



Iowa State Revolving Fund (SRF) Section 106 Draft Programmatic Agreement (PA)


VIRTUAL INFORMATION MEETING

MAY 8, 2024 1:00


Participation Instructions

- You can select your view mode at the top right corner of your screen
- To begin, all participants are muted.
- You may post comments in the chat during the presentation or raise your hand by selecting the reactions tool at the bottom of your screen.
- We can create breakout rooms within the meeting if any participants would like a few minutes to discuss items without EPA presence.

Meeting Agenda

- Brief Introductions/Roles
 - Goals of the draft Programmatic Agreement
 - Background
 - Presentation of the draft Programmatic Agreement
 - Q/A and Comments
 - Next Steps
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Introductions/Roles

- Environmental Protection Agency - Region 7 (EPA)
 - Iowa Department of Natural Resources (DNR)
 - State Historic Preservation Office (SHPO)
 - Advisory Council on Historic Preservation (ACHP)
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Background

- Section 106 of NHPA requires federal agencies to take into account the effect of their undertakings on historic properties and to afford the ACHP an opportunity to comment on such undertakings.
- For the CWSRF, a 1990 nationwide Programmatic Agreement among the EPA, the ACHP, and the National Conference of State Historic Preservation Officers (NCSHPO) authorizes State SRF agencies to carry out Section 106 consultation (36 CFR Part 800) without direct EPA involvement provided no disputes exist.
- No nationwide PA exists for DWSRF.
- EPA Region 7 expressly authorized DNR, in a letter dated November 17, 2022, to begin the Section 106 consultation process with the Iowa SHPO on projects funded through the Iowa DWSRF.
- Section 106 consultation is completed in conjunction with the NEPA-like reviews at the state level.

Timeline of Public and Tribe Engagement

- September 29, 2023 - EPA Region 7 sent consultation letters to Tribes and interested parties.
- October 11, 2023 – EPA Region 7 sent invitations to a virtual consultation meeting to Tribes and interested parties.
- October 25, 2023 - the virtual consultation meeting was held to introduce the proposed Iowa SRF Programmatic Agreement with Iowa SHPO. During that meeting, the outline of the draft Programmatic Agreement was presented, along with resources that are available on our website.
- January 8, 2024 - the full draft Programmatic Agreement was made available to the public and provided to Tribes.
- March 27, 2024 – EPA Region 7 invited Tribes to an informational meeting regarding the draft Programmatic Agreement.

Goal

- Iowa SRF wants to streamline the normal Section 106 process, which requires project-by-project consultation with the IA SHPO.
- This PA would exclude certain activities from a full SHPO review when the facts show those projects will not have the potential to adversely affect historic properties.
- The proposed PA clarifies the boundaries of the DNR's authority to implement the Section 106 process for CWSRF and DWSRF funding.
- The PA would also allow DNR to send consultation invitations to Tribes on projects on EPA's behalf.
- If a Tribe accepts the consultation invitation, EPA would take over any further consultation unless otherwise agreed to by the tribe(s).
- Tribal and other consulting party notifications will occur even when a project is excluded.

Use of Exclusions


- SRF staff will complete an Excluded from Review Form for all exclusions.
- Tier 1 exclusions are reviewed by ERS (environmental review staff)
- Tier 2 exclusions must be reviewed by Secretary of Interior qualified staff. Iowa SRF will obtain SOI-qualified services prior to using Tier 2 exclusions.
- SRF will provide Iowa SHPO, EPA, and ACHP an annual report of all undertakings for which the exclusions were applied.
- SHPO may review/audit any project file related to the use of the exclusions.

Exclusion Examples

Tier 1 - without SOI review

- Lead service line inventory
- Video scoping of existing line
- Emergent contaminant study
- Lining sewer lines
- Water meters replacements

Tier 2 - with SOI review

- Treatment changes
 - Directional boring installation of sewer lines
 - Modifications to existing treatment plants
 - Replacement of water lines using pull method
 - Resurfacing of sidewalks and roads
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Tribe Consultation


- IA SRF currently contacts Tribes and other consulting parties for early in project planning.
- PA proposes DNR continue that work with Tribes and Tribes will still be given the same opportunities for consultation.
- PA formalizes the 11-17-22 EPA Drinking Water SRF Authorization for DNR to conduct consultation with Tribes on SRF projects covered by the proposed PA.
- The proposed PA includes the option for Tribes to request at any time to consult directly with the EPA on specific undertakings.

Present Draft Programmatic Agreement

Submit Comments

- Submit comments by May 24, 2024
- Email to: IA-Exclusion-PA@epa.gov
- Mail to: Kelly Beard-Tittone
EPA Region 7
WD/WAG/SRF
11201 Renner Blvd
Lenexa, KS 66219
- Additional PA materials and this presentation are available at: iowasrf.com/section-106

Next Steps

- Update the draft PA based on this meeting and any relevant comments received within the comment period
 - Obtain the services of SOI-qualified contractor
 - Obtain PA signatures this summer
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Questions?

- Please raise your virtual hand or type your comments into the chat
- Does anyone want a virtual breakout room to discuss the PA without EPA presence at this time?