

**PROTOTYPE PROGRAMMATIC
AGREEMENT BETWEEN THE
US DEPARTMENT OF AGRICULTURE,
VERMONT NATURAL RESOURCES CONSERVATION SERVICE STATE
OFFICE AND THE STOCKBRIDGE MUNSEE COMMUNITY
REGARDING CONSERVATION ASSISTANCE**

WHEREAS, the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) administers numerous voluntary assistance programs, special initiatives, and grant and emergency response programs for soil, water, and related resource conservation activities available to eligible private producers, States, commonwealths, Federally Recognized Tribal governments, other government entities, and other applicants for conservation assistance, pursuant to the Agricultural Act of 2014 (2014 Farm Bill, Public Law 113-79); Soil Conservation and Domestic Allotment Act of 1935 (Public Law 74-46, 16 U.S.C. 590 a-f, as amended); the Flood Control Act of 1944 (Public Law 78-534, as amended); the Watershed Protection and Flood Prevention Act (Public Law 83-566, as amended, 16 U.S.C. 1001-1012); the Agricultural and Food Act of 1981 (Public Law 97-98, 95 Stat. 1213); the Agricultural Credit Act (Public Law 95-3341, Title IV, Section 403); Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624); the Flood Control Act of 1936 (Public Law 74-738); the Food Security Act of 1985 (Public Law 99-198, as amended); the Federal Agricultural Improvement and Reform Act of 1996 (Public Law 104-127); and executive and secretarial orders, implementing regulations and related authorities; and

WHEREAS, NRCS, through its conservation assistance programs and initiatives, provides assistance for activities with the potential to affect historic properties eligible for or listed in the National Register of Historic Places (NRHP), including National Historic Landmarks (NHLs) and therefore constitute undertakings subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f, and its implementing regulations, 36 CFR Part 800, including the provisions of these regulations addressing NHLs at 36 CFR Part 800.10; and

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

WHEREAS, the NRCS Vermont State Office has consulted with the Tribal Historic Preservation Officer/THPO and followed the instructions in the ACHP letter that accompanied the Prototype Agreement, dated November 21, 2014; and

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

WHEREAS, NRCS developed this Prototype Agreement in consultation with the National

Conference of State Historic Preservation Officers (NCSHPO) and its members, interested Indian tribes, Native Hawaiian organizations, interested historic preservation organizations, (such as the National Trust for Historic Preservation), and the Advisory Council on Historic Preservation (ACHP); and

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

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

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

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

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

WHEREAS, the NRCS has consulted with Indian tribes; and

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

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

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

STIPULATIONS

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

I. Applicability

- A. Once executed by the NRCS and the Stockbridge-Munsee Community this State-based Prototype Agreement sets forth the review process for all NRCS undertakings subject to Section 106 in the Vermont State.
- B. Execution of this State-based Prototype Agreement supersedes any existing State Level Agreement with the Stockbridge-Munsee Community in the State of Vermont executed under the previous NRCS nationwide Programmatic Agreement, but does not replace any existing project-specific Section 106 agreements (Memoranda of Agreement or Programmatic Agreements).
- C. This State-based Prototype Agreement applies only when there is a Federal Preservation Officer (FPO) in the NRCS National Headquarters (NHQ) who meets the Secretary of the Interior's Professional Qualification Standards (48 FR 44716).
- D. This State-based Prototype Agreement applies only where there is staffing or access to staffing (through contracted services or agreements with other agencies or Indian tribes) who meet the Secretary of Interior's Professional Qualification Standards in the Vermont NRCS state office.
- E. This State-based Prototype Agreement applies only to the region south of the confluence of the Dead Creek and Otter Creek and west of the foothills of the Green Mountains in present day Addison, Rutland and Bennington County (See locational maps in Appendix D).

II. Roles, Personnel and Professional Qualifications

A. NRCS

- 1. NRCS shall ensure all NRCS staff or individuals carrying out Section 106 historic preservation compliance work on its behalf, including the NRCS Vermont State senior historic preservation professional staff member (the Cultural Resources Specialist (CRS), or Archaeologist, or Historian), are appropriately qualified to coordinate the reviews of resources and historic properties as applicable to the resources and historic properties being addressed (site, building, structure, landscape, resources of significance to Indian tribes, NHOs, and other concerned communities). Thus, these staff and consultants must meet the Secretary of the Interior's Professional Qualification Standards and have the knowledge to assess the resources within an undertaking's area of potential effects (APE).
- 2. NRCS remains responsible for all consultation with the Stockbridge-Munsee Community, SHPO, Indian tribes, THPOs and NHOs, and all determinations of NRHP eligibility and effect. NRCS may not delegate consultation for findings and

determinations to professional services consultants or producers/applicants for conservation assistance.

3. The NRCS Vermont State Conservationist is responsible for oversight of its performance under this State-based Prototype Agreement.
4. The NRCS Vermont State Conservationist is responsible for consultation with the Stockbridge-Munsee Community and government-to-government consultation with Indian Tribal leaders and/or their THPO to develop consultation protocols. These responsibilities may not be delegated to any other staff, nor carried out on behalf of NRCS by another federal agency.
5. Under the direction of the State Conservationist, VT NRCS agrees to employ a full-time, permanent CRS. This person or persons shall meet the qualifications contained in "Archeology and Historic Preservation: Secretary of the Interiors Standards and Guidelines [As Amended and Annotated] - Professional Qualifications Standards" as set forth in 36 CFR 61.
6. All mitigation measures and evaluations of cultural resources for significance will be performed by the NRCS Vermont CRS/Archeologist/Historian.
7. The NRCS Vermont CRS/Archaeologist/Historian and/or professional consultants shall provide technical historic property and resource information to the State Conservationist for use in Section 106 findings and determinations, after appropriate consultations with the Stockbridge–Munsee Community, SHPO, and discussions with the landowner. The CRS/Archaeologist/Historian shall monitor and oversee the work and reporting of all NRCS field office personnel and professional service consultants. The CRS/Archaeologist/Historian shall also assist the State Conservationist in determining whether an undertaking has the potential to affect historic properties, triggering Section 106 review, pursuant to 36 CFR Part 800.3(a).
8. The NRCS Vermont CRS/Archaeologist/Historian shall oversee development of the scopes of work for investigation of the APEs for identified undertakings (see 36 CFR Part 800.4). The NRCS may use professional service contractors or consultants or partners to assist with cultural resources compliance studies. NRCS shall ensure these contractors meet the Secretary of Interior's Professional Qualifications Standards.
9. NRCS Field Office Personnel involved in implementing this State-based Prototype Agreement, after completion of NRCS' web, classroom, and field awareness training acquired through USDA's AgLearn training site, shall work with the CRS/Archaeologist/Historian, as feasible, in completing historic preservation compliance (Section 106) field records for the agricultural producer's (NRCS' client or voluntary applicant for assistance) files and for use in producing initial historic property identification records (as set forth and outlined in NRCS' operational guidance, the National Cultural Resources Procedures Handbook, Title 190, Part 601).
10. All NRCS Field Office Personnel reviews and inspections will be conducted under the supervision of the CRS. All mitigation measures and evaluations of cultural resources for significance will be performed by the CRS.

11. NRCS Field Office Personnel shall describe each planned undertaking listed in Appendices A-C as having the potential to affect cultural resources on the **Practice Description Form for Cultural Resource Review** (Appendix [H]). The Practice Description Form is submitted to the CRS/Archeologist/Historian for a determination of effect.
12. VT NRCS may, as appropriate, contract needed investigations and surveys for actions beyond the scope of NRCS staff time and available resources, employee qualifications, certifications or responsibility. Any contractor shall meet the qualifications contained in "Archeology and Historic Preservation: Secretary of the Interiors Standards and Guidelines - Professional Qualifications Standards" as set forth in 36 CFR 61.

B. Stockbridge-Munsee Community

1. Pursuant to 36 CFR 800.3(c) (4), the Stockbridge-Munsee Community shall review and comment on adequately documented project submittals (see 36 CFR 800.11) within 30 calendar days of receipt. All submittals to the Stockbridge-Munsee Community shall be by email, or in paper format, or both; and shall be delivered to the Stockbridge-Munsee Community's THPO Office by email, US Mail, delivery service, or by hand.

C. ACHP

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

D. Training

1. NRCS shall require all personnel conducting cultural resources identification and evaluation work to complete, at a minimum, the NRCS Web-based (in USDA AgLearn) and field Cultural Resources Training modules and the ACHP's Section 106 *Essentials* course.
2. VT NRCS shall require CRS/Archaeologist/Historian and/or other NRCS personnel overseeing cultural resource work to take the NRCS Cultural Resources Training Modules (awareness training) and the ACHP's Section 106 *Essentials* course, or a course with similar content, if approved by the NRCS FPO. Training must be completed within the first calendar year after execution of this State-based Prototype Agreement. NRCS personnel shall review and update training completion with their supervisors and include their training in their Individual Development Plans.
3. VT NRCS may invite the Stockbridge-Munsee Community's staff to participate in presentations at agency classroom or field trainings.
4. VT NRCS shall encourage all personnel conducting or overseeing cultural resources work to take additional appropriate specialized training as provided by the Stockbridge-Munsee Community, SHPO, Indian tribes, the ACHP, National Park Service, General Services Agency or other agencies, as feasible.
5. VT NRCS Field Staff new to the state and/or the agency will also be trained on the job

with the CRS as practices are reviewed in the field. The responsible supervisor in each field office shall ensure new employees are provided the opportunity for training when archeology fieldwork is performed in their county.

6. VT NRCS State Office Staff will be updated and informed at principal staff meetings at regular intervals not to exceed one year.

III. Standards of Performance

NRCS shall ensure that the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (Appendix E) and the Vermont Division for Historic Preservation's Guidelines for Conducting Archeology in Vermont (Appendix F) are followed when assessing a conservation practice's effect on historic properties.

IV. Definition of an Undertaking

- A. The NRCS provides conservation assistance through categories of programs or activities that, by definition, are generally considered undertakings under 36CFR 800.16(y).
- B. These undertakings do not have equal potential to affect cultural resources.

V. Review Procedures

The VT NRCS and the Stockbridge-Munsee Community agree to use the classification system established in Appendices A-C to determine the potential of an undertaking being planned under any NRCS program to affect cultural resources. Trained VT NRCS personnel will use the cultural resources procedures contained in Appendix G.

