

**STATE-BASED PROTOTYPE PROGRAMMATIC AGREEMENT
BETWEEN THE
US DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE OREGON STATE OFFICE
AND THE
OREGON STATE HISTORIC PRESERVATION OFFICER
REGARDING CONSERVATION ASSISTANCE
January 2018**

WHEREAS, the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) administers numerous voluntary assistance programs, special initiatives, and grant and emergency response programs for soil, water, and related resource conservation activities available to eligible private producers, states, commonwealths, federally recognized Tribal governments, other government entities, and other applicants for conservation assistance, pursuant to the Agricultural Act of 2014 (2014 Farm Bill, Public Law 113-79); Soil Conservation and Domestic Allotment Act of 1935 (Public Law 74-46, 16 U.S.C. 590 a-f, as amended); the Flood Control Act of 1944 (Public Law 78-534, as amended); the Watershed Protection and Flood Prevention Act (Public Law 83-566, as amended, 16 U.S.C. 1001-1012); the Agricultural and Food Act of 1981 (Public Law 97-98, 95 Stat. 1213); the Agricultural Credit Act (Public Law 95-334, Title IV, Section 403); Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624); the Flood Control Act of 1936 (Public Law 74-738); the Food Security Act of 1985 (Public Law 99-198, as amended); the Federal Agricultural Improvement and Reform Act of 1996 (Public Law 104-127); and executive and secretarial orders, implementing regulations and related authorities; and

WHEREAS, the 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), 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800, including the provisions of these regulations addressing NHLs at 36 CFR Part 800.10; and

WHEREAS, the 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 nationwide Prototype Programmatic Agreement (PPA); and

WHEREAS, the NRCS is also 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, the NRCS developed the nationwide PPA in consultation with the National Conference of State Historic Preservation Officers (NCSHPO) and its members, interested Indian Tribes, Native Hawaiian Organizations (NHOs), interested historic preservation organizations, (such as the National Trust for Historic Preservation), and the ACHP; and

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

WHEREAS, this SPPA conforms to the NRCS nationwide Prototype Agreement as designated by the ACHP on November 21, 2014, and therefore, does not require the participation or signature of the ACHP when NRCS Oregon and the Oregon State Historic Preservation Officer (SHPO) agree to the terms of the SPPA; and

WHEREAS, the NRCS Oregon State Conservationist is the responsible federal agency official within the state for all provisions of Section 106, including consultation with the Oregon SHPO, and government-to-government consultation with Indian Tribes to negotiate the SPPA; and

WHEREAS, the SPPA does not apply to undertakings occurring on or affecting historic properties on Tribal lands, as defined by 54 U.S.C. 300319 of the NHPA, without prior agreement and execution of a SPPA with the concerned Indian Tribe; and

WHEREAS, the NRCS has consulted with the Oregon SHPO and has invited t h e m to enter into this SPPA as a concurring signatory party; and

WHEREAS, the NRCS Oregon State Office (NRCS Oregon) has provided draft copies of this SPPA to the Burns Paiute Tribe; Confederated Tribes of Coos, Lower Umpqua, and Siuslaw; the Confederated Tribes of Grand Ronde Community of Oregon; Confederated Tribes of Siletz Indians; Confederated Tribes of the Umatilla Indian Reservation; Confederated Tribes of the Warm Springs Reservation of Oregon; Coquille Indian Tribe; Cow Creek Band of Umpqua Indians; and Klamath Tribes. NRCS Oregon invited these Tribes to comment and participate, following the instructions in the Advisory Council on Historic Preservation (ACHP) letter that accompanied the nationwide PPA, dated November 21, 2014; and

WHEREAS, this SPPA does not modify the responsibilities of NRCS Oregon 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 Oregon conducts individual Section 106 reviews for undertakings under this SPPA, it shall identify and invite other agencies, organizations, affected Tribes, and individuals to participate as consulting parties; and

NOW, THEREFORE, NRCS Oregon and the Oregon SHPO agree that NRCS undertakings in the State of Oregon 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, this SPPA sets forth the review process between NRCS Oregon and the Oregon SHPO for all NRCS undertakings subject to Section 106 in the State of Oregon, except on Tribal lands where a Tribal historic preservation officer (THPO) has been designated as the official representative for the purposes of Section 106, under Section 101(d)(2) of the National Historic Preservation Act (NHPA). It does not substitute for consultation with Indian Tribes, per NHPA.
- b. Execution of this SPPA supersedes any existing State Level Agreement with the Oregon SHPO, but does not replace any existing project-specific Section 106 Agreement (Memoranda of Agreement or Programmatic Agreement).
- c. This SPPA 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) (SOI standards).
- d. This SPPA applies only where there is staffing or access to a Cultural Resources Specialist (CRS) in the NRCS Oregon State Office who meets the SOI standards.
- e. The review process outlined in this SPPA only applies to undertakings where NRCS Oregon has been determined to be the lead federal agency for the purposes of Section 106.
- f. The review process outlined in this SPPA does not apply to undertakings where NRCS Oregon functions as a cooperating agency for the purposes of Section 106.

II. Roles and Professional Qualifications.

- a. The NRCS Oregon State Conservationist is responsible for oversight of NRCS Oregon's performance under this SPPA.
- b. NRCS Oregon shall ensure that NRCS State and Basin CRS staff and consultants carrying out Section 106 historic preservation compliance work on its behalf are appropriately qualified to coordinate the reviews of resources and historic properties as applicable to the resources and historic properties being addressed (site, building, structure, landscape, resources of significance to Indian Tribes, and other concerned communities). Thus, these staff and consultants must meet the SOI standards and have the knowledge to assess the resources within an undertaking's Area of Potential Effects (APE).
- c. The NRCS Oregon State Conservationist or their designee is responsible for consultation with the Oregon SHPO, and government to government consultation with Indian Tribal leaders and/or their THPO to develop consultation protocols. These responsibilities may not be carried out on behalf of NRCS by another federal agency.
- d. The NRCS Oregon State and Basin CRS staff 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 Oregon SHPO, Indian Tribes and any other appropriate consulting parties, and discussions with the landowner. The CRS (NRCS State or Basin CRS) shall monitor and oversee all cultural resources related work of NRCS Oregon field office personnel, Conservation Partners, and professional service consultants related to NRCS Oregon undertakings. The CRS shall make recommendations to the NRCS Oregon 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 and Partner Oregon Certified Planners involved in implementing this SPPA, after completion of the NRCS training described in Stipulation III(b) below, shall assist the NRCS Oregon CRS with Planning Level Reviews for NRCS Oregon undertakings, as appropriate. Planning Level Reviews are those activities carried out in the normal course of planning a NRCS conservation activity and do not replace surveys conducted by a CRS.
- f. Each NRCS Oregon CRS shall oversee development of the scopes of work for investigation of APE for identified undertakings. NRCS Oregon may use professional service contractors or consultants or adequately trained partners to assist with cultural resources surveys. NRCS Oregon shall ensure the contractors and consultants meet the SOI standards.
- g. NRCS Oregon remains responsible for all consultation with the Oregon SHPO, Indian Tribes and THPOs, and all determinations of NRHP eligibility and effect.
- h. The Oregon SHPO, if provided sufficient data on a proposed undertaking and APE by NRCS Oregon shall consult and provide a response to NRCS Oregon within thirty (30) calendar days. The definition of sufficient data is provided in 36 CFR Part 800.11.
- i. The ACHP shall provide technical guidance, participate in dispute resolution, and monitor the

effectiveness of this SPPA, as appropriate.

III. Training.

- a. NRCS Oregon shall ensure each State and Basin CRS meets SOI standards for archaeology, history, or architectural history, as appropriate, and require each CRS overseeing cultural resource work to complete NRCS Cultural Resources Training Modules 1 through 9 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 SPPA or within the first year of employment for each new NRCS Oregon CRS.
- b. NRCS Oregon Certified Planners and Conservation Partners conducting Planning Level Reviews will complete NRCS Cultural Resources Training Modules 1 through 8. This cultural resources training must be completed prior to assisting with Planning Level Reviews. The training will be supplemented with a Cultural Resources Refresher Course every five years.
- c. NRCS personnel shall review and update training completion with their supervisors and include their training in their Individual Development Plans.
- d. NRCS Oregon may invite the Oregon SHPO, Indian Tribal staff, and Tribal Historic Preservation Officers to participate in presentations at agency classroom or field trainings.
- e. NRCS Oregon shall encourage State and Basin CRS, NRCS Oregon Certified Planners and conservation partners to complete additional training as provided by the Oregon 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 NRCS Oregon is the lead federal agency for Section 106 purposes per 36 CFR Part 800.2(a)(2), NRCS Oregon staff shall follow the terms of this SPPA. NRCS Oregon shall notify the Oregon SHPO and the appropriate Indian Tribes of its involvement in the undertaking and the involvement of other state or federal agencies, if any.
- b. For any undertaking for which NRCS Oregon is not the lead federal agency for Section 106 purposes, including those undertakings for which NRCS Oregon provides technical assistance to other USDA or other federal agencies, the terms of this SPPA shall not apply to that undertaking. If the lead federal agency and the Oregon SHPO agree, NRCS Oregon may follow the approved alternative procedures in place for that agency.

V. Review Procedures.

- a. The NRCS General Manual 420, Part 401 (GM 420 Part 401) formally establishes NRCS policy regarding responsibilities to historic and cultural properties under the National Historic Preservation Act (NHPA) of 1966, its implementing regulations, 36 CFR Part 800, and other related authorities. Among other things, GM 420 Part 401 defines general and lead Federal Agency responsibilities, NRCS personnel responsibilities, consulting party responsibilities, and how the NRCS considers cultural resources in NRCS programs and activities. In addition, GM 420 Part 401 discusses the use and training of NRCS personnel and Conservation Partners for limited cultural resources identification efforts (referred to throughout this SPPA as “Planning Level Reviews”).
- b. The NRCS National Cultural Resources Procedures Handbook (H 190 Part 601) was developed by the NRCS in addition to GM 420 Part 401 in order to provide a procedural reference and guidance on processes the NRCS, its Conservation Partners, and its consultants use to identify, evaluate and protect cultural resources, including historic properties, in compliance with the NHPA, 36 CFR Part 800, and other related authorities.
- c. In consultation with the Oregon SHPO and consulting parties, NRCS Oregon identified those undertakings with little to no potential to affect historic properties and listed those undertakings in Appendix A of this SPPA. Upon determination by a CRS that an undertaking is included in Appendix A and that no extenuating circumstances exist, as defined in Appendix B, such undertakings will be considered Category I undertakings, as defined in Appendix B, and further consultation for that undertaking is not required by NRCS Oregon.
- d. Undertakings not identified in Appendix A as Category I have the potential to impact historic properties and shall require further review as outlined in Appendix B of this SPPA. Appendix B of this document provides additional guidance on responsibilities of NRCS Oregon in the cultural resources compliance process, and provides additional procedures in the identification, avoidance, and determination of effects on cultural resources that may be impacted by NRCS undertakings.
- e. The fundamental purpose of Appendix B is to provide guidance for use by NRCS Cultural Resources Specialists, NRCS Certified Planners, NRCS Conservation Partners, and NRCS contractors for undertakings implemented by the NRCS within the State of Oregon. These procedures, when applied in accordance with this SPPA, serve as alternative procedures to Advisory Council on Historic Preservation (ACHP) regulations (i.e. substitutes for all or part of Subpart B of the regulations) pursuant to 800.14(a). These procedures provide an effective and efficient alternative Section 106 compliance process appropriate for conservation technical and financial assistance and other activities carried out by NRCS Oregon.

