**PROTOTYPE PROGRAMMATIC AGREEMENT**
**BETWEEN THE**
**US DEPARTMENT OF AGRICULTURE,**
**MASSACHUSETTS NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE AND THE**
**MASSACHUSETTS 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 95-3341, 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 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 Massachusetts State Office has consulted with the Massachusetts State Historic Preservation Officer/SHPO and followed the instructions in the ACHP letter that accompanied the Prototype Agreement, dated November 21, 2014; and

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

**WHEREAS,** NRCS developed this Prototype Agreement in consultation with the National Conference of State Historic Preservation Officers (NCSHPO) and its members, interested Indian

tribes, Native Hawaiian organizations, interested historic preservation organizations, (such as the National Trust for Historic Preservation), and the Advisory Council on Historic Preservation (ACHP); and

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

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

**WHEREAS**, this Prototype Agreement does not modify the NRCS' responsibilities to consult with Indian tribes and NHOs on all undertakings that might affect historic properties and properties of religious and cultural significance to them, regardless of where the undertaking is located, without prior agreement by the concerned Indian tribe or 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 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 Massachusetts State Office and the Massachusetts SHPO agree that undertakings in the Commonwealth of Massachusetts 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 Massachusetts SHPO, this State-based Prototype Agreement sets forth the review process for all NRCS undertakings subject to Section 106 in the Commonwealth of Massachusetts.
B. Execution of this State-based Prototype Agreement supersedes any existing State Level Agreement with the Massachusetts SHPO executed under the previous NRCS nationwide Programmatic Agreement, but does not replace any existing project-specific Section 106 agreements (Memoranda of Agreement or Programmatic Agreements).
C. This State-based Prototype Agreement applies only when there is a Federal Preservation Officer (FPO) in the NRCS National Headquarters (NHQ) who meets the Secretary of the Interior's Professional Qualification Standards (48 FR 44716).
D. This State-based Prototype Agreement applies only where there is staffing or access to staffing (through contracted services or agreements with other agencies or archaeologists who meet the Secretary of Interior's Professional Qualification Standards) in the NRCS Massachusetts state office.

### II. Roles and Professional Qualifications.

A. The NRCS Massachusetts State Conservationist is responsible for oversight of its performance under this State-based Prototype Agreement.
B. NRCS Massachusetts shall ensure all NRCS staff or individuals carrying out Section 106 historic preservation compliance work on its behalf, including the NRCS senior historic preservation professional staff member (the Cultural Resources Specialist (CRS) or Archaeologist, or Historian), 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, and 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, the Massachusetts State Archaeologist's Professional Qualifications Standards (950 CMR 70.10), and have the knowledge to assess the resources within an undertaking's area of potential effects (APE).
C. The Massachusetts State Conservationist is responsible for consultation with the Massachusetts 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 CRS/Archaeologist/Historian and/or professional consultants shall provide technical historic property and resource information to the State Conservationist for use in Section 106 findings and determinations, after appropriate consultations with the SHPO, Indian tribes, and discussions with the landowner. The Cultural Resources Coordinator (CRC)

and CRS/Archaeologist/Historian shall monitor and oversee the work and reporting of all NRCS field office personnel and professional consultants. The CRS/Archaeologist/Historian 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' web, classroom, and field awareness training acquired through USDA's AgLearn training site, shall work with the CRC and CRS/Archaeologist/Historian, as feasible, in completing historic preservation compliance (Section 106) field records for the agricultural producer's (NRCS' client or voluntary applicant for assistance) files and for use in producing initial historic property identification records (as set forth and outlined in NRCS' operational guidance, the National Cultural Resources Procedures Handbook, Title 190, Part 601).

F. The CRS/Archaeologist/Historian 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 and the Massachusetts State Archaeologist's Professional Qualifications Standards (950 CMR 70.10).

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 consultants or producers/applicants for conservation assistance.

H. Pursuant to 36 CFR 800.3(c)(4), the SHPO shall review and comment on adequately documented project submittals (see 36 CFR 800.11) within 30 calendar days of receipt at the Massachusetts Historical Commission (MHC). All submittals to the SHPO shall be in paper format and shall be delivered to the SHPO's office by US Mail, or by a delivery service, or by hand. Plans and specifications submitted to the SHPO shall measure no larger than 11" x 17" paper format (unless another size or format is specified in consultation).

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

J. Permit. State Archaeologist's permit # 1380 has been issued to the NRCS archaeologist, who shall submit a request to the State Archaeologist for permit renewal on an annual basis.

## 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 the CRC, 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, 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 SHPO or Indian tribe staff to participate in presentations at agency classroom or field trainings.
D. NRCS shall encourage all personnel conducting or overseeing cultural resources work to take additional appropriate specialized training as provided by the SHPO, Indian tribes, the ACHP, National Park Service, General Services Agency or other agencies, as feasible.

**IV. Lead Federal agency.**

A. For any undertaking for which the NRCS is the lead federal agency for Section 106 purposes per 36 CFR Part 800.2(a)(2), NRCS staff shall follow the terms of this State-based Prototype Agreement. NRCS shall notify the 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.**

NRCS Massachusetts and Massachusetts SHPO agree to use the classification system established in Appendices A-B to determine the potential of an undertaking being planned under any NRCS Massachusetts program to affect cultural resources. Trained NRCS personnel will use the cultural resources procedures contained in Appendix D.

A. In consultation with the Massachusetts SHPO, NRCS shall identify those undertakings with little to no potential to affect historic properties and list those undertakings in Table 1 located in Appendix A or under non-intrusive conditions in Table 2 located in Appendix B. Upon the determination that a proposed undertaking is included in Table 1 or under non-intrusive conditions in Table 2, the NRCS is not required to consult further with the SHPO for that undertaking. In consultation with the Massachusetts SHPO, NRCS shall identify those undertakings with potential to affect historic properties and list those undertakings in Appendix B.
B. The list of undertakings provided in Appendices A-B may be modified through consultation and written agreement between the NRCS State Conservationist and the SHPO without requiring an amendment to this State-based Prototype Agreement. The NRCS Massachusetts 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 Table 1 of Appendix A or under non-intrusive conditions in Table 2 of Appendix B shall require further review as outlined in Stipulation V.C and Appendix B. The NRCS shall define the undertaking's APE, identify and evaluate historic properties that may be affected by the undertaking, assess potential effects, and identify strategies for resolving adverse effects prior to approving the financial assistance for the

undertaking.

