PROTOTYPE PROGAMMATIC AGREEMENT
AMONG THE
US DEPARTMENT OF AGRICULTURE,
CONNECTICUT NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE,
and the
CONNECTICUT STATE HISTORIC PRESERVATION OFFICER
and the
CONNECTICUT OFFICE OF STATE ARCHAEOLOGY
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 1985 (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 (a **Prototype Agreement**); and

WHEREAS, the NRCS Connecticut State Office has consulted with the Connecticut State Historic Preservation Officer (**SHPO**) and the Connecticut Office of the State Archaeologist (**OSA**) and followed the instructions in the Advisory Council on Historic Preservation (**ACHP**) letter that that accompanied the nationwide 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 the nationwide Prototype Agreement in consultation with the National Conference of State Historic Preservation Officers (**NCSHPO**) and its members, interested Indian tribes, Native Hawaiian organizations (**NHOs**), interested historic preservation organizations, (such as the National Trust for Historic Preservation), and the ACHP; and

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

WHEREAS, this State-based Prototype Agreement conforms to the NRCS nationwide 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, the SHPO and OSA agree to the terms of the State-based Prototype Agreement; and

WHEREAS, the nationwide 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 Connecticut 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, this 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 the Mashantucket Pequot Tribal Nation and The Mohegan Tribe, and has invited their participation in the development of this State-based Prototype Agreement; and

WHEREAS, this State-based Prototype Agreement does not modify the NRCS' responsibilities to consult with Indian tribes and NHOs on all undertakings that might affect historic properties and properties of religious and cultural significance to them, regardless of where the undertaking is located, without prior agreement by the concerned Indian tribe and NHO, and recognizes that historic properties of religious and cultural significance to an Indian tribe or

NHO may be located on ancestral homelands or on officially ceded lands near or far from current settlements; and

WHEREAS, when NRCS Connecticut 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 as appropriate; and

NOW, THEREFORE, the NRCS Connecticut State Office, the Connecticut SHPO, and the Connecticut OSA agree that NRCS undertakings in the State of Connecticut 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.

I.A. Once executed by the USDA Natural Resources Conservation Service (**NRCS**) Connecticut office, the Connecticut State Historic Preservation Officer (**SHPO**), and the Connecticut Office of State Archaeology (**OSA**), this State-based Prototype Agreement (**State-based PA**) sets forth the review process for all NRCS undertakings subject to Section 106 in the State of Connecticut.

I.B. Execution of this State-based Prototype Agreement supersedes any existing State Level Agreement with the Connecticut SHPO and the Connecticut OSA 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).

I.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).

I.D. This State-based PA applies only where there is staffing or access to staffing (through agreements or contracted services) who meet the Secretary of Interior's Professional Qualification Standards via the Connecticut NRCS state office.

II. Roles and Professional Qualifications.

II.A. The NRCS Connecticut State Conservationist is responsible for oversight of NRCS Connecticut's performance under this State-based Prototype Agreement.

II.B. NRCS Connecticut shall ensure that all cultural resources personnel carrying out Section 106 historic preservation compliance work on its behalf (*i.e.*, NRCS Cultural Resources Specialists (**CRS**s) detailed from other states, archaeologists, historians, professional service contractors, etc.) 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 personnel must meet the Secretary of the Interior's professional Qualification Standards and have the knowledge to assess the resources within an undertaking's area of potential effects (**APE**).

II.C. The Connecticut State Conservationist is responsible for consultation with the Connecticut SHPO and government to government consultation with leaders and/or Tribal Historic Preservation Officers (**THPO**s) of the Mashantucket Pequot Tribal Nation and The Mohegan Tribe to develop consultation protocols. These responsibilities may not be delegated to any other staff, nor carried out on behalf of NRCS by another federal agency or contractor.

II.D. In the absence of an NRCS CRS, the NRCS Connecticut Cultural Resources Coordinator (**CRC**) shall work in conjunction with the qualified cultural resources personnel noted in II. B., above, the Connecticut SHPO, and/or the appropriate THPO to coordinate, monitor, and oversee the work and reporting of all NRCS Connecticut field office personnel.

The NRCS Connecticut CRC shall coordinate with such personnel to provide technical historic property and resources information to the NRCS Connecticut State Conservationist for use in Section 106 findings and determinations, after appropriate consultations with Connecticut SHPO, Indian tribes, and discussions with the landowner.

The NRCS Connecticut CRC also shall coordinate efforts to assist the NRCS Connecticut State Conservationist in determining whether an undertaking has the potential to affect historic properties, triggering further Section 106 review, pursuant to 36 CFR §800.3(a). (Refer to Appendix A.)

II.E. NRCS Connecticut field office personnel involved in implementing this State-based PA, after completion of NRCS' web-based training acquired through the USDA AgLearn training site, classroom, and field awareness training, shall assist the NRCS Connecticut CRC by providing known information on historic properties and unevaluated cultural resources gained from interviews with the landowner and other sources, making field observations on landforms and other indications of site sensitivity, and providing field notes on any cultural resources observed. (Refer to Appendix B (procedures) and Appendix C Cultural Resources Review Request form.) Also, if requested, they shall assist Connecticut OSA when OSA is looking at NRCS Connecticut undertakings.

II.F. NRCS Connecticut shall oversee development of the scopes of work for investigation of the APEs for identification of historic properties (with the assistance of the NRCS FPO or the Connecticut OSA in the absence of an NRCS state CRS) (see 36 CFR Part 800.4).

NRCS Connecticut may use professional service contractors or consultants or partners to assist with cultural resources compliance studies. NRCS Connecticut shall ensure these contractors meet the Secretary of the Interior's Professional Qualifications Standards.

II.G. NRCS Connecticut remains responsible for all *consultation* with the Connecticut SHPO, the Connecticut OSA, Indian tribes and THPOs, and all determinations of National Register of Historic Places (**NRHP**) eligibility and effect. NRCS may not delegate consultation for findings and determinations to professional services consultants or producers/applicants for conservation assistance.

II.H. The Connecticut SHPO, if provided sufficient data on a proposed undertaking and APE for the proposed undertaking by NRCS Connecticut, shall consult and provide a response to NRCS within 30 calendar days. The SHPO may be advised by the Connecticut OSA. The definition of sufficient data is provided in 36 CFR Part 800.11.

II.I. The Advisory Council on Historic Preservation (**ACHP**) shall provide technical guidance, participate in dispute resolution, and monitor the effectiveness of this agreement, as appropriate.

III. Training

III.A. NRCS Connecticut shall require NRCS personnel conducting cultural resources identification and evaluation work or submitting cultural resources review requests using the standard NRCS Connecticut Cultural Resources Review Request form (Appendix C) to complete, at a minimum, the NRCS Web-based (in USDA AgLearn) and classroom and field Cultural Resources Training modules.

III.B. NRCS Connecticut shall require the CRC and the CRS/Archaeologist/Historian 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 (including the ACHP's *106 Basics* webinar), if approved by the NRCS FPO.

Training must be completed within one calendar year of assumption of duties NRCS personnel shall review and update training completion with their supervisors and include their training in their Individual Development Plans.

III.C. NRCS Connecticut may invite the Connecticut SHPO, SHPO staff, Connecticut OSA and/or Indian Tribes to participate in presentations at agency classroom or field trainings.

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

IV. Lead Federal agency

IV.A. For any undertaking for which the NRCS Connecticut is the lead federal agency for Section 106 purposes per 36 CFR §800.2(a)(2), NRCS Connecticut staff shall follow the terms of this State-based Prototype Agreement. NRCS Connecticut shall notify the Connecticut SHPO and the appropriate Indian tribes of its involvement in the undertaking and the involvement of the other federal agencies.

IV.B For any undertaking for which NRCS Connecticut is not the lead federal agency for Section 106 purposes, including those undertakings for which the NRCS Connecticut 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, NRCS may follow the approved alternative procedures in place for that agency.

V. Review Procedures

V.A. In consultation with the Connecticut SHPO, the Connecticut OSA, the Mashantucket Pequot Tribal Nation and The Mohegan Tribe, NRCS Connecticut shall identify undertakings with little to no potential to affect historic properties and classify those undertakings in Appendix [A]. Upon the determination by trained Connecticut NRCS staff that a proposed undertaking is listed as excluded from further review in Tables 1, 2, or 3 of Appendix [A], NRCS Connecticut is not required to consult further with the Connecticut SHPO/OSA for that undertaking.

V.B. Management of the list of undertakings in Appendix A will be as follows:

V.B.1. The list of undertakings provided in Appendix A may be modified through consultation and written agreement among the NRCS Connecticut State Conservationist and the Connecticut OSA and Connecticut SHPO without requiring an amendment to this State-based Prototype Agreement.

V.B.2. The NRCS State office will maintain the master list and, as needed, will provide an updated list to all consulting parties, including practice descriptions that present an explanation of the rationale (metadata) for classifying the practices accordingly.

