State Water Resources Control Board

Governor's Office of Planning & Research

Jan 05 2022

STATE CLEARINGHOUSE

Danny DeBrito
City of Santa Cruz Water Development Dept
212 Locust Street, Suite C
Santa Cruz, CA 95060

Dear Mr. DeBrito,

ENVIRONMENTAL IMPACT REPORT (EIR) FOR CITY OF SANTA CRUZ (CITY); NEWELL CREEK PIPELINE IMPROVEMENT PROJECT (PROJECT); SANTA CRUZ COUNTY; STATE CLEARINGHOUSE NO. 2021010166

We understand that the City is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project. As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the EIR to be prepared for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program (Program). The primary purpose for the Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state.

The Program is partially funded by the United States Environmental Protection Agency (USEPA) and requires additional "California Environmental Quality Act (CEQA)-Plus" environmental documentation and review. Two enclosures are included that illustrate the Program environmental review process including the additional CEQA-Plus federal requirements. For the complete environmental application package and instructions please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml . The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to the State Water Board's approval of a CWSRF financing commitment for your proposed Project. For further information on the Program, please contact Mr. Brian Cary, at (916) 449-5624.

It is important to note that prior to a CWSRF financing commitment, projects subject to provisions of the Federal Endangered Species Act (ESA), must obtain ESA, Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) specific to any potential effects to special-status species.

Please be advised that the State Water Board will coordinate with the USEPA to consult with the USFWS, and/or the NMFS regarding all federal special-status species that the Project has the potential to affect if the Project is to be financed by the Program. The City will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur in the Project site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board is responsible for ensuring compliance with Section 106 and is required to consult directly with the California State Historic Preservation Officer (SHPO). The SHPO consultation is initiated once sufficient information is provided by the CWSRF applicant. If the City decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards (http://www.nps.gov/history/local-law/arch_stnds_9.htm) to prepare a Section 106 compliance report.

Note that the City will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should extend to a ½-mile beyond project APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal environmental requirements pertinent to the Project under the Program include the following (for a complete list of all federal requirements and instructions please visit http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml :

A. An alternative analysis discussing environmental impacts of the Project in either the CEQA document (i.e. Environmental Impact Report) or in a separate report (i.e. for projects utilizing a Negative Declaration or Mitigated Negative Declaration).

B. A public hearing or meeting for adoption/certification of all CEQA documents except for those with little or no environmental impacts.

C. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.

D. Compliance with the Coastal Zone Management Act: Identify whether or not the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.

E. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.

F. Compliance with the Farmland Protection Policy Act: Identify whether or not the Project will result in the conversion of farmland. Identify the status of farmland (prime, unique, local or statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.

G. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.

H. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.

I. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Following are specific comments on the City draft EIR:

1. The EIR states that several potential funding sources have been identified for the Proposed Project, including Federal Emergency Management Agency (FEMA) funding and the Water Infrastructure Finance and Innovation Act (WIFIA) Program (administered and funded by the U.S. Environmental Protection Agency [EPA]). When completing the

Environmental Application Package Form, could the City please provide (1) information on the status of other funding sources and (2) the point(s) of contact for each funding source, if available?

2. For projects that result in any above-ground, permanent structures within the 100-year floodplain, the State Water Board must receive record of consultation between the Applicant and their local Floodplain Administrator. Under the Floodplain Management regulation, the local Floodplain Administrator must be given the opportunity to review and comment on the project design and supporting information to confirm that the Project Design is in compliance with all Federal Emergency Management Agency (FEMA) technical requirements and local ordinances for construction within the 100-year floodplain. If applicable, please provide the State Water Board with the name of the City's local Floodplain Administrator, their contact information, and documentation (i.e. email correspondence) that the local Floodplain Administrator confirms that the Project will have no potential to adversely impede or redirect flood flows within a 100-year floodplain.

