



CULTURAL AND ENVIRONMENTAL REVIEW

DRINKING WATER STATE REVOLVING FUND

DWSRF Cultural and Environmental Reviews

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Types of Reviews

● Environmental review

- Complete State Environmental Review Process (SERP) for DWSRF Program (NEPA-like process)
- Comply with State Environmental Policy Act (SEPA)

● Cultural/historical review

- Comply with National Historic Preservation Act, Section 106

Projects that Require Review

- All projects with a federal nexus
 - Permit, license, and approval
 - Federal lands
 - Funding (in whole or part)
- All DWSRF projects

Environmental Review

- Complete State Environmental Review Process (SERP)
 - Complete SEPA
 - Publish for public comment
 - Start Immediately

Publish

- Applicant publishes determination according to SEPA standards
 - Publish at least once
 - SEPA Register is mandatory
- Send proof of publication
 - Affidavit of publication
 - Any comments received

SEPA-Exempt Projects

- Still need documentation on how the project is exempt
 - Letter stating determination and what exemption being claimed
 - If any aspect of project is not exempt whole project not exempt
- Consider the entire project, not just the pipe size
- Make sure it's truly exempt
- SEPA exemption must still be published
 - Template available
 - May be combined with Section 106 publication

SEPA-Exempt Projects cont.

WAC 197-11-800 - Categorical exemptions

(1) Minor new construction - Flexible thresholds

- b) The following types of construction shall be exempt:
 - iv. The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for 20 automobiles.

(2) Other minor new construction.

- h) The installation or removal of impervious underground or above-ground tanks, having a total capacity of 10,000 gallons or less except on agricultural and industrial lands. On agricultural and industrial lands, the installation or removal of impervious underground or above-ground tanks, having a total capacity of 60,000 gallons or less.

23) Utilities. The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.

- b) All stormwater, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines 12 inches or less in diameter.

When Project Already Completed SEPA

- SEPA determinations do not expire
 - Environment does change
 - May be asked to amend, if needed
 - If older than 5 years will need to be reaffirmed
- Previous SEPA and/or NEPA determinations may be adopted by DWSRF program
- Send determinations and supporting documents to DOH

Who is the Lead Agency?

- When the proponent is a local government or state agency, the lead will be the local or state agency seeking permission.
- When a private applicant requires a license from a city or county, the local jurisdiction where the greatest portion of the project is located is lead.
- If a city or county license is not needed, another local agency that has jurisdiction will be lead.
- If there is no local agency with jurisdiction, one of the state agencies with a license to issue will be lead.

Cultural/Historical Review

*“...Congress established a comprehensive program to preserve the historical and cultural foundations. Section 106 of NHPA ... requires Federal agencies to **consider** the effects of their actions on historic properties and ... ensure preservation values are **factored into planning and decisions.**”*

- Section 106 National Historic Preservation Act (federal)
- It's a process, not an outcome

In Other Words

- Federal nexus: Required to go through process
- Take into account the undertaking on cultural/historical properties
- Consult Department of Archeology and Historic Preservation, Tribes, and interested parties
- Provide the public an opportunity for input/comment



Section 106 Review Process

36 CFR § 800.3-7

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INITIATE the process

- Determine undertaking
- Coordinate with other reviews
- Identify SHPO/THPO, Indian tribes/NHOs, and other parties
- Plan to involve the public

No undertaking with potential to affect historic properties?

NO



IDENTIFY historic properties

- Determine APE and scope of effort
- Make reasonable and good faith effort to identify
- Determine National Register eligibility
- Consult SHPO/THPO, Indian tribes/NHOs, and other parties
- Involve the public

No historic properties present or affected?

NO



ASSESS adverse effects

- Apply Criteria of Adverse Effects
- Consult SHPO/THPO, Indian tribes/NHOs, and other parties
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No historic properties adversely affected?