V.C. If an undertaking is not excluded from further review in Appendix A, it shall require further review as outlined in Stipulation V.C. and Appendix B. NRCS Connecticut shall consult with the Connecticut OSA/SHPO and Indian tribes to define the undertaking's **APE**, identify and evaluate historic properties that may be affected by the undertaking, assess potential effects, and identify strategies for resolving adverse effects prior to approving financial assistance for the undertaking

V.C.1. NRCS Connecticut 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 Connecticut SHPO provided this documentation meets the substantive standards in 36 CFR § 800.4-5 and 800.11.

V.C.2. NRCS Connecticut 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 to historic properties.

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

V.C.3.i. If the SHPO or another consulting party disagrees with NRCS's findings and/or determination, it shall notify the NRCS within the 30 calendar day time period. NRCS Connecticut shall consult with the SHPO or other consulting party to attempt to resolve the disagreement. If the disagreement cannot be resolved through this consultation, NRCS shall follow the dispute resolution process in Stipulation VIII below.

V.C.3.ii. If the SHPO does not respond to the NRCS within the 30 calendar day period and/or the SHPO concurs with NRCS Connecticut's determination and proposed actions to avoid adverse effects, the NRCS shall document the concurrent/lack of response within the review time noted above, and may move forward with the undertaking.

V.C.4. Where a proposed undertaking may adversely affect historic properties, if preliminary consultation does not lead to a means to avoid the adverse effects, NRCS shall describe proposed measures to minimize or mitigate the adverse effects, and follow the process in 36 CFR § 800.6, including consultation with other consulting parties and notification to the ACHP, to develop a Memorandum of Agreement to resolve the adverse effects.

Should the proposed undertaking have the potential to adversely affect a known National Historic Landmark (**NHL**), NRCS Connecticut 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 § 800.6 and § 800.10, including consultation with the ACHP and respective National Park Service, Regional Historic Landmark Program Coordinator, to develop a Memorandum of Agreement.

V.C. 5. Standard Operating Procedures and a Cultural Resources Review Request form are found in Appendices B and C, respectively. The Standard Operating Procedures and the Cultural Resources Review Request form may be revised upon agreement among NRCS Connecticut and Connecticut OSA/SHPO, as long as the following items always are addressed:

- Name of client
- Property address
- Previous knowledge of any cultural resources on the property
- Past disturbance and past/current land use practices that could affect the site integrity in the Area of Potential Effects
- Environmental conditions indicative of site sensitivity for the presence of cultural resources eligible for listing on the National Register of Historic Places, and,
- For each practice:
  - the type of activity
  - dimensions (including depth) of all components of the APE, and,
  - as needed, additional notes on what the practice will entail.

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

VI.A. NRCS Connecticut shall notify the Connecticut SHPO and OSA, Indian Tribes, and other consulting parties as appropriate, 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 §624 (April 2005)).

VI.B. Where the NRCS EWP final rule is found to be inapplicable, NRCS Connecticut shall follow the recently approved guidelines for Unified Federal Review issued by the Department of Homeland Security (**DHS**), Federal Emergency Management Service (**FEMA**), the Council on Environmental Quality (**CEQ**), and the ACHP in July 2014, or the procedures outlined in 36 CFR §800.12(b).

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

VII.A. Where construction has not yet begun and a cultural resource is discovered after Section 106 review is complete, the NRCS Connecticut shall consult to seek avoidance or minimization strategies in consultation with the Connecticut SHPO/OSA, and/or to resolve adverse effects in accordance with 36 CFR §800.6.

VII.B. The NRCS shall ensure that every contract for assistance includes provisions for halting work/construction in the area when **potential historic properties** are discovered or unanticipated effects to historic properties are found after implementation, installation, or construction has begun.

When such a discovery occurs, the client (landowner/producer or other client) who is receiving financial assistance or their contractor shall immediately notify the NRCS Connecticut State Conservationist's Office, the CRC, supervisory NRCS personnel for the area, and the client.

VII.B.1. The NRCS Connecticut CRC will coordinate efforts to have the discovery inspected within 24 hours by qualified cultural resources personnel, weather permitting. NRCS Connecticut shall establish a protective buffer zone surrounding the discovery until a manner for proceeding can be determined. Discovery work will be completed in consultation with the local NRCS Connecticut official (District Conservationist), concerned Indian tribes, the Connecticut SHPO, the Connecticut OSA, the NRCS State engineering or program supervisor (as appropriate), and the NRCS client. This action may require inspection by tribal cultural resources experts in addition to the aforementioned cultural resources personnel.

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

VII.B.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 State Conservationist determines it is appropriate and safe for the resources and workers.

VII.B.4. NRCS Connecticut shall notify the Connecticut SHPO and the OSA, concerned Indian Tribes, and the ACHP no later than 48 hours after the discovery and describe NRCS' assessment of the National Register eligibility of the property, as well as feasible

and proposed actions to resolve any adverse effects to historic properties. The eligibility determination may require the assessment and advice of concerned Indian tribes, the SHPO, OSA, and technical experts (such as historic landscape architects) not employed by NRCS.

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

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

VII.B.7. NRCS Connecticut shall provide a report to the Connecticut SHPO/OSA, concerned Indian Tribes and the ACHP of the actions when they are completed.

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

VII.C.1. In accordance with Connecticut General Statutes Title 10, Chapter 184a, Sec. 10-388 on Human Remains, if human remains are discovered during planning or i*nstallation/construction* of a conservation practice, all activities which could damage the remains should immediately cease.

VII.C.2. The following specific actions will be taken:

- The Connecticut State Police and the CRC/CRS will be contacted by the NRCS field personnel to determine whether the remains are part of an ongoing investigation. The CRC or CRS will contact the OSA. The State Police or OSA may contact the Connecticut Chief Medical Examiner;
- The OSA will determine the cultural affiliation and approximate age of the remains;
- NRCS field personnel will assist the OSA and SHPO in working with the landowner to temporarily protect (e.g., fence) the remains until more permanent actions can be taken;
- Threatening construction activities shall not resume until remains are properly protected.

VIII. Dispute resolution.

VIII.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 NRCS Connecticut State Conservationist and the CRC or CRS shall work to consult with such party to resolve the objection. If the NRCS Connecticut State Conservationist determines that such objection cannot be resolved, he or she will:

VIII.A.1. Forward all documentation relevant to the dispute, including the NRCS Connecticut State Conservationist's proposed resolution, to the NRCS FPO and Senior Policy Official (**SPO**, currently, the NRCS Deputy Chief for Science and Technology) and the ACHP. The ACHP shall provide the FPO, SPO, and NRCS Connecticut 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 Connecticut 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 Connecticut will then proceed according to its final decision.

VIII.A.2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, NRCS Connecticut 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.

VIII.B. The responsibility of NRCS Connecticut to carry out all other actions subject to the terms of this agreement that are not the subject of the dispute remains unchanged.

VIII.C. Any consulting party to this State-based PA may request the ACHP provide its advisory opinion regarding the substance of any finding, determination, or decision regarding compliance with its terms.

VIII.D. At any time during the implementation of the State-based PA, a member of the public may submit an objection pertaining to this agreement to the NRCS Connecticut State Conservationist, in writing. Upon receiving such an objection, the NRCS Connecticut State Conservationist shall (1) notify the NRCS SPO, the NRCS FPO, the Connecticut SHPO and the Connecticut OSA, (2) take the objection into account, and (3) consult with other consulting parties as appropriate to resolve the objection. The NRCS Connecticut State Conservationist shall notify the SPO, FPO, Connecticut SHPO, and Connecticut OSA of the outcome of this process.

IX. Public Involvement

The NRCS Connecticut 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).

NRCS Connecticut will ensure that public consultation is conducted with the appropriate individuals, groups, tribes, and units of government depending on the size and nature of the undertaking. For small practices on individual farms this will include the landowner and operator, any partners involved (such as the local conservation district), and (with the concurrence of the NRCS Connecticut State Conservationist) any individual or group who expresses interest in that undertaking.

X. Annual reporting and monitoring.

X.A. Every year following the execution of this agreement, commencing December 1, 2016, until it expires or is terminated, the NRCS Connecticut State Conservationist shall provide the NRCS FPO and all consulting parties to this agreement (including those who participate in the consultation but do not sign the agreement) a summary report detailing work undertaken pursuant to its terms, including a summary 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 the Connecticut SHPO and Connecticut OSA; 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 NRCS's efforts to carry out the terms of this agreement.

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

X.A.2. The Connecticut State Conservationist shall use the state report to assess the need for annual meetings with the Connecticut SHPO/OSA each fiscal year.

X.B. The NRCS Connecticut State Conservationist will participate in an annual review with the NRCS Regional Conservationist regarding the effectiveness of the State-based Prototype Agreement and submit a written (email) report following this review to the SPO.

X.C. The NRCS Connecticut State Conservationist, Connecticut SHPO or Connecticut OSA may request that the ACHP participate in any annual meeting or agreement review.

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

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

XII. Duration of Prototype Agreement.

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

XIII. Amendment and termination.

XIII.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, the NRCS SPO, and the ACHP.

XIII.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. 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.

XIII.C. If this State-based PA 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 §800 for all individual undertakings in Connecticut State.

XIII.D. NRCS will consider requests from other USDA agencies to become a signatory to the State-based PA only 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, the National Conference of State Historic Preservation Officers, and Indian tribes/THPOs and other consulting parties, as appropriate. Such inclusion of the USDA agency may require amendment to this State-based PA.

