PROTOTYPE PROGRAMMATIC AGREEMENT BETWEEN THE US DEPARTMENT OF AGRICULTURE, ALABAMA NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE and the ALABAMA HISTORICAL COMMISSION 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 Alabama State Office has consulted with the Alabama Historical Commission (State Historic Preservation Officer/SHPO) and followed the instructions in the 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 Advisory Council on Historic Preservation (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/THPO/Indian tribe 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 and government-to-government consultation with Indian tribes to negotiate the State-based Prototype Agreement; and,

WHEREAS, the State-based Prototype 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 Alabama's Poach Creek Indian tribe and has invited the Poarch Creek Indian tribe 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 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 and recognizes that historic properties of religious and cultural significance to an Indian tribe 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;

NOW, THEREFORE, the NRCS Alabama State Office and the Alabama Historical Commission (AHC) agree that undertakings in Alabama 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 AHC (the SHPO in Alabama) this State-based Prototype Agreement sets forth the review process for all NRCS undertakings subject to Section 106 in Alabama.

b. Execution of this State-based Prototype Agreement supersedes any existing State Level Agreement with AHC and/or consultation protocols 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 State-based Prototype 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 State-based Prototype 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 Alabama NRCS state office.

e. The review process outlined in this SPPA only applies to undertakings where NRCS Alabama has been determined to be the lead Federal agency for the purposes of Section 106, and where the undertakings occur exclusively on privately-owned lands.

f. The review process outlined in this SPPA does not apply to NRCS undertakings that occur on Tribal, State, or Federally-managed lands, and does not apply to undertakings where NRCS Alabama functions as a cooperating agency for the purposes of Section 106.

II. Roles and Professional Qualifications.

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

b. Alabama NRCS shall ensure all NRCS staff or individuals carrying out Section 106 historic preservation compliance work on its behalf, including the Alabama NRCS historic preservation professional staff member (the Cultural Resources Specialist or 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 have the knowledge and experience to assess Alabama's cultural resources within an undertaking's area of potential effects (APE).

c. The Alabama State Conservationist is responsible for consultation with the AHC and with government to government consultation with the Poarch THPO and other federally recognized tribes

claiming ancestral lands in Alabama. The consultation responsibilities (with the AHC and tribes) may not be delegated to any other staff, nor carried out on behalf of Alabama NRCS by another federal agency. Alabama NRCS may develop separate tribal consultation protocols as needed.

d. The NRCS Alabama CRS and/or professional consultants shall provide technical historic property and resource information to the State Conservationist for use in Section 106 findings and determinations, after appropriate consultations with the SHPO and 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 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. Alabama NRCS Field Office personnel (including state, county or district technical service providers) involved in implementing this State-based Prototype Agreement, must complete the NRCS' web training acquired through USDA's AgLearn training site, as well as classroom, and field awareness training specific to Alabama NRCS. All Field Office personnel shall coordinate and work with the Alabama CRS to complete historic preservation compliance (Section 106). This work will include limited participation in pedestrian cultural resources inventories and data collection, to be included in field records for the Cooperator's (NRCS' client or voluntary applicant for assistance) files, and participate in the production of initial historic property identification records (as set forth and outlined in the NRCS National Cultural Resources Procedures Handbook, Title 190, Part 601).

f. The CRS in Alabama shall oversee development of the scopes of work for investigation of the APEs for identified undertakings (see 36 CFR Part 800.4). The NRCS may use professional service contractors or consultants or partners to assist with cultural resources compliance studies. Alabama NRCS shall ensure these contractors meet the Secretary of Interior's Professional Qualifications Standards.

g. Alabama NRCS remains responsible for all consultation with the Alabama Historical Commission, the Poarch Creek Tribal Historic Preservation Officer, and Indian tribes and THPOs (with ancestral claims to Alabama) and all determinations of NRHP eligibility and effect. Alabama NRCS may not delegate consultation for findings and determinations to professional services consultants or producers/applicants for conservation assistance.

h. The Alabama Historical Commission, if provided sufficient data on a proposed undertaking and APE for the proposed undertaking by the Alabama NRCS shall consult and provide a response to NRCS within thirty (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.

III. Training.

a. Alabama 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. This cultural

resources training must be completed prior to completing cultural resources compliance work, and must be completed within the first year of employment with the NRCS. The training must be supplemented with a Cultural Resources Refresher Training every five (5) years as part of the NRCS Planner Recertification process.

b. Alabama NRCS will encourage its personnel and conservation partners conducting cultural resources identification and evaluation work to participate in the ACHP's Section 106 *Essentials* course.

c. Alabama NRCS shall require the CRS, Cultural Resources Coordinator (CRC) 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 FPO. Training must be completed previous to or within the first calendar year after execution of this State-based Prototype Agreement. Alabama NRCS personnel shall review and update training completion with their supervisors and include their training in their Individual Development Plans.

d. Alabama NRCS may invite the AHC and THPO(s) staff to participate in presentations at agency classroom or field trainings.

e. Alabama NRCS shall encourage all personnel conducting or overseeing cultural resources work to take additional appropriate specialized training as provided by the AHC, 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), Alabama NRCS staff shall follow the terms of this State-based Prototype Agreement. Alabama NRCS shall notify the AHC and Poarch THPO of its involvement in the undertaking and the involvement of the other federal agencies.

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

V. Review Procedures.

Practices and activities not listed in Appendix A will be presumed to have the potential to impact cultural resources in Alabama until and unless an amendment has been made to this document which places them on this list. Any activity or practice that will result in a potential adverse effect to cultural resources is considered an undertaking regardless of its status relative to the above classifications. Under normal circumstances, a field inspection by trained Field Office personnel shall consist of a pedestrian walkover and a visual inspection of the APE; if surface artifacts or features are discovered, the CRS will be notified. The CRS is considered qualified to perform cultural resources reviews, field inspections, surveys and investigations for all Alabama NRCS activities. All cultural resources

will be recorded on Alabama State Site File forms and submitted to the Alabama State Site Files. All NRCS undertakings and negative findings will be documented in the appropriate Alabama NRCS files and shall be made available for further review by the AHC and THPOs.

a. In consultation with the AHC, Alabama 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 Alabama CRS that a proposed undertaking is included in Appendix A, the Alabama NRCS is not required to consult further with the AHC 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 AHC without requiring an amendment to this State-based Prototype Agreement. The Alabama 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. Alabama NRCS will provide its proposed APE, identification of historic properties and/or scope of identification efforts, and assessment of effects to the AHC, Native American Tribes, and other consulting parties, as appropriate, in a format that meets the standards outlined in 36 CFR Part 800.4-5 and 800.11.

d. Alabama NRCS shall attempt to avoid adverse effects to historic properties whenever possible. Where historic properties are located in the APE, NRCS shall describe how it proposes to modify, buffer, or move the undertaking to avoid adverse effects.

e. Where Alabama NRCS proposes a finding of "no historic properties affected" or "no adverse effect" to historic properties, the AHC, Native American Tribes, and other consulting parties, as appropriate, shall have thirty (30) calendar days from receipt of this documented description and information to review it and provide comments. Alabama NRCS shall take into account all timely comments.

f. If the AHC, Native American Tribes, or another consulting party, disagrees with NRCS' findings and/or determination, it shall notify Alabama NRCS within the thirty (30) calendar day time period. In such cases, Alabama NRCS shall enter into additional consultation with the respective consulting party to attempt to resolve the disagreement. If the disagreement cannot be resolved through this consultation, Alabama NRCS shall follow the dispute resolution process in Stipulation VIII below.

g. If the AHC, Native American Tribes, and other consulting parties, as appropriate, do not respond to the NRCS within the thirty (30) calendar day comment period and/or Alabama NRCS receives no objections from other consulting parties, or if the consulting parties concur with the determination and proposed actions to avoid adverse effects, Alabama NRCS shall document the concurrence/lack of response within the review time noted above, and may move forward with the undertaking.

h. Where a proposed undertaking may adversely affect historic properties, Alabama 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.

1. Alabama 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 AHC provided this documentation meets the substantive standards in 36 CFR Part 800.4-5 and 800.11.

2. Alabama NRCS shall attempt to avoid adverse effects to historic properties whenever possible; where historic properties are located in the APE, Alabama NRCS shall describe how it proposes to modify, buffer, or move the undertaking to avoid adverse effects to historic properties.

3. Where the Alabama NRCS proposes a finding of "no historic properties affected" or "no adverse effect" to historic properties, the AHC shall have thirty (30) calendar days from receipt of this documented description and information to review it and provide comments. Alabama NRCS shall take into account all timely comments.