- A. In consultation with the Stockbridge-Munsee Community NRCS has identified those undertakings with little to no potential to affect historic properties and listed those undertakings in Appendix A. Upon the determination by the [CRS/Archaeologist/Historian] that a proposed undertaking is included in Appendix A, the NRCS is not required to consult further with the Stockbridge Munsee Community for that undertaking.
- B. The list of undertakings provided in the Appendix A may be modified through consultation and written agreement between the NRCS State Conservationist and the Stockbridge-Munsee Community without requiring an amendment to this State-based Prototype Agreement. The NRCS State office will maintain the master list and will provide an updated list to all consulting parties with an explanation of the rationale (metadata) for classifying the practices accordingly.
- C. Practices listed under Appendix B are considered undertakings with the potential to affect cultural resources except when nonintrusive or when installation will not exceed the depth and extent of previous cultivation.
- D. Practices listed under Appendix C are considered undertakings with the potential to affect cultural resources.
- E. Undertakings not identified in Appendix A shall require further review as outlined in Stipulation V.E. The NRCS shall consult with the Stockbridge-Munsee Community to define the

undertaking's APE, identify and evaluate historic properties that may be affected by the undertaking, assess potential effects, and identify strategies for resolving adverse effects prior to approving the financial assistance for the undertaking.

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

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

H. If the Stockbridge-Munsee Community, the SHPO, or another consulting party, disagrees with NRCS' findings and/or determination, it shall notify the NRCS within the 30 calendar day time period. The NRCS shall consult with the Stockbridge-Munsee Community, the SHPO, or other consulting party to attempt to resolve the disagreement. If the disagreement cannot be resolved through this consultation, NRCS shall follow the dispute resolution process in Stipulation XXVII below.

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

J. Where a proposed undertaking may adversely affect historic properties, NRCS shall describe proposed measures to minimize or mitigate the adverse effects, and follow the process in 36 CFR Part 800.6, including consultation with other consulting parties and notification to the ACHP, to develop a Memorandum of Agreement to resolve the adverse effects. Should the proposed undertaking have the potential to adversely affect a known National Historic Landmark, the NRCS shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to the NHL in accordance with Section 110(f) of the NHPA and 36 CFR 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. Vermont Exclusions

A. Before implementation of any locally excluded activities, the NRCS State Cultural Resources Specialist will review the foreseeable effects of the activity to ensure that there are no special circumstances that might result in adverse effects to NRHP eligible resources.

B. The NRCS need not identify historic properties, nor consult with the Stockbridge-Munsee Community about effects on historic properties, with respect to the following types of undertaking:

1. Conservation practices planned entirely within long-used farm complexes and livestock production/housing areas where the subsurface has been severely disturbed by initial

barn and outbuilding construction, the installation, improvements and maintenance of infrastructure and access roads, and/or the mechanical removal of manure will be exempted from review. These recurring farm activities destroy the upper soil layers where intact archeological deposits are typically located. This exclusion does not apply to recently built farm complexes (<15 years old) where minimal ground disturbance has occurred, farms located in floodplains where deep buried archeological deposits are expected, or if the remnants of barn foundations or other historic archeological remains are located within or near the farm complex.

2. Tree planting practices where bare-root stock is placed in shovel slits and disturbance is confined within slumped material along an eroded streambank or within plowzone soils that have been disturbed by many years of cultivation.

VII. Lead Federal Agency

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

B. For any undertaking for which the NRCS is not the lead federal agency for Section 106 purposes, including those undertakings for which the NRCS provides technical assistance to other USDA or other federal agencies, the terms of this State-based Prototype Agreement shall not apply to that undertaking. If the lead federal agency agrees, NRCS may follow the approved alternative procedures in place for that agency.

VIII. Treatment of Resources

A. If a site is encountered during normal planning activities, the site boundaries and measures used to avoid the cultural resource will be determined by the CRS in consultation with the Stockbridge-Munsee THPO, NRCS field personnel, landowner(s) and described in the Cultural Resources Trip Report (Appendix I). An appropriate buffer shall be established around the site based on site conditions and the type of practice(s) being installed.

B. All evaluations of cultural resources for eligibility to the National Register of Historic Places (NRHP) will be conducted by the CRS. The methods used to determine eligibility will be based on the NRHP criteria and the Secretary of the Interior's Standards for Archeology.

IX. Post-review Discoveries of Cultural Resources or Historic Properties and Unanticipated Effects to Historic Properties

A. Where construction has not yet begun and a cultural resource is discovered after Section 106 review is complete, the NRCS shall consult to seek avoidance or minimization strategies in consultation with the Stockbridge-Munsee Community THPO and SHPO to resolve adverse effects in accordance with 36 CFR Part 800.6.

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

begun. When such a discovery occurs, the producer who is receiving financial assistance or their contractor shall immediately notify the NRCS State Conservationist's Office, CRS, supervisory NRCS personnel for the area, and the landowner/applicant.

1. NRCS CRS shall inspect the discovery within 24 hours, if weather permits, and in consultation with the local NRCS official (field office supervisor or District or Area Conservationist), the Stockbridge-Munsee Community THPO, the SHPO, concerned Indian tribes, the NRCS State engineering or program supervisor, as appropriate, the landowner/producer (whomever NRCS is assisting), the CRS shall establish a protective buffer zone surrounding the discovery. This action may require inspection by tribal cultural resources experts in addition to the CRS. All NRCS contact with media shall occur only under the direction of the NRCS Public Affairs Officer, as appropriate, and the State Conservationist.
2. Security shall be established to protect the resources/historic properties, workers, and private property. Local law enforcement authorities will be notified in accordance with applicable State law and NRCS policy in order to protect the resources. Construction and/or work may resume outside the buffer only when the State Conservationist determines it is appropriate and safe for the resources and workers.
3. NRCS CRS shall notify the Stockbridge-Munsee Community THPO, SHPO and the ACHP no later than 48 hours after the discovery and describe NRCS' assessment of the National Register eligibility of the property, as feasible and proposed actions to resolve any adverse effects to historic properties. The eligibility determination may require the assessment and advice of the Stockbridge-Munsee Community, concerned Indian tribes, the SHPO, and technical experts (such as historic landscape architects) not employed by NRCS.
4. The Stockbridge-Munsee Community THPO, SHPO, Indian tribes and ACHP shall respond within 48 hours from receipt of the notification with any comments on the discovery and proposed actions.
5. NRCS shall take any comments provided into account and carry out appropriate actions to resolve any adverse effects.
6. NRCS shall provide a report to the Stockbridge-Munsee Community THPO, SHPO, Indian tribes, and the ACHP of the actions when they are completed.

C. When human remains are discovered, NRCS shall also follow all applicable federal, tribal, and state burial laws and ordinances, including the Native American Graves Protection and Repatriation Act, and implementing regulations, when on tribal or federal lands, and related human rights and health statutes, where appropriate. NRCS shall also refer to the ACHP's Policy Statement regarding *Treatment of Burial Sites, Human Remains and Funerary Objects* and the ACHP's Section 106 Archaeology Guidance. NRCS shall also follow USDA and NRCS policy on treatment of human remains and consultation. The provisions of Title 13 V.S.A. Sections 3761 and 3764, (Appendix J) shall be observed in conjunction with the following steps:

1. The Vermont State Police will be contacted by VT NRCS personnel to determine whether the remains are part of an on-going investigation;

2. The Stockbridge-Munsee Community THPO and the Vermont SHPO will be notified of the discovery;
3. If possible the CRS will determine the ethnicity of the remains and their approximate age;
4. If the remains are determined to be of Native American decent, VT NRCS will follow the procedures outlined in Section 3 of the Native American Graves Protection and Repatriation Act (NAGPRA) (Appendix J). This would include the development of a treatment and reburial plan among the Stockbridge-Munsee Community THPO, appropriate Native American tribes, NRCS, SHPO and the landowner;
5. If the remains are not part of an ongoing police investigation and are not of Native American extraction, the VT NRCS will consult with the VT SHPO in the development of an appropriate plan for treating the discovery;
6. VT NRCS field personnel and the contractor will take appropriate measures, such as erecting protective fence or barriers, to protect the remains until the plan for treating the remains is completed;
7. Planning and construction activities at the site can proceed only after NRCS staff, the Stockbridge-Munsee Community THPO, and the SHPO agree that the plan for treating the remains has been properly implemented.

X. Quality Assurance

The Stockbridge-Munsee Community may monitor activities carried out pursuant to this state level agreement, and the Advisory Council on Historic Preservation (ACHP) may be asked to review such activities by either party. The NRCS will fully cooperate with the Stockbridge-Munsee Community and the ACHP in carrying out their monitoring and review responsibilities.

XI. Reporting

A. VT NRCS shall on an annual basis provide the Stockbridge-Munsee Community with documentation on each undertaking planned by May 1 of the following calendar year. The NRCS will provide its proposed APE, identification of historic properties and/or scope of identification efforts, and assessment of effects in a single transmittal to the Stockbridge-Munsee Community provided this documentation meets the substantive standards in 36 CFR Part 800.4-5 and 800.11. The Stockbridge-Munsee Community may request such documentation more frequently. This information shall include:

1. The location and area of potential effect for each proposed practice
2. The results of the archival research
3. The acres covered by the field investigation.
4. The methodological approach used
5. The number and types of resources located,

6. The number of resources avoided
7. The method of avoidance
8. National Register of Historic Places eligibility information and mitigation information.

B. In addition, the person(s) conducting any cultural resources fieldwork shall be identified. Field personnel will use the *Practice Description Form for Cultural Resources Review* (Appendix H) to describe planned undertakings. When the CRS visits projects a *Cultural Resources Trip Report* (Appendix I) will be prepared and submitted to the Stockbridge-Munsee Community. Hard and/or digital copies of compliance documentation for individual practices will be filed at the respective NRCS field office and the Cultural Resources Specialist's office in Vermont.