1. NRCS may provide its proposed APE, identification of historic properties and/or scope of identification efforts, and assessment of effects in a single annual transmittal to the SHPO, provided this documentation meets the substantive standards in 36 CFR Part 800.4-5 and 800.11. Field personnel will use the NRCS Massachusetts *Practice Description Form for Cultural Resources Review* to describe planned undertakings after consulting Tables 1 and 2 of Appendices A-B. The Practice Description Form is submitted to the CRC to start the process for a determination of effect. When the CRS or a professional consultant visits projects, a *Cultural Resources Report* will be prepared and submitted to the Massachusetts SHPO. Hard and/or digital copies of compliance documentation for individual practices will be filed at the respective NRCS field office and the CRC's office.
   i. Curation. When professional archaeological consultants undertake archaeological testing, temporary storage of the artifacts, specimens and research records shall be at their facility and maintained to professional curatorial standards, unless another curation facility is specified in consultation with the State Archaeologist.
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.
   i. Access to Cultural Resources Information. The MHC shall provide the NRCS CRS and CRC and/or qualified consultants access to the Inventory of Historic and Archaeological Assets of the Commonwealth, including the web-based Massachusetts Cultural Resource Information System (MACRIS) database. The CRS and CRC shall use this information to detemine potential impacts on recorded cultural resources for all undertakings implemented through programs administered by NRCS. The NRCS shall acknowledge that data included in the Inventory contains highly sensitive archaeological site locational information that is not a public record (36 CFR 800.6(a)(5); 800.11(c); Massachusetts General Laws Chapter 9, sections 26A(l) & 27(C)). All sensitive archaeological site locational information should be removed from any project documents intended for public review. Any documentation prepared with this information should be prominently labeled "Confidential. Not for Public Release", and the distribution strictly controlled. Consultation with the MHC should be conducted prior to the dissemination of this information.
3. Where the NRCS proposes a finding of "no historic properties affected" or "no adverse effect" to historic properties, the SHPO shall have thirty (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.
   i. If the SHPO disagrees with NRCS' findings and/or determination, it shall notify the NRCS within the thirty (30) calendar day time period. The NRCS shall consult with the 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 SHPO does not respond to the NRCS within the thirty (30) calendar day period, or if the SHPO concurs with the NRCS' determination and proposed actions to avoid

adverse effects, the NRCS shall document the concurrence/lack of response within the review time noted above, and may move forward with the undertaking.

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

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

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

B. The NRCS State office shall prepare procedures for exigency (following the rules for NRCS' (EWP) regarding immediate threat to life and property requiring, response within 5 days) in consultation with the SHPO. These procedures are appended to this document in Appendix D.

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 Section106 review is complete, the NRCS shall consult to seek avoidance or minimization strategies in consultation with the 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 SHPO, the NRCS State engineering or program supervisor, as appropriate), the landowner/producer (whomever NRCS is assisting), the CRS shall establish a protective buffer zone surrounding the discovery. This action may require inspection by tribal 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 SHPO, 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 feasible, and proposed actions to resolve any adverse effects to historic properties. The eligibility determination may require the assessment and advice of concerned Indian tribes, the SHPO, and technical experts (such as historic landscape architects) not employed by NRCS.
5. The SHPO, concerned Indian tribes and ACHP shall respond within 48 hours from receipt of the notification with any comments on the discovery and proposed actions.
6. NRCS shall take any comments provided into account and carry out appropriate actions to resolve any adverse effects.
7. NRCS shall provide a report to the SHPO, concerned Indian tribes and the ACHP of the actions when they are completed.

C. When human remains are discovered, the NRCS shall follow all applicable federal, tribal, and state burial laws and ordinances, including the Native American Graves Protection and Repatriation Act, and implementing regulations, when on tribal or federal lands, and related human rights and health statutes, where appropriate. NRCS shall also refer to the ACHP's Policy Statement regarding *Treatment of Burial Sites, Human Remains and Funerary Objects* and the ACHP's Section 106 Archaeology Guidance. NRCS shall also follow USDA and NRCS policy on treatment of human remains and consultation. On non-federal and/or non-tribal lands, the NRCS shall ensure that the Massachusetts Unmarked Burial Law (Massachusetts General Laws, Chapter 38, § 6; Chapter 9, §§ 26A and 27C; and, Chapter 7, § 38A; all as amended) applies. Any non-Native American human remains shall also be treated in accordance with the Massachusetts Historical Commission "Policy and Guidelines for Non-Native Human Remains Which Are Over 100 Years Old or Older."

## 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 its final decision.
2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, NRCS may make a final decision on the dispute and proceed. Prior to

reaching such a final decision, NRCS shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties, and provide them and the ACHP with a copy of the written response.

B. The NRCS Massachusetts 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-based Prototype Agreement, a member of the public may submit an objection pertaining to this agreement to the NRCS State Conservationist, in writing. Upon receiving such an objection, the State Conservationist shall notify the NRCS SPO and FPO, and the SHPO, take the objection into account, and consult with other consulting parties as appropriate to resolve the objection. The NRCS State Conservationist shall notify the SPO, FPO, and SHPO of the outcome of this process.

## IX. Public Involvement

The NRCS State Conservationist will ensure the public is involved in the development of this State-based Prototype Agreement by requesting comment from the State Technical Committee before final signature. The public will also participate in Section 106 review as set forth in Section V.

## X. Annual reporting and monitoring

A. NRCS Massachusetts shall on an annual basis (and no later than May 1 of the following calendar year), provide the SHPO with documentation on each undertaking planned in the prior federal fiscal year that is listed under Appendix B unless excluded under specified conditions in Table 2 of Appendix B.
B. Every year following the execution of this agreement, commencing December 1, 2015, until it expires or is terminated, the NRCS Massachusetts State Conservationist shall provide all consulting parties (including those parties who participate in the consultation but do not sign the agreement) and the FPO a summary report detailing work undertaken pursuant to its terms, including a list of undertakings falling under Appendices A-B; a summary of the nature and content of meetings held with the SHPO and/or Indian tribes; and an assessment of the overall effectiveness of the State-based Prototype Agreement. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in NRCS' efforts to carry out the terms of this agreement.
   1. The NRCS FPO shall use the state reports to provide, through the NRCS SPO, an annual report to the ACHP.
   2. The State Conservationist shall use the state report to assess the need for annual meetings with the SHPO and/or Indian tribes each fiscal year.
C. 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).
D. The NRCS State Conservationist or 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 ten (10) years from the date of execution unless amended or terminated pursuant to Stipulation XIII below.

## XIII. Amendment and termination

A. This State-based Prototype Agreement may be amended if agreed to in writing by all signatories. The amendment will be effective on the date a copy, signed by all of the signatories, is filed with the NRCS FPO, SPO, and the ACHP.
B. If any signatory to this State-based Prototype Agreement, or the ACHP, determines that its provisions will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XIII.A. If within 30 calendar days, or other time period agreed upon by the signatories, an amendment cannot be agreed upon, any signatory or the ACHP may terminate the agreement upon written notification to the other signatories.
C. If this State-based Prototype Agreement is terminated, or expires without being extended via the amendment process described above, and prior to continuing work on any undertaking, NRCS shall comply with 36 CFR Part 800 for all individual undertakings in the Commonwealth of Massachusetts.
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 Massachusetts consultation with the ACHP, NCSHPO, and Indian tribes/THPOs, and other consulting parties, as appropriate. Such inclusion of the USDA agency may require amendment to this State-based Prototype Agreement.

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

**Signatory Parties**

Christine S. Clarke

Christine S. Clarke, State Conservationist, Massachusetts Natural Resources Conservation Service

9/8/15

Date

Brona Simon

Brona Simon, State Historic Preservation Officer, Executive Director and State Archaeologist

8/19/15

Date

## APPENDIX A

## LIST OF UNDERTAKINGS REQUIRING NO FURTHER SECTION 106 REVIEW IN NRCS MASSACHUSETTS STATE OFFICE

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

A. Before implementation of any activities described in the narrative below the NRCS Massachusetts CRS will review the foreseeable effects of the activity to ensure that there are no special circumstances that might result in adverse effects to NRHP eligible resources.
B. NRCS Massachusetts need not identify historic properties, nor consult with the Massachusetts SHPO about effects on historic properties, with respect to the following types of undertaking:
   1. Soil Survey: The NRCS conducts soil survey activities that involve no ground disturbance or are limited to small-scale field investigations, such as small shovel holes, auger holes, probe holes, and core holes; the potential for these activities to affect historic properties is minimal. (Upon the discovery of archaeological resources, soil scientists shall close these test pits, leaving the materials in place and reporting the finds to the CRS.) Larger scale field investigations, such as soil investigation pits, do have a potential to affect historic properties and require review as an undertaking. Additionally, the discovery provisions outlined in Stipulation VII above apply to any cultural resources or historic properties identified during soil survey of any scale.
   2. Conservation easement purchases, the management plans for which do not call for structural modification or removal, or ground disturbing activities.
   3. Conservation practices planned entirely on existing, previously-constructed cranberry bogs.
   4. Conservation practices planned on slopes greater than 8%, or on poorly drained soils.
   5. Conservation practices planned wholly beneath paved areas and public highways.
   6. Conservation practices planned wholly within perennial streams and water bodies that require no shaping back or modification to the top of bank.

