United States Department of Agriculture

NRCS

Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C. 20013

December 7, 2011

Mr. Reno Franklin
General Chairman
National Association of Tribal Historic Preservation Officers
Stewarts Point Rancheria Kashia Band of Pomo Indians
3535 Industrial Drive, Suite B-2
Santa Rosa, CA 95403

Dear Mr. Franklin,

The purpose of this letter is to notify your organization of the United States Department of Agriculture, Natural Resources Conservation Service's (NRCS) intent to develop a new nationwide program alternative for compliance with Section 106 of the National Historic Preservation Act. The NRCS is consulting with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation (ACHP), and has initiated consultation with Indian tribes and Native Hawaiian organizations regarding this matter. We would like to invite you to participate in this consultation process.

As you may be aware, the NRCS works with landowners through conservation planning and assistance designed to benefit the soil, water, air, plants, and animals that result in productive lands and healthy ecosystems. Section 106 of the NHPA requires federal agencies, such as the NRCS, to consider the effects of the undertakings we carry out, approve, or fund on historic properties.[1] Where a proposed undertaking may affect historic properties on tribal lands or historic properties of significance to Indian tribes located off tribal lands, the NRCS must consult with officials of those tribes. This process provides Indian tribes an opportunity to participate in federal decision making. To tailor our compliance with Section 106, the NRCS is currently operating under a nationwide 'Programmatic Agreement among the United States Department of Agriculture Natural Resources Conservation Service, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers relative to: Conservation Assistance'. This nationwide programmatic agreement encourages the development of Consultation Protocols with interested federally recognized Indian tribes and Native Hawaiian organizations and State Level Agreements (SLAs) with State Historic Preservation Officers (SHPOs). This current program alternative will expire on May 30, 2012.

In an effort to continue a program of tailored compliance with Section 106, we are contemplating the development of a new nationwide prototype programmatic agreement (prototype agreement). The ACHP can designate an agreement document as a prototype agreement that may be used for the same type of program or undertaking in more than one case or area. Should the ACHP designate a nationwide prototype agreement for the NRCS, individual NRCS State Offices would be able to develop state specific agreements with the relevant Indian tribal government(s), Tribal Historic Preservation Officer (THPO), SHPO, and Native Hawaiian organization(s) following the direction

[1] For more information on the Section 106 process, please visit the ACHP's website, http://www.achp.gov/work106.html.

and principles of the national prototype without need for ACHP participation in consultation or the ACHP's signature.

The consultation process to develop the prototype agreement will focus on the consideration of historic properties that would be affected by NRCS assisted undertakings, and we invite your organization to provide its views and suggestions on this topic. We would like to learn more about experiences your members may have had working with NRCS under its existing nationwide Section 106 programmatic agreement, and/or any issues your organization might identify that should be addressed in the new prototype agreement relating to Section 106 compliance and historic preservation.

To make this effort as transparent as possible, the NRCS and ACHP are considering the development of a webpage that would be hosted through the ACHP's publicly accessible website, www.achp.gov. This webpage would provide current information on the development of the prototype agreement, the program schedule, draft documents for review and comment, and contact information for the relevant NRCS and ACHP staff.

Further, to allow the NRCS' current Section 106 program to continue while a new nationwide program alternative is considered, we are contemplating a proposal to amend the existing nationwide programmatic agreement to extend its duration beyond the expiration date. We would anticipate this limited extension lasting no longer than six months. We would welcome your thoughts and suggestions on such a proposal.

If your organization is interested in participating in the consultation process to develop the prototype agreement, please notify me via phone (202) 720-4912 or email sarah.bridges@wdc.usda.gov. Thank you in advance for your time in this initiative.

Sincerely,

Sarah Bridges
Federal Preservation Officer and National Cultural Resources Specialist
Ecological Sciences Division

cc. Kelly Fanizzo, NRCS Liaison/Attorney Advisor, ACHP
Valerie Hauser, Director, Office of Native American Affairs, ACHP