C. The NRCS shall provide the Stockbridge-Munsee Community with an annual report containing a summary of all of the undertaking-related information described in Stipulation XI.A above. When reporting summary information on sites avoided, the NRCS will list the location and number of practices moved, number of practices changed, number of NRCS withdrawals of assistance and the number of landowner withdrawals. The NRCS will list the number of cultural resources reported, the number of resources impacted, the number of resources found significant, and the number of historic properties suffering adverse effects. Recommendations, if any, for revising and improving the summary documentation will be provided as part of the Annual Report.

D. Every year following the execution of this agreement, commencing December 1, 2015, until it expires or is terminated, the NRCS Vermont State Conservationist shall provide all consulting parties (including those parties who participate in the consultation but do not sign the agreement) and the FPO a summary report detailing work undertaken pursuant to its terms, including a list of undertakings falling under Appendix A as well as undertakings that required further review; a summary of the nature and content of meetings held with Stockbridge-Munsee Community, SHPO/Indian tribes/NHOs; and an assessment of the overall effectiveness of the State-based Prototype Agreement. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in NRCS' efforts to carry out the terms of this agreement.

1. The NRCS FPO shall use the state reports to provide, through the NRCS SPO, an annual report to the ACHP.
2. The State Conservationist shall use the state report to assess the need for annual meetings with the Stockbridge-Munsee Community, SHPO, and Indian tribes each fiscal year.

E. The State Conservationist will participate in an annual review with the NRCS Regional Conservationist regarding the effectiveness of the prototype agreement and submit a written (email) report following this review to the SPO (Deputy Chief for Science and Technology). The NRCS State Conservationist, the Stockbridge-Munsee Community, SHPO, Indian tribes, or NHO may request that the ACHP participate in any annual meeting or agreement review.

XII. Curation Arrangements

The NRCS shall ensure that copies of all records resulting from cultural resources surveys, evaluation studies or data recovery projects are sent to the Stockbridge-Munsee Community THPO. Temporary artifact storage is located at the CRS office in Vermont. Artifacts and other archeological materials remain the property of the respective landowners(s) and shall be offered to the landowner(s) upon completion of the analysis (GM 402 Part 401.35(a)). If requested, NRCS shall reach out to the landowners on behalf of the Stockbridge-Munsee Community THPO to inquire if the landowners are willing to donate the archeological materials to the Tribe. If the landowner does not want the archeological materials then they shall be offered to the respective Native American community based on ancestral homelands and site type. If landowner(s) or tribe(s) does not want the archeological materials then the archeological materials shall be offered to the State of Vermont for curation at the Vermont Archaeology Heritage Center in Barre, VT.

XIII. Access to Cultural Resources Information

The VT SHPO provides the NRCS CRS with copies of or access to the Vermont Archeological Inventory, archeological site files, the Historic Sites and Structures Survey and other archeological or historic records in paper or digital format. The CRS shall use this information to determine potential impacts on recorded cultural resources for all undertakings implemented through programs administered by NRCS. The VT NRCS agrees that all VAI maps and digitized site location data and other sensitive archeological information will be securely maintained at the Cultural Resource Specialist's office, in locked files or map drawers, and that access to specific site location data will be restricted to the Cultural Resources Specialist, Cultural Resources Coordinator or VT NRCS staff designated by the CRS. Under Vermont Law all sensitive archeological information is excluded from the 'Right to Know' law (Appendix F, Section 5.7; Vermont Statutes Annotated, Chapter 5, Section 317). Digitized site location data will not be stored on any computer hard drive that is part of a network or linked to a modem. Access to this information will be restricted and controlled by the CRS. Approximate site location data and archeological sensitivity maps will be provided to VT NRCS field offices upon request and availability. NRCS producers that have archeological sites on their property will have access to all cultural resources data, sensitive or non-sensitive, that is maintained by NRCS.

XIV. Compliance with Applicable State Law and Tribal Law (when on Tribal lands)

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

XV. Public Consultation

A. Section 106 of the National Historic Preservation Act, 36 CFR 800, requires enhanced public participation as early as possible in project planning. Section 800.2 (d) of the regulations requires that the federal agency or its delegate seek and consider the views of the public. A list of some of the individuals, organizations, and groups who may be interested in the proposed undertaking and in potentially affected historic and archeological resources is provided in Appendix F Section 6.0. Other individuals, groups or organization may also express interest in a particular project.

B. In accordance with 800.2 (d) (1), the extent and nature of "public involvement" should reflect the scale and complexity of the project and its effects; the role of the federal government

and likely public interest or controversy. NRCS shall consult with the public during the planning of intensive archeological investigations (Phase III Data Recovery). NRCS will ensure that public consultation is conducted with the appropriate individuals and groups, depending on the size and nature of the undertaking. For individual farm, and similar small practices, this will include, the landowner, any partners involved (such as the Conservation District), and other individuals or groups who express interest in consulting in that undertaking.

XVI. Public Involvement

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

XVII. Dispute Resolution

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

1. Forward all documentation relevant to the dispute, including the State Conservationist's proposed resolution, to the NRCS FPO and Senior Policy Official (SPO Deputy Chief for Science and Technology) and the ACHP. The ACHP shall provide the FPO, SPO, and State Conservationist with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRCS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and any signatory or consulting parties, and provide them with a copy of this written response. NRCS will then proceed according to its final decision.
2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, NRCS may make a final decision on the dispute and proceed. Prior to reaching such a final decision, NRCS shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties, and provide them and the ACHP with a copy of the written response.

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

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

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

FPO, the Stockbridge-Munsee Community, SHPO, and appropriate Indian tribes of the outcome of this process.

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

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

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

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

XIX. Duration of Prototype Agreement

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

XX. Amendment and Termination

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

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

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

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

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

XXI. Signatory Parties

Vicky M Drew

Vicky Drew, State Conservationist, Vermont Natural Resources Conservation Service

8/23/16

Date

Shannon Holsey

Shannon Holsey, Tribal President, Stockbridge-Munsee Community

08/23/16
Date

APPENDIX A

**LIST OF UNDERTAKINGS REQUIRING NO FURTHER SECTION 106
REVIEW IN NRCS VERMONT STATE OFFICE**

Pursuant to Stipulation V.A. above, in consultation with the Stockbridge-Munsee Community the NRCS, through the qualified Cultural Resources Specialist as described in Stipulation II.A.1., has determined that the following undertakings have little or no potential to affect historic properties. The NRCS is not required to consult further with the Stockbridge-Munsee Community under Section 106 for any undertaking that is included in this appendix.

| Appendix A | | | |
|---------------------------|---|---|--|
| Practice Standard# | PRACTICE NAME | EXCLUDED ONLY UNDER THE FOLLOWING CONDITIONS | PRACTICE DESCRIPTION |
| 327 * | Conservation Cover | All conditions | Establishing and maintaining perennial vegetative cover to protect soil and water resources on land retired from agricultural production. |
| 328 * | Conservation Crop Rotation | All conditions | Growing crops in a recurring sequence on the same field. |
| 332 | Contour Buffer Strips | All conditions | Narrow strips of permanent, herbaceous cover established across the slope and alternated down the slope with parallel, wider cropped strips. |
| 340 * | Cover Crop | All conditions | A crop of close growing grasses, legumes, or small grain grown primarily for seasonal protection and soil improvement. |
| 201 * | Edge of Field Water Quality Data Collection | With no ground disturbance | Collecting samples from existing Edge of Field water Quality Systems. |

Appendix A

| Practice Standard# | PRACTICE NAME | EXCLUDED ONLY UNDER THE FOLLOWING CONDITIONS | PRACTICE DESCRIPTION |
|---------------------------|---|--|---|
| 647 * | Early Successional Habitat Development/Management | All conditions | Manage plant succession to develop and maintain early successional habitat to benefit desired wildlife and/or natural communities. Can include timing hay cutting, harvest, and grazing as well as new plantings. |
| 592 | Feed Management | All conditions | Manipulating and controlling the quantity and quality of available nutrients, feedstuffs, or additives fed to livestock and poultry. |
| 512 | Forage and Biomass Planting | All conditions | Establishing and reestablishing long term stands of adapted species of perennial, biennial, or reseeding forage plants. |
| 511 | Forage Harvest Management | All conditions | The timely cutting and removal of forages from the field as hay, green-chop or ensilage. |
| 666 | Forest Stand Improvement | With no stump removal. | Manipulate species of trees by cutting or killing selected trees and understory vegetation. |
| 315 | Herbaceous Weed Control | When using only control methods that do not disturb the soil surface layer | Using mechanical, chemical, burning or biological methods either alone or in combination to remove or control of herbaceous weeds. |
| 595 * | Integrated Pest Management | All conditions | Managing weeds, insects and diseases by hand weeding, spot treatment, biological controls and use of chemicals on cropland to reduce adverse effects on plant growth, production, and natural resources. |
| 430 | Irrigation Water Management | All conditions | The process of determining and controlling the volume, frequency, and application rate of irrigation water. |
| 484 * | Mulching | All conditions | Applying plant residues or other suitable materials not produced on the site to the soil surface. |
| 590 * | Nutrient Management | All conditions | Managing the amount, form, placement, and timing of applications of plant nutrients. |
| 528 | Prescribed Grazing | All conditions | Managing the harvest of vegetation with grazing and/or browsing animals' |

Appendix A

| Practice Standard# | PRACTICE NAME | EXCLUDED ONLY UNDER THE FOLLOWING CONDITIONS | PRACTICE DESCRIPTION |
|---------------------------|--|---|---|
| 329 * | Residue and Tillage Management, No Till | All conditions | Any tillage and planting system in which at least 30 percent of the soil surface is covered by plant residue after planting to reduce soil erosion by water or wind. |
| 345 | Residue and Tillage Management, Reduced Till | All conditions | Managing the amount, orientation and distribution of crop and other plant residue on the soil surface year round while limiting the soil-disturbing activities used to grow and harvest crops in systems where the field surface is tilled prior to planting. |
| 557 | Row Arrangements | All conditions | System of crop rows on planned directions, grades and lengths. |
| 585 * | Stripcropping | All conditions | Growing crops in a systematic arrangement of strips on the contour to reduce water erosion. |
| 660 | Tree/Shrub Pruning | All conditions | The removal of all or parts of selected branches, leaders, or roots from trees and shrubs. |
| 645 | Upland Wildlife Habitat Management | With no new construction or ground disturbance | Creating, maintaining, or enhancing areas for food and cover for upland wildlife. |
| 633 | Waste Recycling | All conditions | The use of the by-products of agricultural production or the agricultural use of non-agricultural by-products. |
| | Well Water Testing | When no new monitoring well will be installed. | Professional testing of well water for nitrates, nitrites, and coliform to confirm that well water meets basic water quality standards for consumption by livestock or use in irrigation. |
| 657* | Wetland Wildlife Habitat Management | With no new construction or ground disturbance | Retaining, creating, or managing wetland habitat for wildlife. |
| 384 | Woody Residue Treatment | With no ground disturbance. | Piling, burning, chipping/masticating, lop and scatter, off-site removal, and crushing to reduce woody debris. |