| TABLE 1 | | | |
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| **Practice Standard#** | **PRACTICE NAME** | **EXCLUDED ONLY UNDER THE FOLLOWING CONDITIONS** | **PRACTICE DESCRIPTION** |
| | Watershed Rehabilitation Program | With evaluation only | Evaluation for structural soundness of aging, flood-retarding dams built by NRCS and Massachusetts DCR. |
| 472 | Access Control | With no new construction | The temporary or permanent exclusion of animals, people, & vehicles from an area. |
| 400 | Bivalve Aquaculture Gear and Biofouling Control | With no ground disturbance | Bivalve aquaculture gear and biofouling control includes actions that reduce, clean, or remove biological fouling organisms and other waste from bivalve production areas while minimizing environmental risk. |
| 314 | Brush Management | With no stump removal and no control methods that disturb the soil surface layer | The management or removal of woody (nonherbaceous or succulent) plants including those that are invasive and noxious. |
| 672 | Building Envelope Improvement | With all components above ground, if this structure is not more than 50 years old, and if it is not listed in or considered eligible for listing in the National Register of Historic Places. | Modification or retrofit of the building envelope of an existing agricultural structure in order to reduce energy use by regulating heat transfer through improvements such as insulation, shade screens, new windows or doors, and vapor retarders. It may be necessary to move or modify electrical wiring, water pipes, fuel supply pipes, light fixtures, or other infrastructure for installation of the practice. |
| 360 | Closure of Waste Impoundments | With no ground disturbance and when fill (if needed) is purchased from a licensed commercial source | The closure of waste impoundments (treatment lagoons and liquid storage facilities), that are no longer used for their intended purpose, in an environmentally safe manner. |
| 372 | Combustion System Improvement | No effect unless installation of the improvements requires any ground disturbance, land levelling to prepare the project area for practice installation, or if material is extracted from an on-farm borrow area (or from a neighbor's farm, etc.) to prepare the project area for practice installation. | Combustion system improvement is used to install, replace, or retrofit an agricultural combustion system and/or related components or devices for air quality and energy efficiency improvement. |
| 327 | Conservation Cover | All conditions | Establishing and maintaining perennial vegetative cover to protect soil and water resources on land retired from agricultural production. |
| 328 | Conservation Crop Rotation | All conditions | Growing crops in a recurring sequence on the same field. |
| 332 | Contour Buffer Strips | When practice is contained entirely within existing plowzone soils | Narrow strips of permanent, herbaceous cover established across the slope and alternated down the slope with parallel, wider cropped strips. |

| TABLE 1 | | | |
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| **Practice Standard#** | **PRACTICE NAME** | **EXCLUDED ONLY UNDER THE FOLLOWING CONDITIONS** | **PRACTICE DESCRIPTION** |
| 330 | Contour Farming | When practice is contained entirely within existing plowzone soils | Farming sloping lands so that preparing, planting, and cultivating are done on the contour. |
| 340 | Cover Crop | All conditions | A crop of close growing grasses, legumes, or small grain grown primarily for seasonal protection and soil improvement. |
| 342 | Critical Area Planting | When practice is contained entirely within existing plowzone soils. | Planting vegetation, such as trees, shrubs, vines, grasses, or legumes, on highly erodible or critically eroding areas. |
| 589c | Cross Wind Trap Strips | When practice is contained entirely within existing plowzone soils. | Herbaceous cover established in one or more strips typically perpendicular to the most erosive wind events. |
| MA-CP-1 | CRP: Establishment of Permanent Introduced Grasses & Legumes | When practice is contained entirely within existing plowzone soils. | Planting long-term, resource conserving covers to control soil erosion, improve water and air quality and develop wildlife habitat. |
| MA-CP-2 | CRP: Establishment of Permanent Native Grasses | When practice is contained entirely within existing plowzone soils. | Planting long-term, resource conserving covers to control soil erosion, improve water and air quality and develop wildlife habitat. |
| 356 | Dike | When practice is installed entirely within an existing disturbed cranberry bog, and all material used to construct the dike will be purchased from a licensed commercial source. | A barrier that is constructed of earth or manufactured material to protect land against flooding or to regulate water. |
| 647 | Early Successional Habitat Development/Management | When planting depth does not exceed depth of existing plowzone soils, and when prescribed burning is not part of the practice. | 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 | When retrofitting existing systems with no new construction, no ground disturbance, or no modifications to or removal of farm buildings (e.g. farmhouse, barn, outbuildings) more than 50 years old. | 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 | When fence posts are pounded or driven into the ground within plowzone soils. | A variety of fence types constructed as a barrier to livestock, wildlife, or people. |
| 386 | Field Border | When practice is contained entirely within existing plowzone soils. | 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 | When practice is contained entirely within existing plowzone soils. | A strip or area of vegetation for removing sediment, organic matter, and other pollutants from runoff and wastewater. |

| TABLE 1 | | | |
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| **Practice Standard#** | **PRACTICE NAME** | **EXCLUDED ONLY UNDER THE FOLLOWING CONDITIONS** | **PRACTICE DESCRIPTION** |
| 394 | Firebreak | When installation is limited to within existing plowzone soils. | A strip of bare land or fire-retarding vegetation. |
| 399 | Fishpond Management | All conditions | Developing or improving impounded water to produce fish for domestic use or recreation but not for commercial aquaculture use, by making a more favorable water habitat for the fish. The practice involves increasing food supplies, and decreasing competition from unwanted plants and animals. |
| 512 | Forage and Biomass Planting | All conditions | 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 | With no stump removal | Manipulate species of trees by cutting or killing selected trees and understory vegetation. |
| 355 | Groundwater Testing | With no installation of a new monitoring well | The groundwater testing practice includes testing for physical, biological, and chemical characteristics of groundwater in a well or spring development. |
| 422 | Hedgerow Planting | When installed entirely within existing plowzone soils | Establishing a living fence of shrubs or trees in, across, or around a field. |
| 315 | Herbaceous Weed Control | When using only control methods that do not disturb the soil surface layer | Using mechanical, chemical, burning or biological methods either alone or in combination to remove or control of herbaceous weeds. |
| 422A | Herbaceous Wind Barriers | When installed entirely within existing plowzone soils | 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. |
| 320 | Irrigation Canal or Lateral | When installed entirely within existing disturbed cranberry bog | Constructed to convey water from the source of supply to one or more farms to reduce erosion, prevent degradation of water quality, and improve efficient use of water. |
| 430 | Irrigation Pipeline | When located entirely within an existing disturbed cranberry bog or if all components are installed above ground | An irrigation pipeline and its appurtenances are installed as part of an irrigation system to convey water for storage or application and can be installed underground or above ground. |

