

**PROTOTYPE PROGRAMMATIC AGREEMENT  
BETWEEN THE  
US DEPARTMENT OF AGRICULTURE,  
IDAHO NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE  
AND THE  
IDAHO STATE HISTORIC PRESERVATION OFFICER,  
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 95-334, 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 Part 800.10; and

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

**WHEREAS**, the NRCS Idaho State Office has consulted with the Idaho State Historic Preservation Officer/SHPO and followed the instructions in the ACHP letter that accompanied the Prototype Agreement, dated November 21, 2014 (Appendix A); and

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

**WHEREAS**, NRCS developed this Prototype Agreement in consultation with the National Conference of State Historic Preservation Officers (NCSHPO) and its members, interested Indian tribes, Native Hawaiian organizations, interested historic preservation organizations, (such as the National Trust for Historic Preservation), and the Advisory Council on Historic Preservation (ACHP); and

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

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

**WHEREAS**, this Prototype Agreement replaces the 2002 nationwide “Programmatic Agreement among the United States Department of Agriculture Natural Resources Conservation Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers relative to Conservation Assistance,” as amended in 2011 and 2012, which expired on November 20, 2014; and

**WHEREAS**, the NRCS State Conservationist is the responsible federal agency official within the state for all provisions of Section 106, including consultation with the SHPO, THPOs, and government-to government consultation with Indian tribes to negotiate the State-based Prototype Agreement; and

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

**WHEREAS**, the NRCS has consulted with Indian tribe(s); and

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

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

**NOW, THEREFORE**, the NRCS Idaho State Office and the Idaho State Historic Preservation Officer agree that undertakings in Idaho State shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

## STIPULATIONS

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

### **I. Applicability.**

- a. Once executed by the NRCS and the Idaho SHPO, this State-based Prototype Agreement sets forth the review process for all NRCS undertakings subject to Section 106 in the State of Idaho and outside the external boundaries of the Coeur d'Alene and Nez Perce Indian Reservations.
- b. Execution of this State-based Prototype Agreement supersedes any existing State Level Agreement with Idaho SHPO, but does not replace any existing project-specific Section 106 agreements (Memoranda of Agreement or Programmatic Agreements).
- c. This State-based Prototype Agreement applies only when there is a Federal Preservation Officer (FPO) in the NRCS National Headquarters (NHQ) who meets the Secretary of the Interior's Professional Qualification Standards (48 FR 44716).
- d. This State-based Prototype Agreement applies only where there is staffing or access to staffing (through contracted services or agreements with other agencies or Indian tribes) who meet the Secretary of Interior's Professional Qualification Standards in the Idaho NRCS State Office.

### **II. Roles and Professional Qualifications.**

- a. The NRCS Idaho State Conservationist is responsible for oversight of its performance under this State-based Prototype Agreement.
- b. NRCS Idaho shall ensure all NRCS staff or individuals carrying out Section 106 historic preservation compliance work on its behalf, including the NRCS Idaho Cultural Resources Specialists (CRS), are appropriately qualified to coordinate the reviews of resources and historic properties as applicable to the resources and historic properties being addressed (site, building, structure, landscape, resources of significance to Indian tribes, and other concerned communities). Thus, these staff and consultants must meet the Secretary of the Interior's Professional Qualification Standards and have the knowledge to assess the resources within an undertaking's area of potential effects (APE).
- c. The Idaho State Conservationist is responsible for consultation with the Idaho SHPO, and government to government consultation with Indian tribe leaders and/or their THPO to develop consultation protocols. These responsibilities may not be delegated to any other staff, nor carried out on behalf of NRCS by another federal agency.
- d. The NRCS Idaho CRS shall provide technical historic property and resource information to the State Conservationist for use in Section 106 findings and determinations, after appropriate consultations with the Idaho SHPO, Indian tribes, and discussions with the landowner. The CRS shall monitor and oversee the work and reporting of all NRCS field office personnel and professional service consultants. The CRS shall also assist the State Conservationist in determining whether an undertaking has the potential to affect historic properties, triggering Section 106 review, pursuant to 36 CFR Part 800.3(a).
- e. NRCS field office personnel involved in implementing this State-based Prototype Agreement, after completion of NRCS's web, classroom, and field awareness training acquired through USDA's AgLearn training site, shall work with the CRS, as feasible, in completing historic

preservation compliance (Section 106) field records for the agricultural producer's (NRCS's client or voluntary applicant for assistance) files and for use in producing initial historic property identification records (as set forth and outlined in NRCS's operational guidance, the National Cultural Resources Procedures Handbook, Title 190, Part 601).

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

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

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

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

### **III. Training.**

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

b. NRCS shall require CRS or other NRCS personnel overseeing cultural resource work to take the NRCS Cultural Resources Training Modules (awareness training) and the ACHP's *Section 106 Essentials* course, or a course with similar content, if approved by the NRCS FPO. Training must be completed within the first calendar year after execution of this State-based Prototype Agreement. NRCS personnel shall review and update training completion with their supervisors and include their training in their Individual Development Plans.

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

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

### **IV. Lead Federal agency.**

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

b. For any undertaking for which the NRCS is not the lead federal agency for Section 106 purposes, including those undertakings for which the NRCS provides technical assistance to other USDA or other federal agencies, the terms of this 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.

