PROTOTYPE PROGRAMMATIC AGREEMENT BETWEEN THE US DEPARTMENT OF AGRICULTURE, IOWA NATURAL RESOURCES CONSERVATION SERVICE (NRCS), AND THE IOWA STATE HISTORIC PRESERVATION OFFICER (SHPO) REGARDING CONSERVATION ASSISTANCE

WHEREAS, the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) administers numerous voluntary assistance programs, special initiatives, and grant and emergency response programs for soil, water, and related resource conservation activities available to eligible private producers, States, commonwealths, Federally Recognized Tribal governments, other government entities, and other applicants for conservation assistance, pursuant to the Agricultural Act of 2014 (2014 Farm Bill, Public Law 113-79); Soil Conservation and Domestic Allotment Act of 1935 (Public Law 74-46, 16 U.S.C. 590 a-f, as amended); the Flood Control Act of 1944 (Public Law 78-534, as amended); the Watershed Protection and Flood Prevention Act (Public Law 83-566, as amended, 16 U.S.C. 1001-1012); the Agricultural and Food Act of 1981 (Public Law 97-98, 95 Stat. 1213); the Agricultural Credit Act (Public Law 95-3341, Title IV, Section 403); Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624); the Flood Control Act of 1936 (Public Law 74-738); the Food Security Act of 1 *985* (Public Law 99-198, as amended); the Federal Agricultural Improvement and Reform Act of 1996 (Public Law 104-127); and executive and secretarial orders, implementing regulations and related authorities; and

WHEREAS, NRCS, through its conservation assistance programs and initiatives, provides assistance for activities with the potential to affect historic properties eligible for or listed in the National Register of Historic Places (NRHP), including National Historic Landmarks (NHLs) and therefore constitute undertakings subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f, and its implementing regulations, 36 CFR Part 800, including the provisions of these regulations addressing NHLs at 36 CFR Part800.10; and

WHEREAS, NRCS has determined that the requirement to take into account the effects to historic properties of its undertakings may be more effectively and efficiently fulfilled through the use of a Prototype Programmatic Agreement (Prototype Agreement); and

WHEREAS, the NRCS Iowa State Office has consulted with the Iowa State Historic Preservation Officer (SHPO) and followed the instructions in the Advisory Council on Historic Preservation (ACHP) letter that that accompanied the Prototype Agreement, dated November 21, 2014; and

WHEREAS, NRCS also is responsible for fulfilling the requirements of the National Environmental Policy Act (NEPA), including the use of categorical exclusions, and coordinating NEPA and Section 106 reviews, as appropriate; and

WHEREAS, NRCS developed this Prototype Agreement in consultation with the National

Conference of State Historic Preservation Officers (NCSHPO) and its members, interested Indian tribes, Native Hawaiian organizations, interested historic preservation organizations, (such as the National Trust for Historic Preservation), and the ACHP; and

WHEREAS, in accordance with 36 CFR Part 800.14(b)(4), the ACHP has designated this Agreement as a Prototype Agreement, which allows for the development and execution of subsequent -prototype agreements by individual NRCS State office(s) (State-based Prototype Agreements) to evidence compliance with Section 106; and

WHEREAS, this State-based Prototype Agreement conforms to the NRCS Prototype Agreement as designated by the ACHP on November 21, 2014, and therefore, does not require the participation or signature of the ACHP when the NRCS State Office and the SHPO agree to the terms of the State-based Prototype Agreement; and

WHEREAS, this Prototype Agreement replaces the 2002 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," as amended in 2011 and 2012, which expired on November 20, 2014; and

WHEREAS, the NRCS State Conservationist is the responsible federal agency official within the state for all provisions of Section 106, including consultation with the SHPO, Native Hawaiian Organizations (NHO)s, and government to government consultation with Indian tribes to negotiate the State-based Prototype Agreement; and

WHEREAS, this Agreement does not apply to undertakings occurring on or affecting historic properties on Tribal lands, as defined by Section 301(14) of the NHPA, without prior agreement and execution of a State-based Prototype Agreement with the concerned Indian tribe; and

