



## **NOTICE OF CONSULTATION MEETING**

### **Development of Section 106 Programmatic Agreements for the Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) Programs**

**Thursday, June 22, 2023  
10:00 am – 12:00 pm**

**Virtual Meeting**

**<https://waterboards.zoom.us/j/98287522214>**

#### **PURPOSE**

The United States Environmental Protection Agency (EPA) and the California State Water Resources Control Board (SWRCB) invite you to attend a meeting on Thursday, June 22, 2023, to learn about the proposal to develop two new statewide programmatic agreements, one for the CWSRF Program and one for the DWSRF Program. Each new programmatic agreement will guide compliance with Section 106 of the National Historic Preservation Act under 36 Code of Federal Regulations (CFR) Part 800 (Section 106). This is an opportunity for potential consulting parties, such as Indian tribes, potential CWSRF Program and DWSRF Program applicants, and interested members of the public to consult on development of the programmatic agreements, including the consultation process that the SWRCB will implement under the agreements.

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

- Introduction to how the SWRCB currently complies with Section 106 on behalf of the EPA.
- Explain how the programmatic agreement development process works and how to become a consulting party.
- Information on the goals of the two programmatic agreements.
- Presentation of the first draft outlines of the proposed stipulations for both programmatic agreements.

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 the first full drafts of the two programmatic agreements. Comments will also be collected for two weeks after the meeting. For comments to be considered during development of the first drafts of the two programmatic agreements, please provide them using the contact information below by July 6, 2023.

Please note that there will be additional opportunities for Native American tribes to consult on the programmatic agreements. A Tribal-only Consultation Meeting will occur on a different date and time. Tribes will be notified separately about this consultation meeting. Tribes are welcome to attend one or both meetings. Please contact [DFA-106PA@waterboards.ca.gov](mailto:DFA-106PA@waterboards.ca.gov) for more information.

### **LANGUAGE SERVICES**

This meeting will be held in English. If you would like to request interpretation services in another language, please contact Elizabeth Borowiec at (415) 972-3419 or [borowiec.elizabeth@epa.gov](mailto:borowiec.elizabeth@epa.gov) by June 8, 2023.

### **ACCESSIBILITY**

Telecommunications device for the hearing impaired (TDD) users may contact the California Relay Service at: (800) 735-2929 or voice line at (800) 735-2922.

### **MEETING MATERIALS**

Meeting materials, including the draft outlines of both programmatic agreements, and other details are available at:

[https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/section106.html](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/section106.html)

### **HOW TO SUBMIT COMMENTS ON THE PROPOSED PROGRAMMATIC AGREEMENTS AND REQUEST TO BE A CONSULTING PARTY– COMMENTS REQUESTED BY JULY 6, 2023**

Mail: Attn: Lisa Machado DFA, 16<sup>th</sup> Floor  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Email: [DFA-106PA@waterboards.ca.gov](mailto:DFA-106PA@waterboards.ca.gov)

### **BACKGROUND**

The Division of Financial Assistance administers the implementation of the SWRCB's financial assistance programs. These include loan and grant programs from both state and federal funding sources for the planning and construction of various types of water quality improvement projects. Federal funds from the EPA contribute to the CWSRF Program and DWSRF Program and are available for a variety of drinking water and wastewater infrastructure projects. The CWSRF Program and DWSRF Program function as water infrastructure banks capitalized by various funding sources, including funding from the EPA, in order to provide sustainable sources of funds for water quality protection and improvement projects. The Intended Use Plans for the current fiscal

year, which provide further background regarding the DWSRF and CWSRF Programs and their associated funding authorities, can be found at these links for the [DWSRF](#) and [CWSRF](#) Programs. Applicants for this funding can include cities, counties, water and sanitation districts, school districts, California Native American tribes, municipal utilities, and privately-owned water systems. These projects often include wastewater or drinking water treatment plant upgrades, distribution and collection system replacements (e.g., pipes, pump stations, lift stations), water system consolidations and interties (new connection pipelines), installation of new recycled water systems, and construction of new wells and water storage tanks. The projects can include ground disturbing activities such as grading and trenching, as well as demolition or modification to buildings or structures.

Because CWSRF Program and DWSRF Program projects receive federal funding from the EPA, they are subject to compliance with Section 106. The EPA has designated certain responsibilities to the SWRCB for carrying out the requirements of Section 106 under separate authorities for the CWSRF and 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 (ACHP), and the National Council of State Historic Preservation Officers. Pursuant to 36 CFR Section 800.2(c)(4), the EPA authorized the SWRCB to comply with Section 106 for the DWSRF Program in a [letter](#) to the California State Historic Preservation Officer (SHPO) dated September 3, 2015.

The EPA and the SWRCB, in consultation with the SHPO and the ACHP, are proposing to develop two new statewide programmatic agreements, one for the CWSRF Program and one for the DWSRF Program. The primary objectives of the programmatic agreements are to:

- Improve the efficiency of reviews for CWSRF and DWSRF projects requiring compliance with Section 106.
- Ensure consistency between the CWSRF Program and the DWSRF Program Section 106 review processes.
- Establish professional qualification standards for Section 106 reviewers and consultants who prepare historic property identification reports.
- Review of “no historic properties affected” findings by SWRCB professionally qualified staff when no cultural resources are located within the area of potential effects (APE), without consultation with the SHPO.
- Review of “no adverse effect” findings by SWRCB professionally qualified staff for projects that will avoid effects to historic properties located in the APE, without consultation with the SHPO.
- Submit an annual report to the SHPO summarizing the covered activities.
- Improve consultations with Native American tribes and other consulting parties by refining the proper protocol and establishing a threshold for a “reasonable and good faith effort.”

**MORE INFORMATION**

More information regarding this process can be found at:

[https://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/section106.html](https://www.waterboards.ca.gov/water_issues/programs/grants_loans/section106.html).

May 17, 2023

Date



Courtney Tyler  
Clerk to the Board