- a. In consultation with the Idaho SHPO, NRCS shall identify those undertakings with little to no potential to affect historic properties and list those undertakings in Appendix [B]. Upon the determination by the NRCS that a proposed undertaking is included in Appendix [B], the NRCS is not required to consult further with the Idaho SHPO for that undertaking.
- b. The list of undertakings provided in Appendix [B] may be modified through consultation and written agreement between the NRCS State Conservationist and the Idaho SHPO without requiring an amendment to this State-based Prototype Agreement. The NRCS State Office will maintain the master list and will provide an updated list to all consulting parties with an explanation of the rationale (metadata) for classifying the practices accordingly.
- c. Undertakings not identified in Appendix [B] shall require further review as outlined in Stipulations V.d. and V.e.
- d. Undertakings not identified or not meeting all the conditions listed on Appendix [B] shall require the responsible NRCS field office employee to provide the CRS with all pertinent project information including descriptions of all undertakings, maps showing the extent of the APE, and design drawings and pictures as appropriate. The CRS shall evaluate the proposed project impacts and review available information on previous cultural resources surveys and previously recorded historic properties and require one of the following:
  1. A field review is not required. The responsible NRCS field office employee will document this finding in the Conservation Plan folder and on the NRCS Environmental Evaluation form (CPA-52) and proceed with that undertaking.
  2. A preliminary field review by a Cultural Resources Technician (CRT). A CRT is a NRCS employee that has completed, at a minimum, the NRCS Web-based (in USDA AgLearn) and field Cultural Resources Training to identify cultural resources (see Appendix C). If the CRT does not identify any cultural resources during this preliminary field review they will document this no findings determination on Form A (Appendix D) and provide this to an Idaho NRCS Cultural Resources Specialist (CRS). If the CRS concurs with this no findings determination, the undertaking shall proceed as proposed. NRCS employees who do not meet the Secretary of Interior's Professional Qualifications Standards will not make recommendations regarding the (1) identification of historic properties; (2) eligibility of cultural resources; or (3) project effects.
  3. A field review by a NRCS Cultural Resources Specialist or by another individual meeting the Secretary of Interior's Professional Qualifications Standards. A CRS or other professional shall conduct the field review when historic properties have been previously identified within the APE during the literature review or by the preliminary field review by a CRT, when the project is in an area with a high potential for the discovery of unrecorded historic properties, when properties of religious or cultural significance to an Indian tribe are within the APE, when a project occurs on tribal lands or within the external boundaries of an Indian Reservation, or when the undertaking has the involvement of other federal agencies (see Stipulation IV). If no historic properties are identified within the project's APE, the CRS shall document this finding on Form A (Appendix D) and the project will proceed as proposed. If historic properties are identified within the APE. the NRCS shall meet the requirements as outlined in Stipulation V.e.
- e. The NRCS shall consult with the Idaho SHPO and appropriate Indian tribe(s) 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 installation of the practice or implementation of the action.

1. NRCS may provide its proposed APE, identification of historic properties and/or scope of identification efforts, and assessment of effects in a single transmittal to the Idaho SHPO using the Idaho NRCS Cultural Resources Report Narrative – Form B (Appendix E), the Idaho Archaeological Sites Inventory Form and/or the Idaho Historic Sites Inventory Form, and other documentation that meets the substantive standards in 36 CFR Part 800.4-5 and 800.11.

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

3. Where the NRCS proposes a finding of “no historic properties affected” or “no adverse effect” to historic properties, the Idaho SHPO shall have 30 calendar days from receipt of the documentation to review the information and provide comments. The NRCS shall take into account all timely comments.

i. If the Idaho SHPO disagrees with NRCS’s findings and/or determination, it shall notify the NRCS within the 30 calendar day time period. The NRCS shall consult with the Idaho SHPO 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.

ii. If the Idaho SHPO does not respond to the NRCS within the 30 calendar day period and the NRCS receives no objections from other consulting parties, or if the Idaho SHPO concurs with the NRCS’s determination and proposed actions to avoid adverse effects, the NRCS shall document the concurrence/lack of response within the review time noted above, and may move forward with the undertaking.

4. Where a proposed undertaking may adversely affect historic properties, NRCS shall describe proposed measures to minimize or mitigate the adverse effects and follow the process in 36 CFR Part 800.6, including consultation with other consulting parties and notification to the ACHP, to develop a Memorandum of Agreement to resolve the adverse effects.

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

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

b. The NRCS State Office shall prepare procedures for exigency (following the rules for NRCS’s (EWP) regarding immediate threat to life and property requiring response within 5 days) in consultation with the Idaho SHPO. These procedures are appended to this document (Appendix F).

