



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

Ms. Susan Kloewer  
Administrator, State Historical Society of Iowa  
Iowa Department of Cultural Affairs  
State Historical Building  
600 East Locust Street  
Des Moines, Iowa 50319

RE: Delegation of Authority for Section 106 Reviews of Iowa Drinking Water State Revolving Fund Projects

Dear Ms. Kloewer:

The United States Environmental Protection Agency, Region 7 sent a letter on October 7, 2022, to Lori McDaniel, Chief of the Water Quality Bureau, Iowa Department of Natural Resources notifying the IDNR of the EPA's intent to authorize the IDNR to initiate consultations required by Section 106 of the National Historic Preservation Act and implement regulations for the NHPA contained in 36 Code of Federal Regulations Part 800, Protection of Historic Properties, when the IDNR implements or oversees projects that have the potential to cause effects to historic properties with funds the IDNR receives pursuant to the Drinking Water State Revolving Fund Program. This letter follows that letter to further notify you of this authorization and further clarify the parameters of EPA Region 7's authorization.

EPA Region 7 administers the DWSRF Program, which awards capitalization grants to state agencies throughout Region 7, including the IDNR. In turn, the IDNR provides assistance to public and private community water systems as well as nonprofit non-community water systems for DWSRF projects. Projects carried out with the EPA assistance may have effects on properties included in, or eligible for inclusion in, the National Register of Historic Properties. Section 106 of the NHPA requires federal agencies to consider the effects of their undertakings on historic properties. The Advisory Council on Historic Preservation regulations at 36 CFR Part 800 provide procedures for federal agency compliance with this requirement.

Section 800.2(c)(4) of the ACHP regulations states that federal agencies may authorize applicants in a specific program to initiate consultation with the State Historic Preservation Office, Tribal Historic Preservation Officer(s), and other consulting parties by providing notice to the SHPO/THPO. As noted above, the IDNR is an applicant for assistance in the DWSRF program. After discussion with IDNR and the Iowa SHPO, in accordance with 36 CFR 800.2(c)(4) the EPA Region 7 hereby authorizes the IDNR to act on our behalf when initiating Section 106 consultation in connection with DWSRF assistance to public and private community water systems and nonprofit non-community water systems.

In accordance, with this authorization, effective immediately, the INDR may consult with the SHPO to initiate the review process established by the ACHP regulations, identify and evaluate historic



properties, and assess effects. The EPA Region 7, however, will remain responsible for participating in the consultation process when:

- The IDNR determines that “Criteria of Adverse Effect apply to an undertaking;
- There is disagreement between the IDNR and the SHPO/THPO regarding identification of historic properties or evaluation of effects; or
- There is an objection from consulting parties or the public regarding findings or determination, or the implementation of agreed provisions.

The EPA Region 7 will remain responsible for its government-to-government relationships with Indian tribes who may attach significance to historic properties that may be affected by an undertaking. In addition, we expect the IDNR to involve consulting parties in Section 106 finding and determinations, and to carry out the exchange of documentation and information in a respectful, consistent, and predictable manner. If you have any questions, please contact Glenn Curtis, of my staff, at 913-551-7726 or at [curtis.glenn@epa.gov](mailto:curtis.glenn@epa.gov).

Sincerely,

**JEFFERY**  
**ROBICHAUD**

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Date: 2022.11.17  
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Jeffery Robichaud  
Director  
Water Division

cc: Lori McDaniel, IDNR Chief Water Quality Bureau  
Rachael Mangum, MA, RPA, ACHP  
Teresa Enright, IDNR SRF Coordinator  
Aaron Smith, IFA  
Heather Gibb, Deputy SHPO  
Daniel Higginbottom, SHPO  
Jamie Loichinger, Assistant Director ACHP