

Section 106 Review Guidance Document

Clean Water State Revolving Fund Program Wastewater and Stormwater Projects (36 CFR Part 800)

Doc Type: Wastewater Point Source

This document provides guidance for project applicants pursuing federal funding through the Clean Water Revolving Fund (CWRP). The Environmental Protection Agency (EPA) has authorized the Minnesota (MPCA) to act on its behalf when initiating consultation on projects using the CWRP. Therefore, the MPCA is responsible for coordinating Section 106 review for all projects pursuing funding through CWRP. Federal rules applicable to Section 106 of the National Historic Preservation Act (NHPA) are found in [36 CFR Part 800](#). Section 106 of the NHPA requires federal agencies and their applicants to consider the effects of the proposed project on historic properties listed in, or eligible for listing in, the National Register of Historic Places. If adverse effects are identified, Section 106 requires the federal agencies and their applicants to avoid, minimize or mitigate the adverse effects on historic properties.

Project applicants should plan ahead to have Section 106 review work completed early in the funding process, specifically before any Environmental Review documents are to be public noticed.

For more information contact: CWRP Program Administrator, Pam Foster at 218-302-6619 or pamela.foster@state.mn.us.

Step 1 – Section 106 Project Review Requirements

Section 106 review is required if your project is pursuing funding through the CWRP. If your project is not pursuing funding through the CWRP (e.g., self-funded, Clean Water Legacy/PSIG funding, special appropriation, etc.), no further Section 106 review is required. If your project is pursuing funding through the CWRP, proceed to Step 2.

Step 2 – Exempt Projects

Review the [Section 106 Review Exemption Checklist](#) to determine if your project meets one of the conditions listed on the checklist. Complete the checklist and submit a signed copy to the MPCA. The MPCA will review this submittal. If you selected “yes” to at least one of the questions, your project is exempt and no further Section 106 review is required. If your project is not exempt, proceed to Step 3.

Step 3 – Historic and Cultural Resources Review

Project managers should search the Minnesota State Preservation Office’s MnSHIP and the Office of the State Archaeologist (OSA) database inventories ([Minnesota Statewide Historic Inventory / Minnesota State Historic Preservation Office \(mn.gov\)](#)) and will also need to contact the Tribal Historic Preservation Officer & Tribal Water Permit Specialist for the applicable Tribes located on the [Tribal Contacts List](#).

- The MN State Historic Preservation Office (SHPO) provides guidance on how to conduct research for previously documented archaeological sites and above ground historic resources. Visit [Research at Minnesota SHPO / Minnesota State Historic Preservation Office \(mn.gov\)](#) for more information. To obtain information on nominated and registered historic places visit the National Register of Historic Places at <https://npgallery.nps.gov/nrhp>. Qualified archaeologists can request additional information from SHPO about archaeological site eligibility status, determinations, survey reports (architecture-history and archaeology), and restricted property information. You can visit <https://mn.gov/admin/shpo/surveyandinventory/research/> to learn more about how to obtain in-depth cultural and historic information that you may require for your project. See the SHPO template letter and supplemental guidance ([wq-wwtp2-49](#)) for additional information.
- Tribes may have additional information about historic and cultural resources which are not recorded in the OSA portal. Historic properties of religious and cultural significance include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. See the THPO template letter and supplemental guidance ([wq-wwtp2-67](#)) for more information. Send template letter and THPO review request to section.106.mPCA@state.mn.us. The MPCA will submit the information directly to the identified Tribes. Tribes may provide comments to the MPCA within 30 days. All comments received will be directly communicated to the project applicant and will be addressed as part of the environmental review process. If the project becomes an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), the lead federal agency (MPCA) may need to conduct a formal Tribal Consultation for this project.

Information required for Section 106 submittals includes:

- Project title;
- Agency Project Number (if applicable) and SHPO Project Number (if one has been assigned);
- County;
- City or Township;
- Street address (if within a municipal boundary) or Township, Range, and Section of project location (if outside of a municipal boundary);
- Detailed description of the project including the extent of above-ground impacts and ground-disturbing activities;
- A clearly defined—in both narrative and on a map (see below)—project area boundary and/or a boundary delineating the Area of Potential Effects (APE), the latter of which is required for all Section 106 project review request submissions,
- Names of all government agencies involved (due to permits, funding, or licensing); and
- Name and email address of the government agency contact or authorized contact who should receive the SHPO comment letter.

Include the following attachments:

- High-resolution color photographs of the project site including all buildings and structures within the project's boundary or APE. Photos should be keyed to a map.
- Dates of construction for all buildings and structures for which photographs have been provided (see previous bullet point). This is not necessary to include if inventory forms are being submitted for the buildings and structures (see below).
- Maps indicating the project's location and APE. City maps are acceptable for rehabilitation and demolitions, but all projects involving ground disturbances require a copy of a USGS topographic map and/or aerial map with the project location and APE, if applicable, clearly marked.
- Archaeological and architecture-history survey reports, as applicable. Reports must be submitted via email or an FTP site; they cannot be uploaded to MnSHIP.
- Architectural/engineering design plans for proposed rehabilitation or construction projects.
- Spatial project boundary (shapefiles with coordinate system)
- Photos incorporating a 360-degree view from the center of the site.

Step 4 – Resolution Process

If the project becomes an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), the lead federal agency (MPCA) may conduct a formal Consultation for this project.

Step 5 – Final Determination

The MPCA considers all comments received from the consulting parties and coordinates the final determination regarding any actions needed to avoid, minimize, or mitigate effects to historic properties. The final determination will be described in one of the following MPCA environmental review documents prior to being public noticed: Environmental Summary (ES), Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS).