**Transcript**

October 1, 2024, 6:26PM

 **Abreu, Hector M.** 0:08
Good, it worked. Thank you.

 **Kelly Sellers Wittie** 0:14
Good afternoon, everyone.
I'm going to stop sharing for just one second.

 **Abreu, Hector M.** 0:33
Sure.
Good afternoon, everybody, hopefully afternoon.
Morning. Others maybe, but it is afternoon for us here at the East Coast. So I would like to thank you all for calling in today.
Can everybody hear me?
OK. Is soundcheck everything good?
Thumbs up.
Ah, awesome. Thank you.
Thank you guys.
Wanna make sure?
First of all, I wanna thank you all for joining today.
For our discussion on the proposed nationwide programmatic agreement, VA is developing for its major leasing program.
And what I will do is I will stop sharing camera.
It'll be easier for me. There we go.
So.
Hello, my name is Hector Abreu centron.
I am the V as Federal preservation officer.
As well as the team lead for our historic Preservation Office, HPO, as we call it.
Which is leading this effort for the nationwide programmatic agreement that we're proposing.
I'm joined today by some members of my staff as well.
Alec Bennett, a senior historic preservation specialist Angela McArdle.
Also, a senior historic preservation specialist in Sophia Latz, who is our third historic preservation specialist.
Senior historic preservation specialist, so we welcome them as well.
Va also welcomes anyone joining today's call, but please know that today is our focus was specifically for this consultation meeting for.
Shippo's and their unique role in the Section 106 process.
If you are a cultural resource officer from a tribal federally recognized tribe, or a tippo or any other representative of a tribe or a native Hawaiian organization, NHL.
Please consider joining us tomorrow, which will be our meeting that focuses on.
Tippos tribes and NH P OS as well as Alaska tribes.
That'll be our our our consultation meeting focusing on those groups, our our meeting today is mostly focused for.
Input of course.
You're welcome to to to listen in if you want, but just to make you aware, there is another meeting tomorrow which will focus mostly on tribes, tribal issues.
You can reach out to VA via our web our e-mail, which is historicpreservation@va.gov.
All together, historicpreservation@va.gov, if you are a travel group on the call and would like to arrange a government to government direct consultation, we are more than.
We are.
And welcome that if that is your preferred method of consulting with VA for this effort.
This meeting's being recorded.
So those who are not able to participate can get get the information once the meeting is over, we will be taking notes and we will be retaining a summary for the administrative record.
The chat feature is live.
You can ask questions or post comments in the chat.
We ask that you please use the chat feature if you have a specific document or web page reference you would like us to record and link to. So please put those in the in the chat.
We will, as I said, we will include these in the administrative record as well.
There will be a pause in the presentation at various points for questions and for taking questions. If you have any of those, so you'll be able to ask.
And as well, at the end of the session, we will have a few minutes for questions at that, that moment as well.
Please use the hand raised feature if you would like to ask a specific question or provide a comment, we welcome that.
So please if you do.
Just raise your hands.
And that will also be a way of us to to address any questions you might have.
After today's presentation, we will open the comment period and ask that you provide recommendations or any suggestions via e-mail. Again to that historicpreservation@va.gov.
E-mail we'll have that at the end of the presentation.
So you have to memorize that.
So we'll provide that to you.
Those comments will be collated, summarized and they will be posted.
To our VA Historic Preservation Office website, which I will also provide that to you. And you can always refer to that website to look at the comments or any documentation related to the development of these program alternatives.
It'll be open at all time.
This meeting is the first of V as opening round of meetings about the proposed leasing national programmatic agreement.
Our meeting tomorrow will be specific to tribal groups, tippos as well as nhos.
There will be a third meeting on Monday, October 7th.
This will be for more general public consulting parties, anyone who may not have been able to make this meeting, or any tribe may not be able to make tomorrow's meeting.
They can also make up come to our our Monday meeting, but that was mostly open to the general public.
If you have any colleagues or know of someone who could not attend today's meeting, please let them know that of that meeting next week on Monday and it'll be at 2:30 as well.
They can register by sending an e-mail to historicpreservation@va.gov or if you visit our website. As I mentioned there is a link there for registering for that meeting. So if you can use either those methods for registration, either one will work perfectly fine.
Finally, today's meeting.
As again is about Virginia's leasing program, historic properties and the National Historic Preservation Act compliance effort.
If you are in this meeting and realize you're in the in a wrong in the wrong meeting, that is what we are discussing today.
So if you are property developer or a contractor looking for information on upcoming solicitations, Unfortunately this is not the venue for that. This meeting or if you are a veteran seeking information about your benefits.
We have posted links in the chat if those are your concerns. If you're interested in in that in that kind of information. But unfortunately this meeting is is not.
To address those specific issues relate to various benefits. I do mention that because we've sometimes have veteran groups who who attend our meetings, and we unfortunately have to inform them this meeting is about 106 and national Stroke Prevention Act and it really wouldn't supply them with.
Information to to.
With regards to veterans benefits, but we do refer them to where they should go to. Obviously if if need be.
So with that, let's go to the next slide.
So again, today's meeting is largely an informational session.
It's our first meeting and it's going to, as I said, address issues related to.
V as leasing programs, we're going to talk a bit about that.
We're going to explain a bit why VA has proposed the need for this nationwide programmatic agreement pursuant to the regulations for developing program alternatives.
As I said, we will reserve time for questions and any comments you may all have during the presentation.
Near the end.
We I personally would like to also state, and I'm sure you all as representatives of the various shippo offices, now we know that there are a lot of programmers that unfortunately are on everyone's plates.
Currently, we're fully aware of that.
We appreciate you taking time to join us today.
Understanding, of course. As as we know the the.
The multitude of program alters that seem to be coming on board lately.
Ours, unfortunately, was was not purposely timed this way. When we initiated this.
Program to look at developing program alternatives.
We had not seen that there was going to be that many being proposed this year and next year.
