



DRINKING WATER STATE REVOLVING FUND

**Washington State Department of Health
Office of Drinking Water**

DWSRF Cultural/Historical and Environmental Reviews

September 2020

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Agenda

- **Types of review**
- **Projects that require review**
- **Environmental review**
- **Cultural/historical review**
- **When you are done**
- **When a project changes**
- **Who to contact**

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 with
 - Construction
 - Ground disturbance
 - Potential impact to historic structures
 - Potential to impact the environment

Environmental Review

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

Complete SEPA

- **Complete SEPA at local level**
 - Permits, funds and activities
 - Local entity is the lead agency
- **Send SEPA determination and supporting documents to DWSRF Coordinator**
 - ecology.wa.gov/regulations-permits/SEPA-environmental-review

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

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

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**

What Are the Steps?

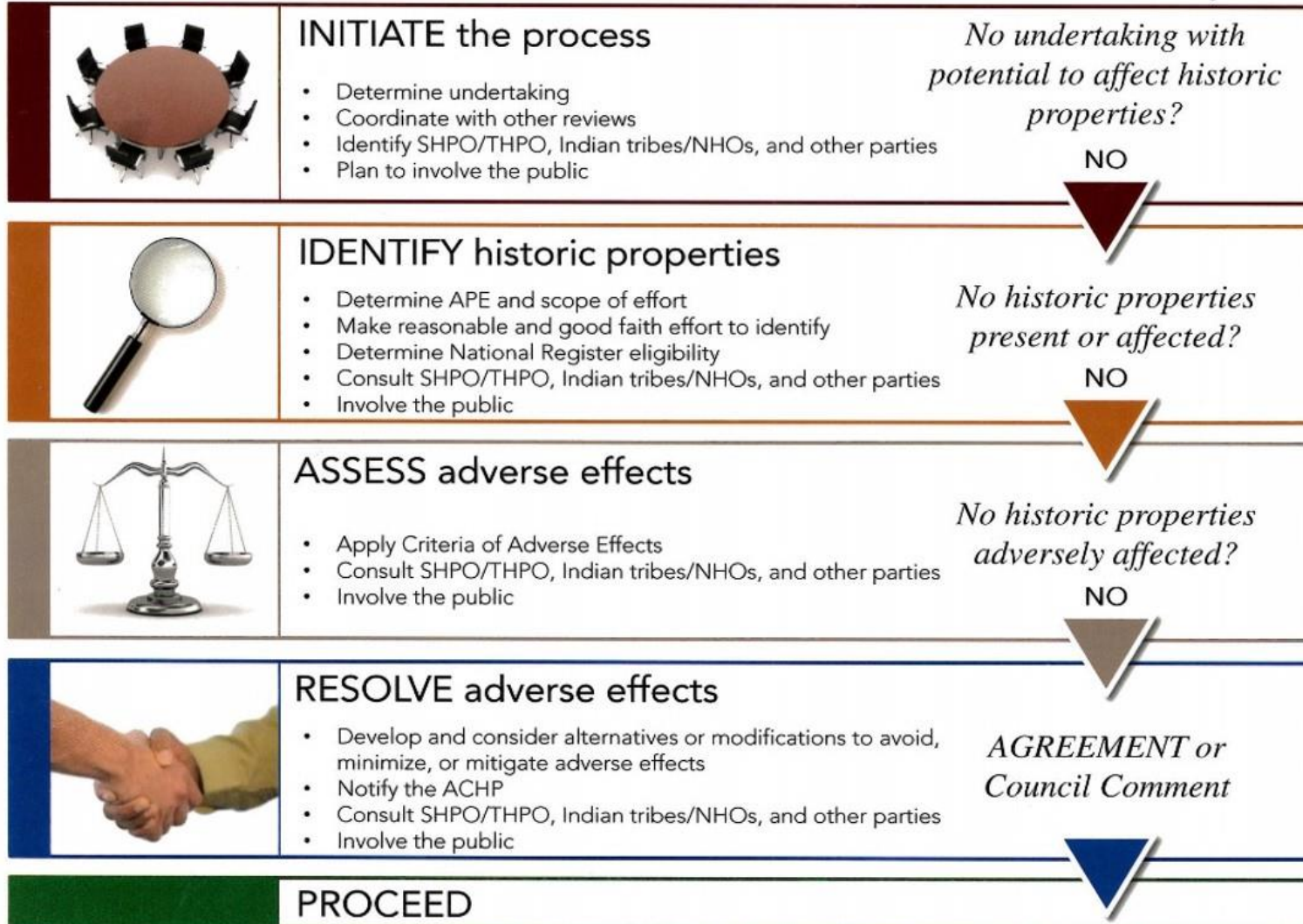
1. Initiate the process
2. Identify historic properties
3. Assess adverse effects
4. Resolve adverse effects
5. Proceed