WHEREAS, the NRCS has consulted with Flandreau Santee Sioux Tribe of South Dakota, Ho-Chunk Nation of Wisconsin, Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Lower Sioux Indian Community in the State of Minnesota, Omaha Tribe of Nebraska, Otoe-Missouria Tribe of Indians, Oklahoma, Prairie Island Indian Community in the State of Minnesota, Sac and Fox Nation of Missouri in Kansas and Nebraska, Sac and Fox Nation of Oklahoma, Sac and Fox Nation, Oklahoma, Sac and Fox Tribe of the Mississippi in Iowa, Santee Sioux Nation, Nebraska, Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota, Spirit Lake Tribe, North Dakota, Upper Sioux Community, Minnesota, Winnebago Tribe of Nebraska, Yankton Sioux Tribe of South Dakota, and has invited those tribes to enter into this State-based Prototype Agreement as a signatory/concurring party; and

WHEREAS, this Prototype Agreement does not modify the NRCS' responsibilities to consult with Indian tribes and NHOs on all undertakings that might affect historic properties and properties of religious and cultural significance to them, regardless of where the undertaking is located, without prior agreement by the concerned Indian tribe or NHOs, and recognizes that historic properties of religious and cultural significance to an Indian tribe or NHOs may be located on ancestral homelands or on officially ceded lands near or far from current settlements; and

WHEREAS, when NRCS conducts individual Section 106 reviews for undertakings under this State-based Prototype Agreement, it shall identify and invite other agencies, organizations, and individuals to participate as consulting parties; and

NOW, THEREFORE, the NRCS Iowa state office and the Iowa SHPO agree that undertakings in Iowa State shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

NRCS shall ensure that the following stipulations are met and carried out:

I. Applicability.

a. Once executed by the NRCS and the Iowa SHPO/Indian tribes, this State-based Prototype Agreement (Agreement) sets forth the review process for all NRCS undertakings subject to Section 106 in Iowa.

b. Execution of this State-based Prototype Agreement supersedes any existing State Level Agreement with the Iowa SHPO and/or consultation protocols with Indian tribes executed under the previous NRCS nationwide Programmatic Agreement, but does not replace any existing project-specific Section 106 agreements (Memoranda of Agreement or Programmatic Agreements).

c. This Agreement applies only when there is a Federal Preservation Officer (FPO) in the NRCS National Headquarters (NHQ) who meets the Secretary of the Interior's Professional Qualification Standards (48 FR 44716).

d. This Agreement applies only where there is staffing or access to staffing (through contracted services or agreements with other agencies or Indian tribes) who meet the Secretary of Interior's Professional Qualification Standards in the Iowa NRCS organization.

II. Roles and Professional Qualifications.

a. The NRCS State Conservationist is responsible for oversight of its performance under this Agreement.

b. NRCS Iowa shall ensure all NRCS staff or individuals carrying out Section 106 historic preservation compliance work on its behalf, including the NRCS Iowa State Cultural Resources Specialist (CRS), are appropriately qualified to coordinate the reviews of resources and historic properties as applicable to the resources and historic properties being addressed (site, building, structure, landscape, resources of significance to Indian tribes, and other concerned communities). Thus, these staff and consultants must meet the Secretary of the Interior's Professional Qualification Standards and have the knowledge to assess the resources within an undertaking's area of potential effects (APE).

c. The NRCS State Conservationist is responsible for consultation with the Iowa SHPO, and government to government consultation with Indian tribes and/or their Tribal Historic Preservation Officer (THPO) to develop consultation protocols. These responsibilities may not be delegated to any other staff, nor carried out on behalf of NRCS by another federal agency.

d. The NRCS CRS and/or professional consultants shall provide technical historic property and resource information to the NRCS State Conservationist for use in Section 106 findings and determinations, after appropriate consultations with the SHPO, Indian tribes, and discussions with the landowner. The CRS shall monitor and oversee the work and reporting of all NRCS field office personnel and professional service consultants. The CRS shall also assist the NRCS State Conservationist in determining whether an undertaking has the potential to affect historic properties, triggering Section 106 review, pursuant to 36 CFR Part 800.3(a).

e. NRCS field office personnel involved in implementing this Agreement, after completion of NRCS' web, classroom, and field awareness training acquired through USDA's AgLearn training site, shall work with the CRS, as feasible, in completing historic preservation compliance (Section 106) field records for the agricultural producer's (NRCS' client or voluntary applicant for assistance) files and for use in producing initial historic property identification records (as set forth and outlined in NRCS' operational guidance, the National Cultural Resources Procedures Handbook, Title 190, Part 601).