3. It appears that a few species listed on the USFWS Information for Planning and Consultation (IPaC) website to occur the Project area are missing an evaluation in the Biological Resources Assessment (BRA). Specifically, analyses seem to be missing for the Monarch Butterfly (*Danaus plexippus*) and Menzies' Wallflower (*Erysimum menziesii*). Could the City please provide an updated BRA (i.e. updated potential to occur table) that includes the evaluations for these species to ensure all biological resources are adequately assessed?

Please upload to FAAST the following documents applicable to the proposed Project following the City CEQA process: (1) one copy of the draft and final EIR, (2) the resolution adopting/certifying the EIR and making CEQA findings, (3) all comments received during the review period and the City's response to those comments, (4) the adopted Mitigation Monitoring and Reporting Program and (5) the Notice of Determination filed with the Santa Cruz County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

Thank you for the opportunity to review the City's draft EIR. If you have any questions or concerns, please feel free to contact me by email at Chi-Hai.HKalita@waterboards.ca.gov or contact Brian Cary at (916) 449-5624, or by email at Brian.Cary@waterboards.ca.gov.

Sincerely,

Chi-Hai Kalita

Digitally signed by Chi-Hai Kalita
Date: 2022.01.05 15:24:07 -08'00'

Water Boards

Chi-Hai Kalita
Environmental Scientist

Enclosures (2):

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Clean Water State Revolving Fund Below-Market Financing for Wastewater & Water Quality

cc: State Clearinghouse
(Re: SCH# 2021010166)
P.O. Box 3044
Sacramento, CA 95812-3044

bcc: Chi-Hai Kalita, Division of Financial Assistance
Brian Cary, Division of Financial Assistance

ENVIRONMENTAL REVIEW REQUIREMENTS

All applicants for SRF financing must thoroughly analyze the environmental consequences of their project. Applicants must comply with the California Environmental Quality Act (CEQA) and federal cross-cutting authorities as part of the SRF environmental review requirements. All SRF environmental requirements must be met prior to the start of construction activities.

CEQA

The environmental review process used to determine compliance with appropriate state and federal environmental regulations begins with successful completion of CEQA.

Typically, the applicant is the CEQA Lead Agency and must prepare and circulate an environmental document before approving a project. Only a public agency, such as a local, regional, or state government may serve as the Lead Agency under CEQA. If a project will be completed by a non-governmental organization, Lead Agency responsibility goes to the first public agency providing discretionary approval for the project. In these instances, the State Water Board may serve as Lead Agency on behalf of the applicant.

Usually, the State Water Board is a CEQA Responsible Agency, making its own independent findings using information submitted by the Lead Agency prior to approving funding for a project.

The applicant must provide the final, project-specific environmental document, associated reports, and other supporting materials demonstrating compliance with CEQA as part of the application's Environmental Package.

FEDERAL CROSS-CUTTING AUTHORITIES

In addition to completing CEQA, the applicant must conduct the necessary studies and analyses and prepare documentation demonstrating that the proposed project is in compliance with the federal cross-cutting environmental authorities. As the USEPA designated, "non-federal" state agency representative responsible for consultation with appropriate federal agencies, the State Water Board staff will review materials for compliance with relevant cross-cutters. Staff may require additional studies or documentation to fulfill this obligation. The principal federal authorities that need addressing in the application are:

- Archaeological & Historic Preservation Act
- Clean Air Act
- Coastal Barriers Resources Act
- Coastal Zone Management Act
- Endangered Species Act
- Environmental Justice Executive Order
- Farmland Protection Policy Act
- Fish & Wildlife Conservation Act
- Flood Plain Management
- Magnuson-Stevens Fishery Conservation & Management Act
- Migratory Bird Treaty Act
- National Historic Preservation Act
- Protection of Wetlands
- Rivers & Harbors Act
- Safe Drinking Water Act, Sole Source Aquifer Protection
- Wild & Scenic Rivers Act

Material in this brochure highlights key SRF environmental requirements

OUR SRF PROGRAMS

The State Water Resources Control Board (State Water Board) administers the Clean Water and Drinking Water State Revolving Fund (SRF) Programs to support a wide range of infrastructure projects. The SRF Programs represent a powerful partnership between the State and the United States Environmental Protection Agency (USEPA), who provides partial Program funding. The applicant will need to complete the Environmental Package, which compiles and transmits the necessary environmental documents and supporting information for State Water Board staff to review to determine compliance with state and federal environmental laws and regulations. SRF funds are available for planning and design, as well as construction activities.

