

The **National Historic Preservation Act (NHPA)** and The **Weatherization and Intergovernmental Programs Office (WIPO)**

Energy Efficiency and Conservation Block Grant (EECBG)
State Energy Program (SEP) and
Weatherization Assistance Program (WAP)





Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to consider the effects on historic properties of projects they carry out, assist, fund, permit, license, or approve throughout the country.



Award

- The written documentation executed by a Contracting Officer which contains the negotiated terms and conditions for providing Financial Assistance

Recipient

- A non-federal entity that receives a federal award directly from a federal awarding agency to carry out an activity under a federal program

Subrecipient

- A non-federal entity that receives a subaward from a pass-through entity to carry out part of a federal program

NEPA

- National Environmental Policy Act

NEPA determination

- The DOE form that documents DOE's NEPA review of a project or activities

SHPO

- State Historic Preservation Office or State Historic Preservation Officer

NHPA

- National Historic Preservation Act

Historic Preservation Programmatic Agreement

- Historic Preservation Programmatic Agreements (PAs) offer a streamlined process for grantees to satisfy their historic preservation requirements with minimum or no consultation with the State Historic Preservation Officer based on the type of activity that is being undertaken

Undertaking

- Any project, activity, or program with federal agency involvement, such as those carried out by federal agencies, assisted by federal agencies, or that require a federal permit, license, or approval.

Ground disturbance

- Any activity that compacts or disturbs the ground within a project area

In 2010, DOE, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers developed a first-of-its-kind Programmatic Agreement (PA) for National Historic Preservation Act Section 106 reviews. The PA provides a **streamlined Section 106 process** for projects funded under DOE's **Weatherization Assistance Program, State Energy Program, and Energy Efficiency Conservation Block Grant program.**





DOE's Weatherization Assistance Program, State Energy Program, and Energy Efficiency Conservation Block Grant program provide funding for tens of thousands of Historic Preservation-related activities each year.



The PAs make it possible for DOE recipients to execute a large number of undertakings, in compliance with Section 106, by expediting reviews for those that do not have the potential to adversely impact historic properties and establishing the review process for those projects that require individual consideration.



NHPA and Programmatic Agreements

A total of 55 state and territory PAs have been executed with DOE as of August 2022.

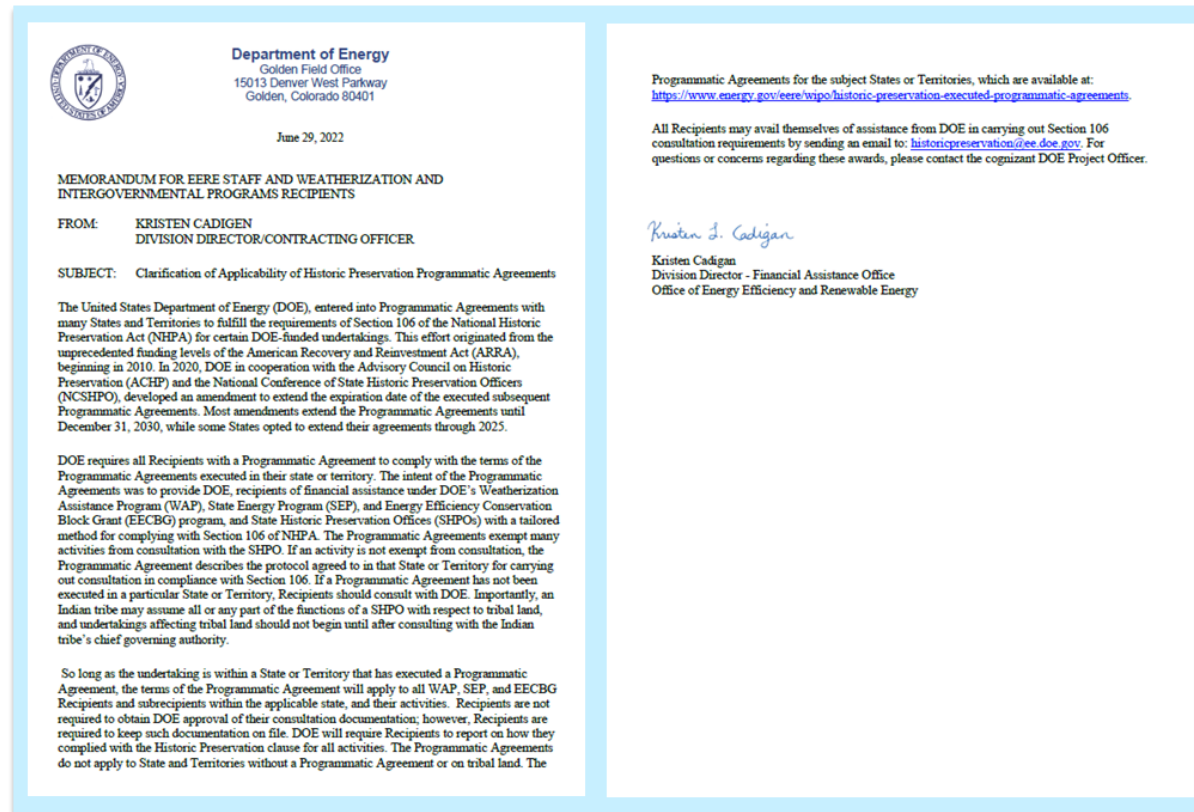
DOE, in cooperation with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers, developed an Amendment to extend the expiration date of the PAs. Nearly all agreements were extended through 2030, although 3 states opted to extend their PAs through 2025.

The PAs and their amendments can be found here:

<https://www.energy.gov/eere/wipo/historic-preservation-executed-programmatic-agreements>



Per this June 29, 2022 DOE memo, “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 EECSBG Recipients and subrecipients within the applicable state, and their activities.”



The memo is posted at: www.energy.gov/node/4816816

NHPA and Programmatic Agreements

Not all states or territories have a PA. Additionally, DOE does not have programmatic agreements with any tribal governments.

WIPO states or territories without a PA have additional restrictions in their NEPA determination. The restrictions in the NEPA determination must be followed.

The remainder of this presentation is specific to recipients and subrecipients in a state or territory with a programmatic agreement.