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

ii. If the AHC does not respond to the Alabama NRCS within the thirty (30) calendar day period and/or the Alabama NRCS receives no objections from other consulting parties, or if the AHC concurs with the Alabama NRCS' determination and proposed actions to avoid adverse effects, the Alabama 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, Alabama 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.

i. All cultural resources will be recorded on Alabama State Site File forms and submitted to the Alabama State Site Files. All NRCS undertakings and negative findings will be documented in the appropriate NRCS files and shall be made available for further review by the AHC and THPO(s). Alabama NRCS will complete its identification responsibilities in consultation with the AHC by:

1. Developing and maintaining a current database, including but not limited to location of cultural resources; and, descriptions of cultural resources (including state of integrity, preservation status, sensitivity to damage, and potential significance).

2. Developing, testing and improving the accuracy of site location in order to organize existing site information and prioritize future survey locations and methods. When subjected to testing, such models may provide the basis for depicting zones of archaeological sensitivity or similar parameters on USGS quadrangle maps or electronic data systems.

3. Providing information on cultural resources significance, including opinions on eligibility with reference to the NR criteria (36CFR 60.4) to the AHC for concurrence.

4. Should the proposed undertaking have the potential to adversely affect a known National Historic Landmark, the NRCS shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to the NHL in accordance with Section 110(f) of the NHPA and 36 CFR Part 800.6 and 800.10, including consultation with the ACHP and respective National Park Service, Regional National Historic Landmark Program Coordinator, to develop a Memorandum of Agreement.

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

a. Alabama NRCS shall notify the AHC 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 prepare 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 AHC. These procedures are appended to this document.

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 Section 106 review is complete, the Alabama NRCS shall consult to seek avoidance or minimization strategies in consultation with the AHC to resolve adverse effects in accordance with 36 CFR Part 800.6.

b. The Alabama 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 Alabama NRCS State Conservationist's Office, CRS, supervisory NRCS personnel for the area, and the landowner/applicant.

1. Alabama NRCS CRS shall inspect the discovery within 24 hours, if weather permits, and in consultation with the local Alabama NRCS official (Field Office supervisor or District or Area Conservationist), concerned Indian tribes, the AHC, the Alabama NRCS State Engineer or Alabama NRCS Assistant State Conservationist for Programs, as appropriate), the client (landowner/producer or whomever NRCS is assisting), the Alabama CRS, CRC or State Conservationist shall establish a protective buffer zone surrounding the discovery. This action may require inspection by AHC staff and tribal experts in addition to the CRS.

2. All Alabama NRCS contact with media shall occur only under the direction of the Alabama NRCS Public Affairs Officer, as appropriate, and the Alabama 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 Alabama State Conservationist determines it is appropriate and safe for the resources and workers.

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

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

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

7. Alabama NRCS shall provide a report to the AHC and the ACHP of the actions when

they are completed.

c. When human remains are discovered, the Alabama 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. Alabama 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. Alabama NRCS shall also follow USDA and NRCS policy on treatment of human remains and consultation.

VIII. Dispute resolution.

a. Should any consulting or signatory party to this State-based Prototype Agreement object to any actions proposed or the manner in which the terms of the agreement are implemented, the Alabama NRCS State Conservationist and CRS shall consult with such party to resolve the objection. If the State Conservationist determines that such objection cannot be resolved, he or she will:

1. Forward all documentation relevant to the dispute, including the 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 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 Alabama NRCS State Office 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 this State-based Prototype 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 the State-base Prototype Agreement, a member of the public may submit an objection pertaining to this agreement to the Alabama NRCS State Conservationist, in writing. Upon receiving such an objection, the State Conservationist shall notify the NRCS SPO and FPO, the AHC and affiliated Indian tribe(s) if warranted, take the objection into account, and consult with other consulting parties as appropriate to resolve the objection. The Alabama NRCS State Conservationist shall notify the SPO, FPO, AHC and/or Indian tribe(s) as warranted of the outcome of this process.

IX. Public Involvement.

The Alabama 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 (reference to other parties).

X. Reporting and Monitoring.

a. Every year following the execution of this agreement, commencing December 1, 2015, until it expires or is terminated, the Alabama NRCS State Conservationist shall provide all consulting parties (including those parties who participate in the consultation but do not sign the 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 AHC and Indian tribes; and an assessment of the overall effectiveness of the State-based Prototype Agreement. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in Alabama 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 Alabama NRCS State Conservationist shall use the state report to assess the need for annual meetings with the AHC and any Indian tribes each fiscal year.

b. The NRCS Alabama State Conservationist, NRCS CRS personnel, the Alabama AHC, Native American Tribes, and other consulting parties, as appropriate, will participate in an annual face- to-face meeting regarding the effectiveness of the SPPA.

c. The Alabama 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).

d. The Alabama NRCS State Conservationist, AHC, and 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).

Alabama 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 of Prototype Agreement.

This State-based Prototype Agreement will be in effect for ten (10) years from the date of execution unless amended or terminated pursuant to Stipulation XIII below.

XIII. Amendment and termination.

a. This State-based Prototype Agreement may be amended if agreed to in writing by all signatories. The amendment will be effective on the date a copy, signed by all of the signatories, is filed with the NRCS FPO, SPO, and the ACHP.

b. If any signatory to this State-based Prototype Agreement, or the ACHP, determines that its provisions will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XII.A. If within 30 calendar days, or other time period agreed upon by the signatories, an amendment cannot be agreed upon, any signatory or the ACHP may terminate the agreement upon written notification to the other signatories.

c. If this State-based Prototype Agreement is terminated, or expires without being extended via the amendment process described above, and prior to continuing work on any undertaking, NRCS shall comply with 36 CFR Part 800 for all individual undertakings in Alabama.

d. Alabama NRCS will consider requests from other USDA agencies to become a signatory to the State-based Prototype 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 State-based Prototype Agreement.

Execution of this State-based Prototype Agreement by the Alabama NRCS and AHC and implementation of its terms evidence that Alabama NRCS has taken into account the effects of its undertakings in Alabama on historic properties and afforded the ACHP a reasonable opportunity to comment.

Ben Malone

Ben Malone, State Conservationist
Alabama State Conservationist

1/5/17
Date

Lisa D. Jones

Lisa D. Jones, Executive Director
Alabama Historical Commission

1.5.2017
Date

APPENDIX A:

LIST OF NRCS UNDERTAKINGS
REQUIRING NO FURTHER SECTION 106 REVIEW
IN ALABAMA

Pursuant to Stipulation V.a. above, in consultation with the Alabama AHC, the Alabama NRCS, has determined that the following undertakings have little or no potential to affect historic properties, therefore Alabama NRCS is not required to consult further with the AHC under Section 106 for any undertaking that is included in this appendix unless a cultural resource is immediately adjacent to (within 300 feet) or in the APE.

A detailed list of Alabama NRCS practices and a brief explanation of each practice's potential for ground-disturbing activities is in Table 1. FY 2016 NRCS Alabama Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties.

Alabama NRCS has determined that a conservation activity, practice, or enhancement has no potential to affect historic properties when the following Exceptions apply:

1. Conservation activities, enhancements, or practices are limited to management.
2. Conservation activities, enhancements, and practices are applied through aerial, chemical, or biological means.
3. Conservation activities, enhancements, and practices are applied manually or with hand-tools.
4. Conservation activities, enhancements, and practices are applied to the modern ground surface and involve no subsurface disturbance.
5. Conservation activities, enhancements, and practices occur within existing tilled soils, croplands, or areas of surface disturbance, and will not exceed the existing depth of tillage or previous disturbance.

If, through the planning process, Conservation Planners determine that a conservation activity, enhancement, or practice meets the criteria for one of the five exceptions listed above, and a cultural resource (historic property) exists in or immediately adjacent to the APE (within 300 feet) then planners shall submit a Cultural Resources Review Form (Appendix D) to the NRCS State CRS for further review. The form shall include a list of all conservation activities, enhancements, and practices that are being planned for the undertaking.