QUESTIONS

The consultation process can be lengthy, especially if the project is expected to affect biological or cultural resources. Please contact your State Water Board Project Manager and/or Environmental Section staff early in the planning process to discuss what environmental information may be needed for your project.

WEBSITE

https://www.waterboards.ca.gov/water_issues/programs/grants_loans/environmental_requirements.html

October 2018-TAGraphics

CLEAN WATER & DRINKING WATER STATE REVOLVING FUND

ENVIRONMENTAL REVIEW REQUIREMENTS



STATE OF CALIFORNIA
Water Resources Control Board
Division of Financial Assistance

FEDERAL CROSS-CUTTING AUTHORITIES THAT USUALLY REQUIRE ADDITIONAL STUDIES

Clean Air Act (CAA)

CAA requires federally funded projects to meet the General Conformity requirements and applies in areas where National Ambient Air Quality Standards are not met or in areas that are subject to a maintenance plan.

If project emissions are below the federal "de minimis" levels, then a General Conformity determination is not required.

If project emissions are above the federal "de minimis" levels, then a General Conformity determination must be made.

An air quality modeling analysis may be needed regardless of the attainment status for the following constituents:

- Ozone;
- Carbon monoxide;
- Nitrous oxide;
- Sulfur dioxide;
- Lead; and
- Particulate matter (PM2.5 and PM10).

Commonly, applicants use the California Emissions Estimator Model (CalEEMod) to approximate project related emissions. This model can be downloaded from www.caleemod.com. A user's guide and Frequently Asked Questions document are available at this site as well. Applicants also may want to discuss project impacts with the local air district.

Endangered Species Act (ESA)

ESA, Section 7, requires an assessment of the direct and indirect effects of the project on federally listed species and critical habitat. A biological resources assessment report is required and must include, but is not limited to:

- Recent species and critical habitat lists generated from the US Fish and Wildlife Service's Information for Planning and Consultation online database;
- A recent species list from the National Marine Fisheries Service, if appropriate;
- A recent search of the California Department of Fish and Wildlife's Natural Diversity Database, including appropriate species observation information and maps;
- A field survey performed by a qualified biologist;
- An evaluation (usually presented in table form) of the project's potential to affect federally listed species;
- Special surveys, as appropriate;
- Maps delineating the project area and species occurrence;
- Identification of measures to minimize, and/or avoid impacts; and
- A recommendation on an ESA determination (i.e., "no effect," "may affect, but not likely to adversely affect," or "may affect and is likely to adversely affect").

The State Water Board staff will conduct an independent review of these materials to determine the potential effect of the project on the federally listed species and will make a recommendation to USEPA on how to proceed under ESA, Section 7.

National Historic Preservation Act (NHPA)

NHPA, Section 106, requires an analysis of the effects of the project (or undertaking) on "historic properties." Historic properties (i.e., prehistoric or historic districts, sites, buildings, structures, or objects 50 years or older) are properties that are included in or eligible for inclusion in the National Register of Historic Places. A historic properties identification report (HPIR) must be prepared in accordance with Section 106 requirements by a qualified professional meeting the Secretary of the Interior's Standards in archaeology or history.

Specific requirements of the HPIR include, but are not limited to:

- The project description and a clearly defined area of potential effects (APE), specifying length, width, and depth of excavation, with a labeled map;
- A recent Information Center records search extending to half-mile beyond the project APE;
- Background research (e.g., old USGS maps, ethnographic records, historical records, etc.);
- Documentation of outreach to the Native American Heritage Commission, appropriate Tribes, historical societies, and interested parties;
- Detailed description of survey methods and findings; and
- Identification and evaluation of cultural resources within the APE.

Cultural resources reports prepared for CEQA may be used, but often require more information.