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



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

- a. Where construction has not yet begun and a cultural resource is discovered after Section 106 review is complete, the NRCS shall consult to seek avoidance or minimization strategies in consultation with the Idaho SHPO, and/or to resolve adverse effects in accordance with 36 CFR Part 800.6.
- b. The NRCS shall ensure that every contract for assistance includes provisions for halting work/construction in the area when potential historic properties are discovered or unanticipated effects to historic properties are found after implementation, installation, or construction has begun. When such a discovery occurs, the producer who is receiving financial assistance or their contractor shall immediately notify the NRCS State Conservationist's Office, CRS, supervisory NRCS personnel for the area, and the landowner/applicant.
  1. NRCS CRS shall inspect the discovery within 24 hours, if weather permits, and in consultation with the local NRCS official (field office supervisor or District or Area Conservationist), concerned Indian tribes, the Idaho SHPO, the NRCS State engineering or program supervisor (as appropriate), and the landowner/producer (whomever NRCS is assisting) and the CRS shall establish a protective buffer zone surrounding the discovery. This action may require inspection by tribal cultural resources experts in addition to the CRS.
  2. All NRCS contact with media shall occur only under the direction of the NRCS Public Affairs Officer, as appropriate, and the State Conservationist.
  3. Security shall be established to protect the resources/historic properties, workers, and private property. Local law enforcement authorities will be notified in accordance with applicable State law and NRCS policy in order to protect the resources. Construction and/or work may resume outside the buffer only when the State Conservationist determines it is appropriate and safe for the resources and workers.
  4. NRCS CRS shall notify the Idaho SHPO and the ACHP no later than 48 hours after the discovery and describe NRCS's 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 Idaho SHPO, and technical experts (such as historic landscape architects) not employed by NRCS.
  5. The Idaho SHPO and ACHP shall respond within 48 hours from receipt of the notification with any comments on the discovery and proposed actions.
  6. NRCS shall take any comments provided into account and carry out appropriate actions to resolve any adverse effects.
  7. NRCS shall provide a report to the Idaho SHPO and the ACHP of the actions when they are completed.
- c. When human remains are discovered, the NRCS shall follow all applicable federal, tribal, and state burial laws and ordinances, including the Native American Graves Protection and Repatriation Act, and implementing regulations, when on tribal or federal lands, and related human rights and health statutes, where appropriate. NRCS shall also refer to the ACHP's Policy Statement regarding *Treatment of Burial Sites, Human Remains and Funerary Objects* and the ACHP's Section 106 Archaeology Guidance. NRCS shall also follow USDA and NRCS policy on treatment of human remains and consultation (GM 420 Part 401.33).

## **VIII. Dispute resolution.**

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

1. Forward all documentation relevant to the dispute, including the State Conservationist's proposed resolution, to the NRCS FPO and Senior Policy Official (SPO Deputy Chief for Science and Technology) and the ACHP. The ACHP shall provide the FPO, SPO, and State Conservationist with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRCS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and any signatory or consulting parties, and provide them with a copy of this written response. NRCS will then proceed according to NRCS's final decision.

2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, NRCS may make a final decision on the dispute and proceed. Prior to reaching such a final decision, NRCS shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties, and provide them and the ACHP with a copy of the written response.

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

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

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

## **IX. Public Involvement**

The NRCS State Conservationist will ensure the public is involved in the development of this State-based Prototype Agreement and participates in Section 106 review as set forth above in Section V. All public involvement concerning NRCS projects will meet the restrictions set forth in the Confidentiality Provisions of the Agricultural Act of 2014 [Public Law 113-79, Sec. 2120 (5)] and subsequent reauthorizations of this law.

## **X. Annual reporting and monitoring.**

a. Every year following the execution of this agreement, commencing December 1, 2015, until it expires or is terminated, the NRCS Idaho State Conservationist shall provide the Idaho SHPO, other consulting parties, and the FPO a summary report detailing work undertaken pursuant to its terms, including a list of undertakings falling under Appendix [B] as well as undertakings



that required further review; a summary of the nature and content of meetings held with Idaho SHPO; and an assessment of the overall effectiveness of the State-based Prototype Agreement. Such reports 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.

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

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

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

c. The NRCS State Conservationist or the Idaho SHPO 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.**

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

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

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

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

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

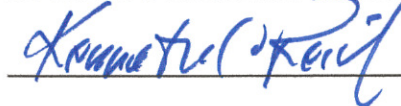
**Signatory Parties**

IDAHO NATURAL RESOURCES CONSERVATION SERVICE

, State Conservationist

Date 2/24/2015

IDAHO STATE HISTORIC PRESERVATION OFFICE

, Deputy SHPO

Date Feb 17, 2015

**APPENDIX A  
NOVEMBER 21, 2014 ACHP LETTER  
AUTHORIZING  
THE USE OF THIS PROTOTYPE  
AGREEMENT**

Milford Wayne Donaldson, FAIA  
Chairman

Clement A. Price, Ph.D.  
Vice Chairman

John M. Fowler  
Executive Director



*Preserving America's Heritage*

November 21, 2014

Jason Weller, Chief  
Natural Resources Conservation Service  
United States Department of Agriculture  
1400 Independence Avenue, SW, Room 5105-A  
Washington, DC 20250

Ref: Prototype Programmatic Agreement for NRCS

Dear Chief Weller:

Since 2009, the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), has been working with the Advisory Council on Historic Preservation (ACHP) to develop a prototype programmatic agreement (PPA) that would provide NRCS with the ability to comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA) while carrying out NRCS' mission of providing financial and technical assistance to agricultural producers (farmers, ranchers, and forest landowners) who voluntarily seek such assistance in order to make conservation improvements and address conservation concerns on their land. The PPA provides a framework for NRCS to develop state by state agreements that would expedite Section 106 compliance for routine activities, while still providing flexibility for conservation partners and stakeholders in coordinating historic preservation reviews.

