PROTOTYPE PROGAMMATIC AGREEMENT
BETWEEN THE
US DEPARTMENT OF AGRICULTURE,
NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE
AND
THE STATE HISTORIC PRESERVATION OFFICE,
REGARDING CONSERVATION ASSISTANCE
IN MONTANA

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 Montana State Office has consulted with the Montana 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 (NHO), 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 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 the land based Tribes in Montana and has invited the referenced Indian tribe(s) to enter into this State-based Prototype Agreement as a signatory; 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 Montana State Office and the Montana SHPO agree that undertakings in Montana 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 Montana SHPO, this State-based Prototype Agreement sets forth the review process for all NRCS undertakings subject to Section 106 in the State of Montana.

b. Execution of this State-based Prototype Agreement supersedes any existing State Level Agreement with Montana 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 Indian tribes) who meet the Secretary of Interior's Professional Qualification Standards in the Montana NRCS state office.

II. Roles and Professional Qualifications

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

b. NRCS Montana shall ensure all NRCS staff or individuals carrying out Section 106 historic preservation compliance work on its behalf, including the NRCS Montana State senior historic preservation professional staff member (the Cultural Resources Specialist (CRS)) are appropriately qualified to coordinate the reviews of resources and historic properties as applicable to the resources and historic properties being addressed (site, building, structure, landscape, resources of significance to Indian tribes, NHOs, and other concerned communities). Thus, these staff and consultants must meet the Secretary of the Interior's Professional Qualification Standards and have the knowledge to assess the resources within an undertaking's area of potential effects (APE).

c. The Montana State Conservationist is responsible for consultation with the Montana SHPO, as well as the government to government consultation with Tribes in the development of any 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 Montana CRS 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 CRS shall monitor and oversee the work and reporting of all NRCS field office personnel and professional service consultants. The CRS shall also assist the State Conservationist in determining whether an undertaking has the

potential to affect historic properties, triggering Section 106 review, pursuant to 36 CFR Part 800.3(a).

e. NRCS field office personnel involved in implementing this State-based Prototype Agreement, after completion of NRCS' web, classroom, and field awareness training acquired through USDA's AgLearn training site, shall work with the CRS, as feasible, in completing historic preservation compliance (Section 106) field records for the agricultural producer's (NRCS' 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).

- An element of the field records is the results of a file search for previously recorded cultural properties in the project area. Field Office personnel will complete a search of the Cultural Resource Information System database, ideally prior to field review. The results of the file search will be noted in the producer's file.

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

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

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

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

III. Training

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

- As outlined in II.e., field office personnel responsible for practice implementation shall complete the web based, classroom, and Montana field training prior to participating under this agreement. The CRS will visit 4 to 8 field offices (distributed across the state) annually to conduct quality assurance reviews and provide refresher site identification training.

b. NRCS shall require CRS or other NRCS personnel overseeing cultural resource work to take the NRCS Cultural Resources Training Modules (awareness training) and the ACHP's Section 106 *Essentials* course, or a course with similar content, if approved by the NRCS

FPO. Training must be completed within the first calendar year after execution of this State-based Prototype Agreement. NRCS personnel shall review and update training completion with their supervisors and include their training in their Individual Development Plans.

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

d. NRCS shall encourage all personnel conducting or overseeing cultural resources work to take additional appropriate specialized training as provided by the SHPO, Indian tribes, NHOs, 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

In consultation with the Montana SHPO, NRCS shall identify those practices with little to no potential to affect historic properties and include those undertakings in Montana NRCS Exhibits 1 and 3, provided under Appendix A. If the practice is an 'N' (for no potential to affect), the NRCS is not required to consult further with the SHPO for that practice.

a. The list of practices provided in the Exhibits 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 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.

b. Undertakings identified as 'Y' (Yes-has potential to effect) or 'M' (M-may have potential to effect unless case-by-case modification) in the Exhibits shall require further review as outlined below:

- Practices identified as 'M' may become exempt under conditions where installation is in previously cultivated or otherwise disturbed area and the practice will not exceed depth or other extent of the existing disturbance; specific application does not involve ground disturbance, e.g., chemical rather than mechanical brush treatment; or providing that no cultural resources are present, the practice results in very minimal disturbance such as steel posts or insulated power fences, etc.