KEY PROCEDURAL REQUIREMENTS

Environmental Alternatives Analysis

SRF regulations require that an explanation of the alternatives considered for the project and the rationale for selection of the chosen project alternative be prepared and that it assess the environmental impacts of each alternative. Known as the environmental alternative analysis, this information can be included in the project engineering report, the CEQA document, or a technical memorandum. The environmental alternative analysis must include the following:

- Range of feasible alternatives, including a "no project/no action" alternative;
- Comparative analysis among the alternatives that discusses direct, indirect, and cumulative, beneficial and adverse environmental impacts on the existing and future environment, as well as sensitive environmental issues; and
- Appropriate mitigation measures to address impacts.

Public Participation

SRF regulations also require adequate opportunity for the public, responsible agencies, and trustee state agencies under CEQA to review and comment on the project. All projects, except those with little to no environmental impacts (namely, CEQA exempt projects), must hold a public hearing or meeting to approve the CEQA document(s). The CEQA process includes public noticing opportunities, but other public meetings may be needed to meet the federal requirements. The applicant will be asked to provide the date(s) of when such meeting(s) were held for the project as part of the environmental review.

STATE WATER RESOURCES CONTROL BOARD,

DIVISION OF FINANCIAL ASSISTANCE

California Environmental Quality Act Requirements

The State Water Resources Control Board (State Water Board) Division of Financial Assistance (DFA) funds wastewater, recycled water, and drinking water infrastructure projects as well as water quality improvement projects using resources from various state grant programs. All applicants seeking grant funds must comply with the California Environmental Quality Act (CEQA) and provide appropriate documents to the State Water Board so that it can fulfill its CEQA responsibilities.

LEAD AGENCY

The applicant is usually the **Lead Agency** and must prepare and circulate an environmental document before approving a project. Only a public agency, such as a local, regional or state government, may be the Lead Agency under CEQA. If a project will be completed by a non-governmental organization, Lead Agency responsibility goes to the first public agency providing discretionary approval for the project. In this situation, the State Water Board may serve as Lead Agency.

RESPONSIBLE AGENCY

Typically, the State Water Board is a **Responsible Agency**. As a Responsible Agency, the State Water Board must make its own findings using information provided by the Lead Agency before funding a project.

STATE WATER BOARD RESPONSIBILITIES

The State Water Board's mission is to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure their proper allocation and efficient use for the benefit of present and future generations. To fulfill this responsibility, and to carry out obligations as a Responsible Agency under CEQA, the State Water Board must consider the Lead Agency's environmental document before funding a project.

ENVIRONMENTAL REVIEW

The State Water Board's environmental review process must be completed before the State Water Board can approve a project for funding and the project can begin construction.

DOCUMENT REVIEW

The State Water Board would like to review CEQA documents as early as possible. Applicants are encouraged to consult with agency staff during development of CEQA documents if considering applying for funding from DFA. Potential applicants should consider sending their environmental documents to DFA, Environmental Section during the CEQA public review period. This way, any environmental concerns the State Water Board has about the project can be addressed early in the process.

REQUIRED DOCUMENTS

The Environmental Section within DFA requires the documents listed below to complete the environmental review:

1. **Draft and Final Environmental Documents** – Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, Notice of Exemptions, as appropriate for the project;

2. **All comments** – that were received during the public review period and the Lead Agency's responses to those comments;

3. **Adopted Mitigation Monitoring and Reporting Plan** – this is separate from, and in addition to, the identification of mitigation measures in the CEQA document;

4. **Resolution/Minutes** – these document that the applicant adopted or certified the CEQA document, made CEQA findings, and approved the project;

5. **Date-stamped copy of the Notice of Determination or Notice of Exemption** – these result after filing of the document with the County Clerk and the Governor's Office of Planning and Research; and

6. **Completed Environmental Package** – this is a component of the Funding Application.

Once the State Water Board receives all the required documents and determines them to be adequate to make its own findings, the environmental review for the funding application will be completed.