* Indicates commonly utilized practice in Vermont

APPENDIX B

LIST OF UNDERTAKINGS REQUIRING FURTHER SECTION 106 REVIEW EXCEPT WHEN DETERMINED NON-INTURSIVE IN NRCS VERMONT STATE OFFICE

Some undertakings may or may not affect cultural resources, depending on how they are installed. These practices should be considered to have no potential to disturb cultural resources if the following two conditions apply. First, the installation of the practice will not exceed the depth, extent, or kind of previous cultivation, second, if the land has not been previously cultivated and the installation of the practice will result in no ground disturbance. If these situations apply no further cultural resources considerations are required.

| Appendix B | | | |
|--------------------|-------------------------------|--|---|
| Practice Standard# | PRACTICE NAME | EXCLUDED <u>ONLY</u> UNDER THE FOLLOWING CONDITIONS | PRACTICE DESCRIPTION |
| 472 | Access Control | With no new construction | The temporary or permanent exclusion of animals, people, & vehicles from an area. |
| 371 | Air Filtration and Scrubbing | With no ground disturbance | A device or system for reducing emissions of air contaminants from a structure via interception and/or collection. |
| 672 | Building Envelope Improvement | With all components above ground, if the structure is not more than 50 years old, and if it is not listed in or considered eligible for listing in the National Register of Historic Places. | Modification or retrofit of the building envelope of an existing agricultural structure in order to reduce energy use by regulating heat transfer through improvements such as insulation, shade screens, new windows or doors, and vapor retarders. It may be necessary to move or modify electrical wiring, water pipes, fuel supply pipes, light fixtures, or other infrastructure for installation of the practice. |

Appendix B

| Practice Standard# | PRACTICE NAME | EXCLUDED ONLY UNDER THE FOLLOWING CONDITIONS | PRACTICE DESCRIPTION |
|---------------------------|------------------------------|---|--|
| 314 | Brush Management | With no stump removal | The management or removal of woody (non-herbaceous or succulent) plants including those that are invasive and noxious. |
| 326 | Clearing and Snagging | With no ground disturbance | Removal of vegetation along the bank (clearing) and/or the selective removal of snags, drifts or other obstructions (snagging) from natural or improved channels and streams. |
| 342 * | Critical Area Planting | When installed entirely within existing plowzone soils | Planting vegetation, such as trees, shrubs, vines, grasses, or legumes, on highly erodible or critically eroding areas. |
| 374 | Farmstead Energy Improvement | When retrofitting existing systems with no new construction, no ground disturbance, or no modifications to or removal of farm buildings (e.g. farmhouse, barn, outbuildings) more than 50 years old. | Developing and implementing farmstead improvements including replacing or retrofitting agricultural equipment systems (e.g. gas & electric irrigation pumps) and/or related components or devices to increase energy efficiency. |
| 382 * | Fence | When fence posts are pounded or driven into the ground | A variety of fence types constructed as a barrier to livestock, wildlife, or people. |
| 386 | Field Border | When installed entirely within existing plowzone soils | When installed entirely within existing plowzone soils |
| 393 * | Filter Strip | When installed entirely within existing plowzone soils | When installed entirely within existing plowzone soils |
| 422 | Hedgerow Planting | When installed entirely within existing plowzone soils | Establishing a living fence of shrubs or trees in, across, or around a field. |
| 325 * | High Tunnel System | When posts and anchoring hardware will be pounded or driven into the ground and no land levelling is required to prepare the project area for installation of the high tunnel, and when no irrigation and/or utility lines will be dug to the practice. | A seasonal polyethylene covered structure with no electrical, heating, and/or mechanical ventilation systems that is used to cover crops to extend the growing season. |
| 430 | Irrigation Pipeline | When all components are above ground | An irrigation pipeline and its appurtenances are installed as part of an irrigation system to convey |

Appendix B

| Practice Standard# | PRACTICE NAME | EXCLUDED ONLY UNDER THE FOLLOWING CONDITIONS | PRACTICE DESCRIPTION |
|--------------------|--|--|--|
| | | | water for storage or application and can be installed underground or above ground. |
| 441 * | Irrigation System, Microirrigation | When all components are above ground | A microirrigation system, also known as drip or trickle irrigation, is used for distribution of water directly to the plant root zone by means of surface or subsurface applicators. |
| 670 | Lighting System Improvement | When retrofitting existing systems with no new construction, no ground disturbance, or no modifications to or removal of farm buildings (e.g. farmhouse, barn, outbuildings) more than 50 years old. | Complete replacement of retrofitting of one or more components of an existing agricultural lighting system. |
| 516 * | Livestock Pipeline | When all components are installed above ground | A pipeline installed to convey water for livestock or wildlife, usually to decentralize the location of drinking or water storage facilities. |
| 521A | Pond Sealing or Lining, Flexible Membrane | When contained within footprint of existing pond only | Installation of a liner for a pond or waste impoundment consisting of a functionally continuous layer of synthetic or partially synthetic, flexible material. |
| 521D | Pond Sealing or Lining, Compacted Clay Treatment | When contained within footprint of existing pond only, and if the material used to seal or line the pond will be purchased from a licensed commercial source. | Installation of a liner for a pond or waste storage impoundment constructed using compacted soil without soil amendments. |
| 533 | Pumping Plant | When installed within an existing well less than 50 years of age or if all components are installed above ground | A facility that delivers water at a designed pressure and flow rate to meet a conservation need. Components include the required pump, associated power unit, plumbing, and necessary appurtenances. May include on-site fuel or energy sources and protective structures. |

Appendix B

| Practice Standard# | PRACTICE NAME | EXCLUDED ONLY UNDER THE FOLLOWING CONDITIONS | PRACTICE DESCRIPTION |
|---------------------------|---|---|--|
| 643 | Restoration and Management of Rare and Declining Habitats | When bare root stock will be placed within shovel slits or wider holes dug entirely within the plowzone or with no new plantings. | Restoring, conserving, and managing unique or diminishing native terrestrial and aquatic ecosystems. |
| 391 * | Riparian Forest Buffer | When bare root stock will be placed within shovel slits or wider holes dug entirely within the plowzone or with no new plantings. | Leaving or establishing an area of trees and/or shrubs adjacent to watercourses or water bodies. |
| 654 | Road/Trail/Landing Closure and Treatment | With no ground disturbance | The closure, or decommissioning, or abandonment of roads, trails, and/or landings and associated treatment to achieve conservation objectives. |
| 555 | Rock Barrier | With no ground disturbance | A rock retaining wall constructed across the slope to form and support a bench terrace that will control the flow of water and check erosion on sloping land. |
| 318 | Short Term Storage of Animal Waste and Byproducts | With no ground disturbance | Temporary, non-structural measures used to store solid or semi-solid, organic agricultural waste or manure (stackable livestock and poultry manure, bedding litter, spilled feed, or soil mixed with manure) on a short-term basis between collection and utilization. |
| 381 | Silvopasture Establishment | When bare root stock will be placed within shovel slits or wider holes dug entirely within the plowzone or with no new plantings. | An application establishing a combination of trees or shrubs and compatible forages on the same acreage. |
| 572 | Spoil Spreading | With no new ground disturbance | Disposal of surplus excavated materials |
| 442 | Sprinkler System | When all components are installed above ground | A distribution system that applies water by means of nozzles operated under pressure. |
| 395 | Stream Habitat Improvement and Management | With no new ground disturbance | Maintain, improve or restore physical, chemical and biological functions of a stream, and its associated riparian zone, necessary for meeting the life history requirements of desired aquatic species. |

Appendix B

| Practice Standard# | PRACTICE NAME | EXCLUDED ONLY UNDER THE FOLLOWING CONDITIONS | PRACTICE DESCRIPTION |
|---------------------------|-------------------------------------|---|---|
| 649 | Structures for Wildlife | Without new ground disturbance or if ground disturbance is limited to within existing plowzone soils. | Provide alternative cover when natural cover is not readily available. Includes artificial nest boxes or platforms, artificial cover such as brush piles, rock piles, buried concrete pipe, engineered log jams and natural cover manipulation, such as girdling trees to encourage snag development. |
| 612 * | Tree/Shrub Establishment | When bare root stock will be placed within shovel slits or wider holes dug entirely within the plowzone or with no new plantings. | Planting or seeding woody plants. |
| 490 | Tree/Shrub Site Preparation | With no new ground disturbance | Treatment of areas to improve site conditions for establishing trees and/or shrubs. |
| 635 | Vegetated Treatment Area | With no new ground disturbance | An area of permanent vegetation used for agricultural wastewater treatment. |
| 614 | Watering Facility | When all components are installed above ground | A means of providing drinking water to livestock or wildlife. Proper location of the trough will improve animal distribution and vegetation, sometimes to keep livestock out of streams and other surface water areas where water quality is a concern. |
| 657 * | Wetland Restoration | With no new ground disturbance | A way to return a former or degraded wetland to a condition that is a close approximation of its original condition. |
| 644 | Wetland Wildlife Habitat Management | With no new ground disturbance | Retaining, creating, or managing wetland habitat for wildlife. |
| 380 | Windbreak/Shelterbelt Establishment | When ground disturbance is limited to within existing plowzone soils | Linear plantings of single or multiple rows of trees or shrubs for environmental purposes. |