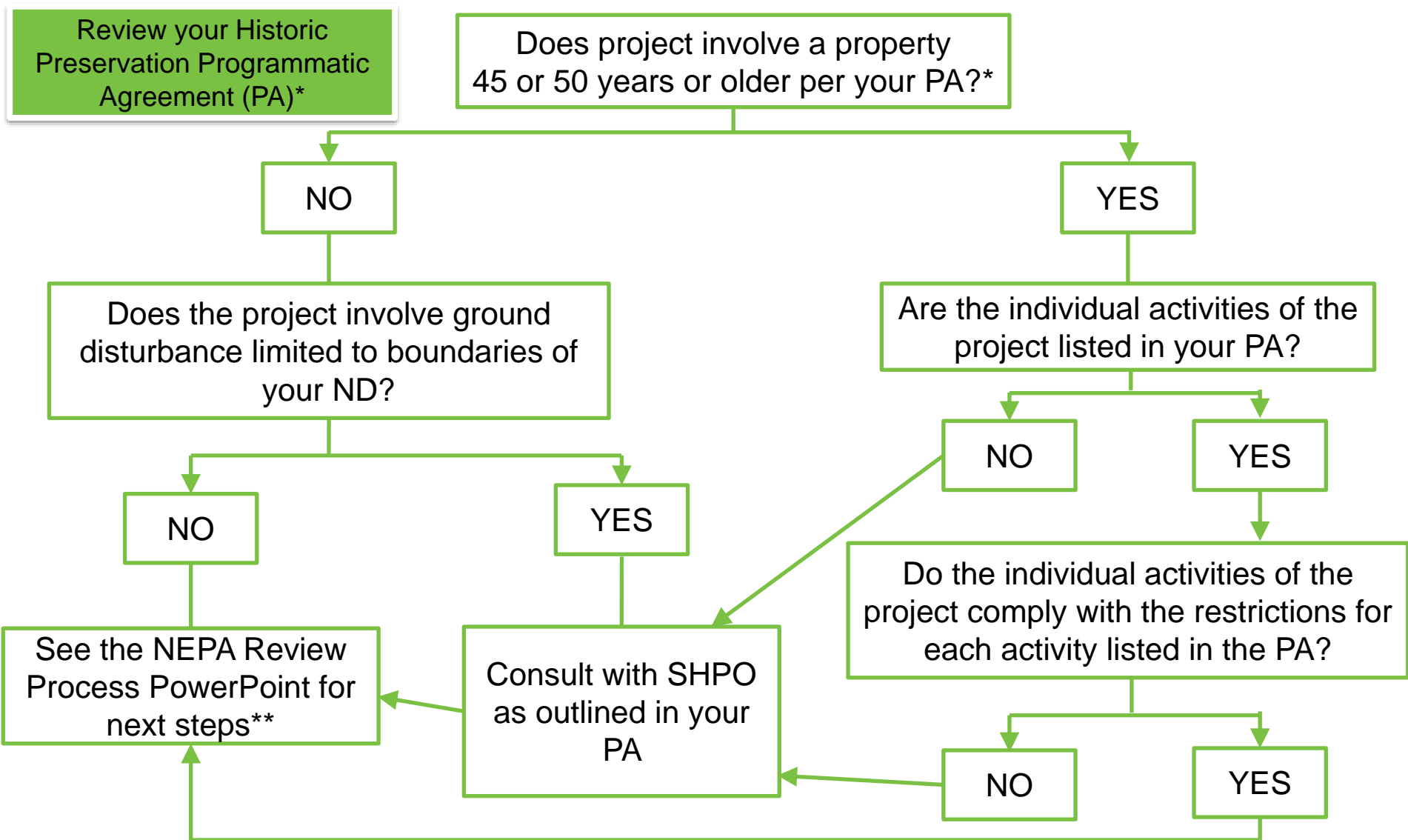


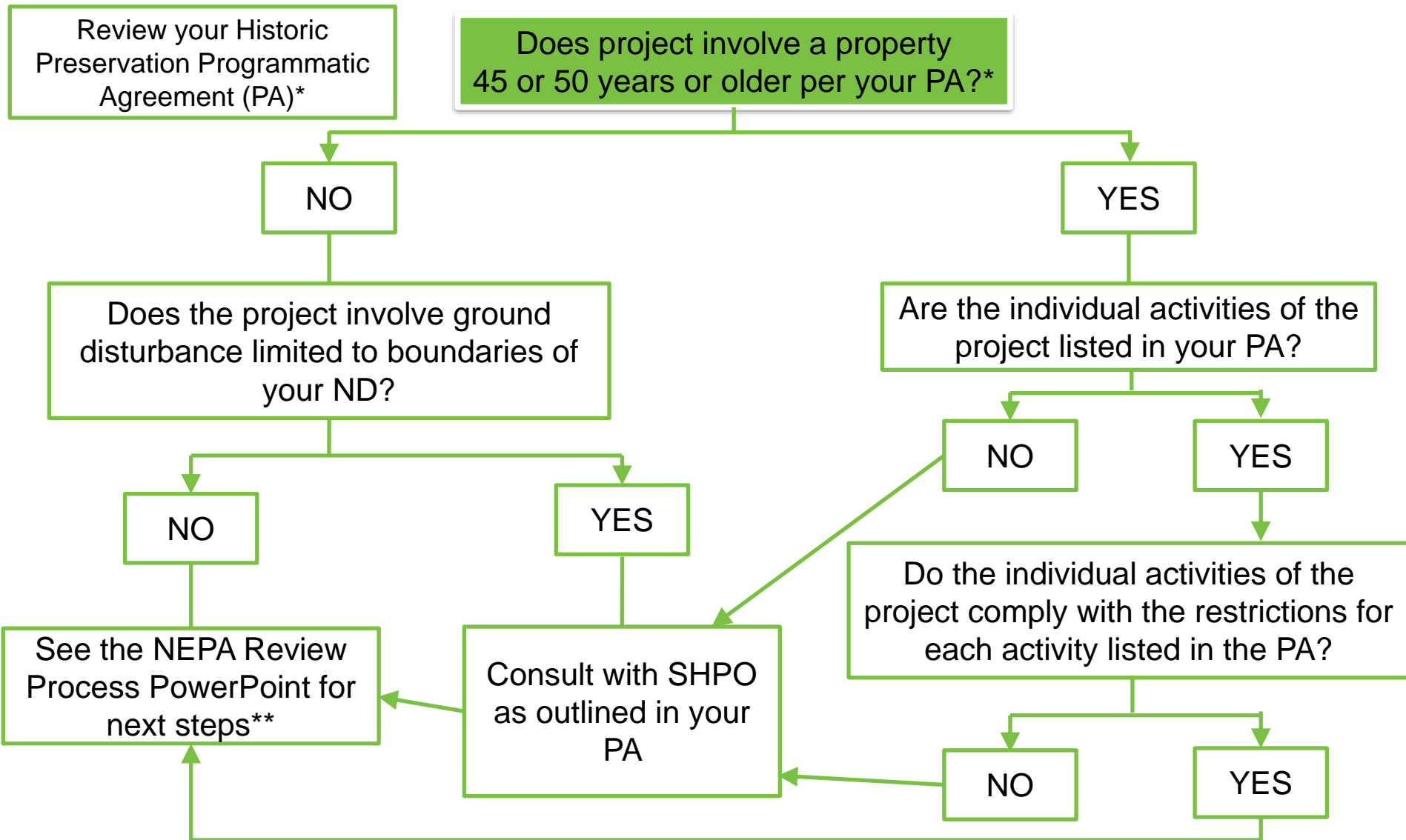


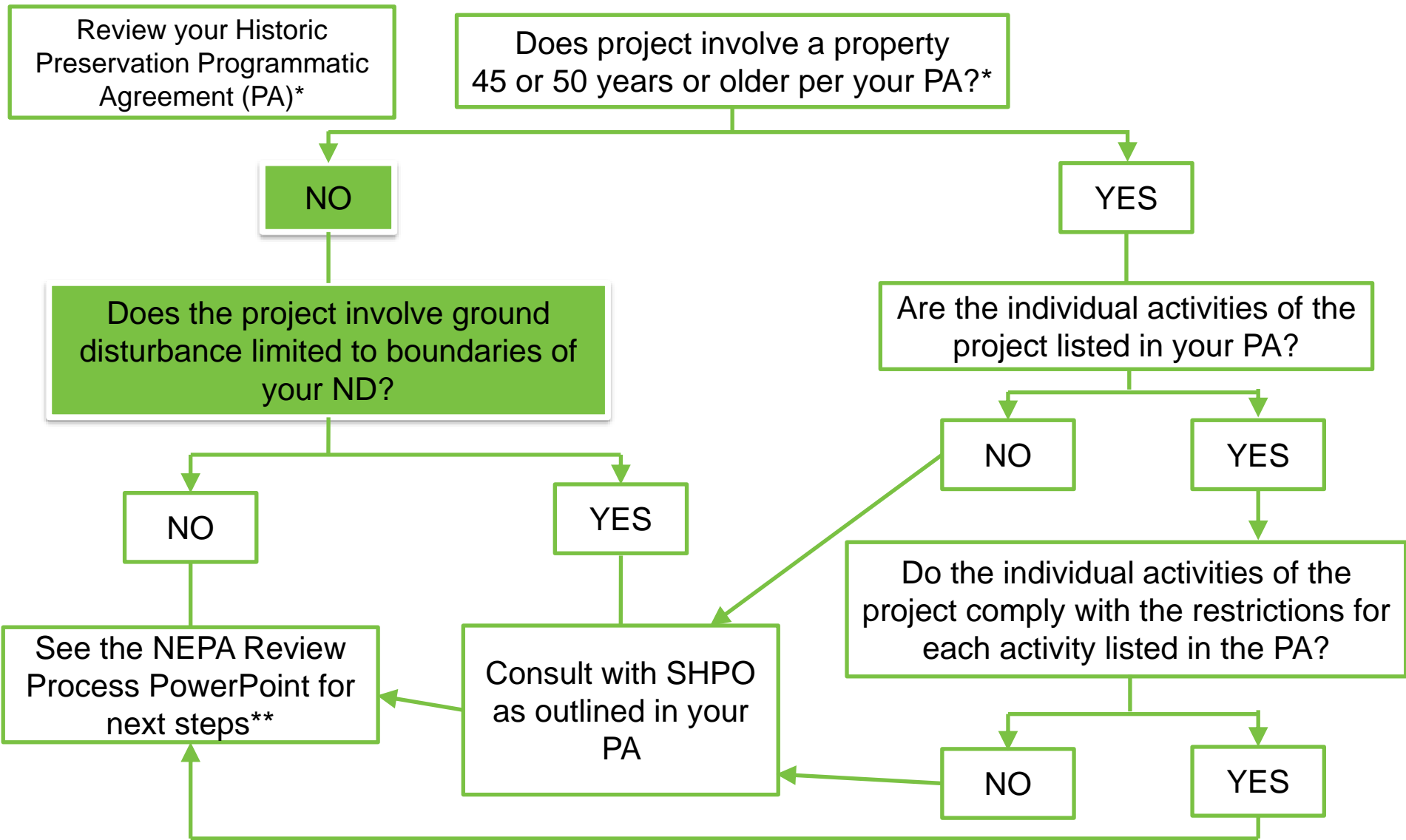
Disclaimer

The next slides will outline the general process most recipients should follow for implementing their PA. However, many PAs are tailored with state or territory specific protocols or restrictions. This presentation is not intended to contradict any PA. Carefully review your PA to ensure you fully understand the restrictions and processes outlined by your SHPO, and follow your specific PA.