NO



RESOLVE adverse effects

- Develop and consider alternatives or modifications to avoid, minimize, or mitigate adverse effects
- Notify the ACHP
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AGREEMENT or Council Comment

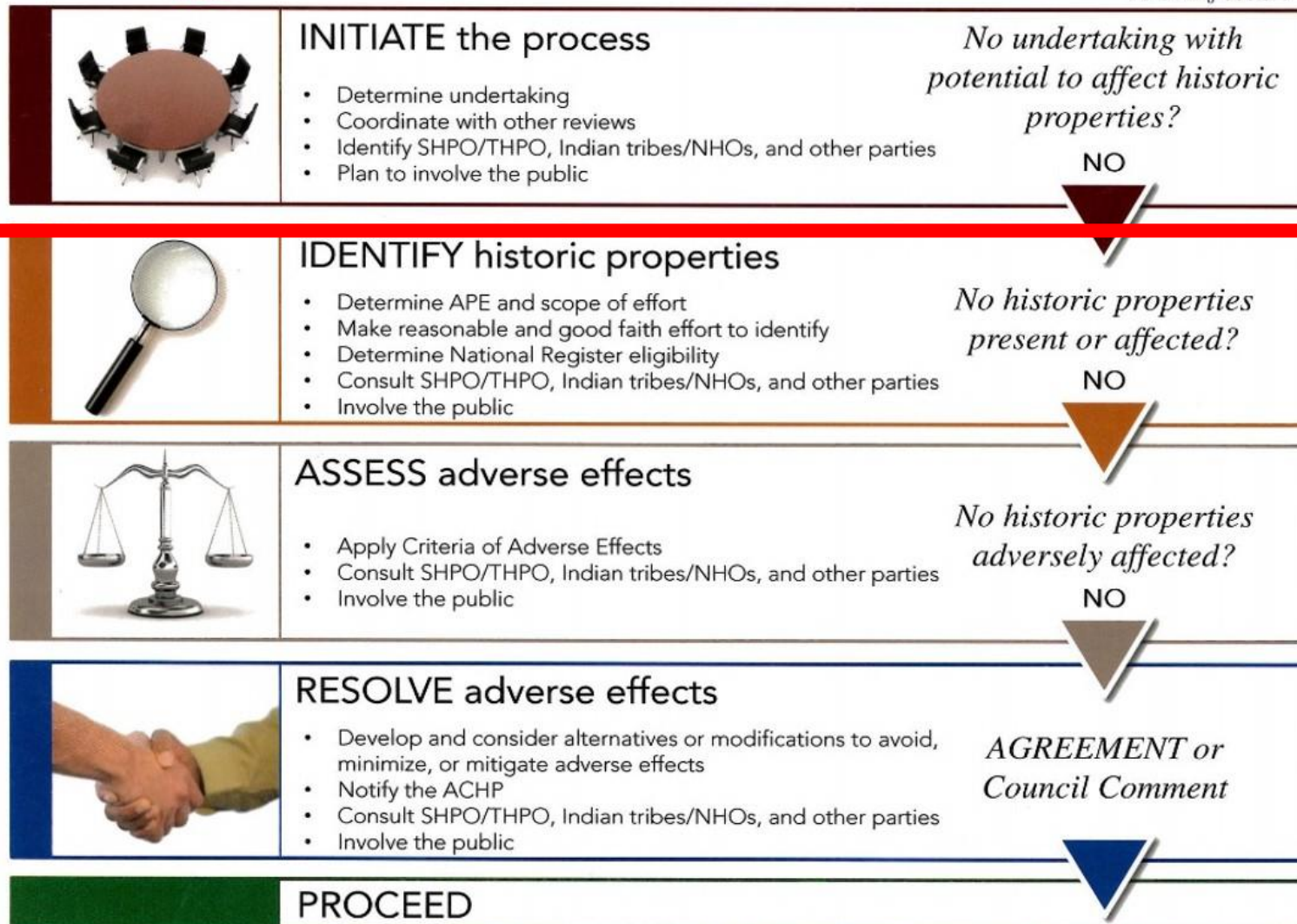
PROCEED



Section 106 Review Process

36 CFR § 800.3-7

CONSULTATION



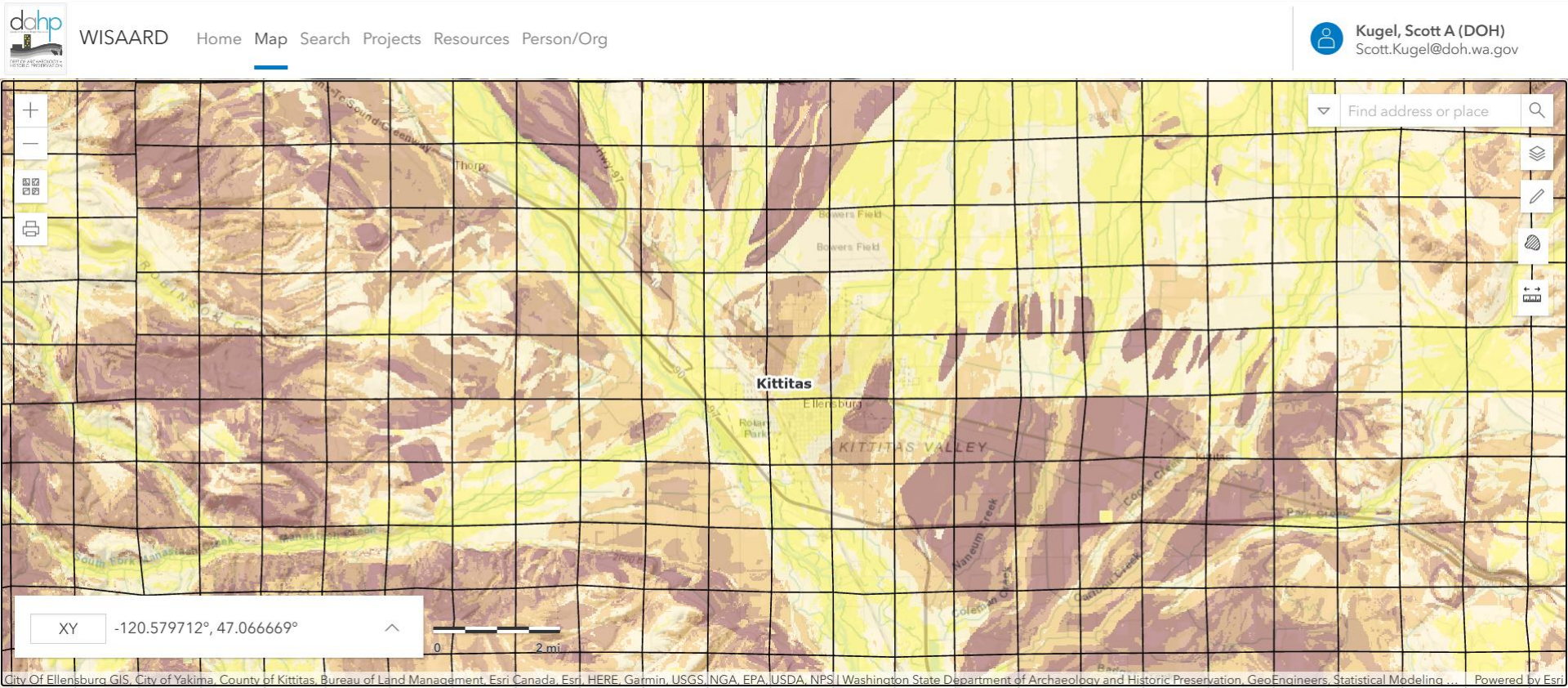
Step 1: Initiate

- Coordinate with Cultural and Environmental Program Specialist
 - EZ form
 - Maps
 - Drawings
 - Scope of work

WISSARD

- Washington Information System for Architectural and Archaeological Records Data (WISSARD)
- DAHP's online GIS database of archaeological information
- Public facing and restricted sides
- Archaeological Risk Assessment Model
- wisaard.dahp.wa.gov

Archaeological Risk Assessment Model



WALT And Your CE Review

- When applying include
 - Completed EZ form
 - Construction drawings or maps
- Bonus Point questions
 - SEPA/NEPA determination = Completed environmental review
 - Completed SECT 106 consultation (not GEO 21-02) = Completed cultural review

Already Completed Reviews?

- Other reviews done through other agencies may be considered (send to DOH).
- May be able to adopt previous federal determinations.
- May not adopt GEO 21-02 or 05-05 determinations.
- Previous work may be considered to make a new DOH determination.
- Does previous work expire?
 - Depends on scope, APE, location and type of work.



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PROCEED

Step 2: Identify

- What is the area of potential effect (APE)? It is the area where an undertaking
 - May cause direct or indirect changes in the character or use of a historic property

Survey May Be Required

- DWSRF Cultural and Environmental Program Specialist will determine through consultation if a project is required to have a survey to identify resources
- Borrower must
 - Hire a professional who meets the qualification standards (36 CFR, Part 61)
 - Follow DAHP procedures and guidelines
 - Submit materials to DOH for distribution and approval by consulting parties

Historic Properties

- Identify
 - Initial assessment
 - Consultation
- Evaluate significance
 - Determine significance of the property
 - Determine affect of undertaking on the significance of the property
- Historic properties as defined by the National Register of Historic Places (in NHPA)

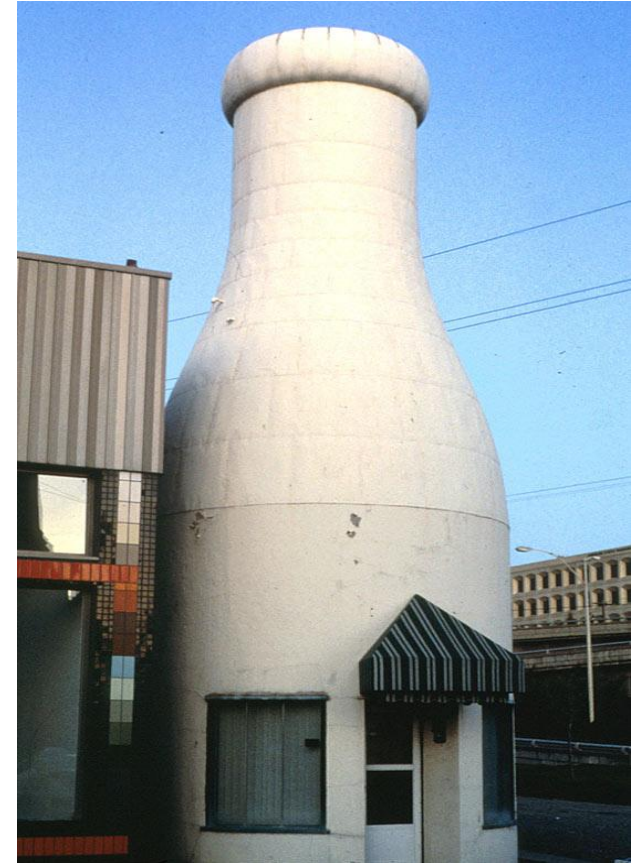
Examples of Historic Properties

Source: National Park

Benewah Milk Bottle

Historic property listed in the
National Register of Historic
Places Spokane, c.1935