* Indicates commonly utilized practices in Vermont

APPENDIX C

LIST OF UNDERTAKINGS REQUIRING FURTHER SECTION 106 REVIEW

| Appendix C | | | |
|-------------------|--------------------------------|--|---|
| Practice Standard | PRACTICE NAME | POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY | PRACTICE DESCRIPTION |
| 560 * | Access Road | Potential effect | An access road is an established route for equipment and vehicles, to provide for management of timber, livestock, agriculture, wildlife habitat, and other conservation enterprises. |
| 309 * | Agrichemical Handling Facility | Potential effect | A facility with an impervious surface to provide an environmentally safe area for the handling of on-farm agrichemicals. |
| 366 * | Anaerobic Digester | Potential effect | A facility that provides biological treatment of animal waste in the absence of oxygen. |
| 316 * | Animal Mortality Facility | Potential effect | An on-farm facility for the treatment or disposal of livestock and poultry carcasses for routine and catastrophic mortality events. |
| 396 | Aquatic Organism Passage | Potential effect | The modification or removal of barriers that restrict or impede movement of aquatic organisms. |
| 317 | Composting Facility | Potential effect | A structure or device that uses controlled aerobic decomposition to transform waste organic material into a biologically stable product that can be used as a soil amendment. |
| 656 | Constructed Wetland | Potential effect | An artificial ecosystem consisting of a shallow basin established with hydrophytic vegetation that is constructed to intersect and treat the flow of a waste stream or contaminated runoff. |
| 402 | Dam | Potential effect | An artificial barrier that can impound water for one or more beneficial purposes. |
| 324 | Deep Tillage | Potential effect | Deep tillage to mix recent soil deposits from wind or water or to fracture restrictive soil layers. |

Appendix C

| Practice Standard | PRACTICE NAME | POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY | PRACTICE DESCRIPTION |
|--------------------------|---|---|--|
| 356 | Dike | Potential effect | A barrier that is constructed of earth or manufactured material to protect land against flooding or to regulate water. |
| 362 * | Diversion | Potential effect | An earthen channel installed across a slope with a supporting ridge on the downhill side, to direct excess water in a new direction for use or safe disposal. |
| 432 | Dry Hydrant | Potential effect | A non-pressurized permanent pipe assembly system installed into a water source that permits the withdrawal of water by suction. |
| 202 * | Edge of Field water Quality System | Potential effect | Installation of a structure used to accurately measure pollutant runoff from edge of field. |
| 655 * | Forest Trails and Landings | Potential effect | Involves the creation and/or management of temporary or infrequently used routes, paths, or cleared areas to conduct management activities such as forest stand improvement, pruning, fire suppression, or harvest of forest products. |
| 410 * | Grade Stabilization Structure | Potential effect | Used to control or stabilize the channel grade in natural or artificial channels and to control erosion to prevent the formation or advance of gullies and headcuts. |
| 412 * | Grassed Waterway | Potential effect | A natural or constructed channel that is shaped or graded to required dimensions and established in suitable vegetation for the stable conveyance of runoff. |
| 561 * | Heavy Use Area Protection | Potential effect | Protecting heavily used areas by establishing vegetative cover, by surfacing with suitable material, or by installing needed structures. |
| 436 | Irrigation Reservoir | Potential effect | A water storage structure made by constructing a dam, embankment, pit, or tank. |
| 443 | Irrigation System, Surface and Subsurface | Potential effect | A system that includes all the components necessary for the efficient application of irrigation water by surface or by subsurface means. |

Appendix C

| Practice Standard | PRACTICE NAME | POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY | PRACTICE DESCRIPTION |
|--------------------------|--|---|---|
| 447 | Irrigation System, Tailwater Recovery | Potential effect | An irrigation system in which all facilities used for the collection, storage, and transportation of irrigation tailwater for reuse have been installed to conserve irrigation water supplies and/or improve offsite water quality. |
| 468 * | Lined Waterway or Outlet | Potential effect | A water conveyance structure that has an erosion resistant lining of concrete, stone, synthetic turf reinforcement fabrics, or other permanent material. |
| 482 | Mole Drain | Potential effect | An underground conduit constructed by pulling a bullet-shaped cylinder through the soil. |
| 353 | Monitoring well | Potential effect | A well, or wells, designed and installed to obtain representative groundwater samples and hydrogeologic information. |
| 319 | On-Farm Secondary Containment Facility | Potential effect | A permanent facility designed to provide secondary containment of oil and petroleum products used on-farm. |
| 500 | Obstruction Removal | Potential effect | The disposal of unwanted, unsightly, or hazardous buildings, structures, vegetation, landscape features, trash, and other material. |
| 582 | Open Channel | Potential effect | Construct or improve an open channel (a natural or artificial channel in which water flows with a free surface). |
| 378 | Pond | Potential effect | A water impoundment made by constructing an embankment or excavating a pit or dugout to provide water. |
| 338 | Prescribed Burning | Potential effect | Applying controlled fire to a predetermined area of land. |

Appendix C

| Practice Standard | PRACTICE NAME | POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY | PRACTICE DESCRIPTION |
|--------------------------|---------------------------------------|---|--|
| 533 * | Pumping Plant | Potential effect | A facility that delivers water at a designed pressure and flow rate to meet a conservation need. Components include the required pump, associated power unit, plumbing, and necessary appurtenances. May include on-site fuel or energy sources and protective structures. |
| 558 * | Roof Runoff Structure | Potential effect | Structure made of various components that will collect, control and convey precipitation runoff from a roof when precipitation needs to be diverted away from structures or contaminated areas. |
| 367 * | Roofs and Covers | Potential effect | A roof structure to divert clean water from animal management areas and/or waste storage facilities, or a roof structure or membrane cover placed over a waste management facility. |
| 350 | Sediment Basin | Potential effect | A constructed basin designed to collect and store waterborne debris or sediment. |
| 646 | Shallow Water Management for Wildlife | Potential effect | The inundation of lands to provide habitat for fish and/or wildlife where water can be impounded or regulated by diking, excavating, ditching, and/or flooding. |
| | Soil Test Pit | Potential effect | Mechanical excavation of soils typically dug in advance of waste storage facility practice to determine if soils are suitable for practice installation. |
| 574 * | Spring Development | Potential effect | A way of collecting water from a spring or seep so it can be used for livestock, wildlife, or other agricultural uses. |
| 570 | Stormwater Runoff Control | Potential effect | Provides control of quantity and quality of runoff caused by construction operations at development sites, and by other land-disturbing activities. |

Appendix C

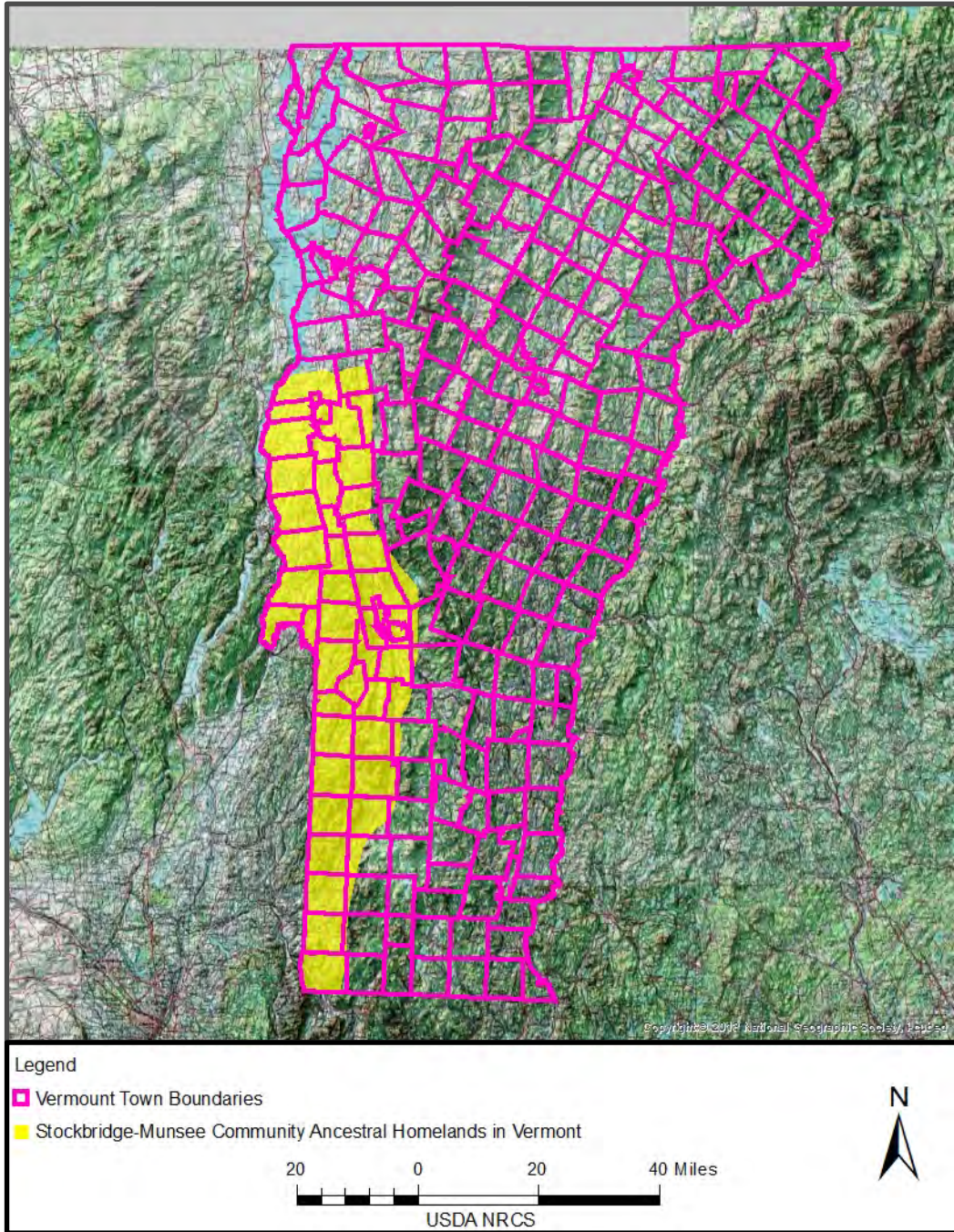
| Practice Standard | PRACTICE NAME | POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY | PRACTICE DESCRIPTION |
|--------------------------|-------------------------------------|---|---|
| 580 | Streambank and Shoreline Protection | Potential effect | Applying vegetative or structural measures to stabilize and protect banks of streams, lakes, estuaries, or excavated channels from scour or erosion. |
| 578 * | Stream Crossing | Potential effect | A stabilized area or a structure constructed across a stream to provide a travel way for people, livestock, equipment, or vehicles. |
| 587 | Structure for Water Control | Potential effect | 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. |
| 606* | Subsurface Drain | Potential effect | A conduit, such as corrugated plastic tubing, tile, or pipe, installed beneath the ground surface to collect and/or convey drainage water. |
| 607 | Surface Drain, Field Ditch | Potential effect | Field ditch installed for surface drainage is a graded ditch for collecting excess surface or subsurface water in a field. |
| 608 | Surface Drain, Main or Lateral | Potential effect | An open drainage ditch constructed to a designed size and grade that receives drainage waters from other drainage structures. |
| 575 * | Trails and Walkways | Potential effect | A trail is a constructed path with a vegetated or earthen surface. A walkway is a constructed path with an artificial surface. A trail/walkway is used to facilitate the movement of animals, people, or off-road vehicles. |
| 620* | Underground Outlet | Potential effect | A conduit installed beneath the surface of the ground to convey runoff to a suitable outlet. |
| 360 * | Waste Facility Closure | Potential effect | The process of removing the long-term accumulation of sludge, floating matter, and wastewater from waste impoundments (animal waste lagoons or storage ponds) in an environmentally safe manner. |