CONTACT INFORMATION

For more information about the State Water Board's environmental review process, please visit our website: *https://www.waterboards.ca.gov/water_issues/programs/grants_loans/environmental_requirements.html*

CALIFORNIA
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

GUIDELINES FOR APPLICANTS AND THEIR CONSULTANTS ON PREPARING HISTORIC PROPERTY IDENTIFICATION REPORTS FOR THE CLEAN AND DRINKING WATER STATE REVOLVING FUND (SRF) PROGRAMS

All applicants seeking Clean Water or Drinking Water SRF financing for construction projects from the State Water Resources Control Board (State Water Board), Division of Financial Assistance (DFA), must comply with both California Environmental Quality Act (CEQA) and the federal cross-cutting regulations. CEQA requires public agencies to assess the impacts of their projects on historical resources. In addition to CEQA, Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (Section 106), requires federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. (Tip: "undertaking" is a NHPA term equivalent to "project" in CEQA). A historic property is a prehistoric or historic district, site, building, structure, or object that is eligible for or listed on the National Register of Historic Places (NRHP).

The State Water Board administers the SRF Programs. The SRF Programs are partially funded by annual capitalization grants from the United States Environmental Protection Agency (USEPA). Issuance of SRF funds by the State Water Board is considered equivalent to a federal action, thereby necessitating compliance with Section 106. The USEPA has delegated lead agency responsibility to the State Water Board for carrying out the requirements of Section 106.

The State Water Board requires the applicant to provide a complete environmental package with their financial assistance application. The Historic Property Identification Report (HPIR) is key to showing a reasonable and good faith effort was made to identify historic properties. The State Water Board uses this report to make NRHP eligibility determinations and to support the State Water Board's finding of effect for the undertaking. Documentation of concluded consultation with the State Historic Preservation Officer (SHPO) is required to illustrate compliance with NHPA. The HPIR is part of the State Water Board's submittal to the SHPO.

SHPO CONSULTATION

The State Water Board is responsible for SHPO consultation. Submit two hard copies of the final HPIR to the State Water Board. One hard copy of the report will be submitted to the SHPO as part of the State Water Board's consultation package and one will be kept on file.

BEFORE HIRING A CULTURAL RESOURCES CONSULTANT

If you think your project is the type of activity that does not have the potential to cause effects on historic properties, contact DFA, Senior Cultural Resources Officer (CRO)

before contracting a cultural resources consultant. This decision is based on the nature of the undertaking, not on the presence or absence of cultural resources. If the State Water Board determines the undertaking does not have the potential to cause effects, no further study is required. Projects like this would likely involve no ground disturbance, no modification of buildings, and be exempt under CEQA (e.g. replacing standard meters with AMR meters or re-coating tank interiors).

If the CRO determines that the undertaking is a type of activity that has the potential to cause effects, an HPIR will be required, even if the project is exempt from CEQA. Many applicants may have already had a cultural resources report completed for CEQA compliance. Those reports may be used to partially fulfill the requirements of Section 106. Be aware that cultural resources reports written for CEQA assessments often need to be revised or supplemented with additional information to meet NHPA requirements, especially when resources are present in the project footprint (called the area of potential effects [APE] in NHPA).

PROFESSIONAL QUALIFICATION STANDARDS

The HPIR must be prepared by a Principal Investigator(s) who meets the Secretary of the Interior's Standards for Professional Qualifications (SIPQS; 62 FR 33708-33723) in the discipline most relevant to the resource types likely to be in the study area. For example, if the undertaking is located in a city center, a qualified architectural historian may be most appropriate. On the other hand, if an undertaking is located in an area that may have Native American archaeological sites, a qualified archaeologist should be employed. Some undertakings may require more than one expertise. The SIPQS is available at https://www.gpo.gov/fdsys/pkg/FR-1997-06-20/pdf/97-16168.pdf.

The report must be attributed to an author and the author must summarize their SIPQS in the report. It is important to note that a graduate degree in the appropriate field and a year full-time experience as a supervisor is required (62 FR 33708-33723). Using unqualified personnel for fieldwork is not acceptable unless accompanied in the field by a SIPQS supervisor.