So we we we do apologize for that, but it it's just a case of the timing, but we hope that ours our proposals will not be as complicated or generate you know.
Confusion on your end in terms of what we're trying to do and hopefully it'll be it'll be not as difficult.
We have included a copy.
Of the consultation plan, which for this proposal it was included in the invitation, that was that I sent.
It's also available on our website if you want a copy of that as well.
So we do have a final consultation plan that was approved by the Advisory Council.
That plan contains a lot of information about the proposed MPA, but also several links to V as web pages and news stories.
The consultation plan is available on our website as I mentioned, and if if you happen to need any copies or of course, e-mail us if you need an extra copy of that so it is available on our website.
And again, was part of the initial invitation as well.
Slide.
So.
In 2023.
Va slightly altered its mission statement.
Many of you may or may not know, but our mission statement was directly from a quote from President Lincoln, which stated generally that mission.
Of our care for veterans was to fulfill the president's promise.
President Lincoln's promise to care for those men who served in our nation's military.
It was altered to in 2023 to be more encompassing.
And what the phrasing that was added was to fulfill President Lincoln's promise to care for those who have served in our nation's military and for their families.
Caregivers and survivors.
So this new mission statement is inclusive now of all those who served in the military, but also those who did not serve in combat.
And those include families and caregivers to veterans.
So our mission is to provide this care to not only military personnel who serve, but those who have family members and their caregivers as well.
So it's it's a much broader definition now.
Virginia itself is divided into 33 administrations. The National Cemetery Administration is one.
Which manages our national cemeteries for veterans, the Veterans Benefits Administration, or VBA, which administers the benefits programs for veterans, GI bills and loans and scholarships, things like that for veterans. And then the Veterans Health Administration, or VHA.
I work in the office.
Vas office of Construction Facilities Management.
Or cfm.
And HPO is under the CFM office.
We are responsible for the planning design. Cfm is responsible for the planning, design and construction of major construction projects, hospitals, clinics.
Generally, we serve the Veterans Health Administration VHA, but we also work with NCA.
Most of our projects serve the Veterans Health Administration and involve the maintenance and improvement of existing healthcare facilities.
And the construction of new ones, so that the main gist of the CFM office is to coordinate the construction of the health facilities that provide service to our veterans. However, increasingly VA is using leasing as a mechanism to meet the Veterans Health care needs.
And that's what we're going to talk about a little bit today.
How we're using leasing as an alternative to construction.
At VA next slide.
So VA operates over 150 medical centers nationwide.
To be clear, we do not intend to replace these hospitals with lease space.
We're not proposing with this NPA any sort of a back door to, for example, the BRAC program.
This is not similar to that effort that was done by the military many years ago.
Or looking at any potential proposed Medical Center closures where that that's not what we're looking at today.
Nearly all of VA leases, in fact, are in the service of our healthcare mission.
So the VA office of Construction Facilities Management, as I as I mentioned, is also responsible for our major lease efforts.
Leasing is under the auspices of the Office of Real Property or ORP.
And as of March 2023, we V as been operating.
To 19 hundred 1990 leases approximately with approximately 156,000,000 gross square feet of of space.
Of these 1990 leases, 1710 are VHA leases.
And VHA leases include office space, storage, parking and, of course, medical spaces, as I mentioned.
Staff BBA.
NCA leases are almost exclusively used for office space or as storage facilities.
So VBANCA do have lease space as well, but they're mostly for offices almost exclusively for offices and for storage.
Ours include that, but most importantly it includes healthcare and medical spaces as well.
Here you see 2 examples, one in the cub.
P.
Patient clinic in in Georgia and A N. Oops, sorry.
Pixar VA clinic in Texas.
Next slide.
Now, as I mentioned, the office for a property is responsible for these leasing program. GSA has delegated this authority to VA.
So we follow GS as rules which are in FMR. Federal Management regulations 102.
Dash 83.75.
By following these rules of VA, therefore has to give first consideration pursuant to Executive order 13 OO 6.
To locating our facilities in historic buildings in central business districts, as long as the space meets our design and safety criteria. So since again we are under GS as leasing rules we GSA includes in their leasing rules and FMR that we should consider placing facilities, federal agency should.
Consider placing federal facilities in historic buildings and within districts to generate.
Of course, economic benefits of these historic districts.
Now we have no intention of eliminating that.
We follow this as we do in all our leases.
It's part of our requirements. When we go out for proposals and look at the possibility of leasing spaces.
So it is part of our mission is also to comply with the executive order 13 OO 6.
So we're not in any way, you know, trying to move away from that obligation and we have no plans of changing that under these proposed nationwide program agreements.
But to be upfront, our designs our safety criteria as you can imagine for health clinics is pretty exacting and we have been having a very difficult time finding facilities that meet executive order 13006.
And also meet our medical needs for locating within downtown districts, for example.
We require parking to be at a certain distance from the entrance of our medical facilities because of ADA and accessibility issues.
We prefer to have a first floor space.
Again due to accessibility.
Space can't be located within a FEMA 100 year floodplain.
That's just our requirements space have. It has to be space that has been zoned for medical use.
That's vital for us, obviously, for for our purposes.
The space cannot be in close proximity to liquor stores or prisons or railroad tracks.
That's one of our criteria for facilities and space could not be offered in buildings that contain either a.
Or other living quarters within them.
So we can't move into a space where there might be apartments.
So you see, it becomes a challenge for us to try to develop in and find leases in historic downtowns and in historic buildings, while meeting these specifications.
Next slide.
So I mean, there's always hope. You know, as as FPOI always hope that we might find cases where we can.
Locate within historic districts or within historic building.
But again, our needs have made it very, very difficult.
But we'll keep looking. Pursuant to the Executive order now.
Our Office of Real Property tracks leases by annual rent.