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

NRCS Oregon shall ensure that every contract or agreement for financial 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. Where a cultural resource is discovered before, during or after construction, after Section 106 review is complete, NRCS Oregon shall consult to seek avoidance or minimization strategies in consultation with the Oregon SHPO, Indian Tribes, and other consulting parties, as appropriate, and/or to resolve adverse effects in accordance with 36 CFR Part 800.6. The inadvertent discovery plan for NRCS Oregon undertakings is included in Appendix C.

VII. Post-Review Discoveries of Human Remains or Objects of Cultural Patrimony and Unanticipated Effects to Human Remains and Graves.

When human remains, funerary objects, objects of cultural patrimony, or sacred objects are discovered before, during or after construction, NRCS Oregon shall follow all applicable federal, Tribal, and state burial laws and ordinances, included the Native American Graves Protection and Repatriation Act, and implementing regulations, when on Tribal or federal lands, and Oregon State Laws (ORS 97.740 – 97.760 146.090 and 146.095) when on non-federal lands. See Appendix C for a more detailed inadvertent discovery plan and Appendix E for a list of Tribal Contacts.

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

- a. NRCS Oregon shall notify the Oregon SHPO, Indian Tribes, and other consulting parties, as appropriate, within 48 hours of the emergency determination, following the NRCS Emergency Watershed Protection (EWP) program final rule (see Section 216, P.L. 81-516 Final Rule, 7 CFR Part 624 (April 2005).
- b. NRCS Oregon may prepare procedures for exigency (following the rules for the NRCS EWP regarding immediate threat to life and property) in consultation with the Oregon SHPO, Indian Tribes and other interested parties.
- c. Where the NRCS EWP final rule is found to be inapplicable, NRCS Oregon 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 outlined in 36 CFR Part 800.12(b).
- d. Also see Appendix D, Procedures for Emergency Response.

IX. Dispute Resolution.

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

1. Forward all documentation relevant to the dispute, including the NRCS Oregon 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 NRCS Oregon State Conservationist with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRCS Oregon 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 Oregon 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 Oregon may make a final decision on the dispute and proceed. Prior to reaching such a final decision, NRCS Oregon shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties, and provide the signatories, consulting parties and the ACHP with a copy of the written response.

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

c. Any consulting party to this SPPA 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 this SPPA, a member of the public may submit a written objection pertaining to this agreement to the NRCS Oregon State Conservationist. Upon receiving such an objection, the NRCS Oregon State Conservationist shall notify the NRCS SPO and FPO, the Oregon SHPO, take the objection into account, and consult with other consulting parties as appropriate to resolve the objection. The NRCS Oregon State Conservationist shall notify the SPO, FPO, and the Oregon SHPO of the outcome of this process.

X. Public Involvement.

The NRCS Oregon State Conservationist will ensure the public is involved in the development of this SPPA and participates in Section 106 review as set forth above in Stipulation V (reference to other consulting parties) through sharing of the SPPA document with local Soil and Water Conservation Districts and the NRCS Oregon Technical Advisory Committee.

XI. Annual Reporting and Monitoring.

- a. Every Federal fiscal year (October 1 through September 30) following the execution of this agreement until it expires or is terminated, the NRCS Oregon State Conservationist shall provide all consulting parties (including those parties who participate in the consultation but do not sign the agreement), the Oregon SHPO and the NRCS FPO an Annual Summary detailing work undertaken pursuant to its terms by December 15th. The NRCS FPO shall use the state reports to provide, through the NRCS SPO, an annual report to the ACHP.

The Annual Summary shall include:

1. A summary of significant events pertaining to cultural resources for NRCS Oregon for the preceding Federal fiscal year. These events may include training completed by NRCS staff and NRCS Conservation Partners, significant meetings held, large projects that were begun or completed, or changes to the SPPA that were agreed to by NRCS Oregon and the Oregon SHPO.
 2. A summary of all NRCS Oregon undertakings for the preceding Federal fiscal year.
 3. An assessment of the overall effectiveness of the SPPA in fulfilling the Section 106 responsibilities of NRCS Oregon. It will summarize the nature and content of meetings held with the Oregon SHPO, Indian Tribes, and other consulting parties, as appropriate.
 4. Any scheduling changes proposed, any problems encountered, and any disputes and objections received in efforts by NRCS Oregon to carry out the terms of this SPPA.
 5. Names and contact information for each NRCS CRS.
 6. See Appendix G for an Annual Summary Example.
- b. The signatories shall be given an opportunity to meet annually, if requested, for the purpose of reviewing the terms of this agreement. After five years, a mandatory review will occur between NRCS and the Oregon SHPO.
 - c. The NRCS Oregon State Conservationist will participate in an annual review with the NRCS Regional Conservationist regarding the effectiveness of the SPPA and submit a written (email) report following this review to the SPO.

d. The NRCS Oregon State Conservationist, the Oregon SHPO, or Indian Tribes 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 Oregon 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.

XIII. Duration of the SPPA.

This SPPA will be in effect for ten (10) years from the date of execution unless amended or terminated pursuant to Stipulation XIV below.

XIV. Amendment and Termination.

a. Except as noted otherwise below, this SPPA, including Appendices, may be amended if agreed to in writing by NRCS Oregon and the Oregon SHPO. NRCS Oregon will provide copies of proposed amendments to the following Indian Tribes and allow sufficient time for them to comment: the Burns Paiute Tribe; Confederated Tribes of Coos, Lower Umpqua, and Siuslaw; the Confederated Tribes of Grand Ronde Community of Oregon; Confederated Tribes of Siletz Indians; Confederated Tribes of the Umatilla Indian Reservation; Confederated Tribes of the Warm Springs Reservation of Oregon; Coquille Indian Tribe; Cow Creek Band of Umpqua Indians; and Klamath Tribes. Amendments will be effective on the date a copy, signed by each signatory, is filed with the NRCS FPO, Senior Policy Official, and the ACHP.

b. If any signatory to this SPPA, 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. If within thirty (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 SPPA is terminated, or expires without being extended via the amendment process described above, NRCS Oregon shall comply with 36 CFR Part 800 prior to commencing new undertakings in the State of Oregon.

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

e. Appendix I [reserved] may be amended to include event-specific procedures developed or modified through consultation and written agreement between the NRCS Oregon State Conservationist and the Oregon SHPO without requiring an amendment to this SPPA.

f. Appendix J [reserved] may be amended to include Standard Treatments that may be developed at a later date, through consultation and written agreement between the NRCS Oregon State Conservationist and the Oregon SHPO without requiring an amendment to this SPPA.

XV. Approval.

Execution of this SPPA by NRCS Oregon and the Oregon SHPO, and implementation of its terms, is evidence that NRCS Oregon has taken into account the effects of its undertakings in the State of Oregon on historic properties and afforded the ACHP a reasonable opportunity to comment. NRCS Oregon shall provide copies of this SPPA to the Oregon SHPO, the NRCS Federal Preservation Officer, and Indian Tribes as per the ACHP letter of 21 November 2014 (Appendix F).

The undersigned parties hereby agree to the terms and conditions specified above.

SIGNATORIES:

USDA NATURAL RESOURCES CONSERVATION SERVICE



Ronald Alvarado, Oregon State Conservationist

Date: 01/10/18

OREGON STATE HISTORIC PRESERVATION OFFICER



Christine Curran, Deputy State Historic Preservation Officer

Date: 1.10.18

APPENDIX A

CONSERVATION MEASURES State-based Prototype Programmatic Agreement NRCS Oregon and the Oregon SHPO

Purpose:

The purpose of Appendix A is to provide a list of NRCS Oregon practices eligible to be classified as Category I. Other practices shall be classified as Category II through V based on the criteria explained in Appendix B. The term “cropland” in Table 1 below refers to land that has been historically tilled for the production of agricultural products. No Category I practices will extend below the previously tilled zone, assumed to be 0-12 inches unless otherwise verified in the field. The NRCS State or Basin Cultural Resource Specialist shall make final determinations for classifying all undertakings by Category.

Table 1. NRCS Oregon Conservation Measures			
Practice	Name	Description	Classified as Category I under the following conditions
	CSP Enhancements	Conservation activities used to treat natural resources and improve conservation performance. Enhancements are designed to maintain or exceed the quality criteria, or stewardship level, for the resource concern.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep, or on other land when no ground disturbance occurs.
102,104,106, 108, 110,112,114,118, 122,124,128,130, 138,142,146,150,154	Conservation Activity Plans	Management plans that are written to assist the client. NRCS funding for these plans does not include funding for implementation.	All conditions.
311	Alley Cropping	Trees or shrubs planted in sets of single or multiple rows with agronomic, horticultural crops or forages produced in the alleys between the sets of woody plants that produce additional products.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep, or on other land when no ground disturbance occurs.
314	Brush Management	The removal or control of woody plants including those that are invasive or noxious.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep, or on other land when no ground disturbance occurs.

Table 1. NRCS Oregon Conservation Measures			
Practice	Name	Description	Classified as Category I under the following conditions
315	Herbaceous Weed Control	The removal or control of herbaceous weeds including those that are invasive or noxious.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep, or on other land when no ground disturbance occurs.
317	Composting Facility	A structure or device to contain and facilitate an aerobic microbial ecosystem for the decomposition of manure and/or other organic material into a final product sufficiently stable for storage, on farm use and application to land as a soil amendment.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
325	High Tunnel System	An enclosed polyethylene, polycarbonate, plastic, or fabric covered structure that is used to cover and protect crops from sun, wind, excessive rainfall, or cold, to extend the growing season in an environmentally safe manner.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
327	Conservation Cover	Establishing and maintaining permanent vegetative cover.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
328	Conservation Crop Rotation	Growing crops in a recurring sequence on the same field to control erosion, improve soil organic matter, balance nutrients, improve water use efficiency, manage saline seeps, manage pests and/or provide food and cover for wildlife.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
329	Residue and Tillage Management, No-Till/Strip Till/Direct Seed	Managing the amount, orientation and distribution of crop and other plant residue on the soil surface year round while limiting soil-disturbing activities to only those necessary to place nutrients, condition residue and plant crops.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.

Table 1. NRCS Oregon Conservation Measures			
Practice	Name	Description	Classified as Category I under the following conditions
330	Contour Farming	Aligning ridges, furrows, and roughness formed by tillage, planting and other operations to alter velocity and/or direction of water flow around a hillslope.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
331	Contour Orchard and Other Perennial Crops	Planting orchards, vineyards, or other perennial crops so that all cultural operations are done on or near the contour.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep, or on other land when no ground disturbance occurs.
332	Contour Buffer Strips	Narrow strips of permanent, herbaceous vegetative cover established around the hill slope, and alternated down the slope with wider cropped strips that are farmed on the contour.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
333	Amending Soil Properties with Gypsum Products	The use of gypsum products involves managing the amount, placement, source, and application timing of gypsum to improve soil properties to address soil health, ameliorating aluminum toxicity, reducing phosphorus runoff, and reducing potential pathogens in surface runoff.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
334	Controlled Traffic Farming	Confining all high load wheel/track traffic from farm equipment to specific lanes or tramlines (traffic pattern) in crop fields year after year.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
338	Prescribed Burning	Controlled fire applied to a predetermined area.	On cropland or on other land when no ground disturbance occurs.

