

Memorandum

DATE: August 10, 2020

WAP Memorandum 066

REPLY TO

ATTN OF:  Erica Burrin, Weatherization Assistance Program, Program Manager
Weatherization and Intergovernmental Program Office

SUBJECT: Historic Preservation Prototype Programmatic Agreements Amendment

TO: Weatherization Assistance Program Grantees

NOTE- This memorandum does not apply to Guam, Northern Arapaho, Northern Mariana Islands, and the Virgin Islands.

The U.S. 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 (PA) in 2010 to streamline National Historic Preservation Act Section 106 reviews. To date, a total of 53 state- and territory-specific subsequent PAs have been executed with DOE in accordance with the Prototype PA. The expiration date of the current PA is December 31, 2020. DOE has worked closely with ACHP and NCSHPO to develop the Amendment that will extend the PAs for 10 years. Please see [WAP Memorandum 063: Historic Preservation Prototype Programmatic Agreements Amendment Process](#) for more background information.

Attached to this memorandum you will find the Amendment text so you can review and begin sharing with your Leadership. The DOE National Environmental Policy Act (NEPA) Office (historicpreservation@ee.doe.gov) will contact you in the following weeks to coordinate the signature of the Amendment. After receipt of the Amendment, please verify the name of your agency and that the signatory information is correct. Due to the current environment, each signatory will be able to sign an individual page, by “ink” or a verifiable electronic signature, which shall together constitute the same instrument. The NEPA Office has reached out to the State Historic Preservation Officers (SHPOs) to provide them the necessary background information and begin the renewal Amendment process.

As a reminder, Grantees with a PA must adhere to all the stipulations of their PA.

All DOE executed PAs are available on the Weatherization and Intergovernmental Programs website: <https://www.energy.gov/eere/wipo/historic-preservation-executed-programmatic-agreements>.

If you have questions regarding the information in this Memorandum, please contact your respective DOE Project Officer.

ATTACHMENT

AMENDMENT TO PROGRAMMATIC AGREEMENT BETWEEN

THE UNITED STATES DEPARTMENT OF ENERGY, THE [INSERT STATE NAME] ENERGY OFFICE AND
THE [INSERT STATE NAME] STATE HISTORIC PRESERVATION OFFICE
REGARDING EECBG, SEP AND WAP UNDERTAKINGS
(AGREEMENT)

WHEREAS, the Agreement was executed on [insert month and year of execution];

WHEREAS, in 2010, as the result of unprecedented funding levels resulting from the implementation of 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 National Historic Preservation Act Section 106 reviews;

WHEREAS, the intent of the Prototype PA 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, as applicable, and State Historic Preservation Offices (SHPOs) with a tailored method for complying with Section 106 of the National Historic Preservation Act. DOE, [RECIPIENT, and STATE SHPO] negotiated and executed a subsequent agreement in accordance with the Prototype PA;

WHEREAS, the Prototype PA originally provided that each subsequent PA would be valid for three years from the date of execution. As the result of ACHP's Program Comment dated March 11, 2013, however, all subsequent PAs, including this Agreement, were extended through December 31, 2020. (78 FR 16275, 16277);

WHEREAS, [U.S. State/Territory] has an executed a subsequent PA that was signed by [Individual/State Office] on [DATE], the [SHPO Individual/Office] on [DATE], and the Department of Energy on [DATE].

WHEREAS, ACHP, NCSHPO, and DOE recognize the Prototype PA and subsequent PAs continue to provide great value to DOE, recipients, and SHPOs, notwithstanding expiration of most Recovery Act funding, this amendment extends the use of the Agreement for an additional 10 years; and

WHEREAS, DOE will send a copy of this executed amendment to the ACHP;

NOW, THEREFORE, in accordance with Stipulation XV of the Agreement, [insert the Signatories of the Agreement] agree to amend the Agreement as follows:

1. Amend Stipulation XVI so it reads as follows:

This PA will be valid until December 31, 2030, as verified with DOE filing the PA with the ACHP.

[Insert signature and date lines for all Signatories. If the amendments add duties to a party that did not sign the Agreement, add a signature line for that party.]