



August 23, 2025

Dr. David Guldenzopf
Office of the Assistant Secretary of the Army
for Installations, Energy and Environment
ATTN: DASA-ESOH
110 Army Pentagon, Room 3E464
Washington, DC 20310

RE: Army Program Comment Plan

Dear Dr. Guldenzopf,

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.

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.

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.

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 Preservation Officers (THPOs), federally recognized Tribes, and Native Hawaiians organizations (NHOs) on properties of religious and cultural significance.

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.

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).

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?

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?

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

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.

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.

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 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.

Thank you for considering SHA’s comments and questions regarding the Army’s proposed program comment plan.

Sincerely,

Rich Veit

Richard Veit, Ph.D., RPA

President, Society for Historical Archaeology