



Idaho Rural K-12 Energy Enhancement Program

Request for Applications
March 2025



Table of Contents

INTRODUCTION.....3

AWARD INFORMATION.....3

 A. Authorizing Statutes.....3

 B. Program Goals.....4

 C. Eligibility Information.....4

 D. Funding.....5

 E. Application Review.....5

FEDERAL AND STATE REQUIREMENTS.....7

 A. Expenditures.....7

 B. National Historic Preservation Act8

 C. Davis Bacon Act.....8

 D.National Environmental Policy Act.....9

 E. Build America Buy America.....9

 F. Public Works.....10

REGISTRATION REQUIREMENTS.....10

 A. System for Award Management.....10

 B. Unique Entity Identifier.....10

APPLICATION INSTRUCTIONS.....10

QUESTIONS AND TECHNICAL ASSISTANCE.....11

APPENDICES

 Appendix A. Scoring Criteria.....12

 Appendix B. Davis Bacon Prevailing Wage.....13

 Appendix C. National Historic Preservation Act: Section 106..... 14

 Appendix D. National Environmental Policy Act.....15

 Appendix E. Build America Buy American Act.....15

ATTACHMENTS

 Attachment 1. Programmatic Agreement.....1-1

 Attachment 2. NEPA Determination.....2-1

 Attachment 3. State Historic Preservation Office Consultation Form..... 3-1



**Idaho Rural K-12 Energy Enhancement Program
Request for Applications
March 2025**

INTRODUCTION

The Office of Energy and Mineral Resources (OEMR) is pleased to announce a competitive grant funding opportunity for rural public K-12 schools that will offer \$2 million in financial assistance to eligible schools to make energy improvements to their facilities. This competitive grant opportunity, called Idaho Rural K-12 Energy Enhancement Program (KEEP), is funded by the Infrastructure Investment and Jobs Act (IIJA) of 2021 under award number DE-EE0010069 and falls under the State Energy Program (SEP). KEEP supports eligible public K-12 schools that reside in rural school districts¹ to implement projects with costs up to \$200,000 to reduce energy and tax burdens, increase energy resilience, and increase energy savings. The program's objective is to complete energy reducing retrofits in a cost-effective manner that will yield long-term impacts for rural communities.

This Request for Application (RFA) serves as OEMR's formal funding opportunity announcement and solicitation letter for KEEP. Applicants should review terms and conditions listed in the RFA's appendices and attachments prior to submitting an application. Submittals must include a completed and signed application along with a budget worksheet as prescribed in the application instructions of this RFA. Incomplete submittals will not be accepted by OEMR. To be deemed complete, Applications must be signed by an authorized representative of the Applicant, every question must be answered (if a question does not apply, an answer of "N/A" or "Does Not Apply" will suffice), and every form must be complete. Applications that do not contain all required documentation or information may be deemed incomplete. OEMR will reject incomplete Applications in their entirety.

Applications for KEEP are due to OEMR no later than May 30, 2025. All applications must be emailed to Alexa Bouvier at alexa.bouvier@oer.idaho.gov, with the subject line "Idaho KEEP Application [School Name, School District Name]."

AWARD INFORMATION

A. Authorizing Statutes

I. [Executive Order 2024-09](#) provides OEMR's duties, powers, and authorities shall include "assist state agencies, local government, and stakeholders to secure funding where available for energy and mineral projects and opportunities" [and] "...administer energy loan programs, grants, and other forms of financial assistance for eligible projects."

II. State Energy Program (SEP) is a United States Department of Energy administered program that is authorized under the Energy Policy and Conservation Act, as amended (42 U.S.C. 6321 *et seq.*). All grant awards made under SEP shall comply with applicable laws

¹ State Department of Education. "Title V-B: Rural Education." <https://www.sde.idaho.gov/federal-programs/rural/#:~:text=Rural%20Schools%2C%20as%20defined%20by%20Idaho%20Code%20%2C%20A733-319%2C,a%20county%20that%20contain%20less%20than%2025%2C000%20residents.>



**Idaho Rural K-12 Energy Enhancement Program
Request for Applications
March 2025**

including, but not limited to, the SEP statutory authority (42 U.S.C § 6321 et seq.), 10 CFR 420, and 2 CFR 200 as amended by 2 CFR Part 910.

B. Program Goals

KEEP's program goals are to assist eligible applicants in implementing projects in Idaho public K-12 schools in rural school districts to:

- Reduce energy and tax burdens;
- Increase energy resilience; and
- Increase energy savings.

C. Eligibility Information

I. What schools are eligible?

Schools eligible for this funding are Idaho K-12 public schools located within rural school districts. A list of rural school districts can be found highlighted in green under the "Rural Schools in Idaho" link [here](#).²

If a school district is not listed and they believe it meets the eligibility requirements, please contact alexa.bouvier@oer.idaho.gov with a detailed explanation of why the school district believes it meets those requirements before submitting an application.

II. How many applications can a school district submit?

A rural school district can submit no more than three applications. A separate application must be submitted for each school within a school district.

III. What is an eligible project?

An eligible project must be independent from other projects within the school or school district. A project is independent if it does not share common contractors or materials with other school or school district projects.

An applicant must submit only one project per application, per school within a school district. A project can include multiple eligible activities, involving multiple school buildings, so long as the eligible activities fall under the eligibility categories listed below:

- Installation of energy efficient lighting
- HVAC upgrades
- Weatherization, which includes weather sealing, replacement of windows and doors, and insulation



**Idaho Rural K-12 Energy Enhancement Program
Request for Applications
March 2025**

- Purchase and installation of energy efficient appliances and equipment, including control systems, thermostats, furnaces and air conditioners
- Retrofit of energy efficient pumps and motors in existing systems

In addition to the eligible categories above, proposed projects must also fall within the “Bounded Categories” Section (7) of the National Environmental Policy Act (NEPA) Categorical Exclusion SEP-IIJA-ALRD-2022A (Attachment 2) and the list of undertakings in Attachment B of the Programmatic Agreement between DOE and OEMR (Attachment 1) in compliance with the National Historical Preservation Act (NHPA). Proposed projects must be located on facilities and other real property owned by the rural school district. Proposed projects are not eligible if they are located on facilities and other real property that are rented by a school district authority pursuant to the authority outlined in [Idaho Code §33-601\(1\)](#).

IV. When do projects funded by this grant need to be completed?

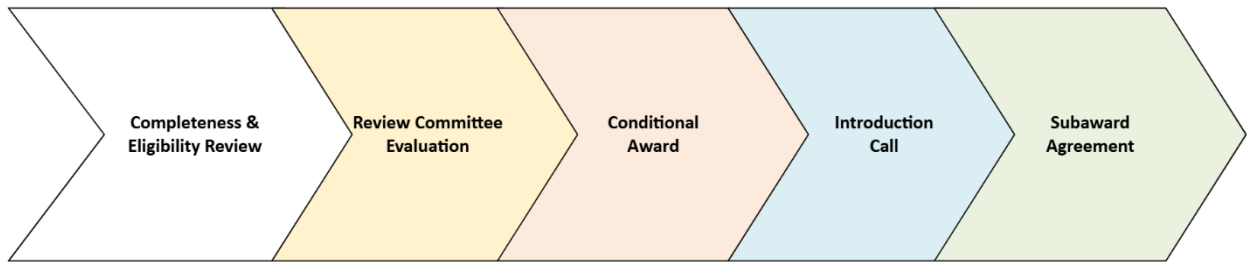
Projects should be shovel ready, meaning they can begin construction within the next school year, and projects must be completed by the end of the grants period of performance by September 30, 2028.

D. Funding

KEEP has approximately \$2 million in funding. An applicant may not request more than \$200,000 per application. Applications with total project costs exceeding \$200,000, regardless of funding source(s), or where additional funding is provided by a rural school district, will be rejected. Project costs incurred prior to execution of the Subaward Agreement shall be ineligible for reimbursement. This includes any costs incurred during the application review and conditional award phases.

Reimbursement will be paid upon project completion for successful applicants. OEMR will not approve funding in excess of the amount requested in an application. This will be the case even if budget changes occur between application submission and the execution of the Subaward Agreement. OEMR strongly encourages all applicants to thoroughly research the project and its associated costs, and to proactively plan for potential budget impacts to ensure that the requested amount is sufficient for project completion.

E. Application Review





Idaho Rural K-12 Energy Enhancement Program
Request for Applications
March 2025

I. Completeness and Eligibility Review

OEMR will conduct an initial review of all applications for completeness and eligibility. OEMR will reject incomplete Applications in their entirety. If eligible application funding requests do not exceed the total amount of available program funding, then the review committee will not evaluate all eligible and complete applications, and complete and eligible applications will be funded. If eligible application funding requests exceed the total amount of available program funding, then the review committee will evaluate all eligible and complete applications.

II. Review Committee Evaluation

The review committee will consider the following three topics when evaluating applications. For a complete list of the evaluation criteria, please see Appendix A.

Energy Impact (50%)	Rural Community Impact (45%)	Administrative Compliance (5%)
<ul style="list-style-type: none">• Demonstrates a strong need for energy improvements.• Reduces energy consumption and saves energy costs	<ul style="list-style-type: none">• Describes how the proposed project generates long-term benefits for the rural community.• Describes the fiscal need of the rural community	<ul style="list-style-type: none">• Adheres to administrative requirements.

III. Conditional Award

After the review committee conducts its evaluation, OEMR will notify the highest scored applications with a conditional award letter. Projects must comply with Section 106 of the NHPA. Therefore, during this conditional award period, applicants who receive conditional award letters must work with the State Historic Preservation Office (SHPO) to determine what effect, if any, the applicant's proposed project may have on a historic property. A detailed description of Section 106 can be found under "Federal Requirements," Section B and Appendix C.

While it is not required, OEMR strongly encourages applicants to consult with SHPO before submitting their application to identify and incorporate any potential impacts to the budget, timeline, and scope that may result from a SHPO consultation.

If SHPO review results in the project's scope, budget, or timeline to be materially altered from what was submitted in the evaluated application, the project may be different than what was originally proposed in the application and the conditional award may be revoked. If SHPO determines no adverse effects are found, OEMR will initiate an introduction call.



**Idaho Rural K-12 Energy Enhancement Program
Request for Applications
March 2025**

IV. Introduction Call

After OEMR sends a conditional award letter and confirms compliance with the NHPA, OEMR will schedule an introduction call with each conditionally awarded applicant to discuss the grant in greater detail and answer any questions subrecipients may have before issuing a Subaward Agreement.

V. Subaward Agreement

Once conditionally awarded applicants undergo NHPA compliance, complete the introduction call, and submit any requested follow-up documentation, OEMR shall execute at its discretion a Subaward Agreement with the Subrecipient. All subrecipients will be subject to the terms and conditions of OEMR's Subaward Agreement. Terms will include, but will not be limited to, various federal requirements outlined in the Terms & Conditions found on the [KEEP website](#). Please refer to appendices A-E for a general overview of several federal and state requirements applicable to this program.

