

***Prototype Programmatic Agreement
between the United States Department of Energy,
the State Energy Office, and the State Historic Preservation Office
regarding EECBG, SEP, and WAP Undertakings***

Amending the Executed Programmatic Agreements

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- In 2010, the United States Department of Energy (DOE), the Advisory Council on Historic Preservation (ACHP), and the National Conference of State Historic Preservation Officers (NCSHPO) developed a first-of-its-kind [Prototype Programmatic Agreement](#) (Prototype PA) for National Historic Preservation Act Section 106 reviews.
- The intent of the Prototype PA was to establish a tailored method for complying with Section 106 for the DOE's Weatherization Assistance Program (WAP), State Energy Program (SEP), and the Energy Efficiency and Conservation Block Grant Program (EECBG).

- The Weatherization and Intergovernmental Programs Office (WIP) is part of the DOE Office of Energy Efficiency and Renewable Energy (EERE) and supports DOE's mission to create greater energy affordability, security, and resiliency.
- WIP comprises two programs focused on state and local governments, the Weatherization Assistance Program (WAP) and the State Energy Program (SEP).
- WIP manages the Energy Efficiency and Conservation Block Grant (EECBG) Program, a national program funded one-time under the Recovery Act.
- WAP, SEP, and EECBG are well suited for the Prototype Programmatic Agreement because they provide funding to activities that are relatively similar in nature and consistent over time, even as funding levels fluctuate.

- DOE negotiated and executed subsequent Programmatic Agreements (PAs) with individual state/territory energy offices and State Historic Preservation Officers in accordance with the Prototype PA.
- To date, DOE has executed 53 PAs.
- These agreements have been executed over the last ten years, some as recently as this year.
- All of the executed PAs are available online:
<https://www.energy.gov/eere/wipo/historic-preservation-executed-programmatic-agreements>

- Outline the roles and responsibilities for each signatory party (DOE, the recipient, and the SHPO), as well as ACHP and NCSHPO;
- Address DOE's Section 106 responsibilities with respect to Tribal and Native Hawaiian Organizations;
- Exempt certain undertakings from Section 106 review;
- Outline review procedures for non-exempt undertakings;
- Provide direction for administrative coordination and dispute resolution amongst the signatory parties; and
- Establish reporting requirements.

- In the 2019 reporting period, SEP, WAP, and EECSBG recipients with PAs conducted in excess of 31,000 activities (undertakings) using DOE funds. Of these undertakings,
- Approximately 3,000 Section 106 reviews were conducted..
- Almost 28,000 were exempt from review:
 - Approximately 13,000 were exempt due to the age of the property
 - Approximately 14,000 were exempt based on activities included in the Appendices A and B

- The Prototype PA states that each subsequent PA is valid for three years from the date of execution.
- On March 11, 2013, ACHP issued a Program Comment extending the use of the executed subsequent PAs through **December 31, 2020**.
- DOE is now working to extend the useful life of the PAs through **December 31, 2030** via an Amendment.
- DOE will work with recipients and SHPOs to explore ways to update and improve the PAs once the amendments are in place.

- DOE has prepared an Amendment to extend the executed PAs.
- The Amendment was prepared based on ACHP's Amendment template.
- Verifiable electronic or “ink” signatures of each party will be required.
- DOE will coordinate the signature of the Amendments and file the Amendments with ACHP.

Thank you for your time!

- We will be following up by phone to your in the coming weeks.
- In the meantime, please feel free to reach out to DOE with any questions or comments:

By email: HistoricPreservation@ee.doe.gov

By phone: Kristin Kerwin, 240-562-1564