

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES DEPARTMENT OF ENERGY, THE [INSERT NAME OF
RECIPIENT/STATE ENERGY OFFICE] AND
THE [INSERT STATE NAME] STATE HISTORIC PRESERVATION OFFICE
REGARDING THE USE OF INTERSTATE AGREEMENT
FOR SECTION 106 REVIEW OF EECBG, SEP AND WAP UNDERTAKINGS**

WHEREAS, the United States Department of Energy (DOE) administers the following financial assistance programs: *the Energy Efficiency and Conservation Block Grant Program* under the Energy Independence and Securities Act of 2007 (EECBG); *the State Energy Plan* under the Energy Policy and Conservation Act of 1975 and the State Energy Efficiency Programs Improvement Act of 1990 (SEP); and *the Weatherization Assistance Program* (WAP) for Low-income Persons under Title IV of the Energy Conservation and Production Act, the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007, and the American Recovery and Reinvestment Act of 2009 (ARRA); collectively referred to as the "Programs";

WHEREAS, the projects funded by the Programs are undertakings subject to review under Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f (NHPA), and its implementing regulations at 36 CFR part 800, and include rehabilitation, energy efficiency retrofits, renewables, and weatherization (Undertakings);

WHEREAS, on February 5, 2010, the Advisory Council on Historic Preservation (ACHP) designated a Prototype Programmatic Agreement regarding the Undertakings (Prototype PA) that, under its Stipulation III, authorizes the Section 106 review of these Undertakings in accordance with State interagency agreements;

WHEREAS, the [insert State name] State Historic Preservation Office (SHPO) and the [insert name of Recipient/State Energy Office] (Recipient) agree that the [insert name of interagency agreement] (interagency agreement), applies to the referenced Undertakings and provides a historic preservation review process that is similar to that provided by the other terms of the Prototype PA;

WHEREAS, the terms of the interagency agreement were in negotiation on or before February 5, 2010 and the interagency agreement was executed prior to February 19, 2010; and

WHEREAS, DOE, does not object to the use of the interagency agreement to fulfill the requirements of Section 106 for the referenced Undertakings in [insert name of State]; and

NOW, THEREFORE, DOE, the Recipient, and the [insert State name]SHPO agree that the Programs shall be administered in accordance with the following stipulations to satisfy DOE's Section 106 responsibilities for all individual Undertakings of the Programs in [insert name of State]

DOE, the Recipient, and the SHPO shall ensure that the following stipulations are carried out:

1. The Recipient and SHPO will review Undertakings in accordance with the terms of the interagency agreement (attached as Appendix A to this Programmatic Agreement).
2. This Programmatic Agreement will be in effect for a period of three years from the date of its execution.

3. DOE will send a copy of this Programmatic Agreement to the ACHP upon execution.

Signatories:

[name of Recipient]

Date

[name of SHPO]

Date

UNITED STATES DEPARTMENT OF ENERGY
OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY
OFFICE OF WEATHERIZATION AND INTERGOVERNMENTAL PROGRAMS

Date

[ATTACH A COPY OF THE INTERAGENCY AGREEMENT AS APPENDIX A]