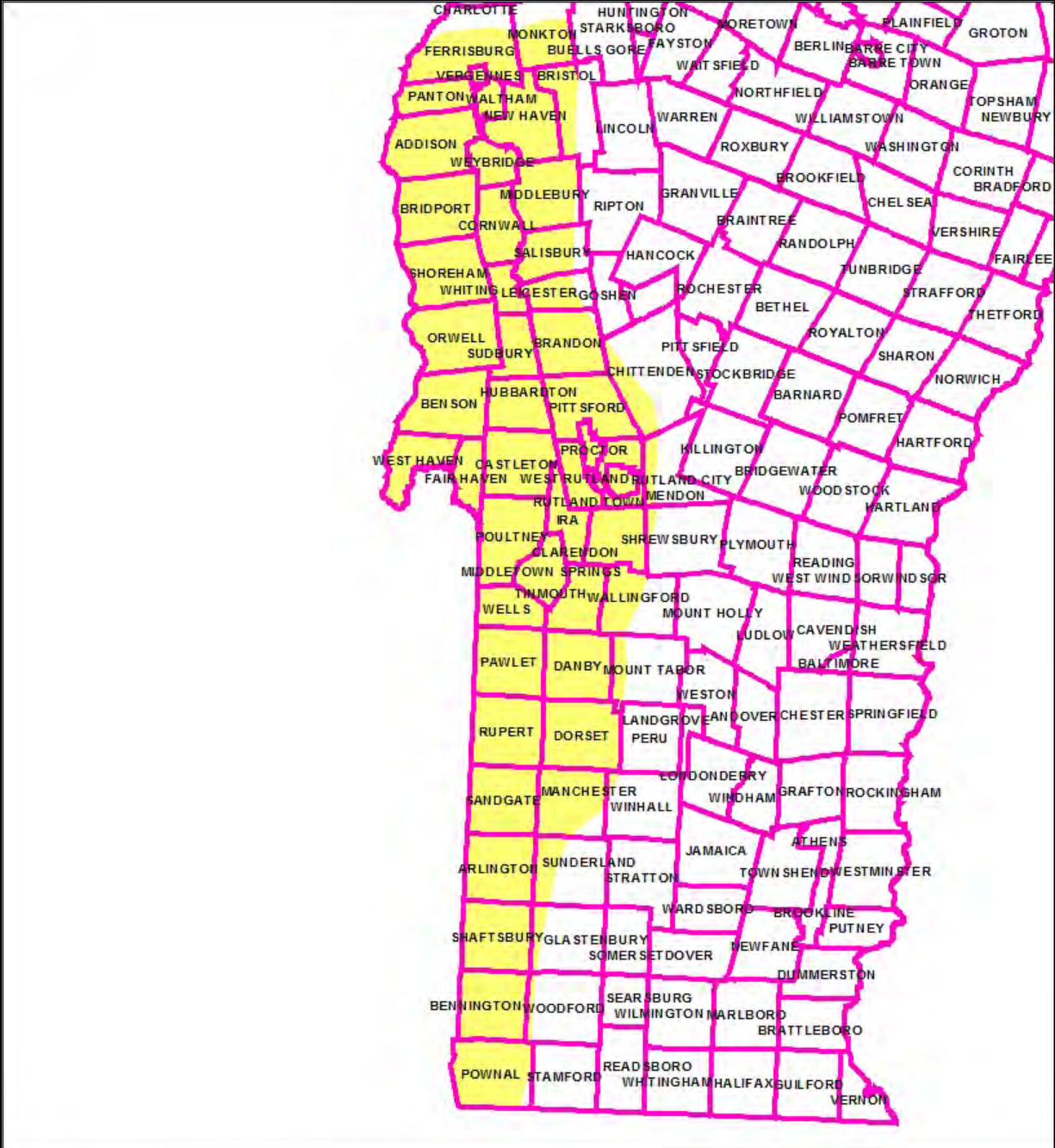
| Appendix C | | | |
|--------------------------|----------------------------------|---|---|
| Practice Standard | PRACTICE NAME | POTENTIAL EFFECT UNLESS THE FOLLOWING CONDITIONS APPLY | PRACTICE DESCRIPTION |
| 632 | Waste Separation Facility | Potential effect | A filtration or screening device, settling tank, settling basin, or settling channel used to separate a portion of solids from a liquid waste stream. |
| 313 * | Waste Storage Facility | Potential effect | An agricultural waste storage impoundment/containment made by constructing an embankment and/or excavating a pit or dugout, or fabricating a structure. |
| 634 * | Waste Transfer | Potential effect | Using existing structures, conduits, or equipment to convey byproducts (wastes) from agricultural operations to points of usage. |
| 629 | Waste Treatment | Potential effect | The mechanical, chemical, or biological treatment of agricultural waste. Includes installation of an aerator into a liquid storage pond or tank; straw cover applied to the liquid surface of a waste storage facility; milkhouse wastewater treatment with dosing system and possibly bark mounds or beds. |
| 638 | Water and Sediment Control Basin | Potential effect | An earth embankment or a combination ridge and channel constructed across the slope of minor watercourses to form a sediment trap and water detention basin with a stable outlet. |
| 642 | Water Well | Potential effect | A hole drilled, dug, driven, bored, jetted, or otherwise constructed into an aquifer to provide access to a groundwater supply. Used to provide water for livestock, wildlife, irrigation, fire control, and other agricultural uses. |
| 658 | Wetland Creation | Potential effect | The establishment of a wetland on a site that was historically non wetland. |
| 659 | Wetland Enhancement | Potential effect | The rehabilitation or reestablishment of a degraded wetland, and/or the modification of an existing wetland to favor specific wetland functions. |

* Indicates commonly utilized practices in Vermont

APPENDIX D.

USGS Topographic Map and Town Boundary Map Showing Approximate Location of Stockbridge-Munsee Community Ancestral Homelands in Vermont





Legend

- Vermont Town Boundaries
- Stockbridge-Munsee Community Ancestral Homelands in Vermont

10 0 10 20 Miles

USDA NRCS

N

APPENDIX E

Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation

This document can be viewed at the web address listed below:

http://www.nps.gov/history/local-law/Arch_Standards.htm

APPENDIX F

Guidelines for Conducting Archeology in Vermont

The 2002 working draft of the Guidelines for Conducting Archeology in Vermont can be located at the website listed below:

http://efotg.nrcs.usda.gov/references/public/VT/guidelines_for_conducting_arch.pdf

* The Vermont Division for Historic Preservation is revising the Guidelines for Conducting Archaeology in Vermont. NRCS will follow these new updated guidelines once they are released to the public at an unspecified date in FY16.

APPENDIX G

STANDARD CULTURAL RESOURCES PROCEDURES FOR VT NRCS PERSONELL

- A. Trained VT NRCS field office personnel will use Appendices [A-C] to determine whether or not a planned undertaking has the potential to affect cultural resources.
- B. Trained VT NRCS field office personnel will then complete the *Practice Description Form for Cultural Resources Review* and submit it to the Cultural Resources Specialist (CRS). The CRS will review the undertaking and determine if a recorded or suspected cultural resource may be effected by the proposed project. If no known or suspected cultural resources are located within or near the Area of Potential Effect (APE) then the project may proceed. If the undertaking is located near a recorded site or archeologically sensitive landform the CRS will conduct a field inspection, which may include a systematic surface survey and/or subsurface testing, to determine if cultural resources are present in the APE.
- C. If no cultural resources are identified then the CRS and VT NRCS field office personnel will document that information and proceed.
- D. If a cultural resource is identified and the undertaking may adversely effect the site then the CRS will notify the District Conservationist (DC) who will:
1. Re-evaluate alternatives to planned action(s) with the landowner, in lieu of conducting further archeological investigation;
 2. Inform the CRS of decision regarding alternatives.
- E. If an alternative, non-sensitive location or non-ground disturbing action can be planned that will not disturb the cultural resource the DC, in consultation with the CRS, documents the alternative action and proceeds with assistance.
- F. If no feasible alternative can be found, the CRS will proceed with additional archeological investigation that will:
1. Determine the boundaries of the cultural resource relative to the planned undertaking to see if redesigning the project will avoid the site;
 2. If avoidance is not possible then obtain sufficient information to evaluate the significance of the cultural resource for potential listing on the National Register of Historic Places (NRHP).
 3. If the cultural resource is considered significant and potentially eligible for listing on the NRHP, the CRS will revisit the concept of project modifications with the DC and landowner in order to avoid the site. If avoidance is impractical then the CRS, in concurrence with the Stockbridge-Munsee Community and the VT SHPO, will develop and conduct a data recovery study of the threatened portions of the cultural resource prior to project construction.
- G. If the VT NRCS Cultural Resources Specialist is not available the Cultural Resources Coordinator (CRC) will arrange for the following:

1. A site visit to obtain additional technical information and/or confirm the VT SHPO's recommendation about the sensitivity or likelihood of the APE having significant cultural resources.
2. The CRC will obtain a cost and time estimate for further investigation. The CRC will discuss the need and feasibility of further investigation with the DC who informs the landowner of NRCS requirements and asks if they are willing to pay for the work.
3. If funding from the VT NRCS or the landowner is available, but the landowner does not wish VT NRCS to proceed according to policy, then VT NRCS will withdraw assistance related to the planned undertaking(s).