Section 106 Review Process

36 CFR § 800.3-7

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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
- Involve the public

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

Step 1: Initiate

- **Coordinate with Cultural and Environmental Program Specialist**
 - EZ1 form
 - Maps
 - Drawings
 - Scope of work

What is an “Undertaking?”

- A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency
- Those carried out with federal financial assistance.
- Those requiring a federal permit, license, or approval

36 CFR 800.16(y)

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 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.



Section 106 Review Process

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CONSULTATION



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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**
- **The APE is determined through the consideration of the effect on:**
 - **Visual and audible intrusions (Viewshed)**
 - **Changes in traffic patterns and alterations in land use or public access**

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)**

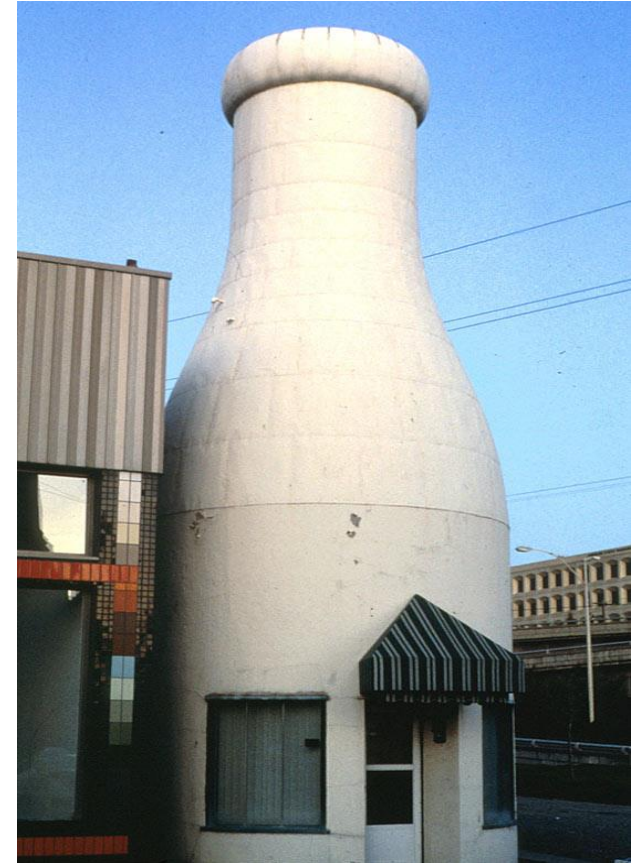