| TABLE 1 | | | |
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| **Practice Standard#** | **PRACTICE NAME** | **EXCLUDED ONLY UNDER THE FOLLOWING CONDITIONS** | **PRACTICE DESCRIPTION** |
| 441 | Irrigation System, Microirrigation | When all components are above ground | A microirrigation system, also known as drip or trickle irrigation, is used for distribution of water directly to the plant root zone by means of surface or subsurface applicators. |
| 443 | Irrigation System, Surface and Subsurface | When all components are installed above ground | A system that includes all the components necessary for the efficient application of irrigation water by surface or by subsurface means. |
| 447 | Irrigation System, Tailwater Recovery | When all components are installed above ground | An irrigation system in which all facilities used for the collection, storage, and transportation of irrigation tailwater for reuse have been installed to conserve irrigation water supplies and/or improve offsite water quality. |
| 449 | Irrigation Water Management | All conditions | Determining and controlling the rate, amount, and timing of irrigation water in a planned efficient manner. |
| 466 | Land Smoothing | When installed entirely within an existing disturbed cranberry bog | Removing irregularities on the land surface with earth-moving equipment to improve surface drainage, provide for a more effective use of precipitation, and provide for more uniform planting and cultivation. |
| 516 | Livestock Pipeline | When all components are installed above ground | A pipeline installed to convey water for livestock or wildlife, usually to decentralize the location of drinking or water storage facilities. |
| 484 | Mulching | All conditions | Applying plant residues or other suitable materials not produced on the site to the soil surface. |
| 590 | Nutrient Management | All conditions | Managing the amount, form, placement, and timing of applications of plant nutrients. |
| 582 | Open Channel | When installed entirely within an existing disturbed cranberry bog | Construct or improve an open channel (a natural or artificial channel in which water flows with a free surface). |
| 521A | Pond Sealing or Lining, Flexible Membrane | When within footprint of existing pond only | Installation of a liner for a pond or waste impoundment consisting of a functionally continuous layer of synthetic or partially synthetic, flexible material. |
| 521B | Pond Sealing or Lining, Soil Dispersant Treatment | When within footprint of existing pond only, and if the material used to seal or line the pond will be purchased from a licensed commercial source. | Installation of a liner for a pond or waste impoundment consisting of a compacted soil-dispersant mixture to control seepage from water and waste impoundments for the purposes of water conservation and environmental protection. |
| 521C | Pond Sealing or Lining, Bentonite Treatment | When within footprint of existing pond only | Installation of a liner for a pond or waste impoundment consisting of a compacted soil-bentonite mixture. |

| TABLE 1 | | | |
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| **Practice Standard#** | **PRACTICE NAME** | **EXCLUDED ONLY UNDER THE FOLLOWING CONDITIONS** | **PRACTICE DESCRIPTION** |
| 521D | Pond Sealing or Lining, Compacted Clay Treatment | When within footprint of existing pond only, and if the material used to seal or line the pond will be purchased from a licensed commercial source. | Installation of a liner for a pond or waste storage impoundment constructed using compacted soil without soil amendments. |
| 528 | Prescribed Grazing | All conditions | The controlled harvest of vegetation with grazing or browsing animals. |
| 533 | Pumping Plant | When installed within an existing well less than 50 years of age or if all components are installed above ground | A facility that delivers water at a designed pressure and flow rate to meet a conservation need. Components include the required pump, associated power unit, plumbing, and necessary appurtenances. May include on-site fuel or energy sources and protective structures. |
| 329 | Residue and Tillage Management, No Till | All conditions | 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. |
| 345 | Residue and Tillage Management, Reduced Till | All conditions | Managing the amount, orientation and distribution of crop and other plant residue on the soil surface year round while limiting the soil-disturbing activities used to grow and harvest crops in systems where the field surface is tilled prior to planting. |
| 643 | Restoration and Management of Rare and Declining Habitats | When no ground disturbance is part of the practice | Restoring and managing rare and declining habitats and their associated wildlife species to conserve biodiversity. |
| 391 | Riparian Forest Buffer | When bare root stock will be placed within shovel slits or wider holes dug entirely within the plowzone or with no new plantings. | Leaving or establishing an area of trees and/or shrubs adjacent to watercourses or water bodies. |
| 390 | Riparian Herbaceous Cover | When bare root stock will be placed within shovel slits or wider holes dug entirely within the plowzone. | 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. |
| 558 | Roof Runoff Structure | When no ground disturbance is part of the practice | Structure made of various components that will collect, control and convey precipitation runoff from a roof when precipitation needs to be diverted away from structures or contaminated areas. |
| 367 | Roofs and Covers | When no ground disturbance is part of the practice | A roof structure to divert clean water from animal management areas and/or waste storage facilities, or a roof structure or membrane cover placed over a waste management facility. |

| TABLE 1 | | | |
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| **Practice Standard#** | **PRACTICE NAME** | **EXCLUDED ONLY UNDER THE FOLLOWING CONDITIONS** | **PRACTICE DESCRIPTION** |
| 798 | Seasonal High Tunnel System for Crops | When ground posts will be pounded or driven into the ground and no land levelling is required to prepare the project area for installation of the high tunnel, and when no irrigation and/or utility lines will be dug to the practice. | 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 Management for Wildlife | With no 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. |
| 442 | Sprinkler System | When installed entirely within an existing disturbed cranberry bog or if all components above ground surface | A distribution system that applies water by means of nozzles operated under pressure. May also apply to existing sprinkler system to reduce energy use by renozzling existing sprinkler systems to reduce pressure, reduce flow rate, or increase distribution uniformity. |
| 585 | Stripcropping | All conditions | Growing crops in a systematic arrangement of strips on the contour to reduce water erosion. |
| 587 | Structure for Water Control | When practice is installed entirely within an existing disturbed cranberry bog, and all material used to construct the practice will be purchased from a licensed commercial source. | A structure in a water management system that conveys water, controls the direction or rate of flow, maintains a desired water surface elevation, or measures water. |
| 649 | Structures for Wildlife | Without new ground disturbance or if ground disturbance is limited to within existing plowzone soils. | 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. |
| 606 | Subsurface Drain | When installed entirely within an existing disturbed cranberry bog | A conduit, such as corrugated plastic tubing, tile, or pipe, installed beneath the ground surface to collect and/or convey drainage water. |
| 612 | Tree/Shrub Establishment | No effect if bare root stock will be placed within shovel slits or wider holes dug entirely within the plowzone. | Planting or seeding woody plants. |
| 660 | Tree/Shrub Pruning | All conditions | 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. |

| TABLE 1 | | | |
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| **Practice Standard#** | **PRACTICE NAME** | **EXCLUDED ONLY UNDER THE FOLLOWING CONDITIONS** | **PRACTICE DESCRIPTION** |
| 635 | Vegetated Treatment Area | When ground disturbance is limited to within existing plowzone soils | An area of permanent vegetation used for agricultural wastewater treatment. |
| 601 | Vegetative Barrier | When ground disturbance is limited to within existing plowzone soils | Permanent strips of stiff, dense vegetation along the general contour of slopes or across concentrated flow areas. |
| 360 | Waste Facility Closure | When the material used to close the waste facility is purchased from a licensed commercial source and there is no new ground disturbance. | The process of removing the long-term accumulation of sludge, floating matter, and wastewater from waste impoundments (animal waste lagoons or storage ponds) in an environmentally safe manner. |
| 634 | Waste Transfer | With no new construction or ground disturbance | Using existing structures, conduits, or equipment to convey byproducts (wastes) from agricultural operations to points of usage. |
| 629 | Waste Treatment | With no new construction or ground disturbance | The mechanical, chemical, or biological treatment of agricultural waste. Includes installation of an aerator into a liquid storage pond or tank; straw cover applied to the liquid surface of a waste storage facility; milkhouse wastewater treatment with dosing system and possibly bark mounds or beds. |
| 642 | Water Well | When drilled within an existing well or previously disturbed / non-archaeologically sensitive area. | A hole drilled, dug, driven, bored, jetted, or otherwise constructed into an aquifer to provide access to a groundwater supply. Used to provide water for livestock, wildlife, irrigation, fire control, and other agricultural uses. |
| 355 | Well Water Testing | When no monitoring well will be installed. | Professional testing of well water for nitrates, nitrites, and coliform to confirm that well water meets basic water quality standards for consumption by livestock or use in irrigation. |
| 644 | Wetland Wildlife Habitat Management | With no new construction or ground disturbance | Retaining, creating, or managing wetland habitat for wildlife. |
| 380 | Windbreak/Shelterbelt Establishment | When ground disturbance is limited to within existing plowzone soils. | Linear plantings of single or multiple rows of trees or shrubs for environmental purposes. |
| 650 | Windbreak/Shelterbelt Renovation | When ground disturbance is limited to within existing plowzone soils. | 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 B

