

This document provides the audio transcript of the associated recorded PowerPoint Presentation (Recorded by Kristin Kerwin on 7/17/2020)

Slide 1:

Hello, my name is Kristin Kerwin. I am the NEPA Division Director at the Department of Energy, Office of Energy Efficiency and Renewable Energy, Golden Field Office in Golden, Colorado. The NEPA Division is responsible for National Historic Preservation Act Section 106 compliance for EERE's financial assistance programs.

This recorded presentation is intended to provide you with background on DOE's Prototype Programmatic Agreement and to outline our plan to amend the executed Programmatic Agreements to extend their expiration dates.

This presentation is 9 slides in total and approximately 15 minutes long.

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In 2010, as the result of unprecedented funding levels provided by the American Recovery and Reinvestment Act (Recovery Act), 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 Section 106 reviews.

The intent of the Prototype PA was to establish a tailored method for complying with Section 106 for DOE's Weatherization Assistance Program, State Energy Program, and the Energy Efficiency and Conservation Block Grant Program.

A quick note, before I move on, I wanted to mention that the hyperlinks that you see throughout these slides were provided in the email you received with the link to this presentation.

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The Prototype Programmatic Agreement applies to projects funded by the State Energy Program, the Weatherization Assistance Program and the Energy Efficiency and Conservation Block Grant Program. All three of these programs were managed by DOE's Office of Energy Efficiency and Renewable Energy Weatherization and Intergovernmental Programs Office during the Recovery Act.

The Weatherization and Intergovernmental Programs Office's mission is to enable strategic investments in energy efficiency and renewable energy technologies through the use of innovative practices across the United States in partnership with a wide range of stakeholders, including state and local organizations and community-based non-profits. WIP supports DOE's strategic objective to lower energy costs while expanding energy choices for all American communities.

WIP currently administers the Weatherization Assistance Program and the State Energy Program. The Energy Efficiency and Conservation Block Grant program was a national program funded one-time by the Recovery Act.

The Weatherization Assistance Program provides funding to 50 states, the District of Columbia, 5 U.S. territories, and one Indian tribe to reduce energy costs for low-income households by increasing the energy efficiency of their homes while ensuring their health and safety. The Weatherization program has created an industry, producing new jobs and technologies, all while helping the most vulnerable families across the country. The program provides funding for weatherization services to approximately 35,000 homes every year.

The State Energy Program provides funding and technical assistance to 50 states, the District of Columbia, and five U.S. territories to enhance energy security, advance state-led energy initiatives, and maximize the benefits of increasing energy efficiency. State-led activities include energy emergency planning and response, low-cost financing programs for energy efficiency, performance contracting, school and public building retrofit programs and innovative energy technology demonstration projects, among other programs that spur economic development, increase energy efficiency and expand domestic energy resources.

From 2009 to 2015, the EECBG Program provided grants and technical assistance to local governments, states, tribes and territories to support a wide variety of energy efficiency and renewable energy activities. Some recipients elected to invest EECBG funds in revolving loan programs, resulting in continued funding of new projects even though the program received one-time funding.

Weatherization, SEP, and EECBG are programs that are well suited for the Prototype Programmatic Agreement, as they provide funding to activities that are relatively similar in nature and consistent over time, even as funding levels fluctuate. Collectively, the Programs provide funding in support of tens of thousands of activities each year. These activities are intended to lower energy costs while expanding energy choices for communities. The subsequent PAs executed in accordance with the Prototype PA make it possible for the recipients to execute this large number of undertakings by expediting reviews for undertakings that do not have the potential to adversely impact historic properties and establishing the review process for those projects that require individual consideration.

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After the Prototype PA was designated by ACHP, DOE negotiated and executed subsequent Programmatic Agreements (subsequent PAs) with individual state energy offices and State Historic Preservation Officers in accordance with the Prototype PA. The subsequent PAs were negotiated using the Prototype PA as a template.

