings and determined that 25 acres/225,000 GSF was</li> </ol>

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			<ol style="list-style-type: none"> <li>5. The DE SHPO recommended using “Limits of Disturbance” rather than a buffer of 24 inches for utility corridors.</li> <li>6. In Stipulation IV.d.ii.2., the DE SHPO recommended adjusting the language to “If, after a good faith effort to avoid or minimize adverse effects, VA determines rehabilitation is not feasible while still meeting the goals of the specific leasing undertaking, VA shall consult pursuant to 36 CFR § 800.6 to resolve adverse effects.”</li> </ol>	<p>at the high end for clinic construction and operation. These limits are consistent with the associated NEPA analysis and anticipated impacts.</p> <ol style="list-style-type: none"> <li>5. The proposed buffer is specific only to utility corridors and extends to both sides of the line. See text edits to clarify in Stipulation VI.a.i.1-2.</li> <li>6. VA considered the comment. See Stipulation V.f of the revised draft.</li> </ol>
<b>01/31/2025</b>	Via email	Mississippi SHPO	<ol style="list-style-type: none"> <li>1. The MS SHPO noted that SHPOs would not be able to draw attention to the significance of a building less than 40 years of age if Build-Out leases were exempted from further review (Stipulation VI.d.iii).</li> <li>2. The MS SHPO requested clarification on the term “previously disturbed” soils.</li> </ol>	<ol style="list-style-type: none"> <li>1. VA considered the comment. See Stipulation VI of the revised draft.</li> <li>2. As this agreement is nationwide in scope, VA intends to discuss this matter in the second round of consultation meetings.</li> </ol>
<b>01/31/2025</b>	Via email	Iowa SHPO	The Iowa SHPO provided in-text edits on the revised draft nPA.	VA considered the comments. See the revised document.

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				<ul style="list-style-type: none"> <li>• Formatting and organization - VA is following the guidance provided by the ACHP concerning all formatting and organization.</li> <li>• Clauses, page 2 - The NHPA and NEPA processes regarding VA's Major Leasing Program are independent, but are coordinated in the interests of transparency and efficiency as recommended by 36 CFR § 8008.(a).</li> <li>• Stipulation II.g – As stated in the Round 1 meetings, VA has chosen to exclude larger construction projects from the procedures of the nPA. Among other issues, such large projects often require infrastructure improvements with potential for adverse effects to historic properties outside the parcel boundaries.</li> <li>• Stipulation VI.c – “Interior footprint of leased space” is used, rather than “interior of building,” because VA has successfully utilized one unit in a larger building (i.e., one storefront in a strip mall) for clinic space.</li> <li>• Stipulation VIII - Timeframes are established by 36 CFR § 800.12.</li> <li>• Stipulation IX.b - VA feels that meeting every other year is sufficient given the</li> </ul>

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				<p>bi-annual written reporting required by the nPA. As to the format of the meeting, VA would make the decision in order to best accommodate broad participation.</p> <ul style="list-style-type: none"> <li>Stipulation X - VA would order broad transparency among the Signatories concerning Disputes; Signatories may choose not to read the contents of a dispute at their discretion. This Stipulation is open to all disputes.</li> </ul>
<b>02/03/2025</b>	Via email	Arizona SHPO	The AZ SHPO provided in-text edits on the draft nPA.	<p>VA considered the comments. See the Whereas Clauses, Stipulation VI, and the Attachments of the revised draft.</p> <ul style="list-style-type: none"> <li>Re size - VA has specific design criteria based on anticipated patient loads and functions. VA reviewed recent clinic undertakings and determined that 25 acres/225,000 GSF was at the high end for clinic construction and operation. These limits are consistent with the associated NEPA analysis and anticipated impacts.</li> </ul>
<b>02/11/2025</b>	Via letter	Fort Independence Indian Reservation	The FIIR provided cultural considerations for Build-to-Suit	VA considered the comments provided. See Stipulation VI of the revised draft.