So but we at the historic Preservation Office track them by types of leases.
And there are three types of basic leases that we're gonna be looking at today that Virginia currently has.
The first one are called move in ready leases.
These are leases that are what we would call turnkey.
We move in, we move in our furniture, we hang up our signs and we start to go to work.
We we very minimal to to absolutely bare bones.
Changes or alterations to the space we just.
Take our furniture, take our files and move in.
There's no rehabilitation, there's no renovation, no construction.
We just move in.
They're called move in ready. These, of course, have no potential to affect historic properties 99 to 100% of the time. As I said, we typically move into more recent office buildings for this type of lease.
The next type are called build out leases.
These lease actions, rent is is are actions where.
We renovate an existing building for our use more and more. Va is seeking to locate in areas like these, particularly shopping centres.
It's a case where we would move into a facility that has been vacant.
We knock out some of the interior walls.
We may paint put some carpeting. We may do alterations to the HVAC that kind of effort.
We typically don't change the utilities or the water, the gas electricity we just you know retrofit them for our purpose.
Purposes and spaces.
These build up actions tend to have a very limited potential to affect historic buildings, because again, we tend to look at buildings that are currently vacant and shopping centers or modern buildings. We're going to see an example in a few minutes, which was a Toys-R-Us which.
Was vacant. As you know, Toys R Us in Chapter 11 was a vacant building.
We moved in.
We knocked down some walls, put in some carpet to change the signage outside, and it became a clinic.
So those have extremely limited.
Potential to affect historic properties and those are the build out leases.
The next one are the build to suit leases.
Now these are usually developed in a green space or an empty lot.
We look for areas where there's no development.
These arrangements do have the potential to affect historic properties, but we look to minimize these potentials through strategic selection and design requirements.
For example, we tend to do site surveys, preliminary site assessments, while we're looking at potential locations and we we we obviously do these market surveys, they're called and our staff does participate in these and we see if we look at the sites that are being proposed and of.
Course if it's next to a cemetery or it's next to you know, 19th century historic home, we immediately, you know, jot that down.
We would inform the ORP.
Then we tell them. Look, I wouldn't take. I wouldn't.
Select this site. If I were you, because it's near a cemetery or it's near a historic building or it's in a historic district, you know, there might be issues. Of course they might determine they want to do it anyway, depending on other factors beyond preservation. Economic factors. Environ.
Factors. For example, we could say it's a very good site, but it could be 100 year floodplain or it could be within a a, A, an area that has.
Endangered species associated with and that's and that would make it not applicable or not selected.
So there could be other factors beyond just.
Cultural resources.
So mandating that experiment or you know, as I said, that could be a factor in in not selecting the site or if there are issues with the exterior materials of the new construction and they might impact visually indirectly.
A historic district that's nearby or close to it, and that could be an issue.
So these these actions typically do require utility, utility, installation and construction.
There is earth movement, there is construction issues related to this. So this is the one that has the most possibility of maybe having.
Effects to historic properties. Next slide.
So an example of a move in Ready Lease that we have is our VA headquarters.
This building was occupied by VA and its predecessor agency before the Veterans Administration.
Was formalized as an agency since 1918.
This building ours, not ours.
It's GS as and we lease it from them.
It is a historic building. It's on Lafayette square.
In in DC it is a contributing resource to the Lafayette Square Historic District, which is the National Historic Landmark.
It's at 810 Vermont Ave.
Northwest in in DC?
It's quite beautiful building. I've been there many times.
We have office space, but it pretty much follows GS as requirements for 1:06.
So we are basically tenants here.
We move and GSA is responsible for the all the 106 compliance in this particular building.
Next slide.
Now build out. Lease example is when I previously mentioned here is in Des Moines, IA.
This was a Toys-R-Us store, of course.
Toys R Us unfortunately went, you know, they went Chapter 11 and they abandoned many of their facilities around the country. And this was sitting vacant. And in 2020, we determined we would do a build out lease here and convert it into.
A clinic and construction began in 2021.
And we spent about two years renovating it, and now it is an active outpatient clinic, as you see in the bottom there. It opened in 2022.
We didn't change any of the utilities.
We just recladed the exterior.
Reconfigured the interior to to be more open. As you can imagine, you know many these Toys R uses are. Luckily the floor prints are typically that way as well.
Very open.
No partitions, no office space.
Just one big open space. It was great for us.
So this became a very successful build out lease.
We had HBO are are very.
Supportive of these type of lease actions, if feasible, and when Orp looks at the potential we try to support these because as you can imagine, these resources are not historic, they tend not to be within historic districts, they tend not to have any sort of, there's no arch.
Issues. There's no excavation being proposed on any of these, so there's no potential for any.
Archaeological or tribal?
Concerns. So they they turn out to be very.
Quick and easy consults for us for 1:06.
So far, there'll pause.
Here there any questions anybody has or any about these type of leases?
OK, great. 'cause I'm doing well.
So why do we need a programmatic? A nationwide programmatic agreement for our leases?
In a few minutes, I'll give you more information.
Exactly why, but in general you know, as I said, we've been thinking about developing some sort of program alternative for our leasing program. But there have been changes recently that have really generated the need to we feel to to do this.
We're projecting.
We're projecting.
Our leases to increase significantly within the next couple of years.
And this is due to the passage of an act which I'm going to talk about in a few minutes, which is the Pact act.
So this huge shift.
In leasing actions.
Has forced us to look at ways of trying to to work with our preservation partners.
In ways that are early and often so that we can hopefully make this a a.
Better process for providing these services to our veterans and the population which we're expecting to increase.
We would love to find ways of seeking consistency across the reviews.
