PROTOTYPE PROGRAMMATIC AGREEMENT
BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE,
NEW MEXICO NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE,
A N D NEW MEXICO STATE HISTORIC PRESERVATION OFFICER,
REGARDING CONSERVATION ASSISTANCE

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

WHEREAS, NRCS, through its conservation assistance programs and initiatives, provides assistance for activities with the potential to affect historic properties eligible for or listed in the National Register of Historic Places (NRHP), including National Historic Landmarks (NHLs) and therefore constitute undertakings subject to review under Section 106 of the National Historic Preservation Act (NHPA) as amended, 54 U.S.C. 306108 (formerly codified as 16 U.S.C. §470), 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, 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 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 54 U.S.C. 306108 of the NHPA, without prior agreement and execution of a State-based Prototype Agreement with the concerned Indian tribe; and

WHEREAS, the NRCS New Mexico State Office has consulted with the New Mexico State Historic Preservation Officer (SHPO) and has invited them to enter into this State-based Prototype Agreement as a signatory party; and

WHEREAS, the NRCS New Mexico State Office has provided draft copies of this State-based Prototype Agreement to the Pueblo of Acoma, Pueblo of Cochiti, Pueblo of Isleta, Pueblo of Jemez, Pueblo of Laguna, Pueblo of Nambe, Ohkay Owingeh, Pueblo of Picuris, Pueblo of Pojoaque, Pueblo of San Felipe, Pueblo of San Ildefonso, Pueblo of Sandia, Pueblo of Santa Ana, Pueblo of Santa Clara, Pueblo of Santo Domingo, Pueblo of Taos, Pueblo of Tesuque, Pueblo of Zia, Pueblo of Zuni, Ysleta del Sur Pueblo, Jicarilla Apache Nation, Mescalero Apache Tribe, Navajo Nation, the Apache Tribe of Oklahoma, Commanche Nation of Oklahoma, Hopi, Kiowa Tribe of Oklahoma, Pawnee Nation of Oklahoma, San Carlos Apache Tribe, Southern Ute Tribe, White Mountain Apache Tribe, Wichita and Affiliated Tribes, Ysleta del Sur Pueblo, Ute Mountain Ute Tribe, New Mexico State Land Office (NMSLO), and the New Mexico Archaeological Council (NMAC). NRCS New Mexico invited these Tribes and organizations to comment and participate in the development of this State-based Prototype Agreement, following the instructions in the ACHP letter that accompanied the Prototype Agreement, dated November 21, 2014; and

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

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

NOW, THEREFORE, the NRCS New Mexico State Office and the New Mexico State Historic Preservation Officer agree that undertakings in the state of New Mexico 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 New Mexico SHPO, this State-based Prototype Agreement sets forth the review process for all NRCS undertakings on private lands, State Trust Lands, and Federal lands, where NRCS has been determined to be the lead Federal agency for purposes of Section 106 in the State of New Mexico.

b. Execution of this State-based Prototype Agreement 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 New Mexico NRCS state office.

II. Roles and Professional Qualifications.

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

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

c. The New Mexico State Conservationist is responsible for consultation with the New Mexico SHPO, as well as the 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.

d. The NRCS New Mexico CRS(s) shall provide technical historic property and resource information to the State Conservationist for use in Section 106 findings and determinations, after appropriate consultations with the SHPO, Indian tribes, and discussions with the landowner. The CRS shall monitor and oversee the work and reporting of all NRCS field office personnel and professional service consultants. The CRS shall also assist the State Conservationist in determining whether an undertaking has the potential to affect historic properties, triggering Section 106 review, pursuant to 36 CFR Part 800.3(a).

e. NRCS field office personnel involved in implementing this State-based Prototype Agreement, after completion of NRCS' Cultural Resources Training Series Modules 1 through 8,training requirements (defined in Section II.a, b, and c), shall work with the New Mexico NRCS CRS(s), 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) in the following situations:

1. NRCS field office personnel following Appendix A, may determine the potential of planned practices (undertakings) to affect historic properties.