Examples of Historic Properties

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



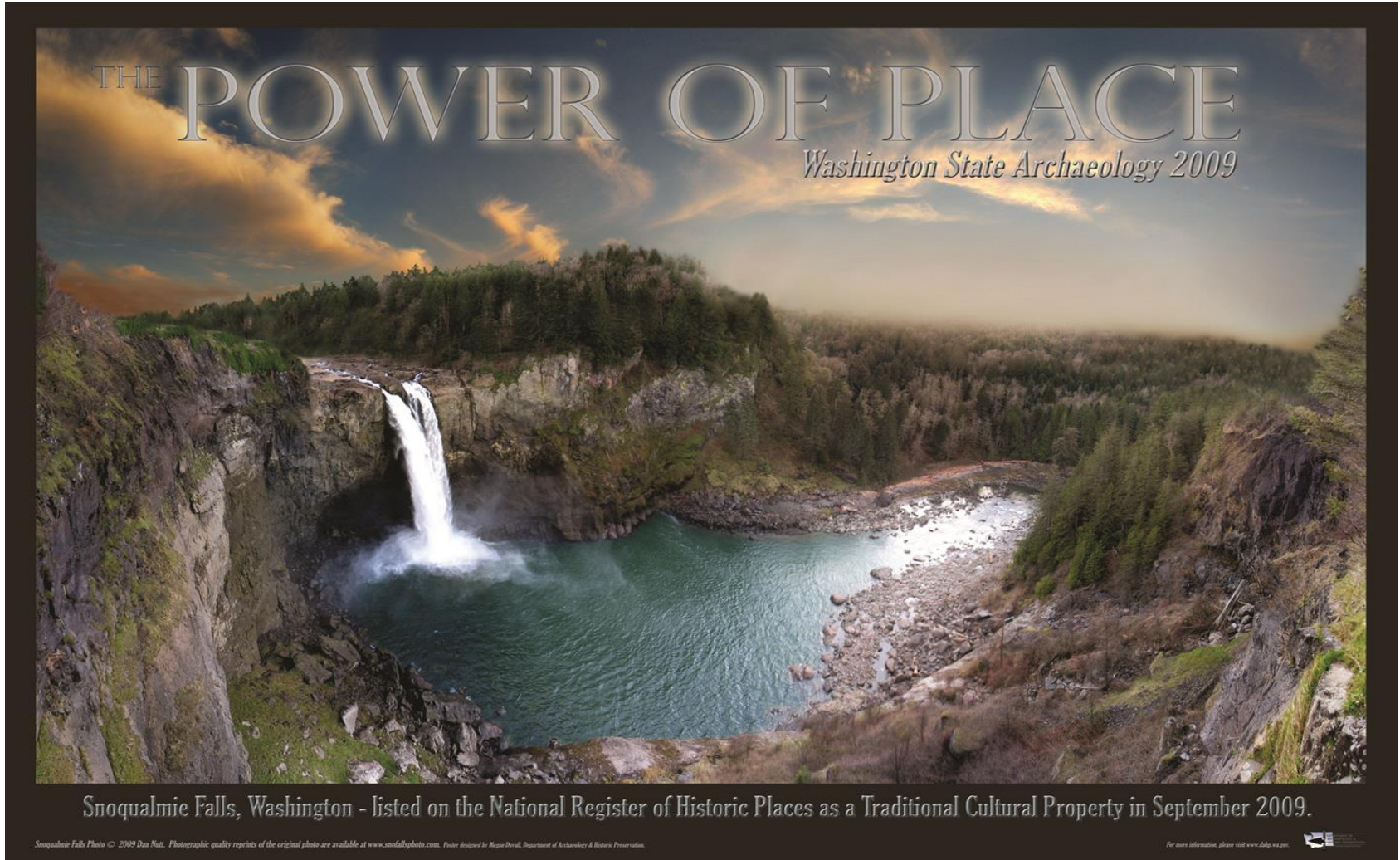
Examples of Historic Properties

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

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

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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PROCEED

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

“Adverse Effect” (continued)

- Introduction of incompatible visual, atmospheric, or audible elements
- Viewshed issues
- Neglect and deterioration (demolition by neglect)
- Transfer, lease, or sale of a historic property out of federal control without adequate preservation restrictions



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PROCEED

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



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PROCEED

Step 5: Proceed

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

When You're Done

- **Project reaches compliance once DOH issues a written final completion notification letter**
- **If unsure, ask**
- **May lose funding if activities are not approved**