f. The CRS in Iowa shall oversee development of the scopes of work for investigation of the APEs for identified undertakings (see 36 CFR Part 800.4). The process for investigations will be that laid out in the "Cultural Resources Flowchart for Field Offices (Flowchart)" included in APPENDIX D. The completion of that process will be noted on a copy of the Flowchart which will become part of the client case file. The NRCS may use professional service contractors or consultants or partners to assist with cultural resources compliance studies. NRCS shall ensure these contractors meet the Secretary of Interior's Professional Qualifications Standards.

g. NRCS remains responsible for all consultation with the Iowa SHPO and Indian tribes and THPOs, and all determinations of NRHP eligibility and effect. NRCS may not delegate consultation for findings and determinations to professional services consultants or producers/applicants for conservation assistance.

h. The Iowa SHPO AND Indian Tribes, if provided sufficient data on a proposed undertaking and APE for the proposed undertaking by Iowa NRCS shall consult and provide a response to NRCS within 30 calendar days. The definition of sufficient data is provided in 36 CFR Part 800.11.

i. The ACHP shall provide technical guidance, participate in dispute resolution, and monitor the effectiveness of this Agreement, as appropriate.

j. The NRCS will, when appropriate, provide information to clients on how clients can, if they choose, share archaeological information with the Office of the State Archaeologist and the SHPO on land not part of the NRCS undertaking.

III. Training.

a. NRCS shall require personnel conducting cultural resources identification and evaluation work to complete, at a minimum, the NRCS Web-based (in USDA AgLearn) and field Cultural Resources Training in modules and the ACHP's *Section 106 Essentials* course.

b. NRCS shall require CRS and/or other NRCS personnel overseeing cultural resource work to take the NRCS Cultural Resources Training Modules (awareness training) and the ACHP's

Section 106 Essentials course, or a course with similar content, if approved by the NRCS Federal Preservation Officer (FPO). Training must be completed within the first calendar year after execution of this Agreement. NRCS personnel shall review and update training completion with their supervisors and include their training in their Individual Development Plans.

c. NRCS may invite the SHPO/Indian tribes or staff to participate in presentations at agency classroom or field trainings.

d. NRCS shall encourage all personnel conducting or overseeing cultural resources work to take additional appropriate specialized training as provided by the SHPO, Indian tribes, the ACHP, National Park Service, General Services Agency or other agencies, as feasible.

IV. Lead Federal agency.

a. For any undertaking for which the NRCS is the lead federal agency for Section 106 purposes per 36 CFR Part 800.2(a)(2), NRCS staff shall follow the terms of this Agreement. NRCS shall notify the SHPO/Indian tribes of its involvement in the undertaking and the involvement of the other federal agencies.

b. For any undertaking for which the NRCS is not the lead federal agency for Section 106 purposes, including those undertakings for which the NRCS provides technical assistance to other USDA or other federal agencies, the terms of this Agreement shall not apply to that undertaking. If the lead federal agency agrees, NRCS may follow the approved alternative procedures in place for that agency.

V. Review Procedures.

a. In consultation with the Iowa SHPO/Indian tribes, NRCS shall identify those undertakings with little to no potential to affect historic properties and list those undertakings in Appendix A. Upon the determination by the CRS that a proposed undertaking is included in Appendix A, the NRCS is not required to consult further with the SHPO/Indian tribes for that undertaking.

b. The list of undertakings provided in the Appendix A may be modified through consultation and written agreement between the NRCS State Conservationist and the SHPO/Indian tribes without requiring an amendment to this Agreement. The NRCS State office will maintain the master list and will provide an updated list to all consulting parties with an explanation of the rationale (metadata) for classifying the practices accordingly.

c. Undertakings not identified in Appendix A shall require further review as outlined in Stipulation V.(c.) The NRCS shall consult with the SHPO/Indian tribes to define the undertaking's APE, identify and evaluate historic properties that may be affected by the undertaking, assess potential effects, and identify strategies for resolving adverse effects prior to approving the financial assistance for the undertaking.

    1. NRCS may provide its proposed APE, identification of historic properties and/or scope of identification efforts, and assessment of effects in a single transmittal to the SHPO/Indian tribes, provided this documentation meets the substantive standards in 36 CFR Part 800.4-5 and 800.11.

2. The NRCS shall attempt to avoid adverse effects to historic properties whenever possible; where historic properties are located in the APE, NRCS will consider alternatives and shall describe how it proposes to modify, buffer, or move the undertaking to avoid adverse effects to historic properties.
3. Where the NRCS proposes a finding of "no historic properties affected" or "no adverse effect" to historic properties, the SHPO/Indian tribes shall have 30 calendar days from receipt of this documented description and information to review it and provide comments. The NRCS shall take into account all timely comments.

