



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

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ENERGY, INSTALLATIONS,  
AND ENVIRONMENT

MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE ARMY  
(ENVIRONMENT, SAFETY AND OCCUPATIONAL HEALTH)  
DEPUTY ASSISTANT SECRETARY OF THE NAVY  
(ENVIRONMENT)  
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE  
(ENVIRONMENT, SAFETY, AND INFRASTRUCTURE)  
DIRECTOR, DEFENSE LOGISTICS AGENCY  
DIRECTOR, WASHINGTON HEADQUARTERS SERVICES

SUBJECT: Sharing Controlled Unclassified Information during National Historic Preservation Act Consultation

Department of Defense Instruction (DoDI) 5200.48, *Controlled Unclassified Information (CUI)*, established policy and procedures for Controlled Unclassified Information (CUI) throughout the Department of Defense (DoD), effective March 6, 2020. CUI is information that requires safeguarding or dissemination controls pursuant to and consistent with applicable law, regulations, and government-wide policies. In accordance with DoDI 5200.48, Sections 3.7(b)(1), 3.7(b)(2), and 4.2(a) (1-2), a “person with authorized possession, knowledge, or control of CUI” may share CUI with those who have a “lawful government purpose” or to further “a lawful government purpose.”

The National Historic Preservation Act (NHPA) (54 United States Code 300101 *et seq.*) and the implementing regulations (36 Code of Federal Regulations [CFR] 800) require Federal agencies to consult with stakeholders. Such consultations pursuant to the NHPA constitute a “lawful government purpose,” therefore sharing CUI with stakeholders to ensure DoD meets its compliance requirements is allowable.

CUI sharing during Section 106 consultations may include, but is not limited to, cultural resources surveys, construction plans, geographic information system data, documentary studies, agreement documents, etc. When sharing without an agreement, DoD personnel must communicate to the recipient “that the Government strongly encourages the non-executive branch entity to protect CUI... and that such protections should accompany the CUI if the entity disseminates it further” [Part 2002 of Title 32, CFR, 2002.16(a)(5)(ii)]. When sharing CUI with stakeholders and other consulting parties to fulfill responsibilities under NHPA and DoDI 4715.16, *Cultural Resources Management*, DoD personnel must clearly communicate the information is CUI and should be protected as such.

For additional information or clarification, please contact Ms. Kate Plimpton, DoD  
Deputy Federal Preservation Officer, at (703) 969-1420, or [kathryn.d.plimpton.civ@mail.mil](mailto:kathryn.d.plimpton.civ@mail.mil).

Sincerely,

Richard G. Kidd IV  
Deputy Assistant Secretary of Defense  
(Environment & Energy Resilience)