FEDERAL AND STATE REQUIREMENTS

Successful applicants who sign a subaward agreement with OEMR will be Subrecipients. Subrecipients shall comply with all applicable federal, state, and local laws and regulations for all work performed under KEEP ("Program"). Subrecipients shall obtain all necessary federal, state, and local permits, authorizations, and approvals for all work performed under this Program. For the duration of this Program, Subrecipient shall maintain in effect and have in its possession all licenses and certifications required by federal, state, and local laws and rules.

Compliance with federal regulations includes, but is not limited to, compliance with 2 CFR Part 200 (2024) and amended by 2 CFR part 910.

Whenever this RFA refers to 2 CFR Part 200, or any section within 2 CFR Part 200, it is referring to the guidance in effect for 2 CFR 200 prior to October 1, 2024. The Office of Management and Budget ("OMB") recently issued a new final guidance that includes changes to 2 CFR 200, but that new guidance is only effective for federal awards issued on or after October 1, 2024. *See* "Guidance for Federal Financial Assistance," 89 Fed. Reg. 30046 (April 22, 2024). OMB also revised other parts of title 2 of the CFR, including Parts 1, 25, 170, 175, 180, 182, 183, and 184. Because the federal Award for this Agreement (Award No. DE- EE0010069, CFDA No. 81.041) was issued prior to October 1, 2024, the October 1, 2024, revisions to 2 CFR 1, 25, 170, 175, 180, 182, 183, and 200 do not apply to this Program.

To find the versions of title 2 of the CFR that currently apply to this Program, you can visit <https://www.govinfo.gov/app/collection/cfr/2024/> and view Title 2 under the year 2024. OEMR has listed the following federal and state requirements as a general overview, but this is not an exhaustive list.



Idaho Rural K-12 Energy Enhancement Program
Request for Applications
March 2025

A. Expenditures

All expenditures shall be allowable, allocable, and reasonable in accordance with the applicable federal cost principles. Refer to the following applicable federal administrative requirement for more information:

- [2 CFR Part 200 Subpart E - Cost Principles for all other non-federal entities](#)
- [2 CFR 910- Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards](#)

B. National Historic Preservation Act

Section 106 of the NHPA requires federal agencies to consider the effects of federally funded projects on historic properties. Attachment 1, Appendix B refers to the Programmatic Agreement that identifies eligible projects for this program. Conditionally awarded projects shall undergo review by SHPO to ensure compliance with Section 106 of NHPA, prior to execution of the Subaward Agreement.

To complete this consultation and project review, applicants must upload information into the Idaho Cultural Information System (ICRIS). Attachment 3, includes the SHPO consultation form and instructions for uploading the project into ICRIS. Although SHPO consultation is not mandatory until the conditional award period, OEMR recommends applicants upload the form prior to submitting the KEEP application. SHPO's review may identify potential adverse effects on historic properties, which could result in changes to the project's scope, budget, or timeline. If SHPO review results in the project's scope, budget, or timeline to be materially altered from what was submitted in the evaluated application, the project may be different than what was originally proposed in the application and the conditional award may be revoked.

If SHPO's review determines that a project will adversely affect a historic property or cultural resources, further consultation to resolve those effects will be required. The applicant must then work with SHPO to identify and agree on appropriate mitigation measures. These measures must be submitted to OEMR during the conditional award period. Applicants are encouraged to initiate NHPA consultation early, as review periods can take up to 30 days. For more information on NHPA compliance, refer to Appendix C.

C. Davis Bacon Act

Projects and subrecipients will be subject to requirements under the Davis-Bacon Act (40 U.S.C. § 3141 et seq.) and the applicable requirements of 29 CFR part 5. Per section 41101 of the IIJA, all laborers and mechanics employed by subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair work in excess of \$2,000 on an award funded directly by or assisted in whole or in part by this Program shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the "Davis Bacon Act." (DBA) See Appendix B.



Idaho Rural K-12 Energy Enhancement Program Request for Applications March 2025

To monitor weekly payroll accurately, subrecipients and contractors will be required to complete virtual trainings in LCPtracker software. The contractor and subrecipient will input timely electronic submission of weekly certified payrolls through LCPtracker software as part of their compliance with DBA. This software is provided at no additional cost to the subrecipients.

D. National Environmental Policy Act

Proposed projects for KEEP must comply with the National Environmental Policy Act (NEPA). All proposed projects must fall under the eligible activities listed in the Categorical Exclusion, SEP-IIJA-ALRD-2022A under "Bounded Categories" Section (7), (Attachment 2). KEEP's application asks applicants to identify and describe the bounded category a proposed project falls under. Please refer to Appendix D for additional information regarding NEPA.

E. Build America Buy America

The Build America Buy America Act (BABA), enacted as part of the IIJA, established a domestic content procurement preference for all Federal financial assistance obligated for infrastructure projects after May 2022.³ Federally assisted projects which involve infrastructure work, undertaken by applicable recipient types, require that:

- All iron and steel used in the project are produced in the United States- this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- All manufactured products used in the project are produced in the United States- this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55% of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
- All construction materials are manufactured in the United States- this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America Preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought into the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

³ Department of Energy. "Build America, Buy America." <https://www.energy.gov/management/build-america-buy-america>



**Idaho Rural K-12 Energy Enhancement Program
Request for Applications
March 2025**

Small Grants BABA Waiver

The Department of Energy applies the Small Grants Build America Buy America waiver to the domestic content procurement requirement for subrecipient projects that are at or under the Simplified Acquisition Threshold of \$250,000. Projects over \$250,000 are not eligible for the Small Grants Build America Buy America waiver and will be subject to requirements under BABA under subtitle IX of the IIJA, Public Law 177-58, and 2 CFR part 184. If Federal financial assistance provided by DOE is combined with any other financial assistance as cost-match and the total amount of a single project is greater than the Simplified Acquisition Threshold, then the waiver shall not apply.

Please note that unintentional application of the waiver such as splitting of projects or other actions to keep below the threshold is prohibited. DOE may develop appropriate terms and conditions, execute financial monitoring, and perform other oversight precautions to mitigate the risk of misapplication of this waiver. Please refer to Appendix E for a more detailed description of BABA.

F. Public Works

School districts are subject to requirements regarding public works construction. Related Idaho code sections may include but are not limited to the following:

[Idaho Code Title 67, Chapter 28](#)

[Idaho Code Title 54, Chapter 19](#)

REGISTRATION REQUIREMENTS

A. System for Award Management (SAM)

Applicants shall maintain an active SAM registration with current information at all times during which there is an active award or an application under consideration. Important steps in SAM registration are (1) registering with the SAM at <https://www.sam.gov/> prior to submitting an application in response to this funding opportunity and (2) designating an Electronic Business Point of Contact (EBiz POC) and obtaining a special password called an MPIN. Information about SAM registration for applicants is available at:

https://www.fsd.gov/gsafsd_sp?id=gsafsd_kb_articles&sys_id=650d493e1bab7c105465

B. Unique Entity Identifier (UEI)

Applicants must obtain a UEI from the SAM to uniquely identify the entity. The UEI is available in the SAM entity registration record. Applicants will receive the UEI after registering in SAM. This UEI number shall be included in the application.

APPLICATION INSTRUCTIONS

Please [visit the KEEP program webpage on the OEMR website](#) to view application forms. Applications must be submitted via email to Alexa Bouvier at alexa.bouvier@oer.idaho.gov no



**Idaho Rural K-12 Energy Enhancement Program
Request for Applications
March 2025**

later than 11:59PM MST on May 30, 2025. Applications shall be submitted with the subject line "Idaho KEEP Application [School Name, School District Name]." Before application submittal, please use the following checklist to ensure the application is complete. OEMR will reject incomplete applications in their entirety

- ☐ Application Form (including authorization signature)
- ☐ Budget Information Worksheet

OEMR will not approve funding in excess of the amount requested in an application. This will be the case even if budget changes occur between application submission and the execution of the Subaward Agreement. OEMR strongly encourages all applicants to thoroughly research the project and its associated costs, and to proactively plan for potential budget impacts to ensure that the requested amount is sufficient for project completion.

Documents and information submitted to OEMR in an application are subject to the Idaho Public Records Act (Idaho Code §§ 74-101 to 74-127). Please avoid submitting information you believe is confidential or privileged unless it is necessary to the application. If you believe submitting such information is necessary, please contact OEMR for further instruction.

QUESTIONS AND TECHNICAL ASSISTANCE

Applicants interested in attending the informational webinar via Microsoft Teams on April 9, 2025, at 3:30 pm (MST) can join using this [link](#). A recording of the webinar will also be posted to the OEMR's KEEP webpage.

All questions shall be submitted in writing via email with the subject line "Idaho KEEP Application Question [School Name, School District Name]." OEMR will answer questions from eligible entities within three (3) business days via a public FAQ document that is linked to the KEEP webpage. All applicants are responsible for checking the KEEP webpage on a regular basis for updates to the FAQ document and other pertinent updates. OEMR's technical assistance may consist of (1) application interpretation and clarification, (2) identification of all required documents, (3) budget information clarification, and (4) reporting compliance. For questions and technical assistance please email Alexa Bouvier at alexa.bouvier@oer.idaho.gov.



Idaho Rural K-12 Energy Enhancement Program
Request for Applications
March 2025

APPENDIX A. SCORING CRITERIA

Applicants should describe all eligible categories the proposed project addresses when responding to the evaluation criteria.

Energy Impact (50%)		
Topic	Evaluation Criteria	Weight
Demonstrates a strong need for energy improvements	<ul style="list-style-type: none"> Clearly identifies the need for energy improvement(s) within the facility or facilities. Describes past efforts made towards completing similar improvements to the facility or facilities. Describes need of the applicant and impact if no action is taken. 	70%
Reduces energy consumption and save energy costs	<ul style="list-style-type: none"> Explains how the proposed project will reduce energy consumption and save energy costs. Provides information on the cost-effectiveness of the proposed project compared to alternative projects. Describes estimated energy savings (kWh, therms, gallons, MMBtus) on a per dollar spent basis or other benefits. 	30%
Rural Community Impact (45%)		
Topic	Evaluation Criteria	Weight
Describes how the proposed project generates long-term benefits for the rural community	<ul style="list-style-type: none"> Clearly explains how the proposed project would impact the students, staff, and rural community. In addition to educating students, how are the facilities being utilized now and how will this project enhance utilization. 	30%
Describes the fiscal need of the rural community	<ul style="list-style-type: none"> Describes the rural community's fiscal need. Factors for consideration may include: <ul style="list-style-type: none"> Information on the outcome of proposed school bonds over the past five years. 2022-2024 Child Nutrition Program (CNP) Eligibility Participation Report. 	70%
Administrative Compliance (5%)		
Topic	Evaluation Criteria	Weight
Adheres to administrative requirements	<ul style="list-style-type: none"> Describes experiences and a clear plan for administrative and reporting compliance with the following: <ul style="list-style-type: none"> 2 CFR 200; National Environmental Policy Act; Section 106 of the National Historic Preservation Act; Davis Bacon Act; Build America Buy America; Idaho Public Works regulations and procurement; Federal, State, and Local regulations. 	100%



APPENDIX B: DAVIS BACON PREVAILING WAGE REQUIREMENTS

Division D of the Infrastructure Investment and Jobs Act (IIJA) applies to the Idaho Rural K-12 Energy Enhancement Program (KEEP). Accordingly, per section 41101, all laborers and mechanics employed by subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair work in excess of \$2,000 on an award funded directly by or assisted in whole or in part under this Program shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the “Davis Bacon Act” (DBA).