   If the SHPO/Indian tribes, or another consulting party, disagrees with NRCS' findings and/or determination, it shall notify the NRCS within the 30 calendar day time period. The NRCS shall consult with the SHPO/Indian tribes or other consulting party to attempt to resolve the disagreement. If the disagreement cannot be resolved through this consultation, NRCS shall follow the dispute resolution process in Stipulation VIII below.

   i. If the SHPO/Indian tribes does not respond to the NRCS within the 30 calendar day period and/or the NRCS receives no objections from other consulting parties, or if the SHPO/Indian tribes concurs with the NRCS' determination and proposed actions to avoid adverse effects, the NRCS shall document the concurrence/lack of response within the review time noted above, and may move forward with the undertaking.
4. Where a proposed undertaking may adversely affect historic properties, NRCS shall describe proposed measures to minimize or mitigate the adverse effects, and follow the process in 36 CFR Part 800.6, including consultation with other consulting parties and notification to the ACHP, to develop a Memorandum of Agreement to resolve the adverse effects.

VI. Emergency and Disaster Management Procedures (Response to Emergencies)

a. NRCS shall notify the SHPO/Indian tribes immediately or within 48 hours of the emergency determination, following the NRCS' Emergency Watershed Program (EWP) final rule (see Section 216, P.L. 81-516 Final Rule, 7 CFR Part 624 (April 2005).

b. The NRCS State office shall follow these procedures for exigency (following the rules for NRCS' (EWP) regarding immediate threat to life and property requiring, response within 5 days) in consultation with the SHPO and Indian Tribes.

c. If the NRCS State office has not developed specific procedures for responding to exigencies, the NRCS shall follow the recently approved guidelines for Unified Federal Review issued by the Department of Homeland Security, Federal Emergency Management Agency (DHS, FEMA), the Council on Environmental Quality (CEQ), and the ACHP in July 2014, or the procedures in 36 CFR Part 800.12(b).

VII. Post-review discoveries of cultural resources or historic properties and unanticipated effects to historic properties.

a. Where construction has not yet begun and a cultural resource is discovered after Section106

review is complete, the NRCS shall consult to seek avoidance or minimization strategies in consultation with the SHPO/Indian tribes, and/or to resolve adverse effects in accordance with 36 CFR Part 800.6.

b. The NRCS shall ensure that every contract for assistance includes provisions for halting work/construction in the area when potential historic properties are discovered or unanticipated effects to historic properties are found after implementation, installation, or construction has begun. When such a discovery occurs, the producer who is receiving financial assistance or their contractor shall immediately notify the NRCS State Conservationist's Office, CRS, supervisory NRCS personnel for the area, and the landowner/applicant.

    1. NRCS CRS shall inspect the discovery within 24 hours, if weather permits, and in consultation with the local NRCS official (field office supervisor or District or Area Conservationist), concerned Indian tribes, the SHPO, the NRCS State engineering or program supervisor, as appropriate), the landowner/producer (whomever NRCS is assisting), the CRS shall establish a protective buffer zone surrounding the discovery. This action may require inspection by tribal or THPO cultural resources experts in addition to the CRS.

    2. All NRCS contact with media shall occur only under the direction of the NRCS Public Affairs Officer, as appropriate, and the NRCS State Conservationist.

    3. Security shall be established to protect the resources/historic properties, workers, and private property. Local law enforcement authorities will be notified in accordance with applicable State law and NRCS policy in order to protect the resources. Construction and/or work may resume outside the buffer only when the NRCS State Conservationist determines it is appropriate and safe for the resources and workers.

    4. NRCS CRS shall notify the SHPO, Indian Tribes and the ACHP no later than 48 hours after the discovery and describe NRCS' assessment of the National Register eligibility of the property, as feasible and proposed actions to resolve any adverse effects to historic properties. The eligibility determination may require the assessment and advice of concerned Indian tribes, the SHPO, and technical experts (such as historic landscape architects) not employed by NRCS.

    5. The SHPO, Indian Tribes and ACHP shall respond within 48 hours from receipt of the notification with any comments on the discovery and proposed actions.