APPENDIX A: Table 1. FY 2016 NRCS Alabama Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties

Table 1. FY 2016 NRCS Alabama Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties			
Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
310	Bedding	Plowing, blading, or otherwise elevating the surface of flat land into a series of broad, low ridges separated by shallow, parallel channels with positive drainage.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
311	Alley Cropping	Trees or shrubs are planted in sets of single or multiple rows with agronomic, horticultural crops or forages produced in the alleys between the sets of woody plants that produce additional products.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
314	Brush Management	The management or removal of woody (non-herbaceous or succulent) plants including those that are invasive and noxious.	This practice has no potential to affect historic properties when occurring on historically tilled ground, or when the practice involves the application of chemical or biological agents.
315	Herbaceous Weed Control	The removal or control of herbaceous weeds including invasive, noxious and prohibited plants.	This practice has no potential to affect historic properties when occurring on historically tilled ground, or when the practice involves the application of chemical or biological agents.
327	Conservation Cover	Establishing and maintaining permanent vegetative cover.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
328	Conservation Crop Rotation	Growing crops in a recurring sequence on the same field to control erosion, improve soil organic matter, balance nutrients, improve water use efficiency, manage saline seeps, manage pests and/or provide food and cover for wildlife.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
329	Residue and Tillage Management, No-Till/Strip Till/Direct Seed	Managing the amount, orientation and distribution of crop and other plant residue on the soil surface year round while limiting soil-disturbing activities to only those necessary to place nutrients, condition residue and plant crops.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
330	Contour Farming	Aligning ridges, furrows, and roughness formed by tillage, planting and other operations to alter velocity and/or direction of water flow to around the hillslope.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
331	Contour Orchard and Other Perennial Crops	Planting orchards, vineyards, or other perennial crops so that all cultural operations are done on or near the contour.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
332	Contour Buffer Strips	Narrow strips of permanent, herbaceous vegetative cover established around the hill slope, and alternated down the slope with wider cropped strips that are farmed on the contour.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
340	Cover Crop	The planting of crops such as grasses, legumes and forbs to provide seasonal cover that will reduce erosion, improve soil organic matter, promote efficient nutrient cycling, fix nitrogen in the soil, suppress weeds, increase biodiversity and/or provide food and cover for wildlife.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
342	Critical Area Planting	Establishment of permanent vegetation on sites that have or are expected to have high erosion rates, and on sites that have physical, chemical or biological conditions that prevent the establishment of vegetation with normal practices.	No potential to affect historic properties when implemented within areas of agricultural development, within the existing depth of tillage, or when applied with aerial seeding.

Table 1. FY 2016 NRCS Alabama Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties			
Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
345	Residue and Tillage Management, Mulch Till	Managing the amount, orientation and distribution of crop and other plant residue on the soil surface year round while limiting the soil-disturbing activities used to grow crops in systems where the entire field surface is tilled prior to planting.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
355	Well Water Testing	Testing the physical, biological, and chemical quality of groundwater from a water well or spring.	All conditions
367	Roofs and Covers	A rigid, semi-rigid, or flexible manufactured membrane, composite material, or roof structure placed over a waste management facility.	No potential to affect historic properties provided that the structure is determined to be less than 50 years old.
371	Air Filtration and Scrubbing	A device or system for reducing emissions of air contaminants from a structure via interception and/or collection.	No potential to affect historic properties provided that the structure is determined to be less than 50 years old.
372	Combustion System Improvement	Installing, replacing, or retrofitting agricultural combustion systems and/or related components or devices for air quality and energy efficiency improvement.	All conditions
373	Dust Control on Unpaved Roads and Surfaces	Controlling direct particulate matter emissions produced by vehicle and machinery traffic or wind action from unpaved roads and other surfaces by applying a palliative on the surface.	All conditions
374	Farmstead Energy Improvement	Development and implementation of improvements to reduce, or improve the energy efficiency of on-farm energy use.	All conditions
382	Fence	A constructed barrier to animals or people.	No potential to affect historic properties when implemented within areas of agricultural development, when installed by hand, when it is temporary, and when installed without the use of heavy equipment to clear vegetation and obstructions.
383	Fuel Break	A strip or block of land on which the vegetation, debris and detritus have been reduced and/or modified to control or diminish the risk of the spread of fire crossing the strip or block of land.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
384	Woody Residue Treatment	The treatment of residual woody material that is created due to management activities or natural disturbances.	No potential to affect historic properties when implemented without physical ground disturbance or burning.
386	Field Border	A strip of permanent vegetation established at the edge or around the perimeter of a field to provide a buffer between cropland and non-cropped areas to reduce cropland impacts and provide wildlife food and cover.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
393	Filter Strip	A strip or area of herbaceous vegetation established on cropland that removes contaminants from overland flow.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.

Table 1. FY 2016 NRCS Alabama Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties			
Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
394	Firebreak	A permanent or temporary strip of bare or vegetated land established to retard the movement of fire.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
399	Fishpond Management	Managing impounded water for the production of fish or other aquatic organisms.	All conditions
412	Grassed Waterway	A shaped or graded channel that is established with suitable vegetation to convey surface water at a non-erosive velocity using a broad and shallow cross section to a stable outlet.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
422	Hedgerow Planting	Establishment of dense vegetation in a linear design to achieve a natural resource conservation purpose	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
442	Irrigation System, Sprinkler	A distribution system that applies water by means of nozzles operated under pressure.	All conditions
449	Irrigation Water Management	The process of determining and controlling the volume, frequency and application rate of irrigation water in a planned, efficient manner.	All conditions
450	Anionic Polyacrylamide (PAM) Application	Application of water-soluble Anionic Polyacrylamide (PAM) to meet a resource concern.	All conditions
472	Access Control	The temporary or permanent exclusion of animals, people, vehicles, and/or equipment from an area.	No potential to affect historic properties when confined to the modern surface, or with no new construction
484	Mulching	Applying plant residues or other suitable materials produced off site, to the land surface.	All conditions
511	Forage Harvest Management	The timely cutting and removal of forages from the field as hay, green-chop or ensilage.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
512	Forage and Biomass Planting	Establishing adapted and/or compatible species, varieties, or cultivars of herbaceous species suitable for pasture, hay, or biomass production.	No potential to affect historic properties when applied aerially, or when implemented within areas of agricultural development and within the existing depth of tillage.
521A	Pond Sealing or Lining, Flexible Membrane	A manufactured hydraulic barrier consisting of a functionally continuous layer of synthetic or partially synthetic, flexible material.	No potential to affect historic properties when installed within the footprint of an existing pond
521B	Pond Sealing or Lining, Soil Dispersant	A liner for a pond or waste storage impoundment consisting of a compacted soil-dispersant mixture.	No potential to affect historic properties when installed within the footprint of an existing pond
521C	Pond Sealing or Lining, Bentonite Sealant	A liner for a pond or waste storage impoundment consisting of a compacted soil-bentonite mixture.	No potential to affect historic properties when installed within the footprint of an existing pond
521D	Pond Sealing or Lining, Compacted Clay Treatment	A liner for a pond or waste storage impoundment constructed using compacted soil without soil amendments.	No potential to affect historic properties when installed within the footprint of an existing pond
528	Prescribed Grazing	Managing the harvest of vegetation with grazing and/or browsing animals in order to enhance or maintain good forage production and provide wildfire food and cover.	All conditions

Table 1. FY 2016 NRCS Alabama Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties			
Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
554	Drainage Water Management	The process of managing water discharges from surface and/or subsurface agricultural drainage systems.	No potential to affect historic properties when using existing water control structures.
557	Row Arrangement	Row Arrangement is a system of crop rows on planned directions, grades and lengths.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
558	Roof Runoff Structure	A structure that will collect, control and convey precipitation runoff from a roof.	No potential to affect historic properties provided that the structure is determined to be less than 50 years old.
561	Heavy Use Area Protection	Heavy Use Area Protection is used to stabilize a ground surface that is frequently and intensively used by people, animals, or vehicles.	No potential to affect historic properties when applied aerially, or when implemented within areas of agricultural development and within the existing depth of tillage.
585	Stripcropping	Growing row crops, forages, small grains, or fallow in a systematic arrangement of equal width strips across a field.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
588	Cross Wind Ridges	Ridges formed by tillage, planting or other operations and aligned perpendicular to prevailing wind direction during critical wind erosion periods.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
589C	Cross Wind Trap Strips	Herbaceous cover established in one or more strips typically perpendicular to the most erosive wind events.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
590	Nutrient Management	Managing the amount (rate), source, placement (method of application), and timing of plant nutrients and soil amendments.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
591	Amendments for the Treatment of Agricultural Waste	The use of chemical or biological additives to change the properties of manure, process wastewater, contaminated storm water runoff and other wastes.	All conditions
592	Feed Management	Managing the quantity of available nutrients fed to livestock and poultry for their intended purpose.	All conditions
595	Integrated Pest Management (IPM)	A site-specific combination of pest prevention, pest avoidance, pest monitoring, and pest suppression strategies.	All conditions
601	Vegetative Barrier	Permanent strips of stiff, dense vegetation along the general contour of slopes or across concentrated flow areas.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
609	Surface Roughening	Performing tillage operations that create random roughness of the soil surface.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
612	Tree/Shrub Establishment	Establishing woody plants by planting seedlings or cuttings, direct seeding, or natural regeneration.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.