Applicants acknowledge that if awarded grant funds under this Program, they will comply with all the DBA requirements, including but not limited to:

- (1) Ensuring that the wage determination(s) and appropriate Davis-Bacon clauses and requirements are flowed down to and incorporated into any applicable subcontracts or subrecipient awards.
- (2) Being responsible for compliance by any subcontractor or subrecipient with the Davis-Bacon labor standards.
- (3) Receiving and reviewing certified weekly payrolls submitted by all subcontractors and subrecipients using DOE’s electronic payroll compliance software, LCPtracker, for accuracy and to identify potential compliance issues.
- (4) Maintaining original certified weekly payrolls for 3 years after the completion of the project and must make those payrolls available to the DOE or the Department of Labor upon request, as required by 29 CFR 5.6(a)(2).
- (5) Conducting payroll and job-site reviews for construction work, including interviews with employees, with such frequency as may be necessary to assure compliance by its subcontractors and subrecipients and as requested or directed by the DOE.
- (6) Cooperating with any authorized representative of the Department of Labor in their inspection of records, interviews with employees, and other actions undertaken as part of a Department of Labor investigation.
- (7) Posting in a prominent and accessible place the wage determination(s) and Department of Labor Publication: WH-1321, Notice to Employees Working on Federal or Federally Assisted Construction Projects.
- (8) Notifying the Contracting Officer of all labor standards issues, including all complaints regarding incorrect payment of prevailing wages and/or fringe



**Idaho Rural K-12 Energy Enhancement Program
Request for Applications
March 2025**

benefits, received from the recipient, subrecipient, contractor, or subcontractor employees; significant labor standards violations, as defined in 29 CFR 5.7; disputes concerning labor standards pursuant to 29 CFR parts 4, 6, and 8 and as defined in FAR 52.222-14; disputed labor standards determinations; Department of Labor investigations; or legal or judicial proceedings related to the labor standards under this Contract, a subcontract, or subrecipient award.

(9) Preparing and submitting to the Contracting Officer, the Office of Management and Budget Control Number 1910-5165, Davis Bacon Semi-Annual Labor Compliance Report, by April 21 and October 21 of each year. Form submittal will be administered through the iBenefits system (<https://doeibenefits2.energy.gov>) or its successor system. For additional guidance on how to comply with the DBA provisions and clauses, see [Davis-Bacon and Related Acts](#) and [Protections for Workers in Construction under the Bipartisan Infrastructure Law](#).

APPENDIX C: NATIONAL HISTORIC PRESERVATION ACT: SECTION 106

Effects on historic properties will be considered pursuant to Section 106 of the National Historic Preservation Act (NHPA). Idaho has a Historic Preservation Programmatic Agreement (Attachment 1, Appendix B) with the Department of Energy and Idaho State Historic Preservation Office, which outlines requirements of Section 106 of NHPA. The application will require that an applicant reviews the Programmatic Agreement, identifies the undertaking their project falls under, and describes why the proposed project falls under that specific undertaking.

To initially evaluate potential impacts under Section 106 for KEEP projects, all applicants must submit a project description with their application. This description must include the age of the building(s) associated with the proposed project and the location of the project. Applicants interested in more information regarding Section 106 of NHPA and the review process can refer to the Programmatic Agreement (Attachment 1, Appendix B) published to [OEMR's website](#) under the Idaho KEEP program tab in the Helpful Documents section.

Applicants with conditional awards shall undergo review by the State Historic Preservation Office (SHPO) under Section 106 of NHPA prior to executing a subaward agreement. Attachment 3, includes the SHPO consultation form and instructions for uploading the project into ICRIS. Although SHPO consultation is not mandatory until the conditional award period, OEMR recommends applicants upload the form prior to submitting the KEEP application. SHPO's review may identify potential adverse effects on historic properties, which could result in changes to the project's scope, budget, or timeline. If SHPO review results in the project's scope, budget, or timeline to be materially altered from what was submitted in the evaluated application, the project may be different than what was originally proposed in the application and the conditional award may be revoked.



**Idaho Rural K-12 Energy Enhancement Program
Request for Applications
March 2025**

APPENDIX D: NATIONAL ENVIRONMENTAL POLICY ACT

DOE must comply with the National Environmental Policy Act (NEPA) prior to distributing federal funds for this program. Projects may fall within a categorical exclusion if they are within the “Bounded Categories” listed in the State Energy Program (NEPA Determination). The list of eligible project categories in KEEP Request for Applications generally fall under this list of “Bounded Categories” (7) (Attachment 2) and require no further NEPA review as long as they are absent extraordinary circumstances, cumulative impacts, or connected actions that may lead to significant impacts on the human environment; or any inconsistency with “integral elements” (as contained in 10 CFR Part 1021, Appendix B) as they relate to project activities. Additionally, the Bounded Category only applies to KEEP’s list of eligible projects if they are installed in existing buildings, do not require structural reinforcement, no trees are removed, and are appropriately sized.

Should an eligible project require further NEPA analysis, all subrecipients selected for an award shall be required to assist in the timely and effective completion of the NEPA process in the manner most pertinent to their proposed project. If DOE determines certain records shall be prepared to conduct NEPA analysis, the costs to prepare the necessary analysis may be included as part of the project costs. If a subrecipient selected for an award undertakes activities prior to authorization from OEMR and DOE, subrecipient does so at the risk of not receiving reimbursement for the project.

APPENDIX E. BUILD AMERICA BUY AMERICAN ACT

Federally assisted projects which involve infrastructure work, undertaken by applicable recipient types, require that:

- a. All iron, steel, and manufactured products used in the infrastructure work are produced in the United States, and
- b. All construction materials used in the infrastructure work are manufactured in the United States.

Whether a given project must apply this requirement is project-specific and dependent on several factors, such as the recipient’s entity type, whether the work involves “infrastructure,” as that term is defined in section 70914 of the IIJA, and whether the infrastructure in question is publicly owned or serves as a public function.

DEFINITIONS

- 1) For purposes of the Buy America requirements, the following definitions apply:



**Idaho Rural K-12 Energy Enhancement Program
Request for Applications
March 2025**

Construction materials includes an article, material or supply-other than an item of primary iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives-that is or consists primarily of: non-ferrous metals; plastic and polymer-based products (including polyvinylchloride, composite building materials and polymers used in fiber optic cables); glass (including optic glass); lumber; or drywall.

Infrastructure includes at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways and bridges; public transportation; dams, ports, harbors and other maritime facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

In addition to the above, the infrastructure in question must be publicly owned or must serve a public function; privately owned infrastructure that is solely utilized for private use is not considered "infrastructure" for purposes of Buy America applicability. The agency, not the applicant, will have the final say as to whether a given project includes infrastructure, as defined herein. Accordingly, in cases where the "public" nature of the infrastructure is unclear, DOE strongly recommends that applicants complete their full application with the assumption that Buy America requirements will apply to the proposed project.

Project means the construction, alteration, maintenance, or repair of infrastructure in the United States.

2) Buy America Requirements for Infrastructure Projects ("Buy America" Requirements)

In accordance with Section 70914 of the IIJA, none of the project funds (includes federal share and recipient cost share) may be used for a project for infrastructure unless:

- 1) All iron and steel used in the project are produced in the United States- this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- 2) All manufactured products used in the project are produced in the United States- this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced or manufactured in the United States is greater than 55% of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and



**Idaho Rural K-12 Energy Enhancement Program
Request for Applications
March 2025**

- 3) All construction materials are manufactured in the United States. This means all manufacturing processes for the construction material occurred in the United States. The Buy America requirements only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor do Buy America requirements apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

These requirements must flow down to all sub-awards, all contracts, subcontracts, and purchase orders for work performed under the proposed project. Applicants should consult the Build America, Buy America Guidance and Resources to determine whether this requirement applies to their project, both to make an early determination as to the need of a waiver, as well as to determine what impact, if any, this requirement may have on their project's budget. See guidance for [Grants and Agreements as it relates to the Build America, Buy America Act](#) issued August 23, 2023; [DOE's Implementation of Requirement for Infrastructure Projects](#).

Attachment 1. Programmatic Agreement

PROGRAMMATIC AGREEMENT BETWEEN
THE UNITED STATES DEPARTMENT OF ENERGY, THE IDAHO OFFICE OF ENERGY RESOURCES, THE
IDAHO DEPARTMENT OF HEALTH AND WELFARE, AND
THE IDAHO STATE HISTORIC PRESERVATION OFFICE REGARDING 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 unprecedented levels of funding available to the Programs, due in large measure to ARRA, has created a large volume of projects requiring expedited historic preservation reviews to ensure the timely obligation of funds, that create new jobs, and improve local and state economies;

WHEREAS, the Idaho State Historic Preservation Office (SHPO) is experiencing unprecedented numbers of requests for historic preservation review of undertakings funded by all Federal Agencies, including undertakings funded by the Programs;

WHEREAS, the Idaho Office of Energy Resources, and the Idaho Department of Health and Welfare (Recipients) are receiving financial assistance from DOE to carry out the Programs;

WHEREAS, there are DOE recipients in Idaho (other than the Idaho Office of Energy and the Idaho Department of Health and Welfare) (hereinafter "Direct Recipients") that also receive funding from DOE under the Programs;

WHEREAS, Direct Recipients may also utilize this PA to achieve compliance with Section 106 to the same extent as the Idaho Office of Energy and the Idaho Department of Health and Welfare (and any Subgrantees of Direct Recipients may utilize this PA to the same extent as the Subgrantees of the Idaho Office of Energy and the Idaho Department of Health and Welfare);

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, DOE has determined that these undertakings may adversely affect properties that are listed in or eligible for listing in the National Register of Historic Places (National Register) and subject to the requirements of the National Historic Preservation Act (NHPA);

WHEREAS, in accordance with 36 CFR 800.14(b)(4), the Advisory Council on Historic Preservation (the ACHP) has designated this Agreement as a Prototype Programmatic Agreement (PA), which does not require the participation or signature of the ACHP.