    6. NRCS shall take any comments provided into account and carry out appropriate actions to resolve any adverse effects.

    7. NRCS shall provide a report to the SHPO, Indian Tribes and the ACHP of the actions when they are completed.

c. When human remains are discovered, the NRCS shall follow all applicable Federal, tribal, and state burial laws and ordinances, including the Native American Graves Protection and Repatriation Act, and implementing regulations, when on tribal or Federal lands, and related human rights and health statutes, where appropriate. NRCS shall also refer to the ACHP's Policy Statement regarding *Treatment of Burial Sites, Human Remains and Funerary Objects* and the ACHP's Section 106 Archaeology Guidance. NRCS shall also follow

USDA and NRCS policy on treatment of human remains and consultation.

1. Human remains. Iowa law protects all human burials, regardless of historical age, sex, or cultural/ethnic affiliation. The NRCS shall observe the following procedures in the event that construction or project planning and testing, such as archaeological investigations, encounter human remains.
2. In the event that construction activities or project planning and testing, such as archeological investigations encounter human remains or burials, work shall cease in the area. The NRCS shall take appropriate steps to secure the site and notify officials at the Bioarcheology Program at the Office of the State Archaeologist (OSA) (phone 319-384-0740) and the SHPO.
3. If the remains appear to be ancient (i.e., older than 150 years), the Bioarcheology Program at OSA shall have jurisdiction in accordance with Chapter 263 of the Iowa Code. The NRCS will follow any procedures recommended or required by the OSA.
4. Human remains less than 150 years old are protected under Chapter 566 of the Iowa Code. In the event that project activities encounter human remains appearing less than 150 years in age, the NRCS shall notify the appropriate law enforcement authorities and the Iowa Department of Health.

VIII. Dispute resolution.

a. Should any consulting or signatory party to this Agreement object to any actions proposed or the manner in which the terms of this Agreement are implemented, the NRCS State Conservationist and CRS shall consult with such party to resolve the objection. If the NRCS State Conservationist determines that such objection cannot be resolved, he or she will:
    1. Forward all documentation relevant to the dispute, including the NRCS State Conservationist's proposed resolution, to the NRCS FPO and Senior Policy Official (SPO Deputy Chief for Science and Technology) and the ACHP. The ACHP shall provide the FPO, SPO, and NRCS State Conservationist with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRCS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and any signatory or consulting parties, and provide them with a copy of this written response. NRCS will then proceed according to its final decision.
    2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, NRCS may make a final decision on the dispute and proceed. Prior to reaching such a final decision, NRCS shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties, and provide them and the ACHP with a copy of the written response.

b. The NRCS responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remains unchanged.

c. Any consulting party to Agreement may request the ACHP provide its advisory opinion

regarding the substance of any finding, determination, or decision regarding compliance with its terms.

d. At any time during the implementation of this Agreement, a member of the public may submit an objection pertaining to this Agreement to the NRCS State Conservationist, in writing. Upon receiving such an objection, the NRCS State Conservationist shall notify the NRCS SPO and FPO, the SHPO, take the objection into account, and consult with other consulting parties as appropriate to resolve the objection. The NRCS State Conservationist shall notify the SPO, FPO, and SHPO of the outcome of this process.

IX. Public Involvement

The NRCS State Conservationist will ensure the public is involved in the development of this State-based Prototype Agreement and participates in Section 106 review as set forth above in Section V. The NRCS State Conservationist will provide the State Technical Committee an opportunity for review and comment on this Agreement. The NRCS State Conservationist will also provide the State Technical Committee with opportunities for the State Technical Committee to participate in Section 106 review as set forth above in Section V.

X. Annual reporting and monitoring.

a. Every year following the execution of this Agreement, commencing November 15, 2016, until it expires or is terminated, the NRCS State Conservationist shall provide all consulting parties (including those parties who participate in the consultation but do not sign this Agreement) and the FPO a summary report detailing work undertaken pursuant to its terms, including a list of undertakings falling under Appendix A as well as undertakings that required further review; a summary of the nature and content of meetings held with SHPOs and Indian tribes; and an assessment of the overall effectiveness of the Agreement. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in NRCS' efforts to carry out the terms of this Agreement.