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			lease actions when consulting with the FIIR.	
<b>02/19/2025</b>	Via letter	ACHP	The ACHP provided in-text edits on the draft nPA.	VA considered the comments. See the revised draft.
<b>06/05/2025</b>	Via email	New York SHPO	The NY SHPO commended VA on the clarity and focus of the comment matrix on the revised draft nPA and stated its intent to later provide comments on the revised draft nPA.	VA thanks the NY SHPO for their participation and will consider comments on the revised draft nPA, once received.
<b>06/11/2025</b>	Via email	Illinois SHPO	The IL SHPO responded to the revised draft nPA and stated the agency had no comments.	VA thanks the IL SHPO for their consideration and ongoing participation in the consultation process.
<b>06/13/2024</b>	Via email	Yavapai-Apache Nation	The Yavapai-Apache Nation stated that it had “no concerns in regards to this agreement” [the revised draft nPA].	VA thanks the Yavapai-Apache Nation for their consideration and ongoing participation in the consultation process.
<b>06/16/2025</b>	In meeting	Arizona SHPO	The AZ SHPO asked why the NATHPO was not a Signatory.	VA stated that the NATHPO has been a significant and active participant in the consultation process. NATHPO does not represent all Tribes and did not request to become a Signatory. The revised draft nPA allows for individual Tribes to become Signatories if they choose. If the Tribes decline, VA would follow standard Section 106 procedures for undertakings on Tribal lands.

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06/17/2025	In meeting	Peoria Tribe of Indians	The Peoria Tribe stated that VA was looking for universal language for “disturbed soils,” but Tribes have specific concerns about soils and disturbance.	VA confirmed that it is looking to keep the text broad because this is a nationwide agreement but is willing to consider suggested text.
06/18/2024	Via email	Yavapai-Apache Nation	The Yavapai-Apache Nation stated that it had “no concerns in regards to this agreement” [the revised draft nPA].	VA thanks the Yavapai-Apache Nation for their consideration and ongoing participation in the consultation process.
06/23/2025	Via email	Modoc Nation	<p>1. Tribal Consultation Must Be Mandatory and Meaningful (Attachment C)</p> <p>Attachment C (Historic Properties Form) outlines a form-driven process for identifying historic properties. However, a form is not consultation. While we understand the need to streamline data collection, tribal nations must be contacted early and directly regarding all viable parcels before any site selection or effects determination. We request that language be added explicitly stating:</p>	<p>VA responded to the Modoc Nation via email on July 2, 2025.</p> <p>1. VA concurs that robust consultation leads to better outcomes. While the form does offer efficiencies in data collection, it is not the sole means of information. Stipulations VI and VII of the revised draft nPA require VA to submit information to consulting parties, including Tribes, and the public at multiple points in the consultation process. This exchange is logged into the form (draft Attachment C). The statements the Modoc Nation recommended are included in the revised draft nPA. VA will amend the draft Attachment C to note the 30-day review period.</p>

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			<ul style="list-style-type: none"> <li>• Consultation with THPOs is required prior to VA’s adverse effect determination</li> <li>• Tribes must be given a minimum review period (e.g., 30 days) to provide input</li> <li>• Oral histories and tribal knowledge are treated as valid sources of historic property identification</li> </ul> <p>2. Ground Disturbance and Disturbed Soils Language Is Inadequate (Presentation &amp; Attachment C)</p> <p>Current definitions of "disturbed soils" and "ground disturbance" do not account for tribal perspectives or the possibility that cultural materials may remain buried beneath previously developed sites, such as parking lots or sidewalks.</p> <p>We urge the VA to:</p> <ul style="list-style-type: none"> <li>• Require a qualified tribal cultural monitor for any project involving soil disturbance</li> </ul>	<p>2. As noted in the presentation, the definitions of “ground disturbance” and “disturbed soils” remains in draft. VA welcomes specific text recommendations you wish to submit. VA recognizes that information about soils and previous development is a crucial part of the consultation process; the opportunity to exchange such information is included in Stipulations VI and VII of the revised draft nPA.</p> <p>VA would not require a qualified tribal monitor in all cases but would consider tribal and/or archaeological monitoring warranted within the boundaries of known archaeological sites or areas identified as high potential by Native American tribes and/or SHPOs.</p> <p>3. VA committed to a submission of proposed leases to all Signatories and affected Tribes, Native Hawaiian organizations, SHPOs, and Certified Local Governments in Stipulation V of the revised draft nPA. Tribal review is included in the proposed Stipulation VI and documented in the draft form (Attachment C). VA will amend the draft Attachment D to note the requirement</p>