- For all 'Y' and non-exempt 'M' practices, trained field office personnel will conduct a field review and if the results are negative, complete a Negative Findings Report (MT-CPA-8). If cultural resources are present, field office personnel will work with the CRS to gather information for consultation with the appropriate parties.

The NRCS shall consult with the SHPO to define the undertaking's APE, identify and evaluate historic properties that may be affected by the undertaking, assess potential effects, and identify strategies for resolving adverse effects prior to approving 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 transmittal to the SHPO, provided this documentation meets the substantive standards in 36 CFR Part 800.4-5 and 800.11.
2. The NRCS shall attempt to avoid adverse effects to historic properties whenever possible; where historic properties are located in the APE, NRCS shall describe how it proposes to modify, buffer, or move the undertaking to avoid adverse effects to historic properties.
3. Where the NRCS proposes a finding of "no historic properties affected" or "no adverse effect" to historic properties, the SHPO who shall have 15 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, or another consulting party, disagrees with NRCS' findings and/or determination, it shall notify the NRCS within the 15 calendar day time period. The NRCS shall consult with the SHPO or other consulting party to attempt to resolve the disagreement. If the disagreement cannot be resolved through this consultation, NRCS shall follow the dispute resolution process in Stipulation VIII below.
   ii. If the SHPO does not respond to the NRCS within the 15 calendar day period and/or the NRCS receives no objections from other consulting parties, 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.

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

VII. Post-Review Discoveries of Cultural Resources or Historic Properties and Unanticipated Effects to Historic Properties

a. Where construction has not yet begun and a cultural resource is discovered after Section 106 review is complete, the NRCS shall consult to seek avoidance or minimization strategies in consultation with the 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 engineer 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 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 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 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.

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

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

d. At any time during the implementation of the State-base Prototype Agreement, a member of the public may submit an objection pertaining to this agreement to the NRCS State Conservationist, in writing. Upon receiving such an objection, the State Conservationist shall notify the NRCS SPO and FPO, the SHPO, takes 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, SHPO the outcome of this process.

X. Public Involvement

The NRCS State Conservationist will ensure the public is involved in the development of this State-based Prototype Agreement and participates in Section 106 review as set forth above in Section V (reference to other parties).

XI. Annual Reporting and Monitoring

a. Every year following the execution of this agreement, commencing December 1, 2015, until it expires or is terminated, the NRCS Montana State Conservationist shall provide the consulting party(s) and the FPO a summary report detailing work undertaken pursuant to its terms, including:

- Table of consultation reports submitted to SHPO by county with project name, site number(s), findings of effect, date submitted, and date of SHPO concurrence.
- Total number of Y practices installed annually.
- Total number of N practices installed annually.
- Total number of M practices installed. Further differentiating the number of M practices that were field reviewed because it did not meet an exception.
- Summary of the nature and content of meetings held with SHPO/Indian Tribe.
- An assessment of the overall effectiveness of the State-based Prototype Agreement including recommendations for solving any identified problems or issues.

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 each fiscal year.

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

c. The NRCS State Conservationist or SHPO may request that the ACHP participate in any annual meeting or agreement review.

XII. 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.

XIV. Duration of Prototype Agreement

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

XV. Amendment and Termination

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

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

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

d. NRCS will consider requests from other USDA agencies to become a signatory to the State-based Prototype Agreement following formal written requests and appropriate discussion with and approval by the NRCS FPO and SPO, and joint USDA Agency-NRCS State Office consultation with the ACHP, NCSHPO, and 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 Montana on historic properties and afforded the ACHP a reasonable opportunity to comment.

Signatory Parties:

2/24/2015

Ray Dotson, Acting State Conservationist
Natural Resources Conservation Service
Bozeman, Montana

2/27/2015

Dr. Mark Baumler, Montana State Historic Preservation Officer

APPENDIX A

LIST OF PRACTICES and their Potential to Affect Cultural Resources

Pursuant to Stipulation V.a. above, in consultation with the Montana SHPO, the NRCS, through the qualified CRS as described in Stipulation II.b., has determined the following practices potential to affect cultural resources and will follow the steps outline in Stipulation V.