We've noticed that there have been certain inconsistencies in the reviews we've been able to successfully complete them, but we, you know, we would like to see some consistency across the reviews, consistency what we needed, what we need to provide and consistency and determinations of effect would be great.
We would love to achieve consensus with that with our determinations and to ask our preservation partners to review our criteria and and hopefully maybe codify that process.
And this dialogue has recently become critical for us as well.
And I'm sure you all have also been aware of this after the Supreme Court decisions in lower bright the sheriff, as some people call it, the Chevron decisions.
So.
We would like to make the hopefully the move in ready and the build out actions.
As easy as possible, not only for us, but for you and our construction partners as well.
So that's just general.
Statement, But I'll go into further in the in the next couple slides of what, what I'm what I'm talking about. Next slide.
Umm.
So as I said, the timing of this in terms of developing a program on tourism is not coincidental.
As I mentioned, VA has seen a nearly 50% increase in enrollments between 2020 and 2024.
Most of that jump can be attributed to the passage of the 2022 PACT Act, or what's called the Sergeant First Class Heath Robinson promised to address comprehensive tox.
ICS act or the Pact act.
Most of the jump occurred because the new pack deck, as you see they're expanded access to veterans who were exposed to a toxic substances.
Also to veterans.
Eligibility was extended to veterans from the Vietnam, the Gulf War.
The post 911.
Era combat veterans as well as services connected.
With potential exposure to radiation Agent Orange Gulf War toxins and burn pits.
In March of 2024, VA announced 30% increase in enrollment due to the passage of the Pact Act and benefits as well.
So.
We're honored to serve these new veterans, obviously.
It's our duty, but due to this increase, of course, it is now necessary to find ways to provide.
Healthcare to them, not only adequate healthcare, which they deserve, but sufficient air healthcare to do this increased numbers of veterans. Next slide.
So oh, and I should mention and leasing is is what VA has determined is probably the easiest and quickest way to achieve this. These goals of providing healthcare to these veterans.
So not only did the pact act increase our veteran population.
The veteran population itself has demographically been shifting, so enrollments have been exponentially increasing in some areas and other areas in other areas, they've been decreasing.
Shifts are due to many factors. Obviously one of the the biggest ones is, like most Americans, veterans are leaving states such as California, New England, the Mid-Atlantic area, and moving towards places like the Carolinas, Texas, Denver, Las Vegas.
In this map you can see the the the blue areas are the areas of increasing veteran population.
Senior areas. The lighter the greener is and the darker the green is, where they're leaving.
So they're they're leaving the Northeast, mostly Philadelphia, New York, Boston, those areas. And they're shifting, particularly veterans getting near retirement age and moving more towards areas like Texas and and the Southwest, Las Vegas and Denver, and areas like that, North and South Carolina.
Even Florida, we've seen shifts the the lower part of Florida.
Are moving more towards the northern part of Florida, so that shift is occurring even within the states.
So.
Having that shifting demographic causes issues as well because.
The healthcare these veterans need did not exist in these areas. They were focused mostly in urban areas in the downtown that we'll probably remember is growing up.
You know the big medical centers in downtown Chicago and Boston and New York and like that, and they're moving more out towards.
You know the southwest areas that don't have health care facilities for veterans or are in more rural areas and that causes an issue too because it is our commitment that no veteran have to travel more than two hours to get to healthcare.
So you know they're moving to areas that are less urban.
We need to figure how to provide care to them in those areas so.
We have to offer the care where the veterans are living, not where they used to live, and that that has caused us to to also re address how we're we're.
Going to to to provide this healthcare with the shift that's occurring, I would say V as one of the few agencies, federal agencies that has this kind of occurrence where we we deal with the demographics that's constantly shifting and of course the other one is that the type.
Of healthcare we provide has changed in veterans from certain.
War efforts.
Are are passing away.
It's just a part of reality. World War 2 veterans are slowly.
More as more and more, you know, succumb to their age.
You know more the Korean War Veterans also. Then you get more towards a more younger demographic of of recent veterans. Like I said from the Gulf War and and and those those conflicts. So that that's constantly changing as well.
So the American military is not the same as it was.
So the veteran population is not the same as it it was as well. So for example, we currently have over 600,000 women veterans.
Something that obviously didn't exist early in the 20th century. We also have LGBTQ veterans.
We have rhetorans of different races, backgrounds, religious beliefs, identities. Again, all these characteristics require us to look at different ways of providing healthcare.
So V as proposing this NPA in order to help us meet these health care obligations.
To this expanding population of veterans.
Ever changing population of veterans as well. Next slide.
So what are the goals of our proposed nationwide programmatic agreement? Next slide.
And again, we would appreciate your feedback and we'll talk about in a few minutes, you know the comment period and how you can supply those comments and edits or.
Appropriate time.
So the following our goals for the for the NPA?
The NPA would not apply to all proposed leases.
It would only apply to VA as the lead federal agency for our leases.
So this would not impact GSA leases?
Or Lisa's DoD might have. This is only applicable to VA as the lead federal agency and our lease program.
So it would, it would not apply to any other lease program.
It would only apply if the building has.
A general.
I'm sorry, a gross square footage of less than 225,000 gross square feet.
We set this number because.
Within Virginia, criteria dictates buildings that have a larger growth square. Footage tend to fall into a different type of construction.
They tend to be what we call micro hospitals or they move into the hospital definition.
So it those would not be leases, those would be new construction.
So it wouldn't fit that growth square footage.
Amount lower than this amount tend to be all our leases.
Fall under this lower than this number grow square footage amount.
It would also apply if the acreage required to build the lease and this is this is for the build to suit leases. For example, if the acreage is less than 25 acres, if it's larger than this amount of acreage, it tends to be a major construction project.
And we feel wouldn't be appropriate to to utilize the NPA for that.
We would just go the normal section 106 consultative route.
It would not apply to NH LS or if the project is located within.
If the ape.