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			<ul style="list-style-type: none"> <li>• Eliminate automatic assumptions that disturbed soils do not contain historic properties</li> <li>• Recognize that soil conditions alone do not eliminate the need for consultation</li> </ul> <p>3. The Leasing Timeline (Attachment D) Lacks Clear Tribal Engagement Points  Attachment D outlines a leasing process that buries tribal consultation deep within procedural steps after parcel identification. This sequencing minimizes tribal influence on early site selection and ignores potential cultural concerns tied to entire landscapes, not just the chosen parcel.  We recommend:</p> <ul style="list-style-type: none"> <li>• Adding a clear requirement that Tribes be contacted before Requests for Lease Proposals (RLPs) are issued</li> <li>• Building in a formal tribal review stage between the</li> </ul>	<p>for complete consultation prior to execution.</p> <p>4. VA is not able to share all consultation documentation both because of the potentially sensitive nature of archaeological deposits and because of the lease negotiation process. VA is sharing information concerning the proposed locations of leases and related effects to historic properties, if identified, through the processes described in Stipulations V-VII of the revised draft nPA. The information also will be shared in the Annual Report described in Stipulation X of the revised draft nPA.</p> <p>Pursuant to ACHP guidelines, if a consulting party is asked to do more than respond to a federal agency's findings and determinations, then it should be compensated for its efforts. However, when the federal agency seeks the view and advice of a consulting parties in fulfilling its legal obligation to consult, the federal agency is not required to pay that party for providing its views. VA does not anticipate additional capacity would be necessary</p>

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			<p>market survey and parcel selection</p> <ul style="list-style-type: none"> <li>• Stating that VA cannot finalize a lease agreement until consultation is completed and documented</li> </ul> <p>4. Transparency and Access to Records (Applies Across All Attachments)  All consultation-related forms, assessments, and decisions must be:</p> <ul style="list-style-type: none"> <li>• Shared directly with consulting tribes</li> <li>• Archived in a transparent and accessible format, not buried in VA internal systems</li> <li>• Supported with funding or technical assistance if tribes require additional capacity to review these materials</li> </ul> <p>5. Support for Tribal Capacity and Monitoring  The VA should acknowledge that effective tribal participation requires resources. We urge the inclusion of:</p>	<p>to respond to findings and determinations.</p> <p>5. VA acknowledges the importance of consultation. In accordance with the ACHP guidelines cited above, VA would compensate a tribe for required travel but not for provision of views. VA will make every effort to avoid causing financial hardships to the Modoc Nation and others.  Again, VA would not require a qualified tribal monitor for all ground disturbing activities but would consider tribal and/or archaeological monitoring within the boundaries of known archaeological sites or areas identified as high potential by Native American tribes. VA will review each Undertaking individually and provide site-specific contract requirements to lessors.</p>

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			<ul style="list-style-type: none"> <li>• Language committing to reimbursement or funding for tribal travel and review</li> <li>• Encouragement of tribal monitors as best practice for any construction project involving potential impacts to cultural resources</li> </ul> <p>The Modoc Nation requested a one-on-one consultation meeting with VA.</p>	<p>VA reiterated its commitment to Nation-to-Nation consultation and invited the Modoc Nation to a one-on-one meeting at their convenience. The Modoc Nation has not chosen to respond.</p>
<b>06/23/2025</b>	Via email	Georgia SHPO	The Georgia SHPO provided in-text edits on the revised draft nPA.	<p>VA considered the comments. See the revised document.</p> <ul style="list-style-type: none"> <li>• VA addressed the noted typographical errors.</li> <li>• Stipulation VII.c.ii.1 – The listed conditions must be met as a whole, not in individual parts. The determination is appropriate because of the conditions for buildings within the APE and ground disturbance.</li> <li>• Stipulation VIII.b – VA admits the use of “hours” is inconsistent with the remainder of the document but would prefer to be prescriptive given the subject of the stipulation. VA amended the text to “within a radius of not less</li> </ul>