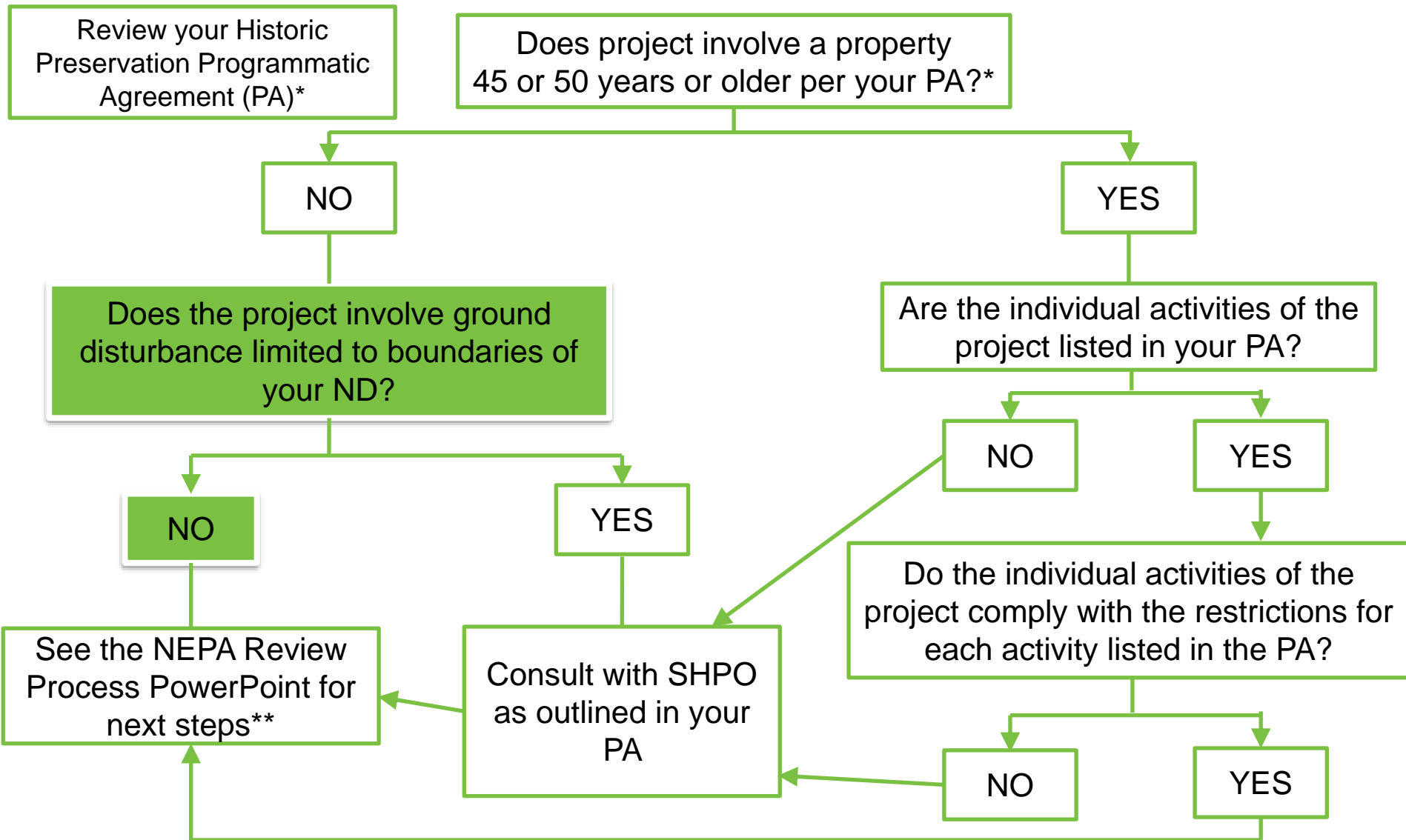


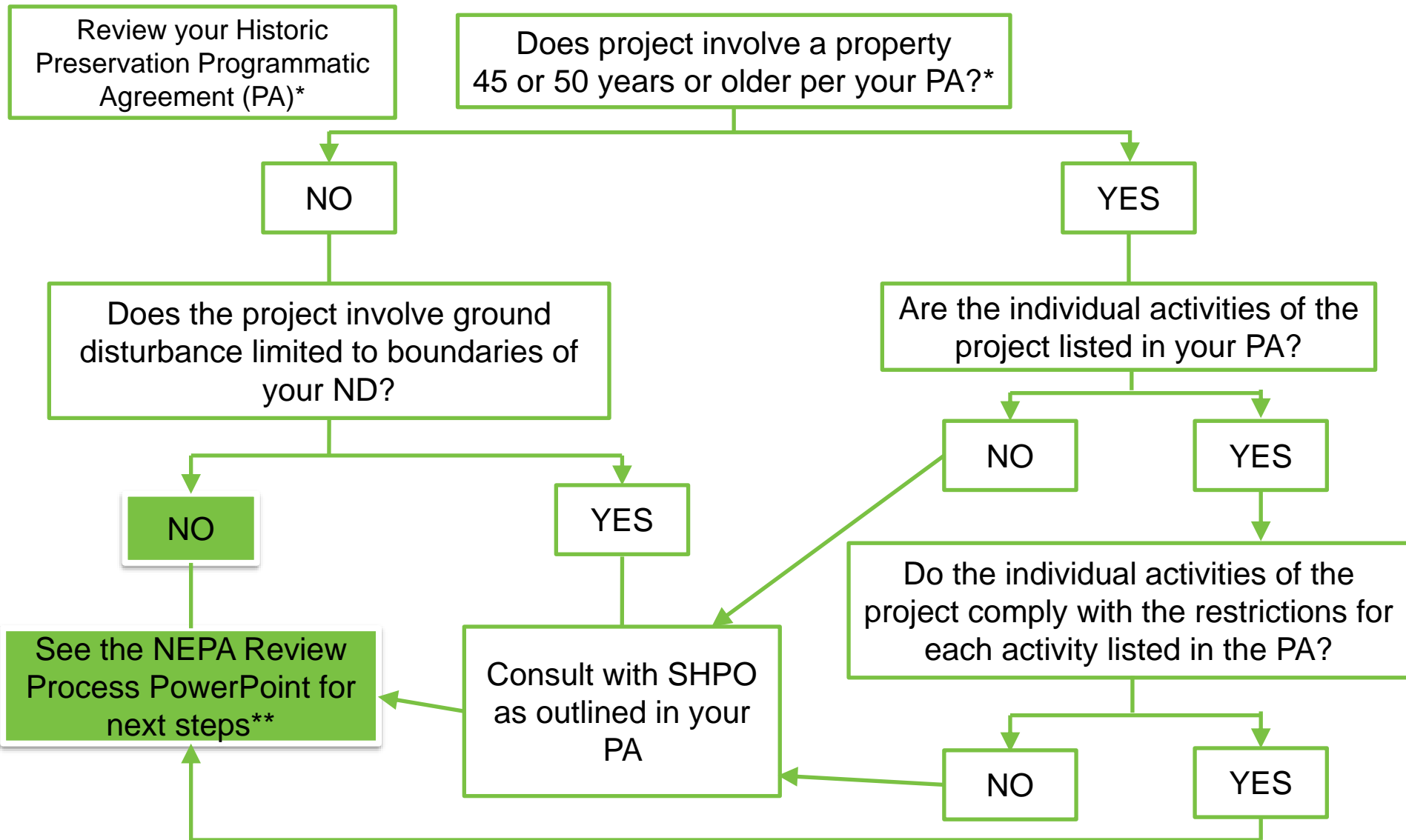


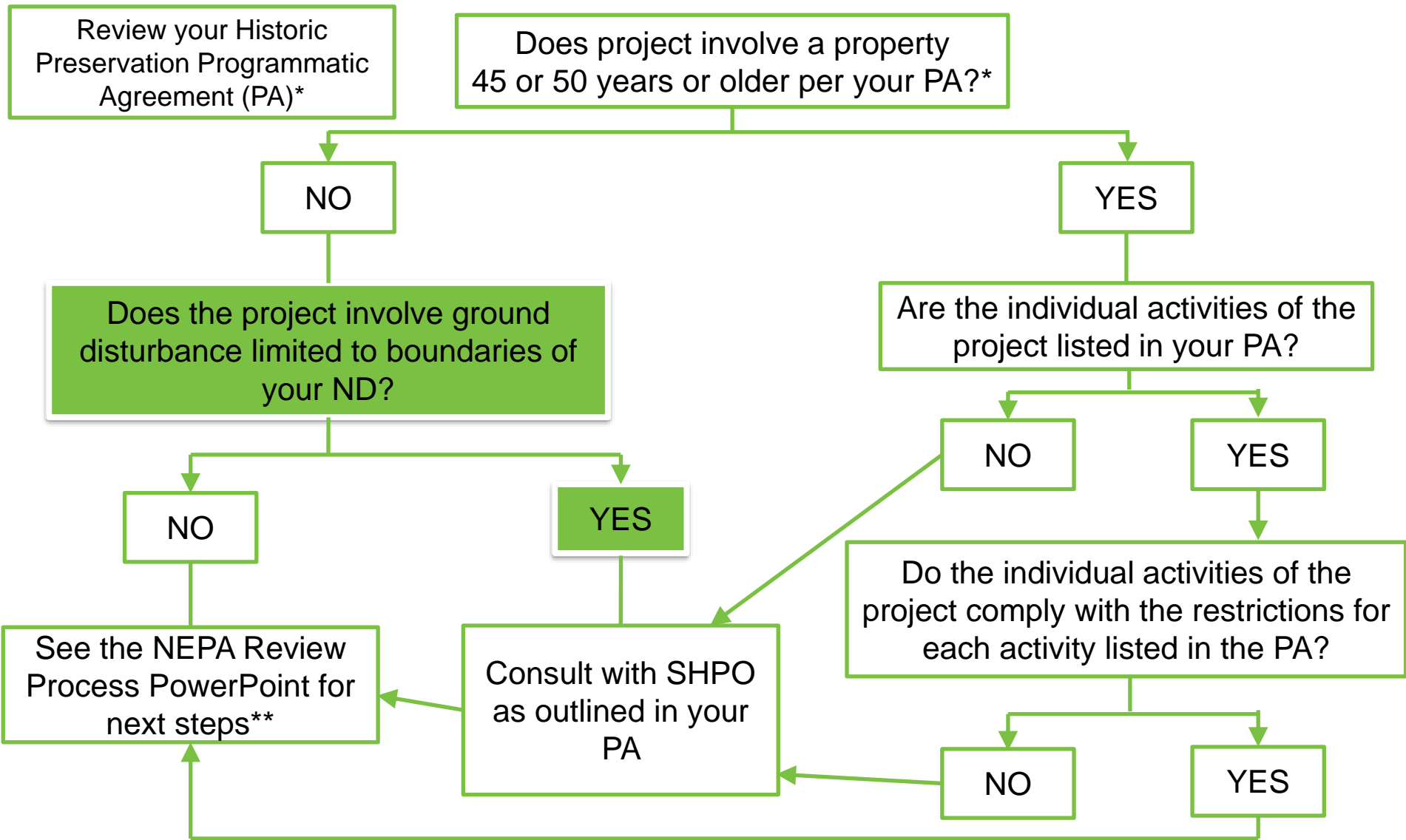




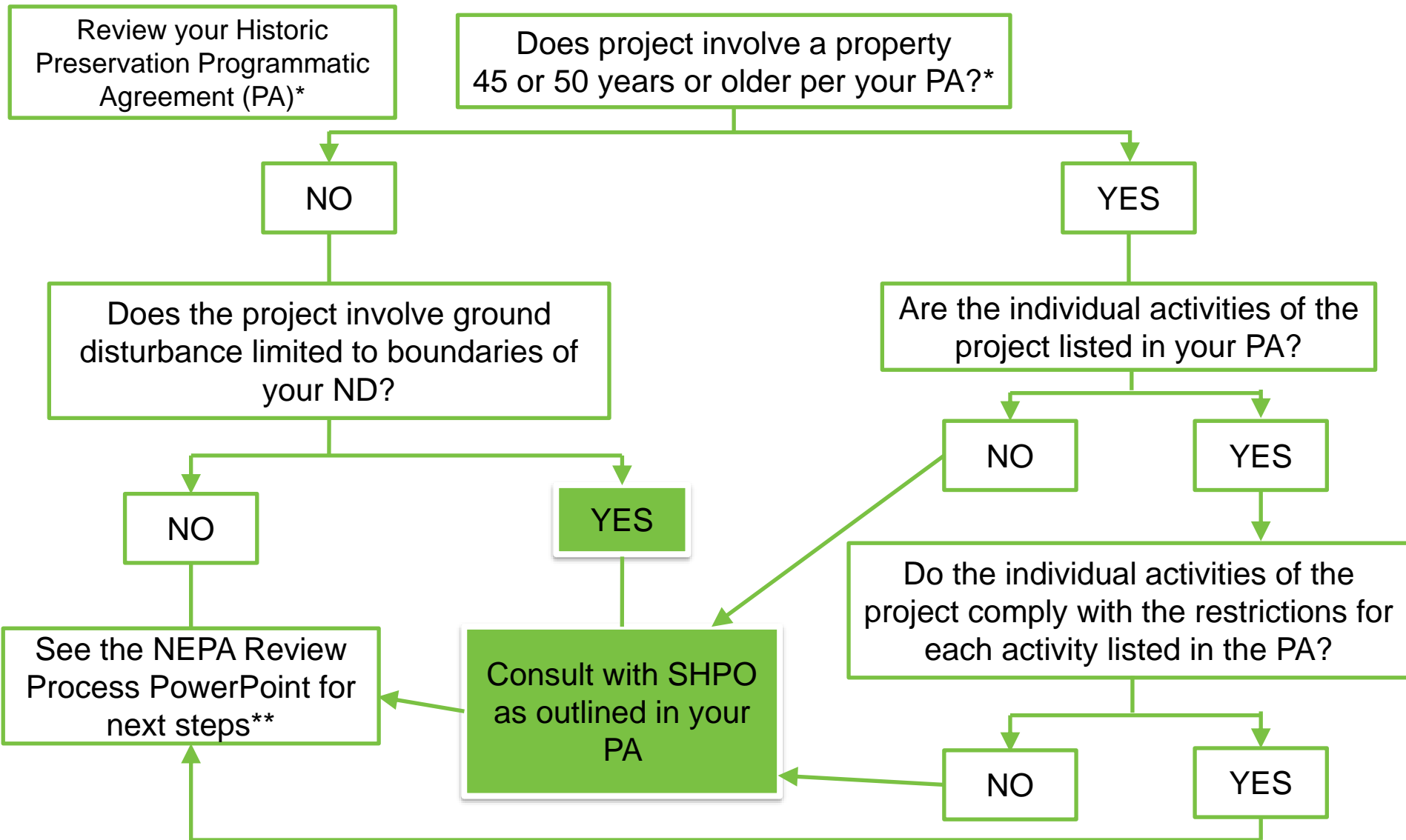
NHPA and Programmatic Agreements

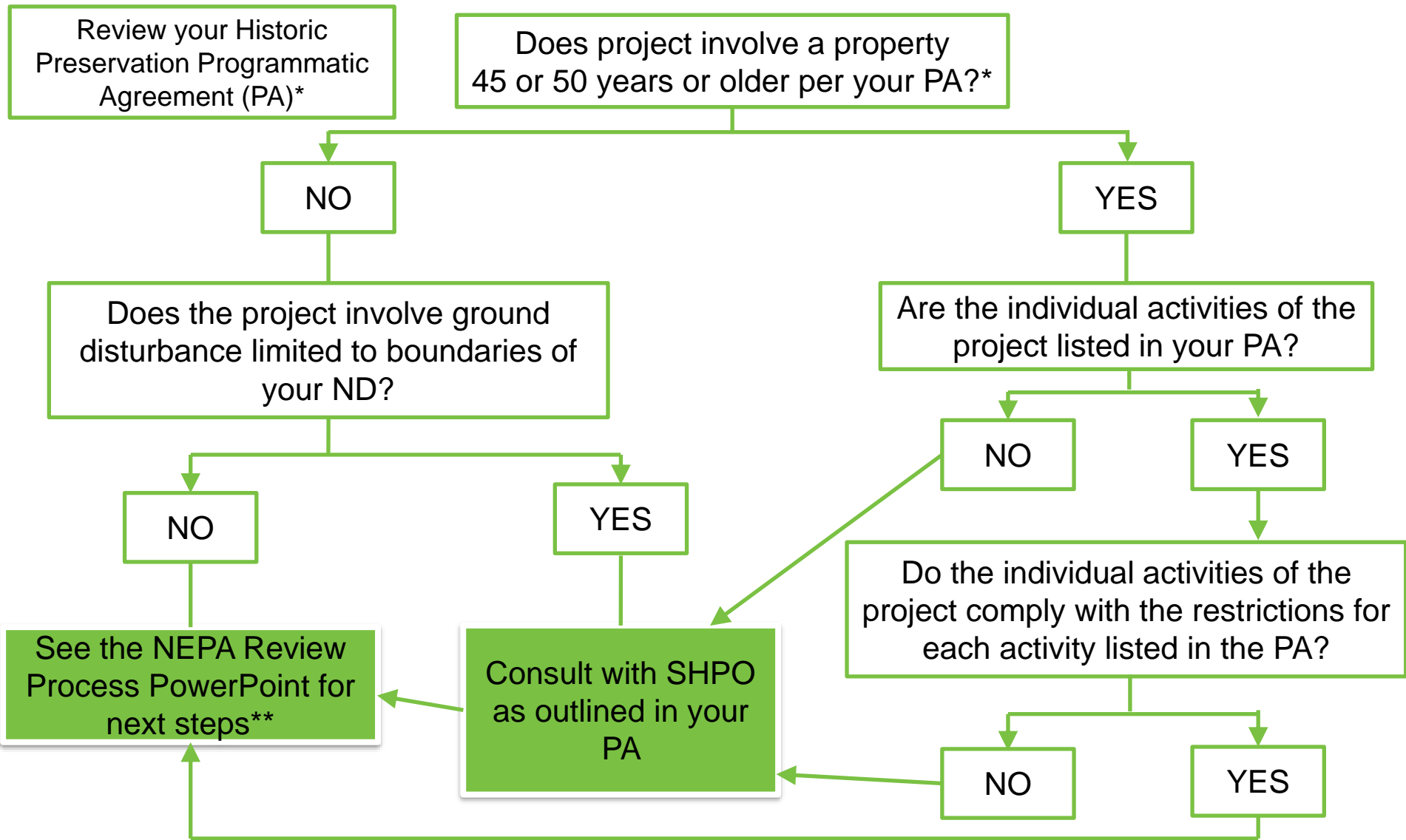


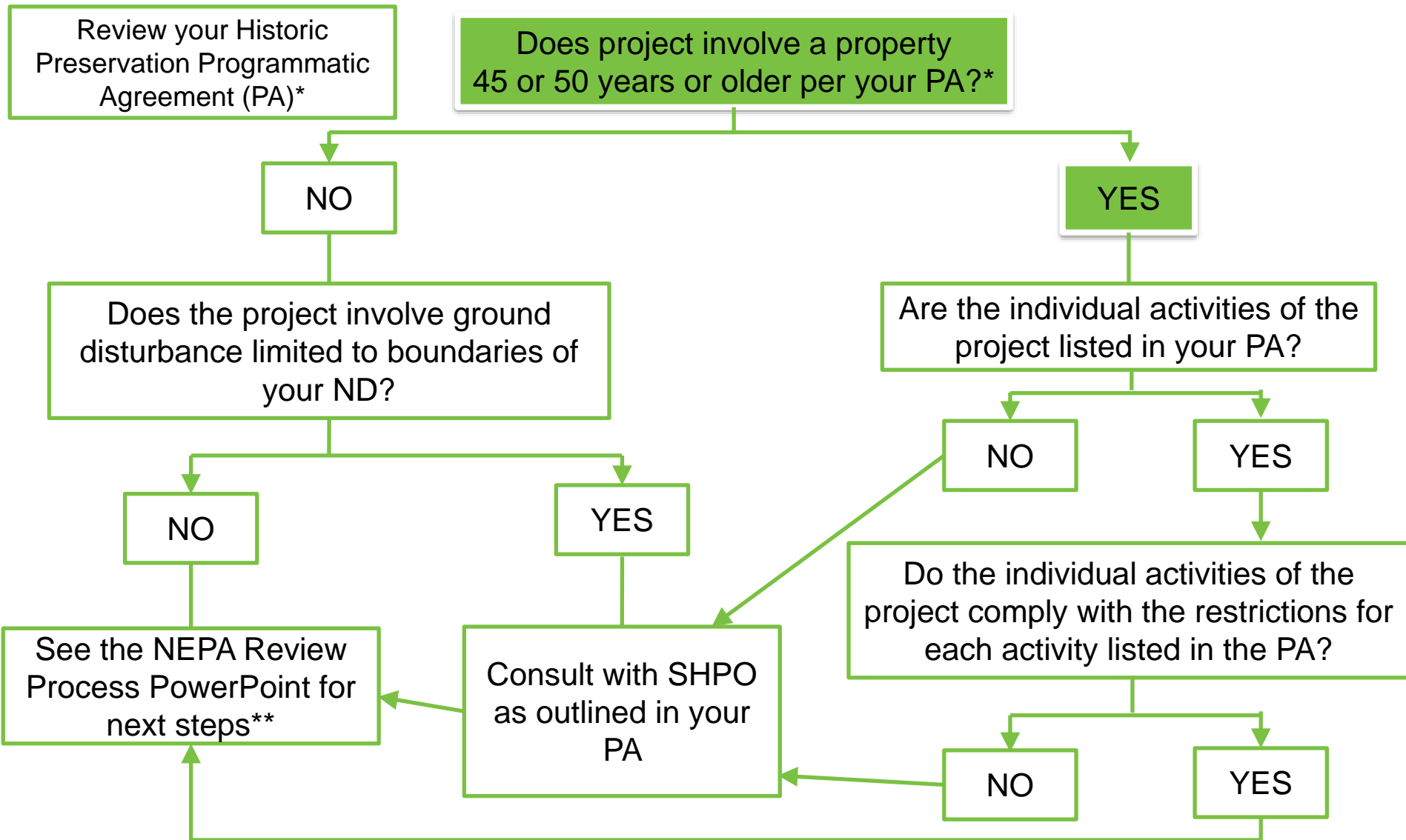