If an NHL is located within the area, potential effect, so we would not apply this if the project were either located if NHL were located within the AP or if the building itself were in NHL. Obviously this would not be applicable to to for that sort of case.
And we would require VA to consult to determine the applicability of the potential lease if it is located on tribal land. So if this is located, if it's a lease project within tribal land.
Would not use the NPA would of course consult with the tribe.
As required by the regulations.
Next one. So for the move in ready as you remember, this is the one where we just, you know bring in our furniture and put up the signs.
We would like to make.
A recommendation to exempt this type of action, since there's no potential for it to affect historic properties pursuant to 36 CFR 803, a one we would like.
A.
We would recommend an exemption for this type of move it ready Lease next slide.
I should mention for the. Oh, sorry. No, that's correct.
That's that one.
So for the build out lease.
Va would consult to determine conformance with the Secretary tier standards if the property's planned for a build out if the property that is planned for the build out is listed or is eligible.
We may not be able to meet the rehab standards given our design needs, so we are proposing a standard consultation effort in those cases.
So if it is listed or ineligible property, however.
Oh, sorry. So consultation would be based upon determining the conformance of the property to the Secretary and tier standards. If the property is listed or eligible next slide.
Now, if the proposed build out is in a building that is not historic, the proposed renovation and the proposed renovation meets the following criteria. We would proceed as follow.
We would recommend exemption for the following criteria.
No ground disturbance.
Interior modifications with exterior modifications limited to signage.
Building is less than 40 years old and has been determined not eligible for listing in the National Register.
We would recommend an exemption.
Again, this is an example.
This would be that that.
Toys R Us building, for example.
That kind of a thing.
Or we would notify.
The section 106 participants, such as Shippos, tippos and tribes and CL GS if there are no plans for ground disturbance but significant exterior modifications would be required.
So if there's no ground disturbance and exterior and exterior modifications are required but the building is again less than four years old and has been determined not eligible, we would recommend doing a notification for that one for that case.
And finally.
If the billing is not historic and it's located and historic bins are located within the APE, but the exterior modifications would not impair those existing view sheds or associations.
And no ground disturbance is planned or no archaeological deposits.
Or, you know and or. Sorry, no ground disturbance or known archaeological deposits would be avoided.
Then we would recommend a notification.
So we would follow the standard 106 process consultation process that VA determines that historic properties within the AP would be affected.
This would include built resources, archaeological process and traditional cultural properties, so.
Exemption notification and a notification under these cases.
Next slide. So the bill to suit leases. Again, these are the the new constructions.
If we determine that the there are no historic buildings within the AP for the location that were proposing.
No traditional cultural properties are located within the APA. Preliminary survey determines that the previous, that previous disturbance or other limitations have made the site determine the site to have.
No, not have any historic properties that could be affected.
We would recommend an exemption.
I should add.
We have been consulting on build suit leases for over a decade and many of you, many of us have been participants of those outreaches and 106 consults and.
We have.
Always prepared to find sites that fit this these molds, because of course we want it.
You know, make it as smooth as possible.
We do not have any history of ever having a site where our determination of no historic properties affected has not achieved concurrence by the shippo.
Based upon the information we've supplied, of course showing you know no tcps console with tribes, no cultural, you know.
Preliminary assessments of the site.
No historic buildings and we've come to the termination of, you know, no historic properties affected and we've achieved almost complete concurrence by schippel.
So this is a very common.
Occurrence for us when we look at our built suit leases.
As I said before, we do.
We do an initial failed survey our staff, and if we find issues that could generate issues that we would feel, we'd have to go to the ship House and and and make a determination of a potential adverse effect. We we tend to completely determine that this site would.
Not be the best site for that because it's just we wouldn't want.
To cause any adverse effects to any historic property.
So let's you know, we tend to move to another, move on to the next site which which would comply with these.
Determinations.
So the other one is for no adverse effect determination. This is the case if there is a historical resources are present within the AP, but the construction and operation will not affect the integrity, feeling, association or design of that of resource.
Tcps are present within the AP, but construction operation will not affect those cultural practices. There are no archaeological sites located within the footprint of the ground disturbance.
Or sites have been identified but will be avoided.
We've determined that, and if those are the criteria, then we'll simply we will provide a notification process.
And finally, if we determine that there is an adverse effect, we will have that we will consult.
With in accordance with 36 CFR 806 and we would recommend using the standard consultative effort.
Question from Kristen, what notification entail?
Good question.
We are.
We're thinking how that would be developed when we start the drafting of the NPA, though we we would, you know think about what would be the best route.
And with we currently have a program comment for vacant underutilized properties and what we do is we do a yearly report where we, you know, discuss what how we've implemented the program, comment in the past year and what projects we list those. And we we do an Ann.
Report. And then we also have an annual meeting or week develop.
Ation form of some type that we can indicate you know this is a property we've looked at. We made this determination.
And not do the full 106, you know letter type format.
So yeah, we could discuss how that notification could be developed for that for that kind of purposes.
Next slide.
So let me see if there any other questions in the chat.
Oh, no, thank you so.
That was a great, great question. When it solved now, are there any other questions?
Or comments and anything you've seen so far, more or less your understanding of why we're doing this. And as I said, I will talk a bit about the comet, period.
There's still plenty of time to write comments, but does anyone have any sort of preliminary feel for what we're trying to do?
Does anything 'cause you heartburn or not?
Beth. Yes, please.