EXHIBIT 1
(Applies to the Environmental Quality Incentive Program (EQIP))

NRCS PRACTICES AND THEIR POTENTIAL TO CAUSE EFFECTS ON CULTURAL RESOURCES

Montana recognizes these practice categories:

Y - These practices have a potential to affect cultural resources. Field review and possibly other considerations are required.

M - These practices may affect cultural resources except under specific circumstances:

1. The practice is proposed in previously cultivated or otherwise disturbed areas and the practice will not exceed depth or other extent of that previous disturbance.

2. The case-specific application of a practice does not involve ground disturbance, e.g., a chemical rather than mechanical brush treatment.

3. Providing that no cultural resources are present, the practice results in very minimal disturbance such as steel posts or insulated power fences.

4. Changes to historic structures are reversible and do not remove any historic fabric or change the location of historic structures.

N - These practices are primarily management related and will not have any physical effects on cultural resources. Such practices do not require cultural resource consideration.

Conservation Activities and Practices	Code	Potential
Conservation Planning	NA	N
Easement Requiring No Structure Maintenance	NA	N
Easement Requiring Structure Removal	NA	Y
Highly Erodible Land Determinations	NA	N
Wetland Determinations	NA	N
Access Control	472	M
Access Road	560	Y
Agrichemical Handling Facility	309	M
Alley Cropping	311	N
Amendments for the Treatment of Agricultural Waste	591	N
Animal Mortality Facility	316	M
Animal Trails and Walkways	575	Y
Aquatic Organism Passage	396	M

Conservation Activities and Practices	Code	Potential
Brush Management	314	M
Channel Bed Stabilization	584	M
Clearing and Snagging	326	Y
Composting Facility	317	Y
Conservation Cover	327	N
Conservation Crop Rotation	328	N
Cover Crop	340	N
Critical Area Planting	342	M
Cross Wind Trap Strips	589C	N
Dam, Diversion	348	Y
Dam	402	Y
Dike	356	Y
Diversion	362	Y
Dry Hydrant	432	M
Early Successional Habitat Development	647	N
Farmstead Energy Improvement	374	N
Feed Management	592	N
Fence	382	M
Field Border	386	M
Filter Strip	393	M
Firebreak – Cropped Area	394	N
Firebreak – Non-Cropped Area	394	Y
Forage and Biomass Planting	512	M
Forage Harvest Management	511	N
Forest Stand Improvement	666	M
Forest Trails and Landings	655	Y
Fuel Break	383	M
Grade Stabilization Structure	410	Y
Grassed Waterway	412	Y
Grazing Land Mechanical Treatment	548	Y
Heavy Use Area Protection	561	Y
Hedgerow Planting	422	M
Herbaceous Weed Control	315	M
Herbaceous Wind Barriers	603	M
Integrated Pest Management	595	N
Irrigation Canal or Lateral	320	Y
Irrigation Ditch Lining	428	M
Irrigation Field Ditch	388	M
Irrigation Land Leveling	464	M
Irrigation Pipeline	430	Y
Irrigation System, Microirrigation	441	M
Irrigation System, Sprinkler	442	N
Irrigation System, Surface & Subsurface	443	M
Irrigation Water Management	449	N
Land Smoothing	466	M

Conservation Activities and Practices	Code	Potential
Livestock Confinement Facility	770	M
Livestock Pipeline	516	Y
Monitoring Well	353	Y
Mulching	484	N
Nutrient Management	590	N
Obstruction Removal	500	Y
Open Channel	582	Y
Pond	378	Y
Pond Sealing or Lining – Flexible Membrane	521A	N
Pond Sealing or Lining – Bentonite Treatment	521C	N
Pond Sealing or Lining – Compacted Clay Treatment	521D	N
Precision Land Forming	462	M
Prescribed Burning, Non-Cropped	338	Y
Prescribed Burning, Cropped Area	338	N
Prescribed Grazing	528A	N
Pumping Plant	533	Y
Range Planting	550	M
Residue Management, No Till/Strip Till	329	N
Residue Management, Mulch Till	345	N
Residue Management, Ridge Till	346	N
Residue Management, Seasonal	344	N
Restoration and Management of Declining Habitats	643	M
Riparian Forest Buffer	391	Y
Riparian Herbaceous Cover	390	Y
Roof Runoff Structure	558	M
Roofs and Covers	367	M
Salinity and Sodic Soil Management	610	M
Seasonal High Tunnel System for Crops	798	N
Shallow Water Development and Management	646	M
Silvopasture Establishment	381	M
Solid/Liquid Waste Separation Facility	632	Y
Spring Development	574	Y
Stormwater Runoff Control	570	M
Stream Crossing	578	M
Streambank and Shoreline Protection	580	Y
Stream Habitat Improvement & Management	395	M
Stripcropping	585	N
Structure for Water Control	587	Y
Subsurface Drain	606	Y
Surface Drainage, Field Ditch	607	Y
Tree/Shrub Establishment	612	M
Tree/Shrub Pruning	660	N
Tree/Shrub Site Preparation	490	M
Underground Outlet	620	Y
Upland Wildlife Habitat Management	645	N