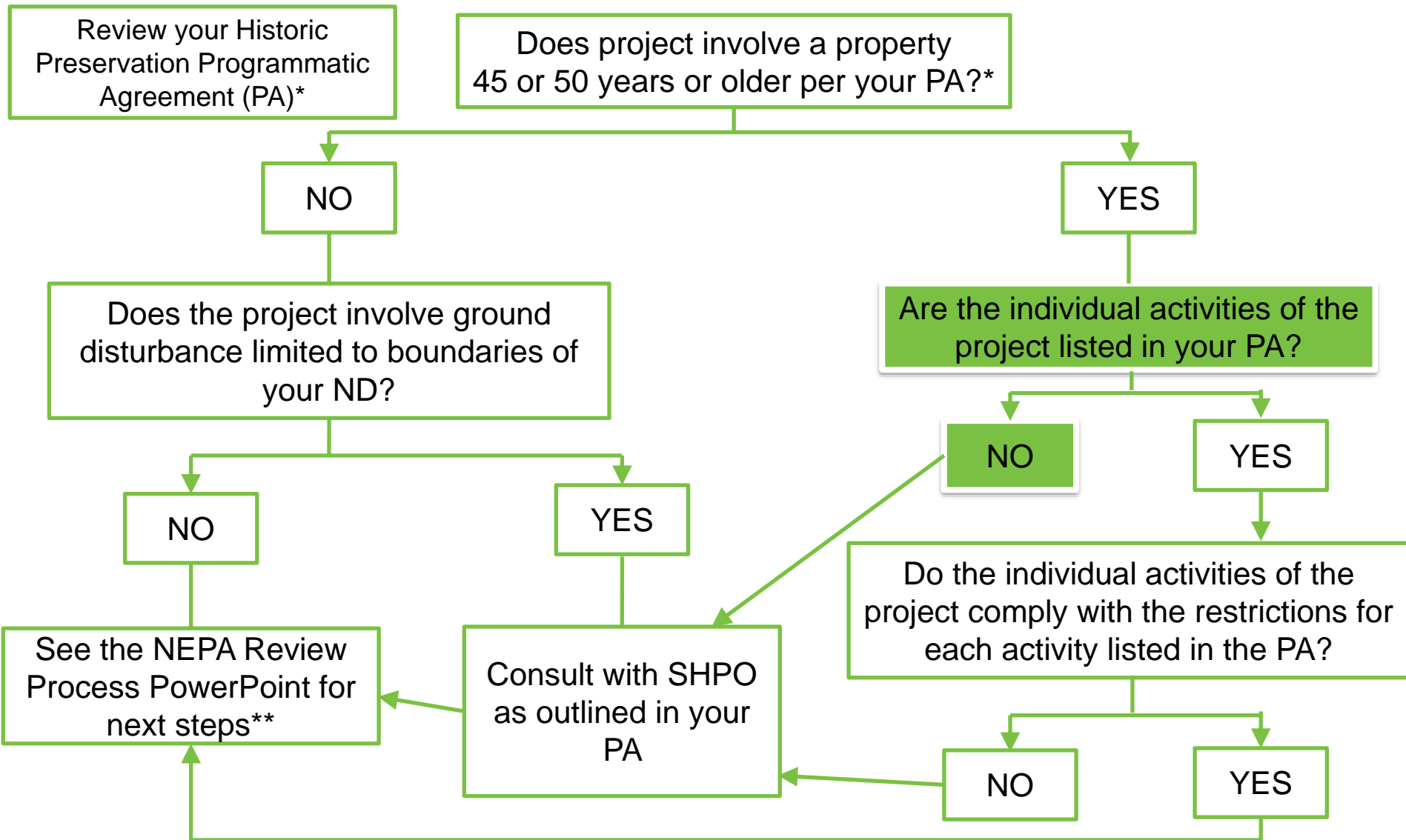


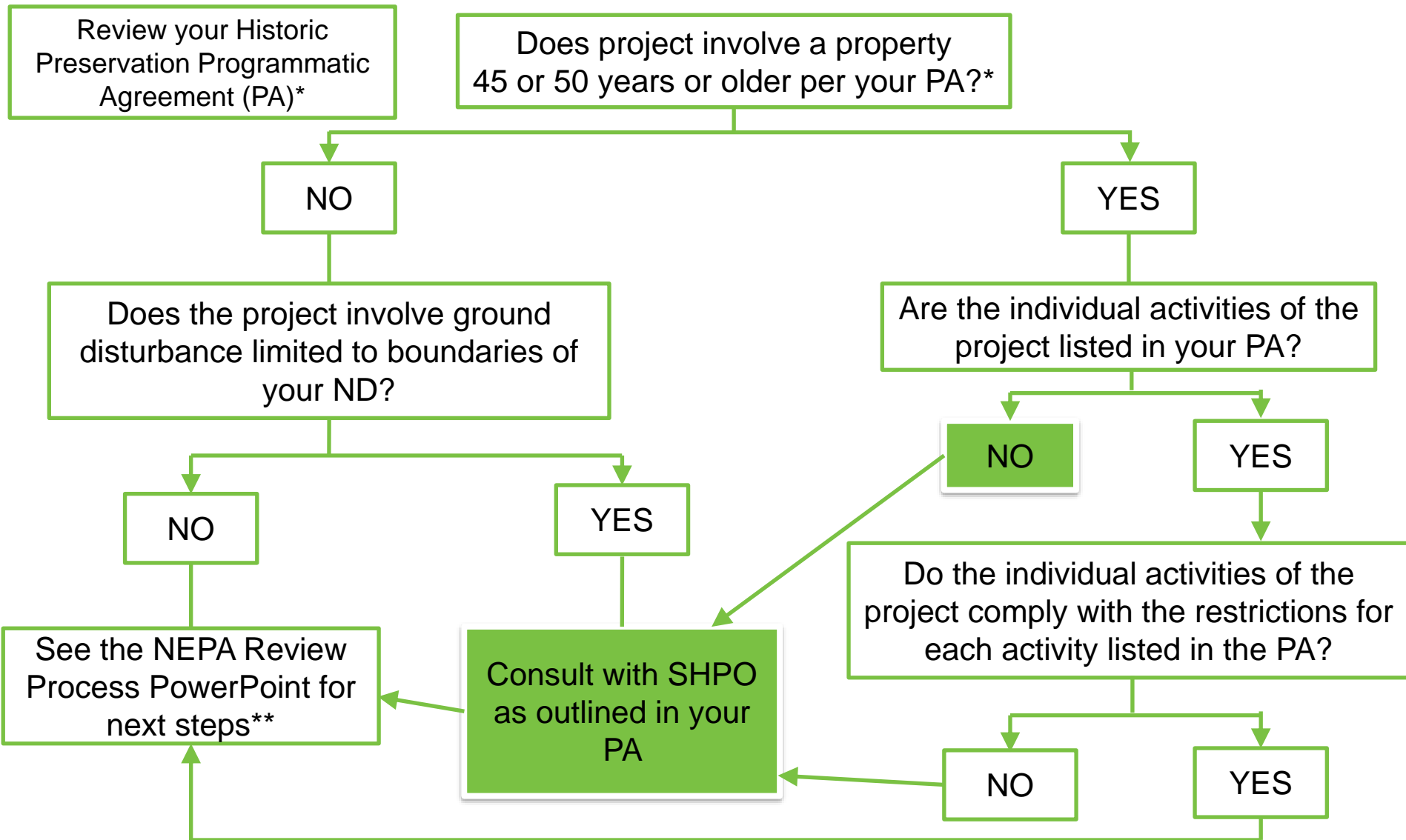
NHPA and Programmatic Agreements

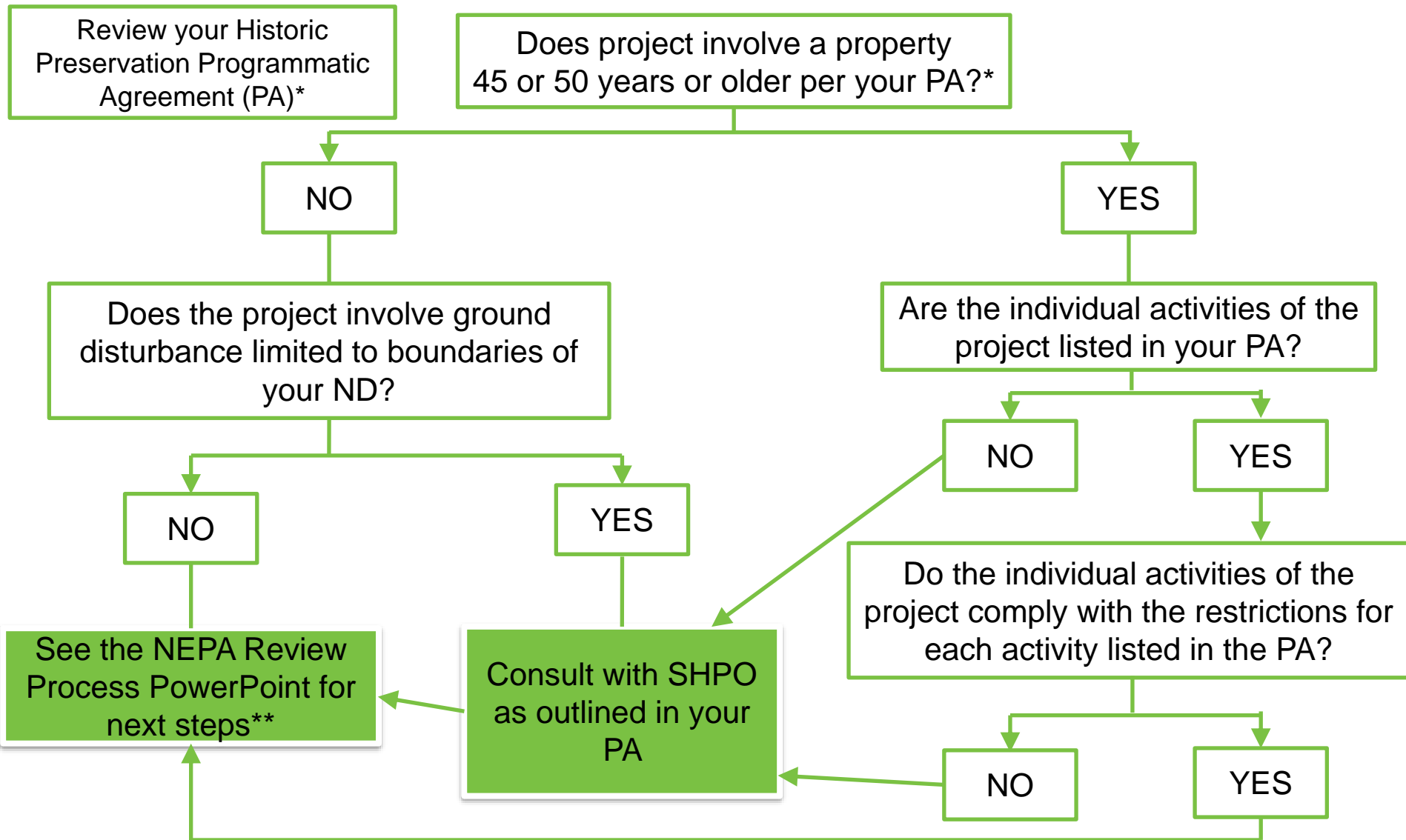


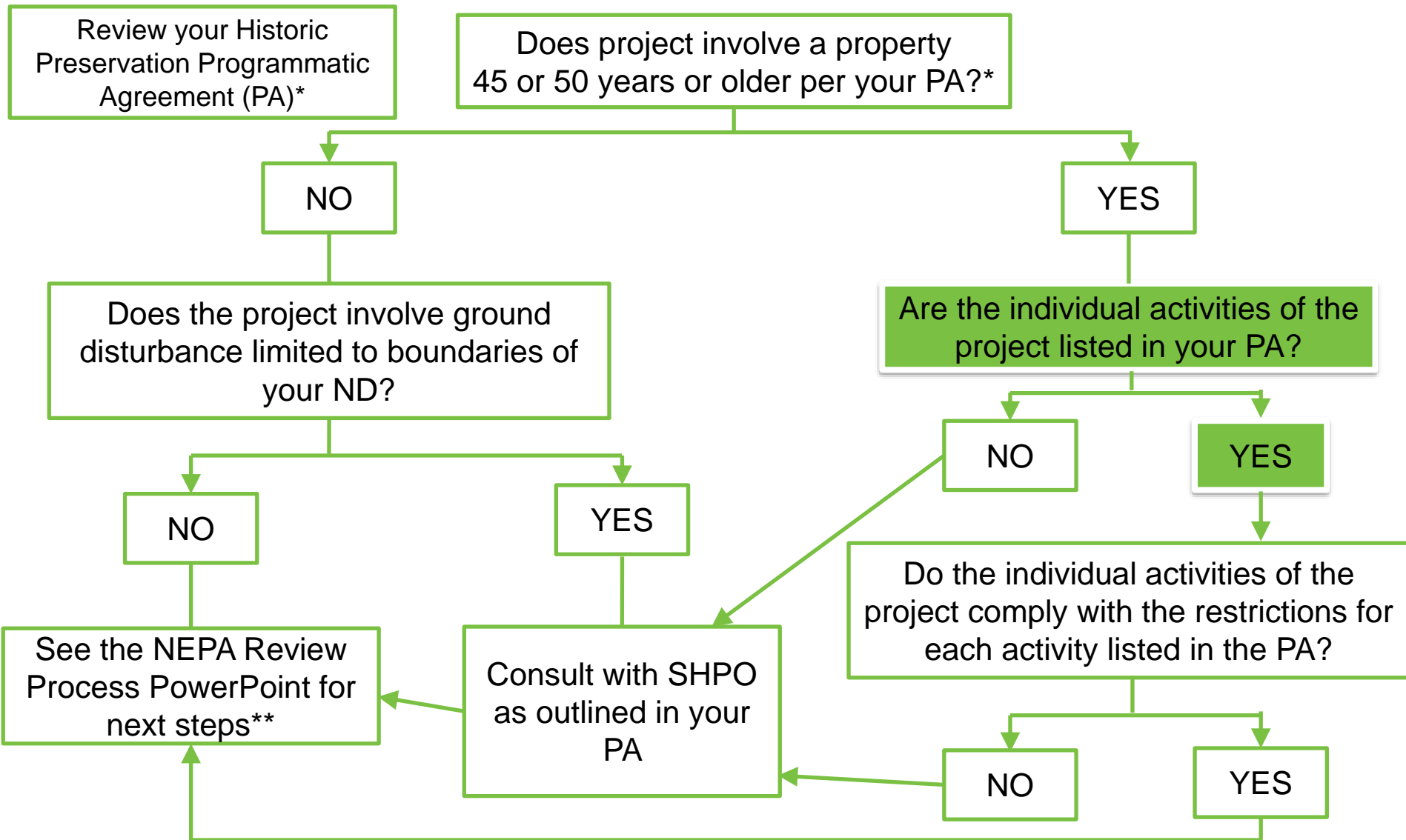


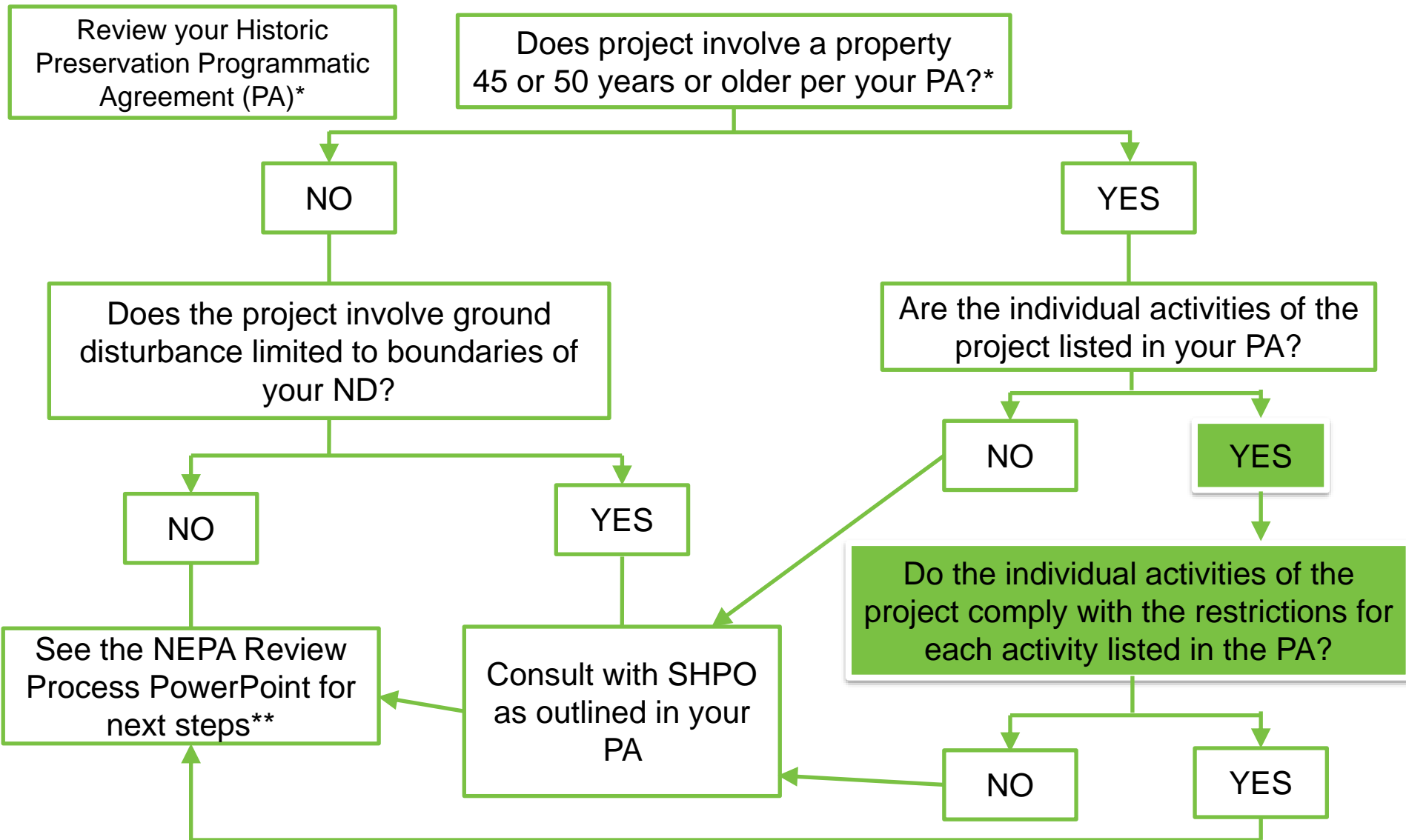