 **Beth Cole** 50:46
Hi, good afternoon.
This is Beth Cole from the Maryland AAA office. And first of all, I would just like to say thank you to Virginia for the detailed information that you have put on your website about your upcoming program alternatives and for the detailed presentation today.
And we really appreciate that you have broken these down into separate alternatives focused on very specific activities related to your undertaking.
So we're we're very supportive of the.
Program alternative approach when it's well defined and you know clearly, you guys have given a lot of thought to how you want to proceed.
So overall, we are definitely supportive here in Maryland. We look forward to seeing you know as the draft begin to come out once we have had a chance to digest this, we may certainly have some further comments and suggestions.
The one question that I had.
This came up on maybe some of the earlier slides.
What? What will you do in a situation if you're proposing?
The build out option within a building that has not yet been evaluated for historical significance.
I mean, there may be cases where you might be moving into a property that's older than 50 years that hasn't already been evaluated.
Have you given any thought to that?

 **Abreu, Hector M.** 52:09
That's a great question, yes.
That could be a possibility.
We are in fact looking at a property now in California that will will be a build out, but it's was built in 1989, so we've not seen a case so far where it was a property that was older than 50 years and had the potential but.
If that were to occur, yes, we would probably preliminarily in discussions with ORP, look at.
For all. Do they really want to move in this particular building?
Yes. And then we would have to potentially look into.
Discussions with the ship.
Oh, if if that particular building could be considered eligible or not for the National Register, and ORP would then have to make decision if they still want to, you know, occupy that particular building, they might decide, well, let's look for another building so.
But.
We would.
We would hopefully maybe within the agreement within the PA, we'll, we'll we'll hopefully put some sort of language there that could address a scenario like that. What we would do and what steps we would we would take.
But for the moment I off top my head.
I don't remember any case where we've had that kind of scenario where it was a building that was older than 50, which having the potential of being eligible, it's always been more recent, eighties, 90s.
Buildings like that Toys-R-Us that type of things so.
It could occur and and so we we we we should find a way of addressing it.
That was to occur. What we would do, yeah.

