



**Homeland
Security**

September 13, 2023

**RE: Draft Section 106 of the National Historic Preservation Act Nationwide
Programmatic Agreement for Climate Resiliency and Sustainability Projects at
DHS-owned Facilities.**

Dear Tribal Leader:

The Department of Homeland Security (DHS or Department) is the third-largest agency in the Executive Branch and is comprised of 15 sub-agencies, or Components, each with a vital mission to secure the nation from the many threats it faces. As the Department responds to the growing risks on operations from sea level rise, extreme weather events, floods, higher ambient temperatures, utility disruptions, and other impacts arising from global climate change, we have established ambitious goals to decrease greenhouse gas (GHG) emissions, expand our inventory of sustainable buildings, increase energy efficiency, and conserve water at DHS-owned federal facilities.

The majority of DHS Components have a limited real property portfolio as business is conducted from property leased from, or managed by, other federal entities such as the General Services Administration (GSA). As of the date of this letter, the DHS owned real property portfolio consists of approximately 8,000 buildings, 37,000 structures, and 68,000 acres of land across the nation and U.S. territories. Our real property assets are very diverse, consisting of a variety of use types including administrative, warehouse, family housing, operation and detention centers, laboratories, shore facilities, training campuses, and include structures such as navigational aids and communication towers.

DHS Components were recently surveyed in early 2022 on proposed sustainable building projects in addition to annual reporting for capital improvement. An estimated 200 sustainable building projects were being proposed from Fiscal Years (FY) 2022-2025 at a cost of \$2 billion. These projects would result in an estimated annual energy savings of 142.5 million British Thermal Units (Btu) or a savings of 17.1 billion pounds of carbon dioxide and a savings of 8.3 million gallons of water. Additionally, DHS received \$500 million in the Inflation Reduction Act of 2022 for sustainability and environmental programs. From FY 2023-2028, DHS will fund hundreds of projects across the country and U.S. territories to increase sustainable buildings, reduce square footage, enhance resilience, utilize renewable energy, conduct environmental compliance and remediation, and benefit environmental justice communities. These actions are necessary to ensure the continued execution of the DHS mission under changing climatic conditions and risks.

DHS has established a framework and tools to support strategic prioritization and execution of needed sustainability and resilience actions and we anticipate a continued increase in these projects over the next decade and beyond. As we work to implement these projects effectively and in a timely manner, a streamlined approach is necessary for environmental and cultural resource stewardship and compliance. We are proposing the development of a Program Alternative to Section 106 of the National Historic Preservation Act pursuant to 36 C.F.R. 800.14, for maintenance, repair, and upgrades to enhance DHS owned federal facility climate resiliency and sustainability.

We acknowledge our operational activities are on tribal lands and in tribal treaty areas across the nation. It is vital DHS continue to foster meaningful outreach and consultation with our Tribal partners for the DHS mission and climate action priorities to be successfully executed. In the spirit of Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments,” and Presidential Memorandum “Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships” of January 26, 2021, and pursuant to 36 C.F.R. 800.14, we invite your Tribe to consult on a Nationwide Programmatic Agreement (NPA) regarding maintenance, repair, and upgrades to improve climate resiliency and sustainability, reduce energy and water consumption, and increase use of renewable energy at DHS owned facilities.

We have drafted a proposed NPA in coordination with the Advisory Council on Historic Preservation and National Conference of State Historic Preservation Officers. Additionally, we have had discussions over the last year with the National Association of Tribal Historic Preservation Officers to understand concerns and garner input on our draft NPA, which is enclosed with this letter for your review. You may also view it online at: [Sustainability and Environmental Programs | Homeland Security \(dhs.gov\)](#)

In order to provide more information on DHS’s need for a NPA and the types of climate resiliency and sustainability projects it would cover, we invite your Tribe to attend an online informational and listening session. Phone numbers have also been provided should there be connectivity interruptions or access concerns. Two Microsoft Teams ([click](#) to download or access from your web browser) sessions have been scheduled for the following dates and times:

- October 2, 2023 – 11:00am-12:30pm, Eastern Time
Microsoft Teams - [Click here to join the meeting](#)
Meeting ID: 299 180 049 697
Passcode: qXTM6G
Call-in (audio only): +1 202-516-6093; 875755420#
- October 2, 2023 – 4:00-5:30pm, Eastern Time
Microsoft Teams - [Click here to join the meeting](#)
Meeting ID: 247 061 109 962
Passcode: Pd4emU
Call-in (audio only): +1 202-516-6093; 202770626#

At these sessions, Departmental historic preservation, real property, facility management, climate, and sustainability representatives will be available to answer questions or listen to concerns and recommendations. While we will hold two nationwide virtual sessions for Tribes, I am happy to schedule separate meetings upon request. Additionally, should you need any accommodations for the sessions, the DHS Deputy Federal Preservation Officer will serve as point for this effort and can be reached at Sarah.Koeppel@hq.dhs.gov or 202-868-2759.

Your desire to formally consult, or any comments you may have on this initiative, is requested by October 30, 2023, via email at sep-ephp@dhs.hq.gov.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Teresa Pohlman', with a long horizontal flourish extending to the right.

Dr. Teresa Pohlman
Executive Director, Sustainability and Environmental Programs

Attachment: Draft - Nationwide Programmatic Agreement regarding maintenance, repair, and upgrades to improve climate resiliency and sustainability, reduce energy and water consumption, and increase use of renewable energy at Department of Homeland Security owned facilities.