2. NRCS field office personnel may request NMCRIS literature searches for proposed undertakings, pursuant to the NRCS-ARMS data sharing agreement.

3. NRCS field office personnel may independently survey project areas on private lands up to 50 acres in size, provided no known archeological resources occur within the project area or within 500 feet of the project area and the project is within an area of low cultural sensitivity, as indicated in NMCRIS.

    i. NRCS field office personnel may document and record isolated occurrences.

    ii. NRCS field office personnel may document and record the following isolated historic structures including: short segments of irrigation ditches (excluding diversions and dams), on-farm field ditches, windmills, watering facilities, corrals, and earthen tanks following the standard documentation guidelines in Appendices B and C. Additional property types must be approved by the NRCS CRS and SHPO.

4. NRCS field office personnel may complete draft NMCRIS Inventory Abstract Forms (NIAF) and draft HCPI forms for review and approval by NRCS CRS.

5. When archeological sites, historic structures, or districts (e.g. ranching complexes and homesteads) not included above in Stipulation II.e.3.ii are identified during inventories directed by NRCS field office personnel, or when the undertaking will have an adverse effect, the NRCS CRS must be notified of the finding. The NRCS CRS or qualified professional will record these resources.

f. The CRS in New Mexico 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 trained partners to assist with cultural resources compliance studies. NRCS shall ensure these contractors and consultants meet the Secretary of Interior's Professional Qualifications Standards. For NRCS undertakings carried out on state land, individuals shall also meet the New Mexico professional qualifications standards in Title 4, Chapter 10, Part 8 for surveys and Part 11 of the New Mexico Administrative Code (NMAC) for unmarked human burial excavations on state or private land.

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

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

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

III. Training.

a. New Mexico NRCS shall require field office personnel conducting cultural resources identification work to complete at a minimum, the NRCS Cultural Resources Training modules 1-8 and at least 20 hours of field investigations under the direct supervision of a NRCS CRS or qualified archeologist.

b. NRCS shall require CRS and/or other NRCS personnel overseeing cultural resource work to take the NRCS Cultural Resources Training Modules (awarneness 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 or within the first year of employment for new NRCS New Mexico CRS personnel. NRCS personnel shall review and update training completion with their supervisors and include their training in their Individual Development Plans.

c. New Mexico NRCS field office personnel conducting cultural resources identification activies shall supplement training by completion of a Cultural Resources Refresher Training every five (5) years as part of the NRCS Planner Recertification process. The refresher training shall consist of completing the USDA AgLearn modules 1-6 and 8 hours of in-field training with an NRCS CRS or qualified archeologist.

d. NRCS personnel who have completed cultural resources training in another state will be required to complete the field-based cultural resources training in New Mexico (cultural resource training modules 7 and 8) prior to conducting any cultural resource survey and identification work in New Mexico; online training (USDA AgLearn modules 1-6) are

applicable at the national level.

e. New Mexico NRCS may invite the New Mexico SHPO, Native American Tribal staff, and Tribal Historic Preservation Officers (THPO) to participate in cultural resources training presentations at agency classroom settings or field trainings.

f. New Mexico NRCS shall encourage all personnel conducting or overseeing cultural resources work to take additional appropriate specialized training as provided by the New Mexico SHPO, Indian tribes, the ACHP, National Park Service, General Services Agency, the Archaeological Society of New Mexico or other agencies and organizations, as feasible.

IV. Lead Federal agency.

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

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

V. Review Procedures.

a. In consultation with the New Mexico SHPO, NRCS shall identify those undertakings with little to no potential to affect historic properties and list those undertakings in Appendix A. Upon the determination by NRCS personnel that a proposed undertaking is included in Appendix A and listed as "exempt" in all conditions or exempt under limited conditions, the NRCS is not required to consult further with the New Mexico SHPO for that undertaking. Practices in Appendix A not meeting the limited conditions for exemption or listed as "Subject to Standard Consultation Protocols for all conditions," require consultation with the New Mexico SHPO.

b. The list of undertakings provided in Appendix A may be modified through consultation and written agreement between the NRCS State Conservationist and the New Mexico SHPO without requiring an amendment to this State-based Prototype Agreement. The NRCS State Office will maintain the master list and will provide an updated list to all consulting parties with an explanation of the rationale (metadata) for classifying the practices accordingly when updates are necessary.

c. Undertakings not identified in Appendix A shall require further review as outlined in Stipulation V.c.1 through V.c.9 below. For these undertakings, the NRCS shall consult with the New Mexico SHPO to define the undertaking's APE, identify and evaluate historic properties that may be affected by the undertaking, assess potential effects, and

identify strategies for resolving adverse effects prior to installation of the practice or implementation of the action.

1. The New Mexico NRCS may provide its proposed APE, identification of historic properties and/or scope of identification efforts and assessment of effects in a single transmittal to the New Mexico SHPO, provided this documentation meets the substantive standards in 36 CFR Part 800.4-5 and 800.11 and is consistent with the following:

   i. The New Mexico NRCS will ensure that cultural resource investigations are registered in NMCRIS and that all identified sites, buildings, structures, objects and districts are documented online using the appropriate NMCRIS forms, including but not limited to the NIAF, the Laboratory of Anthropology (LA) site record, the appropriate Historic Cultural Property Inventory Form (HCPI), and other specialized statewide forms. NRCS shall digitize cultural resource survey boundaries and the boundaries for cultural resources documented on LA site records or HCPI forms in the GIS layer in NMCRIS.

      a) New Mexico NRCS field office personnel may complete draft NIAF and draft HCPI forms under restrictions detailed in Section II(e) and subject to review and approval by the NRCS CRS.

      b) New Mexico NRCS CRS personnel shall review draft forms completed by NRCS field office personnel and/or complete a NIAF and associated NMCRIS forms (e.g., LA and HCPI forms) for all positive and negative cultural resource surveys. A cultural resources report may be necessary when the NIAF and NMCRIS forms do not provide enough information to assess project effects or evaluate the eligibility of the identified cultural resources.

      c) Cultural resource contractors shall prepare a cultural resource report for all positive cultural resource surveys in addition to the NIAF and NMCRIS forms. The content and length of the report shall be appropriate to the complexity and scale of the project and findings. In situations where common historic cultural properties are recorded (e.g., windmills, single user field irrigation ditches) the cultural resource contractor may, at the discretion of the NRCS CRS, prepare only NIAF and HCPI documentation.

      d) New Mexico NRCS and New Mexico SHPO shall complete the NRHP eligibility blocks in NMCRIS.

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

3. When the New Mexico NRCS CRS or qualified professional consultants conduct cultural resources identification and evaluation and no cultural resources are present or all cultural resources within the project area are avoided , NRCS will consider the effect of the proposed undertaking to result in a “no historic properties affected” determination. Information regarding the project and survey shall be provided to the

New Mexico SHPO and the NRCS may authorize the undertaking prior to SHPO review. Reports and associated forms and records may be submitted monthly to the New Mexico SHPO.

4. When the New Mexico NRCS uses NRCS Field office personnel to conduct cultural surveys and New Mexico NRCS proposes a finding of "no historic properties affected" or "no adverse effect" to historic properties, the New Mexico SHPO shall have 30 calendar days from receipt of the documented description and information to review and provide comments. New Mexico SHPO shall provide concurrence or comment through mailed letters, written comments on the New Mexico NRCS consultation letter, or signature on the New Mexico NRCS consultation letter. If the New Mexico SHPO does not respond within 30 days, the NRCS shall make a good faith effort to contact SHPO before closing the consultation period and proceeding with implementation of the proposed undertaking. The New Mexico NRCS shall take into account all timely comments.

5. If 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 SHPO or other consulting party to attempt to resolve the disagreement. If the disagreement cannot be resolved through this consultation, NRCS shall follow the dispute resolution process in Stipulation VIII below.

6. If the SHPO 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 SHPO concurs with the NRCS' determination and proposed actions to avoid adverse effects, the NRCS shall document the concurrence/lack of response within the review time noted above, and may move forward with the undertaking.

7. Where a proposed undertaking may adversely effect NRHP eligible Irrigation Structures or Farm and Ranch Structures and there are no other consulting parties, the New Mexico NRCS may follow follow the procedures in Appendices B and C in leiu of the standard resolution of adverse effects described in 36 CFR Part 800.6.

8. Where a proposed undertaking may adversely affect historic properties other than Irrigation Structures or Farm and Ranch Structures as outlined in Appendices B and C, 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.

9. Where the proposed undertaking has the potential to adversely affect a 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 the National Park Service, NHL Program Manager of the Intermountain Regional Office in addition to the SHPO and other consulting parties, to develop a Memorandum of Agreement.

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

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

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

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

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

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

b. The NRCS shall ensure that every contract for assistance includes provisions for halting work/construction in the area when potential historic properties are discovered or unanticipated effects to historic properties are found after implementation, installation, or construction has begun. When such a discovery occurs, the producer or entity who is receiving financial assistance, or their contractor, shall cease work and immediately notify the NRCS State Conservationist's Office, CRS, supervisory NRCS personnel for the area, and the landowner/applicant.

1. NRCS CRS personnel shall inspect the discovery within 48 hours, if weather permits, and in consultation with the local NRCS official (field office supervisor or District or Area Conservationist), concerned Indian tribes, the SHPO, the NRCS State engineering or program supervisor, as appropriate, the landowner/producer (whomever NRCS is assisting), the CRS shall establish a protective buffer zone surrounding the discovery. This action may require inspection by tribal cultural resources experts in addition to the NRCS CRS.

2. All NRCS contact with media shall occur only under the direction of the NRCS Public Affairs Officer, as appropriate, and the State Conservationist.

3. Security shall be established to protect the resources/historic properties, workers, and private property. Local law enforcement authorities will be notified in accordance with applicable State law and NRCS policy in order to protect the resources.

Construction and/or work may resume outside the buffer only when the State Conservationist determines it is appropriate and safe for the resources and workers.

4. The NRCS CRS shall notify the SHPO and the ACHP no later than 48 hours after the discovery and describe NRCS' assessment of the National Register eligibility of the property, as feasible, and proposed actions to resolve any adverse effects to historic properties. The eligibility determination may require the assessment and advice of concerned Indian tribes, the SHPO, and technical experts (such as historic landscape architects) not employed by NRCS.

5. The SHPO and ACHP shall respond within 48 hours from receipt of the notification with any comments on the discovery and proposed actions.

6. NRCS shall take any comments provided into account and carry out appropriate actions to resolve any adverse effects.

7. NRCS shall provide a report to the SHPO and the ACHP of the actions when they are completed.

c. When human remains are discovered, the NRCS shall follow all applicable federal, tribal, and state burial laws and ordinances, including the Native American Graves Protection and Repatriation Act, and implementing regulations, when on tribal or federal lands, NMSA 1978 § 18-6-11.2 of the Cultural Properties Act and rule 4.10.11 NMAC, when on state or private land, and related human rights and health statutes, where appropriate. NRCS shall also refer to the ACHP's Policy Statement regarding *Treatment of Burial Sites, Human Remains and Funerary Objects* and the ACHP's Section 106 Archaeology Guidance. NRCS shall also follow USDA and NRCS policy on treatment of human remains and consultation (GM 420 Part 401.33).