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				<p>than 100 feet” in accordance with the recommendation.</p>
<p><b>07/03/2025</b></p>	<p>Via email</p>	<p>Iowa SHPO</p>	<p>The Iowa SHPO provided in-text edits on the revised draft nPA.</p>	<p>VA considered the comments. See the revised document.</p> <ul style="list-style-type: none"> <li>• VA addressed the noted typographical errors.</li> <li>• VA followed the guidance provided by the ACHP concerning all formatting and organization.</li> <li>• Stipulation V.a - This stipulation requires VA to announce potential locations for leased space once Congress has approved funding. As noted, VA will not have a specific address or parcel at this time and therefore cannot identify historic properties. That identification effort would not occur until after VA has solicited potential parcels (see Stipulation VI). VA remains the responsible entity for historic property identification and cannot proceed without consulting on their identification efforts.</li> <li>• The form described in Stipulation VI to document the consultation process</li> </ul>

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				<p>(Attachment C) includes a place for photos.</p> <ul style="list-style-type: none"> <li>• Stipulation V.d: Move-in Ready Lease Actions are those generally requiring no construction changes or, if a change is necessary, it is minor and non-invasive. Anything more significant would be considered a Build-Out Lease Action and subject to those procedures.</li> <li>• Stipulation VI (all comments): VA added text to the revised draft to clarify steps VA would take to identify historic properties and the timing of this effort. In summary, VA HPO would distribute the annual letter of potential leases to alert consulting parties to the intended city/county location of proposed leases. VA Office of Real Property (ORP) would then issue a Request for Lease proposal so property owners could apply for consideration. The form (Attachment C) would not be distributed until VA ORP had specific parcels for consideration so historic properties could be adequately identified. VA HPO would be required to complete its historic properties identification and then provide this information to consulting parties for</li> </ul>

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				<p>comment. As in the standard Section 106 process, this exchange would allow consulting parties to identify historic properties that are otherwise unrecorded.</p> <ul style="list-style-type: none"> <li>• Stipulation VI.a.i.1 - VA altered the proposed utilities buffer.</li> <li>• Stipulation VII - VA clarified text to be clear that all considerations must be met for the specific finding, not just one.</li> <li>• Stipulation VIII.b - This stipulation directs lessors to report in accordance with local laws. VA added “and comply with...” to clarify.</li> <li>• Stipulation XI - A dispute concerning National Register eligibility would be referred to the Keeper if the parties are unable to reach consensus.</li> </ul>
<b>07/07/2025</b>	Via letter	North Carolina SHPO	Having reviewed the draft, as well as having worked with the Department of Veteran Affairs on several leases, we appreciate the utility of such a Program Alternative and believe that the current draft addresses both the Department’s	VA thanks the North Carolina SHPO for their consideration and ongoing participation in the consultation process.

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			needs and our concerns.	
<b>07/07/2025</b>	Via email	Minnesota SHPO	The Minnesota SHPO provided in-text edits on the revised draft nPA and the draft Attachment C.	<p>VA considered the comments. See the revised document.</p> <ul style="list-style-type: none"> <li>• VA addressed the noted typographical errors.</li> <li>• VA followed the guidance provided by the ACHP concerning all formatting and organization.</li> <li>• VA deleted the reference to EO 13006.</li> <li>• Stipulation I – VA amended the definition of APE.</li> <li>• Stipulation I – VA amended the definition of Ground Disturbance based on several comments.</li> <li>• Stipulation I – VA amended the definition of Historic.</li> <li>• Stipulation II.c – This stipulation was clarified and moved to the Whereas clauses.</li> <li>• Stipulation II.e – VA included the regulatory reference for Tribal lands.</li> <li>• Stipulation V and VI – VA is not asking THPOs, Tribal representatives, SHPOs, or others to complete identification of historic properties. See the form in Attachment C for the detail VA is providing in its consultation documents.</li> </ul>

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				<ul style="list-style-type: none"> <li>• Stipulation VI – VA clarified the steps of the process.</li> <li>• Stipulation VI.a.i.2.a - VA amended the stipulation concerning archaeological inventories.</li> <li>• Stipulation VII – VA changed references to “finding.”.</li> <li>• Stipulation VII.d.ii.2 – VA clarified the text concerning integrity.</li> <li>• Stipulation VIII – VA clarified the text for Post-Review Discoveries.</li> </ul>
<b>07/07/2025</b>	Via email	New York SHPO	The NYSHPO has no comment or concerns regarding this draft.	VA thanks the New York SHPO for their consideration and ongoing participation in the consultation process.
<b>07/07/2025</b>	Via email	Virginia SHPO	<p>1. p. 11 of 26- Build-to-Suit: No Adverse Effect – 2(A) “Historic built resources are present within the APE, but construction and operation will not affect integrity of feeling, association, and/or design.”</p> <p>DHR Comment: Integrity of setting should be included here.</p> <p>2. DHR General Architectural Comments: With Virginia SHPO, we often deal with historic</p>	<p>1. VA amended the integrity statement.</p> <p>2. The proposed nPA does not preclude architectural survey nor other means to determine eligibility. As described in Stipulation IV of the nPA, VA is required to identify historic properties. If previous documentation is not available and the resource is more than 40 years of age, VA may either treat the building as historic or consult to determine eligibility.</p>