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Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
633	Waste Recycling	The use of the by-products of agricultural production or the agricultural use of non-agricultural by-products.	All conditions
634	Waste Transfer	A system using structures, pipes or conduits installed to convey wastes or waste byproducts from the agricultural production site to storage/treatment or application.	No potential to affect historic properties when using existing structures, conduits, or equipment, and without new construction.
635	Vegetated Treatment Area	An area of permanent vegetation used for agricultural wastewater treatment.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
643	Restoration and Management of Declining Habitats	Restoring and managing rare and declining habitats and their associated wildlife species to conserve biodiversity.	No potential to affect historic properties when limited to management.
644	Wetland Wildlife Habitat Management	Retaining, developing or managing wetland habitat for wetland wildlife.	No potential to affect historic properties when limited to management.
645	Upland Wildlife Habitat Management	Provide and manage upland habitats and connectivity within the landscape for wildlife.	No potential to affect historic properties when limited to management.
646	Shallow Water Development and Management	The inundation of lands to provide habitat for fish and/or wildlife.	No potential to affect historic properties when limited to management.
647	Early Successional Habitat Development/Management	Manage early plant succession to benefit desired wildlife or natural communities by increasing plant community diversity.	No potential to affect historic properties when limited to management.
649	Structures for Wildlife	A structure installed to replace or modify a missing or deficient wildlife habitat component.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage, or when no new ground disturbance is planned.
650	Windbreak/Shelterbelt Renovation	Replacing, releasing and/or removing selected trees and shrubs or rows within an existing windbreak or shelterbelt, adding rows to the windbreak or shelterbelt or removing selected tree and shrub branches.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
798	Seasonal High Tunnel System for Crops	A seasonal polyethylene covered structure that is used to cover crops to extend the growing season in an environmentally safe manner.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
AIR03	Replace burning of prunings and other crop residues with non-burning alternatives	The use of non-burning alternatives to dispose of prunings, removals and other crop residues from orchards, vineyards and other woody perennial crops. Non-burning alternatives include chipping, grinding, shredding, mowing or composting of these materials.	No potential to affect historic properties when confined to the modern surface, or when no physical ground disturbance is planned.
AIR04	Use drift reducing nozzles, low pressures, lower boom height and adjuvants to reduce pesticide drift	Use drift reduction technologies to reduce the drift of agricultural chemicals away from the intended target when spraying.	All conditions

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Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
AIR07	GPS, targeted spray application (SmartSprayer), or other chemical application electronic control technology	Utilize electronically-controlled or managed chemical spray application technology to more precisely apply agricultural pesticides to their intended targets.	All conditions
AIR08	Nitrification inhibitors or urease inhibitors	The use of an ammonia or ammonium fertilizers with a substance that inhibits the biological oxidations of ammoniacal nitrogen to nitrate nitrogen or the use of surface applied urea products with a substance that inhibits hydrolytic action on urea by urease enzyme that when applied to soils results in less urea nitrogen lost by ammonia volatilization (AAPFCO). This enhancement is only applicable to nitrogen applied within 30 days of planting or after consecutive warm days (i.e., greater than 75°F). This does not apply to "pop-up" or starter nitrogen sources applied at planting time.	All conditions
AIR10	Discontinue burning crop residue	Utilize non-burning crop residue management techniques after a crop harvest.	No potential to affect historic properties when confined to the modern surface, or when no physical ground disturbance is planned
ANM03	Incorporate native grasses and/or legumes into 15% or more of the forage base	Improve pasture by increasing native grasses and/or legumes to 15% of herbage dry matter (productivity by weight) using adapted species and varieties, appropriate seeding rates, and timing of seeding. Pastures containing about 15% native grasses and/or legumes by weight dry matter are approximately equal to 30% foliar cover.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ANM09	Grazing management to improve wildlife habitat	Implement a grazing management plan that allows for rest periods to provide adequate residue for nesting and fawning cover and increase diversity of vegetation structure to benefit a variety of wildlife species.	All conditions
ANM25	Stockpiling Forages to Extend the Grazing Season	Livestock are excluded from forages on specified acres during the growth season. The "stockpiled" forages are grazed at a later time using strip grazing to allow animals to utilize the forage within a strip for a specified period of time.	All conditions
ANM27	Wildlife Friendly Fencing	This enhancement involves the use of wildlife friendly fencing techniques that allow free passage of daily wildlife movement and seasonal migration; and/or increase visibility to prevent entanglement and mortality. Selection of this enhancement requires the activity to be planned concurrently on all eligible land use acres.	No potential to affect historic properties when implemented within areas of agricultural development, when installed by hand, and when installed without the use of heavy equipment to clear vegetation and obstructions.
ANM29	On-farm forage based grazing system	A forage based grazing system that supplies all roughage (forage and supplemental hay) requirements for a livestock operation.	All conditions
ANM31	Drainage water management	This enhancement consists of seasonal hydrology management during non-cropping periods for wildlife habitat on working lands.	No potential to affect historic properties when using existing water control structures.
ANM32	Extend existing filter strips or riparian herbaceous cover for WQ protection and wildlife habitat	Where existing filter strips or riparian herbaceous covers (i.e., buffers) are utilized, extend them to gain more efficiency in intercepting overland flow and reducing the transport of nutrients, pesticides and agro-chemicals, and for wildlife habitat.	No potential to affect historic properties when limited to management, or when implemented within areas of agricultural development and within the existing depth of tillage.

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Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
ANM33	Riparian buffer, terrestrial and aquatic wildlife habitat	This activity consists of managing riparian zones by utilizing select conservation measures (such as re-locating equipment operations, trails, or livestock; establishing diverse native vegetation and controlling invasive species; fencing; and extending the width of the riparian zone to enhance wildlife habitat adjacent to riparian zones of steams, ponds, lakes, or wetlands) to achieve stream side cover and vegetative diversity and structure to improve terrestrial and aquatic wildlife habitat.	No potential to affect historic properties when limited to management; when no new construction is planned; or when activities are confined to the modern surface.
ANM34	Leave standing grain crops un-harvested to benefit wildlife	Implement a crop management plan that will allow a portion of grain crops to be left in fields un-harvested to provide food and cover for wildlife during winter months.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ANM35	Enhance habitat on expired CRP acres or acres with perennial vegetated cover managed as hayland	Implement a focused habitat management plan for the benefit of selected wildlife species on expired CRP grass/legume covered acres that has CRP conservation cover or acres with similar perennial vegetated cover managed as hayland.	No potential to affect historic properties when limited to management, or when implemented within areas of agricultural development and within the existing depth of tillage.
ANM36	Enhance habitat on expired CRP acres or acres with woody cover managed as forestland	Implement a focused habitat management plan for the benefit of selected wildlife species on expired CRP tree covered acres that has CRP conservation cover or acres with similar woody cover managed as forestland.	No potential to affect historic properties when limited to management, or when implemented within areas of agricultural development and within the existing depth of tillage.
ANM37	Prescriptive grazing management system for grazed lands	Implement a prescriptive grazing management system for all grazed lands and for all eligible land uses in the operation. This includes expired CRP grass/legume or tree covered acres that are now converted to a grazing system. Selection of this enhancement requires the activity to be planned concurrently on all eligible land use acres.	All conditions
ANM38	Retrofit watering facility for wildlife escape and enhanced access for bats and bird species	Retrofit all existing watering facilities (troughs, tanks, etc.) to allow for the escape of wildlife that become trapped while trying to drink and to remove obstructions above the watering facility such as boards and wires. Selection of this enhancement requires the activity to be planned concurrently on all eligible land use acres.	All conditions
ANM40	Extending existing field borders for water quality protection and wildlife habitat	Where existing field borders are utilized, extend them to gain more efficiency in intercepting overland flow and reducing the transport of nutrients, pesticides and agro-chemicals, and for wildlife habitat.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ANM41	Multi-species native perennials and native self-seeding annuals for biomass/wildlife habitat	This enhancement consists of establishing native perennial and native self-seeding annual vegetation for biomass production and wildlife habitat. The biomass may be harvested for renewable energy or forage, grazed, or left in place.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ANM42	Forest stand improvement for wildlife habitat and soil quality	This enhancement consists of the creation of snags, den trees, forest stand structural diversity, and coarse woody debris on the forest floor to a level optimum for native wildlife, ecosystem function, and long- term forest soil health. It may be implemented during thinning or harvesting, or it can be implemented separately.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.