XIV. Sharing Technology and Information

XIV.A. In that the three agencies represented in this agreement have common interest in recognizing and protecting cultural resources in Connecticut, representatives of each agency will meet at least annually to review mutual work, any issues of concern, training needs, etc.

XIV.B. Access to Cultural Resources Information: The SHPO and OSA shall allow the NRCS Connecticut CRC/CRS and/or GIS Specialist access to the Connecticut Archaeological Inventory archaeological sites files, the Historic Sites and Structures Survey and other archeological or historic records. The CRC/CRS shall use this information to determine potential impacts on recorded cultural resources for all undertakings assisted by NRCS. NRCS Connecticut agrees that digitized site location data shared with the agency will be securely maintained.

XIV.C. Upon request, NRCS Connecticut personnel will, within limits of staffing and workload activities, provide the OSA and SHPO technical assistance in the location, identification and interpretation of special historic and archaeological findings within NRCS staff areas of expertise. Use of Ground Penetrating Radar (GPR) and Electro-Magnetic Induction (EMI) may be made available on a case by case request. Soil descriptions and interpretations can be provided as well. Written detailed reports to the OSA and SHPA may be produced to transfer the information and knowledge.

XV. Curation Arrangements

NRCS Connecticut shall ensure that copies of NRCS Connecticut records resulting from cultural resources surveys or data recovery activities are filed with the Connecticut OSA and the Connecticut SHPO.

It is understood that artifacts collected on private land are the property of the landowner(s), however Connecticut OSA may inform the landowner of the option to donate artifacts to facilities where they may be used for research. In such cases, storage typically would be at the Office of the State Archaeologist, Connecticut Museum of Natural History at the University of Connecticut.

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

SIGNATORY PARTIES

Signed: _____

State Conservationist, Connecticut Natural Resources Conservation Service

Print Name Thomas L. Morgart Date: 2/29/16

Signed: _____

Connecticut State Historic Preservation Officer

Print Name Deputy Catherine Labadia Date: 2/26/16

Signed: _____

State Archaeologist, Connecticut Office of State Archaeology

Print Name Brian D. Jones Date: 2/25/2016

APPENDIX A. CLASSIFICATION OF PRACTICES AND EXCLUSIONS 2-18-2016

Pursuant to Stipulation V.A., in consultation with the Connecticut SHPO, Connecticut OSA, the Mashantucket Pequot Tribal Nation and The Mohegan Tribe, **NRCS Connecticut has identified and classified undertakings with little or no potential to affect historic properties. These undertakings are listed in Tables 1, 2, and 3.** (Table 4 is a list of practices that were examined and classified as having potential to affect historic properties.) For all exclusions below, if an unanticipated discovery is made, the procedures outlined in Stipulation VII and Appendix B (Standard Operating Procedures) will be followed.

Table 1 excludes from further review **(I)** undertakings that are easements that do not involve ground disturbance on the part of NRCS and do not call for removal or structural modifications of buildings over 50 years old, and **(II)** undertakings on certain soil conditions: **(A)** sites on soils mapped as highly disturbed (map units 301-310), **(B)** ground that can be documented as thoroughly disturbed, and **(C)** if no known archaeological sites are known from the Area of Potential Effects, undertakings on sites mapped as Very Poorly drained or Subaqueous soils (with the exception of mapped Submerged Terrestrial Subaqueous soils), and **(III)** the work of NRCS Soil Scientists doing soil survey activities or technical soil services that are considered to generally not have the potential to cause effects on historic or cultural properties.

Table 2 lists undertakings classified as having little or no potential to affect historic properties. These undertakings include practices that do not touch the ground, practices that touch the ground's surface, and practices that take place on previously plowed farmland that are recognized by NRCS as not adding to the existing ground disturbance and thus are lacking the potential to cause effects on historic properties in the soil, assuming such historic properties were present. These practices require no further review if the following general rules are met:

(1) no vehicles/equipment are being driven over piled rocks or other stone features, **AND**
(2) the undertaking does not involve tearing down or major modification of a building over 50 years old, **AND**,
(3) the undertaking is **not** being done differently than described in Table 2, **AND**
(4) any qualifying conditions mentioned under Notes are met, **AND**
(5) the NRCS planner has no other reason to believe review is needed.

Table 3 lists undertakings classified as potentially ground-disturbing. Potentially ground-disturbing practices may be done in either ground-disturbing or non-ground-disturbing ways. Under practice-specific conditions, these undertakings are classified as having little or no potential to affect historic properties, and, require no further review if:

(A) the practice-specific conditions for no further review needed are met, **AND**
(B) the following general rules are met:
(1) no vehicles/equipment are being driven over piled rocks or other stone features, **AND**
(2) the undertaking does not involve tearing down or major modification of a building over 50 years old, **AND**,
(3) the undertaking is **not** being done differently than described in Table 3, **AND**
(4) for practice names marked with an asterisk, an engineer or planner with job approval authority asserts that the specified conditions will be met in the practice design and construction, **AND**
(5) the NRCS planner has no other reason to believe review is needed.

Table 4 lists undertakings that were classified as having the potential to affect historic properties. These undertakings always require further review.

In addition:

(1) Any other types of undertakings not specifically excluded from further review in Appendix A do require further review.

(2) NRCS Connecticut will keep the master list of Tables for Appendix A. Per Stipulation V.B.1, these tables may be revised with consultation and written agreement among the NRCS Connecticut State Conservationist, the Connecticut OSA and the Connecticut SHPO without requiring an amendment to the State-based Prototype Agreement.

APPENDIX A – Table 1. General Classes of Undertakings Requiring No Further Review
2-18-16

I. Conservation easements that do not involve ground disturbance on the part of NRCS and do not call for removal of structures or structural modifications of buildings over 50 years old will not require review.

II. No further review is needed in the situations described below.
If an unanticipated discovery is made, the procedures outlined in Stipulation VII and Appendix B (Standard Operating Procedures) will be followed.

A. No further review is required for sites on highly disturbed soils. This is refers to map units 301-310 which are as follow: 301-Beaches; 302-Dumps; 303-Pits, quarries; 304-Udorthents, loamy, very steep; 305-Udorthents-Pits complex, gravelly; 306-Udorthents-Urban land complex; 307-Urban land; 308-Udorthents, smoothed; 309-Udorthents, flood control; 310-Udorthents, periodically flooded.

B. No further review is required for ground that can be documented as thoroughly disturbed (for example, gravel pits/digging, site filling, building construction, land leveling) **where the undertaking will not exceed the surface area and depth of previous disturbance**.

C. When no known archaeological sites are found in the Area of Potential Effects following examination of the online National Register of Historic Places and the Connecticut SHPO's GIS-based archaeological site files, no further review is needed for very poorly drained soils or subaqueous soils (with the exception of where Submerged Terrestrial Subaqueous soils have been mapped)**.**
Soil series not needing further review include:
1. Very Poorly drained soils with a thick organic surface (e.g., Loonmeadow, Whitman, Alden, Menlo Scarboro, Halsey, Maybid, Medomak, and Saco series)
2. Organic, Very Poorly drained, soils (e.g., Catden, Freetown, Bucksport, Natchaug, Wonsqueak, Timakwa, Pawcatuck, Westbrook, and Ipswich series)

D. Soil Scientists are recognized as knowledgeable about artifacts and unusual coloration or horizonation in soils. Soil survey activities and technical soil services performed by NRCS Connecticut soil scientists that are considered to generally not have the potential to cause effects to historic or cultural properties.
1. When performed by an NRCS Soil Scientist, no further review is required for the following:
   a. hand dug shovel holes, with soil filled back in proper horizon order when done
   b. auger holes
   c. probe holes
   d. core holes

2. Note that review **is** required for machine-excavated soil pits including (but not limited to):
   a. Larger-scale soil survey field investigations such as soil investigation pits (which are recognized as having the potential to affect historic properties)
   b. Any backhoe pits for determining sites for NRCS program practices shall not be dug until the undertaking has been reviewed

3. NRCS Connecticut soil scientists performing soil survey activities or technical services for Connecticut NRCS shall stop digging if any cultural resources are encountered. Then:
   a. if no human bones or funerary objects (objects intentionally placed with the remains) are present, then they will do the following:
      (i). do not remove anything
      (ii). report site to OSA
      (iii). fill hole and make note of its location

   b. if human bones and/or funerary objects are not involved, work may be moved at least 50 feet away and continued

   c. Stop immediately and completely if human bones or funerary objects are encountered and follow the steps outlined in Stipulation VII.C (which says, in brief, call the State Police and the NRCS Connecticut Cultural Resources Coordinator/Specialist who will contact the Office of State Archaeology to determine the ethnicity and age of the remains).

APPENDIX A, Table 2. Undertakings Classified as having Little or No Potential to Affect Historic Properties 2-9-2016

The practices listed below are normally classified as non-ground disturbing meaning that (A) they do not disturb ground at all, (B) they touch only the ground's surface, or (C) they take place on previously plowed farmland and they are recognized by NRCS as not adding to the existing ground disturbance and thus are lacking the potential to cause effects on historic properties in the soil.