Table 1. NRCS Oregon Conservation Measures			
Practice	Name	Description	Classified as Category I under the following conditions
340	Cover Crop	The planting of crops such as grasses, legumes and forbs to provide seasonal cover that will reduce erosion, improve soil organic matter, promote efficient nutrient cycling, fix nitrogen in the soil, suppress weeds, increase biodiversity and/or provide food and cover for wildlife.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
342	Critical Area Planting	Establishment of permanent vegetation on sites that have or are expected to have high erosion rates, and on sites that have physical, chemical or biological conditions that prevent the establishment of vegetation with normal practices.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep, or on other land when no ground disturbance occurs.
345	Residue and Tillage Management, Mulch Till	Managing the amount, orientation and distribution of crop and other plant residue on the soil surface year round while limiting the soil-disturbing activities used to grow crops in systems where the entire field surface is tilled prior to planting.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
355	Well Water Testing	Testing the physical, biological, and chemical quality of groundwater from a water well or spring.	All conditions.
359	Waste Treatment Lagoon	A waste treatment impoundment made by constructing an embankment and/or excavating a pit or dugout.	Never a Category I undertaking.
367	Roofs and Covers	A rigid, semi-rigid, or flexible manufactured membrane, composite material, or roof structure placed over a waste management facility.	Only if the structure is less than 50-years old and will not become 50 years old during the life of the practice.

Table 1. NRCS Oregon Conservation Measures			
Practice	Name	Description	Classified as Category I under the following conditions
372	Combustion System Improvement	Installing, replacing, or retrofitting agricultural combustion systems and/or related components or devices for air quality and energy efficiency improvement.	All conditions.
373	Dust Control on Unpaved Roads and Surfaces	Controlling direct particulate matter emissions produced by vehicle and machinery traffic or wind action from unpaved roads and other surfaces by applying a palliative on the surface.	All conditions.
374	Farmstead Energy Improvement	Development and implementation of improvements to reduce, or improve the energy efficiency of on-farm energy use.	When building is less than 50 years old and will not become 50 years old during the life of the practice.
375	Dust Control from Animal Activity on Open Lot Surfaces	Reducing or preventing the emissions of particulate matter arising from animal activity on open lot surfaces at animal feeding operations.	All conditions.
376	Field Operations Emissions Reduction	Adjusting field operations and technologies to reduce particulate matter emissions from field operations.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
378	Pond	A water impoundment made by constructing an embankment, by excavating a dugout, or by a combination of both.	Never a Category I undertaking.
380	Windbreak/Shelterbelt Establishment	Single or multiple rows of trees or shrubs in linear configurations to reduce surface wind speeds in order to control wind erosion, manage snow deposition, reduce the spread of odors, reduce pesticide spray drift and/or provide wildlife food and cover.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.

Table 1. NRCS Oregon Conservation Measures			
Practice	Name	Description	Classified as Category I under the following conditions
382	Fence	A constructed barrier to animals or people.	Never a Category I undertaking.
383	Fuel Break	A strip or block of land on which the vegetation, debris and detritus have been reduced and/or modified to control or diminish the risk of the spread of fire crossing the strip or block of land.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
384	Woody Residue Treatment	The treatment of residual woody material that is created due to management activities or natural disturbances.	When implemented without physical ground disturbance or burning.
386	Field Border	A strip of permanent vegetation established at the edge or around the perimeter of a field to provide a buffer between cropland and non-cropped areas to reduce cropland impacts and provide wildlife food and cover.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
390	Riparian Herbaceous Cover	Grasses, sedges, rushes, ferns, legumes, and forbs tolerant of intermittent flooding or saturated soils, established or managed as the dominant vegetation in the transitional zone between upland and aquatic habitats.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
391	Riparian Forest Buffer	Establishing trees and/or shrubs adjacent to watercourses or water bodies.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
393	Filter Strip	A strip or area of herbaceous vegetation that removes contaminants from overland flow.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.

Table 1. NRCS Oregon Conservation Measures			
Practice	Name	Description	Classified as Category I under the following conditions
394	Firebreak	A permanent or temporary strip of bare or vegetated land established to retard the movement of fire.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
395	Stream habitat improvement and management	The maintenance, improvement, and restoration of physical, chemical, and biological functions of a stream.	Never a Category I undertaking.
396	Aquatic Organism Passage	Modification or removal of barriers that restrict or impede movement of aquatic organisms.	When implemented within the centerline of the body of water to the high water mark.
399	Fishpond Management	Managing impounded water for the production of fish or other aquatic organisms.	All conditions.
412	Grassed Waterway	A shaped or graded channel that is established with suitable vegetation to convey surface water at a non-erosive velocity using a broad and shallow cross section to a stable outlet.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
422	Hedgerow Planting	Establishment of dense vegetation in a linear design to provide wildlife habitat, pollinator habitat or provide a buffer or barrier between fields.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
430	Irrigation Pipeline	A pipeline and appurtenances installed to convey water for storage or application as part of an irrigation water system.	Never a Category I undertaking.

Table 1. NRCS Oregon Conservation Measures			
Practice	Name	Description	Classified as Category I under the following conditions
441	Irrigation System, Microirrigation	An irrigation system for frequent application of small quantities of water on or below the soil surface as drops, tiny streams, or miniature spray through emitters or applicators placed along a water delivery line.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
442	Irrigation System, Sprinkler	A distribution system that applies water by means of nozzles operated under pressure.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
449	Irrigation Water Management	The process of determining and controlling the volume, frequency and application rate of irrigation water in a planned, efficient manner.	All conditions.
450	Anionic Polyacrylamide (PAM) Application	Application of water-soluble Anionic Polyacrylamide (PAM) to meet a resource concern.	All conditions.
472	Access Control	The temporary or permanent exclusion of animals, people, vehicles, and/or equipment from an area.	When confined to the modern surface or with no new construction.
484	Mulching	Applying plant residues or other suitable materials produced off site to the land surface.	All conditions.
490	Tree/Shrub Site Preparation	Preparing a site for the establishment of woody plants by mowing, applying herbicides and/or tilling.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
500	Obstruction Removal	Removal and disposal of buildings, structures, other works of improvement, vegetation, debris or other materials.	On cropland if no buildings or structures are involved and ground disturbance to implement the practice will be less than or equal to 12 inches deep.

Table 1. NRCS Oregon Conservation Measures			
Practice	Name	Description	Classified as Category I under the following conditions
511	Forage Harvest Management	The timely cutting and removal of forages from the field as hay, green-chop or ensilage.	On cropland or on other land where forage has been historically harvested.
512	Forage and Biomass Planting	Establishing adapted and/or compatible species, varieties, or cultivars of herbaceous species suitable for pasture, hay, or biomass production.	On cropland or on other lands if planting occurs without ground disturbance.
516	Livestock Pipeline	A pipeline and appurtenances installed to convey water for livestock or wildlife.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
528	Prescribed Grazing	Managing the harvest of vegetation with grazing and/or browsing animals in order to enhance or maintain good forage production and provide wildlife food and cover.	On cropland or on lands that were historically and continuously grazed.
533	Pumping Plant	A facility that delivers water at a designed pressure and flow rate. Includes the required pump(s), associated power unit(s), plumbing, appurtenances, and may include on-site fuel or energy source(s), and protective structures.	On cropland if ground disturbance to implement the practice is less than or equal to 12 inches deep and when surrounding structures (if present) are less than 50 years old and will not become 50 years old during the life of the practice.
550	Range Planting	Establishment of adapted perennial vegetation such as grasses, forbs, legumes, shrubs and trees in order to establish a functional range ecology.	On cropland or on other lands if planting occurs without ground disturbance.
554	Drainage Water Management	The process of managing water discharges from surface and/or subsurface agricultural drainage systems.	Only when using existing water control structures.

Table 1. NRCS Oregon Conservation Measures			
Practice	Name	Description	Classified as Category I under the following conditions
557	Row Arrangement	A system of crop rows on planned directions, grades and lengths.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
558	Roof Runoff Structure	A structure that will collect, control and convey precipitation runoff from a roof.	Only if the structure is less than 50-years old and will not become 50 years old during the life of the practice.
560	Access Road	An access road is an established route for equipment and vehicles.	Never a Category I undertaking.
561	Heavy Use Area Protection	Stabilizing a ground surface that is frequently and intensively used by people, animals, or vehicles.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
574	Spring Development	Collection of water from springs or seeps to provide for livestock and wildlife.	Never a Category I undertaking.
575	Trails and Walkways	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.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
585	Stripcropping	Growing row crops, forages, small grains, or fallow in a systematic arrangement of equal width strips across a field.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
587	Structure for Water Control	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.	Never a Category I undertaking.

Table 1. NRCS Oregon Conservation Measures			
Practice	Name	Description	Classified as Category I under the following conditions
590	Nutrient Management	Managing the amount (rate), source, placement (method of application), and timing of plant nutrients and soil amendments.	All conditions.
591	Amendments for the Treatment of Agricultural Waste	The use of chemical or biological additives to change the properties of manure, process wastewater, contaminated storm water runoff and other wastes.	All conditions.
592	Feed Management	Managing the quantity of available nutrients fed to livestock and poultry for their intended purpose.	All conditions
595	Integrated Pest Management (IPM)	A site-specific combination of pest prevention, pest avoidance, pest monitoring, and pest suppression strategies.	All conditions.
601	Vegetative Barrier	Permanent strips of stiff, dense vegetation along the general contour of slopes or across concentrated flow areas.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
603	Herbaceous Wind Barriers	Herbaceous vegetation established in rows or narrow strips in the field across the prevailing wind direction.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
612	Tree/Shrub Establishment	Establishing woody plants by planting seedlings or cuttings, direct seeding, or natural regeneration.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
614	Watering Facility	A means of providing drinking water to livestock or wildlife.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.

Table 1. NRCS Oregon Conservation Measures			
Practice	Name	Description	Classified as Category I under the following conditions
620	Underground Outlet	A conduit or system of conduits installed beneath the surface of the ground to convey surface water to a suitable outlet.	Never a Category I undertaking.
633	Waste Recycling	The application of manure or other waste materials to provide nutrients or to improve soil quality in an environmentally safe manner.	All conditions.
634	Waste Transfer	A system using structures, pipes or conduits installed to convey wastes or waste byproducts from the agricultural production site to storage/treatment or application.	Only when using existing structures, conduits, or equipment, and without new construction.
635	Vegetated Treatment Area	An area of permanent vegetation used for agricultural wastewater treatment.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
642	Water Well	A hole drilled, dug, driven, bored, jetted or otherwise constructed into an aquifer for water supply.	Never a Category I undertaking.
643	Restoration and Management of Declining Habitats	Restoring and managing rare and declining habitats and their associated wildlife species to conserve biodiversity.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep, or on other land when no ground disturbance occurs.
644	Wetland Wildlife Habitat Management	Provide and manage wetland habitats and connectivity within the landscape for wildlife.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep, or on other land when no ground disturbance occurs.
645	Upland Wildlife Habitat Management	Provide and manage upland habitats and connectivity within the landscape for wildlife.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep, or on other land when no ground disturbance occurs.