## LIST OF UNDERTAKINGS REQUIRING FURTHER SECTION 106 REVIEW EXCEPT WHEN DETERMINED NON-INTRUSIVE BY THE NRCS MASSACHUSETTS STATE OFFICE

Pursuant to Stipulation V.C. above, in consultation with the Massachusetts SHPO, the NRCS, through the qualified CRS/Archaeologist/Historian as described in Stipulation II.B., has determined that the following undertakings have potential to affect historic properties. The NRCS is required to consult further with the SHPO under Section 106 for any undertaking that is included in this appendix unless it falls within the described exceptions.

| TABLE 2 | | | |
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| **Practice Standard** | **PRACTICE NAME** | **POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY** | **PRACTICE DESCRIPTION** |
| | Watershed Rehabilitation Program | Potential effect unless evaluation only. | Evaluation for structural soundness of aging, flood-retarding dams built by NRCS and Massachusetts DCR. May include planning, design, and oversight of dam upgrade construction projects. |
| 560 | Access Road | Potential effect | An access road is an established route for equipment and vehicles, to provide for management of timber, livestock, agriculture, wildlife habitat, and other conservation enterprises. |
| 309 | Agrichemical Handling Facility | Potential effect | A facility with an impervious surface to provide an environmentally safe area for the handling of on-farm agrichemicals. |
| 366 | Anaerobic Digester | Potential effect | A facility that provides biological treatment of animal waste in the absence of oxygen. |
| 316 | Animal Mortality Facility | Potential effect | An on-farm facility for the treatment or disposal of livestock and poultry carcasses for routine and catastrophic mortality events. |
| 396 | Aquatic Organism Passage | Potential effect | The modification or removal of barriers that restrict or impede movement of aquatic organisms. |
| 400 | Bivalve Aquaculture Gear and Biofouling Control | Potential effect with ground disturbance | Bivalve aquaculture gear and biofouling control includes actions that reduce, clean, or remove biological fouling organisms and other waste from bivalve production areas while minimizing environmental risk. |
| 314 | Brush Management | Potential effect if removing stumps | The management or removal of woody (nonherbaceous or succulent) plants including those that are invasive and noxious. |
| 672 | Building Envelope Improvement | Potential effect (with ground disturbance, or if the structure is older than 50 years, or if it is listed in or is considered eligible for listing in the National Register of Historic Places) | Modification or retrofit of the building envelope of an existing agricultural structure in order to reduce energy use by regulating heat transfer through improvements such as insulation, shade screens, new windows or doors, and vapor retarders. It may be necessary to move or modify electrical wiring, water pipes, fuel supply pipes, light fixtures, or other infrastructure for installation of the practice. |
| 584 | Channel Stabilization | Potential effect | Channel bed stabilization is done by installing one or more structural measures to stabilize the bed or bottom of a channel. In most cases, the channel bed stabilization is paired with another practice such as Streambank and Shoreline Protection (580). |
| 326 | Clearing and Snagging | Potential effect | Clearing and snagging is removing vegetation along streambanks, logs, boulders, drifts, and other obstructions from natural or improved channels and streams. |

| TABLE 2 | | | |
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| **Practice Standard** | **PRACTICE NAME** | **POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY** | **PRACTICE DESCRIPTION** |
| 360 | Closure of Waste Impoundments | Potential effect if material is planned to be extracted from an on-farm borrow area (or neighbor's property, etc.) | The closure of waste impoundments (treatment lagoons and liquid storage facilities), that are no longer used for their intended purpose, in an environmentally safe manner. |
| 372 | Combustion System Improvement | Potential effect if installation of the improvements requires any ground disturbance, if land levelling is needed to prepare the project area for practice installation, or if material is extracted from an on-farm borrow area or a neighbor's farm, etc., to prepare the project area. | Combustion system improvement is used to install, replace, or retrofit an agricultural combustion system and/or related components or devices for air quality and energy efficiency improvement. |
| 317 | Composting Facility | Potential effect | A structure or device that uses controlled aerobic decomposition to transform waste organic material into a biologically stable product that can be used as a soil amendment. |
| 656 | Constructed Wetland | Potential effect | An artificial ecosystem consisting of a shallow basin established with hydrophytic vegetation that is constructed to intersect and treat the flow of a waste stream or contaminated runoff |
| 332 | Contour Buffer Strips | Potential effect if the planting depth will exceed the depth of existing plowzone soils. | Narrow strips of permanent, herbaceous cover established across the slope and alternated down the slope with parallel, wider cropped strips. |
| 330 | Contour Farming | Potential effect if the planting depth will exceed the depth of existing plowzone soils. | Farming sloping lands so that preparing, planting, and cultivating are done on the contour. |
| 342 | Critical Area Planting | Potential effect if the planting depth will exceed the depth of existing plowzone soils. | Planting vegetation, such as trees, shrubs, vines, grasses, or legumes, on highly erodible or critically eroding areas. |
| 589c | Cross Wind Trap Strips | Potential effect if the planting depth will exceed the depth of existing plowzone soils. | Herbaceous cover established in one or more strips typically perpendicular to the most erosive wind events. |
| MA-CP-1 | CRP: Establishment of Permanent Introduced Grasses & Legumes | Potential effect if the planting depth will exceed the depth of existing plowzone soils. | Planting long-term, resource conserving covers to control soil erosion, improve water and air quality and develop wildlife habitat. |
| MA-CP-2 | CRP: Establishment of Permanent Native Grasses | Potential effect if the planting depth will exceed the depth of existing plowzone soils. | Planting long-term, resource conserving covers to control soil erosion, improve water and air quality and develop wildlife habitat. |
| 402 | Dam | Potential effect | An artificial barrier that can impound water for one or more beneficial purposes. |