VIII. Dispute resolution.

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

1. Forward all documentation relevant to the dispute, including the State Conservationist's proposed resolution, to the NRCS FPO and Senior Policy Official (SPO Deputy Chief for Science and Technology) and the ACHP. The ACHP shall provide the FPO, SPO, and State Conservationist with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRCS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and any signatory or consulting parties, and provide them with a copy of this written response. NRCS will then proceed according to 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 New Mexico Office responsibility to carry out all other actions subject to the terms of this agreement that are not the subject of the dispute remains unchanged.

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

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

IX. Public Involvement.

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

X. Annual reporting and monitoring.

a. Every year following the execution of this agreement, commencing December 1, 2018, until it expires or is terminated, the NRCS New Mexico 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 SHPO; and an assessment of the overall effectiveness of the State-based Prototype Agreement. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in NRCS' efforts to carry out the terms of this agreement.

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

2. The State Conservationist shall use the state report to assess the need for annual meetings with the SHPO each fiscal year, taking into consideration, comments provided by the New Mexico SHPO on the effectiveness of the State-based Prototype Agreement and any problems encountered or if the New Mexico SHPO requests a meeting.

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

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

XI. Compliance with applicable State law and Tribal law (when on Tribal lands).

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

XII. Duration of Prototype Agreement.

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

XIII. Amendment and termination.

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

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

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

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.

XIV. List of Appendices Attached. The following appendices are attached and incoporated into the Agreement.

a) Appendix A: New Mexico NRCS Activities and Practices and Potential to Affect Historic Properties

b) Appendix B: Standard Documentation and Treatments for Projects Involving Historic Ditches and Acequias

c) Appendix C: Standard Documentation and Treatment Protocol for a Special Class of Properties: Farming, Ranching and Homesteading Features

d) Appendix D: Procedure for Emergency Response

e) Appendix E: Glossary of Acroynms Used in this Document

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

Signatory Parties

J. Xavier Montoya Digitally signed by J. Xavier Montoya
Date: 2018.09.06 07:33:31 -04'00'

State Conservationist, Date
New Mexico Natural Resources Conservation Service

9/5/18

New Mexico State Historic Preservation Officer Date

APPENDIX A
New Mexico NRCS Activities and Practices and Potential to Affect Historic Properties

Pursuant to Stipulation V.a. above, in consultation with the New Mexico SHPO, the New Mexico NRCS, through the qualified Cultural Resource Specialist as described in Stipulation II.b., has determined the following practices (undertakings) potential to affect cultural resources. For practices that do not have the potential to affect cultural resources ("exempt") and meet all the required conditions, the New Mexico NRCS is not required to consult further with the New Mexico SHPO under Section 106. Practices determined to be subject to standard consultation protocols shall require further review as outlined in Stipulation V.c of this agreement. Any practices not included on this list, not meeting the required conditions, or listed as "Subject to Standard Consulation Protocol for all conditions," shall require further review as outlined in Stipulation V.c of this agreement.

Code	Practice	Practice Description	Potential to affect Cultural Resources
n/a	Geotechnical testing	Subsurface testing to determine variations in soil type, structure, and depth.	Exempt when limited to auger testing of sediment fill and earthen fill structures. *Use of heavy machinery (i.e., backhoes, tractors, excavators, etc.) to excavate soil pits is subject to Standard Consultation Protocol.*
n/a	Soil Survey/NRI	Subsurface testing to determine variations in soil type, structure, and depth.	Exempt when limited to hand-excavated small shovel tests (less than 0.5 cubic meter), auger holes, or soil probes where the cumulative disturbance is less than 1 cubic meter per 1 hectare outside of known cultural resources. *Use of heavy machinery (i.e., backhoes, tractors, excavators, etc.) to excavate soil pits is subject to Standard Consultation Protocol.*
n/a	Technical Assistance	Providing technical assistance to producers without any financial assistance or control over implementation and approval (decision making)	Exempt- all conditions (See National Instruction 190-314).
310	Bedding	Plowing, blading, or otherwise elevating the surface of flat land into a series of broad, low ridges separated by shallow, parallel channels with positive drainage.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.