WHEREAS, DOE, the ACHP, and the National Conference of State Historic Preservation Officers (NCSHPO) have determined that the requirements of Section 106 can be more effectively and efficiently fulfilled if a programmatic approach is used to stipulate roles and responsibilities, exempt undertakings from Section 106 review, establish tribal protocols, facilitate identification and evaluation of historic properties, establish treatment and mitigation measures, and streamline the resolution of adverse effects;

WHEREAS, by memorandum dated August 28, 2009 (attached as Appendix C), DOE delegated certain tasks necessary for compliance with Section 106 of the NHPA to grantees and subgrantees of funding from the Programs (Recipients);

WHEREAS, according to the August 28, 2009 memorandum, the Recipients are authorized, to initiate Section 106 compliance in accordance with 36 CFR 800.2 (c) (4);

WHEREAS, the undertakings covered under this PA are not located on Tribal lands and are primarily smaller scale activities and routine projects, without the potential for adversely affecting historic properties, rather than complex undertakings with a greater potential to adversely affect historic properties, which would require completion of the typical Section 106 review process;

WHEREAS, DOE and the ACHP were guided by the principles set forth in the ACHP's Affordable Housing Policy statement, adopted on November 9, 2006, in negotiating this Programmatic Agreement upon which this PA is based;

NOW, THEREFORE, DOE, Recipients and the Idaho 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:

I. Roles and Responsibilities

- A. DOE shall be responsible for providing oversight of the PA, executing PAs with SHPOs, participating in the resolution of disputes between the SHPO and the Recipients, and providing technical assistance and guidance as needed. DOE shall be responsible for government-to-government consultation with Indian tribes, unless the Indian tribe agrees to the delegation of this responsibility to a Recipient.
- B. The Recipients shall be responsible for consulting with consulting parties and conducting Section 106 reviews in a timely manner, preparing documentation for the SHPO and DOE, and maintaining records on undertakings. Undertakings that involve properties greater than fifty (45) years old and are not listed on either Appendices A or B shall be submitted to the SHPO for review in accordance with this Agreement.
- C. Recipients shall ensure that the provisions of this PA apply to its sub-awards.
- D. The Recipients are encouraged to use qualified professionals in conducting their Section 106 requirements.
- E. The SHPO shall be responsible for reviewing project documentation and participation in consultation as set forth in this PA.

- F. The ACHP shall be responsible for providing technical guidance, participating in dispute resolutions if appropriate, and monitoring the effectiveness of this PA.

II. Tribal Review

- A. Execution of this PA presumes that DOE will conduct its government-to government responsibilities with federal recognized Indian tribes or its Section 106 consultation requirements with Native Hawaiian Organizations (NHO) consistent with Federal laws and regulations. The Recipients shall not substitute for DOE in matters related to potential effects on historic properties of cultural and religious significance to Indian tribes, except with the concurrence of the Indian tribe or NHO.
- B. DOE acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of properties with tribal religious and cultural significance, and requires the Recipients to consult with them, as appropriate, in identifying historic properties listed in or eligible for listing in the Area of Potential Effect (APE) of program areas.
- C. If the Recipients notify DOE that an undertaking may result in an adverse effect on cultural resources with tribal religious and cultural significance, DOE shall notify Indian tribes of individual undertakings that may result in an adverse effect on cultural resources with tribal religious and cultural significance and invite them to participate in consultations. Indian tribes and the Recipients may develop a bi-party agreement that outlines their review procedures for undertakings covered in a PA. Such agreements will be submitted to DOE for review and approval, and a copy sent to the ACHP for its records.

III. State Interagency Agreements

The Recipients may review an undertaking in accordance with the terms of an interagency agreement, in lieu of the other terms of this PA, if:

- 1) The interagency agreement was in negotiations by the Recipients and SHPO on or before February 5, 2010, and will be executed no later than February 19, 2010;
- 2) The Recipients and SHPO both agree through execution of this PA that the interagency agreement applies to the undertaking and provides a historic preservation review process that is similar to that provided by the other terms of this PA; and
- 3) DOE does not object to the use of the interagency agreement to fulfill the requirements of Section 106 of the NHPA for the undertakings.

IV. Exemptions from Section 106 review

- A. The Recipients shall not submit to the SHPO undertakings in accordance with Appendices A or B as they do not have the potential to cause effects on historic properties even when historic properties may be present. The Recipients and the SHPO may agree to modify Appendix A and/or Appendix B, with advance notification of such modifications to the ACHP and DOE. Recipients will maintain file records with verification that undertakings were determined to be exemptions for a period of three (3) years from project completion and make them available for review if requested by DOE or the ACHP.
- B. If a property has been determined to be ineligible for inclusion in the National Register within the last five (5) years from the date the Recipients made its application for DOE financial assistance, then no further review is required under this PA.

- C. Recipients of any of the Programs may utilize either Appendix A or Appendix B in identifying exempt undertakings, regardless of whether the Exhibit on which the undertaking relates to another federally funded program.

V. Review Procedures for Non-exempt Undertakings

- A. *For undertakings not exempted under Stipulation III or IV, if the Recipient has an executed Section 106 Agreement per 36 CFR part 800 for Community Development Block Grants (CDBG) with the SHPO that 1) is still in effect; 2) covers the same undertakings as the DOE grant programs; and 3) is up to date with reporting to the SHPO, no separate Section 106 review is needed.*
- B. Otherwise, the Recipients shall review the undertaking in accordance with Stipulations VI through X below, or consistent with SHPO-approved historic preservation protocols.

VI. Identification and Evaluation

- A. The Recipients shall establish the Area of Potential Effect (APE) for all program undertakings defined in the DOE grant agreement for the State.
- B. The Recipients shall complete the identification and evaluation of historic properties utilizing existing information including the National Register, state surveys, and county and local surveys. In addition, the Recipients and SHPO may use or develop protocols that are consistent with 36 CFR Section 800.4 for the review of consensus determinations of eligibility.
- C. The Recipients shall consult with Indian tribes or NHOs to determine if there are historic properties of religious or cultural significance that were not previously identified or considered in surveys or related Section 106 reviews, as appropriate.
- D. Archaeology surveys are required only for new ground disturbing project undertakings and shall be limited in scope subject to the concurrence of Indian tribes or NHOs that may attach religious or cultural significance to historic properties in the project area. Project undertakings requiring more than minimal ground disturbance shall be forwarded to the SHPO and THPOs or Indian tribes or NHOs concurrently for review.
- E. In order to avoid potential delays, prior to initiating undertakings the SHPO may review the Recipient's scopes of work for above ground surveys and archaeology surveys that are deemed necessary to administer the Recipient's Programs and to implement the terms of this PA.
- F. The Recipients shall refer disputes regarding determinations of eligibility to DOE for review and referral to the Keeper of the National Register in accordance with 800.4(c) (2).

VII. Treatment of Historic Properties

- A. When the Recipients and the SHPO concur that an undertaking is designed and planned in accordance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (36 CFR Part 68, July 12, 1995 *Federal Register*) (Standards), that undertaking will not be subject to further Section 106 review.
- B. The Recipients and SHPO will make best efforts to expedite reviews through a finding of "No Adverse Effect with conditions" when the Recipients and the SHPO

concur that plans and specifications or scopes of work can be modified to ensure adherence to the Standards. If the undertaking cannot meet the Standards or would otherwise result in an adverse effect to historic properties, the Recipients will proceed in accordance with Stipulation VIII.

VIII. Resolution of Adverse Effects

- A. The Recipients shall consult with the SHPO, and Indian tribes or NHOs as appropriate, to resolve adverse effects. The Recipients will notify DOE of the pending consultation, and DOE will participate through its designated representative.
- B. The Recipients may use standard stipulations included in Attachment A of this PA, or as negotiated as part of this PA between the SHPO and the Recipients, or if the project
- C. Consultation shall be coordinated to be concluded in 45-days or less to avoid the loss of funding. In the event the consultation extends beyond this period, DOE shall formally invite the ACHP to participate in consultation. The ACHP will consult with DOE regarding the issues and the opportunity to negotiate a Memorandum of Agreement (MOA). Within seven (7) days after notification, the ACHP will enter consultation and provide its recommendation for either concluding the Section 106 review through an MOA or Chairman's comment from the ACHP to the Secretary of DOE within 21 days.
- D. In the case of an ACHP Chairman comment, DOE may proceed once DOE provides its response to the ACHP.

IX. Emergency Situation Undertakings

- A. When an emergency undertaking is required for historic properties associated with the undertakings, the Recipients shall allow SHPO five (5) business days to respond, if feasible. Emergencies exist when there is a need to eliminate an imminent threat to health and safety of residents as identified by local or County building inspectors, fire department officials, or other local or County officials.
- B. The Recipients shall forward documentation to the SHPO for review immediately upon notification that an emergency exists. Documentation should include a) nature of the emergency; b) the address of the historic property involved; c) photographs showing the current condition of the building; and d) the time-frame allowed by local officials to respond to, or correct, the emergency situation.
- C. The Recipients shall consider mitigation measures recommended by the SHPO and implement them, if feasible.

X. Public and Consulting Party Involvement

- A. The Recipients shall maintain a list of undertakings and shall make the documentation available to the public. The Recipients shall notify the SHPO if its notified of other consulting parties or public interest in any undertakings covered under the terms of the PA.

- B. The Recipients, independently or at the recommendation of the SHPO, may invite interested persons to participate as consulting parties in the consultation process for adverse effects in accordance with Stipulations VI, VII, and VIII.

XI. Administrative Coordination

- A. The Recipients, in consultation with the SHPO, may develop procedures allowing for the use of local reviews conducted by Certified Local Governments (CLG) when such procedures avoid the duplication of efforts.
- B. The Recipients, in consultation with the SHPO, may determine that an undertaking has already been reviewed under an existing Section 106 effect determination or agreement document, then no further Section 106 review under this PA is required.
- C. The SHPO shall provide comments to the Recipients within thirty (30) days, unless otherwise agreed upon by the SHPO and the Recipients, for reviews required under the terms of this PA with the exception of emergency undertakings. In the event that the SHPO fails to comment within the established period, the Recipients can assume the SHPO has concurred, and proceed.
- D. The Recipients shall advise sub-grantees in writing of the provisions in Section 110 (k) of the Act and will advise the sub-grantees that Section 106 reviews may be compromised when project undertakings are initiated prematurely.
- E. The SHPO and the Recipients shall make every effort to expedite Section 106 reviews for a period of less than the 30-day review when consistent with the terms of the DOE grant agreements and the Recipients intends to utilize the services of qualified professionals.
- F. For projects that will require either an Environmental Assessment or an Environmental Impact Statement under the National Environmental Policy Act (NEPA), nothing contained in this PA shall prevent or limit the Recipients and DOE from utilizing the procedures set forth in 36 CFR 800.8 to coordinate and conduct the historic preservation review in conjunction with the NEPA review.


XII. Discoveries

If historic properties are discovered or unanticipated effects on historic properties located within a project's APE after the undertaking has been initiated, the Recipients will implement the following procedures:

- A. The Recipients shall immediately cease all operations for the portion of the undertaking with the potential to affect an historic property;
- B. The subgrantee shall advise the Recipients of the National Register eligibility of the historic property and the potential of the undertaking to impact its qualifying characteristics and an explanation of the whether the SHPO or Indian tribes and NHOs concur with proposed avoidance, treatment plan or mitigation plan;
- C. The Recipients or DOE shall notify Indian tribes or NHOs of any discoveries that have the potential to adversely affect sites or buildings of religious or cultural significance to them. After reviewing such discoveries, the Indian tribes or NHOs can request further consultation on the project by notifying DOE, ACHP, and the SHPO in writing.

