



Drinking Water State Revolving Fund

# Historical and Cultural Review for Projects

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## Why must my project undergo a historic and cultural review?

Congress created a comprehensive program to preserve our country's historical and cultural resources through the National Historic Preservation Act. Section 106 of the Act requires us to consider how Drinking Water State Revolving Fund (DWSRF) projects affect historically and culturally significant properties. It also gives people an opportunity to comment on federally funded projects before construction activities begin.

## What are historic resources?

Historic resources are any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion in, the National Register of Historic Places. This also includes artifacts, documents, and any other material related to the historic resource.

## What are cultural resources?

Cultural resources are places and things we give significance to because they play a role in our community and its history. These places and things must be evaluated and eligible for listing in the National Register.

## What triggers a historic and cultural review?

A project, activity, or program that could affect historic and culturally significant properties funded in whole or in part by a federal agency. This includes projects carried out with federal financial assistance, such as DWSRF loans.

## What steps are required in the Section 106 process?

The U.S. Environmental Protection Agency (EPA) is responsible for ensuring projects funded by the DWSRF meet Section 106 requirements. EPA delegated administration of the DWSRF in Washington State to the Department of Health, Office of Drinking Water (DOH). We must complete these steps.

- Step 1:** Evaluate the project, based on the final approved scope of work.
- Step 2:** Conduct research to determine the effects, if any, to historic and cultural resources.
- Step 3:** Consult with the Washington State Department of Archaeology and Historic Preservation (DAHP), tribes, and others to seek concurrence with our determinations.
- Step 4:** Receive concurrence from consulting parties.
- Step 5:** Make sure borrower conducts a 30-day public comment period.

## What determinations and requirements could apply to my project?

There are three possible determinations.

### 1. No Historic Properties Affected

**If:** There are no areas, artifacts, or buildings considered historically or culturally significant within one mile of the project area.

**Then:** With concurrence from consulting parties and the public comment period complete, the project may proceed.

### 2. Potential Historic Properties Affected

#### *No Adverse Effect*

**If:** There are historic or culturally significant areas, artifacts, or buildings within or near the identified project area, but construction is not likely to harm them.

**You Must:** Complete a cultural resources survey to identify resources and assess project impacts to resources.

**Then:** With concurrence from consulting parties and the public comment period complete, the project may proceed.

### 3. Potential Historic Properties Affected

#### *Adverse Effect*

**If:** Construction activities could harm or diminish the integrity of any materials, artifacts, properties, or buildings considered historic or culturally significant.

**You Must:** Complete a cultural resources survey to identify resources and assess project impacts to resources.

**And:** Work with DAHP, tribes, and other interested groups to develop an Inadvertent Discovery Plan, a Monitoring Plan, or a Memorandum of Agreement that details how the borrower will protect cultural resources and minimize any adverse effects.

**Then:** With concurrence from consulting parties and the public comment period complete, the project may proceed.

## Whom must DOH consult about my project?

We must consult with all federally recognized tribes with traditional territory in Washington, DAHP, and other interested parties (such as other state agencies and local historic organizations). We routinely provide them with copies of correspondence, reports, and additional information (such as site drawings).



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### **When can I expect a decision about my project?**

The consulting parties have 30 days to review our determination and project information. Depending on the project's size and complexity, or if the determination is "Potential Historic Properties Affected," the review may take longer. For all levels of review, it takes a **minimum of three months** before construction activities can begin. You can get more information in the [DWSRF construction loan guidelines \(331-196\)](#).

### **What if DOH's initial determination for my project is "No Historic Properties Affected," but consulting parties disagree?**

Sometimes, only the tribes know about some traditionally significant sites. For these cases, DOH meets with the tribes to find out their concerns. We also work with the borrower to make any needed changes to the scope of the project to address concerns if possible. Extreme instances may require EPA and the U.S. Advisory Council of Historic Places engagement.

### **What if I receive a determination of "Potential Historic Properties Affected"?**

A cultural resources survey is required for areas of new excavation, or in cases where there is a site of historic or cultural significance within a one-mile radius of the project area. An Inadvertent Discovery Plan, a Monitoring Plan, or a Memorandum of Agreement may be required to ensure all parties agree to a plan for protecting cultural and historic resources.

### **If required, who completes the cultural resources survey?**

The water system (borrower) must hire an archaeologist and/or cultural resources professional that meets the qualification standards for cultural resource management professionals (36 CFR Part 61) to conduct the survey. The survey report must follow DAHP procedures and guidelines for submitting data into the DAHP database.

### **When should I start the public comment period?**

After DOH receives concurrence from the consulting tribes and DAHP, we will send you a letter with instructions. You will need to place a one-time legal advertisement in your local newspaper of record (major daily or weekly newspaper) announcing the 30-day comment period. The ad must include the findings of the project's effect on historic or culturally significant sites. DOH must consider all public comments received.

### **What are some problems that could delay my project?**

Sometimes water systems get ahead of the process by assuming the historic and cultural review is complete when they submit the Project Review Sheet (EZ-1 Form). In fact, the opposite is true. This only initiates the historic and cultural review, and additional steps are required. It is also important to know that if you decide to change or modify the scope of work after the historic and cultural review is completed, an additional review may be required.

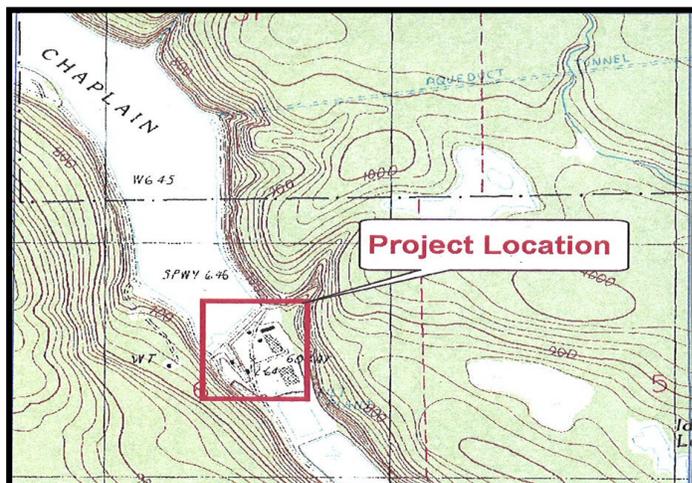
Here are some other problems we see.

- EZ-1 Form is incomplete.



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- Project location is not clearly identified (see note and map below).
- Project description is not detailed enough.
- The township, range, and section provided is incorrect.



*The 7.5 Series USGS Quad Map required on the EZ-1 Form must clearly identify the project area. You must outline and label the entire project area. Here is an example of the type of map we require.*

### **How will I know when it's okay to start construction on my project?**

We will send you written notification after your project is approved to begin construction.

### **Can I start preconstruction activities before I receive the approval letter?**

Activities such as planning and design work are allowed, but you cannot disturb the land (such as drilling a well, completing geo-tech work, and so on) before receiving final approval.

### **For more information**

If you have questions about the Section 106 process, please email the Drinking Water State Revolving Fund Team at [DWSRF@DOH.WA.GOV](mailto:DWSRF@DOH.WA.GOV) or call our main office at 360-236-3106.