Table 1. NRCS Oregon Conservation Measures			
Practice	Name	Description	Classified as Category I under the following conditions
646	Shallow Water Development and Management	The inundation of lands to provide habitat for fish and/or wildlife.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep, or on other land when no ground disturbance occurs.
647	Early Successional Habitat Development/Management	Manage early plant succession to benefit desired wildlife or natural communities by increasing plant community diversity.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep, or on other land when no ground disturbance occurs.
648	Wildlife Watering Facility	A permanent or portable device to provide an adequate amount and quality of drinking water for wildlife.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
649	Structures for Wildlife	A structure installed to replace or modify a missing or deficient wildlife habitat component.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep, or on other land when no ground disturbance occurs.
650	Windbreak/Shelterbelt Renovation	Replacing, releasing and/or removing selected trees and shrubs or rows within an existing windbreak or shelterbelt, adding rows to the windbreak or shelterbelt or removing selected tree and shrub branches.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
654	Road/Trail/Landing Closure and Treatment	The closure, decommissioning, or abandonment of roads, trails, and/or landings and associated treatment to achieve conservation objectives.	Never a Category I undertaking.
655	Forest Trails and Landings	A temporary or infrequently used route, path or cleared area.	Never a Category I undertaking.
657	Wetland Restoration	The return of a former or degraded wetland and its functions to a close approximation of its original condition.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.

Table 1. NRCS Oregon Conservation Measures			
Practice	Name	Description	Classified as Category I under the following conditions
658	Wetland Creation	The creation of a wetland on a site location that was historically non-wetland.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
659	Wetland Enhancement	The augmentation of wetland functions beyond the original natural conditions on a former, degraded, or naturally functioning wetland site, sometimes at the expense of other functions.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
660	Tree/Shrub Pruning	The removal of all or parts of selected branches, leaders, or roots from trees and shrubs.	When only hand tools are used without burning or ground disturbance on sites that were previously clear-cut and thus have no chance of containing culturally modified trees.
666	Forest Stand Improvement	The manipulation of species composition, stand structure, or stand density by cutting or killing selected trees or understory vegetation to achieve desired forest conditions or obtain ecosystem services.	Only when hand tools are used without burning or ground disturbance on sites that were previously clear-cut and thus have no chance of containing culturally modified trees.
670	Lighting System Improvement	Complete replacement or retrofitting of one or more components of an existing agricultural lighting system.	Only for structures less than 50-years old and which will not become 50 years old during the life of the practice.
672	Building Envelope Improvement	Modification or retrofit of the building envelope of an existing agricultural structure.	Only for structures less than 50-years old and which will not become 50 years old during the life of the practice.
521A	Pond Sealing or Lining, Flexible Membrane	A manufactured hydraulic barrier consisting of a functionally continuous layer of synthetic or partially synthetic, flexible material.	Only when installed within the footprint of an existing pond with no soil disturbance.

Table 1. NRCS Oregon Conservation Measures			
Practice	Name	Description	Classified as Category I under the following conditions
521B	Pond Sealing or Lining, Soil Dispersant	A liner for a pond or waste storage impoundment consisting of a compacted soil-dispersant mixture.	Never a Category I undertaking.
521C	Pond Sealing or Lining, Bentonite Sealant	A liner for a pond or waste storage impoundment consisting of a compacted soil-bentonite mixture.	Never a Category I undertaking.
521D	Pond Sealing or Lining, Compacted Clay Treatment	A liner for a pond or waste storage impoundment constructed using compacted soil without soil amendments.	Never a Category I undertaking.
589C	Cross Wind Trap Strips	Herbaceous cover established in one or more strips typically perpendicular to the most erosive wind events.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep.
734	Fish and Wildlife Structure	A structure designed and installed specifically for fish or wildlife.	On cropland if ground disturbance to implement the practice will be less than or equal to 12 inches deep or on other land when practice will be implemented without ground disturbance.
752	Orchard and Vineyard Air Quality Management	Reduce or eliminate smoke from smudge pots and similar tools used to reduce frost damage.	All conditions

APPENDIX B:

State-based Prototype Programmatic Agreement NRCS Oregon and the Oregon SHPO Cultural Resources Review and Fieldwork Procedures



Wallowa County, Oregon (photo credit Sarah Silbernagel)

January 2018

I. Introduction

The NRCS General Manual (GM) 420 Part 401 formally establishes NRCS policy regarding responsibilities to historic and cultural properties under the National Historic Preservation Act (NHPA) of 1966, including the implementing regulations, 36 CFR Part 800, and other related authorities. Among other things, GM420 Part 401 defines general and lead Federal Agency responsibilities, NRCS personnel responsibilities, consulting party responsibilities, and how the NRCS considers cultural resources in NRCS programs and activities. In addition, GM420 Part 401 discusses the use and training of NRCS personnel and conservation partners for limited cultural resources identification efforts.

The *NRCS National Cultural Resources Procedures Handbook* (H190 Part 601) was developed by the NRCS in addition to GM420 Part 401 in order to provide a procedural reference and guidance on processes the NRCS, conservation partners, and consultants use to identify, evaluate and protect cultural resources in compliance with the NHPA 36 CFR Part 800, and other related authorities. This Appendix B provides additional guidance on responsibilities of the NRCS in the cultural resources compliance process, and provides additional procedures in the identification, avoidance, and determination of effects on cultural resources that may be impacted by NRCS undertakings.

Both GM420 Part 401 and H190 Part 601 serve as the primary guidance documents for compliance with the NHPA by the NRCS in Oregon. In accordance with GM420 Part 401.34, and following the guidance issued in GM420 Part 401.43, NRCS Oregon has developed Appendix B for use by NRCS Oregon personnel, its conservation partners, and subcontractors for undertakings implemented by NRCS Oregon within the State of Oregon. These procedures, when applied in accordance with the NRCS Oregon / Oregon SHPO State-based Prototype Programmatic Agreement (SPPA), serve as alternative procedures to Advisory Council on Historic Preservation (ACHP) regulations (i.e., substitute for all or part of Subpart B of the regulations) pursuant to 800.14(a). These procedures provide an effective and efficient Section 106 compliance process appropriate for conservation technical and financial assistance, and other activities carried out by NRCS Oregon.

Throughout this SPPA, the term “cultural resources” is used and is meant to include both the Oregon State Historic Preservation Officer (SHPO) definition of “cultural resources” and the NHPA definition of “historic properties.”

II. Responsibilities for Section 106 Compliance for NRCS Oregon Undertakings

Responsibilities for compliance with Section 106 for NRCS Oregon undertakings are as follows:

- a) **The NRCS Oregon State Conservationist.** The NRCS Oregon State Conservationist is the responsible Federal Official for cultural resources compliance for NRCS Oregon undertakings within the State of Oregon. The NRCS Oregon State Conservationist has approval authority for all NRCS Oregon undertakings, and is responsible for committing NRCS Oregon to take the appropriate actions in order to comply with Section 106. Importantly, the NRCS Oregon State Conservationist, or their designee, is responsible for conducting cultural resources consultation with the Oregon SHPO, Federal and State Agencies, Tribal Historic Preservation Offices (THPOs), Tribes, and other interested parties.
- b) **District Conservationists.** NRCS Oregon District Conservationists assist in ensuring that the provisions for compliance with Section 106 and with NRCS Oregon cultural resources policies are implemented in their basins and offices.
- c) **State and Basin Cultural Resources Specialists (CRS).** The NRCS Oregon State and Basin CRS are the specialists responsible for Section 106 compliance. As such, they meet the Secretary of the Interior's Professional Qualifications (SOI) Standards. The NRCS Oregon State and Basin CRS oversee the implementation of cultural resources compliance policies for all NRCS undertakings in Oregon. The CRS complete cultural resources inventories and evaluations for NRCS Oregon undertakings. State and Basin CRS also provide oversight and quality assurance reviews during conservation planning, and provide training to NRCS Oregon personnel as part of the Certified Planners Training course.
- d) **NRCS Oregon Certified Planners.** NRCS Oregon Certified Planners are NRCS employees or NRCS conservation partner employees who have completed the NRCS Certified Planners Training course and assist CRS in the identification of cultural resources that may be impacted as a result of NRCS Oregon undertakings. Certified Planners complete a Planning Level Review of NRCS Oregon undertakings and submit pertinent documents to the Basin CRS for review and approval.
 1. Conservation partners are typically employees of conservation districts. Conservation districts are local units of government that collaborate with NRCS Oregon on conservation work within their boundaries. Districts increase voluntary conservation practice adoption by farmers, ranchers and other land users.
 2. Planning Level Reviews are those activities carried out in the normal course of planning an NRCS Oregon conservation activity but prior to the undertaking and are not intended to replace a survey conducted by a CRS.
 3. Certified Planners assist the CRS rather than acting in the capacity of the CRS. Certified Planners do not make determinations of eligibility for the National Register of Historic Places, findings of effect, conduct formal Section 106 inventories, or determine the APE for Section 106 purposes.

- e) **Cooperators.** Cooperators are agricultural producers, applicants for assistance, and/or project sponsors who seek technical and/or financial assistance from NRCS Oregon to implement conservation undertakings. Because financial assistance is comprised of Federal funding delivered through a variety of NRCS conservation programs, the undertakings funded in whole or in part by NRCS are subject to review under Section 106 of the NHPA and its implementing regulations. Cooperator responsibilities in the Section 106 compliance process include working with Certified Planners to help identify cultural resources on their property, project implementation when authorized to do so, and making all necessary efforts to avoid and minimize impacts to cultural resources when implementing an undertaking. As the property owners and project applicants, all Cooperators are fully entitled and are encouraged to participate in the Section 106 process as a consulting party.

III. NRCS Oregon Training Requirements For Participation In Cultural Resources Inventories

The NRCS GM420 Part 401.24 states that all NRCS personnel and conservation partners responsible for planning or implementing NRCS projects will receive training for consideration of cultural resources in conservation planning. To facilitate this process the NRCS developed a National Cultural Resources Training Series. This training familiarizes personnel with laws and regulations underlying the cultural resources compliance process. The training also provides basic information on how to consider cultural resource issues in conservation planning or, in other words, how to conduct Planning Level Reviews. Planning Level Reviews serve to collect preliminary information for the CRS, are typically completed during the course of developing a conservation plan with the Cooperator, and are not usually treated as a separate process requiring a special site visit.

In all instances, NRCS Oregon CRS serve as the technical specialists and are ultimately responsible for quality control and assurance related to cultural resources compliance on NRCS Oregon undertakings.