 **Beth Cole** 53:49
OK.
Yeah. Thank you for that.

 **Abreu, Hector M.** 53:55
Are there any other questions?
Oh, there's Lindsay Lindsay.

 **Tran, Lindsay** 54:00
Yeah. Hey, hector.

 **Abreu, Hector M.** 54:02
Hey.

 **Tran, Lindsay** 54:03
Hey, how's it going? Thank you.
I'm from Montana shipboy.
Thank you for hosting this meeting and again I just wanna echo what Beth said. Thank you for.
Laying everything out like so, specifically so explicitly, and for providing your website.
We really appreciate it.
But one question I had I don't know which number slide this was, but under the build to suit lease action slide.
Determination. No adverse effects the middle option.
Bullet .2 when you say.
Determined that.

 **Abreu, Hector M.** 54:38
OK.

 **Tran, Lindsay** 54:39
Yeah, traditional cultural properties are present within the AP, but construction operation will not affect the cultural practice.
How is Virginia going to determine that?
The undertaking won't affect the cultural practice without consulting with the tribes.
Will that happen?

 **Abreu, Hector M.** 55:01
Yes, the one of the.
Let's say the bedrock.
One of the the the.
May not blank, but one of the efforts we're going to try to do with this is obviously have assessments like that be done by. So I qualified staff internally.
So that's going to be established that assessments like that would be a, you know, would be conducted within.
Va by Sy qualified staff, so people currently on the call would would be the ones to do that.
There would have to be a process definitely to to 1st understand if there one is identified within the AP.
And then assess how to determine if our particular project will or will not adversely affect that TCP. So that could involve.
Informal discussions with tribes or that particular tribe that might have any association with that TCP to to get to gather that information.
So that sort of information gathering would be done.
With the tribes to to to come up with a final determination internally that we feel.
Based upon our data that this particular project would not adversely affect that TCP so.
What?
And we would again that would be.
Written out in the PA how that would be conducted and how we would do that so.

 **Tran, Lindsay** 56:34
OK.
Thanks for clarifying. Thank you.

 **Abreu, Hector M.** 56:42
Any other questions?
That's great.
I'm I'm so glad to see so many people calling in. As I said, I know all you guys are. You know, you probably seen so too many program alternatives in your lifetime that you see.
Oh, Kristen. Yes.

 **Kristen Koehlinger** 57:00
Hi thanks. I put this in the chat too, but I'm assuming that there'll be an inadvertent discoveries clause in there.
Reason I'm asking is, you know we have some highly significant archaeological sites in our state of Ohio.
And you know, there hasn't been more than like 3% at the most of the state that's been surveyed for archaeology. And so we're always discovering new things almost daily.
On projects.
So you know, just I think that new build out or not build out but the build to suit.

 **Abreu, Hector M.** 57:41
Yes.

 **Kristen Koehlinger** 57:42
Version that kind of gives me some concern because even like in other programmatic agreements that we have, we're telling people that any ground disturbance needs to be consulted with us, even if like the whole rest of the build stuff doesn't need to be. So just kind of what?
Your thoughts on that?

 **Abreu, Hector M.** 58:00
Yes, to great question to your inadvertent Discover Card.
Yes, there will be language in there addressing that, though we of course have that within all our lease projects once they start the build.
I should mention that the way our leases work is that we we have a developer, you know, get the property, the developer develops it for us, we pay for you know, they pay for the the construction however we.
Occupied and repay the lease and that's how they make the money.
So the reason it works that way is that it's there are some that we construct ourselves, but others are done by developers and and it's a quick turn around.
So you know, they're they're much more efficient than we are and getting these things built quicker but and they also so all all projects that VA funds through our lease process have to have.
Inadvert discovery.
Clauses within the contracts, if we do it or they do it with obviously during the construction phase, if something appears, they need to stop work and notify the shippo or tribe over tribe.
So that's all standard within all of our our our construction projects. So that would that would that would occur anywhere.
But yeah, we do plan to have a clause within the NPA that addresses an advertiser's as well.
Chad.

