



## Department of Energy

Golden Field Office  
15013 Denver West Parkway  
Golden, Colorado 80401

June 29, 2022

### MEMORANDUM FOR EERE STAFF AND WEATHERIZATION AND INTERGOVERNMENTAL PROGRAMS RECIPIENTS

FROM: KRISTEN CADIGEN  
DIVISION DIRECTOR/CONTRACTING OFFICER

SUBJECT: Clarification of Applicability of Historic Preservation Programmatic Agreements

The United States Department of Energy (DOE), entered into Programmatic Agreements with many States and Territories to fulfill the requirements of Section 106 of the National Historic Preservation Act (NHPA) for certain DOE-funded undertakings. This effort originated from the unprecedented funding levels of the American Recovery and Reinvestment Act (ARRA), beginning in 2010. In 2020, DOE in cooperation with the Advisory Council on Historic Preservation (ACHP) and the National Conference of State Historic Preservation Officers (NCSHPO), developed an amendment to extend the expiration date of the executed subsequent Programmatic Agreements. Most amendments extend the Programmatic Agreements until December 31, 2030, while some States opted to extend their agreements through 2025.

DOE requires all Recipients with a Programmatic Agreement to comply with the terms of the Programmatic Agreements executed in their state or territory. The intent of the Programmatic Agreements was to provide DOE, recipients of financial assistance under DOE's Weatherization Assistance Program (WAP), State Energy Program (SEP), and Energy Efficiency Conservation Block Grant (EECBG) program, and State Historic Preservation Offices (SHPOs) with a tailored method for complying with Section 106 of NHPA. The Programmatic Agreements exempt many activities from consultation with the SHPO. If an activity is not exempt from consultation, the Programmatic Agreement describes the protocol agreed to in that State or Territory for carrying out consultation in compliance with Section 106. If a Programmatic Agreement has not been executed in a particular State or Territory, Recipients should consult with DOE. Importantly, an Indian tribe may assume all or any part of the functions of a SHPO with respect to tribal land, and undertakings affecting tribal land should not begin until after consulting with the Indian tribe's chief governing authority.

So long as the undertaking is within a State or Territory that has executed a Programmatic Agreement, the terms of the Programmatic Agreement will apply to all WAP, SEP, and EECBG Recipients and subrecipients within the applicable state, and their activities. Recipients are not required to obtain DOE approval of their consultation documentation; however, Recipients are required to keep such documentation on file. DOE will require Recipients to report on how they complied with the Historic Preservation clause for all activities. The Programmatic Agreements do not apply to State and Territories without a Programmatic Agreement or on tribal land. The

Programmatic Agreements for the subject States or Territories, which are available at:  
<https://www.energy.gov/eere/wipo/historic-preservation-executed-programmatic-agreements>.

All Recipients may avail themselves of assistance from DOE in carrying out Section 106 consultation requirements by sending an email to: [historicpreservation@ee.doe.gov](mailto:historicpreservation@ee.doe.gov). For questions or concerns regarding these awards, please contact the cognizant DOE Project Officer.

*Kristen L. Cadigan*

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