   1. The NRCS FPO shall use the state reports to provide, through the NRCS SPO, an annual report to the ACHP.

   2. The NRCS State Conservationist shall use the state report to assess the need for annual meetings with the SHPO and Indian tribes each fiscal year.

b. The NRCS State Conservationist will participate in an annual review with the NRCS Regional Conservationist regarding the effectiveness of the prototype agreement and submit a written (email) report following this review to the SPO (Deputy Chief for Science and Technology).

c. The NRCS State Conservationist, SHPO, Indian tribes, may request that the ACHP participate in any annual meeting or agreement review.

XI. Compliance with applicable State law and Tribal law (when on Tribal lands).

NRCS shall comply with relevant and applicable state law, including permit requirements on state land, and with relevant and applicable tribal law, when on tribal lands.

XII. Duration, Amendment, and Termination.

a. This Agreement takes effect upon the signature of both NRCS and SHPO and shall remain in effect for five years from the date of execution. This Agreement may be extended or amended upon written request of either the NRCS or SHPO, and the subsequent concurrence of the other (s). The amendment will be effective on the date a copy signed by all parties is filed with the NRCS FPO, SPO, and the ACHP. Either NRCS or SHPO may terminate this Agreement with a 60-day written notice to the other (s).

b. If this Agreement is terminated or expires, prior to continuing work on any undertaking, NRCS shall comply with 36 CFR Part 800 for all individual undertakings in Iowa.

c. NRCS will consider requests from other USDA agencies to become a signatory to this Agreement following formal written requests and appropriate discussion with and approval by the NRCS FPO and SPO, and joint USDA Agency -NRCS State Office consultation with the ACHP, NCSHPO, and Indian tribes/THPOs, and other consulting parties, as appropriate. Such inclusion of the USDA agency may require amendment to this Agreement.

XIII. It is Mutually Agreed

a. USDA and SHPO and their respective agencies and offices will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.

b. Nothing in this Agreement shall obligate either the NRCS or SHPO to obligate or transfer funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of USDA and SHPO will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This Agreement does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

c. This Agreement is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.

Execution of this Agreement by the NRCS and SHPO and implementation of its terms evidence that NRCS has taken into account the effects of its undertakings in Iowa on historic properties and afforded the ACHP a reasonable opportunity to comment.

Signatory Parties

1-20-2017

State Conservationist, Iowa Natural Resources Conservation Service Date

20 JAN 2017

Deputy Iowa State Historic Preservation Date

Invited Signatories/Concurring Parties

No tribes responded with either an objection to this Agreement or a stated desire to participate as a signatory to this Agreement.

APPENDIX A

LIST OF UNDERTAKINGS REQUIRING NO FURTHER SECTION 106 REVIEW BY IOWA NRCS

Pursuant to Stipulation V.a. above, in consultation with the Iowa SHPO, the NRCS, through the qualified CRS as described in Stipulation II.b., has determined that the following undertakings have little or no potential to affect historic properties. The NRCS is not required to consult further with the SHPO under Section 106 for any undertakings that are included in this appendix.

REQUIRES NO FURTHER SECTION 106 REVIEW

Code	Conservation Practice Name
591	Amendments for the Treatment of Agricultural Waste
310	Bedding
672	Building Envelope Improvement
372	Combustion System Improvement
327	Conservation Cover
328	Conservation Crop Rotation
332	Contour Buffer Strips
330	Contour Farming
340	Cover and Crop
647	Early Successional Habitat Development/Management
592	Feed Management
386	Field Border
393	Filter Strip
399	Fish Pond Management
511	Forage Harvest Management
595	Integrated Pest Management
484	Mulching
590	Nutrient Management
512	Forage and Biomass Planting
528	Prescribed Grazing
329	Residue Management, No Till and Strip Till
345	Residue Management, Reduced Till
643	Restoration and Management of Declining Habitats
390	Riparian Herbaceous Cover
570	Stormwater Runoff Control
585	Stripcropping
645	Upland Wildlife Habitat Management
633	Waste Recycling
351	Well Decommissioning
644	Wetland Wildlife Habitat Management