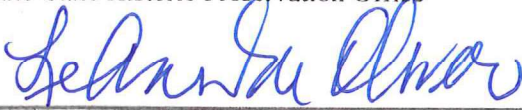
- D. The Recipients or subgrantee shall implement the avoidance, treatment or mitigation plan and advise the Recipients and DOE, if appropriate, of the satisfactory completion of the approved work. Once the approved work is complete may resume the activities that were halted to address the discovery situation.
- XIII. Dispute Resolution
- A. Should the SHPO object within the time frames outlined in this PA to any project undertakings, the Recipients shall consult further with the SHPO to attempt to remove the basis for the SHPO's objection. In the event that the SHPO's objection is not withdrawn, then the Recipients shall refer the matter to DOE. The Recipients shall forward all documentation relevant to DOE, who will notify and consult with the ACHP.
- B. The ACHP will provide its recommendations, if any, within 21 days following receipt of relevant documentation. DOE will take into account the ACHP's recommendations or formal comments in reaching a final decision regarding the dispute.
- XIV. Reporting and Monitoring
- A. DOE, the ACHP, and the SHPO may monitor any undertakings carried out pursuant to this PA. The ACHP may review undertakings, if requested by DOE. DOE shall be entitled to address and make determinations on overall policy or administrative issues related to the implementation of these Programs.
- B. The Recipients shall adhere to DOE's established protocols for ARRA reporting program undertakings.
- C. DOE will submit annual reports to ACHP and NCSHPO commencing October 15, 2011 summarizing the Programs' undertakings, to include data on number of undertakings, the number of exempt undertakings, and reviews conducted under this PA.
- XV. Amendments
- DOE, the SHPO, or the Recipients may request that this PA be amended, whereupon DOE and the SHPO, and the ACHP, if involved, will consult to consider such an amendment. Any such amendments shall be developed and executed among DOE, the Recipients, and the SHPO in the same manner as the original PA, and pertain only to this State PA.
- XVI. Duration of Agreement
- This PA will be valid for three (3) years from the date of execution, as verified with DOE filing the PA with the ACHP.
- XVII. Termination of Agreement
- DOE, the SHPO, or the Recipients may terminate the PA, provided that the party proposing termination notifies the other signatories and the ACHP in writing explaining the reasons for termination and affording the other signatories at least thirty (30) days to consult and seek alternatives to termination.

Signatories:


Idaho Office of Energy Resources 7/27/11
Date


Idaho Department of Health and Welfare 7-27-11
Date


Idaho State Historic Preservation Office 20 July 2011
Date


United States Department of Energy
Office of Energy Efficiency and Renewable Energy
Office of Weatherization and Intergovernmental Programs 7/28/2011
Date

APPENDIX A: WAP UNDERTAKINGS EXEMPT FROM SECTION 106 REVIEW

All undertakings will be done in accordance with applicable local building codes or the International Building Code, where applicable. In accordance with 36 CFR 800.3(a) (1), the following undertakings have been determined to have no potential to cause effects on historic properties:

1. Properties that have been evaluated *not eligible* for the National Register of Historic Places within the past two years. This evaluation must have been made with the concurrence of the SHPO for previous work completed under a DOE program. To take advantage of this exemption, the granting agency must maintain good records for reference and documentation of a previous agency/SHPO evaluation on a property.
2. Air sealing of the building shell, including caulking, weather-stripping, and other air infiltration control measures on windows and doors, and installing thresholds in a manner that does not harm or obscure historic windows or trim.
3. Thermal insulation, such as non-toxic fiberglass and foil wrapped, in walls, floors, ceilings, attics, and foundations in a manner that does not harm or damage historic fabric.
4. Blown in wall insulation where no holes are drilled through exterior siding, or where holes have no permanent visible alteration to the structure.
5. Removable film on windows (if the film is transparent), solar screens, or window louvers, in a manner that does not harm or obscure historic windows or trim.
6. Reflective roof coating in a manner that closely resembles the historic materials and form, or with materials that restore the original feature based on historic evidence, and in a manner that does not alter the roofline, or where not on a primary roof elevation or visible from the public right-of-way.
7. Storm windows or doors, and wood screen doors in a manner that does not harm or obscure historic windows or trim.
8. Repair of minor roof and wall leaks prior to insulating attics or walls, provided repairs closely resemble existing surface composite.

Special Note: Undertakings to interior spaces where the work will not be visible from the public right of way; no structural alterations are made; no demolition of walls, ceilings or floors occurs; no drop ceilings are added; or no walls are leveled with furring or moved, should be automatically excluded from SHPO review. This work includes:

- a. Thermal insulation in walls, floors, ceilings, attics, crawl spaces, ducts and foundations.
- b. Blown in wall insulation where no decorative plaster is damaged.

- c. Plumbing work, including installation of water heaters.
- d. Electrical work, including improving lamp efficiency.
- e. Sealing air leaks using weather stripping, door sweeps, and caulk and sealing major air leaks associated with bypasses, ducts, air conditioning units, etc..
- f. Repair or replace water heaters.
- g. Adding adjustable speed drives such as fans on air handling units, cooling tower fans, and pumps.
- h. Install insulation on water heater tanks and water heating pipes.
- i. Install solar water heating systems, provided the structure is not visible from the public right of way.
- j. Install waste heat recovery devices, including desuperheater water heaters, condensing heat exchangers, heat pump and water heating heat recovery systems, and other energy recovery equipment.
- k. Repair or replace electric motors and motor controls like variable speed drives .
- l. Incorporate other lighting technologies such as dimmable ballasts, day lighting controls, and occupant controlled dimming.
- m. Clean, tune, repair or replace heating systems, including furnaces, oilers, heat pumps, vented space heaters and wood stoves.
- n. Clean, tune repair or replace cooling systems, including central air conditioners, window air conditioners, heat pumps, and evaporative coolers.
- o. Install insulation on ducts and heating pipes.
- p. Conduct other efficiency improvements on heating and cooling systems, including replacing standing pilot lights with electronic ignition devices and installing vent dampers.
- q. Modify duct and pipe systems so heating and cooling systems operate efficiently and effectively, including adding return ducts, replace diffusers and registers, replace air filters, install thermostatic radiator controls on steam and hot water heating systems.
- r. Install programmable thermostats, outdoor reset controls, UL listed energy management systems or building automation systems and other HV AC control systems.
- s. Convert incandescent lighting to fluorescent.
- t. Add reflectors, LED exit signs, efficient HID fixtures, and occupancy motion sensors.
- u. Replace refrigerators and other appliances.
- v. Install fire, smoke or carbon monoxide detectors/alarms.
- w. Repair or replace vent systems on fossil fuel-fired heating systems and water heaters to ensure that combustion gases draft safety to outside.
- x. Install mechanical ventilation, in a manner not visible from the public right of way, to ensure adequate indoor air quality if house is air-sealed to building tightness limit.

APPENDIX B - SEP AND EECBG UNDERTAKINGS EXEMPT FROM SECTION 106 REVIEW

In addition to the undertakings provided in Appendix A (*WAP Undertakings Exempt from Section 106 Review*), DOE and SHPO have concluded that the following undertakings do not have the potential to cause effects on historic properties per 36 CFR§ 800.3(a)(1):

- a. Energy audits and feasibility studies.
- b. Weatherization of mobile homes and trailers.
- c. Caulking and weather-stripping around doors and windows in a manner that does not harm or obscure historic windows or trim.
- d. Water conservation measures -like low flow faucets, toilets, shower heads, urinals - and distribution device controls.
- e. Repairing or replacing in kind existing driveways, parking areas, and walkways with materials of similar appearance.
- f. Excavating to gain access to existing underground utilities to repair or replace them, provided that the work is performed consistent with previous conditions.
- g. Ventilating crawl spaces.
- h. Replacement of existing HV AC equipment including pumps, motors, boilers, chillers, cooling towers, air handling units, package units, condensers, compressors, heat exchangers that do not require a change to existing ducting, plumbing, electrical, controls or a new location, or if ducting, plumbing, electrical and controls are on the rear of the structure or not visible from any public right of way.
- i. Adding or replacing existing building controls systems including HV AC control systems and the replacement of building-wide pneumatic controls with digital controls, thermostats, dampers, and other individual sensors like smoke detectors and carbon monoxide detectors (wired or non-wired).
- j. New installation of non-hard wired devices including photo-controls, occupancy sensors, carbon dioxide, thermostats, humidity, light meters and other building control sensors, provided the work conforms with applicable state and local permitting requirements.
- k. Adding variable speed drive motors.
- l. Insulation of water heater tanks and pipes.
- m. Furnace or hot water tank replacement that does not require a visible new supply or venting.
- n. Thermal insulation installation in walls, floors and ceilings (excluding spray foam insulation).
- o. Duct sealing, insulation, repair or replacement in unoccupied areas.
- p. Attic insulation with proper ventilation; if under an effective R8 - add additional R-19 up to R-38 (fiberglass batt, blown fiberglass, or blown cellulose).
- p. Band joist insulation - R-11 to R19 as applicable.
- q. Water heater tank and pipe insulation.
- r. Appliance replacement (upgrade to Energy Star appliances).
- s. Compact fluorescent light bulbs.
- t. Energy efficient light fixtures, including ballasts (Replacement).

- u. LED light fixtures and exit signs (Replacement).
- v. Upgrade exterior lighting (replacement with metal halide bulbs, LEDs, or others) along with ballasts, sensors and energy storage devices not visible from any public right of way.

- B. Category 2 - No Consultation required if SOI Standards are adhered to. The Idaho SHPO will provide Recipients and agency staff with copies of the Preservation Briefs for their reference in ensuring SOI Standards are adhered to.

1. Efficiency and repair measures:

- a. Painting over previously painted exterior surfaces, provided destructive surface preparation treatments are not used (such as water-blasting, sandblasting and chemical removal).
- b. Installation or replacement of downspout extensions provided that the color of the extensions is historically appropriate for the period and style of the property.
- c. Repairing or upgrading electrical or plumbing systems and installing mechanical equipment, in a manner that does not permanently change the appearance of the interior or exterior of the building.
- d. Installation of new HV AC equipment (such as pumps, motors, boilers, chillers, cooling towers, air handling units, package units, condensers, compressors, or heat exchangers) in a manner that does not permanently change the appearance of the building.
- e. Integrated shingle-style or thin film solar systems on the rear roof of the structure, behind the parapet or not visible from the public right of way.
- f. Solar systems (including photovoltaic and solar thermal) not visible from the public right of way and if ground-mounted can be installed without ground disturbance and if roof-mounted will not require new building reinforcement.
- g. Wind system additions to existing wind power facilities that will not require ground disturbance and if building mounted will not require building reinforcement.
- h. Lead-based paint abatement in accordance with the Standards and Preservation Brief #37.
- i. Building cleaning in accordance with the Standards and Preservation Briefs #1, #6, and #10.
- j. Repairing masonry, including re-pointing and rebuilding chimneys in accordance with the Standards and Preservation Brief #2.
- k. New lighting controls including photo-sensors and shading elements if not visible from the public right of way.
- l. New metering devices in a manner that does not permanently change the appearance of the interior or exterior of the building, or if the addition is on the exterior of the structure and is not visible from the public right of way.
- m. New water efficient fixtures and fittings in a manner that does not permanently change the appearance of the interior or exterior of the building.
- n. Rainwater catches and/or gray water systems not viewable from the public right of way.
- o. Flat or shallow pitch roof replacement (shallow pitch is defined as a pitch with a rise-to-run ratio equal to or less than 3" to 12") with no part of the surface of the roof visible from the ground.
- p. Roof repair or replacement with in kind materials that closely resemble the historic materials and form, or with replacement materials that are close to the original in color, texture, composition and form to restore the original feature based on historic evidence, and in a manner that does not alter the roofline. For example replacing a dark colored asphalt roof with new dark colored asphalt.
- q. Installing vents (such as continuous ridge vents covered with ridge shingles or boards, roof vents, bath and kitchen vents, soffit and frieze board vents or combustion appliance flues) if not located on a primary roof elevation or not visible from the public right-of-way.