311	Alley Cropping	Trees or shrubs planted in a set or series of single or multiple rows with agronomic, horticultural crops or forages cultivated in the alleys between the rows of woody plants.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
313	Waste Storage Facility	A waste storage impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure.	*Subject to Standard Consultation Protocol for all conditions.*
314	Brush Management	The management or removal of woody (non-herbaceous or succulent) plants including those that are invasive and noxious.	Exempt when occurring on previously tilled ground and depth of previous disturbance is not exceeded, or when the practice involves the application of chemical or biological agents. *Use of mechanical methods is subject to Standard Consultation Protocol.*
315	Herbaceous Weed Control	Using mechanical, chemical, burning or biological methods either alone or in combination to remove or control of herbaceous weeds.	Exempt when occurring on historically tilled ground and depth of previous disturbance is not exceeded, or when the practice involves the application of chemical or biological agents.
316	Animal Mortality Facility	An on-farm facility for the treatment or disposal of livestock and poultry carcasses for routine and catastrophic mortality events.	*Subject to Standard Consultation Protocol for all conditions.*
317	Composting Facility	A structure or device to contain and facilitate the controlled aerobic decomposition of manure or other organic material by micro-organisms into a biologically stable organic material that is suitable for use as a soil amendment.	*Subject to Standard Consultation Protocol for all conditions.*
320	Irrigation Canal or Lateral	A permanent channel constructed to convey irrigation water from the source of supply to one or more irrigated areas.	*Subject to Standard Consultation Protocol for all conditions.*
324	Deep Tillage	Performing tillage operations below normal tillage depth to modify adverse physical or chemical properties of a soil. .	Exempt when applied within areas that have been previously deep tilled and depth of previous disturbance is not exceeded.

325	High Tunnel System	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.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
326	Clearing and Snagging	Removal of vegetation along the bank (clearing) and/or selective removal of snags, drifts, or other obstructions (snagging) from natural or improved channels and streams.	Exempt when occurring within existing streambanks, when conducted on foot and by hand, with no ground disturbance. *Use of mechanical methods is subject to Standard Consultation Protocol.*
327	Conservation Cover	Establishing and maintaining perennial vegetative cover to protect soil and water resources on land retired from agricultural production.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
328	Conservation Crop Rotation	Growing crops in a recurring sequence on the same field to control erosion, improve soil organic matter, balance nutrients, improve water use efficiency, manage saline seeps, manage pests and/or provide food and cover for wildlife.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
329	Residue and Tillage Management, No-Till/Strip Till/Direct Seed	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.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
338	Prescribed Burning	Controlled fire applied to a predetermined area.	*Subject to Standard Consultation Protocol for all conditions.*
340	Cover Crop	A crop of growing grasses, forbs, legumes, or small grain grown primarily for seasonal protection and soil improvement.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
342	Critical Area Planting	Planting vegetation, such as trees, shrubs, vines, grasses, or legumes, on highly erodible or critically eroding areas.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
344	Residue Management, Seasonal	Managing the amount, orientation, and distribution of crop and other plant residues on the soil surface during a specified period of the year, while planting annual crops on a clean-tilled seedbed, or when growing biennial or	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.