 **Slider, Chad (DNR)** 59:30
Hi, yes, I I would just reflect what others said to appreciate the very thorough information provided and the good.
Good information.
I had a question about the.
Build to suit as well.
I was curious for the.
First classification. That said, something about exemption or not notifying us.
I guess I was wondering if if some sort of archaeological.
Records check.
And or survey is done, how would we receive a copy of that? And I think we would have concern about not reviewing a new ground disturbance because of again our knowledge of archaeological sites here in the state and also some of our cemetery development laws and things like.
That that require replan. If we within 100 feet and some things like that.

 **Abreu, Hector M.** 1:00:34
Yeah. No, that's a great question.
We do tend to when they're new sites as opposed to might be a, you know, commercial center or something like that.
To conduct a phase one typically and in our consults with shippers in the past.
Again, as I said, most 99.9% of those have been.
Nothing's been found, so we've achieved concurrence on no historic properties affected have.
Have been due to us conducting a phase one.
Whatever within that particular state, requirements for the phase ones are and a negative result coming back tends to typically.
Formalize our determination of of no historic properties affected archaeologically, with, of course, the Inadvert discovery clause being mentioned.
However, that that doesn't mean if something is discovered, we of course will abide by inadvert discoveries and stop the project and notify ship on tribe.
So yeah, we we do collect that data and we do supply that.

 **Slider, Chad (DNR)** 1:01:35
OK.

 **Abreu, Hector M.** 1:01:35
Through the through the normal 106 consultative process.
So we could we could determine a way of if we do that.
For in in these cases to create that determination just notification.
Maybe it could include a copy of the report, something like that. But we we can discuss how we can do that.

 **Slider, Chad (DNR)** 1:01:51
OK.
That sounds good.

 **Abreu, Hector M.** 1:02:02
Else any other questions?
These are great.
Thank you very much.
It's been again, we're recording everything and taking all notes down, so we will share that with everybody.
It's not a question.
Oh, I'm sorry.
Somebody's texting me on another meeting.
Great. I think we're almost to the end.
You have two minutes here, so let's go to the next slide.
Nice little summary.
So again, thank you very much.
Our next steps are the following. We will be accepting comments and again, if you have any additional comments.
And again, we're starting out that we're early in the process, but if you have any other comments, please, we're accepting comments through November 1st, 30 days.
We will review all the comments you provide.
We will post them and respond to those that we can.
We will distribute the the draft of the NP sometime late this year calendar year.
Hopefully we'll have something ready for review by all the parties.
So be be wary of that and keep your eyes out.
That should be coming out soon.
I will be notifying everyone about that soon. When it does go out.
We will accept early comments via e-mail. So again if you send any your comments to historicpreservation@va.gov, we will accept comments that way.
We are hoping to host.
Second round of meetings early 2025.
More on that on the exact date, maybe March, that kind of area, February, March maybe?
But more on that.
That'll be our second round that.
That'll probably be the one where we have more in depth discussions on the language within the NPA and comments received and we can get more in depth discussion of how the the document is starting to develop and that we can.
That'll be for our next meeting.
So into the NP as executed.
Course. So you're all aware we will continue to use the standard 106 process for all our major leases. So nothing will change.
There will continue on as we've always done following 36 CFR part 800. Next slide.
So.
Participation.
Will be through again our these meetings attendance. However, if you can't, that doesn't mean we are excluding your participation comments on drafts, comments through our website or of course sending us an e-mail also is included in your participation. So please if if any of your colleagues ask you.
No, can I still participate?
Can I still comment?
Because I didn't have a chance to come to the meeting today, of course.
No, we we accept any comments any of these methods, any of these venues are are gladly accepted.
And.
I think I went through my notes.
Everything's yet, I think that is it our next meeting, as I said will be next year.
Hopefully we'll be seeing something soon with the draft of the MPA.
And again, thank you all and I know you guys are really working hard on reviewing other program alternatives.
And again, I'm sorry that this this came out when it came out, but it's just pure coincidence.
But we hope it again. It will be not as painful as some of as other.
Program alternatives.
You all may be reviewing.
For for commenting on so. Thank you.
Thank you very much for participating today.
It went off except for is that Chris.

 **Kelly Sellers Wittie** 1:06:12
It is Chris.

 **Abreu, Hector M.** 1:06:13
OK.
I was wondering who CK was.
Alright guys.

 **Kelly Sellers Wittie** 1:06:18
Hector, you have.

 **Christopher Koeppel** 1:06:19
Hi guys. Sorry.

 **Abreu, Hector M.** 1:06:21
I did some little post team meet here.

 **Christopher Koeppel** 1:06:25
Yeah, I'm gonna log off, but I do wanna say I thought that went really well.

 **McArdle, Angela B. (CFM) (she/her/hers)** 1:06:25
Wanna turn the recording off?

 **Abreu, Hector M.** 1:06:30
Thank you, Chris. Thank you.

 **Christopher Koeppel** 1:06:31
And thank you all for putting this together.
Thanks for the effort and I can listen in on the other ones in case you need to phone a friend Vanessa, but.

 **Vanessa Hanvey** 1:06:42
Thank you.

 **Abreu, Hector M.** stopped transcription