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			properties that have not been previously recorded and/or have been recorded but have not been evaluated for NRHP listing eligibility. How will unsurveyed resources 45+ years old and unevaluated resources within the APE be handled? Will this PA preclude architectural survey being conducted?	
<b>07/07/2025</b>	Via email	Arizona SHPO	The Arizona SHPO provided in-text edits on the revised draft nPA and the draft Attachment C.	<p>VA considered the comments. See the revised document.</p> <ul style="list-style-type: none"> <li>• VA addressed the noted typographical errors.</li> <li>• Stipulation I - VA revised the definition of “ground disturbance” based on several comments.</li> <li>• Stipulation VI - VA altered the size of the proposed buffer.</li> <li>• Stipulation VI.a.i.2.a - VA amended the stipulation concerning archaeological inventories.</li> <li>• Attachment C – The form allows for supporting documentation to be included.</li> </ul>
<b>07/07/2025</b>	Via letter	NATHPO	The NATHPO submitted comments on the consultation process.	VA thanks NATHPO for their participation and submitted a formal response on August 8, 2025.

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07/07/2025	Via letter	Nevada SHPO	The Nevada SHPO provided in-text edits on the revised draft nPA and the draft Attachment D.	<p>VA considered the comments. See the revised document.</p> <ul style="list-style-type: none"> <li>• VA addressed the noted typographical errors.</li> <li>• VA followed the guidance provided by the ACHP concerning all formatting and organization.</li> <li>• Stipulation I - VA revised the definition of “ground disturbance” based on several comments.</li> <li>• Stipulation I – VA revised the definition of “Historic.”</li> <li>• Stipulation III.b – VA amended the means of communication to be clear when written correspondence would be required.</li> <li>• Stipulation VII.d.ii.2 – VA clarified the text concerning integrity.</li> <li>• Stipulation VIII – VA clarified the text concerning applicability of the ACHP Policy Statement.</li> <li>• Attachment D – VA modified the text concerning plan development.</li> </ul>
07/08/2025	Via email	Texas SHPO	The Texas SHPO provided in-text edits on the revised draft nPA.	<p>VA considered the comments. See the revised document.</p> <ul style="list-style-type: none"> <li>• VA addressed the noted typographical errors.</li> </ul>

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				<ul style="list-style-type: none"> <li>• Stipulation VII.d.ii.2 – VA clarified the text concerning applicable criteria.</li> </ul>
<b>07/08/2025</b>	Via letter	White Mountain Apache Tribe	Please be advised, we have reviewed the information provided, and we have determined the proposed undertaking will have a “No Adverse Effect” on the White Mountain Apache tribe’s cultural heritage resources and/or historic properties. We concur with the proposed draft National Programmatic Agreement.	VA thanks the White Mountain Apache Tribe for their consideration and ongoing participation in the consultation process.
<b>07/10/2025</b>	Via letter	ACHP	The ACHP provided in-text edits on the revised draft nPA.	<p>VA considered the comments. See the revised document.</p> <ul style="list-style-type: none"> <li>• VA addressed the noted typographical errors.</li> <li>• VA followed the guidance provided by the ACHP concerning all formatting and organization.</li> <li>• VA incorporated the comments provided by the ACHP, excepting those that conflicted with VA regulations, guidance, and directives; in these instances, VA instead revised the text for clarity.</li> <li>• VA revised text in the Whereas clauses to reflect the formality of consultation.</li> </ul>