No further review is needed IF (1) no vehicles/equipment are being driven over piled rocks or other stone features, AND (2) the undertaking does not involve tear down or major modification of a building over 50 years old, AND (3) the undertaking is NOT being done differently than the Description below, AND (4) the conditions mentioned under NOTES are met, AND (5) the NRCS planner has no other reason to believe review is needed

Code	OLD Class	Practice Name (Alphabetically)	Description	NOTES: No Further Review is Needed when conditions specified below are met
591	NG	Amendments for Treatment of Agricultural Waste	Chemical or biological additives to alter characteristics of agricultural waste (manure, etc.) -- used as part of a Comprehensive Nutrient Management Plan	*under all conditions*
400	NG	Bivalve Aquaculture Gear and Biofouling Control	The acquisition and use of additional aquaculture gear to cycle with oyster (etc.) production gear in near-shore, intertidal and sub tidal marine areas where biofouling of aquaculture production gear occurs. The cultured organisms are transferred from the existing biofouled gear to the "clean gear" and returned to the water	when no ground disturbance
372	NG	Combustion System Improvement	Replace or add equipment for energy efficiency or pollution reduction, e.g., engine replacement; addition of reverse osmosis equipment in sugar house; add steam enhanced pre-heater over existing evaporator; greenhouse furnace or boiler replacement	*does not involve any soil disturbance of a greater depth, horizontal extent or intensity than that already caused by previous building construction or equipment installation*
327	NG	Conservation Cover	Establishing and maintaining permanent vegetative cover for reasons other than forage and biomass (512) or critical area plantings (342). Involves site preparation (e.g., disking and/or harrowing) and planting of seeds (to 1/4" - 1/2" deep), or deeper sprigs, rhizomes, bulbs, etc. Done on retired agriculture land or on heavily disturbed area around farm headquarters or in construction area	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone OR soil disturbance does not exceed depth, horizontal extent, or intensity of previous disturbance outside of crop land*
328	NG	Conservation Crop Rotation	An adapted sequence of crops designed to provide adequate organic residue for maintance or improvement of soil tilth.	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
332	NG	Contour Buffer Strips	Cropped strip of vegetation established on the contour (rows run across the slope) below which is a narrow strip of permanent, herbaceous cover also on the contour. This pattern is repeated down a slope for erosion control	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
330	NG	Contour Farming	Farming on sloping lands where preparing, planting, and cultivating are done on the contour (rows run across the slope rather than up and down)	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
340	NG	Cover Crop	Planting of grasses, legumes, and forbs for seasonal cover to control erosion and for other conservation purposes. Cover crops are terminated by harvest, frost, mowing, tillage, crimping and/or herbicides in preparation for the crop to be planted.	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
592	NG	Feed Management	Working with farmer to plan livestock rations	*under all conditions*
386	NG	Field Border	A strip of permanent vegetation at the edge of a field for one or more purposes such as reducing wind/water erosion, protecting soil and water quality, providing wildlife food /cover, etc. May be planted to grasses, legumes, or shrubs. Could involve removal of trees, but typically involves taking a portion of the field out of crop planting. Mainatenance may include additional disking or occasionally, paraplowing (minimally invasive tillage).	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
512	NG	Forage and Biomass Planting	Establishment of grasses or legumes for pasture, hay, or biomass plantings. Site preparation may involve tillage of existing sod, disking, harrowing, and seeding (seed depth, itself, up to 1/2").	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
511	NG	Forage Harvest Management	The timely cutting and removal of forages from the field as hay, greenchop or silage	*under all conditions*
422	NG	Hedgerow Planting	Establishing a living fence of shrubs or trees; or seeding, in, across, or around a field. May involve bare root plants, potted plants, or seeds	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*

Code	OLD Class	Practice Name (Alphabetically)	Description	NOTES: No Further Review is Needed when conditions specified below are met
595	NG	Integrated Pest Management (IPM)	Applying a basic IPM plan on cropland, fruit, orchards, or small farms with LGU-approved pest monitoring techniques and pest thresholds (where available). May include pesticide application, other non-ground-disturbing activities, and tillage of farmland	*under all conditions*
441	NG	Irrigation System Micro irrigation	Involves above-ground drip tubes, drip tape, micro-misters or, if buried system, not below plough zone	when all components are above ground ***OR*** *if ground disturbing, is only in existing or previously tilled crop land not exceeding depth of plow zone*
449	NG	Irrigation Water Management	Determining and controlling the rate, amount, and timing of irrigation water in a planned efficient manner	*under all conditions*
470	--	Lighting System Improvement	Complete replacement or retrofitting of one or more components of an existing agricultural lighting system; in Connecticut, this is replacement with energy efficient light bulbs	*under all conditions*
484	NG	Mulching	Applying plant residues or other suitable materials not produced on the site to the soil surface	*under all conditions*
590	NG	Nutrient Management	Managing the amount, form, placement, and timing of application of plant nutrients	*under all conditions*
528	NG	Prescribed Grazing	The controlled harvest of vegetation with grazing or browsing animals	*under all conditions*
345	NG	Residue and Tillage Management, Reduced Till	Managing the amount, orientation, and distribution of crop and other plant residue on the soil surface of the field through mulching	*under all conditions*
329	NG	Residue and Tillage Management, No Till/Strip Till/Direct Seed	Any tillage and planting system in which at least 30% of the soil surface of the field is covered by plant residue after planting to reduce soil erosion by water or wind	*under all conditions*
390	NG	Riparian Herbaceous Cover	Establishing riparian herbaceous cover along water bodies or in areas with saturated soils to improve fish and wildlife habitat, improve water quality and reduce erosion	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
557	--	Row Arrangement	in a ploughed field --permanently assign one strip to be ploughed and the next to be not ploughed for erosion control and water management	*under all conditions*
570	G	Stormwater Runoff Control	Temporary placement of silt fence, straw wattles and/or straw bales to block sedimentation and erosion. Typically associated with ground-disturbing practice that would be reviewed separately	*under all conditions*
585	NG	Stripcropping	Growing crops in a systematic arrangement of strips on the contour to reduce water erosion	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
660	NG	Tree/Shrub Pruning	Removing all or selected branches from trees and shrubs	*under all conditions*
633	NG	Waste Utilization (aka Waste Recycling)	Using agricultural waste or other waste on land in an environmentally acceptable manner while maintaining or improving soil and plant resources; may be harrowed in up to about 6" deep; May be waste recycled on farm, exported off farm, or imported onto farm	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*

APPENDIX A, Table 3. Little or No Potential to Affect Historic Properties UNDER SPECIFIED CONDITIONS 2-18-2016

Because they may be done in multiple ways, some of which are ground-disturbing, the practices on this list are classified as potentially ground-disturbing. When they are (A) done with limited ground disturbance (as described under the NOTES column) AND (B) they meet ALL five overall general rules listed below, they are considered to have Little or No Potential to Affect Historic Properties

No further review is needed IF (A) the practice-specific conditions specified under NOTES are met, AND the following overall general rules are met: (1) no vehicles/equipment are being driven over piled rocks or other stone features, AND (2) the undertaking does not involve tear down or major modification of a building over 50 years old, AND (3) the undertaking is NOT being done differently than the Description below, AND (4) for practices marked with an asterisk, an engineer or planner with job approval authority asserts that the specified conditions will be met, AND (5) the NRCS planner has no other reason to believe review is needed

*** Practice Names marked with an Asterix need the word from an Engineer (or Planner with Job Approval Authority) that specified conditions will be met in the practice design and construction**