		perennial seed crops.	
345	Residue and Tillage Management, Mulch Till	Managing the amount, orientation, and distribution of crop and other plant residue on the soil surface through mulching.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
346	Residue and Tillage Management, Ridge Till	Managing the amount, orientation, and distribution of crop and other plant residues on the soil surface year-round, while growing crops on pre-formed ridges alternated with furrows protected by crop residue.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
348	Dam, Diversion	A structure built to divert all or part of the water from a waterway or a stream.	*Subject to Standard Consultation Protocol for all conditions.*
350	Sediment Basin	A basin constructed with an engineered outlet, formed by an embankment or excavation or a combination of the two.	*Subject to Standard Consultation Protocol for all conditions.*
351	Water Well Decommissioning	The sealing and permanent closure of a water well no longer in use.	Exempt when implemented on mechanically drilled wells.
353	Monitoring Well	A well designed and installed to obtain representative groundwater quality samples and hydrogeologic information.	*Subject to Standard Consultation Protocol for all conditions.*
355	Well Water Testing	Testing for physical, biological and chemical characteristics of well water.	Exempt- all conditions
356	Dike	A barrier constructed of earth or manufactured materials.	*Subject to Standard Consultation Protocol for all conditions.*
359	Waste Treatment Lagoon	A waste treatment impoundment made by constructing an embankment and/or excavating a pit or dugout.	*Subject to Standard Consultation Protocol for all conditions.*
360	Waste Facility Closure	Closure of treatment lagoons and waste storage ponds that are no longer used for their intended purposes. Removing waste by transferring to land by pumping with irrigation equipment or manure spreaders; or dredging, stockpiling, draining, and spreading.	Exempt when structure (lagoon, ponds, etc.) is less than 50 years in age.
362	Diversion	A channel generally constructed across the slope with a supporting ridge on the lower side.	*Subject to Standard Consultation Protocol for all conditions.*

366	Anaerobic Digestor	A component of a waste management system that provides biological treatment in the absence of oxygen.	*Subject to Standard Consultation Protocol for all conditions.*
367	Roofs and Covers (over waste management facilities)	A rigid, semi-rigid, or flexible manufactured membrane, composite material, or roof structure placed over a waste management facility.	Exempt when facility (lagoon, ponds, etc.) is less than 50 years in age.
370	Atmospheric Resource Quality Management	A combination of treatments to manage resources that maintain or improve atmospheric quality.	Exempt when applied with no ground disturbance; or within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded; or when applied to structures less than 50 years in age.
371	Air Filtration and Scrubbing	A device or system for reducing emissions of air contaminants from a structure via interception and/or collection.	Exempt- all conditions.
372	Combustion System Improvement	Installing, replacing, or retrofitting agricultural combustion systems and/or related components or devices for air quality and energy efficiency improvement.	Exempt- all conditions.
373	Dust Control on Unpaved Roads and Surfaces	Controlling direct particulate matter emissions produced by vehicle and machinery traffic or wind action from unpaved roads and other surfaces by applying a palliative on the surface.	Exempt- all conditions.
374	Farmstead Energy Improvement	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.	Exempt- all conditions.
375	Dust Control from Animal Activity on Open Lot Surfaces	Reducing or preventing the emissions of particulate matter arising from animal activity on open lot surfaces at animal feeding operations through the frequent removal of manure and the application of water.	Exempt- all conditions.

378	Pond	A water impoundment made by constructing an embankment or by excavating a pit or dugout. In this standard, ponds constructed by the first method are referred to as embankment ponds, and those constructed by the second method are referred to as excavated ponds. Ponds constructed by both the excavation and the embankment methods are classified as embankment ponds if the depth of water impounded against the embankment at the auxiliary spillway elevation is 3 feet or more.	*Subject to Standard Consultation Protocol for all conditions.*
380	Windbreak/Shelterbelt Establishment	Linear plantings of single or multiple rows of trees or shrubs for environmental purposes.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
381	Silvopasture Establishment	An application establishing a combination of trees or shrubs and compatible forages on the same acreage.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
382	Fence	A variety of fence types constructed as a barrier to livestock, wildlife, or people.	Exempt when implemented within areas of existing or previously tilled cropland, when installed by hand, when it is temporary, or when installed without use of heavy equipment to clear vegetation and obstructions and won't cause livestock to congregate.
383	Fuel Break	A strip of land on which the vegetation, debris and detritus have been reduced and/or modified to control or diminish the risk of fire crossing the strip or block of land.	Exempt when implemented on foot, by hand, and with no ground disturbance or burning. *Use of mechanical methods outside of existing roads to remove vegetation, debris, and detritus is subject to Standard Consultation Protocols.*