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				<ul style="list-style-type: none"> <li>• Stipulation I – VA considered moving the Definitions to an attachment, however, VA chose to leave definitions specific to the implementation of the nPA as is to aid the reader’s understanding of agency- and industry-specific terms.</li> <li>• Stipulation I - VA revised the definition of “ground disturbance” based on several comments.</li> <li>• Stipulation II – VA revised the Applicability stipulation and moved select sub-stipulations to Whereas clauses.</li> <li>• Stipulation V – VA clarified the information required in the Annual letter of proposed major leases.</li> <li>• Attachments A and D – VA revised Attachment A to include additional information requested by the ACHP. As recommended by the ACHP, VA modified Attachment D to refer to the detailed list of actions in Attachment A, rather than writing out all information again.</li> <li>• Attachment C and Stipulations VI and VII – VA revised Attachment C into sections to clarify the steps of the process and</li> </ul>

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				added these sections into the text of Stipulations VI and VII.
<b>08/27/2025</b>	Via email	Mississippi SHPO	We have reviewed the pre-final nationwide Programmatic Agreement draft for the Major Leasing Program. MS SHPO would like to thank Veterans Affairs for their responsiveness and for considering our comments. We look forward to the implementation of the nPA and to the continuation of our partnership. If you have any questions, please let me know.	VA thanks the MS SHPO for their consideration and ongoing participation in the consultation process.
<b>09/09/2025</b>	Via email	Montana SHPO	The MT SHPO provided in-text edits on the pre-final nPA. "Our primary concerns is regarding VA's process for initiating consultation with consulting parties. MTSHPO requires that agencies request and pay for a file search through our database to initiate consultation, as this is how we let agencies know about historic or historic-aged properties in the APE. We recommend that the language regarding consultation initiation be changed to	VA responded to MT SHPO via email on 09/10/2025.  Developing the balance between state-specificity and broad, nationwide applicability has been a challenge, and the need for such balance was discussed in the Round 1 and Round 2 meetings. Ultimately, due to the nationwide-nature of the PA, VA is not in a position to incorporate state-specific procedures for consultation, nor the identification of human remains and/or funerary objects for each state/commonwealth/territory, in the agreement. The following is a brief summary of how Montana SHPO's process would be

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			<p>accommodate the variety of initiation procedures that state or tribal agencies may use.”</p>	<p>accommodated within the procedures of the nPA:</p> <ul style="list-style-type: none"> <li>• Stipulation V: Initiation of Consultation – VA would distribute an early list of proposed major leases to Signatories and relevant Indian Tribes, Native Hawaiian Organizations, SHPOs, and CLGs. This list is intended as an early review of the areas where VA needs to provide services. VA does not anticipate information about the exact location and features of historic properties at this step but rather anticipates receipt of information about cultural practices or historic characteristics of the area. For example, if VA proposed a major lease near Missoula, consulting parties could provide information about the sacred nature of the Blackfoot Valley.</li> </ul> <p>The list of proposed lease actions cannot include T/R/S because (1) not all states use that system, and (2) at this point in the process, VA would only have a general list of localities as approved by Congress. VA would not have the exact addresses at this time. The exact location would be included later in the form, as referenced in Stipulation VI.</p>

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				<ul style="list-style-type: none"> <li>Stipulation VI: Consultation Regarding Identification of Historic Properties – Once VA has issued a Request for Proposals (RFP), and developers have identified specific parcels, VA would proceed with the following: 1) compile background information about historic properties within the APE, 2) review the proposed development, and 3) summarize the information in Section 1 of the Historic Properties Form (HPF). VA is familiar with the File Search policies of the Montana SHPO. This information would be requested, reviewed, and included in the information provided in Section 1. In the Round 1 meetings, VA opened the door to ideas for notifications and tracking of consultation and in Round 2 stated its intent to use a form for this purpose. The HPF is not specific to any state or Tribe and is intended to be easily identifiable as specific to undertakings under this nPA. VA has committed to using the state- or Tribal-specific digital data portals for submission of forms (see Stipulation III.b).</li> </ul>

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				<p>SHPOs and other reviewers have 30 days to review the HPF and provide comment (see Stipulation VI.b).</p> <ul style="list-style-type: none"> <li>• Stipulation VII: Notification of Effect – Once VA has consulted with Tribes, SHPO, and others regarding the identification of historic properties, VA posts its determination for public outreach. Once VA has reviewed the public comments, VA notifies Tribes, SHPO, and others of its finding of effect. These findings are based on the specific criteria stated in the nPA. If adverse effects are identified, or in unique cases when the stated criteria do not apply, VA would consult to resolve adverse effects to historic properties in accordance with 36 CFR §§ 800.5 – 800.6.</li> <li>• In Stipulation VIII: Post-Review Discoveries, VA is seeking to support the owners/developers of the land to comply with state law and reference the guidance of the ACHP’s Policy Statement on Burial Sites, Human Remains, and Funerary Objects. Again, the intent was to make the text as broad as possible. Should human remains be identified on a major lease undertaking in Montana,</li> </ul>