IV. Defining Cultural Resources

Cultural resources are defined by NRCS through the National Cultural Resources Training Series as “the physical evidence of past activities and accomplishments of people (individuals and society).” Cultural Resources, as defined by the National Park Service (*NPS Bulletin 15*), can be “physical evidence or place of past human activity: site, object, landscape, structure; or a site, structure, landscape, object or natural feature of significance to a group of people traditionally associated with it.” Although many different elements of human activity may be defined as cultural resources, the following are types of resources most likely to be encountered during the planning for NRCS Oregon projects:

- **Cultural resources:** As stated in the Introduction, the NRCS Oregon / Oregon SHPO SPPA and appendices use the term “cultural resources” as equivalent to the ACHP definition of “historic properties” per the NRCS National Cultural Resources Procedures Handbook (NRCS 2003, revised 2011). These include any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR 800.16(1)(1)).
- **Archaeological resources:** The material, non-renewable remains of past human activity. Includes both prehistoric and historic resources.
- **Historic structures:** All standing structures over 50 years of age.
- **Cultural landscapes:** Settings humans have created or ascribed importance to in the natural world.
- **Ethnographic resources:** Sites, structures, landscapes, objects or natural features of significance to a traditionally associated group of people.
- **Traditional Cultural Properties (TCPs):** a property that is associated with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community (*NPS Bulletin 38*).
- **Historic Properties of Religious and Cultural Significance to Indian Tribes (HPRCSIT):** These properties may include those associated with events that have made a significant contribution to the broad patterns of Indian history, properties associated with the lives of persons significant in the past, or properties that embody distinctive characteristics of a type, period or method of construction, or high artistic value.

V. Categorizing Cultural Resources Compliance for NRCS Oregon Undertakings

The policies and procedures established by the NRCS in GM420 Part 401, H190 Part 601, the NRCS Oregon / Oregon SHPO SPPA, and this document have been designed to facilitate an effective and efficient Section 106 compliance process during the delivery of technical and financial conservation assistance. NRCS Oregon has developed a five-category cultural resources compliance system that can be used to classify each undertaking according to the specific set of circumstances that are involved. To be classified within a given category, Certified Planners shall submit a completed CR Form to the NRCS Oregon State or Basin CRS for each undertaking, as described in Section VI below. Information provided on the CR Form will be used to classify the undertaking according to the five categories discussed in the following sections. In turn, the classification will allow the NRCS Oregon CRS to identify the level of planning, consultation processes, and timing for implementation that is appropriate for each undertaking.

For the purpose of classification and clarity, the plow-zone is considered to be the depth of tillage, typically 0 -12 inches below current grade level, for sites that historically have been tilled as part of agricultural operations. All proposed NRCS Oregon undertakings, whether within or beneath a plow zone, are subject to a review by a CRS with consideration of known cultural resources and geographic context. When reviewing projects that include areas within historic farmsteads or districts, NRCS Oregon will take into consideration the project's potential effects within the overall context of the farmstead or district. NRCS Oregon will make a reasonable and good faith effort to identify cultural resources and the effects that undertakings may have on sites that are eligible for the National Register. **If at any time cultural resources are encountered during the planning or implementation process, the appropriate Basin CRS shall be notified.**

The five categories of undertakings are described below. Also see Appendix A for more details:

- a) **Category I.** Category I undertakings, as listed in Appendix A, are defined by NRCS Oregon as those undertakings comprised entirely of conservation activities, enhancements, and practices with little or no potential to affect cultural resources. Category I status is limited to those undertakings that meet the criteria in Appendix A, to undertakings where NRCS Oregon has been determined to be the lead Federal agency for the purposes of Section 106, and to undertakings that occur exclusively on privately-owned lands. Category I undertakings taking place within the plow-zone will be checked against the SHPO online database for previously identified archaeological sites.
- b) **Category II.** Category II undertakings are defined by NRCS Oregon as small-scale undertakings that have potential to impact cultural resources. Generally, Category II undertakings involve limited physical disturbance of previously disturbed or undisturbed ground and lack Extenuating Circumstances (as defined below in Category III) that would otherwise involve additional consideration for cultural resources. Category II status is limited to those undertakings that meet the criteria listed above, to undertakings where NRCS Oregon has been determined to be the lead Federal agency for the purposes of Section 106, and to undertakings that occur exclusively on privately-owned lands. Category II undertakings require a full literature review. The CRS determines if Category II undertakings require a cultural resources survey.

- c) **Category III.** Category III undertakings are defined by NRCS Oregon as undertakings that involve Extenuating Circumstances and warrant further consideration of cultural resources. Category III status is limited to those undertakings that meet the criteria discussed below, to undertakings where NRCS Oregon has been determined to be the lead Federal agency for the purposes of Section 106, and to undertakings that occur exclusively on privately-owned lands. Extenuating Circumstances, as defined by NRCS Oregon, include any of the following:
1. Undertaking involves more than limited physical disturbance of undisturbed ground. These undertakings require a systematic, intensive cultural resources survey (either pedestrian, subsurface, or a combination of both depending on field conditions and at the discretion of the CRS in consultation with the appropriate Tribes and SHPO), designed and directly supervised by a professional archaeologist who meets the SOI Standards.
 2. Undertaking has cultural resources present. Additional consideration must be given to those undertakings where possible cultural resources are identified during the Planning Level Review or during the cultural resources survey. If possible cultural resources are identified during the Planning Level Review, Certified Planners must notify the NRCS Oregon State or Basin CRS and schedule a field visit with a CRS. The NRCS Oregon CRS will formally document the cultural resource and determine the level of effect, if any. The CRS will coordinate with Certified Planners to ensure that the proposed undertaking can be designed to avoid the cultural resource by at least 100 feet to eliminate impacts to the cultural resource. Undertakings that cannot be avoided by 100 feet or more during implementation shall be classified as Category IV or V.
 3. General concern. If Certified Planners feel that there is general concern for cultural resources at any point during the conservation planning process for an undertaking, they shall request the direct assistance of NRCS Oregon State or Basin CRS who may decide to elevate the undertaking to Category III or higher. The CRS can assist the Certified Planner with the review process, and can complete a cultural resources survey. The CRS can also meet with the respective Cooperator to address any issues or concerns that the Cooperator may have with the cultural resources survey.
 4. Visual impacts of the undertaking could impact the character of the setting of a National Register Property, TCP, or HPRCSIT. Adverse effects to National Register Properties include the “introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting” (36 CFR 800.9(b)(3)). Similar guidelines will be considered for TCPs and HPRCSITs.
 5. Request by tribe, local government, or member of the public that is afforded through the normal Section 106 consultation process. If a Tribe, local government or member of the public asks NRCS Oregon to complete a more thorough Cultural Resources investigation for what would normally be classified as a Category I or II undertaking, NRCS Oregon shall treat that project as a Category III undertaking and complete all phases of the Cultural Resources investigation according to Category III standards.

d) Category IV. Category IV undertakings are defined by NRCS Oregon as undertakings that require further consideration and consultation in accordance with Section 106 of the NHPA and its implementing regulations found in 36 CFR Part 800. Undertakings within this category include the following:

1. Undertaking involves public or tribal lands. Undertakings that occur on Tribal, State, or Federally-managed lands require further coordination which is often completed in conjunction with other agency-specific studies, procedures, or permitting processes. Implementation in accordance with Section 106 is necessary to establish lead and cooperating Federal agencies, to complete required fieldwork authorizations or permits, and to complete the reporting and consultation process.
2. NRCS Oregon is a Cooperating Federal Agency for the undertaking. Implementation in accordance with Section 106 and its implementing regulations is required for undertakings where NRCS Oregon functions as a cooperating agency for the purposes of Section 106. Such undertakings are often the focus of large-scale studies such as Environmental Assessments (EA) or Environmental Impact Statements (EIS) that require interagency cooperation, consultation, and public outreach. As stated above, more coordination is necessary to establish lead and cooperating Federal agencies, to complete any required fieldwork authorizations or permits, and to complete the reporting and consultation process.
3. Planning authority for an undertaking is higher than the NRCS Oregon field office. Additional coordination and consultation in accordance with Section 106 and its implementing regulations is required for undertakings where conservation planning authority is at a level higher than the NRCS Oregon Field office. These undertakings are often related to watershed planning, emergency watershed protection, fire rehabilitation, or dam rehabilitation. As stated above, additional coordination and consultation is necessary to establish lead and cooperating Federal agencies, to complete any required fieldwork authorizations or permits, and to complete the reporting and consultation process as outlined in Section 106.
4. Undertaking has cultural resources present that cannot be avoided by at least 100 feet. Additional coordination and consultation in accordance with Section 106 and its regulations is required for undertakings where cultural resources are identified during the Planning Level Review or cultural resources survey which cannot be avoided by at least 100 feet during implementation. Certified Planners must notify the NRCS Oregon State or Basin CRS and schedule a field visit when cultural resources are identified within the planning area. The NRCS Oregon CRS will formally document the cultural resource, determine its eligibility for the NRHP, and assess the effects of the undertaking on the cultural resource. NRCS Oregon will complete the Section 106 reporting and consultation process, in consultation with the Oregon SHPO and appropriate Tribes, to determine eligibility for the NRHP and to determine project effects. If the effects will be adverse and mitigation is needed, the undertaking moves to Category V.

- e) **Category V.** Category V undertakings are defined by NRCS Oregon as undertakings that will involve adverse effects to cultural resources as defined in 36 CFR Part 800.5.a.1. For such undertakings, NRCS Oregon will resolve the adverse effects through the development of a treatment plan detailing the measures that will be used to minimize and mitigate the effects to the cultural resources in accordance with 36 CFR Part 800.6. This treatment plan will be developed through consultation between the NRCS Oregon, the Oregon SHPO, Tribes, and other consulting parties as appropriate. The ACHP will be invited to participate in the consultation process as well. Once the treatment plan and measures to minimize and mitigate the adverse effects are agreed upon by the consulting parties, a Memorandum of Agreement (MOA) will be executed and implemented pursuant to compliance with Section 106 and 36 CFR Part 800.6(c).

Should the proposed undertaking have the potential to adversely affect a known National Historic Landmark (NHL), NRCS Oregon shall, to the maximum extent possible, undertake such planning and actions that may be necessary to minimize harm to the NHL in accordance with 54 U.S.C. 306107 of the NHPA and 36 CFR Part 800.6 and 800.10, including consultation with the ACHP and respective National Park Service, Regional National Historic Landmark Program Coordinator, to develop a Memorandum of Agreement.

VI. NRCS Oregon Procedures for Considering Cultural Resources

The number of steps that may be necessary to fully consider cultural resources in any given situation will vary depending on Category. NRCS Oregon uses the following process to address cultural resources.