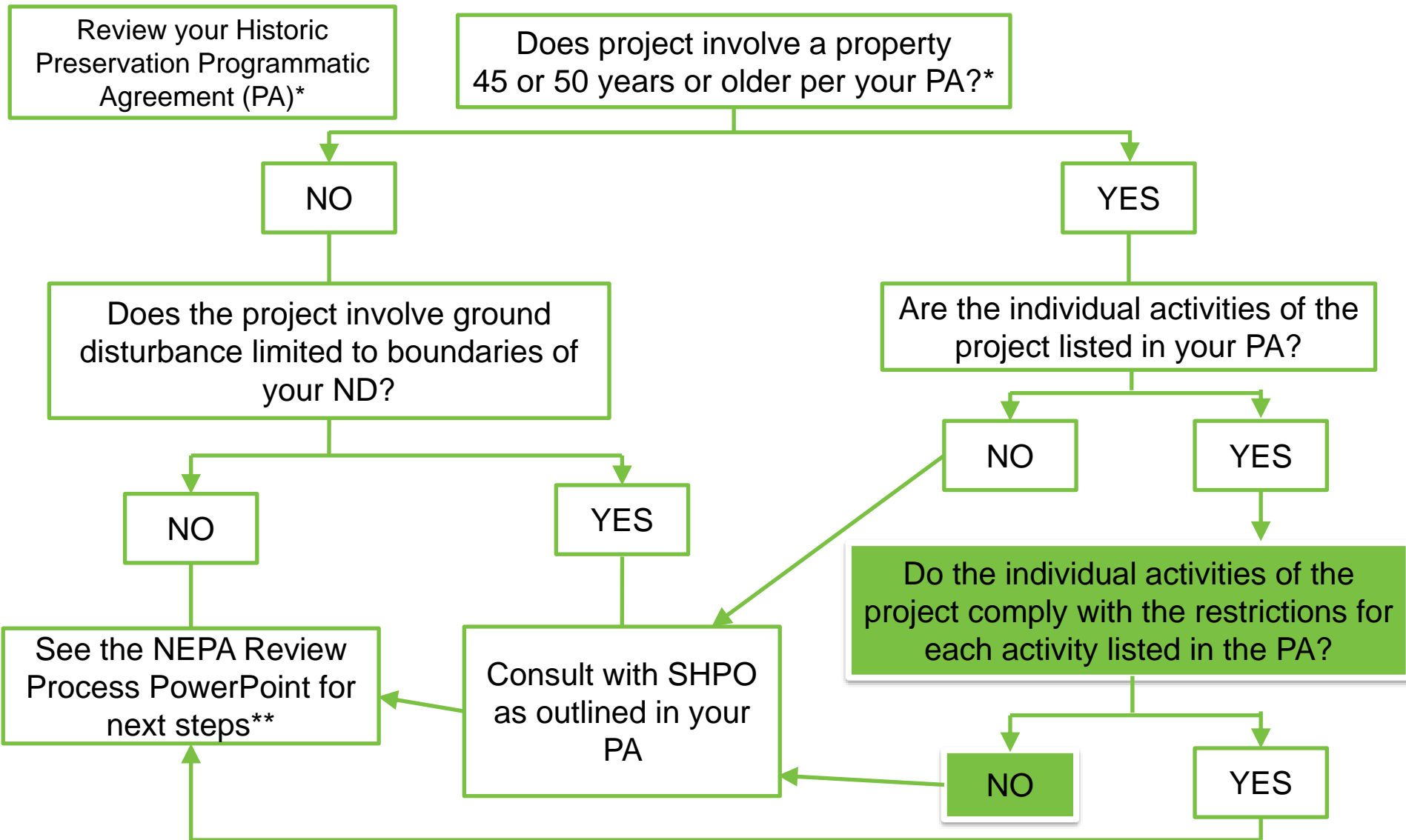


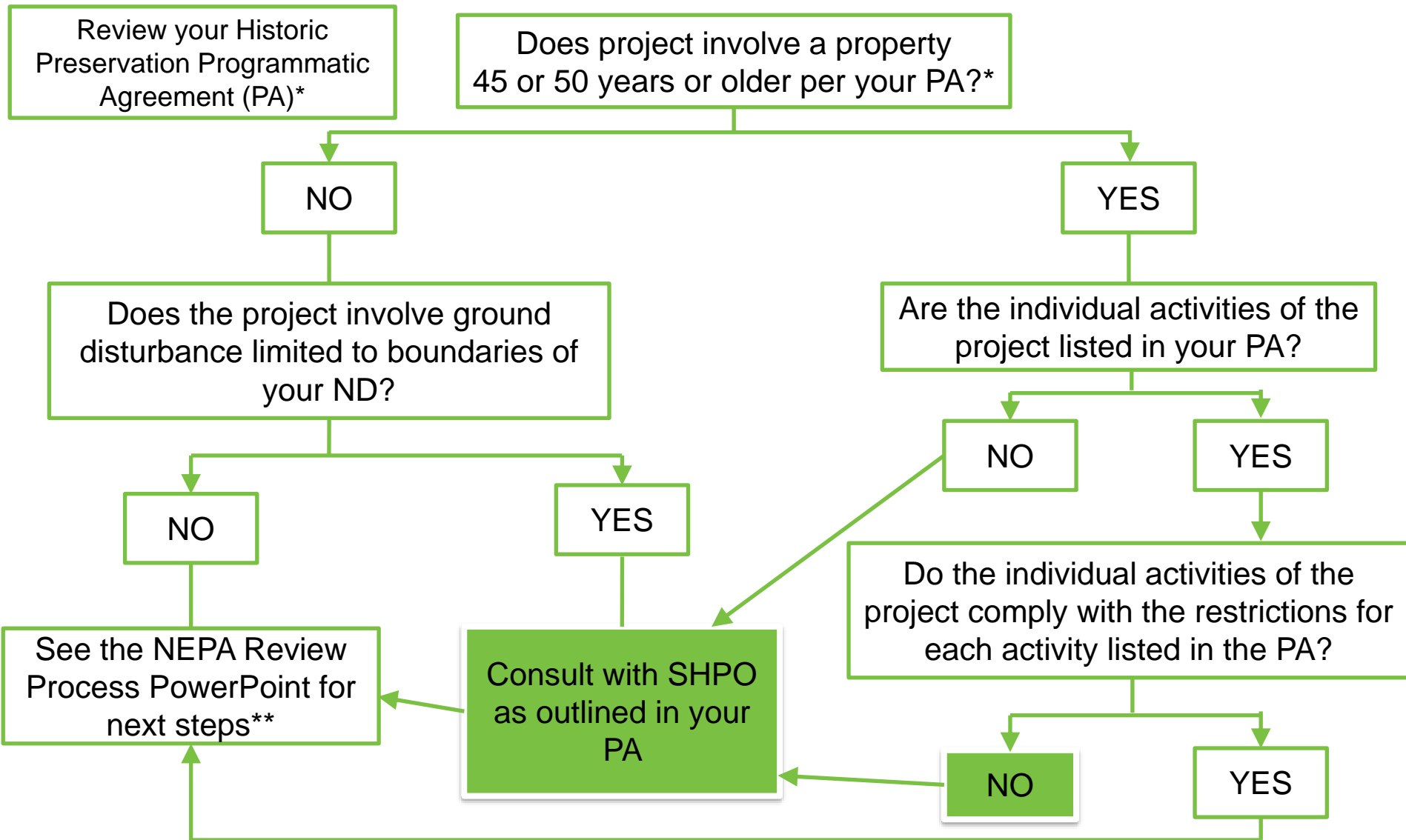


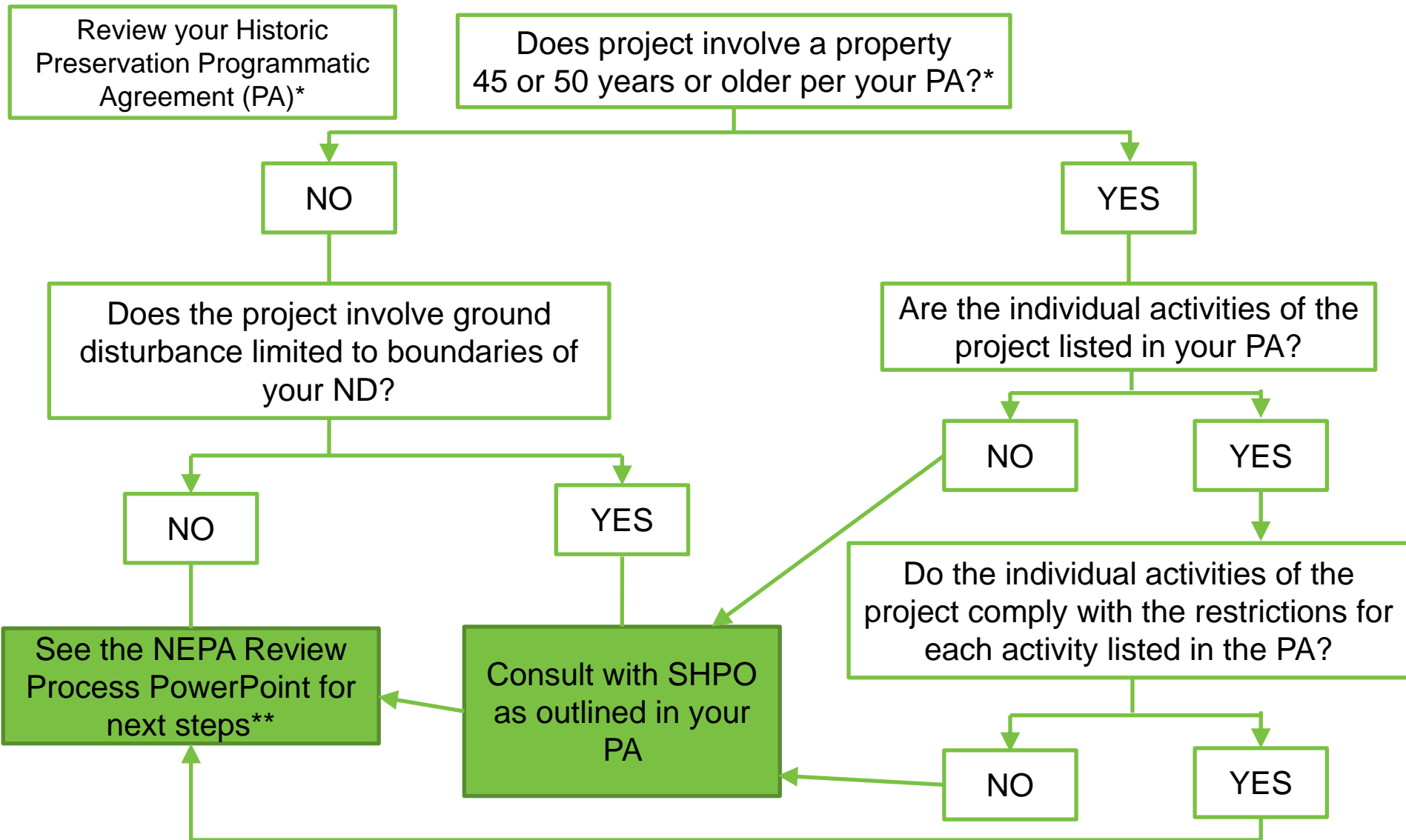




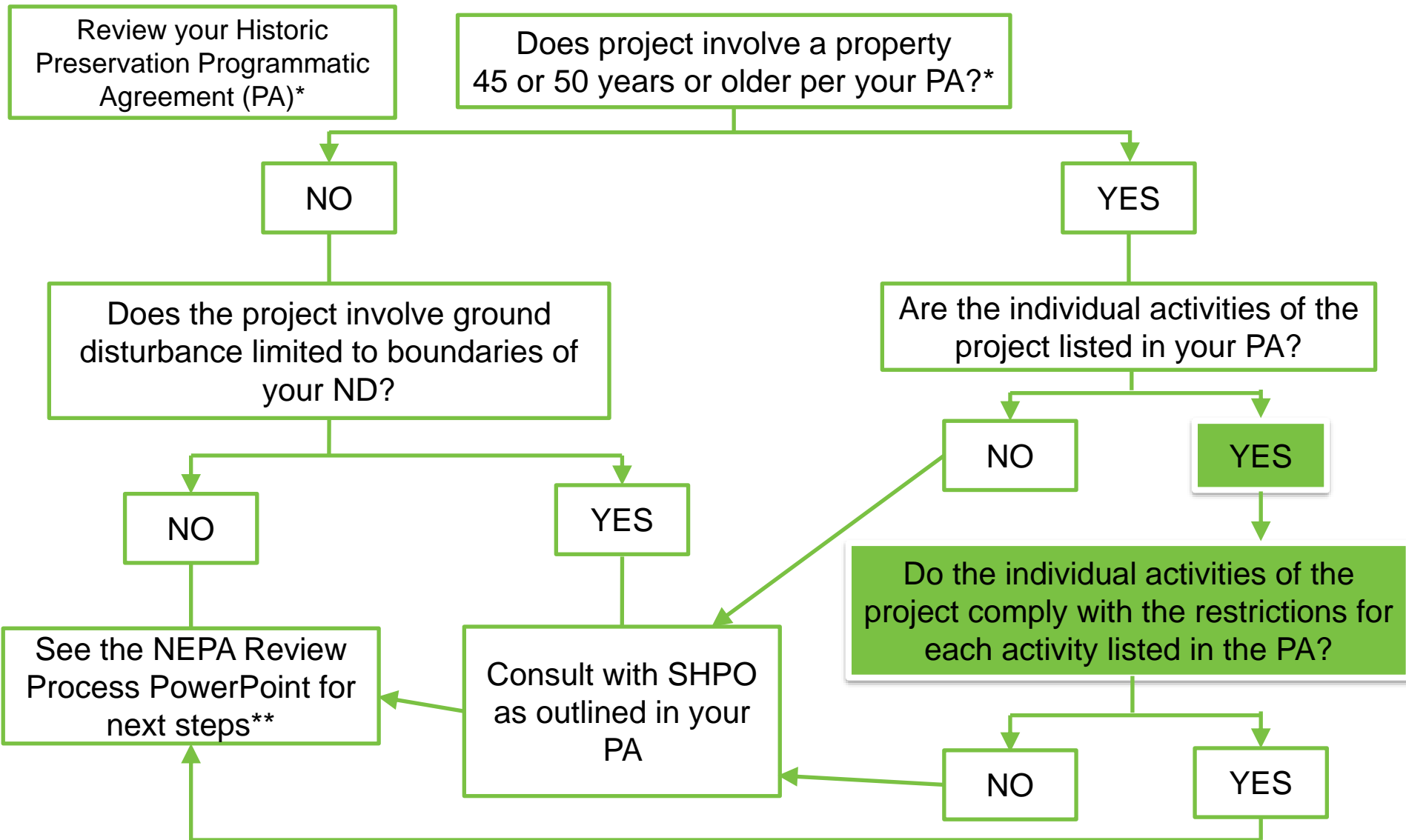


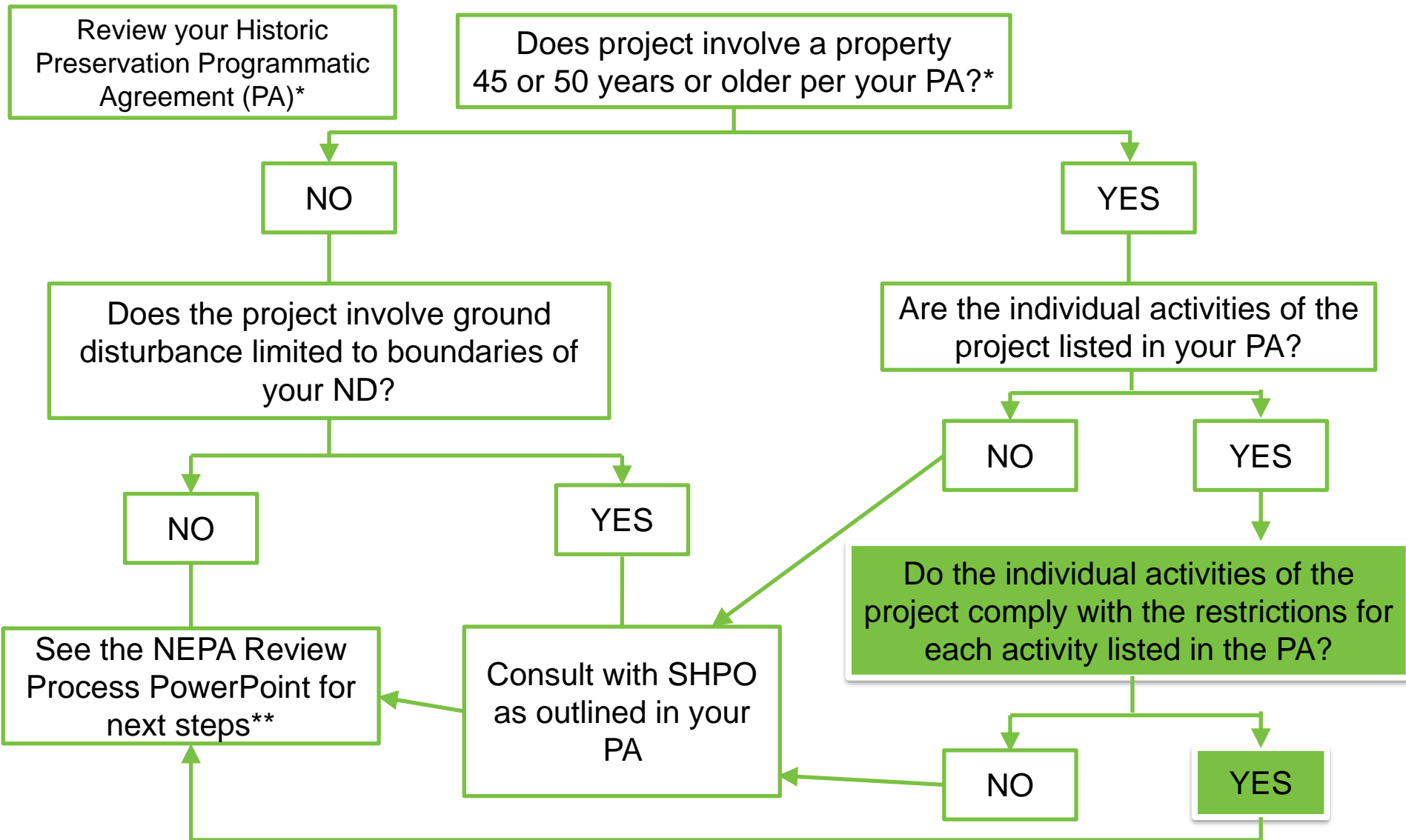


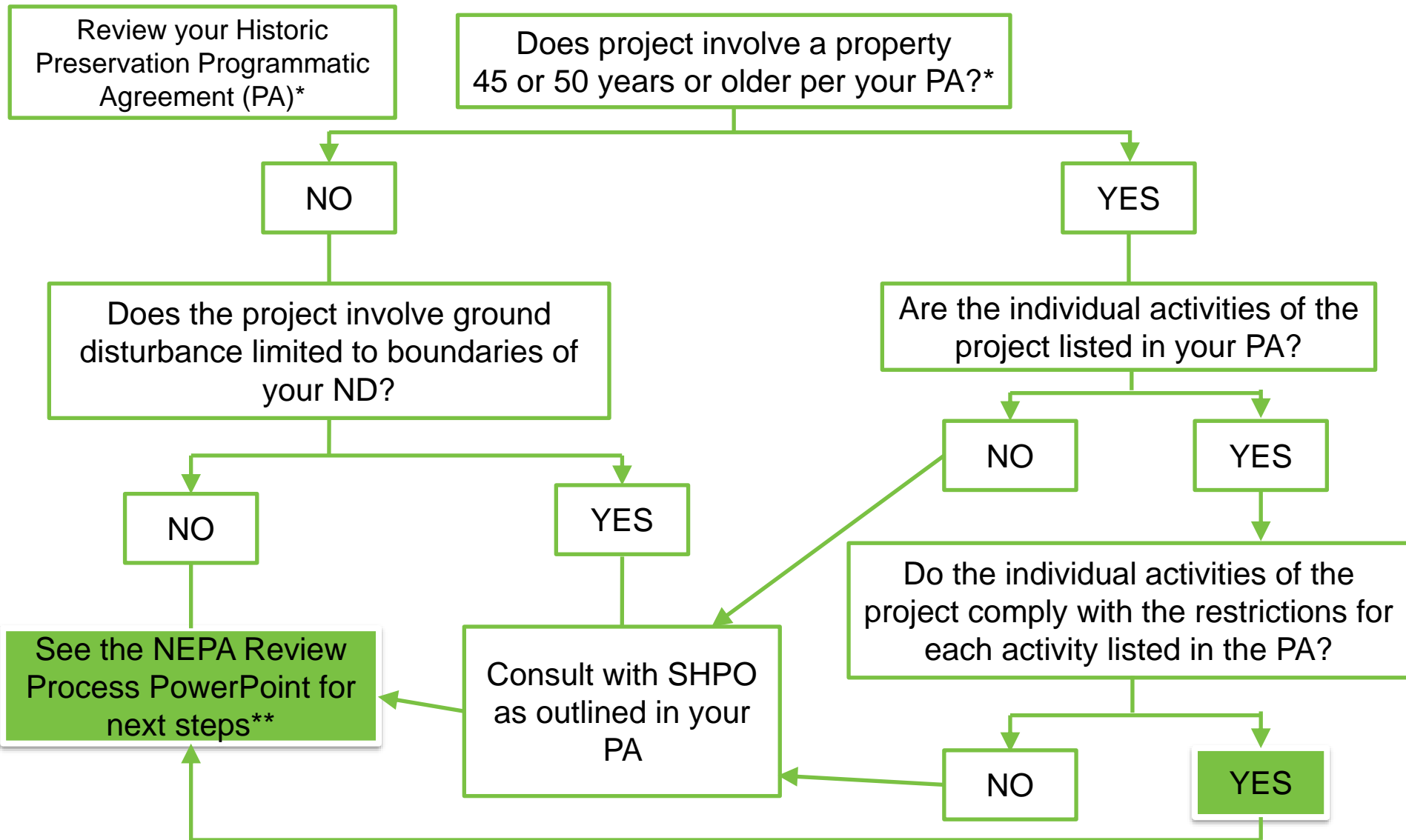


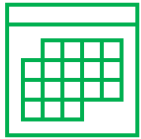


NHPA and Programmatic Agreements









The Annual Historic Preservation Report must be submitted to DOE by **September 15th**, per your Federal Assistance Reporting Checklist



Review the Historic Preservation Report Guidance:
<https://www.energy.gov/node/4504129>



Tips for Success

Reach out to your SHPO; introduce yourself

When required to consult with your SHPO, reference the PA to ensure SHPO's awareness of the PA and of federal funding

Undertakings requiring more than “minimal” ground disturbance require consultation with your SHPO

Note: SHPO can help to define “minimal” ground disturbance

Review your PA to ensure understanding of allowances, restrictions as well as documentation and reporting requirements





QUESTIONS?



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