- r. Installing foundation vents, if painted or finished to match the existing foundation material.
- s. Installing storm windows, storm doors or wood screen doors in a manner that does not harm or obscure historic windows, doors or trim.
- t. Installing insulated exterior replacement doors where the door openings are not altered and are not visible from the public right-of-way.

APPENDIX C - AUGUST 28, 2009 DELEGATION MEMORANDUM
(next page)




Department of Energy
Washington, DC 20585

August 28, 2009

MEMORANDUM

TO: State Historic Preservation Officers
Tribal Historic Preservation Officers

FROM: Catherine R. Zoi 
Assistant Secretary
Energy Efficiency and Renewable Energy

SUBJECT: Memorandum from EERE Regarding Delegation of Authority for Section 106 Review of Undertakings, Assisted by the U. S. Department of Energy, Office of Energy Efficiency and Renewable Energy

The Department of Energy (DOE), through the Office of Energy Efficiency and Renewable Energy (EERE), provides financial assistance to states, U.S. territories, units of local government, and Indian Tribes through the Energy Efficiency and Conservation Block Grant (EECBG) Program, Weatherization Assistance Program (Weatherization), and State Energy Program (SEP). Attached hereto is a one-page summary of the three programs. Additional program information is available at the following links: <http://www.eecbg.energy.gov/>; <http://apps1.eere.energy.gov/wip/weatherization.cfm>; http://apps1.eere.energy.gov/state_energy_program/.

Through this memorandum, DOE intends to formalize the role of the States and DOE's award recipients (Applicants) to assist DOE in carrying out its Section 106 compliance responsibilities. In order to streamline DOE's compliance with Section 106 and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), EERE is authorizing its Applicants under the EECBG, Weatherization, and SEP programs to initiate consultation pursuant to 36 CFR § 800.2(c) (4). Effective immediately, EERE Applicants and their authorized representatives may consult with the State Historic Preservation Officers (SHPOs) and Tribal Historic Preservation Officers (THPOs) to initiate the review process established under 36 CFR Part 800 and to carry out some of its steps. Specifically, EERE Applicants are authorized to gather information to identify and evaluate historic properties, and to work with consulting parties to assess effects. EERE retains responsibility to document its findings and determinations in order to appropriately conclude Section 106 review.

EERE also remains responsible for initiating government-to-government consultation with federally recognized Indian Tribes. EERE's responsibility to consult on a government-to-government basis with Indian Tribes as sovereign nations is established through specific authorities and is explicitly recognized in 36 CFR Part 800. Accordingly, EERE may not delegate this responsibility to a non-federal party without



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the agreement of the Tribe to do so. Where no such agreement exists, EERE will initiate tribal consultation.

Authorized Applicants must notify EERE whenever:

- Either the EERE Applicant or the SHPO/THPO believes that the Criteria of Adverse Effect pursuant to 36 CFR § 800.5, apply to the proposal under consideration by EERE;
- There is a disagreement between an Applicant, or its authorized representative, and the SHPO/THPO about the scope of the area of potential effects, identification and evaluation of historic properties and/or the assessment of effects;
- There is an objection from a consulting party or the public regarding their involvement in the review process established by 36 CFR Part 800, Section 106 findings and determinations, or implementation of agreed upon measures; or
- There is the potential for a foreclosure situation or anticipatory demolition as defined under 36 CFR § 800.9(b) and 36 CFR § 800.9(c), respectively.

EERE will participate in the consultation when such circumstances arise.

EERE expects its Applicants that are so authorized, to involve consulting parties in Section 106 findings and determinations and to carry out the exchange of documentation and information in a respectful, consistent and predictable manner. Technical assistance is available to Applicants from EERE regarding the coordination of Section 106 reviews, if needed.

If you have any questions, please contact Dr. F. G. (Skip) Gosling, DOE Federal Preservation Officer/Chief Historian, Office of History and Heritage Resources, (202) 586-5241 or skip.gosling@hq.doe.gov or Steven P. Blazek, NEPA Compliance Officer, (303) 275-4723 or steve.blazek@go.doe.gov.

ATTACHMENT A: STANDARD MITIGATION MEASURES FOR ADVERSE EFFECTS

The Recipients and the SHPO may develop and execute an Agreement that includes one or more of the following Standard Mitigation Measures, as may be modified to a particular activity, with the concurrence of both parties, for undertakings determined to have an adverse effect on listed or eligible historic resources. The ACHP will not be a party to these Agreements. However, the Recipients must submit a copy of each signed Agreement to the SHPO, and the ACHP within 30 days after it is signed by the Recipients and the SHPO.

The Recipients shall ensure that the historic property is recorded prior to its alteration in accordance with methods or standards established in consultation with the SHPO. The SHPO shall identify appropriate archive locations for the deposit of recordation materials and the Recipients shall be responsible for submitting required documentation to identified archive locations. The Recipients and the SHPO may mutually agree to waive the recordation requirement in situations where the integrity of the building has been compromised or other representative samples of a similar historic resource have been previously recorded.

The Recipients, in consultation with the SHPO, shall identify significant architectural features for salvage, and appropriate parties to receive the salvaged features. The Recipients shall ensure that any architectural features identified for salvage are salvaged prior to initiation of undertakings and properly stored and curated. When feasible and determined appropriate in consultation with SHPO, salvaged architectural features shall be reused in other preservation projects.

The Recipients shall ensure that the treatment of historic properties which the SHPO has determined does not meet the *Standard*, or SHPO approved design guidelines, is carried out in accordance with treatments agreed upon by the Recipients and the SHPO and are incorporated in the final plans and specifications. The final plans and specifications shall be approved by the SHPO prior to initiating the undertaking.

The Recipients shall ensure that the design of new buildings, or additions, which the SHPO has determined does not meet the *Standards*, or SHPO approved design guidelines, is carried out in accordance with the final plans and specifications reviewed and approved by the SHPO prior to initiating the undertaking.

In cases where the undertaking will cause unavoidable adverse effects to National Register eligible archaeological properties, the Recipients shall consult with the SHPO to determine whether data recovery or some other treatment measure is in the public interest. If data recovery is the agreed upon treatment measure, the Recipients shall consult further with the SHPO to develop and implement a data recovery plan for those portions of the historic property that will be adversely affected. The data recovery plan shall:

- Be based on firm background data, sound planning, and accepted archaeological methods;
- Be consistent with applicable State laws and regulations;
- Be accomplished in a thorough, efficient manner, using the most cost-effective techniques practicable;
- Provide for appropriate curation of archeological materials and records, and
- Provide for reporting and interpretation of what has been learned in a format understandable and accessible to the public;
- Be consistent with the National Park Service's *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (at: <http://www.nps.gov/history/local->

law/arch_stnds_7.htm). and shall take into account the ACHP's publications, *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites* (1999), ACHP Section 106 *Archaeology Guidance* (at: <http://www.achp.gov/archguide/>), and any archaeological guidance issued by the SHPO.

Attachment 2. NEPA Determination

PMC-ND

(1.08.09.13)

U.S. DEPARTMENT OF ENERGY
OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY
NEPA DETERMINATION



RECIPIENT: State Energy Program - Weatherization and Intergovernmental Programs
Office(WIPO)Recipients with a DOE executed Historic Preservation Programmatic
Agreement

STATE:
ID

PROJECT TITLE State Energy Program - Program Year 2022 - IIJA Provision 40109 -Administrative and Legal
Requirements Document (ALRD)

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
SEP-IIJA ALRD	SEP-IIJA-ALRD-2022A	GFO-SEP-IIJA-ALRD-2022A	

Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Policy 451.1), I have made the following determination:

CX, EA, EIS APPENDIX AND NUMBER:

Description:

- | | |
|--|--|
| A9 Information gathering, analysis, and dissemination | Information gathering (including, but not limited to, literature surveys, inventories, site visits, and audits), data analysis (including, but not limited to, computer modeling), document preparation (including, but not limited to, conceptual design, feasibility studies, and analytical energy supply and demand studies), and information dissemination (including, but not limited to, document publication and distribution, and classroom training and informational programs), but not including site characterization or environmental monitoring. (See also B3.1 of appendix B to this subpart.) |
| A11 Technical advice and assistance to organizations | Technical advice and planning assistance to international, national, state, and local organizations. |
| B2.2 Building and equipment instrumentation | Installation of, or improvements to, building and equipment instrumentation (including, but not limited to, remote control panels, remote monitoring capability, alarm and surveillance systems, control systems to provide automatic shutdown, fire detection and protection systems, water consumption monitors and flow control systems, announcement and emergency warning systems, criticality and radiation monitors and alarms, and safeguards and security equipment). |
| B5.1 Actions to conserve energy or water | (a) Actions to conserve energy or water, demonstrate potential energy or water conservation, and promote energy efficiency that would not have the potential to cause significant changes in the indoor or outdoor concentrations of potentially harmful substances. These actions may involve financial and technical assistance to individuals (such as builders, owners, consultants, manufacturers, and designers), organizations (such as utilities), and governments (such as state, local, and tribal). Covered actions include, but are not limited to weatherization (such as insulation and replacing windows and doors); programmed lowering of thermostat settings; placement of timers on hot water heaters; installation or replacement of energy efficient lighting, low-flow plumbing fixtures (such as faucets, toilets, and showerheads), heating, ventilation, and air conditioning systems, and appliances; installation of drip-irrigation systems; improvements in generator efficiency and appliance efficiency ratings; efficiency improvements for vehicles and transportation (such as fleet changeout); power storage (such as flywheels and batteries, generally less than 10 megawatt equivalent); transportation management systems (such as traffic signal control systems, car navigation, speed cameras, and automatic plate number recognition); development of energy-efficient manufacturing, industrial, or building practices; and small-scale energy efficiency and conservation research and development and small-scale pilot projects. Covered actions include building renovations or new structures, provided that they occur in a previously disturbed or developed area. Covered actions could involve commercial, residential, agricultural, academic, institutional, or industrial sectors. Covered actions do not include rulemakings, standard-settings, or proposed DOE legislation, except for those actions listed in B5.1(b) of this appendix. (b) Covered actions include rulemakings that establish energy conservation standards for consumer products and industrial equipment, provided that the actions would not: (1) have the potential to cause a significant change in manufacturing infrastructure (such as construction of new manufacturing plants with considerable associated ground disturbance); (2) involve significant unresolved conflicts concerning alternative uses of available resources (such as rare or limited raw materials); (3) have the potential to result in a significant increase in the disposal of materials posing significant risks to human health and the environment (such as RCRA hazardous wastes); or (4) have the potential to cause a significant increase in energy consumption in a state or region. |
| B5.14 Combined heat and power or cogeneration systems | Conversion to, replacement of, or modification of combined heat and power or cogeneration systems (the sequential or simultaneous production of multiple forms of energy, such as thermal and electrical energy, in a single integrated system) at existing facilities, provided that the conversion, replacement, or modification |