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				<p>VA would, at minimum, seek the guidance of Tribes and the Montana SHPO.</p> <p>Please let VA know if you have any questions or would like to discuss the procedures.</p>
09/10/2025	Via email	Minnesota SHPO	<p>The MN SHPO provided in-text edits on the pre-final nPA, Attachment C, and Attachment D on 09/10/2025.</p> <p>“Thank you for the opportunity to provide comments on the Department of Veterans Affairs Pre-Final Nationwide Programmatic Agreement on Major Leasing Actions.</p> <p>We appreciate the effort to streamline the consultation process on these undertakings and have several recommendations related to clarifying the agreement language for those who will be using it most.”</p>	<p>VA responded via email on 09/11/2025.</p> <p>Thank you for your comments of September 10, 2025 on the proposed pre-final nPA for VA’s Leasing Program. VA appreciates Minnesota SHPO’s time and involvement throughout the process. The following is a brief response to your comments.</p> <ul style="list-style-type: none"> <li>• Whereas/Stipulation II: Applicability – In earlier drafts of the nPA, VA received conflicting recommendations on the location of a description of undertakings subject to the nPA and sought the guidance of ACHP. Its location in the pre-final draft reflects ACHP’s recommendation and VA respectfully defers to ACHP’s guidance in this instance.</li> <li>• Stipulation I: Definitions – Similarly, VA received conflicting recommendations and suggestions on the definition of “ground disturbance” and sought the guidance of ACHP. The definition</li> </ul>

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				<p>included in the pre-final draft is also a result of the deference to ACHP's guidance.</p> <ul style="list-style-type: none"> <li>• Stipulation V: Initiation of Consultation – The initial list of proposed major leases is anticipated to be an early review of the locations where VA needs to provide services. VA receives this list from Congress and will not yet have exact addresses nor exact features of historic properties. When VA provides this initial list to consulting parties, it is intended as an opportunity for reviewers to share non-site-specific information about a potential consulting party or information about cultural practices or historic characteristics of the area that may not be tied to one parcel or address. For example, if VA proposed a major lease outside of Minneapolis, a response may provide information about the sacred nature of Bdote.</li> </ul> <p>Please note that it is not VA's intent that SHPOs, Tribes, Signatories, or others conduct the records check for the agency; that responsibility remains with VA.</p> <ul style="list-style-type: none"> <li>• Stipulations V/VI, Records Check – The intent of the records check is to gather</li> </ul>

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				<p>all data required by 36 CFR § 800.4 to answer the requirements of 36 CFR § 800.11. Per the procedures of the nPA, VA completes the record check as part of its responsibilities in Stipulation V. Documentation from the records check will be reported in the Historic Properties Form (HPF) as described in the first step of Stipulation VI.</p> <ul style="list-style-type: none"> <li>• Stipulation VII: Notification of Finding of Effect – As discussed in the Round 2 meeting, if a historic building is proposed for rehabilitation or renovation, VA intends to “off-ramp” from the nPA and conduct standard consultation.</li> <li>• Stipulation VII(c): Notification of Finding of Effect – Correct. VA would consider all comments received from SHPO, THPO, tribal representatives, Native Hawaiian Organizations, CLGs, and the public and compare the anticipated actions and effects of the undertaking against the stated criteria in the nPA. If the criteria are met, VA proceeds with the stated action. If the criteria are not met, including an assessment of adverse</li> </ul>

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				<p>effects, VA proceeds to resolve adverse effects through standard consultation.</p> <p>Attachment C</p> <ul style="list-style-type: none"> <li>• Page 1 – Yes, the proposed overview is an image of the parcel or unit. VA used the word “overview” to indicate a comprehensive shot, rather than a narrow focus.</li> <li>• Page 4 – Under the process included in the nPA, if the undertaking is determined to meet the established criteria, VA notifies reviewers of its finding of effect and concludes consultation. If the criteria are not met, VA will conduct standard consultation.</li> <li>• Page 4 – VA is amenable to this word change.</li> </ul> <p>Attachment D</p> <ul style="list-style-type: none"> <li>• The location of the Renovation/Rehabilitation relates more to an off-ramping; all potential, but not required, actions are indicated by dotted arrows.</li> <li>• Stipulation VIII is the location where VA would have sufficient information to determine if rehabilitation/renovation of a building would be the best action to</li> </ul>

