

Memorandum

DATE: **August 16, 2023**

Carrie Smith

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Smith
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WAP Memorandum 110

REPLY TO

ATTN OF: **Carrie Smith, Readiness and Retrofit Program Manager
Weatherization Assistance Program**

SUBJECT: **Historic Preservation Review Process for Utilizing Weatherization Assistance Program (WAP)
Funds on Tribal Lands**

TO: **Weatherization Assistance Program Grantees and Enhancement & Innovation Grantees**

INTENDED

AUDIENCE: **Grantee Program Managers**

The Department of Energy (DOE) WAP reminds Grantees that compliance with the [National Historic Preservation Act \(NHPA\)](#), 16 U.S.C. 470 et seq., prior to the expenditure of federal funds, is required with all awards. Grantees are to comply with [Section 106](#) of NHPA. Section 106 applies to historic properties or sites that are listed on or potentially eligible for listing on the National Register of Historic Places, including tribal properties or sites.

Most Grantees have a DOE executed Programmatic Agreement (PA). PAs provide a streamlined approach to the Section 106 review process. Additionally, PAs identify certain activities that would not have the potential to cause effects on an historic property and exempt those activities from further State Historic Preservation Office (SHPO) review. NOTE: some activities have restrictions and additional requirements that must be met. PAs allow Grantees to consult directly with their SHPO, if needed. All DOE WAP executed PAs are available at <https://www.energy.gov/scep/historic-preservation-executed-programmatic-agreements>.

To fulfill the requirements of Section 106, WAP Grantees with a PA must adhere to the requirements outlined in their PA ([36 CFR Part 800](#)). WAP Grantees without a PA, including Enhancement and Innovation (E&I) Grantees, are required to comply with Section 106 following the terms and conditions of their WAP and/or E&I award.

PAs do not cover work on Tribal land. As a result, any proposed work on Tribal land will require prior review and approval from DOE. If DOE determines that consultation with the SHPO or Tribal Historic Preservation Office (THPO) is required, DOE will consult with the SHPO or THPO. This review can take thirty (30) days once complete information is received by the SHPO or THPO. Separately, DOE is also responsible for government-to-government consultation with Tribes, as needed.

To assist Grantees in complying with this law, DOE has created a [Historic Preservation Worksheet](#) (HPW) and included an [HPW example](#). The HPW is to be used when work is planned on homes or buildings located on Tribal land that are forty-five (45) years or older.

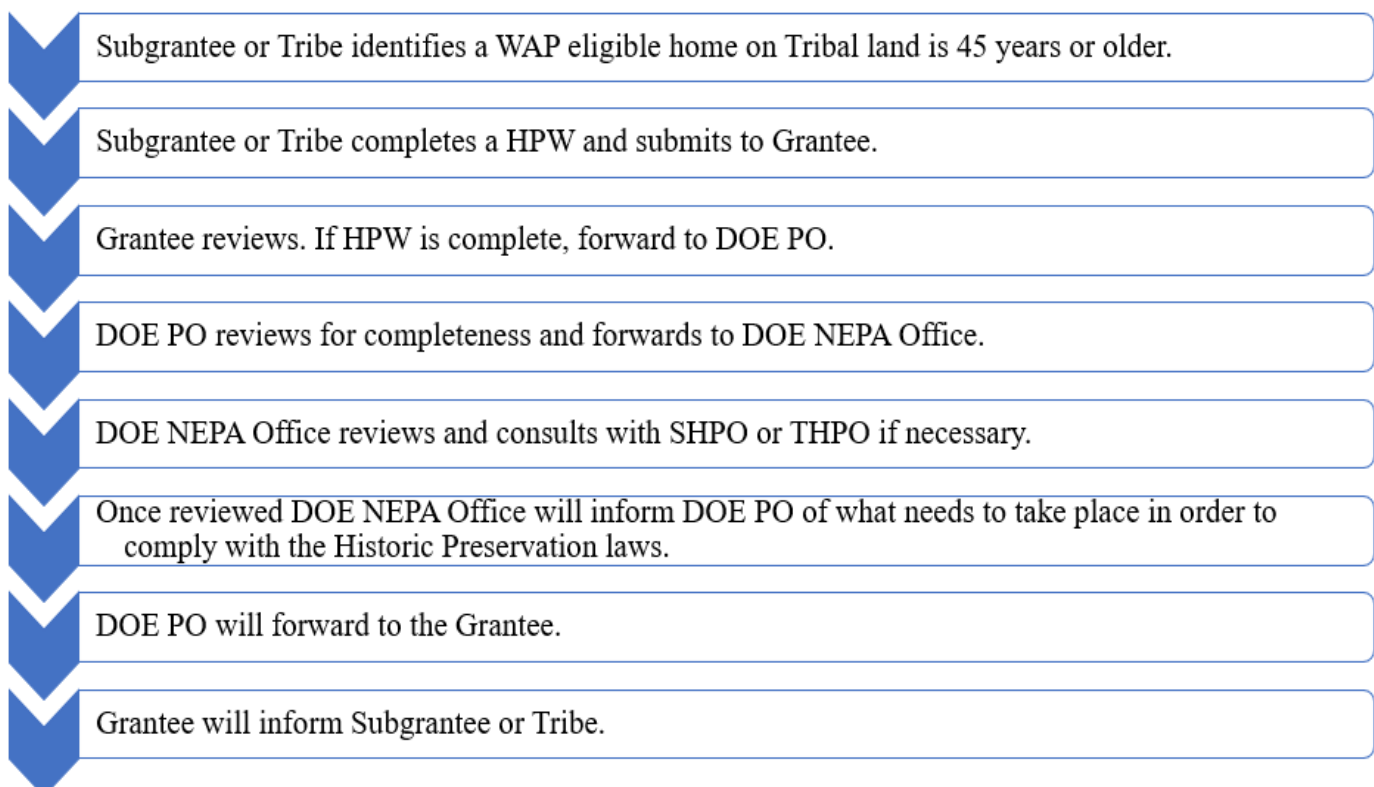
A HPW must be completed by the Subgrantee or Tribe who is doing the work and submitted by the Grantee to their DOE Project Officer (PO). Following review of the HPW, the DOE PO sends the HPW to the DOE National Environmental Policy Act (NEPA) Office.

The DOE NEPA Office will review the HPW to ensure compliance with Section 106 of the NHPA.

No weatherization work may begin until this process is complete and approval to begin work is given by DOE.

Updated Historic Preservation guidance is being developed. In the interim, WAP Grantees should reference current program guidance for additional information: [Weatherization Program Notice \(WPN\) 10-12](#), [WPN 19-6](#), [Memorandum 063](#), and [Memorandum 066](#).

Overview of Historic Preservation Review Process



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