	would not have the potential to cause a significant increase in the quantity or rate of air emissions and would not have the potential to cause significant impacts to water resources.
B5.16 Solar photovoltaic systems	The installation, modification, operation, and removal of commercially available solar photovoltaic systems located on a building or other structure (such as rooftop, parking lot or facility, and mounted to signage, lighting, gates, or fences), or if located on land, generally comprising less than 10 acres within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.
B5.17 Solar thermal systems	The installation, modification, operation, and removal of commercially available smallscale solar thermal systems (including, but not limited to, solar hot water systems) located on or contiguous to a building, and if located on land, generally comprising less than 10 acres within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.
B5.18 Wind turbines	The installation, modification, operation, and removal of a small number (generally not more than 2) of commercially available wind turbines, with a total height generally less than 200 feet (measured from the ground to the maximum height of blade rotation) that (1) are located within a previously disturbed or developed area; (2) are located more than 10 nautical miles (about 11.5 miles) from an airport or aviation navigation aid; (3) are located more than 1.5 nautical miles (about 1.7 miles) from National Weather Service or Federal Aviation Administration Doppler weather radar; (4) would not have the potential to cause significant impacts on bird or bat populations; and (5) are sited or designed such that the project would not have the potential to cause significant impacts to persons (such as from shadow flicker and other visual effects, and noise). Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices. Covered actions include only those related to wind turbines to be installed on land.
B5.19 Ground source heat pumps	The installation, modification, operation, and removal of commercially available smallscale ground source heat pumps to support operations in single facilities (such as a school or community center) or contiguous facilities (such as an office complex) (1) only where (a) major associated activities (such as drilling and discharge) are regulated, and (b) appropriate leakage and contaminant control measures would be in place (including for cross-contamination between aquifers); (2) that would not have the potential to cause significant changes in subsurface temperature; and (3) would be located within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.
B5.20 Biomass power plants	The installation, modification, operation, and removal of small-scale biomass power plants (generally less than 10 megawatts), using commercially available technology (1) intended primarily to support operations in single facilities (such as a school and community center) or contiguous facilities (such as an office complex); (2) that would not affect the air quality attainment status of the area and would not have the potential to cause a significant increase in the quantity or rate of air emissions and would not have the potential to cause significant impacts to water resources; and (3) would be located within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.
B5.22 Alternative fuel vehicle fueling stations	The installation, modification, operation, and removal of alternative fuel vehicle fueling stations (such as for compressed natural gas, hydrogen, ethanol and other commercially available biofuels) on the site of a current or former fueling station, or within a previously disturbed or developed area within the boundaries of a facility managed by the owners of a vehicle fleet. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.
B5.23 Electric vehicle charging stations	The installation, modification, operation, and removal of electric vehicle charging stations, using commercially available technology, within a previously disturbed or developed area. Covered actions are limited to areas where access and parking are in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

Rationale for determination:

The U.S. Department of Energy is proposing to provide funding to existing State Energy Program (SEP) Recipients as outlined in the SEP Infrastructure Investment and Jobs Act (IIJA) of 2022 SEP-Administrative Legal Requirements Document (SEP-IIJA-ALRD-2022), also known as the Bipartisan Infrastructure Law (BIL) to enhance energy security, state-led energy initiatives, and to increase energy affordability.

Under the SEP Formula Awards as outlined in IIJA Provision 40109 Administrative Legal Requirements Document (ALRD) Program Year 2022 (SEP-IIJA-ALRD-2022), BIL would provide approximately \$500 million to all 50 States, Territories, and the District of Columbia.

This NEPA determination is specific to the 55 SEP Recipients* with a DOE executed Historic Preservation Programmatic Agreement for activities that are funded by the SEP-IIJA-ALRD-2022.

The SEP Recipient without a DOE executed Historic Preservation Programmatic Agreement has a separate NEPA determination: GFO-SEP-IIJA-ALRD 2022B.

DOE has determined the following Bounded Categories of activities that are funded by SEP-IIJA-ALRD-2022, are categorically excluded from further NEPA review, absent extraordinary circumstances, cumulative impacts, or connected actions that may lead to significant impacts on the environment, or any inconsistency with “integral elements” (as contained in 10 CFR Part 1021, Appendix B) as they relate to a particular project.

Bounded Categories:

1. Administrative activities associated with management of the designated state and management of programs and strategies to encourage energy efficiency and renewable energy, including energy audits.
2. Development of plans including but not limited to Transmission & Distribution plans and state energy conservation plans that may require feasibility studies, preparation of preliminary project design, outreach, and technical support to local governments, Indian Tribes and affected stakeholders. All project activities identified and funded from this ALRD must be listed within the Bounded Categories. Projects not listed within these Bounded Categories would require submission of an Environmental Questionnaire (EQ-1).
3. Development and implementation of programs and strategies to encourage energy efficiency and renewable energy such as policy development and stakeholder engagement.
4. Development and implementation of classroom training programs.
5. Development and implementation of building codes including inspection services, and associated activities to support code compliance and promote building energy efficiency.
6. Implementation of financial incentive programs including rebates and energy savings performance contracts for existing facilities; grants and loans to support energy efficiency, renewable energy and energy/water saving projects. All project activities funded under a financial incentive program must be listed within the Bounded Categories or would require submission of an Environmental Questionnaire (EQ-1).
7. Funding commercially available energy or energy/water efficiency or renewable energy upgrades, provided that projects adhere to the requirements of the respective Recipient's DOE executed Historic Preservation Programmatic Agreement, are installed in existing buildings, do not require structural reinforcement, no trees are removed, are appropriately sized and are limited to:
 - a. Installation of insulation.
 - b. Installation of energy efficient lighting.
 - c. HVAC upgrades (to existing systems).
 - d. Weather sealing.
 - e. Purchase and installation of energy efficient or energy/water efficient home appliances and equipment (including, but not limited to, energy or water monitoring and control systems, and thermostats).
 - f. Retrofit of energy efficient pumps and motors, for such uses as wastewater treatment plants, where it would not alter the capacity, use, mission or operation of an existing facility.
 - g. Retrofit and replacement of windows and doors.
 - h. Installation of Combined Heat and Power System—systems sized appropriately for the buildings in which they are located, not to exceed peak electrical production at 300kW.
8. Development, implementation, and installation of onsite renewable energy technology from renewable resources, provided that projects are installed in or on an existing structure or within the boundaries of a facility (defined as an already disturbed area due to regular ground maintenance), do not require structural reinforcement, no trees are removed, are appropriately sized, and are limited to:
 - a. Solar Electricity/Photovoltaic—appropriately sized system or unit not to exceed 60 kW.
 - b. Battery storage, if applicable, would be attached to a structure (e.g., inside a garage), or within the boundaries of a facility.
 - c. Wind Turbine—20 kW or smaller.
 - d. Solar Thermal (including solar thermal hot water)—system must be 200,000 BTU per hour or smaller.
 - e. Ground Source Heat Pump—5.5 tons of capacity or smaller, horizontal/vertical, ground, closed-loop system
 - f. Biomass Thermal—3 MMBTUs per hour or smaller system with appropriate Best Available Control Technologies (BACT) installed and operated.
9. Installation of fueling pumps and systems for fuels such as compressed natural gas, hydrogen, ethanol and other

commercially available biofuels, (but not storage tanks) installed on the site of a current fueling station.

10. Purchase of alternative fuel vehicles.

11. Installation of electric vehicle supply equipment (EVSE), including testing measures to assess the safety and functionality of the EVSE, restricted to existing footprints and levels of previous ground disturbance, within an existing parking facility defined as any building, structure, land, right-of-way, facility, or area used for parking of motor vehicles. All activities must use reversible, non-permanent techniques for installation, where appropriate, use the lowest profile EVSE reasonably available that provides the necessary charging capacity; place the EVSE in a minimally visibly intrusive area; use colors complementary to surrounding environment, where possible, and are limited to the current electrical capacity. This applies to Level 1, Level 2, or Level 3 (also known as Direct Current (DC) Fast Charging) EVSE. Installation of EVSE on Tribal Lands, or installations of EVSE that may affect historic properties located on Tribal Lands, is excluded from this Bounded Category, without first contacting your DOE Project Officer who will coordinate with the DOE NEPA Specialist.

Recipients shall adhere to the restrictions of their DOE executed Historic Preservation Programmatic Agreement. DOE executed Historic Preservation Programmatic Agreements are available on the Weatherization and Intergovernmental Programs website: <https://www.energy.gov/eere/wipo/historic-preservation-executed-programmatic-agreements>. The restrictions of the Bounded Categories must be followed and documented.

All activities must be documented (e.g., a NEPA log) to ensure compliance with the restrictions of the Bounded Categories. The documentation must be available for DOE review upon request and submitted quarterly as outlined in the Federal Assistance Reporting Checklist. Recipients are required to participate in DOE led training on NEPA and historic preservation which would include the additional reporting requirements for the above activities prior to commencing work on the above activities. The training is available at www.energy.gov/node/4816816. Recipients are responsible for contacting NEPA with any NEPA or historic preservation questions at GONEPA@ee.doe.gov.

The Recipient is responsible for identifying and promptly notifying DOE of extraordinary circumstances, cumulative impacts, or connected actions that may lead to significant impacts on the environment, or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) relating to any proposed activities. Additionally, the Recipient must demonstrate compliance with Section 106 of the National Historic Preservation Act (NHPA) and inform DOE of activities in the 100-year floodplain and wetlands.

DOE is required to consider floodplain management and wetland protection as part of its environmental review process (10 CFR 1022). As part of this required review, DOE determined requirements set forth in Subpart B of 10 CFR 1022 are not applicable to the activities described in Bounded Categories 1-7g above that would occur in the 100-year floodplain (hereinafter "floodplain") or wetland because the activities would not have short-term or long-term adverse impacts to the floodplain or wetland. These activities are administrative or minor modifications of existing facilities to improve environmental conditions. All other integral elements and environmental review requirements are still applicable. All activities occurring in the floodplain or wetland must be documented. Activities occurring in the floodplain or wetland (except those under Bounded Categories 1-7g) are subject to additional NEPA review and approval by DOE.

For activities requiring additional NEPA review, Recipients must complete the environmental questionnaire (found at <https://www.eere-pmc.energy.gov/NEPA.aspx>) for review by DOE.

Most activities listed under "Bounded Categories" are more restrictive than the Categorical Exclusion. The restrictions must be followed for the Bounded Category to be applicable.

* SEP Recipients with a historic preservation programmatic agreement: AL, AK, AS, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MP, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY, and VI.

NEPA PROVISION

DOE has made a conditional NEPA determination.

The NEPA Determination applies to the following Topic Areas, Budget Periods, and/or tasks:

This NEPA Determination only applies to activities funded by the SEP IIJA Provision 40109 Administrative and Legal Requirements Document. All activities must be documented (e.g., a NEPA log) to ensure compliance with the restrictions of the Bounded Categories as outlined in the Federal Assistance Reporting Checklist. Recipients must have a DOE executed Historic Preservation Programmatic Agreement.