Accordingly, I hereby designate the attached document as a PPA under 36 CFR § 800.14(b)(4) of the regulations implementing Section 106, "Protection of Historic Properties" (36 CFR Part 800). The PPA was developed by NRCS with input from the ACHP, the National Conference of State Historic Preservation Officers (NCSHPO), individual State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), federally recognized Indian tribes, Native Hawaiian organizations (NHOs), and historic preservation organizations (e.g., the National Trust for Historic Preservation, the Society for Historical Archaeology, the Society for American Archaeology), tribal membership organizations (e.g., the United South and Eastern Tribes), and other interested parties. It addresses NRCS' responsibilities under Section 106 for its conservation programs, and enables streamlining of Section 106 reviews by establishing review protocols, creates greater predictability in costs and time for consultation, and provides the flexibility to address specific situations and conditions to resolve adverse effects to historic properties. This PPA provides NRCS with a valuable tool to assist it in meeting its responsibilities under Section 106 as it continues to provide assistance and funding to farmers, ranchers, and forest landowners for their conservation improvements.

This PPA replaces the 2002 nationwide "Programmatic Agreement among the United States Department of Agriculture Natural Resources Conservation Service, the Advisory Council on Historic Preservation,

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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and the National Conference of State Historic Preservation Officers relative to Conservation Assistance,” as amended in 2011 and 2012, which will expire on November 20, 2014. Existing State Level Agreements with SHPOs and Consultation Protocols with Tribal Nations, THPOs or NHOs developed pursuant to the 2002 amended nationwide Programmatic Agreement shall be void upon expiration of the nationwide Programmatic Agreement.

NRCS has many programs, practices, activities, and special initiatives that are implemented to address specific conservation issues. Not all states use the same programs and practices, activities and special initiatives; therefore, provisions within the PPA may be modified to allow states to focus on specific concerns and improve the management of effects to historic properties. When modifying the PPA at the state level, NRCS, SHPOs, THPOs, tribes, and NHOs should focus only on modifications that would further tailor historic preservation reviews to unique circumstances within a specific state. These areas include:

- Timeframes and communication methods,
- The roles and responsibilities of the PPA’s signatories,
- References to applicable local and state laws, and
- A list of undertakings with little or no potential to affect historic properties, thus requiring no further Section 106 consultation with the relevant SHPO/Indian tribe/NHO.

The introductory “Whereas clauses” should remain unchanged and other stipulations within the PPA should be retained, with appropriate details added, as they reflect understandings between NRCS and the ACHP that were critical in developing the framework for this tool. Modifications to those sections in the attached PPA identified above will not change the status of the document as a PPA, so long as the modifications (1) are agreed to by NRCS and the relevant SHPO/Indian tribe/THPO/NHO, and (2) do not substantially change the consultative role given to other consulting partners.

Adoption of a PPA by a state is voluntary. That is, states may elect to implement the PPA or comply with the Section 106 regulations, 36 CFR Part 800. While the PPA offers a number of efficiencies to NRCS, SHPOs, and THPOs, if the required signatories in a given state choose not to adopt the PPA, NRCS must fulfill its Section 106 responsibilities for its individual undertakings through compliance with the requirements of 36 CFR Part 800.

NRCS must provide a signed copy of each state PPA to the NRCS Federal Preservation Officer (FPO), SHPO/Indian tribe/THPO/NHO, and any other signatories to the PPA. The ACHP is not required sign the PPA; however, all executed PPAs must also be filed with the ACHP prior to their use. This will enable the ACHP to monitor the effectiveness of the PPA and engage NRCS in future discussions regarding any necessary changes or additions to the PPA based on patterns and trends.

We appreciate NRCS’ cooperation and ongoing support of historic preservation initiatives. We are particularly appreciative of the efforts of NRCS’ Senior Policy Official, Dr. Wayne Honeycutt, Ecological Sciences Director, Terrell Erickson, FPO, Sarah Bridges, and NRCS’ Cultural Resources Specialists and Coordinators, particularly in Wyoming and South Dakota. Their contributions were invaluable.

We look forward to working with NRCS as a partner in this important interagency agreement.

Sincerely,

A handwritten signature in black ink, appearing to read "Milford Wayne Donaldson". The signature is written in a cursive style with some capital letters.

Milford Wayne Donaldson, FAIA  
Chairman

Enclosure

cc with enclosure:      Dr. Wayne Honeycutt, SPO and Deputy Chief for Science and Technology  
                                 Sarah Bridges, FPO and National Cultural Resources Specialist



**APPENDIX B**  
**LIST OF UNDERTAKINGS REQUIRING NO FURTHER SECTION 106 REVIEW IN NRCS IDAHO**

Pursuant to Stipulation V.a. above, in consultation with the Idaho SHPO, the NRCS, through the qualified Cultural Resources Specialist as described in Stipulation II.b., has determined that the following undertakings have little or no potential to affect historic properties. The NRCS is not required to consult further with the Idaho SHPO under Section 106 for any undertaking that is included in this appendix and meets all the required conditions. Any undertakings not included on this list or not meeting the required conditions shall require further review as outlined in Stipulations V.d. and V.e of this agreement.

