

Summary of Comments received during NRCS Teleconferences with State Historic Preservation Officers (SHPOs)

These summary statements reflect comments made by SHPOs during NRCS-hosted teleconferences. NRCS intends to discuss these comments through further consultation and where needed, provide additional information to clarify any points of confusion.

The NRCS welcomes your comments at any point during this process. Please feel free to use the comment form provided on this website (http://www.achp.gov/docs/programmatic_agreement_form.pdf) or contact Sarah Bridges, NRCS Federal Preservation Officer, directly ((202) 720-4912, sarah.bridges@usda.gov).

SHPO Teleconferences held on Dec 21, 2011; Jan. 17, 2012; and Feb. 2, 2012:

Confusion over applicability of existing nationwide NRCS Programmatic Agreement (PA) in each state without a State Level Agreement (SLA).

Conceptually the prototype programmatic agreement (prototype agreement) seems like a reasonable alternative to replace the existing nationwide PA. Some stated it is a good idea to extend the duration of the existing nationwide PA while consult on new program alternative. There is an opportunity here to look for best practices. Several SHPO representatives stated that based on past experience, NRCS should not have any program alternative and should consult on every project.

Some states are not seeing many projects each year from NRCS; not sure if reporting/notifications are reflecting the actual amount of work or number of projects being done. Need clarification as to when NRCS determines it has an “undertaking” requiring Section 106 review.

Concern that many sites on private land are being discovered and not reported to SHPO. Confusion over what information can be and/or should be shared with SHPO. Appreciate receiving negative findings reports. NRCS policy and operating procedures provide for disclosure of information to SHPOs/THPOs/NHOs needed for consultation and Section 106 compliance

Concerns and confusion about NRCS’ avoidance policy- (1) fear that avoidance policy is causing projects to be cancelled unnecessarily to avoid all impacts to historic properties (and then sites not reported to SHPO), and (2) fear that NRCS is making determinations about how to avoid historic properties without consultation with SHPO (i.e., NRCS is reaching no historic properties findings without consultation or concurrence.)

Ongoing challenge is the lack of or insufficient NRCS staffing (archaeologists) to do work in each state. Challenge when no Cultural Resource Specialist in state (slows process and deters projects with a cultural resources component). NRCS should not use consultants or long-term contractors to conduct identification and evaluation studies.

Lack specialists and focus on above-ground resources, e.g., architectural historians. Should incorporate other property types and appropriate identification/evaluation efforts in training and reviews.

Need to clarify that SLA with SHPO does not modify consultation with tribes. But not sure it is practical to have a single agreement with NRCS, SHPO, and all tribes interested in one state.

New program alternative should:

- provide guidance on what to include in (annual and other) reports.
- include more emphasis on training at national level.
- clarify qualifications and roles for NRCS folks doing cultural resources work.
- provide more follow up for non-compliance; e.g., monitoring, reporting, meetings, incorporated in national agreement and state level agreements; guidance alone may not be enough. Already in the nPA and a requirement for SLAs and consultation protocols. There is an issue if the NRCS State Office and/or SHPO/THPO/NHO declines to participate in such agreements.
- require identification of all involved federal, state, tribal agencies upfront, and determine and define the appropriate Section 106 process to follow; when other agencies or programs are involved with NRCS work, should determine who is the lead federal agency and whether to follow NRCS PA/SLA or other agency agreements.

Need for flexibility in new program alternative at the NRCS state office level to modify/tailor prototype PA to specific conditions/situations; should clarify how modifications can be made and to what extent. The prototype template should serve as the basis for the agreements but must be altered to fit the historic and cultural context for each state.