Code	OLD Class	Practice Name (Alphabetically)	Description	NOTES: FURTHER REVIEW IS NEEDED Unless Conditions Specified Below are Met
472	PG	Access Control	Temporary or permanent exclusion of animals, people, vehicles, or equipment from a site. This may be done with patrolling, permits, posting of signs, or installation of gates, fences or other barriers.	*no ground disturbance **AND/OR** any fence/gate posts involved in the practice are pounded*
371	NG	Air Filtration and Scrubbing	planting trees outside a building to serve as a bio-filter	*bare root stock is placed within shovel slits **OR** holes dug for planting do not exceed depth of previous disturbance*
314	PG	Brush Management	Management or removal of unwanted woody plants (not on cropland). Includes mechanical and/or chemical treatments. Mechanical includes activities such as hand pulling, cutting with tools carried by a person, use of wheeled machinery with mowing blades, wheeled machine-assisted digging/pulling. Chemicals may be applied by hand (painting on cut surface or basal bark area; hand-held sprayer or other applicator); from a wheeled vehicle (regular- or low-ground pressure vehicle).	does not involve stump removal
672	--	Building Envelope Improvement	Installing insulation; e.g., put plastic wrap on bldg under siding to seal cracks (except doors and windows), or install curtains on an existing building for heat regulation	*siding of building older than 50 years old is not affected*
331	PG	Contour Orchard and Other Perennial Crops	Planting orchards, vineyards, Christmas trees, or small fruit so that all cultural operations are done on the contour	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
342	PG	**Critical Area Planting ***	Establishing permanent vegetation with seed, sod, or woody plants (including containerized plants) on harsh sites (including around constructed facilities) or sites with high, or potentially high, erosion rates (e.g., sand dunes, degraded sites, stream and channel banks, roadsides). Site preparation *may* involve control of competing vegetation, ripping of compacted soil, gully-filling, and re-firming, smoothing and shaping of the soil surface. Sand dune plantings may include sand fences and brush matting.	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone **AND/OR** outside of crop land, the soil disturbance does not exceed depth, horizontal extent, or intensity of previous disturbance*
647	PG	Early Successional Habitat Development/Mgt.	Manage plant cover to maintain early successional habitat. Management may include planting and associated site preparation, mechanical or chemical control of unwanted vegetation via mechanical methods (hand tools, machinery) or herbicides (painted on individual plants or sprayed by hand or from a vehicle)	no ground disturbance in non-crop land **AND/OR** disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone
374	NG	Farmstead Energy Improvement	Developing and implementing farmstead improvements including replacing or retrofitting agricultural equipment systems (e.g., gas and electric irrigation pumps) and related components or devices to increase energy efficiency. Also may include below-ground installation of root zone heating.	*does not involve soil disturbance of a greater depth, horizontal extent or intensity than that already caused by previous building construction or equipment installation*
382	PG	Fence	Constructed barrier to control movement of people, animals or vehicles. Includes permanent fencing and temporary electric fencing. Gates and corners will have extra bracing and may extend to 5 feet deep.	*electric fence used or permanent fence posts are pounded*
393	PG	**Filter Strip***	A strip or area of herbaceous vegetation that removes contaminants from overland water flow on cropland, grazing land, or disturbed land (including forests). Maintence includes regrading where gullied or filled with deposited sediment.	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
399		**Fishpond Management ***	Used for commercial fish ponds (which are highly disturbed sites) and includes activities ranging from herbicides for aquatic invasives (non-ground disturbing), aerators floating in the pond (which would need trench for electrical hook-up), to dredging	*involves no additional ground disturbance*
666	PG	Forest Stand Improvement	The manipulation of forest species composition, stand structure, and tree density by cutting or killing in place selected trees and shrubs. In some cases, soil may be disturbed by the movement of heavy equipment.	*involves no stumping AND no ground disturbance beyond vehicles/equipment driving on site*

Code	OLD Class	Practice Name (Alphabetically)	Description	NOTES: FURTHER REVIEW IS NEEDED Unless Conditions Specified Below are Met
655	PG	**Forest Trails and Landings***	Forest Trails are for temporary or infrequent use by equipment for management activities. They involve smoothing the soil enough to get equipment through; this might involve scraping the topsoil with a bulldozer blade, re-grading, and perhaps spot treatment of lower wetter places that need some added coarser material for traction. In some cases, a logger will construct or bring in a temporary bridge (e.g., logs lashed together to bridge a small stream, a small pre-fabricated steel bridge temporarily put in place, or metal plates such as are used to cover big holes where there is roadwork being done on a public street). Vegetatation may be cut next to the trail to increase sunlight on the forest floor. During the course of logging, portions of a trail may need ruts graded out. Water bars may be dug into the soil up to 15 inches for 6-12 feet of road. Temporary stream crossings on the soil surface (e.g., timber mats) may be used. Steep sections of Forest Trail, where traction and erosion control would be needed, might be delineated separately on the plan and constructed under the Practice and standards of Access Road (560). Some NRCS Forest Trails may follow the routes of old roadways or previous logging trails.	*done on existing trail/landing **AND** depth and horizontal extent of disturbance do not exceed initial disturbance of creating trail/landing **AND** does not involve stumping*
355	NG	Groundwater {aka Well-water} Testing	Testing for physical, biological and chemical characteristic of well water.	*is not associated with installation of new monitoring well*
315	--	Herbaceous Weed Control	control of unwanted herbaceous vegetation (including Japanese Knotweed)	*disturbance is not ground-disturbing **OR** if ground disturbing, is only in existing or previously tilled crop land not exceeding depth of plow zone*
325	PG	**High Tunnel System (formerly 798, Seasonal High Tunnel)***	A seasonal polyethylene covered structure that is used to cover crops to extend the growing season; typical size is 30' by 96'. Anchored on the long sides with long screw-augers, < 2.5" diameter pounded metal posts (to a minimum of 18" deep), or posts on footer. The recommended practice is to anchor corners below frost line with concrete poured in an augured or dug hole. Corners may involve an augured hole with a large sonitube or a backhoe hole 2'-3' square and 4 'deep. Where it is difficult to auger or pound anchors, a backhoe may be used to dig a hole. Some HTs are on wheels that run along anchored rails so that they later may be slid to a new position. Done on cropland. May involve land leveling.	*ground disturbance is limited to anchoring with screw augers or pounded metal posts (<2.5" diameter). Note that if ground leveling is involved, it needs review.*
430	G	**Irrigation Pipeline***	Includes both pipe and hydrant. If buried line is serving above-ground system, it will be set up ready to hook in above-ground system above the ground.	*involves surface system only*
443	G	**Irrigation System Surface & Subsurface ***	In Connecticut, used for flood tables or flood floors in greenhouses	*does not involve soil disturbance of a greater depth, horizontal extent or intensity than that already caused by previous building construction or equipment installation*
460	PG	Land Clearing	Removing trees, stumps, and other vegetation from wooded areas to facilitate a conservation practice. May involve digging holes to dispose of cut material or rutting of soil when heavy pieces are dragged to a pile.	*involves no stumping/digging **AND** no rutting of soil by dragging of large logs*
516	PG	**Livestock Pipeline {formerly Pipeline}***	Pipeline and frost-free hydrant(s). Pipeline may be buried at various depths or laid above-ground.	*pipeline and hydrants are above-ground*
521C	PG	Pond Sealing or Lining Bentonite Sealant	A liner for a pond or waste impoundment consisting of a compacted soil-bentonite mixture that is spread in existing pond then allowed to seep into ground to block moisture loss	*installed into reviewed pond or waste impoundment at the time of construction*
521D	--	Pond Sealing or Lining Compacted Clay Treatment	A liner for a pond or waste storage impoundment constructed using compacted soil without soil amendments put into pond to block moisture loss	*installed into reviewed pond or waste impoundment at the time of construction **AND** no borrow pit is involved*
521A	PG	Pond Sealing or Lining Flexible Membrane	A manufactured hydraulic barrier that is installed in a key trench that extends the pond footprint out 4' and would entail additional ground disturbance in installation (that would be considered a negligible addition in the light of pond construction activities that already require review)	*installed into reviewed pond or waste impoundment at the time of construction*
521B	--	Pond Sealing or Lining Soil Dispersant	Sealant in bottom of pond or waste impoundment to block moisture loss	*installed into reviewed pond or waste impoundment at the time of construction; **AND** no borrow pit involved*

Code	OLD Class	Practice Name (Alphabetically)	Description	NOTES: FURTHER REVIEW IS NEEDED Unless Conditions Specified Below are Met
338	NG	Prescribed Burning	Burning of vegetation; entails the presence of a water truck and may entail other vehicles on site. (Constructed firebreaks are not paid for under this practice, but may have to be done.)	*no soil disturbance (including Fire Breaks) is associated with doing the burning*
533	PG	**Pumping Plant ***	Installation of a pump to move water or waste liquid. Includes the required pump(s), associated power unit(s), plumbing, appurtenances, and may include on-site fuel or energy source(s) and protective structures. It may be attached to an existing building, put in a well, put on a concrete pad. A pumping plant is generally installed along with associated practices for installing water wells, buried pipeline for electrical supply and pump controls, and pipeline to convey water from the well. **For review purposes, the pipeline/electrical line trench is part of the Area of Potential Effects and must be included in the request for review.**	*installation, including any necessary associated electrical or water lines and buildings pads does not require new site disturbance*
562	PG	**Recreation Area Improvement ***	Establishing herbaceous or woody vegetation or selectively reducing stand density and trimming woody plants to improve an area for recreation. Not on payment list in Connecticut as of 2015.	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone* ***AND/OR*** *outside of crop land, the soil disturbance does not exceed depth, horizontal extent, or intensity of previous disturbance*
643	PG	**Restoration and Management of Rare or Declining Habitats ***	Includes monitoring, developing micro-topography, vernal pool creation, flash grazing, creation of oyster reefs.	*disturbance does not exceed depth of plough zone* ***OR*** *no soil disturbance in mapped terrestrial subaqueous soils*
391	NG	Riparian Forest Buffer	Leaving or establishing an area of trees and/or shrubs adjacent to watercourses or water bodies	*no ground disturbance in non-farm land* ***AND/OR*** *disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
654	--	**Road/Trail/Landing Closure and Treatment ***	Closure for purposes such as minimizing human impacts to the area, controlling erosion (etc.), re-establishing desired plant cover, re-establishing pre-road landform or drainage pattern, etc., with temporary or permanent treatment of the land done on existing road/trail/landing.	*disturbance is no deeper/wider than the disturbance of creating the existing road/trail/landing*
558	PG	**Roof Runoff Structure ***	Typically gutter or downspout connecting to Underground Outlet (620), but can also be a concrete or gravel trench adjacent to a structure. (Highly unlikely to be installed in undisturbed soil.)	*gutter or downspout with no additional ground disturbance*
367	--	**Roofs and Covers ***	A rigid, semi-rigid, or flexible manufactured membrane, composite material, or roof structure placed over a heavy use area or a waste management area to divert water or to contain biogas/odors; may be attached to the waste management facility or need its own foundation in the ground	*does not need its own foundation in the ground*
381	--	Silvopasture Establishment	Scenarios include: Commercial or non-commercial tree harvest; tree harvest with grass establishment; grass establishment; tree establishment. Field may have been disturbed already for regular cropping practices. Tree establishment is for bare root seedlings, no large holes.	*no stumping involved* ***AND*** *any disturbance associated with planting is only in existing or previously tilled crop land not exceeding depth of plow zone*
442	NG	Sprinkler System (formerly Irrigation System Sprinkler)	in cropfield (or in some cases cranberry bog); includes installation of sprinkler with flow meter. Sprinkler may be linear or lateral movement system; wheel line system (consists of the mover, lateral pipe, wheels, sprinklers, couplers, and connectors to the mainline supply with risers placed at 40' interval); solid set system with small traveling gun or a big travelling gun to apply animal feeding waste water with a reel on a towpath; sprinkler pods on a PE line; or renozzling which takes a <12" trencher.	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
395	PG	Stream Habitat Improvement and Management	covers a wide range of actions from vegetation management to re-routing of stream flow	*disturbance is not ground-disturbing* ***OR*** *if ground disturbing, is only in existing or previously tilled crop land not exceeding depth of plow zone*
587	G	Structure for Water Control	A structure in an irrigation, drainage, or water management system that conveys water, controls the direction or rate of flow, or maintains a desired water surface elevation. It may involve water meters and flow meters (not ground disturbing) as well as culverts, flashboards/gates, and fish screens	*done in a non-ground disturbing way*

Code	OLD Class	Practice Name (Alphabetically)	Description	NOTES: FURTHER REVIEW IS NEEDED Unless Conditions Specified Below are Met
649	--	**Structures for Wildlife ***	Provide alternative cover when natural cover is not readily available. Includes artificial nest boxes or platforms, artifical cover such as brush piles, rock piles, buried concrete pipe, engineered log jams and natural cover manipulations, such as girdling trees to encourage snag development.	*brush pile **OR** nest box (which may include pounded post) **OR** other activity that does not involve digging*
612	PG	Tree/Shrub Establishment	Planting or seeding woody plants in farm, forest or early successional settings	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
490	PG	Tree/Shrub Site Preparation	Preparing the site for planting or natural regeneration of woody plants; may involve disking or chemical treatment	*disturbance involves non-ground-disturbing chemical treatment **OR** use of farm implements in existing or previously tilled crop land not exceeding depth of plow zone*
645	PG	Upland Wildlife Habitat Management	Creating, maintaining, or enhancing areas for upland wildlife food, shelter and cover by establishing vegetation, structural measures, or manipulating vegetation	*no ground disturbance involved*
635	PG	**Vegetated Treatment Area***	An area of permanent vegetation used for agricultural wastewater treatment. This is associated with a practice that would move agricultural waste water to the treatment site. Use of the treatment site may involve shaping of the land to promote water movement, or it may not	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
360	--	**Waste Facility Closure ***	Demolition of concrete structure that has been emptied. Or removing solid/liquid manure and excavating to reform the surface and then seeding down.	*soil disturbance does not exceed depth, horizontal extent, or intensity of previous disturbance **AND** practice does not involve borrow pits*
632	--	**Waste Separation Facility ***	Separating liquids from solids; often are on headquarters as part of a waste management system, on land that has been highly disturbed. (This practice, itself, could result in no additional ground disturbance, but would be part of a planned system that is ground disturbing.) May involve: a machine set on a pad that was installed under 561 Heavy Use Area Protection; a trench; or construction of a new building to house a separation facility	*soil disturbance does not exceed depth, horizontal extent, or intensity of previous disturbance*
629	G	Waste Treatment	The mechanical, chemical, or biological treatment of waste done in a manner that can not be accomplished by other NRCS practices. Currently can include a wide range of scenarios, some ground disturbing and some not.	*done in non-ground-disturbing way*
614	PG	Watering Facility	Can be portable troughs with above-ground pipeline, or, frost free waterers with concrete foundations and underground pipelines, or, combinations of the two.	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
351	--	**Well Decommissioning ***	Permanently seal a well by filling it (with earth, cement grout, bentonite)	*soil disturbance does not exceed depth, horizontal extent, or intensity of previous disturbance caused by initial digging of well **AND** practice does not involve borrow pits*
380	--	Windbreak/Shelterbelt Establishment	Linear plantings of single or multiple rows of trees or shrubs for environmental purposes	*disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone*
384	--	Woody Residue Treatment	Treatment of residual woody material from natural disturbances or management activities by piling, burning, chipping/masticating, lop & scatter, off-site removal, crushing	*involves no burning **AND** no digging*

APPENDIX A, Table 4. - High Potential to Affect Historic Properties		THESE PRACTICES ALWAYS REQUIRE REVIEW	2-18-2016	
* NOTE - Starred Red Practices = be sure to refer to an Engineer's words or note that you have Job Authority when you say a Practice on this list is to be done with a low level of disturbance (engineers may have comments on other ones too)				
Code	OLD Class	Practice Name (Alphabetically)	Description	NOTES
560	G	Access Road *	a road for equipment and vehicles with a packed sub-base and a 3" deep angular gravel or reclaimed bituminous material surface -- road may be created by cutting 12" deep to smooth and compact subgrade onto which is added a geotextextile cloth then a 9" thick gravel subbase. Sometimes, the existing sub-base material can be compacted, on top of which a geotextile cloth is layed down and covered with a 3"deep layer of surface material. Access roads are typically not temporary. May involve tree removal. Some NRCS Access Roads may involve the refurbishing of an existing roadway rather than new construction. The minimum width is 14' (including 2' shoulders on each side) for 1-lane roads and 20' (including shoulders) for 2-lane roads.	
309	G	Agrichemical Handling Facility	a set of structures under a roof	
311	G	Alley Cropping	Trees or shrubs planted in a set or series of single or multiple rows with agronomic, horticultural crops or forages cultivated in the alleys between the rows of woody plants. Typically done in an existing horticultural crop field and planting would not be digging deeper than typical farming practices.	
366	G	Anaerobic Digester	Treats manure and other animal agriculture by-products to capture biogas for energy production, manage odors, reduce greenhouse gas emissions, reduce pathogens. May be being installed on highly disturbed sites	
316	G	Animal Mortality Facility	a set of structures under a roof to dispose of animal carcasses by incineration or composting (Note Static Composting Pad is unroofed)	
397	G	Aquaculture Ponds	Pond construction; may include waste sump	
396	--	Aquatic Organism Passage	Activities to facilitate passage of aquatic organisms including dam removal, channel modification and various constructed features/structures installed in and/or next to stream	
584	G	Channel Bed Stabilization	Stabilize bed or bottom of a water channel to control the channel bed elevation or gradient; to modify sediment transport or deposition; manage surface water and groundwater levels	
326	PG	Clearing and Snagging*	Pulling unwanted things, such as snag or obstructions out of a stream -- may involve ground disturbing equipment off-road in or near stream	consider level of disturbance in stream and in associated areas
317	PG	Composting Facility *	A structure or device to contain and facilitate the controlled aerobic decomposition of manure or other organic material.	sometimes just a bituminous or concrete pad with a 6"-12" deep gravel base
402	G	Dam	An artificial barrier that can impound water for one or more beneficial purposes.	
324	--	Deep Tillage	Performing tillage operations below the normal tillage depth to fracture restrictive layers where soil has conditions that inhibit plant growth. May be used where non-stony soils have been compacted. Deep tillage could extend to 18-24 (30 max) inches deep.	
356	G	Dike	A barrier constructed of earth or manufactured materials to protect land against overflow or to regulate water	
362	G	Diversion	A channel constructed across the slope with a supporting ridge on the lower side	
432	G	Dry Hydrant	A non-pressurized permanent pipe assembly system installed into a water source that permits the withdrawal of water by suction -- may be used to provide all weather access to water for fire suppression	
398	G	Fish Raceway or Tank	A channel or tank with a continuous flow of water constructed or used for high-density fish production	
410	G	Grade Stabilization Structure	A structure used to control the grade and bank, dam, or wall cutting in natural or artificial channels	
412	G	Grassed Waterway	A natural or constructed channel that is shaped or graded to required dimensions and established in suitable vegetation for conveyance of surface water at a non-erosive velocity to a stable outlet. Vegetation will be planted using the Conservation Cover or Critical Area Planting standards. Might possibly not exceed depth of existing plough zone.	
561	PG	Heavy Use Area Protection *	Protecting heavily used areas by establishing vegetative cover, by surfacing with suitable material, or by installing needed structures. Typically done in disturbed areas around farm headquarters or around watering facilities in pastures. Gravel pads for watering facilities may involve digging to put in 6"-12" deep gravel	watering facilities can involve minimal ground disturbance
436	G	Irrigation Reservoir	An irrigation water structure made by constructing a dam. Often done in heavily disturbed area.	
447	G	Irrigation System, Tailwater Recovery	A facility to collect, store, and transport excess water from irrigation fro re-use in a farm irrigation distribution system	sometimes done above ground