HISTORIC PROPERTIES IDENTIFICATION REPORT CONTENTS

To comply with NHPA and assist applicants and their consultants, the DFA has prepared these guidelines to help expedite the review and consultation process. Reports not meeting these guidelines will delay the environmental review process.

The HPIR should be a stand-alone document that includes all supporting documentation in the appendices. If the applicant is using information from more than one cultural report, there should be an accompanying explanation of how they relate. A new map showing the APE with resources from all the reports may need to be produced to tie it all together as one submittal.

The State Water Board is responsible for the finding of effect. The HPIR only needs to identify historic properties.

The following is an outline of topics that should be included in the HPIR:

Summary of Findings – This is a succinct synopsis of the report findings, located before the Table of Contents. It is an abstract of the report.

Table of Contents and Table and Figure lists- This allows the reviewer to quickly find information they seek and helps speed up the review process.

Undertaking Description – The undertaking description should include the basic purpose and need and a description and location of the work. It does not need to have technical specifications.

Undertaking Vicinity Map – A map showing the undertaking vicinity or an inset map showing the undertaking location in relation to cities and known landmarks should be included in the report.

Area of Potential Effects – The APE must be described in both horizontal and vertical terms (belowground and aboveground elevation) and should include all components of the undertaking that have the potential to effect cultural resources, such as, construction footprint, staging areas, borrow areas, spoils locations, utility tie-ins, new access roads, vibrations, and visual effects, if applicable. The APE can be contiguous or discontinuous (Tip: If the undertaking is in the early design phase and the exact footprint isn't known, you should start by delineating a "study area", the largest area where work may be done. It is more time efficient to scale a study area down to an APE rather than to add new areas later.)

NOTE – When the APE crosses a historic property, the entire property should be included in the APE, because if part of the property is affected, all of the property, either directly or indirectly, is also affected. See OHP guidance on the APE http://ohp.parks.ca.gov/pages/1071/files/106Checklist_2018_Apr.pdf.

APE Map(s) – The APE map is one of the most important pieces of the HPIR. Provide a map showing the whole APE in an appropriate scale. If there are resources in or near the APE, the APE map should also show all identified resources from both the records search and the survey. The APE and resources should be depicted on one map and additional detail maps may be appropriate when there are resources in or adjacent to the APE. APE detail maps should be depicted at a more detailed scale on an aerial background clearly labeled with APE elements, primary numbers, and street names if appropriate. The entire APE doesn't need to be depicted that way, only the areas that are in or close to resources. At a minimum, maps must have a north arrow, scale bar, scale text, legend, figure number, and title. Resources should also be labeled. Maps produced in GIS are highly encouraged as are digital record search results.

Natural and Cultural Context – A discussion of the undertaking's prehistoric and historic context should be proportionate to the resources identified. Context aids in identification and is also necessary for evaluation. Provide context that is applicable to the study area and resources identified.

Literature Review – At a minimum, the literature review should include a records search from the appropriate regional Information Center of the California Historical Resources Information System with GIS maps of resources and reports (Hand-drawn records search maps are strongly discouraged). Pre-field research should also include a review of historic-era maps (e.g. General Land Office Survey Plats, USGS topographic quadrangles, Rancho maps, Sanborn Fire Maps, official county maps etc. as appropriate).

Tribal and Additional Consulting Party Coordination – Contact the Native American Heritage Commission and request a Sacred Lands File search of the study area or APE and a Native American contact list. Send letters to the tribes and other interested parties, such as local historical societies, with the undertaking description, map, and contact information. Use the State Water Board provided Applicant 106 Template https://www.waterboards.ca.gov/water_issues/programs/grants_loans/docs/nahc_letter_template_tribal_info.docx) for tribal notification letters if possible. Follow-up all letters with a phone call or email to make sure the parties received the information and to answer questions and receive comments. Document all correspondence in a tracking table, like the one provided on our website, and include all correspondence in an appendix to the report. Lack of responses must also be documented.