Source: National Park Service



Examples of Historic Properties

Quonset Hut
Commercial Building
Prosser, C.1950

Source: National Park Service



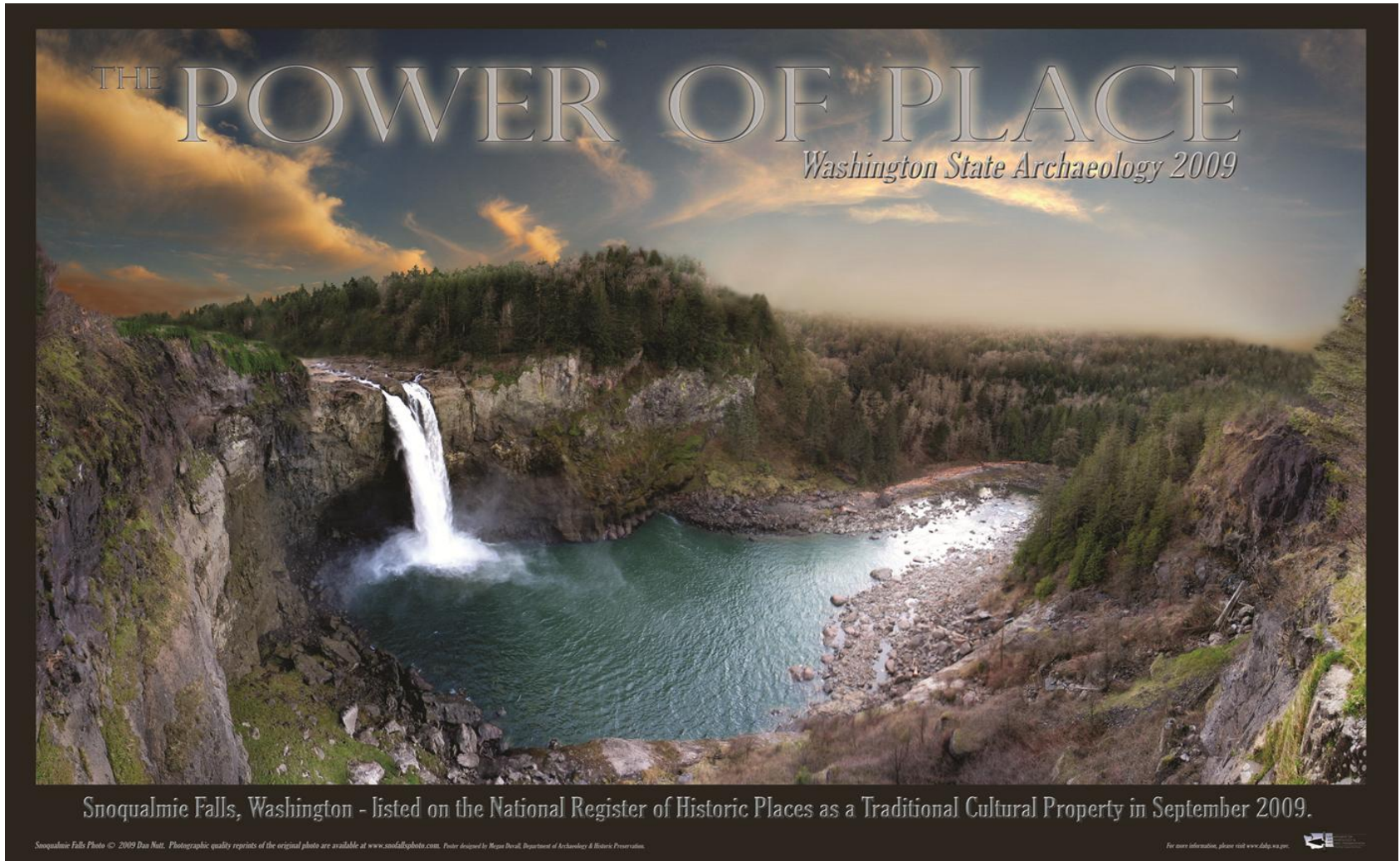
Examples of Historic Properties

WWII Era Cottage House
Spokane, C.1953

Source: National Park Service



Traditional Cultural Properties (TCP)



Quileute Petroglyph

Found by fishermen
several years ago.

Source: Washington State Department
of Natural Resources



Archaeology

North Cascades

Carbon about 9,600+ years old

Photo courtesy of wsm.wsu.edu



Artifacts

Artifacts from Hudson's Bay Company fort



Source: wsm.wsu.edu



Colville Tools 2005

Source: Association for Washington
Archaeology

Junk or Artifact?

Nails, glass, shells, and
splintered wood
from a shipwreck

=ARTIFACTS

Source: www.coastal.edu



Consultation

- State Historic Preservation Officer (SHPO)
- Indian tribes/Native Hawaiian groups
 - Tribal Historic Preservation Officer (THPO)
 - Twenty-nine federally recognized Tribes in Washington State
 - Five federally recognized Tribes from bordering states
- Other interested parties
 - Local historic groups (boards, commissions, societies, museums)
 - Divers, bird watching, walking groups
 - Other tribal groups (non-federally recognized tribes)



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Step 3: Assess

- What's an “adverse effect?”
 - Adverse effects can be direct, indirect, or cumulative effects and may include the following
 - Physical destruction or damage (demolition)
 - Major disturbance of an archaeological site
 - Alteration inconsistent with interior's standards for the treatment of historic properties
 - Relocation of the property
 - Change in character of the property's use or setting



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Step 4: Resolve

- Inadvertent discovery plan (IDP)
 - IDP required for all projects
 - Must be approved by DWSRF Program
 - Template available
 - Identifies who will make on-site decisions and contact the right people
 - Established a buffer zones until consultation occurs and an agreement is made by consulting parties
 - Must be on site for all construction activities

NAGPRA

- Native American Grave Protection and Repatriation Act
- Federal law passed in 1990
- Requires federal agencies and those receiving federal funding to protect and return “Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony” to their lineal descendants.
- Criminalize trafficking in Native American Human Remains, funerary objects, etc.

What happens if we find something?

- Stop work
- Consult the IDP
- Contact appropriate agencies IMMEDIATELY
 - DOH – Cultural and Environmental Program Specialist
 - SHPO
 - THPOs
- If appropriate, continue work in a different location



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Step 5: Proceed

- We issue the following to the borrower, contract manager, and regional office
 - A final completion notification
 - APE map
 - IDP reminder
 - Any other agreed upon conditions

When to Start

- Pre-construction activities
 - Planning and design work are allowed before completing these reviews
 - No construction, ground disturbance or effects to property are allowed
 - No geo-tech work
- May lose funding if activities are not approved

When to Start *(Continued)*

- Construction activities
 - No construction may begin until letter is received from DOH, stating project has completed reviews
 - Or DOH approves construction following an MOA or other mitigation plan
- This includes
 - Ground disturbing activities
 - Geo-tech work
 - Work affecting properties (such as structures or sites)
- May lose funding if activities are not approved

Examples

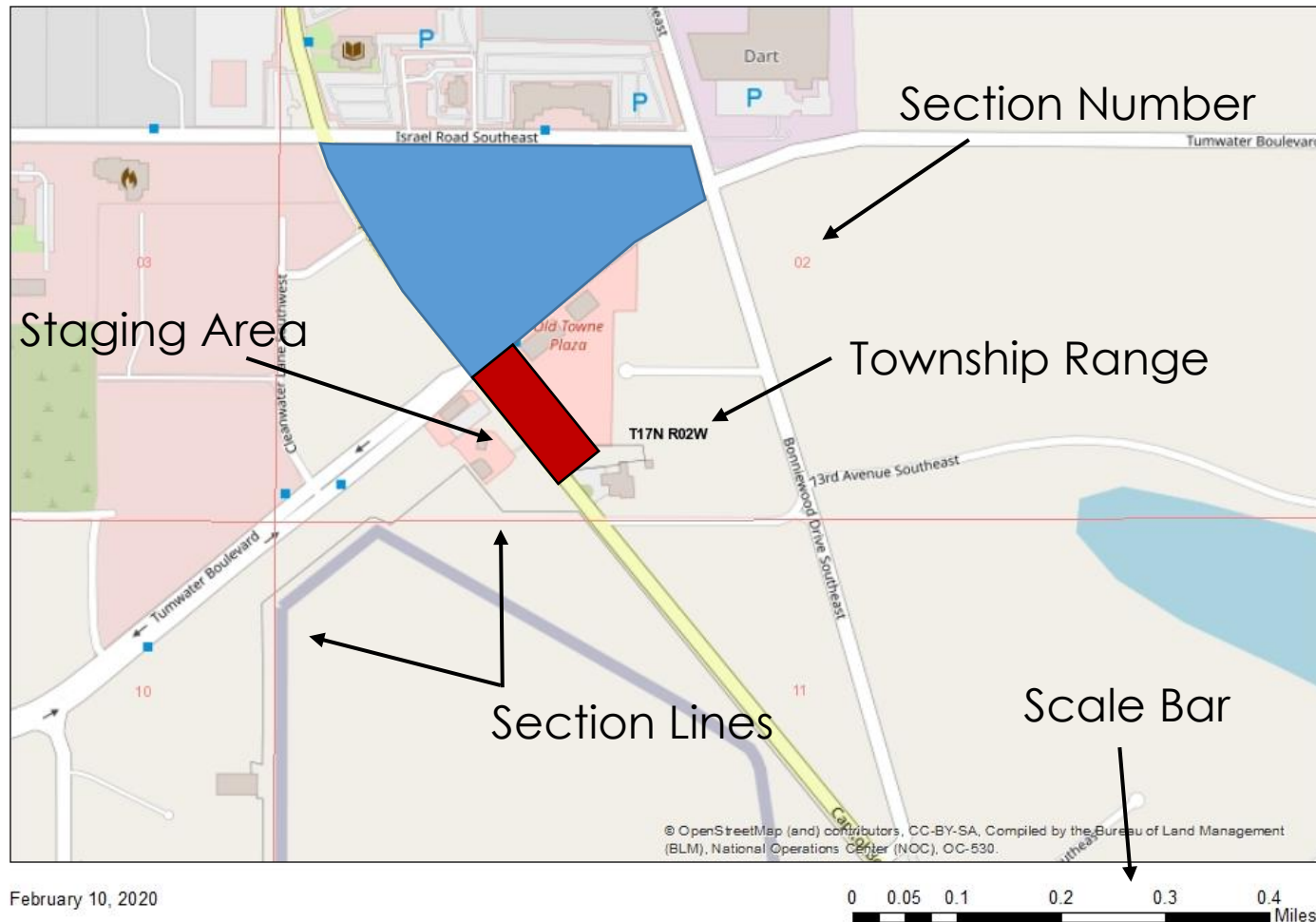
- When a project goes to construction before CE review completion
- When a project needs additional review (survey vs monitoring)
- When a project needs mitigation (MOA)