Code	OLD Class	Practice Name (Alphabetically)	Description	NOTES
468	G	Lined Waterway or Outlet	A waterway or outlet having an erosion-resistant lining of concrete, stone or other permanent material. The lined section extends up the side slopes to a designed depth. The earth above the permanent lining may be vegetated or otherwise protected.	
500	PG	Obstruction Removal	Removal and disposal of buildings, structures, other works of improvement, vegetation, debris, or other materials in terrestrial, not aquatic situations. May involve re-shaping of the land surface and/or soil covering of foundations or below-ground portions of obstructions	
378	G	Pond	A water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout.	
566	PG	**Recreation Land Grading and Shaping ***	Reshaping of the land surface to establish or improve effective use of the land for recreation or to minimize on-site and off-site damage to resources from recreational use. Not on CT payment list 2015	{Note: old CT classification = PG}
350	G	Sediment Basin	A basin constructed to collect and store debris or sediment	
646	G	Shallow Water Development and Management	The inundation of lands to provide habitat for fish and/or wildlilfe where water can be impounded or regulated by diking, excavating, ditching, and/or flooding	
574	G	Spring Development	Improving springs and seeps by excavating, cleaning, capping, or providing collection and storage facilities	
578	PG	Stream Crossing	Involves construction, e.g., culverts, bridges, or fords	{Note: in Connecticut, a former non-ground disturbing scenario of this practice now falls under a different practice}
580	PG	Streambank and Shoreline Protection	Includes riprap, shaping of toe-slope, addition of rock	{Note: G except in an emergency, where it would be done with a launchable toe i.e., dumping rock over the bank -- not sure why it used to be PG}
606	G	Subsurface Drain	A conduit, such as plastic tubing, tile, or pipe; installed beneath the ground surface to collect and/or convey drainage water	
607	G	Surface Drain, Field Ditch	A graded ditch for collecting excess water in a field	
608	G	Surface Drain, Main or Lateral	An open drainage ditch constructed to a designed size and grade	
600	G	Terrace	An earthen embankment, a channel, or a combination of ridge and channel constructed across the slope	
575	PG	**Trails and Walkways (formerly Animal Trails and Walkways) ***	A lane or travelway constructed of earth, vegetated, concrete, or material over geotextile cloth to facilitate the movement (or example from farm headquarter to pasture) of animals, people, or off-road vehicles often on a route designed to avoid/protect ecologically sensitive sites. Typically 8'-12' wide with 6"-12" ground disturbance. (Some situations may not exceed the depth of the plow layer or the depth of other previous disturbance.)	
620	G	Underground Outlet	A conduit installed beneath the surface of the ground to collect surface water and convey it to a suitable outlet	
313	G	Waste Storage Facility	A fabricated structure for temporary storage of animal wastes or other organic agricultural wastes	
634	G	Waste Transfer	Using existing structures, conduit, or equipment to convey by-products (wastes) from agricultural operations to points of usage	There are situations with no new ground disturbance
359	G	Waste Treatment Lagoon	An impoundment made by excavation or earth fill for biological treatment of animal or other agricultural waste	
638	G	Water and Sediment Control Basin	An earth embankment or combination ridge and channel generally constructed across the slope and minor watercourses to form a sediment trap and a water detention basin	
642	G	Water Well	A well constructed or improved to provide water for irrigation, livestock, wildlife or recreation. **In addition to the hole for the well casing, Water Wells involve trenches for the pump controls. If power has to be brought to the site, NRCS does not pay for it, but the digging of the well may be the triggering factor for a powerline trench**	
658	G	Wetland Creation	A wetland that has been created on a site location which historically was not a wetland or is a wetland but the site will be converted to a wetland with a different hydrology, vegetation type, or function than naturally occurred on the site	
659	G	Wetland Enhancement	The augmentation of wetland functions beyond the original natural conditions on a former, degraded, or naturally-functioning wetland site. Includes tidal channel restoration/establishment, tidal marsh excavation, tidal barrier removal, and use of an excavator to create/restore topographic variation within a wetland	
657	G	Wetland Restoration	Restoration of wetlands by actions such as excavation of old tile drainage, removal of levees, removal of ditch plugs and accumulated sediment, breaching of a dike sections to allow movement of tidal seawater; new structures to control tidal surge	

Code	OLD Class	Practice Name (Alphabetically)	Description	NOTES
644	PG	Wetland Wildlife Habitat Management	Retaining, creating, or managing wetland habitat for wildlife - currently the payment schedule has creation of turtle nesting habitat via vegetation clearing and strip/scarify soil to expose gravelly substrate	{Note: in CT, this practice formerly included some non-ground disturbing scenarios}

APPENDIX B. STANDARD OPERATING PROCEDURES FOR CONNECTICUT NRCS PERSONNEL ***2-25-2016***

- ***Stipulations and Appendices mentioned below are found in the 2016 State-based Prototype Agreement among NRCS Connecticut, Connecticut SHPO, and Connecticut OSA***

1. The client will be informed of the following:

   - Cultural resources are interesting and some can be of national significance.
   - By law NRCS is required to take into account the potential effects of its undertakings on cultural resources.
   - Artifacts found on private land (with the exception of human bones and funerary objects) are the property of the landowner.

2. NRCS personnel responsible for planning a project or practice will determine whether a specific action is excluded from further review per Tables 1, 2, or 3 of Appendix A early in the conservation planning process.

   2.A. Note that per Table 1 of Appendix A, the following activities of NRCS Soil Scientist do not require review: hand dug shovel holes with soil filled back in proper horizon order when done, auger holes, probe holes, core holes.

   2.B. Note: Soil pits to be dug with machines do require review.
   (1) Backhoe pits dug under the advice of NRCS for educational purposes require review.
   (2) Backhoe pits for determining sites for NRCS program practices shall not be dug until the undertaking has been reviewed.

3. For practices requiring further review, a Cultural Resources Review Request packet (Request packet) will be prepared by the planner or other person making the request.

   3.A. The Request packet will contain the following items:
   - the Request form with all parts required to be done by the planner completed
   - a Consplan map (or other graphic deemed acceptable by the Cultural Resources Coordinator) depicting the location of practices and associated APEs,
   - an approximately 1:24,000 scale topographic map with the project site marked in the center
   - a soils map on an aerial photo base including a legend with soil names, and
   - any other materials deemed appropriate.

   3.B. Note that per Stipulation V.C.5, the Cultural Resources Review Request form may be revised upon agreement among NRCS Connecticut, Connecticut SHPO, and Connecticut OSA as long as the following items always are addressed:
   - Name of client
   - Property address
   - Previous knowledge of any cultural resources on the property
   - Past disturbance and past/current land use practices that could affect the site integrity in the Area of Potential Effects
   - Environmental conditions indicative of site sensitivity for the presence of cultural resources eligible for listing on the National Register of Historic Places, and,
   - For each practice:
     - the type of activity
     - dimensions (including depth) of all components of the APE, and,
     - as needed, additional notes on what the practice will entail.

3.C. The APE (Area of Potential Effects) encompasses the site where a practice will take place plus any associated areas that will be affected by the installation or presence of the practice (for example, equipment staging areas, borrow pits, or nearby National Register sites where new odors, sounds, or visual changes would affect the characteristic(s) which made the site eligible for listing). Each practice has its own APE.

3.D. Persons using the Request form must be trained per Stipulation III.A. The currently required training is AgLearn online *Series 1* (Cultural Resource Modules 1-6); classroom Module 7; field training Module 8; and, as available, the AgLearn online *Working Effectively with Tribal Governments* (which is treated as Module 9).

3.E. The Request packet will be submitted to the NRCS Cultural Resources Coordinator (CRC) who will provide logistical coordination of the review per Stipulation V and the steps listed below.

4. Known records of cultural resources will be checked.

4.A. At the beginning of the planning process, the planner may ask the Cultural Resources Coordinator for known information on the site (e.g., proximity to sites listed on the National Register of Historic Places; Local Historic Districts; SHPO's GIS database of known sites).

4.B. The planner should not communicate directly with the GIS coordinator.

4.C. If a known record is found, the CRC will consult with the Office of the State Archaeologist (OSA) and the State Historic Preservation Office (SHPO), Indian Tribes, and other individuals or agencies as appropriate. The CRC will coordinate follow-up actions with the field planning personnel.

4.D. The following information sources will be checked:

- ❖ The online National Register of Historic Places will be checked for identification of listed historic buildings, structure, sites, districts, etc., that might be affected by a project or practice.

- ❖ The copy of the SHPO's GIS database of known sites provided to Connecticut NRCS will be checked.

- ❖ The planner will ask the Landowner/Client about their knowledge of cultural resources with respect to:
  - buildings and structures in or near the project area listed on the State Register of Historic Places,
  - artifacts found on the property,
  - existing historical features on the property, and
  - any other known cultural resources information that may help evaluate the project site

- ❖ The online database of Connecticut Local Historic Districts will be checked.