H. If the landowner decides to proceed according to policy, then the VT NRCS CRC will coordinate arrangements or contract with State and Federal certified CRS and other staff to conduct field investigations as required by the VT SHPO and the Stockbridge-Munsee Community.

I. If the contracted CRS determines that any cultural resources in the APE may be potentially eligible for inclusion in the National Register of Historic Places then the contracted CRS will conduct a formal evaluation of the site through a testing program in accordance with VT SHPO and the Stockbridge-Munsee Community.

J. The VT SHPO, Stockbridge-Munsee Community, and specialist will analyze the information and determine whether or not further investigations are required. The VT SHPO and Stockbridge-Munsee Community agree to respond to the CRC within 30 working days.

K. If before or after the Phase I testing is conducted, the cultural resource is determined by the VT NRCS to not be of significance for inclusion in the NRHP, and the Stockbridge-Munsee Community and VTSHPO concurs, or if the Stockbridge-Munsee Community and VTSHPO fails to respond within 30 days, then VT NRCS has met its Section 106 obligations and the practice may proceed.

L. If the cultural resource is determined eligible for the NRHP, then the VT NRCS, in consultation with the Stockbridge-Munsee Community and the VT SHPO, shall develop plans to mitigate any adverse effects upon the resource. The preferred option is to redesign the project to avoid any disturbance of the cultural resource(s).

M. In the case that the cultural resource(s) cannot be avoided, a data recovery plan will be developed by VT NRCS in consultation with the Stockbridge-Munsee Community and the VT SHPO. Details and conditions of the data recovery plan will be developed by VT NRCS and signed and agreed to by the VT NRCS, the Stockbridge-Munsee Community, the VTSHPO, and other interested parties as may be necessary.

N. If no further investigations are required, the CRC will notify the VT NRCS field office, provide copies of pertinent correspondence, and the work may proceed.

APPENDIX H

PRACTICE DESCRIPTION FORM FOR CULTURAL RESOURCES REVIEW

PRACTICE DESCRIPTION FORM FOR CULTURAL RESOURCES REVIEW

VT-ECS-1
Page 1

NRCS Contact: Customer: CR Review No:
 County: Town: State:
 Office Assisted: Proposed Construction Date: FY:
 Fund: USGS quad: Request Date:

1. Describe the environmental setting and actual extent of disturbance planned within the area of potential effect (APE)

Gullies in field will be addressed by installing a diversion and a stone lined waterway

Current Land Use:

2. Describe the extent of ground disturbance anticipated for each practice

| Practice Name | Code | Length (ft) | Width (ft) | Depth (ft) | Soil Name | Feet to closest natural drainage | Slope % |
|--------------------------|------|-------------|------------|------------|------------|----------------------------------|---------|
| DIVERSION | 362 | 1400 | 15 | 2 | Farmington | 78 | 3-8% |
| LINED WATERWAY OR OUTLET | 468 | 200 | 10 | 2 | Farmington | 550 | 8% |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

3. Integrity: is some or all of the project area(s) located in fill or severely disturbed soils (excluding plowed soils)?

Yes

If 'Yes' describe the disturbance and how it was determined.

Barn was built immediately east of one of the planned diversions. The other diversion has already be dug once but needs rebuilding

4. List any landowner knowledge of cultural resources on the property.

Document cellar holes, stone foundations, mill dams, arrowheads, pot sherds, etc.

Determination of Effect (CR Specialist only):

No Historic Properties Affected

Site Visit November 3, 2014

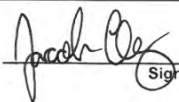
Recorded Site Number(s)

The precontact site VT-AD-1015 is located about 3,000 feet southeast of the project area.

Comments/Required Action:

site visit made - see attached Trip Report

November 12, 2014
Review Date


 Signed

Title: Archeologist

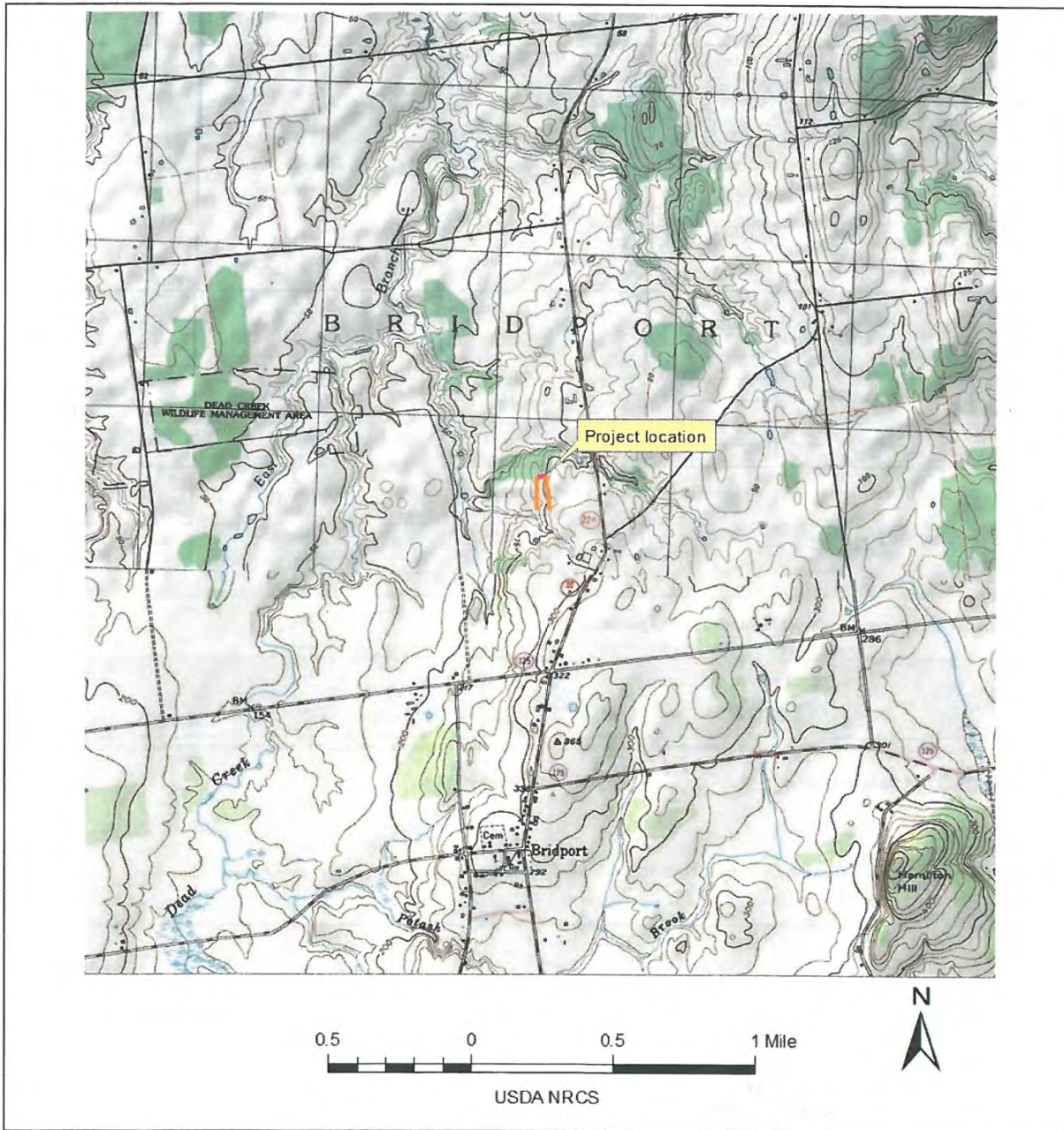
(revised 3/2007)

PRACTICE DESCRIPTION FORM FOR CULTURAL RESOURCES REVIEW

Vt-ECS-1
Page 2

CR File No. vtad2414

Project Located on USGS Quad:

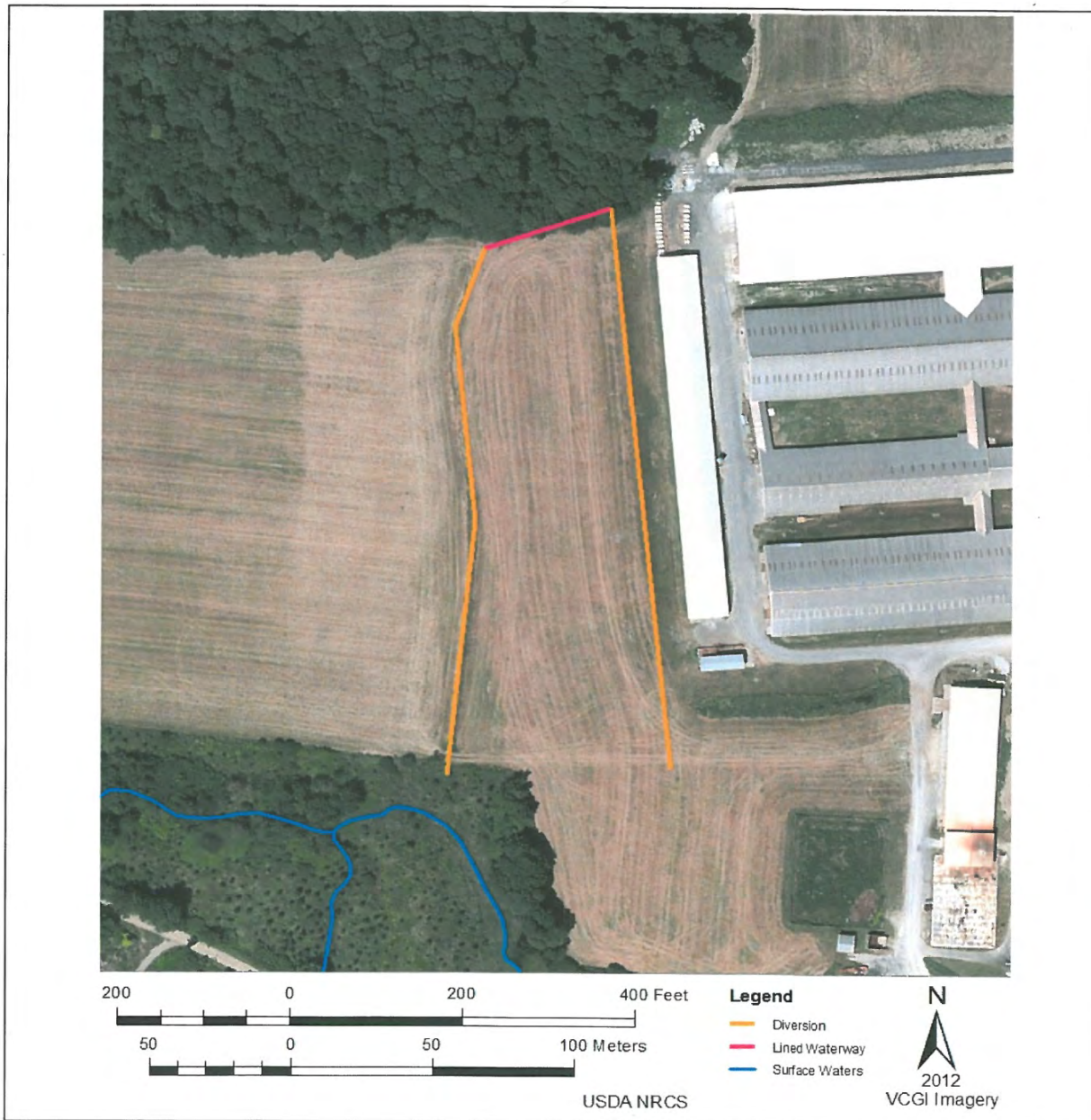


PRACTICE DESCRIPTION FORM FOR CULTURAL RESOURCES REVIEW

VI-ECS-1
Page 3

CR File No. vtad2414

Orthophoto/NAIP Imagery:



APPENDIX I

CULTURAL RESOURCES TRIP REPORT

NRCS CULTURAL RESOURCES TRIP REPORT vt-ecs-1

To: George Tucker Date(s) Visited: 11/3/2014 CR Review Number: vtad2414
Office Assisted: Middlebury FY: 14 Fund: EQIP Customer:
Town: Bridport County: Addison State Vermont USGS Quad: Snake Mountain

| Code | Practice | Length | Width | Depth | Units | Slope% | Soil |
|------|--------------------------|--------|-------|-------|-------|--------|----------------------------|
| 362 | Diversion (2) | 1400 | 15 | 2 | feet | 8-15 | Farmington stony silt loam |
| 468 | Lined Waterway or Outlet | 200 | 12 | 2 | feet | 8-15 | Farmington stony silt loam |

Project Description: Review Type: site visit

On November 3, 2014 George Tucker and I examined the area of potential effect for the proposed diversion and lined waterway practices located along an unnamed tributary of the East Branch of Dead Creek. Such environmental settings along natural drainages were often used by precontact Native Americans as habitation or special use sites. Any disturbance to intact soils within this archeologically sensitive landform has the potential to adversely affect significant cultural resources.

Results:

The lined waterway and easternmost diversion practice are located on moderately steep 8-15% slopes and more than 250 feet from the closest natural drainage with sufficient flow that could have provided areas suitable for precontact Native American habitation or special use sites. The westernmost diversion that is located at the base of the moderately steep 8-15% slope is an existing diversion that will be rebuilt within the footprint of the original diversion. There will be no disturbance to any intact archeologically sensitive soils. No precontact or historic period artifacts or cultural features were identified during the archeological resources assessment of this project. It is unlikely that installation of these practices will adversely affect any significant cultural resources.

As the project is currently designed it does not appear that any important archeological sites or properties listed in or considered eligible for listing in the National Register of Historic Places will be affected by installation of the diversion or lined waterway practices. A finding of "No Historic Properties Affected" was made for the proposed Farm conservation project because there will be no disturbance to any archeologically sensitive soils and because no artifacts or cultural features were identified during the investigation. No further cultural resources review is required at this time for these specific practices. Additional cultural resources review will be required if the location, depth or extent of any practice changes, if access roads, borrow or spoil areas are needed, or if unexpected archeological deposits are exposed during construction.

Determination of Effect: No Historic Properties Affected

Agree-To-Actions:

Additional cultural resources review will be required if there are modifications to the project design that includes changes in the location or extent of earth moving activities, if borrow or spoil areas are needed, or if unexpected archeological resources are exposed during construction.

Recommended Follow up:

None required unless any of the criteria in Agreed-to-Actions above have been met.

Recorded Site(s) The precontact site VT-AD-1015 is located about 3,000 feet southeast of the project area.

Sensitivity Rank: Site(s) Identified: none

NRHP Eligibility: Site Number(s): none

Signed: 

Title: Archeologist

APPENDIX J

13 V.S.A. § 3761. UNAUTHORIZED REMOVAL OF HUMAN REMAINS

A person who, not being authorized by law, intentionally excavates, disinters, removes or carries away a human body, or the remains thereof, interred or entombed in this state, or intentionally excavates, disinters, removes or carries away an object interred or entombed with a human body in this state, or knowingly aids in such excavation, disinterment, removal or carrying away, or is accessory thereto, shall be imprisoned not more than fifteen years or fined not more than \$10,000.00, or both. (Amended 1989, No. 142 (Adj. Sess.), § 1.)

13 V.S.A. § 3764. CEMETERIES AND MONUMENTS-GRAVE MARKERS AND HISTORICAL TABLETS

A person shall not intentionally and without right or authority excavate, steal, remove, injure or destroy, or procure or cause to be excavated, stolen, removed, injured or destroyed, a gravestone or monument erected to the memory of a deceased person, or erected and intended for such use, or a grave, tomb or burial site, or portion thereof, in which the body or remains of a deceased person is interred, or which is intended for the interment of a deceased person, or a monument, tablet or marker erected for the commemoration of some historical event or place by a historical or patriotic association or society on land on which such association or society has a right to erect the same. (Amended 1989, No. 142 (Adj. Sess.), § 2.)

APPENDIX K

**NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT
(NAGPRA)**

This document can be viewed web address listed below:

http://www.nps.gov/history/local-law/FHPL_NAGPRA.pdf

APPENDIX L

SPOT CHECKING OR QUALITY REVIEW OF NRCS CULTURAL RESOURCE COMPLIANCE IN VERMONT

Responsibilities

- A. The Assistant State Conservationist-Operations is responsible for overall quality of work done by NRCS field offices in Vermont. The State Soil Scientist is responsible for the overall quality of work done by Soil Scientists.
- B. Program responsibility for Cultural Resources and conducting spot checks or quality reviews belongs to the State Resource Conservationist.
- C. Cultural Resources spot-checks will be done in consultation with the VT SHPO, according to National policy.
- D. NRCS District Conservationists and Soil Survey Party Leaders are responsible for the quality of work, and cultural resources compliance, in their respective offices.

Activities Spot Checked

All undertakings as defined by NRCS policy (GM 401, part 420) and section 106 of the National Historic Preservation Act, as amended are subject to be spot checked. A minimum of (2) offices will be spot checked annually.

Frequency

Spot checks are to be done annually, based on the fiscal year and will be completed by the end of the calendar year.

Quantity of Undertakings Spot Checked

- A. Conservation plans & revisions: 5% with minimum of 2
- B. Conservation practices applied: 5% with minimum of 2
- C. Other undertakings, projects and other activities not included above: minimum of 1 or 5%, whichever is larger.

If errors or deficiencies are found, additional undertakings in the same category will be checked until reasons for deficiencies, are defined and corrected.

Methods

Cultural Resources spot checking should be combined with other spot checking such as EQIP, AMA, etc. where possible and practical to meet the requirements of each program.

- A. Environmental evaluation (EE) will be checked for consideration of cultural resources.
- B. Practice Description Form for Cultural Resources Review will be checked for accuracy

and completeness of documentation.

C. Field checks will be made of the area of potential effect (APE) to confirm accuracy of information on evaluation worksheet for the following:

1. Type and description of undertaking
2. Description, size and location of APE
3. Confirmation of geomorphologic criteria, soils, slope, water sources, and historic features, etc.
4. Discussion with landowner/operator, where practical and possible, to confirm questions they were asked about possible cultural resources by VT NRCS.

Documentation

The Vermont Spot Check Report will include the following to document cultural resources compliance activities:

- A. Has a **Practice Description Form for Cultural Resources Review** been completed and submitted to the Cultural Resources Specialists? _____ (yes, no, not applicable)
- B. Has the practice been cleared of all cultural resources issues or concerns prior to installation? _____ (yes, no, with conditions)
- C. If a cultural resource(s) was identified have all potential adverse effects been mitigated?

Quality

The spot check will review the environmental and preliminary cultural resource evaluation. If there are deficiencies such as incomplete or inaccurate documentation, error in description or size of APE, etc., then the spot check report is to include:

- A. Details of deficiencies in relation to compliance with National policy and established State procedures.
- B. Recommendations for corrective actions needed for policy and Section 106 compliance.
- C. Suggested training needs for specific persons or staffs to help prevent recurrence of deficiencies.
- D. Deficiencies that result in possible adverse effects to cultural resources will be documented with notification of the Stockbridge-Munsee Community, SHPO and the Advisory Council on Historic Preservation, if needed.
- E. Corrective or necessary mitigation actions will be scheduled as part of the follow-up.
- F. The spot check report will be completed before leaving the NRCS office and will be reviewed by the NRCS office supervisor and spot-check team leader. Items not agreed to

will be documented along with the reasons for not agreeing and proposed actions for correction.

Recognition

High quality work and significant efforts by VT NRCS employees, which is revealed in the spot check will also be documented and appropriately recognized.

APPENDIX M

PROCEDURES FOR EMERGENCY RESPONSE

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

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

B. Non-exigent Situations: The VT NRCS field personnel will report these projects as undertakings in the manner described above in Stipulation 1.

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

APPENDIX N

GLOSSARY OF ACRONYMS USED IN THIS DOCUMENT

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