Field Inspection Methods and Results– Tailor the field methodology to the APE conditions and kinds of resources that may be present. Describe the ground visibility, kind of survey, and transect intervals if used. If only part of the APE was surveyed either provide a map of the portion that was surveyed or describe it accurately enough for someone else to map it. Document all potential historic properties on the appropriate Department of Parks Recreation 523 forms.

NRHP Eligibility– Evaluate all prehistoric and historic-era sites, districts, buildings, structures, objects, and sites of religious and cultural significance in the APE that are 50 years old or older, that have not already had a consensus determination and are potentially significant for the NRHP. A cultural resource is a prehistoric or historic district, site, structure, or object that is at least 50 years old, regardless of historical significance. To qualify as a historic property, it must meet at least one of the four eligibility criteria listed in 36 CFR Section 60.4 and retain sufficient integrity. https://www.nps.gov/nr/publications/bulletins/nrb15/

Evaluations by qualified individuals in the appropriate fields must address each of the four criteria for each resource. If one of the criteria or more apply, the seven characteristics of integrity should also be discussed. A concise and rational argument for or against eligibility must be made for each resource. Recommendations without justification or an appropriate level of research are not acceptable.

NOTE: You must evaluate the entire resource, even if only a part of it is in the APE. If that is not feasible for reasons including, lack of access to private property or the scope of the resource is outside the scope of the undertaking, estimated boundaries may be used to set reasonable limits. Boundaries should be based on historic maps or other documentation, and the reasoning behind the estimations explained. Discuss possible solutions with the CRO.

Appendices – Records Search Appendix: All records search data should be provided, including record search letter, maps of previously recorded resources and surveys, all site records from the record search that are in or adjacent to the APE, and Office of Historic Preservation Archaeological Determinations of Eligibility and Historic Properties Directory printouts. Tribal Outreach Appendix: Include the NAHC Sacred Lands File Search request and NAHC response, letters to and from tribes, copies of email responses from tribes, and a communications log detailing all correspondence including follow-up phone calls.

PRECAUTIONS

The following are common areas where cultural resources reports prepared for CEQA fall short of what is required under Section 106.

- A potential historic property is identified in the APE, but not evaluated. A cultural resource is not a historic property until it has been evaluated and found to be historically significant. If a resource is evaluated, it must also be documented on DPR forms.

- Evaluating a portion of a site or district is not acceptable. If an undertaking effects part of a historic property, it affects the whole property. The whole property must be evaluated. There are a few exceptions. If evaluation of a large property isn't feasible, discuss with the CRO.

- The APE is deemed "highly sensitive for buried archaeological sites" and monitoring is recommended as a mitigation. If the APE is highly sensitive for buried sites, additional analysis including sub-surface testing will likely be required. Monitoring may not be used as a substitute for thorough identification efforts.

- "The area has already been disturbed by previous construction" is not a sufficient basis for a "No historic properties affected" recommendation. Disturbance may affect the integrity of a portion of a site, but it doesn't mean the whole site has been destroyed or is not eligible for the NRHP. Documentation is still required to demonstrate that the proposed undertaking will not affect historic properties or other sensitive resources, such as human remains.

- Recommendations are made for Inadvertent discovery procedures pursuant to CEQA instead of Section 106 post-review discovery procedures (See 36 CFR Section 800.13[b]).

CONFIDENTIALITY

HPIRs often contain confidential information about the location of archaeological sites. The Applicant or their consultant must provide the confidential version of the report to the State Water Board. Please do not upload confidential HPIRs to the State Water Board Financial Assistance Applications Submittal Tool (FAAST). Instead, send HPIRs directly to one of the cultural resources staff listed below that work in the Division of Financial Assistance. Hard copies can be mailed to State Water Resources Control Board, Division of Financial Assistance (Attn: <insert name>) P.O. Box 100 Sacramento CA 95812-0100.

•Wendy Pierce, Senior Environmental Scientist, at (916) 449-5178, or Wendy.Pierce@Waterboards.ca.gov

•Lisa Machado, Senior Cultural Resources Officer (Senior Environmental Planner) at (916) 323-0626, or Lisa.Machado@Waterboards.ca.gov