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				<p style="text-align: center;">meet the goals of the proposed undertaking.</p> <p>Thank you, again, for your assistance, and please let VA know if you have any questions or would like to discuss these comments in further detail.</p>
<b>09/10/2025</b>	Via email	Virginia SHPO	The Virginia Department of Historic Resources (DHR) has completed its review of the attachments of the draft nPA and has no comments or edits. Thank you for providing the opportunity to comment.	VA thanks the VA SHPO for their consideration and ongoing participation in the consultation process.
<b>09/11/2025</b>	Via email	Georgia SHPO	The GA SHPO provided in-text edits on the pre-final nPA on 09/11/2025.	<p>Thank you for your comments on the pre-final nPA for VA’s Major Leasing Program. VA appreciates GA SHPO’s involvement throughout the consultation. The following is a brief response to comments.</p> <ul style="list-style-type: none"> <li>• Stipulation I.d: VA added the text “at minimum” to clarify.</li> <li>• Stipulation IV.g: The responsibility to retain staff that meet the Secretary of the Interior’s Professional Qualification Standards lies with VA Federal Preservation Officer. Within VA, historic preservation matters are centralized within this office, not delegated to other offices, such as the Office of Real Property.</li> </ul>

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				<ul style="list-style-type: none"> <li>• Stipulation VI: As described in the meetings, VA often receives several development proposals and whittles down the parcel selection to a single offer through consideration of various factors, including historic preservation. VA tweaked select text to clarify this process.</li> <li>• Stipulation VI.b.ii: Selection of a final parcel cannot occur until VA has considered all options.</li> </ul> <p>Thank you, again, for your assistance, and please let VA know if you have any questions.</p>
<b>09/15/2025</b>	Via email	ACHP	<p>A few final notes:</p> <ul style="list-style-type: none"> <li>(1) Line 61 uses the acronym THPOs, but it hadn't previously been defined. Recommend defining in this whereas clause.</li> <li>(2) Line 363 still refers to a Request for a Proposal. Is this referring to responses from the letter shared in Stipulation V? Or something else?</li> <li>(3) Line 449 - using "and/or" might make more sense.</li> </ul>	<p>VA thanks ACHP for their review.</p> <ul style="list-style-type: none"> <li>(1) Updated as suggested.</li> <li>(2) Revised text to clarify the "Request for Proposal." See also Attachments A and D.</li> <li>(3) Updated as suggested.</li> </ul>

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			Otherwise, we appreciate your incorporation of all our earlier comments.	
09/23/2025	Via email	Georgia SHPO	The GA SHPO agreed to review the final nPA.	VA appreciates the consideration of the GA SHPO.
09/24/2025	Via email	Minnesota SHPO	Thanks for your email. We have no further questions and appreciate the responses to our comments.	VA appreciates the consideration of the MN SHPO.
09/29/2025	Via email	Georgia SHPO	The GA SHPO provided in-text edits on the pre-final nPA on 09/29/2025.	VA responded on 09/30/2025 with revised text that incorporated GA SHPO's comments in Stipulations IV, VI, and VII except where text was redundant.
09/29/2025	Via email from NCSHPO	Montana SHPO	[The MT SHPO] asked if [VA] could include the following or similar language at the end of Stipulation VI.a: "VA shall initiate consultation with each Signatory and relevant Indian Tribe, Native Hawaiian Organization, SHPO and CLG in accordance with each respective party's procedures for initiating consultation."	VA included the statement, "VA will follow submission guidelines for these individual offices, organizations, and groups when such guidelines are within the scope of the NHPA and within VA's authority to do so." at the end of Stipulation VI.b. VA provided this text to NCSHPO on October 23, 2025.
10/22/2025	Via email	Georgia SHPO	[The GA SHPO] has two minor comments on Stipulations IV. g and Stipulation VII. b. ii.	VA incorporated both comments.

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			We don't anticipate requiring any additional review of the document.	