5. The CRC will review submitted Cultural Resources Review Request packets with the OSA, and the SHPO as appropriate, to determine the need for further evaluation. If on staff, a NRCS Cultural Resources Specialist (CRS) may conduct review with OSA and the SHPO. Following consultation, the CRC or CRS will respond to the planning personnel that:

   A. No Effect on cultural resources is expected. In this case, if no further consultation with Tribes is needed, planning and application of conservation practices may proceed; OR

   B. No Effect on cultural resources is expected and planning, etc. may proceed; however, there is a cautionary message that should be conveyed to the landowner and equipment operator; OR

   C. The site is somewhat sensitive, and planning/contracting may proceed, but certain procedures (such as monitoring) are requested during installation of the practice, OR

   D. Field Review Needed: The site needs to be evaluated in the field by the State Archaeologist and/or a Cultural Resources Specialist (CRS) before planning proceeds further; OR

   E. A different location needs to be considered to avoid the Area of Potential Effect (APE).

6. If a landowner disagrees with the NRCS determination that either additional evaluation is needed or that a different location must be considered, NRCS has the option of withdrawing technical and financial assistance.

7. A field review by NRCS staff, partners, or contractors who meet the Secretary of the Interior's professional Qualification Standards ("qualified" archaeologist or other historical specialist) and who have the knowledge to assess the resources within an undertaking's APE will be done in the following situations:
   - Historic Properties (on, or eligible for, the National Register of Historic Places) have been previously identified within the APE during the examination of known records
   - Cultural resources were noted in the APE by the field planner
   - The undertaking is located in an area with a high potential for discovery of unrecorded cultural resources
   - Cultural resources of religious or cultural significance to an Indian tribe have been identified as present within the APE
   - The undertaking occurs on Tribal lands

8. If field review is required, the CRC will arrange with the State Archaeologist and/or an NRCS CRS, or other qualified archaeologist, to proceed with an investigation as NRCS funding allows.

9. If NRCS CRS services are not available the CRC will arrange for the following:

   9.A. A site visit to obtain additional technical information and/or confirm the State archaeologist and/or State Historic Preservation Officer's recommendation about the sensitivity or probability of the APE having significant cultural resources.

   9.B. The CRC will obtain a cost and time estimate for further investigation. The landowner may be asked to pay for the investigation. If not, NRCS may withdraw technical assistance on this project/practice.

10. Assuming that a detailed archeological investigation can/will proceed, the CRC and CRS will facilitate the field review and make sure that the findings are documented.

    10.A. Outcomes of field review will be documented on the Cultural Resources Review Request form (with attached documents as needed).

    10.B. Field review involving subsurface examination requires the signature of a qualified archaeologist

11. Based on the findings, NRCS personnel plan either to avoid the APE if warranted, or protect the cultural resource(s) with measures acceptable to the OSA and SHPO and the landowner.

12. Outcomes of field review will be documented on the Cultural Resources Review Request form (with attached documents as needed).

    12.A. Field review involving subsurface examination requires the signature of a qualified archaeologist

13. No contract should be signed begin prior to completion of field review.

14. When there has been a request for monitoring or observation during installation, the CRC will note the outcome on the Cultural Resources Review Form and convey the information to OSA and SHPO.

15. Following field review, assessment and inventory of artifacts may involve offsite analysis by a qualified archaeologist. Note, again, that with the exception of human bones and objects associated with human burials, all artifacts found on private land are the property of the landowner. For final storage of artifacts, OSA may inquire if the landowner would be willing to donate or have them stored at the University of Connecticut where they would be available for examination by researchers.

16. Prior to having the client sign a contract, the Planner shall actively inform the client that the contract appendix (NRCS-CPA-1202) includes a provision for halting work or practice implementation immediately if during the construction of any practice a previously unknown or unidentified cultural, archaeological or historical site is encountered. In addition, the client shall be informed that the contract appendix states that the CCC {whose agent is NRCS} may unilaterally cancel the Contract when the implemented practice would cause adverse impacts to significant cultural and/or environmental resources without mitigation actions **unless** CCC and the Participant modify the Contract to address such impacts. Refer to Stipulation VII for details on handling post-review discoveries of cultural resources or historic properties and unanticipated effects to historic properties.

17. The findings from the above Section 106 process also will be used in documentation of the client case file on the NRCS Environmental Evaluation Worksheet (CPA-52).

18. These Standard Operating Procedures may be revised upon agreement among NRCS Connecticut, Connecticut SHPO, and Connecticut OSA. When NRCS develops separate cultural resources agreements with The Mohegan Tribe and the Mashantucket Pequot Tribal Nation, every effort will be made to ensure that the three agreements do not contradict each other in regard to Standard Operating Procedures and practices excluded from further review.

CULTURAL RESOURCES REVIEW REQUEST

Program Information -- *items in blue to be filled out by planner*

1. Landowner/Operator/Sponsor:

2. Date of Request:

3. Property Address, including village/town (post office):

4. Connecticut Town (1 of 169):

5. County:

6. NRCS Program: **Application #:**

7. Start Date:

8. Requested by:

9. Is every practice in the project categorized as having *little or no potential to affect historic properties?* Yes / No

10. For any practice excluded from further review, list name of person who made determination + practice codes:

SUMMARY of REVIEW -- to be filled out by reviewers

1. OFFICE REVIEW

Comments:

[ ] OSA Complete [ ] Note Caution [ ] Monitor/etc [ ] Field Review Prior to Contract [ ] Relocate

Office Reviewer Signature: **Date:**

2. SUMMARY OF FIELD REVIEW *(if needed)*

Is additional information attached? Yes / No

Summary:

Reviewer Signature: **Date:**

3. FINAL COMMENTS *(if needed)*

Comments:

Reviewer Signature: **Date:**

4. FURTHER CONCURRENCE OF OSA/SHPO *(if needed)*

Signature: **Title:** **Date:**

Signature: **Title:** **Date:**

Known Records of Cultural Resources *(Planner to complete #1-a,b,c,d and #5)*

*** use box below to enter details on starred items or other information as needed**

1. Landowner/Client Knowledge of Cultural Resources			
a. Buildings/structures in or near the project listed on the State Register of Historic Places			**Yes* / No**
b. Artifacts found on property?			**Yes* / No**
c. Existing historical structures/features (e.g. stone foundations, walls, mill, stone piles, old dug wells)			**Yes* / No**
d. Person who spoke to landowner:		**Date:**	
2. SHPO's GIS Database of known sites	**Date Checked:**	**By:**	
Finding:			
3. National Register of Historic Places	**Date Checked:**	**By:**	
***(if applicable)* Historic Property name and number:**			
4. Local Historic District	**Date Checked:**	**By:**	
***(if applicable)* Historic District Name:**			
5. Other Known Information?			**Yes* / No**

*Details of Known Records

Previous Disturbance to Area of Potential Effects *(where/how deep)*

Environmental Conditions Indicative of Possible Archaeological Sites *(as observed by planner)*

1. Describe fresh water within 500 feet (stream, river, stream junctions, wetland, pond, lake, reservoir)

2. Describe A.P.E relative to location of any nearby flat,well-drained sites overlooking water

3. Any Soils notes in addition to soil mapping units noted on next page (including rock overhangs; stoniness)

4. Other Observations

Landowner/Operator/Sponsor Name:

Property Address:

Practice Descriptions

Fill in the table below for all practices that were not excluded from further review

- Use the Table & Notes to make the location(s) and amount of ground (or other) disturbance clear
- Where the choice is Y/N/? , "?" = "I don't know"
- If you say "N" on Ground disturbing, you are done for that component except for Notes as appropriate
- As needed you may use the same practice code multiple times with different activity descriptions and details

Code	Description of Activity	Ground-disturbing? (Y/N)	Deeper than plow layer? (Y/N/?)	Depth (indicate ft. or in.}	Length (or Diameter)	Width {indicate ft. or in.}	Is dug soil put back? Y/N/?	Soil Map Unit Name(s)

Additional Notes/Comments about above activities

APPENDIX D. ACRONYMS USED IN THE STATE-BASED PROTOTYPE AGREEMENT among Connecticut NRCS, the Connecticut SHPO, and the Connecticut OSA

Acronym	Meaning
ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effects
CEQ	Council on Environmental Quality
CRC	Cultural Resources Coordinator
CRS	Cultural Resources Specialist
DHS	Department of Homeland Security
EWP	Emergency Watershed Program (NRCS program)
FEMA	Federal Emergency Management Agency
FPO	Federal Preservation Officer for USDA-NRCS
NCSHPO	National Conference of State Historic Preservation Officers
NEPA	National Environmental Protection Act
NHL	National Historic Landmark
NHO	Native Hawaiian Organization
NHPA	National Historic Preservation Act
NHQ	National Headquarters
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places *aka* the National Register
OSA	Office of State Archaeology (Connecticut)
PA	Prototype Agreement
SHPO	State Historic Preservation Officer
SPO	Senior Policy Officer (as of 11-21-2014, the NRCS Deputy Chief for Science and Technology)
THPO	Tribal Historic Preservation Officer
USDA	United States Department of Agriculture