I'll note that most of the time DOE refers to the subsequent PAs as simply "PAs".

A total of 53 DOE PAs have been executed with DOE in accordance with the Prototype PA. Many of the agreements were signed quickly after ACHP designated the prototype, however some agreements were signed as recently as this year. All subsequent PAs are available on the Weatherization and Intergovernmental Program Office's website on energy.gov

This website can also easily be found by Googling "DOE programmatic agreements for historic preservation".

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The Prototype PA provides the template for the subsequent PAs. The PAs vary between states to some degree, but at a minimum, each PAs:

Outlines the roles and responsibilities for each signatory party, as well as ACHP and NCSHPO; and

Addresses DOE's Section 106 responsibilities with respect to Tribal and Native Hawaiian Organizations.

The agreements exempt certain undertakings from Section 106 review (these exempt activities are described in Appendices A and B of the PA); outline review procedures for non-exempt undertakings; provide direction for administrative coordination and dispute resolution amongst the parties; and establish DOE's reporting requirements.

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The subsequent PAs are beneficial to DOE and recipients in a number of important ways. In practice, the PAs delegate some of DOE's Section 106 responsibilities to the recipient, allowing the recipient to work directly with the SHPOs. Further, PAs exempt certain undertakings from the Section 106 review process altogether.

As mentioned previously, Weatherization, SEP, and EECBG programs 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. Between SEP, Weatherization, and EECBG, there are in excess of 30,000 undertakings each year. Using the PAs greatly streamlines the process, saving DOE, the states and territories, and the SHPOs, countless hours of work, while also maintaining protection of historic properties.

The Prototype PA and subsequent PAs provide great value to DOE and to recipients. In this reporting year, consistent with previous years, more than 31,000 undertakings were conducted by recipients using DOE funds. These undertakings by and large do not have the potential to adversely impact historic properties. Without the PAs, each of these undertakings would require individual Section 106 review, which would result in a substantial workload burden to DOE, SHPOs, and recipients, and ultimately delay the realized benefits of energy efficiency and renewable energy projects.

Of the 31,000 undertakings in 2019: Approximately 3,000 Section 106 reviews were conducted while 28,000 were exempt from review. Of the 28,000 exempt undertakings, around 13,000 undertakings were exempt due to the age of the property, and about 14,000 were exempt based on activities included in Appendices A and B.

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The Prototype PA states that each subsequent PA is valid for three years from the date of execution. However,

On March 11, 2013, ACHP issued a Program Comment stating that, regardless of the duration clause, DOE could continue complying with its responsibilities under Section 106 for WAP, SEP, and EECBG through December 31, 2020.

Based on the overall value that the PAs provide to DOE, Recipients, and SHPOs, DOE is now working to extend the useful life of the agreements through December 31, 2030.

While I have talked a lot about the value provided by the PAs, we acknowledge the agreements are not perfect, and plan to work with Recipients and SHPOs to explore ways to update and improve the PAs once the Amendments are in place.

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In cooperation with ACHP and NCSHPO, DOE has prepared an Amendment to extend the executed PAs through December 31, 2030.

The Amendment was prepared based on ACHP's Amendment template.

The Amendment process will require signatures of all parties to the PA. Either verifiable electronic signatures or "pen and ink" signatures will be required.

Recognizing that obtaining signatures for multiple parties can be an arduous process, DOE is currently exploring options to streamline the coordination and signature process. Once signed by all parties, DOE will file the individual Amendments with ACHP.

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Thank you for your time and attention to this presentation.

Golden Field Office NEPA Division team members will be following up with your office by phone in the coming weeks to discuss the implementation of the Amendment to extend your PA.

In the meantime, please feel free to reach out to DOE with any questions or comments:

You can reach us by email: [HistoricPreservation@ee.doe.gov](mailto:HistoricPreservation@ee.doe.gov)

Or you can reach me by phone at 240-562-1564

Thanks again and we look forward to working with you and your offices.