| TABLE 2 | | | |
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| **Practice Standard** | **PRACTICE NAME** | **POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY** | **PRACTICE DESCRIPTION** |
| 324 | Deep Tillage | Potential effect | Deep tillage to mix recent soil deposits from wind or water or to fracture restrictive soil layers. |
| 356 | Dike | Potential effect if any material needed to construct the dike is extracted from an on-farm borrow area (or a neighbor's property, etc.) | A barrier that is constructed of earth or manufactured material to protect land against flooding or to regulate water. |
| 362 | Diversion | Potential effect | An earthen channel installed across a slope with a supporting ridge on the downhill side, to direct excess water in a new direction for use or safe disposal. |
| 647 | Early Successional Habitat Development/Management | Potential effect if planting depth exceeds depth of the existing plowzone soils or if prescribed burning is part of practice. | 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 | Potential effect if retrofitting existing systems with new construction, ground disturbance or modifications to or removal of farm buildings (e.g. farmhouse, barn, outbuildings) more than 50 years old. | 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 | Potential effect if post holes are dug or augured below plowzone soils. | A variety of fence types constructed as a barrier to livestock, wildlife, or people. |
| 386 | Field Border | Potential effect if the planting depth will exceed the depth of existing plowzone soils. | 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 | Potential effect if the planting depth will exceed the depth of existing plowzone soils. | A strip or area of vegetation for removing sediment, organic matter, and other pollutants from runoff and wastewater. |
| 394 | Firebreak | Potential effect if the depth of ground disturbance will exceed the depth of the existing plowzone | A strip of bare land or fire-retarding vegetation. |
| 398 | Fish Raceway or Tank | Potential effect if any disturbance to intact soils or shaping of streambanks | A fish raceway or tank is a channel or tank with a continuous flow of water used for high-density fish production. It may be an earthen channel or it may be a channel or tank constructed of concrete, timber, rock, fiberglass, or other suitable material. |
| 666 | Forest Stand Improvement | Potential effect if stumps will be removed | Manipulate species of trees by cutting or killing selected trees and understory vegetation. |

| TABLE 2 | | | |
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| **Practice Standard** | **PRACTICE NAME** | **POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY** | **PRACTICE DESCRIPTION** |
| 655 | Forest Trails and Landings | Potential effect | Involves the creation and/or management of temporary or infrequently used routes, paths, or cleared areas to conduct management activities such as forest stand improvement, pruning, fire suppression, or harvest of forest products. |
| 410 | Grade Stabilization Structure | Potential effect | Used to control or stabilize the channel grade in natural or artificial channels and to control erosion to prevent the formation or advance of gullies and headcuts. |
| 412 | Grassed Waterway | Potential effect | A natural or constructed channel that is shaped or graded to required dimensions and established in suitable vegetation for the stable conveyance of runoff. |
| 355 | Groundwater Testing | Potential effect if installing a new monitoring well | The groundwater testing practice includes testing for physical, biological, and chemical characteristics of groundwater in a well or spring development. |
| 561 | Heavy Use Area Protection | Potential effect | Protecting heavily used areas by establishing vegetative cover, by surfacing with suitable material, or by installing needed structures. |
| 422 | Hedgerow Planting | Potential effect if the depth of ground disturbance exceeds the depth of the existing plowzone | Establishing a living fence of shrubs or trees in, across, or around a field. |
| 315 | Herbaceous Weed Control | Potential effect if using control methods that disturb the soil surface layer | Using mechanical, chemical, burning or biological methods either alone or in combination to remove or control of herbaceous weeds. |
| 422A | Herbaceous Wind Barriers | Potential effect if the depth of ground disturbance exceeds the depth of the existing plowzone | Herbaceous vegetation established in rows or narrow strips across the prevailing wind direction. |
| 320 | Irrigation Canal or Lateral | Potential effect unless located entirely within an existing disturbed cranberry bog | Constructed to convey water from the source of supply to one or more farms to reduce erosion, prevent degradation of water quality, and improve efficient use of water. |
| 430 | Irrigation Pipeline | Potential effect if not located entirely within an existing disturbed cranberry bog or if any components are installed below ground | An irrigation pipeline and its appurtenances are installed as part of an irrigation system to convey water for storage or application and can be installed underground or above ground. |
| 436 | Irrigation Reservoir | Potential effect | A water storage structure made by constructing a dam, embankment, pit, or tank. |

| TABLE 2 | | | |
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| **Practice Standard** | **PRACTICE NAME** | **POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY** | **PRACTICE DESCRIPTION** |
| 441 | Irrigation System, Microirrigation | Potential effect if any components are below ground | A microirrigation system, also known as drip or trickle irrigation, is used for distribution of water directly to the plant root zone by means of surface or subsurface applicators. |
| 443 | Irrigation System, Surface and Subsurface | Potential effect if any components are installed below ground | A system that includes all the components necessary for the efficient application of irrigation water by surface or by subsurface means. |
| 447 | Irrigation System, Tailwater Recovery | Potential effect if any components are installed below ground | An irrigation system in which all facilities used for the collection, storage, and transportation of irrigation tailwater for reuse have been installed to conserve irrigation water supplies and/or improve offsite water quality. |
| 460 | Land Clearing | Potential effect | Land clearing is removing trees, stumps, and other vegetation to allow needed land-use adjustments and improvements in the interest of conservation. |
| 544 | Land Reclamation, Currently Mined Land | Potential effect | Restoring the land to an acceptable form suitable for the planned use of the land to prevent permanent damage to the natural resources on areas affected by mining activity. |
| 466 | Land Smoothing | Potential effect if not installed entirely within an existing disturbed cranberry bog | Removing irregularities on the land surface with earth-moving equipment to improve surface drainage, provide for a more effective use of precipitation, and provide for more uniform planting and cultivation. |
| 468 | Lined Waterway or Outlet | Potential effect | A water conveyance structure that has an erosion resistant lining of concrete, stone, synthetic turf reinforcement fabrics, or other permanent material. |
| 516 | Livestock Pipeline | Potential effect if any components are installed below ground | A pipeline installed to convey water for livestock or wildlife, usually to decentralize the location of drinking or water storage facilities. |
| 500 | Obstruction Removal | Potential effect | The disposal of unwanted, unsightly, or hazardous buildings, structures, vegetation, landscape features, trash, and other material. |
| 582 | Open Channel | Potential effect if not installed entirely within an existing disturbed cranberry bog | Construct or improve an open channel (a natural or artificial channel in which water flows with a free surface). |
| 378 | Pond | Potential effect | A water impoundment made by constructing an embankment or excavating a pit or dugout to provide water. |
| 521A | Pond Sealing or Lining, Flexible Membrane | Potential effect if outside of footprint of existing pond, or if pond creation or expansion is part of the practice. | Installation of a liner for a pond or waste impoundment consisting of a functionally continuous layer of synthetic or partially synthetic, flexible material. |

| TABLE 2 | | | |
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| **Practice Standard** | **PRACTICE NAME** | **POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY** | **PRACTICE DESCRIPTION** |
| 521B | Pond Sealing or Lining, Soil Dispersant Treatment | Potential effect if outside of footprint of existing pond or if the material will be extracted from an on-farm borrow area or neighbor's farm, etc. | Installation of a liner for a pond or waste impoundment consisting of a compacted soil-dispersant mixture to control seepage from water and waste impoundments for the purposes of water conservation and environmental protection. |
| 521C | Pond Sealing or Lining, Bentonite Treatment | Potential effect if outside of footprint of existing pond | Installation of a liner for a pond or waste impoundment consisting of a compacted soil- bentonite mixture. |
| 521D | Pond Sealing or Lining, Compacted Clay Treatment | Potential Effect if outside of footprint of existing pond, or if the material will be extracted from an on farm borrow area (or neighbor's farm, etc.) | Installation of a liner for a pond or waste storage impoundment constructed using compacted soil without soil amendments. |
| 338 | Prescribed Burning | Potential effect | Applying controlled fire to a predetermined area of land. |
| 533 | Pumping Plant | Potential effect if installed within an existing well older than 50 years of age or if any components are installed below ground | A facility that delivers water at a designed pressure and flow rate to meet a conservation need. Components include the required pump, associated power unit, plumbing, and necessary appurtenances. May include on-site fuel or energy sources and protective structures. |
| 562 | Recreation Area Improvement | Potential effect | Establishing plants or reducing stand density and trimming woody plants to improve an area's recreational value. |
| 566 | Recreation Land Grading and Shaping | Potential effect | The modification of sites to permit the installation or operation of recreation facilities. |
| 643 | Restoration and Management of Rare and Declining Habitats | Potential effect with undertakings | Restoring and managing rare and declining habitats and their associated wildlife species to conserve biodiversity. |
| 391 | Riparian Forest Buffer | Potential effect if planting depth exceeds the depth of the existing plowzone soils. | Leaving or establishing an area of trees and/or shrubs adjacent to watercourses or water bodies. |
| 390 | Riparian Herbaceous Cover | Potential effect if planting depth exceeds the depth of the existing plowzone soils. | 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. |
| 558 | Roof Runoff Structure | Potential effect with undertakings | Structure made of various components that will collect, control and convey precipitation runoff from a roof when precipitation needs to be diverted away from structures or contaminated areas. |
| 367 | Roofs and Covers | Potential effect with undertakings | A roof structure to divert clean water from animal management areas and/or waste storage facilities, or a roof structure or membrane cover placed over a waste management facility. |