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Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
ANM51	Establish and maintain early successional, naturally occurring vegetation in ditches and ditch bank borders for wildlife habitat and water quality protection	This enhancement is to encourage the establishment of early successional, naturally occurring vegetation in ditches, side slope and bank borders to provide cover, critical nesting and brood rearing habitat as well as filtering overland flow and improving water quality.	All conditions
ANM52	Implement fallow disking to improve wildlife habitat	This enhancement is to encourage the implementation of fallow disking as a means to improve early successional habitat for wildlife species of concern.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ANM53	Hinge cutting for wildlife	This enhancement creates hinge cuts for wildlife cover, resting or loafing areas while providing valuable browse and cover for several game and non-game species.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when physical ground disturbance is planned.
ANM55	Creation and retention of snags, den trees and course woody debris for wildlife habitat	This enhancement is to create and/or retain snags, den trees and coarse woody debris on the forest floor to reverse the leading cause of upland wildlife population decline – habitat loss.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when physical ground disturbance is planned.
ANM56	Increase summer roost habitat for forest dwelling bat species	This activity consists of managing forestland and forested riparian areas by creating new potential roost trees within a forest and associated riparian areas to achieve desired summer habitat for forest dwelling bat species.	All conditions
ANM59	Grazing management to improve Sage grouse habitat	Implement a grazing management plan that will allow for rest periods to provide adequate residue for nesting cover and increase diversity of vegetative structure to benefit a variety of wildlife species.	All conditions
ANM60	Grouse friendly fencing	This enhancement involves the retrofit of existing fences to increase visibility and prevent grouse from collision and mortality. Selection of this enhancement requires all fences that are a high or medium risk to grouse be marked. Selection of this enhancement requires the activity to be planned concurrently on all eligible land use acres.	All conditions
ANM61	Hosting a grazing related field day	This enhancement requires a producer to host a grazing field day. Grazing field days provide an opportunity for producers, state, and federal employees to visually learn grazing principles from others to help encourage, plan, and implement effective grazing management. Assistance from state/federal employees or other agriculture organizations is encouraged.	All conditions

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Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
ANM63	Harvest crop in a manner that allows wildlife to flush and escape	Harvest crops (hay or small grains) using conservation measures that allow wildlife to flush and escape. These measures include timing of haying to avoid periods when upland wildlife are nesting or fawning, idling land during the nesting or fawning period, and applying harvest techniques that reduce mortality to wildlife.	All conditions
ANM64	Managing livestock parturition to coincide with forage availability	This enhancement uses a controlled breeding season to match livestock nutrient requirements to available pasture forage and reduce supplemental feeding. This enhancement is applicable to all grazing livestock.	All conditions
ANM65	Monitoring nutritional status of ruminant livestock using the NUTBAL system	Use the NUTBAL Online application to determine if the current diet is sufficient to meet ruminant livestock nutritional needs and develop a least cost nutrition management plan. This requires the collection and laboratory analysis of forage or fecal samples to determine the nutritional value of grazing forages.	All conditions
BCR10	BCR10 (Improves nutrient and pesticide application techniques and widens buffers)	This bundle of enhancement activities includes: AIR04-Use drift reducing nozzles, low pressures, lower boom height, and adjuvants to reduce pesticide drift; AIR07-GPS, targeted spray application (SmartSprayer), or other chemical application electronic control technology; WQL11-Precision application technology to apply nutrients; WQL29-High level IPM to reduce pesticide environmental risk; and one of the buffer widening enhancements ANM32, ANM39 or ANM40.	All conditions
BCR11	BCR11 (Addresses orchard and vineyard resource concerns)	This bundle of enhancement activities includes: AIR03-Replace burning of pruning, removals and other crop residues with non-burning alternatives; AIR04-Use of drift reducing nozzles, low pressures, lower boom height, and adjuvants to reduce pesticide drift; PLT15- Establish pollinator and/or beneficial insect habitat; SQL11-Cover cropping in orchards, vineyards and other woody perennial horticultural crops; and WQL29-High level IPM to reduce pesticide environmental risk.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
BOI01	BOI01 (Improves irrigation water conservation and widens buffers)	This bundle of enhancement activities includes: WQT01-Irrrigation system automation; WQT03–Irrigation pumping plant evaluation; WQT09-High level or advanced level irrigation water management; WQT10-Center pivot irrigation system end gun removal; and one of the buffer widening enhancements ANM32 or ANM40.	All conditions
BOI02	BOI02 (Improves irrigation water conservation and widens buffers)	This bundle of enhancement activities includes: WQT03–Irrigation pumping plant evaluation; WQT09-High level or advanced level irrigation water management; WQT10-Center pivot irrigation system end gun removal; WQT11-Low elevation precision application irrigation; and one of the buffer widening enhancements ANM32 or ANM40.	All conditions

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Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
BOI03	BOI03 (Improves irrigation water conservation and widens buffers)	This bundle of enhancement activities includes: WQT01-Irrrigation system automation; WQT03–Irrigation pumping plant evaluation; WQT05-Remote monitoring and notification of irrigation pumping plant operation; WQT07-Regional weather network; and one of the buffer widening enhancements ANM32 or ANM40.	All conditions
BPA09	Pasture Grazing Bundle # 9 (Addresses multiple resource concerns)	This bundle of enhancement activities includes: AIR04-Use drift reducing nozzles, low pressures, lower boom height, and adjuvants to reduce pesticide drift; ANM03-Incorporate native grasses and/or legumes into 15% or more of herbage dry matter productivity; ANM27-Wildlife friendly fencing; PLT16-Intensive rotational grazing, and WQL07-Split nitrogen applications 50% after the crops/pasture emerge/green-up.	All conditions
BPA10	BPA10 (Improves forage utilization)	This bundle of enhancement activities includes: ANM25-Stockpiling of forages to extend the grazing season; ANM29-On-farm forage based grazing system; ANM64- Managing livestock parturition to coincide with forage availability; PLT16-Intensive rotational grazing; and WQL07-Split nitrogen applications 50% after the crops/pasture emerge/green-up.	All conditions
BRA10	BRA10 (Addresses multiple resource concerns)	This bundle of enhancement activities includes: ANM09-Grazing management to improve wildlife habitat; ANM64-Managing livestock parturition to coincide with forage availability; PLT02-Monitor key grazing areas to improve grazing management; WQL03-Rotation of supplement and feeding areas; and WQL29-High level IPM to reduce pesticide environmental risk.	All conditions
CCR98	Improved Resource Conserving Crop Rotation (IRCCR)	Improving a resource-conserving crop rotation means strengthening an existing resource-conserving crop rotation to further: 1. Reduces erosion; 2. Improves soil fertility and soil health; 3. Interrupts pest cycles; and 4. In applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
CCR99	Resource-Conserving Crop Rotation	Resource-conserving crop rotation means a crop rotation that: 1) Includes at least one resource conserving crop as determined by the State Conservationist, 2) Reduces erosion, 3) Improves soil fertility and tilth, 4) Interrupts pest cycles, and 5) In applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation. Resource-conserving crop means a crop that is one of the following: 1) A perennial grass, 2) A legume grown for use as forage, seed for planting, or green manure, 3) A legume-grass mixture, and 4) A small grain grown in combination with a green manure crop consisting of a grass, legume, forbs, or grass-forbs mixture, whether inter-seeded or planted in rotation.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ENR01	Fuel use reduction for field operations	This enhancement is for fuel savings of 20% or more achieved by a reduction in field operations when compared to existing management system.	All conditions