<b>Practice Standard#</b>	<b>PRACTICE NAME</b>	<b>EXCLUDED ONLY UNDER THE FOLLOWING CONDITIONS</b>	<b>PRACTICE DESCRIPTION</b>
(472)	Access Control	With no new construction.	The temporary or permanent exclusion of animals, people, & vehicles from an area.
(311)	Alley Cropping	Within existing or previously tilled cropland.	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.
(450)	Anionic Polyacrylamide Erosion Control	Within existing or previously tilled cropland.	Application of water-soluble Anionic Polyacrylamide (PAM) to meet a resource concern.
(314)	Brush Management	Hand cutting only or chemical treatment only. Excludes cutting of aspen and/or trees greater than 80 years in age.	The management or removal of woody (non-herbaceous or succulent) plants including those that are invasive and noxious.
(327)	Conservation Cover	Within existing or previously tilled cropland.	Establishing and maintaining perennial vegetative cover to protect soil and water resources on land retired from agricultural production.
(328)	Conservation Crop Rotation	Within existing or previously tilled cropland.	Growing crops in a recurring sequence on the same field.
(332)	Contour Buffer Strips	Within existing or previously tilled cropland.	Narrow strips of permanent, herbaceous cover established across the slope and alternated down the slope with parallel, wider cropped strips.
(330)	Contour Farming	Within existing or previously tilled cropland.	Farming sloping lands so that preparing, planting, and cultivating are done on the contour.
(331)	Contour Orchard and Other Perennial Crops	Within existing or previously tilled cropland.	Planting orchards and vineyards, or small fruits so that all cultural operations are done on the contour.
(340)	Cover Crop	Within existing or previously tilled cropland.	A crop of close growing grasses, legumes, or small grain grown primarily for seasonal protection and soil improvement.
(342)	Critical Area Planting	Within existing or previously tilled cropland.	Planting vegetation, such as trees, shrubs, vines, grasses, or legumes, on highly erodible or critically eroding areas.
(324)	Deep Tillage	Tillage less than 36" in depth in existing cropland.	Deep Tillage to mix recent soil deposits from wind or water or to fracture restrictive soil layers.
(554)	Drainage Water Management	All conditions.	Controlling the removal of surface or subsurface runoff, primarily through the operation of existing water control structures.

(375)	Dust Control from Animal Activity on Open Lot Surfaces	With no new construction.	Reducing or preventing the emissions of particulate matter arising from animal activity on open lot surfaces at animal feeding operations through the frequent removal of manure and the application of water.
(373)	Dust Control on Unpaved Roads and Surfaces	All conditions.	Controlling direct particulate matter emissions produced by vehicle and machinery traffic or wind action from unpaved roads and other surfaces by applying a palliative on the surface.
(647)	Early Successional Habitat Development/Management	Within existing or previously tilled cropland or when accomplished with no ground disturbance or burning.	Manage plant succession to develop and maintain early successional habitat to benefit desired wildlife and/or natural communities. Can include timing hay cutting, harvest, and grazing as well as new plantings.
(374)	Farmstead Energy Improvement	Retrofitting of existing systems with no new construction or ground disturbance.	Developing and implementing farmstead improvements including replacing or retrofitting agricultural equipment systems (e.g. gas & electric irrigation pumps) and/or related components or devices to increase energy efficiency.
(382)	Fence	Within existing or previously tilled cropland.	A variety of fence types constructed as a barrier to livestock, wildlife, or people.
(386)	Field Border	Within existing or previously tilled cropland.	A strip or perennial vegetation established at the edge of a field by planting or by converting it from trees to herbaceous vegetation or shrubs.
(393)	Filter Strip	Within existing or previously tilled cropland.	A strip or area of vegetation for removing sediment, organic matter, and other pollutants from runoff and wastewater.
(394)	Firebreak	Within existing or previously tilled cropland.	A strip of bare land or fire-retarding vegetation.
(512)	Forage and Biomass Planting	Within existing or previously tilled cropland.	Establishing and reestablishing long term stands of adapted species of perennial, biennial, or reseeding forage plants.
(511)	Forage Harvest Management	All conditions.	The timely cutting and removal of forages from the field as hay, greenchop, or silage.
(666)	Forest Stand Improvement	Hand work only without burning or ground disturbance. Excludes cutting of aspen and/or trees greater than 6 inches in diameter.	Manipulate species of trees by cutting or killing selected trees and understory vegetation.
(383)	Fuelbreak	Within existing or previously tilled cropland.	A strip of land on which the vegetation, debris and detritus have been reduced and/or modified to control or diminish the risk of fire crossing the strip or block of land.
(412)	Grassed Waterways	Within existing or previously tilled cropland.	A natural or constructed channel that is shaped or graded to required dimensions and established in suitable vegetation for the stable conveyance of runoff.
(561)	Heavy Use Area Protection	Within existing or previously tilled cropland.	Protecting heavily used areas by establishing vegetative cover, by surfacing with suitable material, or by installing needed structures.
(422)	Hedgerow Planting	Within existing or previously tilled cropland.	Establishing a living fence of shrubs or trees in, across, or around a field.
(315)	Herbaceous Weed Control	Within existing or previously tilled cropland or through chemical or biological methods on previously uncultivated lands.	Using mechanical, chemical, burning or biological methods either alone or in combination to remove or control of herbaceous weeds.
(603)	Herbaceous Wind Barriers	Within existing or previously tilled cropland.	Herbaceous vegetation established in rows or narrow strips across the prevailing wind direction.

