

FIRST AMENDMENT TO PROGRAMMATIC AGREEMENT  
AMONG  
THE UNITED STATES DEPARTMENT OF ENERGY,  
THE MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY,  
THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES  
BUREAU OF COMMUNITY ACTION AND ECONOMIC OPPORTUNITY,  
THE MICHIGAN STRATEGIC FUND  
AND  
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE USE OF INTERSTATE AGREEMENT  
FOR SECTION 106 REVIEW OF EECBG, SEP AND WAP UNDERTAKINGS

WHEREAS, on April 27, 2010, The United States Department of Energy (the “DOE”), The Michigan Department of Energy, Labor and Economic Growth, Bureau of Energy Systems (the “DLEG”), The Michigan Department of Human Services (the “MDHS”), Bureau of Community Action and Economic Opportunity (the “BCAEO”), The Michigan State Housing Development Authority (the “MSHDA”) and The Michigan State Historic Preservation Officer (the “SHPOfficer”) (collectively, the “Parties”) entered into a Programmatic Agreement (the “Agreement”) to fulfill the requirements of Section 106 of the National Historic Preservation Act for certain DOE-funded Undertakings in Michigan.

WHEREAS, in 2010, as the result of unprecedented funding levels resulting from the implementation of the American Recovery and Reinvestment Act (the “Recovery Act”), the DOE, the Advisory Council on Historic Preservation (the “ACHP”), and the National Conference of State Historic Preservation Officers (the “NCSHPO”) developed a first-of-its-kind [Prototype Programmatic Agreement](#) (the “Prototype PA”) for National Historic Preservation Act (the “NHPA”) Section 106 reviews;

WHEREAS, the intent of the Prototype PA was to provide (1) the DOE, (2) recipients of financial assistance under the DOE’s Weatherization Assistance Program (the “WAP”), State Energy Program (the “SEP”), and Energy Efficiency Conservation Block Grant (the “EECBG”) program, as applicable (collectively, the “Recipients”), and (3) State Historic Preservation Offices (the “SHPOs”) with a tailored method for complying with Section 106 of the NHPA. The DOE, the Recipients, and the SHPOs negotiated and executed subsequent programmatic agreements (the “Subsequent PA”) in accordance with the Prototype PA;

WHEREAS, this Agreement is a Subsequent PA negotiated and executed in accordance with the Prototype PA;

WHEREAS, the Prototype PA originally provided that each Subsequent PA would have a duration of three years from the date of execution. As the result of ACHP’s Program Comment dated March 11, 2013, 78 Fed. Reg. 16275-16277 (1) extended the duration of any existing Subsequent PA, including this Agreement, to December 31, 2020 and (2) provides the same duration period for any future agreements executed under the Prototype PA;

WHEREAS, Executive Order No. 2019-13 transferred the Michigan State Historic Preservation Office and SHPOfficer from the MSHDA to the Michigan Strategic Fund (the “MSF”);

WHEREAS, Executive Order No. 2015-4 abolished the MDHS and transferred all MDHS duties and authority, including the administration of the WAP, to the Michigan Department of Health and Human Services (the “MDHHS”);

WHEREAS, Executive Order No. 2011-4 changed the name of the DLEG to the Michigan Department of

Licensing and Regulatory Affairs (the “LARA”). Executive Order No. 2019-02 transferred the administration of the SEP from the LARA to the Michigan Department of Environment, Great Lakes and Energy (the “EGLE”) Materials Management Division;

WHEREAS, the DOE, the ACHP, and the NCSHPO recognize that the Prototype PA and Subsequent PAs continue to provide great value to DOE, the Recipients, and the SHPOs, notwithstanding expiration of most Recovery Act funding;

WHEREAS, the Parties desire to extend the duration of this Agreement for an additional 5 years until December 31, 2025; and

WHEREAS, DOE will file a copy of this executed Amendment with the ACHP;

NOW, THEREFORE, the Parties agree as follows:

1. Stipulation 2 is hereby deleted in its entirety and replaced with:

This Programmatic Agreement will be in effect until December 31, 2025, as verified with DOE filing this Amendment with the ACHP.

This Amendment may be executed in counterparts, each of which when so executed shall be deemed an original, but all of which shall together constitute one and the same instrument, it being understood that all parties need not sign the same counterpart. This Amendment is not effective until each party executes the Amendment.

IN WITNESS WHEREOF, the Parties by their duly authorized representatives, have executed this First Amendment to Programmatic Agreement as of the date below written.

SIGNATORIES:

 11/18/2020  
\_\_\_\_\_  
Robert Gordon Date  
Department Director  
Michigan Department of Health and Human Services

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Liesl Eichler Clark Date  
Director  
Michigan Department of Environment, Great Lakes, and Energy

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Martha L. MacFarlane-Faes Date  
Deputy State Historic Preservation Officer  
Michigan Strategic Fund

\_\_\_\_\_  
Valerie Hoag Date  
Fund Manager  
Michigan Strategic Fund

\_\_\_\_\_  
Derek G. Passarelli Date  
Director, Golden Field Office  
Office of Energy Efficiency and Renewable Energy  
United States Department of Energy

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SIGNATORIES:

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Robert Gordon Date  
Department Director  
Michigan Department of Health and Human Services



11/19/2020

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Liesl Eichler Clark Date  
Director  
Michigan Department of Environment, Great Lakes, and Energy

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Martha L. MacFarlane-Faes Date  
Deputy State Historic Preservation Officer  
Michigan Strategic Fund

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Valerie Hoag Date  
Fund Manager  
Michigan Strategic Fund

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Derek G. Passarelli Date  
Director, Golden Field Office  
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Robert Gordon Date  
Department Director  
Michigan Department of Health and Human Services

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Liesl Eichler Clark Date  
Director  
Michigan Department of Environment, Great Lakes, and Energy

DocuSigned by:  
*Martha MacFarlane-Faes* 12/4/2020  
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Martha L. MacFarlane-Faes Date  
Deputy State Historic Preservation Officer  
Michigan Strategic Fund

DocuSigned by:  
*Valerie Hoag* 12/4/2020  
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Valerie Hoag Date  
Fund Manager  
Michigan Strategic Fund

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Derek G. Passarelli Date  
Director, Golden Field Office  
Office of Energy Efficiency and Renewable Energy  
United States Department of Energy

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Robert Gordon Date  
Department Director  
Michigan Department of Health and Human Services

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Liesl Eichler Clark Date  
Director  
Michigan Department of Environment, Great Lakes, and Energy

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Martha L. MacFarlane-Faes Date  
Deputy State Historic Preservation Officer  
Michigan Strategic Fund

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Valerie Hoag Date  
Fund Manager  
Michigan Strategic Fund

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*Derek G. Passarelli* December 7, 2020  
Derek G. Passarelli Date  
Director, Golden Field Office  
Office of Energy Efficiency and Renewable Energy  
United States Department of Energy