Conservation Activities and Practices	Code	Potential
Vegetative Treatment Area	635	M
Waste Facility Closure	360	M
Waste Storage Facility	313	Y
Waste Transfer	634	M
Waste Treatment Lagoon	359	Y
Watering Facility	614	Y
Water and Sediment Control Basin	638	Y
Waterspreading	640	Y
Water Well	642	Y
Water Well Decommissioning	351	M
Well Water Testing	355	N
Wetland Enhancement	659	M
Wetland Restoration	657	M
Wetland Wildlife Habitat Management	644	M
Windbreak/Shelterbelt Establishment	380	M
Windbreak/Shelterbelt Renovation	650	N
Woody Residue Treatment	384	M

EXHIBIT 3

CSP ENHANCEMENTS AND THEIR POTENTIAL TO CAUSE EFFECTS ON CULTURAL RESOURCES

Montana recognizes these practice categories:

Y – These practices have a potential to affect cultural resources. Field review and possibly other considerations are required.

M – These practices may affect cultural resources except under specific circumstances:

1. The practice is proposed in previously cultivated or otherwise disturbed areas and the practice will not exceed depth or other extent of that previous disturbance.
2. The case specific application of a practice does not involve ground disturbance, e.g., chemical rather than mechanical brush treatment.
3. Providing that no cultural resources are present, the practice results in very minimal disturbance such as steel posts or insulated power fences.
4. Changes to historic structures are reversible and do not remove any historic fabric or change the location of historic structures.

N – These practices are primarily management related and will not have any physical effects on cultural resources. Such practices do not require cultural resource consideration.

Land Use	Potential	Conservation Activities and Practices	
CROP	N	Most enhancements on crop ground have little or no potential to affect cultural resources.	
PASTURE	N	All enhancements on pasture (previously broken and seeded) have little or no potential to affect cultural resources.	
RANGE	M	Unless listed below, enhancements on range have little to no potential to affect cultural resources.	
		ANM21	Prairie restoration
		ANM27	Wildlife Friendly Fencing
		ANM32	Extending Filter Strips/Herbaceous Cover
		ANM33	Riparian Buffer, Terrestrial/Aquatic Wildlife Habitat
		ANM39	Extending riparian forest buffers
		ANM54	Prescribed burning
		ANM57	Removal of threats to sensitive species
		ANM58	Reduction of attractants
		PLT15	Establish Pollinator/Beneficial Insect Habitat
		SQL16	High species diversity grazing lands
		WQL03	Rotation of supplement/feeding areas
		WQL28	Suppression of brush, weeds and invasive species
FOREST	M	Unless listed below, enhancements on forest have little to no potential to affect on cultural resources.	
		ANM27	Wildlife Friendly Fencing
		ANM33	Riparian Buffer, Terrestrial/Aquatic Wildlife Habitat
		ANM57	Removal of threats to sensitive species
		ANM58	Reduction of attractants
		PLT15	Establish Pollinator/Beneficial Insect Habitat
		PLT21	Pre-treating prior to prescribed fire
		PLT31	FSI – prescribed burning
		SQL13	FSI – soil health
		WQL03	Rotation of supplement/feeding areas
		WQL28	Suppression of brush, weeds and invasive species

APPENDIX C

GLOSSARY OF ACRONYMS USED IN THIS DOCUMENT

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