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Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
ENR10	Using N provided by legumes, animal manure and compost to supply 90 to 100% of the N needs	This enhancement involves using nitrogen (N) produced by legumes and/or available animal manure and compost to supply 90 to 100% of N nutrient needs for crops, hay and/or forages produced on the farm.	All conditions
ENR11	Improving energy feedstock production using alley cropping systems with short rotation woody crops	This enhancement involves the use of short rotation woody plants that produce energy feedstock planted in multiple rows with crops or forages produced in the alleyways between the woody rows.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ENR12	Use of legume cover crops as a nitrogen source	This enhancement is for the use of legume cover crops as a primary source of nitrogen in a cropping system. Use of legume cover crops is applicable to conventional, specialty and organic crop production systems.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ENR13	Variable speed motor-drive systems	This enhancement activity is for upgrading of existing single speed motors through the addition of variable speed drives. A motor replacement may also be included in some cases. The primary use of this enhancement is for irrigation water pumping. This enhancement is not intended for farmstead or animal housing applications.	All conditions
PLT02	Monitor key grazing areas to improve grazing management	Adjust grazing management based on monitoring data. Monitor key grazing areas to determine if current grazing management is meeting management goals and objectives. A key grazing area is a small area of a grazed field that is identified as being representative of the entire field.	All conditions
PLT06	Renovation of a windbreak or shelter belt, or hedgerow for wildlife habitat	This enhancement is for the renovation of existing sites that are declining in vigor, need additional woody plants (trees or shrubs) or otherwise no longer provide wildlife habitat benefits. Existing rows of woody plants may be thinned, removed or replaced with new plantings. Existing woody plants may be pruned, either branches or roots or both, to improve windbreak function, health and vigor.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT16	Intensive rotational grazing	This enhancement is for the harvest efficiency of grazing livestock to increase forage harvest, and to improve forage quality and livestock health. The grazing system is managed to produce high quality, nutritious forage and maintain plants with sufficient energy reserves to recover quickly when adequate soil moisture is available for regrowth. Generally, livestock are rotated through pastures in the grazing system based on the physiological growth and nutritional stage of the forage plants and the daily dry matter intake and nutritional requirements of the animal. This enhancement is for: rotational grazing systems with increased numbers of pastures or paddocks, the accompanying required infrastructure, shorter grazing periods, and increased stock density. Selection of this enhancement requires the activity to be planned concurrently on all eligible land use acres.	All conditions

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Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
PLT17	Creating forest openings to improve hardwood stands	Creating forest openings or patches is a silvicultural practice used to naturally regenerate over-mature and/or degraded hardwood stands while providing added cover and browse for several game and non-game species of wildlife.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT18	Increasing on-farm food production with edible woody buffer landscapes	This enhancement is for the enhancing of windbreaks, alley cropping, silvopasture, or riparian forest buffer systems with trees and shrubs that produce edible products for human or wildlife consumption.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT19	Herbicide resistant weed management	Adoption of multiple agronomic principles to manage herbicide resistant weeds in annually planted crop fields.	All conditions
PLT20	High residue cover crop or mixtures of high residue cover crops for weed suppression and soil health	Utilize biomass from a cover crop or cover crop mixture as a living or killed mulch to suppress weed seed germination and to add carbon to the terrestrial carbon pool.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
PLT22	Multi-story cropping, sustainable management of non-timber forest plants	This activity, sometimes called forest farming, involves the manipulation of forest species composition, structure, and canopy cover to achieve or maintain a desired native plant community to facilitate the sustainable management of native non-timber forest plant(s).	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT23	Conifer crop tree release	Conifer Crop Tree Release (CCTR) is a silvicultural technique used to enhance the growth, health and productivity of individual trees, while improving other resources such as wildlife habitat, recreation, timber value, and aesthetics.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT24	Crop tree release in young hardwood stands	Crop Tree Release (CTR) in young hardwood stands is a silvicultural technique used to enhance the health and productivity of individual trees, while improving other resources such as wildlife habitat, recreation, timber value, and aesthetics.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT25	Prune low density pine or hardwood trees to improve tree quality and wildlife habitat	This enhancement is to enrich the health and productivity of individual trees, while improving other resources such as recreation, timber value, and aesthetics through the use of a silvicultural technique--pruning.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT26	Forest stand improvement to treat understory vegetation to minimize the risk of damaging wildfires, and/or manipulate the density and composition of tree species to improve wildlife habitat and forest health	This enhancement is to manage the understory vegetation in a forested area with mechanical, chemical or manual methods to reduce the fuel load to lessen the risk of a wildfire, improve the plant species mix to benefit wildlife or to improve the health of the residual trees.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.

Table 1. FY 2016 NRCS Alabama Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties			
Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
PLT27	Create small openings in pine stands to improve wildlife habitat or to prepare the area for natural regeneration	This enhancement is to create small openings in pine stands (i.e., one-half (0.5) to three (3) acres in size). The cleared area will have the vegetation removed through harvesting, mulching, or means compatible with the site.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT29	Rehabilitating damaged or cut over stands	This enhancement is designed to restore a forest that has been damaged or cut-over leaving very few desirable trees along with undesirable tree species. Action will be taken to reduce the undesirable tree species and promote the desirable tree species. Over time, the favoring of desirable species will bring the stand back to a productive and healthy forest.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT30	Monitor pasture health using pasture condition scores (PCS)	Evaluate current pasture productivity and stability of the plant community and soil resources; and utilize the information for management decision making.	All conditions
SOE05	Intensive no-till (Organic or Non-organic systems)	This enhancement is for using an intensive no-till, strip till, or direct seeding method of planting throughout the planned rotation. High residue levels are maintained by including high residue-producing crops, or by low residue crops followed by a cover crop in the rotation. Termination of all cover crops is accomplished using chemical methods or non-chemical methods, such as flail mowing, roller crimper and frost kill.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
SQL01	Controlled traffic system	Controlled traffic confines heavy traffic from tractor drive wheels/tracks, combine wheels, fertilizer or manure spreaders and grain carts to specific lanes in crop fields year after year.	All conditions
SQL04	Use of Cover Crop Mixes	This enhancement is for the use of cover crop mixes that contain two (2) or more different species of cover crops or cultivars of a single species.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
SQL05	Use deep rooted crops to breakup soil compaction	This enhancement is for the use of deep rooted crops to break up compacted soils and improve soil quality. Deep rooted crops can be perennial plants like alfalfa or annual plants like forage radish.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
SQL08	Intercropping to improve soil quality and increase biodiversity	This enhancement involves the use of intercropping principles (i.e., growing two or more crops in close proximity to each other during part or all of their life cycles) to promote interactions that improve soil and water quality via increased biodiversity and contribute to pest management.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
SQL09	Conversion of cropped land to grass-based agriculture	Conversion of cropped land to grass-based agriculture is the establishment of mixtures of perennial grasses, forbs and/or legume species on cropland where annually-seeded cash crops have been grown in monocultures. Select perennial species based on species compatibility, forage quality potential, improvements to soil quality, beneficial effects for wildlife and/or production of biomass.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.

Table 1. FY 2016 NRCS Alabama Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties			
Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
SQL10	Crop management system on crop land acres recently converted	Implement a prescriptive crop management system on crop land acres that have been recently converted from CRP grass/legume conservation cover or similar perennial vegetated cover to a rotation of annually planted crops. Note: this enhancement is limited to acres where the conversion event took place not more than 2 years prior (not including hayland).	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
SQL11	Cover cropping in orchards, vineyards and other woody perennial horticultural crops	Grow perennial or annual cover crop mixtures of grass, legumes, native flowering plants and/or other forbs year round to provide soil coverage, organic mulch, beneficial insect habitat, and other conservation benefits in orchards, vineyards or other perennial horticultural crops. Cover crops, once planted, are replanted annually or maintained year after year.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
SQL12	Intensive cover cropping in annual crops	Grow and manage *seasonal* cover crops of grasses, legumes or forbs to maintain soil coverage and other conservation benefits during all the non-crop production periods in an annual crop rotation. Intensive cover cropping is applicable to conventional, specialty and organic crop production systems.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
SQL13	Forest stand improvement for soil health	This enhancement consists of forest management activities (planting, tending, and harvesting) to minimize impacts on forest soils and improve soil health.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
SQL14	Integrate grazing into crop and forest systems	This enhancement integrates of grazing into land use systems where they are absent.	All conditions
SQL15	Utilize the soil health nutrient tool to assess soil nutrient pools	Use a soil health nutrient tool to assess soil nutrient pools for soil health.	All conditions
SQL16	High species diversity grazing lands	Warm-season perennial grazing lands will be overseeded with a multi-species diverse mixture of annual grasses, clovers, and broadleaf species.	No potential to affect historic properties when applied aerially, or when implemented within areas of agricultural development and within the existing depth of tillage.
SQL17	Placement of hay feeding areas on low fertility soils	This enhancement combines soil testing and remediation of low fertility grazing areas with targeted hay feeding sites. Selected sites will have the hay unrolled. Only specific grazing areas will be targeted instead of the entire farm.	All conditions
SQL18	Soil health crop rotation	Implement a crop rotation which addresses the four principle components of a soil health: adds diversity to the cropping system; maintains residue throughout the year; keeps a living root; and minimizes soil chemical, physical and biological disturbance.	All conditions