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)*

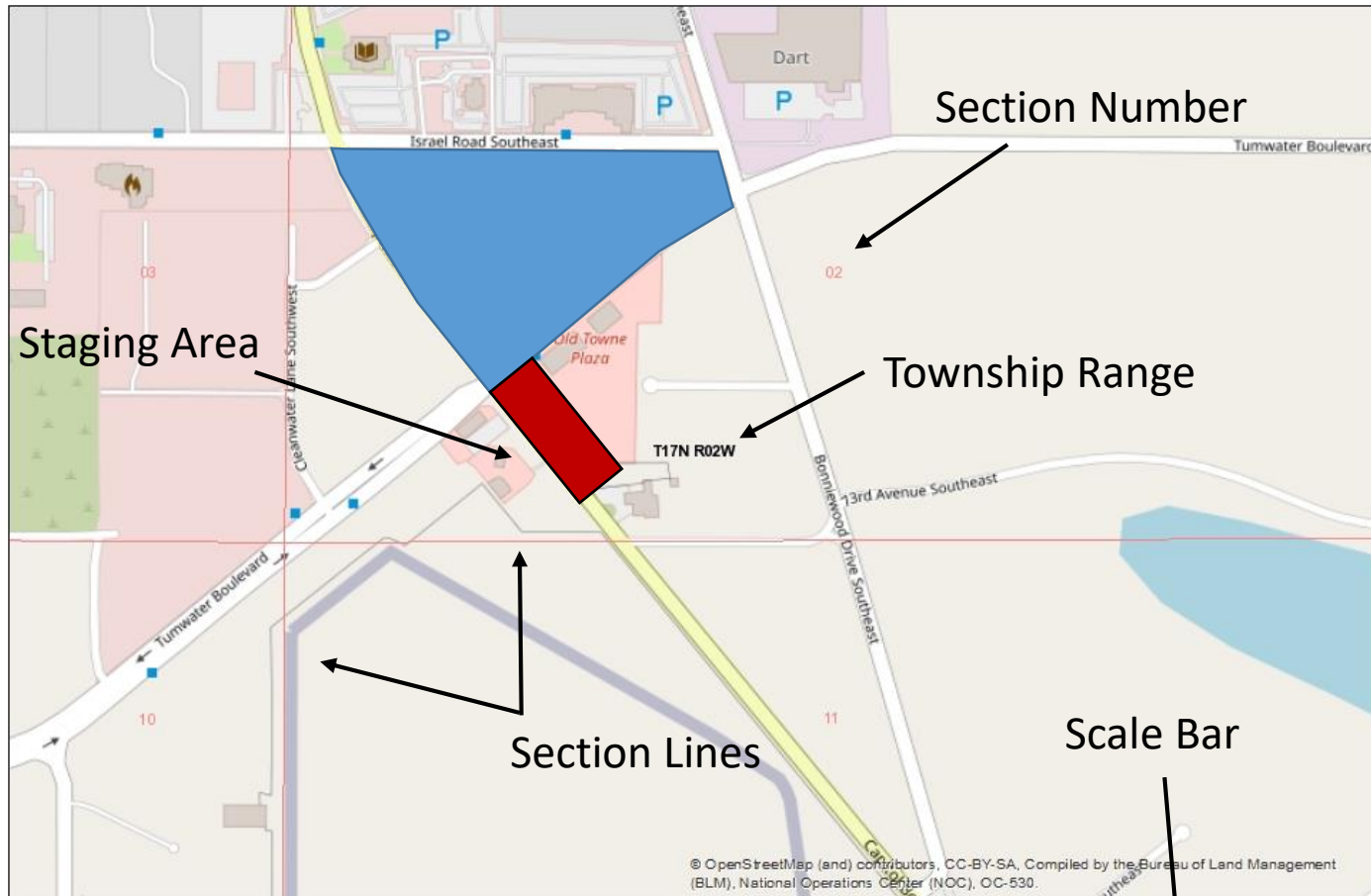
- **Construction activities**
 - No construction may begin until letter is received from DOH, stating project has completed reviews
 - Or DOH approves construction following an MOA or other mitigation plan
- **This includes**
 - Ground disturbing activities
 - Geo-tech work
 - Work affecting properties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