| TABLE 2 | | | |
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| **Practice Standard** | **PRACTICE NAME** | **POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY** | **PRACTICE DESCRIPTION** |
| 798 | Seasonal High Tunnel System for Crops | Potential effect if holes for the ground posts and anchoring hardware will be augured or dug, if any land leveling is required to prepare the project area for high tunnel installation, or if any irrigation and/or utility lines will be dug to the practice. | 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. |
| 350 | Sediment Basin | Potential effect | A constructed basin designed to collect and store waterborne debris or sediment. |
| 646 | Shallow Water Management for Wildlife | Potential effect with 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. |
| 381 | Silvopasture Establishment | Potential effect | Establishment of a combination of trees or shrubs, and compatible forages on the same acreage. |
| 632 | Solid/Liquid Waste Separation Facility | Potential effect | A solid/liquid waste separation facility is a filtration or screening device, settling tank, settling basin, or settling channel used to separate a portion of solids from a liquid waste stream. |
| 574 | Spring Development | Potential effect | A way of collecting water from a spring or seep so it can be used for livestock, wildlife, or other agricultural uses. |
| 442 | Sprinkler System | Potential effect if not installed entirely within an existing disturbed cranberry bog or when components are placed below ground surface | A distribution system that applies water by means of nozzles operated under pressure. May also apply to existing sprinkler system to reduce energy use by renozzling existing sprinkler systems to reduce pressure, reduce flow rate, or increase distribution uniformity. |
| 570 | Stormwater Runoff Control | Potential effect | Provides control of quantity and quality of runoff caused by construction operations at development sites, and by other land-disturbing activities. |
| 578 | Stream Crossing | Potential effect | A stabilized area or a structure constructed across a stream to provide a travel way for people, livestock, equipment, or vehicles. |
| 395 | Stream Habitat Improvement and Management | Potential effect | The maintenance, improvement, and restoration of physical, chemical, and biological functions of a stream. |
| 580 | Streambank and Shoreline Protection | Potential effect | Applying vegetative or structural measures to stabilize and protect banks of streams, lakes, estuaries, or excavated channels from scour or erosion. |

| TABLE 2 | | | |
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| **Practice Standard** | **PRACTICE NAME** | **POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY** | **PRACTICE DESCRIPTION** |
| 587 | Structure for Water Control | Potential effect unless installed entirely within an existing disturbed cranberry bog, and all material used to construct the practice will be purchased from a commercial source. | A structure in a water management system that conveys water, controls the direction or rate of flow, maintains a desired water surface elevation, or measures water. |
| 649 | Structures for Wildlife | Potential effect if the depth of ground disturbance exceeds the depth of the existing plowzone | 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. |
| 606 | Subsurface Drain | Potential effect unless installed entirely within an existing disturbed cranberry bog | A conduit, such as corrugated plastic tubing, tile, or pipe, installed beneath the ground surface to collect and/or convey drainage water. |
| 607 | Surface Drain, Field Ditch | Potential effect | Field ditch installed for surface drainage is a graded ditch for collecting excess surface or subsurface water in a field. |
| 608 | Surface Drain, Main or Lateral | Potential effect | An open drainage ditch constructed to a designed size and grade that receives drainage waters from other drainage structures. |
| 609 | Surface Roughening | Potential effect | Performing tillage operations that create random roughness of the soil surface. |
| 600 | Terrace | Potential effect | An earth embankment, channel, or a combination of ridge and channel constructed across a slope to intercept runoff. |
| 575 | Trails and Walkways | Potential effect | A trail is a constructed path with a vegetated or earthen surface. A walkway is a constructed path with an artificial surface. A trail/walkway is used to facilitate the movement of animals, people, or off-road vehicles. |
| 612 | Tree/Shrub Establishment | Potential effect if planting depth exceeds the depth of the existing plowzone soils. | Planting or seeding woody plants. |
| 490 | Tree/Shrub Site Preparation | Potential effect | The treatment of areas to improve site conditions for establishing trees and/or shrubs. |
| 620 | Underground Outlet | Potential effect | A conduit installed beneath the surface of the ground to convey runoff to a suitable outlet. |
| 645 | Upland Wildlife Habitat Management | Potential effect with new construction or ground disturbance | Creating, maintaining, or enhancing areas for food and cover for upland wildlife. |

| TABLE 2 | | | |
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| **Practice Standard** | **PRACTICE NAME** | **POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY** | **PRACTICE DESCRIPTION** |
| 635 | Vegetated Treatment Area | Potential effect if depth of ground disturbance exceeds the depth of the existing plowzone | An area of permanent vegetation used for agricultural wastewater treatment. |
| 601 | Vegetative Barrier | Potential effect if depth of ground disturbance exceeds the depth of the existing plowzone | Permanent strips of stiff, dense vegetation along the general contour of slopes or across concentrated flow areas. |
| 360 | Waste Facility Closure | Potential effect if material is extracted from an on farm borrow area (or neighbor's property etc.) to fill in the existing failed waste facility. | The process of removing the long-term accumulation of sludge, floating matter, and wastewater from waste impoundments (animal waste lagoons or storage ponds) in an environmentally safe manner. |
| 632 | Waste Separation Facility | Potential effect | A filtration or screening device, settling tank, settling basin, or settling channel used to separate a portion of solids from a liquid waste stream. |
| 313 | Waste Storage Facility | Potential effect | An agricultural waste storage impoundment/containment made by constructing an embankment and/or excavating a pit or dugout, or fabricating a structure. |
| 634 | Waste Transfer | Potential effect with new construction or ground disturbance. | Using existing structures, conduits, or equipment to convey byproducts (wastes) from agricultural operations to points of usage. |
| 629 | Waste Treatment | Potential effect with new construction or ground disturbance | The mechanical, chemical, or biological treatment of agricultural waste. Includes installation of an aerator into a liquid storage pond or tank; straw cover applied to the liquid surface of a waste storage facility; milkhouse wastewater treatment with dosing system and possibly bark mounds or beds. |
| 359 | Waste Treatment Lagoon | Potential effect | An impoundment made by excavation or earth fill to provide storage for biological treatment of animal or other agriculture waste. |
| 638 | Water and Sediment Control Basin | Potential effect | An earth embankment or a combination ridge and channel constructed across the slope of minor watercourses to form a sediment trap and water detention basin with a stable outlet. |
| 642 | Water Well | Potential effect if well will be dug/excavated. | A hole drilled, dug, driven, bored, jetted, or otherwise constructed into an aquifer to provide access to a groundwater supply. Used to provide water for livestock, wildlife, irrigation, fire control, and other agricultural uses. |