REQUIRES NO FURTHER SECTION 106 REVIEW WITH CONDITIONS

Code	Conservation Practice Name	Condition
472	Access Control	Fence post diameter is less than 12 inches, and no land leveling
316	Animal Mortality Facility	No burial pit is involved
314	Brush Management	No dozing, snagging or grubbing
326	Clearing and Snagging	If in the river or hung up on an obstacle and does not involve burial of non-combustible material
317	Composting Facility	No ground disturbance
589C	Cross Wind Trap Strips	No ground disturbance below the plow zone
375	Dust Control from Animal Activity on Open Lot Surfaces	No ground disturbance
382	Fence	Fence post diameter is less than 12 inches, and no land leveling
666	Forest Stand Improvement	No removal of logs by dragging
422	Hedgerow Planting	Ground disturbance is confined to the plow zone
430	Irrigation Pipeline	No ground disturbance
500	Obstruction Removal	No ground disturbance
338	Prescribed Burning	No pre-Euro-American-settlement culturally modified trees are present
533	Pumping Plant	No ground disturbance
391	Riparian Forest Buffer	Ground disturbance depth is less than post-settlement alluvium (PSA) or the plow zone
558	Roof Runoff Structure	No ground disturbance
325	High Tunnel System	No grading required
572	Soil Spreading	Done over cultivated ground
612	Tree/Shrub Establishment	Ground disturbance depth is less than the plow zone
634	Waste Transfer	No ground disturbance

629	Waste Treatment	No ground disturbance
380	Windbreak/Shelterbelt Establishment	Ground disturbance depth is less than the plow zone
650	Windbreak/Shelterbelt Renovation	Ground disturbance depth is less than the plow zone

APPENDIX B
PROCEDURES FOR EMERGENCY RESPONSE
(RESERVED)

GLOSSARY OF ACRONYMS USED IN THIS DOCUMENT

ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effect—from ACHP regulations 36 CFR Part 800
ARC	Area Resource Conservationist (for NRCS)
CEQ	Council on Environmental Quality
CRS	Cultural Resources Specialist (NRCS—meets Secretary of Interior's Professional Qualification Standards, generally an archaeologist or historian)
DHS	Department of Homeland Security
EWP	Emergency Watershed Program (NRCS program)
FEMA	Federal Emergency Management Agency
FPO	Federal Preservation Officer (Federal Preservation Officer)
NCSHPO	National Conference of State Historic Preservation Officers
NEPA	National Environmental Policy Act
NHL(s)	National Historic Landmark(s)
NHPA	National Historic Preservation Act
NHQ	National Headquarters (NHQ)
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
SHPO	State Historic Preservation Officer
SPO	Senior Policy Official (NRCS)
THPO	Tribal Historic Preservation Officer
USDA	United States Department of Agriculture

APPENDIX D

Cultural Resources Flowchart for Field Offices

Purpose: To ensure that cultural resource reviews and investigations are conducted according to policy.
Scope: When NRCS is the lead agency and conservation practices are being planned/implemented.

Name _____
Twp_____**Range**_____**Sec** _____
Tract _____
Practices _____

Circle Y or N in appropriate triangles
Attach a map of the project

If human remains, burials, or burial mounds are involved, stop work and contact the NRCS State Office.

For this planned activity the employee will conduct a field investigation for cultural resources. Prior to design, trained Field Office personnel shall determine the undertaking has no potential to affect cultural resources before proceeding. This will be done using the following factors (refer to Iowa Amendment GM-420 and Iowa Amendment to NCRPH for details). Use factors listed below as needed to determine the potential to affect cultural resources.

1. Does the conservation practice have potential to affect a cultural resource? (Y) (N)
2. Does the location have potential for cultural resources (NCRPH Iowa Amendment Appendix B)? (Y) (N)
3. Has the landowner ever seen or collected artifacts on or near the site? (Y) (N)
4. Is background research completed (see NCRPH IA Amend Part 601.22.B.3) including ISITES, atlases, etc.? (Y) (N)
5. Is there an existing cultural resources survey for the area? (Y) (N)
6. Is the site on an alluvial fan? (Y) (N)
7. Have you conducted a field check (with shovel tests if ground is obscured)? (Y) (N)
8. Size and complexity are suitable for Field Office skill levels? (Y) (N). If not, contact ARC.

Date: _____
Initials: _____

Undertaking has the potential to affect a cultural resource (from steps 1-8 above).

N — Date: _____ Initials: _____

Y

Alternate practice or location available

Y

N

Date: _____
Initials: _____

Request assistance through ARC.

Date: _____
Initials: _____

Concurrence on potential effect by State Office archaeologist.

N

Y

Date: _____
Initials: _____

Field Office terminates the technical assistance and notifies the producer.

Date: _____
Initials: _____

Process completed. Record on CPA-52 Environmental Evaluation Worksheet and attach completed flowchart to CPA-52.
Enter into PRS
In the event that during construction there is a discovery of cultural resources, stop work immediately and contact State Office.