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

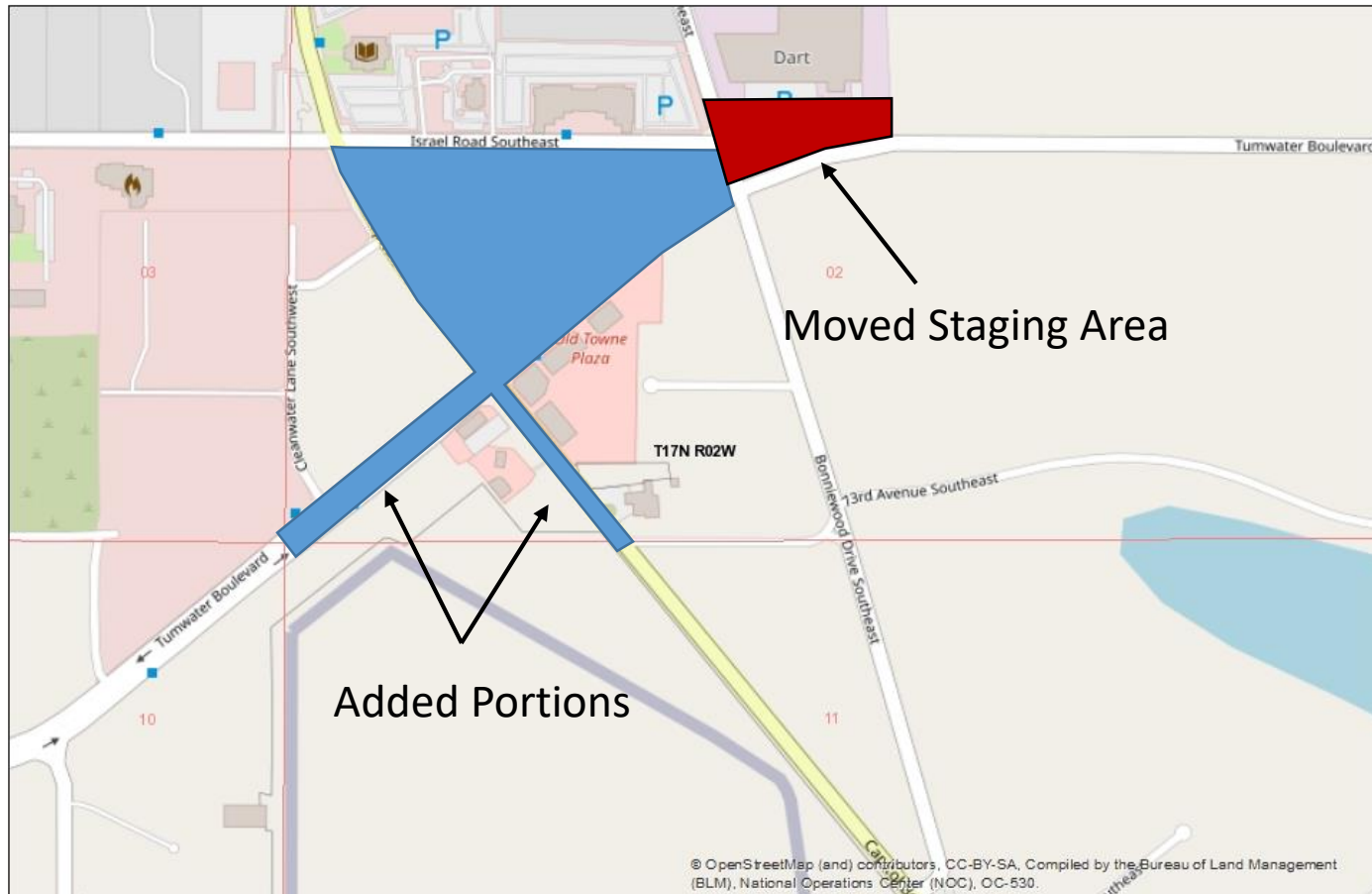


February 10, 2020

0 0.05 0.1 0.2 0.3 0.4 Miles

Amended APE Example

Needs Review Again



February 10, 2020

0 0.05 0.1 0.2 0.3 0.4 Miles

Things to Consider

- The earlier, the better
- Include IDP considerations in bidding process and documents
- Artifact ownership and curation costs
- Creative solutions for avoiding, minimizing, and mitigating adverse effects (available tools)
- Think about the “what if’s” and alternatives

Pitfalls and Challenges

- **Accurate project scope of work**
- **Defining the APE**
- **Potential effects**
- **Project location**
 - **Township, range, and section**
- **Mapping project scope**
- **Changes not covered in initial review**

Scott's #1 Tips

- Check in with funders early
- Get started on requirements early
- Communicate often

DWSRF Team

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Questions?