Table 1. FY 2016 NRCS Alabama Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties			
Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
SQL19	Management for rangeland soil health	Professional assessment of rangeland health by evaluating the presence, descriptions and amounts of rills, water flow patterns, pedestals or terraces, bare ground, gullies, wind erosion affected areas, litter movement, soil surface loss and resistance to erosion, plant community composition and distribution, compaction, functional/structural groups, plant mortality/decadence, amounts of litter, annual production, invasive plants, and reproductive capability of perennial plants; and implementing measures that help avoid degradation of the resource.	All conditions
WQL03	Rotation of supplement and feeding areas	The proper location and regular movement of livestock concentration areas such as feeding areas and mineral blocks in a manner that will improve livestock distribution, reduce localized areas of disturbances and reduce impacts on water bodies.	All conditions
WQL04	Plant Tissue Testing and Analysis to Improve Nitrogen Management	Use plant tissue tests to adjust nitrogen application rates.	All conditions
WQL05	Apply nutrients no more than 30 days prior to planned planting date	This enhancement is for applying nutrients from fertilizer, manures and/or compost no more than 30 days prior to the planned planting date of the crop.	All conditions
WQL07	Split nitrogen applications 50% after crop emergence	Apply no more than 50% of total crop nitrogen needs within 30 days prior to planting or in the case of pasture or hay after green up of the dormant grasses. Apply the remaining 50% or more of the total nitrogen needs after crop emergence or pasture green up.	All conditions
WQL09	Apply phosphorus fertilizer below soil surface	This enhancement is for the application of all phosphorus fertilizer at least 3 inches deep, including manure, or as a 2x2 row starter. Note: the use of this enhancement may require a revised Highly Erodible Land Conservation (HELC) plan.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
WQL10	Plant an annual grass-type cover crop that will scavenge residual nitrogen	Plant a cover crop that will scavenge nitrogen remaining in the soil after the harvest of a previous crop. Suitable cover crops include those with at least a "Very Good" rating for scavenging nitrogen.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
WQL11	Precision application technology to apply nutrients	The use of precision agriculture technologies to apply nutrients to fit variations in site-specific conditions found within fields.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
WQL18	Non-Chemical Pest Mgmt for Livestock	The use of management, monitoring, and prevention techniques to manage external livestock pests without the use of pesticides.	All conditions

Table 1. FY 2016 NRCS Alabama Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties			
Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
WQL19	Transition to Organic Grazing Systems	"Transition to Organic Grazing Systems" supports the conversion of a conventional to an organic livestock grazing system. Key to the enhancement activity is following ecological and pasture-based grazing requirements, applying materials according to the National List of Allowed Synthetic and Prohibited Natural Substances, and managing livestock according to National Organic Program (NOP) rules (Subpart C – Organic Production and Handling Requirements) for organic certification. This enhancement activity facilitates compliance with NOP rules for organic certification.	All conditions
WQL20	Transition to Organic Cropping Systems	"Transition to Organic Cropping Systems" supports the conversion of a conventional to an organic cropping system. Key to the enhancement is the inclusion of management activities that improve water and soil quality in an "Organic System Plan (OSP)" that adheres to the National Organic Program (NOP) 205.201 criteria. Included in the plan are specifics on how producers will manage pests, weeds, diseases, and plant nutrients by following a crop rotation that incorporates cover crops and by using other cultural, biological and physical methods. The OSP also covers uses of manure and compost, measures to prevent exposure of organic crops and soils to NOP-prohibited substances, and seed sources.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
WQL22	On Farm Composting of Farm Organic Waste	This enhancement consists of composting organic waste generated from the agricultural operation(s) on-farm. This includes animal manures, livestock mortality (where state or local laws allow), and waste from on-farm processing of agricultural products (e.g., slaughter by-products or vegetable culls removed from the field during harvest). It does not include any hazardous household waste, any general hazardous waste products or bio-hazard waste products. Yard waste such as grass clippings and leaves can be included but are not required. Composted products must be used in compliance with all federal, state and local laws, rules and regulations.	No potential to affect historic properties when utilizing existing structures; when confined to the modern surface; and when no new construction is planned.
WQL25	Split applications of nitrogen based on a PSNT	Use pre-sidedress soil nitrate test (PSNT) to determine the need and/or amount of additional nitrogen to be applied during a sidedress/topdress N application.	All conditions
WQL26	Reduce the concentration of nutrients imported on farm	Grow at least 75% of feed for livestock on the farm and use manure from the livestock to supplement up to 50% of N, 90% of P and 90% K for crops grown on the farm.	All conditions
WQL27	Drainage water management for nutrient, pathogen, or pesticide reduction	This enhancement consists of managing soil and/or surface water levels during the non-cropping season in order to reduce the loss of nutrients, pathogens, or/and pesticides from a crop field through drainage systems and into downstream receiving waters. This enhancement may also be utilized to reduce the oxidation of organic matter in the soil and/or reduce wind erosion or particulate matter (dust) emissions.	No potential to affect historic properties when using existing water control structures.

Table 1. FY 2016 NRCS Alabama Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties			
Practice	**Name**	**Description**	**Excluded ONLY under the following conditions**
WQL29	High level integrated pest management to reduce pesticide environmental risk	Utilize advanced Integrated Pest Management (IPM) prevention, avoidance, monitoring, and suppression techniques to eliminate or minimize the need for pesticide while maintaining satisfactory pest control. Apply pesticides in an environmentally sound manner only when monitoring indicates an economic pest threshold has been exceeded and other measures are not sufficiently effective. Choose the lowest risk pesticide available labeled for and effective against the target pest(s), and implement appropriate mitigation techniques to minimize environmental risks. Pesticide applications must follow all label requirements.	All conditions
WQL30	Integrated pest management for ORGANIC farming	Managing pests on an organic farm, including farms transitioning to organic, with an Integrated Pest Management (IPM) system that relies on high level prevention, avoidance, monitoring, and suppression techniques that are based on an understanding of pest ecology. Organic IPM relies primarily on ecologically-based cultural and biological practices that result in healthy soil, healthy plants and habitat for beneficial organisms. Appropriate mitigation techniques are utilized to reduce environmental risks from selected suppression techniques.	All conditions
WQL31	Land application of treated manure	This enhancement is for the use of manure that has been treated to reduce odors and/or pathogens prior to land application. Acceptable practices include controlled temperature anaerobic digestion (mesophilic or thermophilic), composting, and chemical treatment or amendment. Waste treatment lagoons and injection of manure alone do not qualify as acceptable practices.	All conditions
WQL32	Apply enhanced efficiency fertilizer products	At least 50% of the pre-emergent and early post emergent nitrogen fertilizers, phosphorus fertilizers or manure used for production must include enhanced efficiency formulations.	All conditions
WQL33	Use of non-chemical methods to kill cover crops	Use non-chemical methods to kill cover crops prior to no-tilling, direct seeding or strip-tilling the normal production crop. These methods include mowing, rolling, undercutting and weather kill.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
WQT01	Irrigation system automation	This enhancement entails using GPS guided variable rate irrigation or other innovative technologies that allow irrigation water application based on variable site conditions within a field.	All conditions
WQT03	Irrigation pumping plant evaluation	This enhancement consists of the evaluation of the pumping plant performance and efficiency using the Nebraska Irrigation Pumping Plant Performance Criteria.	All conditions
WQT05	Remote monitoring and notification of irrigation pumping plant operation	A system for monitoring the status of an irrigation pumping plant and notifying the operator by a wireless connection of a change in the operating status of the irrigation system.	All conditions
WQT07	Regional weather networks for irrigation scheduling	Crop evapotranspiration (crop ET) information from a regional weather network is utilized as a part of the irrigation water management plan for irrigation scheduling. Water use is planned and adjustments in application rates and timing are made using the regional weather network data.	All conditions

