



Drinking Water State Revolving Fund

Historical and cultural review for projects

Why must my project undergo a historical 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 a Drinking Water State Revolving Fund (DWSRF) project, or any other federally funded project, affects historically and culturally significant properties. It also gives people an opportunity to comment on federally funded projects before construction activities begin.

What are historical resources?

Historical resources are any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on, the National Register. This also includes artifacts, documents, and any other materials related to the historical 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, such as tribal burial grounds or known traditional gathering sites.

What triggers a historical and cultural review?

A project, activity, or program that could affect historically 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.
- Requiring a federal permit, license, or approval.

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 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 historical and cultural resources.
- Step 3:** Consult with the Washington State Department of Archaeology and Historic Preservation (DAHP) and tribes to seek concurrence with our determinations.
- Step 4:** Receive concurrence from interested tribes and DAHP.
- Step 5:** Make sure utilities conduct a 30-day public comment period.



What determinations and requirements could be made for 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 DAHP and tribes, the project may proceed.

2. *Potential Historic Properties Affected*

No Adverse Effect

If: There are historically or culturally significant areas, artifacts, or buildings within one mile of the project area, but construction is not likely to harm them.

You Must: Complete an archaeological survey.

Then: With concurrence from DAHP and tribes, 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 historically or culturally significant.

You Must: Complete an archaeological survey.

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 utility will protect cultural resources.

Then: With concurrence from DAHP and tribes, the project may proceed.

Whom must DOH consult about my project?

We must consult with 33 federally recognized tribes (29 in Washington State and 4 in neighboring states), DAHP, and other interested groups (such as other state agencies). We routinely provide them with copies of correspondence, reports, and additional information (such as site drawings).

When can I expect a decision about my project?

The tribes and DAHP have 30 days to review our determination letter 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) at <http://www.doh.wa.gov/portals/1/Documents/pubs/331-196.pdf>

What if DOH’s initial determination for my project is “No Historic Properties Affected,” but tribes disagree?

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 utility to make any needed changes to the scope of the project to address tribes’ concerns.

What if I receive a determination of “Potential Historic Properties Affected”?

An archaeological 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 historical resources.

If required, who completes the archaeological survey?

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

When should I start the public comment period?

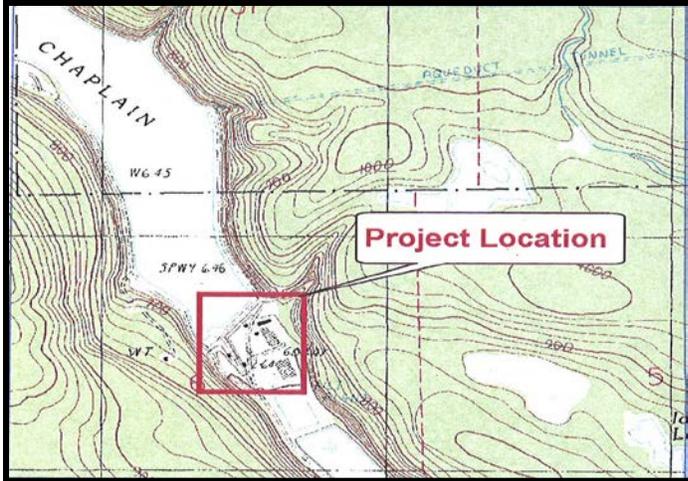
After DOH receives concurrence from the consulting tribes and DAHP, we will send you a letter with instructions. You will need to place a one-time legal advertisement in your local newspaper of record (major daily or weekly newspaper) announcing the 30-day comment period. The ad must include the findings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

What are some problems that could delay my project?

Sometimes water systems get ahead of the process by assuming the historical 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 historical and cultural review, and additional steps are required. It’s also important to know that if you decide to change or modify the scope of work after the historical and cultural review is completed, an additional review may be required.

Here are some other problems we see:

- EZ-1 Form is incomplete.
- Project location isn’t clearly identified (see note and map below).
- Project description isn’t 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 or call our main office at 800-521-0323.



Our publications are online at <https://fortress.wa.gov/doh/eh/dw/publications/publications.cfm>

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