| TABLE 2 | | | |
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| **Practice Standard** | **PRACTICE NAME** | **POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY** | **PRACTICE DESCRIPTION** |
| 614 | Watering Facility | Potential effect | A means of providing drinking water to livestock or wildlife. Proper location of the trough will improve animal distribution and vegetation, sometimes to keep livestock out of streams and other surface water areas where water quality is a concern. |
| 355 | Well Water Testing | Potential effect if a monitoring well will be installed. | Professional testing of well water for nitrates, nitrites, and coliform to confirm that well water meets basic water quality standards for consumption by livestock or use in irrigation. |
| 658 | Wetland Creation | Potential effect | The establishment of a wetland on a site that was historically nonwetland. |
| 659 | Wetland Enhancement | Potential effect | The rehabilitation or reestablishment of a degraded wetland, and/or the modification of an existing wetland to favor specific wetland functions. |
| 657 | Wetland Restoration | Potential effect | A way to return a former or degraded wetland to a condition that is a close approximation of its original condition. |
| 644 | Wetland Wildlife Habitat Management | Potential effect with new construction or ground disturbance | Retaining, creating, or managing wetland habitat for wildlife. |
| 380 | Windbreak/Shelterbelt Establishment | Potential effect if depth of ground disturbance exceeds the depth of the existing plowzone | Linear plantings of single or multiple rows of trees or shrubs for environmental purposes. |
| 650 | Windbreak/Shelterbelt Renovation | Potential effect if depth of ground disturbance exceeds the depth of the existing plowzone | Widening, partial replanting, removing and replacing selected trees and shrubs to improve an existing windbreak. |
| 384 | Woody Residue Treatment | Potential effect with ground disturbance or with burning. | Piling, burning, chipping/masticating, lop and scatter, off-site removal, and crushing to reduce woody debris. |

## APPENDIX C

## PROCEDURES FOR EMERGENCY RESPONSE

Emergencies: The following procedures will ensure that the need to protect life and property in an emergency is accomplished while taking cultural resources into account to the maximum extent congruent with rapidly changing priorities and circumstances. These emergency situations are divided into two types.

1. Exigent Situations: In this situation the NRCS Massachusetts shall notify the Massachusetts SHPO of planned emergency work. The NRCS Massachusetts may provide notification of exigent situations to the Massachusetts SHPO which shall include circumstances creating the exigent situation, work to be undertaken, any consideration of historic properties, as appropriate, and request for concurrence by the Massachusetts SHPO. The Massachusetts SHPO will then have five (5) days to respond to NRCS Massachusetts after receipt of said notification. If Massachusetts SHPO does not respond within 5 days, concurrence is presumed. NRCS will document and avoid adverse impacts to cultural resources encountered during exigency work to the fullest extent practicable.

2. Non-exigent Situations: The NRCS Massachusetts field personnel will report these projects as undertakings in the manner described above in Stipulation V.

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

## APPENDIX D

## STANDARD CULTURAL RESOURCES PROCEDURES FOR NRCS PERSONNEL

A. Trained NRCS field office personnel will use Appendices A-B to determine whether or not a planned undertaking has the potential to affect cultural resources.

B. Trained NRCS field office personnel will then complete the *Practice Description Form for Cultural Resources Review* and submit it to the Cultural Resources Coordinator (CRC). Then the CRS or professional consultant will review the undertaking and determine if a recorded or suspected cultural resource may be affected by the proposed project. If no known or suspected cultural resources are located within or near the Area of Potential Effect (APE), then the project may proceed. If the undertaking is located near a recorded site or archaeologically sensitive landform, the CRS will conduct a field inspection, which may include a systematic surface survey and/or subsurface testing, to determine if cultural resources are present in the APE. All shovel testing or destructive archaeological investigations will be conducted by an archaeologist with a permit issued by the SHPO.

C. If no cultural resources are identified, then the CRS or professional consultant and NRCS field office personnel will document that information and proceed.

D. If a cultural resource is identified and the undertaking may adversely affect the site, then the CRS or professional consultant will notify the CRC and NRCS District Conservationist (DC) who will:

   1. Re-evaluate alternatives to planned action(s) with the landowner, in lieu of conducting further archaeological investigation;

   2. Inform the CRS or professional consultant of decision regarding alternatives.

E. If an alternative, non-sensitive location or non-ground disturbing action can be planned that will not disturb the cultural resource, the DC, in consultation with the CRS or professional consultant, documents the alternative action and proceeds with assistance.

F. If no feasible alternative can be found, the CRS or professional consultant will proceed with additional archaeological investigation that will:

   1. Determine the boundaries of the cultural resource relative to the planned undertaking to see if redesigning the project will avoid the site;

   2. If avoidance is not possible then obtain sufficient information to evaluate the significance of the cultural resource for potential listing on the National Register of Historic Places (NRHP).

   3. If the cultural resource is considered significant and potentially eligible for listing on the NRHP, the CRS or professional consultant will revisit the concept of project modifications with the DC and landowner in order to avoid the site. If avoidance is impractical then the CRS or professional consultant, in concurrence with the SHPO, will develop and conduct a data recovery study of the threatened portions

of the cultural resource prior to project construction.

G. If a NRCS CRS is not available, the CRC will arrange for the following:

1. A site visit to obtain additional technical information and/or confirm the SHPO's recommendation about the sensitivity or likelihood of the APE having significant cultural resources.
2. The CRC will obtain a cost and time estimate for further investigation. The CRC will discuss the need and feasibility of further investigation with the DC who informs the landowner of NRCS requirements and asks if they are willing to pay for the work.
3. If funding from the NRCS or the landowner is available, but the landowner does not wish NRCS to proceed according to policy, then NRCS will withdraw assistance related to the planned undertaking(s).
4. If the landowner decides to proceed according to policy, then the CRC will coordinate arrangements or contract with a State and Federal certified CRS or professional consultant and other staff to conduct field investigations as required.
5. If the professional consultant determines that any cultural resources in the APE is potentially eligible for inclusion in the NRHP, then the professional consultant will conduct a formal evaluation of the site through a testing program in accordance with SHPO standards.
6. The SHPO and professional consultant will analyze the information and determine whether or not further investigations are required. The SHPO agrees to respond to the CRC within 30 calendar days.
7. If before or after the Phase I testing is conducted, the cultural resource is determined by the NRCS to not be of significance for inclusion in the NRHP, and the SHPO concurs, or if the SHPO fails to respond within 30 days, then NRCS has met its Section 106 obligations and the practice may proceed.
8. If the cultural resource is determined eligible for the NRHP, then the NRCS, in consultation with the SHPO, shall develop plans to mitigate any adverse effects upon the resource. The preferred option is to redesign the project to avoid any disturbance of the cultural resource(s).
9. In the case that the cultural resource(s) cannot be avoided, a data recovery plan will be developed by NRCS in consultation with the SHPO. Details and conditions of the data recovery plan will be developed by NRCS and signed and agreed to by the NRCS, the SHPO and other interested parties as may be necessary.
10. If no further investigations are required, the CRC will notify the NRCS field office, provide copies of pertinent correspondence, and the work may proceed.

## APPENDIX E

## GLOSSARY OF ACRONYMS USED IN THIS DOCUMENT

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