Table 1. FY 2016 NRCS Alabama Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties			
Name		**Description**	**Excluded ONLY under the following conditions**
WQT07	Regional weather networks for irrigation scheduling	Crop evapotranspiration (crop ET) information from a regional weather network is utilized as a part of the irrigation water management plan for irrigation scheduling. Water use is planned and adjustments in application rates and timing are made using the regional weather network data.	All conditions
WQT08	Decrease irrigation water quantity or conversion to non-irrigated crop production	This enhancement consists of reducing the total quantity of irrigation water used to produce crops and forages or the conversion of land to non-irrigated production.	All conditions
WQT09	High level or advanced irrigation water management	This enhancement entails using high level irrigation water management (IWM) methods and other innovative technologies to evaluate precise soil and crop conditions to schedule irrigation water application based on variable site conditions within a field.	All conditions
WQT10	Center pivot irrigation system end gun removal	This enhancement consists of removing the end guns from center pivot irrigation systems.	All conditions
WQT11	Low energy precision application (LEPA) irrigation	This enhancement consists of converting existing conventional sprinkler irrigation systems to a low energy precision application (LEPA) irrigation system.	All conditions
WQT12	Computerized hole selection for polypipe	This enhancement consists of calculating hole sizes for polypipe tubing using computer software to determine the optimal size hole per furrow in order to improve irrigation efficiency and decrease the quantity of irrigation water need per season.	All conditions

APPENDIX B:

PROCEDURES FOR EMERGENCY RESPONSE

Procedures for Handling Discoveries: If previously unidentified cultural resources (other than human remains or grave goods) are encountered during implementation of a practice, the Alabama NRCS Field Office personnel will immediately request that contractors under the control of cooperator(s) cease working in the immediate vicinity of the discovery and contact the Alabama CRC and CRS. Following an on-site inspection, the CRS will consult directly with the Alabama Historical Commission (AHC) staff and/or the Poarch Creek THPO and/or affiliated federally recognized tribe(s) to determine site eligibility and avoidance or mitigation measures to be considered, if necessary. Preference will be given to minimizing further disturbance to the cultural resource(s).

If human remains are identified in an APE during planning or during implementation of a conservation practice, all activities deemed likely to damage the remains will cease and the following steps will be taken:

A. Alabama NRCS Field Office personnel will notify the CRS and contact the local police or county sheriff to determine whether the remains are part of an on-going investigation;

B. If the remains are not related to a police investigation:

1. The AHC and/or the Poarch Creek THPO and federally recognized tribes with ancestral claims in Alabama will be notified of the discovery within 24 hours;

2. The Alabama CRS and representatives from the AHC and/or the Poarch Creek THPO and/or affiliated federally recognized tribe(s) shall attempt to determine ethnicity of remains and approximate age;

C. If the remains are determined to be Native American, NRCS will follow the procedures outlined in Section 3 of the Native American Graves Protection and Repatriation Act (NAGPRA) or consult with the Poarch Creek THPO and affiliated federally recognized tribe(s) for comment, consultation or advice (the Poarch Creek THPO may invite or defer to another THPO or tribal representative as warranted);

D. If the remains are not part of an on-going police investigation and are not of Native American extraction, the Alabama NRCS will consult with the AHC in the development of an appropriate plan for treating the remains as outlined in the Alabama Historical Commission Administrative Code Chapter 460-x-10 and Alabama Act 93-905, Section 13A-7-23.1.

E. Alabama NRCS Field Office personnel and the client/cooperator(s) will take appropriate measures, such as erecting protective fences or barriers to protect the remains until the plan for treating the remains is completed.

F. Planning and construction activities at the site can recommence only after Alabama NRCS and the AHC and/or the Poarch Creek THPO or affiliated federally recognized tribe(s) agree that the plan for treating the remains has been properly implemented.

Emergencies: The following procedures will ensure that the need to protect life and property in an emergency is accomplished while taking cultural resources into account to the maximum extent congruent with rapidly changing priorities and circumstances. Urgent and compelling situations require the completion of emergency actions or treatment within five (5) days of the specific dilemma having been reported. Alabama NRCS will notify the AHC of emergency actions of a

compelling and urgent nature, including the circumstances creating the emergency situation, the work to be undertaken, and any consideration of historic properties, as appropriate as soon as possible. The AHC and Poarch Creek THPO and/or affiliated federally recognized tribe(s) will then have one working day to respond to Alabama NRCS after receipt of said notification. Alabama NRCS will document and avoid adverse impacts to culture resources encountered during urgent and compelling work to the fullest extent practicable.

In all emergency actions that are not of an urgent and compelling nature, the Alabama CRS may consult with the AHC and Poarch Creek THPO and/or affiliated federally recognized tribe(s) to determine areas of high site probability for cultural resources. The CRS will then be involved in assessing impacts to these areas with the objective of avoidance. If these areas cannot be avoided and cultural resources are discovered, the CRS or CRC will notify the AHC and Poarch Creek THPO and/or affiliated federally recognized tribe(s). The CRS or a professional archaeologist, if necessary, will then evaluate the resource. The State Conservationist will make a final decision based on the specialist's or professional archaeologist's evaluation, consultation with the AHC, Poarch Creek THPO and/or affiliated federally recognized tribe(s) and the need to protect life and property.

In major disasters, NRCS may elect to waive all or part of its cultural resources responsibilities as allowed under 36 CFR 78.

APPENDIX C:

GLOSSARY OF ACRONYMS USED IN THIS DOCUMENT

USDA	**United States Department of Agriculture**
NRCS	**Natural Resources Conservation Service**
ACHP	**Advisory Council on Historic Preservation**
AHC	**Alabama Historical Commission (State Historic Preservation Office)**
NHL(s)	**National Historic Landmark(s)**
NRHP	**National Register of Historic Places**
SHPO	**State Historic Preservation Officer**
THPO	**Tribal Historic Preservation Officer**
NCSHPO	**National Conference of State Historic Preservation Officers**
NEPA	**National Environmental Policy Act**
CEQ	**Council on Environmental Quality**
DHS	**Department of Homeland Security**
FEMA	**Federal Emergency Management Agency**
NHPA	**National Historic Preservation Act**
FPO	**Federal Preservation Officer**
SPO	**Senior Policy Official (NRCS)**
NHQ	**National Headquarters (NHQ)**
APE	**Area of Potential Effect—from ACHP regulations 36 CFR Part 800**
CRS	**Cultural Resources Specialist**
EWP	**Emergency Watershed Program (NRCS program)**

Appendix D:

Cultural Resources Review Form

(on following page)

CULTURAL RESOURCES REVIEW: _____ COUNTY

1. Owner /Farm Tract No. _____ Start Date _____

2. Program/CTA: _____ Practice Codes _____

3. PRESENT Land Use: Crops/Plowed ☐ Grass ☐ Trees ☐ Fallow ☐ Clear-Cut ☐

Exposed/Eroded ☐ Wetland ☐ Other _____

4. APE: _____ Acres/Ft **5.** _____ Acres of APE inspected **6**. APE Surface Visibility _____%

The APE (*Area of Potential Effect*) is the **specific** area affected by program/practice, including all new or existing borrow/disposal areas, new or temporary access roads & any other off-site or indirect ground-disturbing activities.---- **NOTE:** If artifacts are discovered during practice construction, stop work in the immediate area and contact CRS for guidance. If artifacts discovered after completion, contact CRS ASAP.

7. Information Sources: FO Inspection of APE ☐ Landowner/User ☐ AFC ☐

Other _____ 8. "Site File" search date _____

9. Are any Cultural Resources in/within 100ft of the **APE?** ***NO*** ☐ ***YES*** ☐

If YES -- Artifacts Reported by FO/owner/others? ☐ Site **deliberately** avoided during planning? ☐

10. Will the practice(s) exceed the depth & extent of previous cultivation? ***YES*** ☐ ***NO*** ☐

11. IF a site is in or near the APE, OR any practice is PG or G, **SEND to the CRS for further review**

OR

IF there are **NO sites *AND* NO PG or G** Practice, NO review by the CRS is required. Sign & File at the FO.

12. CR Review Completed by: _____ **Date** _____

13. FO Comments: _____

_____ **14.** Date **PRS** data added _____

15. Township: _____ Range: _____ Section(s) _____

To be Completed by the CRS *To be Completed by the CRS* *To be Completed by the CRS*

CRS Contacted / Form Rec'd _____ Site File Check date _____ Site(s): **NO**

YES: _____ ☐ Avoided ☐ Ineligible **NO EFFECT** ☐

CRS Comments _____

_____ Site Probability: High Medium Low

CRS will survey ASAP ☐ at a later date ☐ Recommends **FO inspect** after practice installation ☐ and report to CRS if artifacts observed.

Date(s) Surveyed by CRS _____ **Date APE inspected by FO** _____

CRS _____ Date _____

Entered into PRS by CRS _____ Scanned/Copied to FO _____

Revised 12/31/2014