(595)	Integrated Pest Management	All conditions.	Managing weeds, insects and diseases by hand weeding, spot treatment, biological controls and use of chemicals on cropland to reduce adverse effects on plant growth, production, and natural resources.
(449)	Irrigation Water Management	All conditions.	Determining and controlling the rate, amount, and timing of irrigation water in a planned efficient manner.
(484)	Mulching	Within existing or previously tilled cropland or with no subsurface disturbance.	Applying plant residues or other suitable materials not produced on the site to the soil surface.
(379)	Multi-Story Cropping	Within existing or previously tilled cropland.	Existing or planted stands of trees or shrubs that are managed as an overstory with an understory of woody and/or non-woody plants that are grown for a variety of products.
(590)	Nutrient Management	All conditions.	Managing the amount, form, placement, and timing of applications of plant nutrients.
(521C)	Pond Sealing or Lining – Bentonite Sealant	Within footprint of existing pond only.	A liner for a pond or waste impoundment consisting of a compacted soil-bentonite mixture.
(521D)	Pond Sealing or Lining – Compacted Clay Treatment	Within footprint of existing pond only.	A liner for a pond or waste storage impoundment constructed using compacted soil without soil amendments.
(521A)	Pond Sealing or Lining – Flexible Membrane	Within footprint of existing pond only.	A manufactured hydraulic barrier consisting of a functionally continuous layer of synthetic or partially synthetic, flexible material.
(528)	Prescribed Grazing	All conditions.	The controlled harvest of vegetation with grazing or browsing animals.
(550)	Range Planting	Broadcast seeding only or within previously tilled cropland.	Establishment of adapted perennial vegetation such as grasses, forbs, legumes, shrubs, and trees.
(345)	Residue & Tillage Management – Mulch Till	Within existing or previously tilled cropland.	Managing the amount, orientation, and distribution of crop and other plant residue on the soil surface through mulching.
(329)	Residue & Tillage Management – No Till/Strip Till/Direct Seed	Within existing or previously tilled cropland.	Any tillage and planting system in which at least 30 percent of the soil surface is covered by plant residue after planting to reduce soil erosion by water or wind.
(643)	Restoration and Management of Declining Habitats	With no undertakings.	Restoring and managing rare and declining habitats and their associated wildlife species to conserve biodiversity.
(391)	Riparian Forest Buffer	Within existing or previously tilled cropland or without any new plantings	Leaving or Establishing an area of trees and/or shrubs adjacent to watercourses or water bodies.
(390)	Riparian Herbaceous Cover	Within existing or previously tilled cropland.	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.
(798)	Seasonal High Tunnel for Crop Production	Within existing or previously tilled cropland.	A seasonal polyethylene covered structure with no electrical, heating, and/or mechanical ventilation systems that is used to cover crops to extend the growing season.
(646)	Shallow Water Development and Management	Without new construction.	The inundation of lands to provide habitat for fish and/or wildlife where water can be impounded or regulated by diking, excavating, ditching, and/or flooding.
( -- )	Soil Survey	Small shovel tests (less than 0.5 cubic meter), auger holes, soil probes only.	Subsurface testing to determine variations in soil type, structure, and depth.
(585)	Stripcropping	Within existing or previously tilled cropland.	Growing crops in a systematic arrangement of strips on the contour to reduce water erosion.

(649)	Structures for Wildlife	With no new ground disturbance or when installed in existing or previously tilled cropland.	Provide alternative cover when natural cover is not readily available. Includes artificial nest boxes or platforms, artificial cover such as brush piles, rock piles, buried concrete pipe, engineered log jams and natural cover manipulation, such as girdling trees to encourage snag development.
(612)	Tree/Shrub Establishment	Within existing or previously tilled cropland.	Planting or seeding woody plants.
(660)	Tree/Shrub Pruning	Hand work only.	Removing all or selected branches from trees and shrubs.
(645)	Upland Wildlife Habitat Management	With no new construction or ground disturbance	Creating, maintaining, or enhancing areas for food and cover for upland wildlife.
(635)	Vegetated Treatment Area	Within existing or previously tilled cropland or with no ground disturbance.	An area of permanent vegetation used for agricultural wastewater treatment.
(601)	Vegetative Barriers	Within existing or previously tilled cropland.	Permanent strips of stiff, dense vegetation along the general contour of slopes or across concentrated flow areas.
(633)	Waste Recycling	All conditions.	Using agricultural waste or other waste on land in an environmentally acceptable manner while maintaining or improving soil and plant resources.
(634)	Waste Transfer	With no new construction.	Using existing structures, conduits, or equipment to convey byproducts (wastes) from agricultural operations to points of usage.
(355)	Well Water Testing	All conditions.	Testing for physical, biological and chemical characteristics of well water.
(644)	Wetland Wildlife Habitat Management	With no new construction.	Retaining, creating, or managing wetland habitat for wildlife.
(380)	Windbreak/Shelterbelt Establishment	Within existing or previously tilled cropland.	Linear plantings of single or multiple rows of trees or shrubs for environmental purposes.
(650)	Windbreak/Shelterbelt Renovation	Within existing or previously tilled cropland.	Widening, partial replanting, removing and replacing selected trees and shrubs to improve an existing windbreak.
(384)	Woody Residue Treatment	With no ground disturbance. Excludes burning.	Piling, burning, chipping/masticating, lop and scatter, off-site removal, and crushing to reduce woody debris.