- a) **Certified Planners Obtain Consent from the Cooperator.** Prior to the initiation of the cultural resources review process, Certified Planners meet with the Cooperator and complete an *Authorization for NRCS Release of Conservation Plan File Information*. Completion of the authorization by the Cooperator provides consent for NRCS Oregon to enter into the consultation process with SHPO, appropriate Tribes and other consulting parties, and to disclose information related to resources that are located on the property controlled by the Cooperator.
- b) **Certified Planners Complete a Planning Level Review and Submit the Cultural Resources Review Form.** The goal of the Planning Level Review is to collect information useful to the CRS in determining if cultural resources may be present within an undertaking. Such information could include statements shared by the landowner/project consultant or notation about the presence of artifacts observed by the planner during their field visit. Certified Planners understand that collection of artifacts or materials during the inventory is strictly prohibited by Oregon State Law and NRCS policy. Certified Planners prepare the NRCS Oregon Cultural Resources Review Form (henceforth “CR Form”) and maps showing the location of the undertakings. The Certified Planner submits the CR Form and maps electronically to the NRCS Oregon State or Basin CRS. Once the Integrated Resources Management Analyst (IRMA) database is on-line, cultural resources review shall be conducted in that format. This is expected to occur in 2018.
- c) **NRCS Oregon State or Basin CRS Review the Undertaking and Initiate Appropriate Consultation.** The State or Basin CRS will review the CR form and maps. If, after checking the Oregon SHPO database, the CRS classifies the undertaking as Category I, the CRS shall sign the CR Form providing approval to proceed with implementation. If the undertaking is not Category I, the CRS shall determine the Category (II through V) after completing a full literature review and providing affected tribes with reasonable opportunity to identify concerns, as outlined in Section 106 guidelines (36 CFR 800.2(c)(2)).
- d) **Surveys and Consultation.** The CRS shall complete surveys, undertake consultation and develop a treatment plan as needed, depending on the Category as outlined in Section V and summarized in Table 1. NRCS Oregon will make a reasonable and good faith effort to identify cultural resources present within the APE. Survey results will be reported to SHPO and the affected Tribes commensurate with the nature and scale of the undertaking, as outlined at 36CFR Part 800.11(d). After these steps are completed, the CRS will authorize implementation of the undertaking via a signed copy of the CR Form. Under no circumstances will Cooperators be allowed to implement undertakings unless authorized to proceed by the CRS. If the nature or the extent of an undertaking changes after the cultural resources review process has been completed, Certified Planners will re-initiate the CR review process by submitting an updated CR form and maps to the CRS. Certified Planners will notify the client to not begin

implementation (or to halt work if the practice has already begun) until a new CR review has been completed and the CRS approves the project to be implemented.

VII. General Planning Guidance

After receiving approval to proceed from the CRS, but prior to implementing an undertaking, Certified Planners shall review the undertaking with Cooperators. For Category III undertakings and above, Certified Planners shall have this discussion on site with the Cooperator and, if applicable, the Cooperator's contractors and equipment operators to address any questions or concerns. Certified Planners are encouraged to invite the CRS and affected Tribes to such meetings, particularly if there are cultural resources present that could be impacted during implementation. The CRS may stipulate that they (the CRS) attend this meeting as a condition for authorization to implement. Certified Planners shall inform the Cooperators and equipment operators of the boundaries and extent of the proposed undertaking and will provide them with the appropriate data (maps, GIS data, GPS points, etc.) to help identify the boundaries of the undertaking.

If cultural resources are present within the APE, Certified Planners shall inform Cooperators of their responsibility towards cultural resources prior to project implementation. Certified Planners shall inform Cooperators and equipment operators of the presence of cultural resources and provide them with the appropriate maps, GIS data, GPS points, etc. to help identify their location. The Certified Planner or CRS shall brief the Cooperator and the equipment operator about their responsibilities for the protection and preservation of cultural resources during implementation of the undertaking and provide them with instructions for the treatment of cultural resources in the event of a discovery or unintentional impact.

Certified Planners and CRS shall take appropriate measures to ensure that cultural resources are clearly identified before the undertaking can be implemented. Certified Planners and/or CRS shall clearly mark cultural resources and any buffer areas deemed appropriate for avoidance with lathe, flagging tape, paint, etc. no more than two weeks prior to the implementation of the project. All markings for cultural resources shall be removed no later than two weeks after implementation has been completed.

After an undertaking has been implemented, Certified Planners shall collect sufficient information to ensure that the undertaking was completed according to the design specified in the conservation plan. The Certified Planner will also review cultural resources to ensure that they were appropriately avoided during implementation. If any changes in the design or configuration of the undertaking are observed during the follow-up inspection, or if damage to cultural resources is observed, Certified Planners shall notify the District Conservationist and CRS within 24 hours so that further consideration of cultural resources can be undertaken.

VIII. Criteria for Assistance from NRCS Oregon CRS Personnel

Table 1 presents the criteria that are used to determine the level of CRS assistance for undertakings.

Table 1. Summary of Five Category System for NRCS Oregon Undertakings				
Category	Description	Literature Review	Consultation/ Reporting	Implementation Timing
I	Little or no potential to affect cultural resources.	SHPO Database Checked	Annual Executive Summary	After CRS determines 'no potential to affect cultural resources' and returns signed CR Form to Certified Planner.
II	Limited in scope and lack Extenuating Circumstances.	Full review	Annual Executive Summary. CRS consults with consulting parties.	After CRS determines 'no cultural resources affected' and returns signed CR Form to the Certified Planner.
III	Warrant further consideration of cultural resources by CRS due to Extenuating Circumstances.	Full review	Annual Executive Summary. CRS consults with SHPO and consulting parties. Batched reports for No Effect findings submitted within 6 months of implementation.	After CRS, in consultation with SHPO and affected Tribes, determines 'no cultural resources affected' or 'no cultural resources adversely affected' and returns signed CR Form to the Certified Planner.
IV	Requires extended CRS involvement because: <ul style="list-style-type: none"> • Undertaking is on public land. • NRCS is cooperating Federal agency. • Planning authority higher than NRCS Field Office. • Cultural Resources cannot be avoided by more than 100 feet. 	Full review	Annual Executive Summary. CRS consults with SHPO and consulting parties. Reports submitted to SHPO and consulting parties.	After CRS, in consultation with SHPO and affected Tribes, determines 'no cultural resources affected' or 'no cultural resources adversely affected' and returns signed CR Form to the Certified Planner.
V	Requires CRS to develop plan to minimize and mitigate effects because the undertaking will involve adverse effects to cultural resources.	Full review	Annual Executive Summary. CRS consults with SHPO and consulting parties. Reports submitted to SHPO and consulting parties.	After CRS, in consultation with SHPO, affected Tribes and Consulting Parties, approves a mitigation plan and returns signed CR Form to the Certified Planner.

IX. Implementation Timing

Because of the critical importance of timing for its Cooperators, NRCS Oregon has developed specific guidance for the timing of implementation on its undertakings from the standpoint of cultural resources compliance. Timing for implementation can vary according to the specific circumstances of an undertaking, but timing can generally be determined according to the five-category cultural resources compliance system. The timing of implementation for each category is discussed in the following sections and summarized in Table 1.

- a) **Category I.** For Category I, implementation shall proceed with a determination of “no potential to cause effects” in accordance with 36 CFR Part 800.3(a) 1. Implementation shall proceed once the NRCS Oregon State or Basin CRS authorizes the work via a signed copy of the CR Form returned to the Certified Planner. Certified Planners will maintain a signed copy of the form with the conservation plan for the undertaking, and implementation shall occur as stated in the design specifications stated in the conservation plan. Reviews will be processed by the Integrated Resources Management Analyst (IRMA) tool once it is on-line.
- b) **Category II.** For Category II undertakings, implementation shall proceed with a determination of “no cultural resources affected” in accordance with 36 CFR Part 800.4(d) (1). Implementation shall proceed once the NRCS Oregon State or Basin CRS authorizes the work via a signed copy of the CR Form returned to the Certified Planner. Certified Planners will maintain a signed copy of the form with the conservation plan for the undertaking, and implementation shall occur as stated in the design specifications stated in the conservation plan. Reviews will be processed by the IRMA tool once it is on-line.
- c) **Category III.** For Category III undertakings, implementation shall proceed at the discretion of the NRCS Oregon State or Basin CRS upon the completion of fieldwork with a determination of “no cultural resources affected” in accordance with 36 CFR Part 800.4(d)(1). Implementation shall proceed through communication between the NRCS Oregon State or Basin CRS and the Certified Planner. If cultural resources are present within the APE, the CRS will meet with the Certified Planner to document the cultural resources and ensure that the proposed conservation activities, enhancements, and/or practices will avoid the resource with a buffer zone of no less than 100 feet (30 meters). NRCS Oregon will consult with the Oregon SHPO, affected Tribes, and other consulting parties, as appropriate, to determine the effects of the undertaking prior to implementation. Once the Section 106 consultation process has been completed, the NRCS Oregon State or Basin CRS will return a signed copy of the CR Form authorizing the work to the Certified Planner. Then implementation can proceed in accordance with the design specifications stated in the conservation plan which should reflect the modifications to avoid the resource. Certified Planners will maintain a signed copy of the form and any associated consultation letters with the conservation plan for the undertaking. Reviews will be processed by the IRMA tool once it is on-line.

If, after the consultation process, an avoided cultural resource has been determined eligible for the NRHP, then Cooperators must ensure that the cultural resources remain avoided and unaffected to the extent that the eligibility of the cultural resource for the NRHP is not adversely affected. Avoidance shall last for the lifespan of the conservation activity,

enhancement, and/or practice that is being planned. Cultural resources that will become older than 50 years during the lifespan of the practice will be taken into consideration.

- d) **Category IV.** For Category IV undertakings, NRCS Oregon will implement undertakings in accordance with Section 106 of the NHPA and its implementing regulations found in 36 CFR Part 800. Under such circumstances, NRCS Oregon will consult with the Oregon SHPO, Tribes, and other consulting parties, as appropriate, to determine the effects of the undertaking, prior to implementation. In a situation where cultural resources cannot be avoided by at least 100 feet, the eligibility of archaeological sites or TCPs for the NRHP will be determined and consultation with the Oregon SHPO, affected Tribes, and other consulting parties will be conducted prior to implementation. Once the Section 106 consultation process has been completed, the NRCS Oregon State or Basin CRS will authorize implementation via a signed copy of the CR Form to the Certified Planner. Certified Planners will maintain a signed copy of the form and any associated consultation letters with the conservation plan for the undertaking. Reviews will be processed by the IRMA tool once it is on-line.
- e) **Category V.** NRCS Oregon will implement Category V undertakings in accordance with Section 106 of the NHPA and its implementing regulations found in 36 CFR Part 800. NRCS Oregon will resolve the adverse effects through the development of a treatment plan detailing the measures that will be used to minimize and mitigate the effects to the cultural resources in accordance with 36 CFR Part 800.6. This treatment plan will be developed through consultation among the NRCS Oregon, the Oregon SHPO, affected Tribes, and other consulting parties, as appropriate. Per 36 CFR Part 800.6a (1), the ACHP will be notified of the adverse effect. The ACHP has 15 days to decide if they will participate in the consultation process. Once the treatment plan and measures to minimize and mitigate the adverse effects are agreed upon by the consulting parties, an MOA will be executed and implemented pursuant to compliance with Section 106. Reviews will be processed by the IRMA tool once it is on-line.

After the mitigation work and the Section 106 consultation process has been completed, the NRCS Oregon State or Basin CRS will authorize implementation via a signed copy of the CR Form to the Certified Planner. Certified Planners will maintain a signed copy of the form and any associated consultation letters with the conservation plan for the undertaking.