The NEPA Determination does not apply to the following Topic Area, Budget Periods, and/or tasks:

This NEPA Determination does NOT apply to activities funded by sources other than the SEP IIJA Provision 40109 Administrative and Legal Requirements Document, activities that do not fit within the restrictions of the Bounded Categories listed above, or to Recipients that do not have a DOE executed Historic Preservation Programmatic Agreement.

Include the following condition in the financial assistance agreement:

Activities/projects not listed under "Bounded Categories" are subject to additional NEPA review and approval by DOE. For activities/projects requiring additional NEPA review, Recipients must complete the environmental questionnaire (<https://www.eere-pmc.energy.gov/NEPA.aspx>) and receive notification from DOE that the NEPA review for the activities/projects has been completed and the Contracting Officer has approved the activities/projects prior to initiating those activities/projects.

1. This NEPA Determination only applies to activities funded by the SEP IIJA Provision 40109 Administrative and Legal Requirements Document.
2. All activities must be documented (e.g., a NEPA log) to ensure compliance with the restrictions of the Bounded Categories. The documentation must be available for DOE review upon request and submitted quarterly as outlined in the Federal Assistance Reporting Checklist.
3. Activities not listed under "Bounded Categories" including ground disturbing activities outside the boundaries of a facility (defined as an already disturbed area due to regular ground maintenance), structural improvements to facilities, and tree removal, are subject to additional NEPA review and approval by DOE. For activities requiring additional NEPA review, Recipients must complete the environmental questionnaire found at <https://www.eere-pmc.energy.gov/NEPA.aspx> and receive notification from DOE that the NEPA review for the activities has been completed and the Contracting Officer has approved the activities prior to initiating those activities.
4. This authorization does not include activities where the following elements exist: extraordinary circumstances; cumulative impacts or connected actions that may lead to significant effects on the human environment; or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to a particular project.
5. The Recipient must identify and promptly notify DOE of extraordinary circumstances, cumulative impacts or connected actions that may lead to significant effects on the human environment, or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to project activities.
6. Recipients must have a DOE executed Historic Preservation Programmatic Agreement and adhere to the terms and restrictions of its DOE executed Historic Preservation Programmatic Agreement. DOE executed Historic Preservation Programmatic Agreements are available on the Weatherization and Intergovernmental Programs website: <https://www.energy.gov/eere/wipo/historic-preservation-executed-programmatic-agreements>.
7. Most activities listed under "Bounded Categories" are more restrictive than the Categorical Exclusion. The restrictions listed in the "Bounded Categories" must be followed.
8. Recipients are responsible for completing the online NEPA and historic preservation training at www.energy.gov/node/4816816 and contacting NEPA with any questions GONEPA@ee.doe.gov.
9. This authorization excludes any activities that are otherwise subject to a restriction set forth elsewhere in the Award.

Notes:

Weatherization & Intergovernmental Programs Office - WAP
This NEPA Determination requires legal review of the tailored NEPA provision.
NEPA review completed by Alex Colling on 11/15/2022.

FOR CATEGORICAL EXCLUSION DETERMINATIONS

The proposed action (or the part of the proposal defined in the Rationale above) fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D. To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR Part 1021, Subpart D, Appendix B; (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal.

The proposed action has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts (40 CFR 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

A portion of the proposed action is categorically excluded from further NEPA review. The NEPA Provision identifies Topic Areas, Budget Periods, tasks, and/or subtasks that are subject to additional NEPA review.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature:  Casey Strickland Date: 11/16/2022
NEPA Compliance Officer

FIELD OFFICE MANAGER DETERMINATION

- ☒ Field Office Manager review not required
☐ Field Office Manager review required

BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :

Field Office Manager's Signature: _____ Date: _____
Field Office Manager

Attachment 3. State Historic Preservation Office Consultation Form

SECTION 1: UNDERTAKING INFORMATION

PROJECT NAME:

SCHOOL NAME:

ADDRESS:

CITY:

COUNTY:

SECTION 2: PROJECT DETAILS

Does this involve any of the following:

☐ New Construction

☐ Acquisition

☐ Ground Disturbance

☐ Rehabilitation/Renovation

☐ Demolition

Does this project involve any buildings, objects, sites, structures, or districts that are over 45 years old?

☐ Yes

☐ No

Building information and construction dates:

Attachments: In ICRIS, upload any pertinent project information such as plans, renderings, etc.

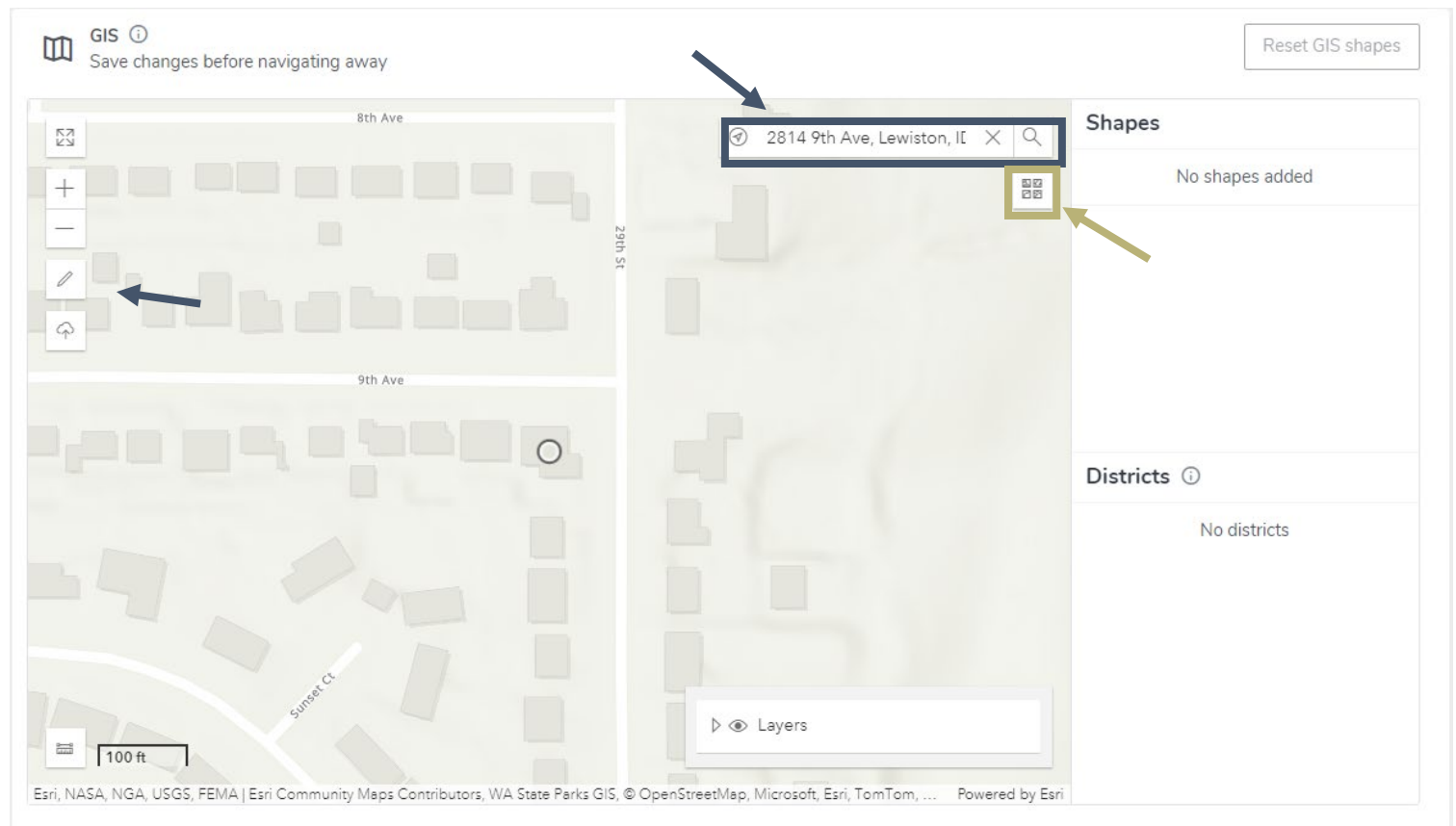
Project Narrative: Provide a detailed description of the proposed project, describe the existing project site conditions and anticipated alterations to buildings or structures.

SECTION 3: CREATE A PROJECT IN ICRIS

1. Navigate to ICRIS by going to <https://icris-history.idaho.gov/login> and register for an account. Your organization should be your school district name. You'll need to be approved by our office before you can login. Once you have been approved, log out and log back in.
2. Select "New Project" and "Section 106 Review" as your project type. Enter Idaho Office of Energy & Mineral Resources (OEMR) as your lead agency. Enter the other required fields and click "Create."
3. Upload this form under the attachments section and choose the "Agency Form/DSE" option.
4. Upload a minimum of two photos (JPG) in the project photos section. These photos should be of the project location and areas where work is taking place.

SECTION 4: MAP/AREA OF POTENTIAL EFFECTS

- A. In the GIS section, search for the address of your project location in the search bar in the top right of the map or zoom to it.
- B. You must draw a polygon by clicking on the pencil button to the left. Double-click to end your polygon. It will ask you to set a buffer distance. Slide the distance down to zero (0) and hit submit.



Tip: You can zoom in and trace the outline of the resource as shown on the map. You can also change your base map by clicking on the icon below the search bar and view imagery, which may help you draw a polygon that encompasses the whole project area (including garages, and other buildings).

SECTION 5: IDENTIFY HISTORIC PROPERTIES

1. If your school or resource is 45 years old or older: Go down to project resources. Check to see if your school has been previously recorded by selecting "Literature Review" from the drop-down. If it shows up, select "Create a New Version." If there are no records, select "New Resource" and select "Building."

Project Resources ⓘ
Add or Edit Resources on this project

Literature Review ▼

Survey123 Import Survey123 Linear Import New Resource

Sort by: Association ▼ Desc ▼

10CA2313 v1 Building	Miller house - 1619 1619 Miller	Accepted Not Eligible	Agency ID: N/A Field ID: N/A	Literature Review Create New Version
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- A. Make sure all the required fields are populated (those with an asterisk).
- B. If the National Register of Historic Places (NRHP) Evaluation section is empty, fill it out to best of your ability. Determine if your resource is eligible. A school may be eligible if it mostly looks the same as when it was first constructed. Select "eligible" or "not eligible." Select "yes" for the Criteria A drop-down. Choose "Education" as the Area of Significance.
- C. Click the Property Type tab on the resource (at the top). Fill out all the required fields to the best of your ability. The feature count should be the school + any other buildings separate from the school (a gymnasium, shed, etc.) The original use and current use should be "Education" and "School."
- D. Upload a minimum of two images (jpg) in the resource photos section. These should be two clear images of the school or resource (e.g. front of the building and side or rear elevations). You'll need to set one of the images as the Overview Image and add a caption. Click on the pencil icon and click set as overview image.
- E. Make sure the GIS location on the map is correct if it is already populated. If it is not yet mapped, you'll need to draw a polygon around the school like you did in the project section.
- F. When you've made all the changes, click the mark complete button at the top. Go back to the project by using your browser's back button.

SECTION 6: SUBMITTING THE PROJECT

1. Click "Edit" under project section. Select the following for "Agency Project Finding" finding: "No Comment" and click "Save."
2. At the top of the Project page select "Submit."