## **APPENDIX C**

### **IDAHO NRCS CULTURAL RESOURCES TECHNICIANS**

#### **Definition**

A Cultural Resources Technician (CRT) is an employee of the Idaho Natural Resources Conservation Service who has received specialized training to conduct cultural resources field reviews for NRCS projects. These NRCS employees do not meet the Secretary of Interior's Professional Qualifications Standards and will not make recommendations regarding the eligibility of cultural resources or project effects.

#### **Training**

At a minimum, all Idaho CRTs shall complete the NRCS Cultural Resources Training Series and complete one year of on-the-job training with an Idaho Cultural Resources Specialist. The Cultural Resources Training Series consists of a web-based training along with a 40-hour instructor led course with classroom and field exercises. This course will provide candidates with a background of Idaho history and prehistory, provide training on recognizing artifacts, features and historic landscapes, and acquaint students with various survey methods. An NRCS Cultural Resources Specialist will conduct all classroom instruction and field exercises. The Idaho SHPO will be invited to participate in these trainings.

The actual hours of on-the-job training received will vary based on availability of field reviews within the candidate's work area and may require a longer intern period or approval for the candidate to travel to projects in other areas of Idaho.

Cultural Resources Technicians are encouraged to continue their education by participating in trainings offered by other organizations, attending archaeological or historic preservation themed events, becoming members of the Idaho Archaeological Society or other similar avocational and/or professional organizations, and by volunteering on archaeological excavations or historic preservation projects.

#### **Responsibilities**

Following their completion of all required training, the CRT will independently complete surface surveys as directed by an NRCS Idaho Cultural Resources Specialist. Their surveys will be limited to those projects in which the background research did not identify any historic properties within the project's Area of Potential Effect (APE). CRTs will report any findings to the NRCS Idaho State Cultural Resources Specialist (CRS) who will determine project effects and complete any additional field survey/subsurface testing and any necessary recordation/evaluation of historic properties within the APE. The CRT may assist with the recording of historic properties and subsurface testing under the direct field supervision of a NRCS Cultural Resources Specialist. The CRT will not make recommendations regarding the eligibility of cultural resources or project effects.

**APPENDIX D**  
**IDAHO NATURAL RESOURCES CONSERVATION SERVICE**  
**CULTURAL RESOURCES REPORT NARRATIVE**  
**FORM A – NO EFFECT, NO CULTURAL PROPERTIES PRESENT**

<b>Project Title:</b>	<b>Project Number:</b>	<b>NRCS Office:</b>
	NRCS-	

**Project Description:**

**Legal Description:**

1/4 Secs.: \_\_\_\_\_ Sec.#: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

U.S.G.S. Map Reference: \_\_\_\_\_ County: \_\_\_\_\_

Land ownership: \_\_\_\_\_ Total project acres: \_\_\_\_\_

**Pre-field Research:**

Sources of Information checked: \_\_\_\_\_

**Summary of previous research and cultural properties in Area of Potential Effect (APE), if any:**

**Land Use:**    Cultivated [ ]                      Rangeland [ ]                      Woodland [ ]  
                   Developed [ ]                      Feedlot [ ]                      Other: \_\_\_\_\_ [ ]

**Topographical Location:**    Floodplain [ ]                      Terrace [ ]                      Slope [ ]  
    Hilltop/Ridgetop [ ]                      Other: \_\_\_\_\_ [ ]

**Surface Visibility (%):**    \_\_\_\_\_

**Problems Encountered:**    \_\_\_\_\_

**Survey Date:**    \_\_\_\_\_                      **Total Acres Surveyed:**    \_\_\_\_\_

**Survey Methods (transect intervals, etc...):**

**Personnel Participating In Field Survey:**    \_\_\_\_\_

**Conclusion and Recommendation:**

\_\_\_\_\_  
**Recorder:**

\_\_\_\_\_  
**Date:**

\_\_\_\_\_  
**NRCS Cultural Resource Specialist:**

\_\_\_\_\_  
**Date:**

Attachments:                      Maps ( )                      Photos ( )                      Other Attachments (list)



**APPENDIX E**  
**IDAHO NATURAL RESOURCES CONSERVATION SERVICE**  
**CULTURAL RESOURCES REPORT NARRATIVE**  
**FORM B – CULTURAL PROPERTIES PRESENT**

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**PROJECT NAME**

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**PROJECT NUMBER**

**A. PROJECT DESCRIPTION:**

1. Description of project including the Area of Potential Effect (keyed to map) and potential impacts to known or suspected historic properties or other cultural resources:

2. Project Acres: \_\_\_\_\_

3. Land Owner: \_\_\_\_\_

**B. LOCATION AND GENERAL ENVIRONMENTAL SETTING:**

1. USGS topographic map(s): \_\_\_\_\_

2. County: \_\_\_\_\_

3. Legal Description:

1/4 Secs.: _____	Sec.#: _____	Township: _____	Range: _____
1/4 Secs.: _____	Sec.#: _____	Township: _____	Range: _____
1/4 Secs.: _____	Sec.#: _____	Township: _____	Range: _____

4. Setting (Describe landforms, topography, elevation, water, flora, fauna, mineral resources, etc. as they relate to human use):

**C. PRE-FIELD RESEARCH**

1. Date(s) of Idaho SHPO Record Search: \_\_\_\_\_

2. Sources of information checked:

3. Summary of previous studies in this general area, similar terrain:

<u>Report Title</u>	<u>Agency</u>	<u>Year</u>	<u>Distance/Direction</u>
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4. Sites previously recorded in or near the project area or in similar terrain, keyed to map:

<u>Site No.</u>	<u>Type of Site</u>	<u>Location</u>
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5. Brief description of cultural themes/contexts expected within the project area and where properties associated with these themes might be located:

**D. FIELD METHODS**

- 1. Areas examined and type of coverage:
- 2. Areas not examined and reasons why:
- 3. Acres Surveyed:
- 4. Personnel conducting and assisting in this survey:
- 5. Dates (s) of survey:
- 6. Visibility on surface (%):
- 7. Problems encountered:

**E. RESULTS**

- 1. All cultural properties recorded or assessed for this project:

<u>Site No.</u>	<u>Type of Site</u>	<u>NR Eligibility</u>
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- 2. Summary of important characteristics of properties listed above including recommendations for National Register eligibility:

- 3. Cultural properties noted but not formally recorded (key to map): [ ] None

<u>Field Number</u>	<u>Description</u>	<u>Reason not Recorded</u>
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**F. CONCLUSIONS AND RECOMMENDATIONS:**

**G. ATTACHMENTS**

- Transect and project maps (required)
- Archaeological Survey of Idaho Site Inventory Form?
- Idaho Historic Site Inventory Forms?
- Photos?
- Other? \_\_\_\_\_

**H. REPOSITORY**

(Original survey reports and site forms are retained at the NRCS State Office. Copies of these documents are located at the Idaho SHPO Office)

**I. CERTIFICATION OF RESULTS**

I certify that I conducted the investigation reported here, that my observations and methods are fully documented, and that this report is complete and accurate to the best of my knowledge.

\_\_\_\_\_  
Signature of Reporter

\_\_\_\_\_  
Date

**APPENDIX F**  
**PROCEDURES FOR EMERGENCY RESPONSE**  
**(Appended to Stipulation VI.)**

Following these procedures for emergency response, the NRCS shall take into account the effects of their undertakings on significant cultural properties, including historic properties, while insuring that the main agency priority is the protection of life and property.

- a. If the President declares an area to be a major disaster area, the NRCS will provide assistance which will be coordinated with the Federal Emergency Management Agency (FEMA). FEMA is the lead federal agency for Presidentially-declared natural disasters. As outlined in Stipulation IV, the terms of this State-based Prototype Agreement shall not apply to that undertaking. If the FEMA or its designee agrees, NRCS may follow the approved alternative procedures in place for that agency.
- b. When the Idaho NRCS State Conservationist determines that a watershed impairment exists, but the President does not declare an area to be a major disaster area, FEMA does not coordinate assistance and NRCS will assume the role of lead federal agency for all undertakings that occur on private and State of Idaho lands. Following the NRCS's Emergency Watershed Program (EWP) final rule (see Section 216, P.L. 81-516 Final Rule, 7 CFR Part 624 (April 2005) and 36 CFR 800.12, the NRCS shall consult with the Idaho SHPO as outlined below.
  1. NRCS shall notify the Idaho SHPO immediately or within 48 hours of the emergency determination.
  2. Idaho SHPO shall respond to this notification within seven days providing comments, as well as providing the NRCS with a list of historic properties and a map(s) showing the location of these properties within the designated disaster area. If circumstances do not permit seven days for comment, the NRCS shall notify the Idaho SHPO and appropriate Indian tribes to invite comments within the time available.
  3. For an emergency where there is a future, but not immediate, threat to life and property, the NRCS shall follow the review procedures outlined in Stipulation V. of this agreement with the exception that the Idaho SHPO shall respond within 15 days, or within the time available, to the NRCS's findings and/or determinations.
  4. For an exigency where there is an immediate threat to life and property, the NRCS shall follow the procedures outlined in Stipulation V. as circumstances allow. The Idaho SHPO shall respond to the NRCS's findings and/or determinations within seven days or within the available time period as determined by the State Conservationist. Under extraordinary circumstances and pursuant to 36 CFR 800.12 (d) and 36 CFR 78.3, the State Conservationist retains the right to waive the provisions of Section 106 and 110 of NHPA and proceed with providing emergency assistance to eliminate an imminent threat to human life or property without Idaho SHPO concurrence. If the State Conservationist makes use of their waiver authority, the NRCS shall notify the Idaho SHPO, tribes, and the Secretary of Interior in writing pursuant to 36 CFR 78.4.

**APPENDIX G  
GLOSSARY OF ACRONYMS USED IN THIS DOCUMENT**

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