When a Project Changes

- Revising the scope of work and location requires additional review and (possibly) additional steps
 - Examples
 - Increase pipe size
 - Excavate at a deeper depth
 - Add new elements to project activities
 - Modify APE (area of potential effect)
 - Excavate at a different location than previously identified
- Must contact our office with any changes

Approved APE Example

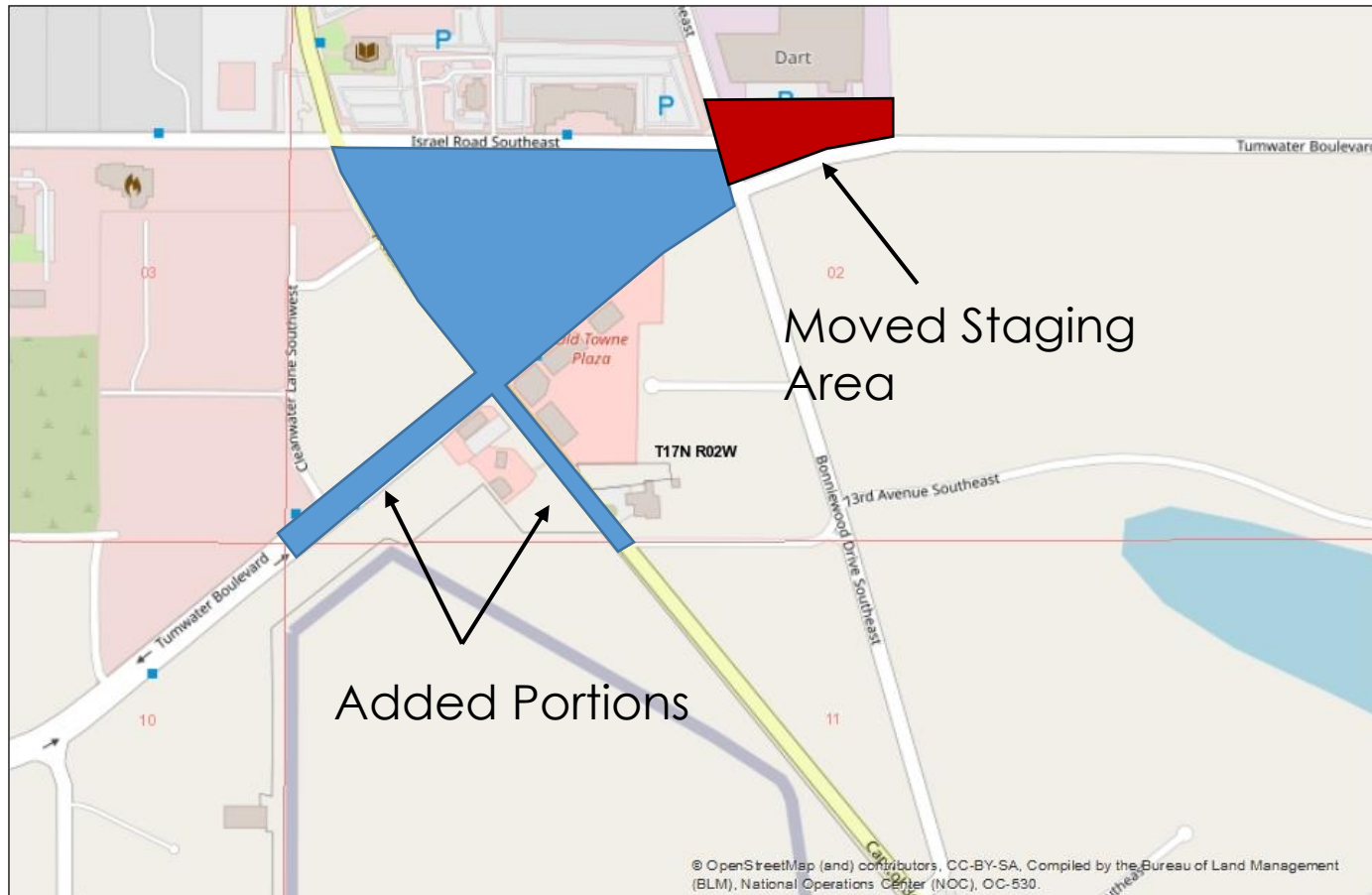
Original APE – Approved via review



February 10, 2020

Amended APE Example

Needs Review Again



February 10, 2020

0 0.05 0.1 0.2 0.3 0.4 Miles

Questions?





Washington State Department of

HEALTH