



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
Lenexa, Kansas 66219

NOTICE OF CONSULTATION MEETING

Development of Section 106 Programmatic Agreement for the Iowa Department of Natural Resources State Revolving Fund Program

Wednesday, October 25, 2023, 4:00 p.m. - 5:30 p.m.

Virtual Meeting – Link to the Zoom meeting will be provided at iowasrf.com/Section-106/

PURPOSE

The U.S. Environmental Protection Agency, Region 7 and the Iowa Department of Natural Resources in consultation with the Iowa State Historic Preservation Office and the Advisory Council on Historic Preservation are inviting you to attend a consultation meeting on October 25, 2023, to discuss the EPA's proposed development of a new statewide programmatic agreement for the Clean Water and Drinking Water State Revolving Fund Programs to guide the IDNR's compliance with Section 106 of the National Historic Preservation Act on behalf of EPA Region 7 for undertakings covered by these two programs. EPA Region 7 is the lead Federal Agency and IDNR is the lead SRF Agency for the proposed PA.

This is an opportunity for potential consulting parties, including Tribes, historic commissions and societies, potential Clean Water and Drinking Water SRF Program applicants, and other interested parties to consult on development of the PA, including the consultation process that the EPA and the IDNR will implement under the agreement.

Consultation is a requirement of the PA development process. The purpose of this meeting is to provide the following:

- Discuss how the IDNR currently complies with Section 106 on behalf of EPA Region 7 for undertakings in the CW and DW SRF programs.
- Explain how the PA development process works and how to become a consulting party.
- Provide information on the goals and objectives of the PA.

- Present a draft outline of the proposed stipulations for the PA.
- Discuss the proposed delegation of authority to the IDNR to conduct consultation with Tribes for DW and CW SRF program undertakings.
- Provide some examples of proposed excluded projects.

The meeting will also include an opportunity for the attendees to ask questions and provide comments. The comments received at the meeting will be used to prepare a draft of the PA. Comments will also be collected after the meeting. Please provide comments to EPA Region 7 by sending an email to IA-Exclusion-PA@epa.gov by December 8, 2023.

Written comments may also be submitted during that timeframe to:

Kelly Beard-Tittone
Water Division
Watershed and Grants/Watersheds Protection Section
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

Please note that there will be additional opportunities for Tribes to request individual consultation meetings with the IDNR or EPA Region 7 on the PA. Please contact Karrie Darnell at karrie.darnell@dnr.iowa.gov or Ann D'Alfonso at D'Alfonso.ann@epa.gov for more information.

BACKGROUND

The EPA administers the CWSRF and the DWSRF programs which award capitalization grants to state agencies in Region 7, including to the IDNR. In turn, the IDNR provides assistance to applicants for wastewater projects via the CWSRF and community water systems and nonprofit, non-community water systems via the DWSRF.

Because the CWSRF Program and the DWSRF Program projects receive federal funding from the EPA, they are subject to compliance with Section 106 of the NHPA. The EPA has designated certain responsibilities to the IDNR for carrying out the requirements of Section 106 under separate authorities for the CWSRF and the DWSRF Programs. For the CWSRF Program, the EPA authorized states to carry out the requirements of Section 106 under a Nationwide Programmatic Agreement executed by the EPA, the Advisory Council on Historic Preservation, and the National Council of State Historic Preservation Officers (1990 CWSRF PA). Pursuant to 36 Code of Federal Regulations Section 800.2(c)(4), the EPA authorized the IDNR to carry out certain responsibilities for compliance with Section 106 for the DWSRF Program in a November 17, 2022 letter.

EPA Region 7 and the IDNR in consultation with the Iowa SHPO and the Advisory Council on Historic Preservation, are proposing to develop a new Iowa-specific PA for the CWSRF and the DWSRF Programs. This PA will guide the IDNR's and EPA Region 7's compliance with Section 106 of the National Historic Preservation Act for undertakings funded by these programs. For the Iowa SRF programs, the EPA is the lead Federal Agency and the IDNR is the lead SRF Agency.

The purpose of this PA is twofold. First, it clarifies the boundaries of the IDNR's authority to implement the Section 106 process for both SRF programs. Secondly, the PA excludes certain activities from full review by the Iowa SHPO in the Section 106 process, when the facts show those projects will not have the potential to adversely affect historic properties. This will streamline the Section 106 process for certain SRF-funded projects to allow wastewater and drinking water treatment projects to move quickly towards completion.

Importantly however, this PA does not modify the ability for Tribes and other consulting parties to review SRF funded projects early in project planning. This provides Tribes and other consulting parties the opportunity to make their concerns about places and properties of religious and cultural significance known and decide how they want to move forward, if a Tribe or consulting party believes a project may have an effect on a property of importance to them. Even if an undertaking is excluded from SHPO review, Tribes and other consulting parties will always be contacted to determine if they would like to consult in the review.

The primary objectives of the PA are to:

- Improve the efficiency of reviews for the CWSRF and the DWSRF projects requiring compliance with Section 106.
- Ensure consistency between the CWSRF Program and the DWSRF Program Section 106 review processes.
- Allow the IDNR to consult with Tribes through a proposed delegation by the EPA for the DWSRF program consistent with the delegation and process allowed by the CWSRF program nationwide PA.
- Allow the IDNR professionally qualified staff to identify projects that can be excluded from the SHPO Review and reported annually to SHPO and other consulting parties [note this would not exclude projects from review by Tribes].
- Identify the EPA, DNR, SHPO, and ACHP Responsibilities.

MORE INFORMATION

Other information related to the PA, including an outline of the PA, and on the outreach process can be found at: iowasrf.com/section-106/.