X. Reporting Cultural Resources Surveys

- a) NRCS Oregon will report the findings of its cultural resources surveys to the Oregon SHPO, Tribes, consulting parties, NRCS National Headquarters, and the ACHP. The timing and nature of such reporting shall vary according to the specific circumstances for each undertaking. Generally, reporting will be completed in accordance with the five-category cultural resources compliance system. Timing for reporting is summarized in Table 1.
1. Category I and II undertakings: NRCS Oregon will summarize Category I and II undertakings in the Annual Executive Summary, but will not send individual reports to the Oregon SHPO.
 2. Category III undertakings: NRCS Oregon will prepare documentation in support of a finding of “no cultural resources affected,” including a description of the undertaking and its APE, a map of the APE, a GIS shape file of the APE, a description of the steps taken to identify cultural resources and the basis for determining that no cultural resources are present or affected. For undertakings where no cultural resources are present in the APE, NRCS Oregon will submit this documentation within 6 months of implementation to the Oregon SHPO and affected Tribes individually or in batches combining two or more related undertakings. If cultural resources are present in the APE, or the APE has been buffered to avoid cultural resources, NRCS Oregon will submit this documentation, including a site record form, individually to the Oregon SHPO, allowing 30-days for the Oregon SHPO to comment before implementation. Category III undertakings will also be summarized in the Annual Executive Summary.
 3. Category IV and V undertakings: NRCS Oregon will prepare documentation for a finding of “no adverse effect” or “adverse effect.” This documentation will include a description of the undertaking and its APE, a map of the APE, a GIS shape file of the APE, efforts made to identify cultural resources, documentation of cultural resources that will be affected (including maps, site record or isolate forms, photographs), a description of the effects and why the effects were found to be “not adverse” or “adverse” as detailed in the SHPO’s *State of Oregon Guidelines for Reporting on Archaeological Investigations* (Revised 2016). NRCS Oregon will submit this documentation individually to the Oregon SHPO and appropriate Tribes, allowing 30-days for the Oregon SHPO to comment before implementation of construction or mitigation measures. Category IV and V undertakings will also be summarized in the Annual Executive Summary.
- b) It is important to note that reporting the results of cultural resources surveys by NRCS Oregon does not authorize public access to those cultural resources that are identified during the review process. Most of these cultural resources are located on privately-owned lands and they cannot be accessed without landowner consent. Reporting the cultural resources surveys also does not provide authorization to collect artifacts and materials associated with the cultural resources. Under Oregon State Law, archaeological materials and sites are considered the property of the land owner, with the exception of human remains, funerary objects, sacred objects and objects of cultural patrimony (ORS 97.740-97.760). Excavation or collection of such materials without the permission of the landowner and a SHPO archaeological permit is prohibited by Oregon

State Law (ORS 390.235). Producers and Cooperators will be provided with information about all applicable state cultural resource laws.

XI. Unanticipated Discoveries and Treatment of Human Remains

Refer to Appendix C for treatment measures.

XII. Avoidance of Cultural Resources, Anticipatory Demolition, and Withdrawal of Assistance

- a) **Avoidance of Cultural Resources.** In accordance with Subpart C of H 190 Part 601.22(C), and in accordance with Section 110 of the NHPA, Cooperators receiving technical and financial assistance from NRCS Oregon shall make all necessary efforts to avoid and minimize impacts to cultural resources that are identified during the conservation planning process. This is of particular importance for those cultural resources determined eligible for the NRHP. NRCS Oregon will notify Cooperators of Oregon state laws protecting cultural resources that have been identified. The policy of avoidance of cultural resources shall remain in place for the duration of the lifespan of the undertaking, in accordance with NRCS Farm Bill Programs rules. Failure to avoid cultural resources could result in a determination of adverse effects, mitigation where appropriate, contract termination, and withdrawal of technical and financial assistance.

Undertakings may be redesigned to avoid cultural resources by a 100-foot buffer, thus allowing the undertaking to be classified as Category III in an effort to streamline the delivery of conservation assistance. If, after the consultation process, an avoided cultural resource has been determined eligible for the NRHP or remains unevaluated with concurrence from SHPO, Cooperators must ensure that the avoided cultural resources, as described above, remain avoided. However, if an avoided cultural resource is determined not eligible for the NRHP through the consultation process, further avoidance measures are unnecessary.

- b) **Anticipatory Demolition.** As stated in H 190 Part 601.27.A(2), NRCS Oregon will not provide technical or financial assistance to Cooperators who intentionally destroy, remove, or otherwise adversely affect cultural resources within a conservation planning area in an effort to evade compliance with Section 106 of the NHPA. If such damages occur, NRCS Oregon shall ensure that Federal assistance is not used to cause or further an adverse impact to a cultural resource. Under these circumstances, NRCS Oregon will follow its Procedures for the Withdrawal of Assistance found in GM420 Part 401.23 and H 190 Part 601.27.
- c) **Withdrawal of Technical and Financial Assistance.** Both GM420 Part 401.23 and H 190 Part 601.27 outline the process for the withdrawal of assistance that NRCS Oregon shall follow in situations where an adverse effect has occurred or is likely to occur through a Cooperator's refusal to implement feasible mitigation measures. NRCS Oregon will take the appropriate measures to document and assess the impacts, and will document the actions and events leading

to the withdrawal of assistance. The extent and duration of the withdrawal shall vary according to the conservation activity, enhancement, or practice under which the impact might have occurred, and may also vary at the discretion of the NRCS Oregon State Conservationist.

APPENDIX C

INADVERTENT DISCOVERY PLAN FOR NRCS OREGON UNDERTAKINGS State-based Prototype Programmatic Agreement NRCS Oregon and the Oregon SHPO

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

- a) NRCS Oregon shall ensure that every contract or agreement for financial 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 or entity who is receiving financial assistance, or their contractor, shall immediately halt all work and notify the NRCS Oregon and the landowner. The supervisory NRCS personnel for the area shall immediately notify the NRCS Oregon State Conservationist's Office, the NRCS State CRS, and the NRCS Basin CRS.

- b) Where a cultural resource is discovered before, during or after construction, after Section 106 review is complete, NRCS Oregon shall consult to seek avoidance or minimization strategies in consultation with the Oregon SHPO, Indian Tribes, and other consulting parties, as appropriate, and/or to resolve adverse effects in accordance with 36 CFR Part 800.6.
 1. The CRS shall inspect the discovery as soon as possible, or within 24 hours, if weather permits, and consult with appropriate NRCS officials (for example, District Conservationist, Basin Team Leader, NRCS Engineer, and/or NRCS Leader for Programs), affected Indian Tribes, the Oregon SHPO, and the Cooperator. 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. NRCS Oregon shall notify the Cooperator to stop work immediately if archaeological objects including artifacts, historic or prehistoric features (wells, privies, shell middens, etc.), bones, or any item suspected of being archaeological are identified.
 3. All NRCS Oregon contact with media shall occur only under the direction of the NRCS Oregon Public Affairs Officer, as appropriate, and the NRCS Oregon State Conservationist in consultation with affected Tribes.
 4. 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 NRCS

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

- i. The CRS shall notify the Oregon SHPO and affected Tribes as soon as possible, but no later than 48 hours after the discovery and describe the 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 affected Indian Tribes, the Oregon SHPO, and technical experts (such as historic landscape architects) not employed by the NRCS. Application for an Archaeological Permit may be necessary to make an accurate determination of eligibility.
- ii. The SHPO shall respond within 48 hours (2 business days) from receipt of the notification with any comments on the discovery and proposed actions.
- iii. NRCS shall take any comments provided into account and carry out appropriate actions to resolve any adverse effects while meeting state and federal laws.
- iv. NRCS shall provide a report and site form to the SHPO and affected Tribes of the actions when they are completed.

II. Post-Review Discoveries of Human Remains or Objects of Cultural Patrimony and Unanticipated Effects to Human Remains and Graves

When human remains, funerary objects, objects of cultural patrimony, or sacred objects are discovered, NRCS Oregon 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 Oregon State Laws (ORS 97.740 – 97.760 146.090 and 146.095) when on private or non-federal public lands. NRCS Oregon shall follow the procedures outlined in Section IV below and in the Tribal Position Paper on the Treatment of Human Remains as excerpted in Section III below.¹ NRCS Oregon 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. In addition to the federally recognized Tribes in Oregon, NRCS Oregon will also notify and consult with Tribes listed in Appendix E, as applicable.

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<http://www.oregon.gov/oprd/HCD/ARCH/docs/Tribal%20position%20paper%20on%20Human%20Remains04282017.pdf>

III. Treatment of Indian Human Remains Discovered Inadvertently on Private Lands in Oregon

Indian burial sites are not simply artifacts of the Tribe's cultural past, but are considered sacred and represent a continuing connection with their ancestors. Indian ancestral remains, funerary objects, sacred objects and objects of cultural patrimony associated with Oregon Tribes are protected under state law, including criminal penalties (ORS 97.740-.994 and 358.905-.961). The laws recognize and codify Tribal rights in the decision-making process regarding ancestral remains and associated objects. Therefore both the discovered ancestral remains and their associated objects should be treated in a sensitive and respectful manner by all parties involved.

IV. Identification of Human Remains

- a) Oregon laws (ORS 146.090 & .095) outline the types of deaths that require investigation and the accompanying responsibilities for that investigation. The law enforcement official, district medical examiner, and the district attorney for the county where the death occurs are responsible for deaths requiring investigation. Deaths that require investigation include those occurring under suspicious or unknown circumstances.
- b) If human remains that are inadvertently discovered are not clearly modern, then there is high probability that the remains are Indian and therefore ORS 97.745(4) applies, which requires immediate notification of the State Police, the State Historic Preservation Officer, the Commission on Indian Services, and all appropriate Indian Tribes. To determine the "appropriate Indian Tribe," the responsible parties should contact the Legislative Commission on Indian Services (CIS). To determine whether the human remains are Indian, the responsible parties should contact the appropriate Indian Tribes at the initial discovery. It should be noted that there may be more than one appropriate Indian Tribe to be contacted.
- c) If the human remains are possibly Indian, then the area should be secured from further disturbance. The human remains and associated objects should not be disturbed, photographed (unless deemed necessary for identification or law enforcement), manipulated, or transported from the original location until a plan is developed in consultation with the above named parties. These actions will help ensure compliance with Oregon state law that prohibits any person willfully removing human remains and/or objects of cultural significance from its original location (ORS 97.745).
- d) All parties involved and the appropriate Indian Tribes shall implement a culturally sensitive plan for reburial.

V. Notification

State law [ORS 97.745 (4)] requires that any discovered human remains suspected to be Indian shall be reported to:

- a) State Police (current contact Sgt. Chris Allori, Department of State Police, office phone 503-731-4717, cell 503-708-6461).
- b) State Historic Preservation Officer (SHPO)
 - Primary contact = Dennis Griffin, State Archaeologist, office phone 503-986- 0674, cell phone 503-881-5038
 - Secondary contact = John Pouley, Assistant State Archaeologist, office phone 503-986-0675, cell phone 503-480-9164.
- c) Commission on Indian Services (CIS)
 - Current contact = Karen Quigley, Director, office phone 503-986-1067. Karen will provide the list of appropriate Indian Tribes.
- d) All appropriate Indian Tribes as listed in Appendix E Tribal Contact List.

APPENDIX D

PROCEDURES FOR EMERGENCY RESPONSE State-based Prototype Programmatic Agreement NRCS Oregon and the Oregon SHPO

I. Emergency Response Procedures

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

- a. If the President declares an area to be a major disaster area, NRCS Oregon will provide assistance which will be coordinated with the Federal Emergency Management Agency (FEMA). FEMA is the lead federal agency for Presidentially-declared natural disasters. As outlined in Stipulation VIII of the State-based Prototype Programmatic Agreement (SPPA) between NRCS Oregon and the Oregon SHPO, special procedures may apply to NRCS Oregon undertakings in response to a Presidentially-declared natural disaster. If the FEMA or its designee agrees, NRCS Oregon may follow the approved alternative procedures in place for that agency.
- b. When the NRCS Oregon State Conservationist determines that a watershed impairment exists, but the President does not declare an area to be a major disaster area, FEMA does not coordinate assistance and NRCS Oregon will assume the role of lead federal agency for all NRCS Oregon undertakings that occur on private and State of Oregon lands. Following the NRCS Emergency Watershed Program (EWP) final rule (see Section 216, P.L. 81-516 Final Rule, 7 CFR Part 624 (April 2005) and 36 CFR 800.12), NRCS Oregon shall consult with the Oregon SHPO as outlined below.
 1. NRCS Oregon shall notify, affirmatively, the Oregon SHPO immediately or within 48 hours of the emergency determination. GIS shape files of the location are preferable. Contact numbers at SHPO for an emergency situation:
 - Dennis Griffin, Oregon State Archaeologist
work: 503.986.0674, cell: 503.881.5038
 - John Pouley, Oregon State Assistant State Archaeologist,
work: 503.986.0675, cell: 503.480.9164
 - Christine Curran, Deputy State Historic Preservation Officer,
work: 503.986.0684, cell: 503.510.6226
 - Ian Johnson, Associate Deputy State Historic Preservation,
work: 503.986.0678, cell: 971.718.1137

2. The Oregon SHPO shall respond to this notification within seven days providing comments, as well as providing NRCS Oregon with a list of historic properties and a map(s) showing the location of these properties within the designated disaster area. If circumstances do not permit seven days for comment, NRCS Oregon shall notify the Oregon SHPO and appropriate Indian tribes to invite comments within the time available.
3. For an emergency where there is a future, but not immediate, threat to life and property, NRCS Oregon shall follow the review procedures outlined in Stipulation V of the SPPA, with the exception that the Oregon SHPO shall respond within 15 days, or within the time available, to NRCS Oregon findings and/or determinations.
4. For an exigency where there is an immediate threat to life and property, NRCS Oregon shall follow the procedures outlined in Stipulation V as circumstances allow. The Oregon SHPO shall respond to NRCS Oregon findings and/or determinations within seven days or within the available time period as determined by the State Conservationist. Under extraordinary circumstances and pursuant to 36 CFR 800.12 (d) and 36 CFR 78.3, the State Conservationist retains the right to waive the provisions of Section 106 and 110 of NHPA and proceed with providing emergency assistance to eliminate an imminent threat to human life or property without Oregon SHPO concurrence. If the NRCS Oregon State Conservationist makes use of their waiver authority, NRCS Oregon shall notify the Oregon SHPO, affected Tribes, the ACHP-NRCS Liaison, and the Secretary of Interior in writing pursuant to 36 CFR 78.4.

APPENDIX E

TRIBAL CONTACT LIST State-based Prototype Programmatic Agreement NRCS Oregon and the Oregon SHPO

Burns Paiute Tribe

Joe DeLaRosa, Chair
100 Pa'Si'Go' Street
Burns, OR 97720
Phone: 541-573-2088
Email: bpt.council@burnspaiute-nsn.gov

Charisse Soucie, THPO
100 Pa'Si'Go' Street
Burns, OR 97720
Phone: 541-573-8066
Email: charisse.soucie@burnspaiute-nsn.gov

Confederated Tribes of Coos, Lower Umpqua, and Siuslaw

Mark Ingersoll, Chairman
1245 Fulton Ave.
Coos Bay, OR 97420
Phone: 541-297-1655
Email: mingersoll@ctclusi.org

Stacy Scott,
Tribal Historic Preservation Officer
1245 Fulton Ave.
Coos Bay, OR 97420
Phone: 541-888-7513
Email: sscott@ctclusi.org

Confederated Tribes of Siletz Indians

Ms. Delores Pigsley, Chairman
P.O. Box 549
Siletz, OR 97380
Phone: 503-393-6516
Email: dpigsley@msn.com

Mr. Robert Kentta, Cultural Resources Director
P.O. Box 549
Siletz, OR 97380
Phone: 541-444-8244
Email: rkentta@ctsi.nsn.us

Confederated Tribes of Grand Ronde

Cheryle Kennedy, Chair
9615 Grand Ronde Road
Grand Ronde, OR 97347
Phone: 503-879-5211
Email: cheryle.kennedy@grandronde.org

Briece Edwards, Manager
Historic Preservation Office
9615 Grand Ronde Road
Grand Ronde, OR 97347
Phone: 503-879-2084
Email: briece.edwards@grandronde.org

Michael Karnosh
Ceded Lands Manager
9615 Grand Ronde Road
Grand Ronde, OR 97347
Phone: 503-879-2383
Email: michael.karnosh@grandronde.org

Confederated Tribes of the Umatilla Indian Reservation

Gary Burke, BOT Chair
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APPENDIX F

**NOVEMBER 21, 2014 ACHP LETTER
AUTHORIZING THE USE OF THIS PROTOTYPE AGREEMENT
State-based Prototype Programmatic Agreement
NRCS Oregon and the Oregon SHPO**

Milford Wayne Donaldson, FAIA
Chairman

Clement A. Price,
Ph.D. Vice Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

November 21, 2014

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

Ref: Prototype Programmatic Agreement for

NRCS Dear Chief Weller:

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

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

situations and conditions to resolve adverse effects to historic properties. This PPA provides NRCS with a valuable tool to assist it in meeting its responsibilities under Section 106 as it continues to provide assistance and funding to farmers, ranchers, and forest landowners for their conservation improvements.

This PPA replaces the 2002 nationwide “Programmatic Agreement among the United States Department of Agriculture Natural Resources Conservation Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers relative to Conservation Assistance,” as amended in 2011 and 2012, which will expire on November 20, 2014. Existing State Level Agreements with SHPOs and Consultation Protocols with Tribal Nations, THPOs or NHOs developed pursuant to the 2002 amended nationwide Programmatic Agreement shall be void upon expiration of the nationwide Programmatic Agreement.

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Milford Wayne Donaldson". The signature is written in a cursive style with a long, sweeping underline.

Milford Wayne Donaldson, FAIA Chairman

Enclosure

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

ADVISORY COUNCIL ON HISTORIC PRESERVATION
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APPENDIX G

ANNUAL SUMMARY EXAMPLE
State-based Prototype Programmatic Agreement
NRCS Oregon and the Oregon SHPO

Annual Summary

NRCS Oregon

NHPA Compliance

Date

Background

This Annual Summary covers the Federal fiscal year (FY20XX), which began on October 1, 20XX and ended on September 30, 20XX. The Annual Summary details work undertaken pursuant to the State Based Prototype Programmatic Agreement (SPPA) between NRCS Oregon and the Oregon SHPO. It includes summaries of undertakings, the nature and content of meetings held with the Oregon SHPO, Indian Tribes, and others, and recommendations for changes to cultural resource review processes for the next fiscal year.

Highlights of the year included:

- NRCS Oregon and the Oregon SHPO signed the State-based Prototype Programmatic Agreement (SPPA) in XX 201XX. NHPA compliance via alternative procedures of the Section 106 process began that month.
- NRCS Oregon conducted Cultural Resources Modules 7 and 8 remedial training for XX Field Offices that were found to have deficiencies. The XX Field Offices are recertified and in compliance with the NHPA and NRCS policy.
- Cultural Resources refresher training will involve the majority of NRCS Oregon Field Offices in FY XX. Training is required every five years.
- NRCS Oregon sent XX consultation letters to Tribes with aboriginal land claims in response to XX proposed undertakings. XX responses regarding clarification were received. See Table 1.
- NRCS Oregon cultural resources staff reviewed XX potential undertakings for NHPA compliance. XX of those potential undertakings required a more intensive review because they were classified in Categories III-V. NRCS Oregon provided those reports individually or in batches to the Oregon SHPO. See Tables 2 through 6.
- XX non-exigent Emergency Watershed Protection (EWP) projects occurred. NRCS Oregon submitted notification and reports to the Oregon SHPO in accordance with the NHPA and NRCS policy. All undertakings were cleared and subsequent work has either begun or is completed.
- The NRCS Oregon State Conservationist and the NRCS Oregon State Cultural Resources Specialist met with the XX THPO and further solidified the agency's commitment to provide an effective and efficient means of consulting.
- SPPA efficiencies achieved through Appendix A and Appendix B, included XX undertakings determined by the NRCS Oregon State or Basin CRS to fall into Categories I or II, XX percent of the total undertakings for FY 20XX

Meetings and Consultation

NRCS Oregon met with the Oregon SHPO staff on the following occasions:

- XX, 20XX: meeting between the Oregon SHPO staff (XX and XX) and NRCS Oregon Cultural Resources Specialist staff (XX) to discuss XX. Results of this meeting included:
 - XX
 - XX

NRCS Oregon Cultural Resource Specialists met with local government entities and non-governmental organizations on the following occasions:

- XX, 20XX: meeting with XX was held between NRCS Oregon Cultural Resource Specialist XX and XX staff (XX and XX) to discuss XX, resulting in the following decisions:
 - XX
 - XX

Table 1 summarizes consultations between NRCS Oregon and affected Tribes. Also, NRCS Oregon met with Indian THPO staff on the following occasions:

- XX, 20XX: meeting with XX Tribe was held between NRCS Oregon Cultural Resource Specialist XX and THPO staff (XX and XX) to discuss XX, resulting in the following decisions:
 - XX
 - XX

Table 1. Tribal Consultation Summary			
Tribe	Initial Tribal Consultation Letters	Practices Consulted on	Reports Received

Cultural Resource Reviews

NRCS Oregon completed cultural resources reviews for undertakings across the state. Tables 2 through 6 summarize these undertakings by SPPA Category.

Table 2. Category I Undertakings.		
County	Category I Undertakings	APE Acres
Baker	1	87.1
Lane	3	22.5
Jackson	8	208.0
Grant	3	55.1
Harney	6	60.7
Wallowa	37	8,505.2

Table 3. Category II Undertakings.									
Project Name	T	R	S	USGS Quad	Practice Code	Practice Name	SPPA Category	Date Reviewed	Comments

Table 4. Category III Undertakings with No Cultural Resources Present											
Project Name	T	R	S	USGS Quad	Practice Code	Practice Name	SPPA Category	Report Date	Report #	SHPO Case #	Comments

Table 5. Category III Undertakings with Cultural Resources Present but Avoided											
Project Name	T	R	S	USGS Quad	Practice #	Practice Name	Report Date	Report #	SHPO Case #	Comments	

Table 6. Category IV and V Undertakings											
Project Name	T	R	S	USGS Quad	Practice #	Practice Name	Report Date	Report #	SHPO Case #	Effect	Mitigation Plan Status

Attachments

- XX
- XX

Recommendations

- XX.
- XX.
- XX.

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This report prepared by:

XX, NRCS Oregon State Archaeologist

Date

APPENDIX H

GLOSSARY/DEFINITIONS OF TERMS USED IN THIS DOCUMENT State-based Prototype Programmatic Agreement NRCS Oregon and the Oregon SHPO

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 (meets Secretary of Interior's Professional Qualification Standards)
EWP	Emergency Watershed Program (NRCS program)

APPENDIX I

**EVENT-SPECIFIC EMERGENCY PROCEDURES
State-based Prototype Programmatic Agreement
NRCS Oregon and the Oregon SHPO**

RESERVED

APPENDIX J

STANDARD TREATMENTS

**State-based Prototype Programmatic Agreement
NRCS Oregon and the Oregon SHPO**

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