384	Woody Residue Treatment	Piling, burning, chipping/masticating, lop and scatter, off-site removal, and crushing to reduce woody debris.	Exempt when implemented on foot, by hand, and with no ground disturbance or burning. *Use of mechanical methods outside of existing roads to remove debris is subject to Standard Consultation Protocols.*
386	Field Border	A strip or perennial vegetation established at the edge of a field by planting or by converting it from trees to herbaceous vegetation or shrubs.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
388	Irrigation Field Ditch	A permanent irrigation ditch constructed in or with earth materials, to convey water from the source of supply to a field or fields in an irrigation system.	*Subject to Standard Consultation Protocol for all conditions.*
390	Riparian Herbaceous Cover	Establishing Riparian herbaceous cover along water bodies or in areas with saturated soils to improve fish and wildlife habitat, improve water quality and reduce erosion.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
391	Riparian Forest Buffer	Leaving or Establishing an area of trees and/or shrubs adjacent to watercourses or water bodies.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded, or without any new plantings.
393	Filter Strip	A strip or area of vegetation for removing sediment, organic matter, and other pollutants from runoff and wastewater.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
394	Firebreak	A strip of bare land or fire-retarding vegetation.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
395	Stream Habitat Improvement and Management	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.	Exempt when work is conducted entirely within existing stream channels.

396	Aquatic Organism Passage	Modification or removal of barriers that restrict or impede movement of aquatic organisms.	Exempt when work is conducting entirely within existing stream channels and any human-made barriers to be modified/removed are less than 50 years in age.
397	Aquaculture Ponds	A water impoundment constructed and managed for farming of freshwater and saltwater organisms including fish, mollusks, crustaceans and aquatic plants.	*Subject to Standard Consultation Protocol for all conditions.*
398	Fish Raceway or Tank	A channel or tank with a continuous flow of water constructed or used for high-density fish production.	*Subject to Standard Consultation Protocol for any new construction.*
399	Fishpond Management	Managing impounded water for the production of fish or other aquatic organisms (non-commercial use)	Exempt for all conditions- if structure is less than 50 years in age.
402	Dam	An artificial barrier that can impound water for one or more beneficial purposes.	*Subject to Standard Consultation Protocol for all conditions.*
410	Grade Stabilization Structure	A structure used to control the grade and head cutting in natural or artificial channels.	*Subject to Standard Consultation Protocol for all conditions.*
412	Grassed Waterway	A natural or constructed channel that is shaped or graded to required dimensions and established in suitable vegetation for the stable conveyance of runoff.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
422	Hedgerow Planting	Establishing a living fence of shrubs or trees in, across, or around a field.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
423	Hillside Ditch	A channel that has a supporting ridge on the lower side, constructed across the slope at defined gradient and horizontal or vertical interval, with or without a vegetative barrier.	*Subject to Standard Consultation Protocol for all conditions.*
428	Irrigation Ditch Lining	A lining of impervious material or chemical treatment, installed in an irrigation ditch, canal, or lateral.	*Subject to Standard Consultation Protocol for all conditions.*
430	Irrigation Pipeline	A pipeline and appurtenances installed to convey water for storage or application, as part of an irrigation water system.	*Subject to Standard Consultation Protocol for all conditions.*

430	Irrigation Pipeline (above ground multi-outlet pipeline)	A water distribution tubing consisting of aluminum, PVC, or lay-flat polyethylene pipeline with closely spaced orifices or gate.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
432	Dry Hydrant	A non-pressurized permanent pipe assembly system installed into water source that permits the withdrawal of water by suction.	*Subject to Standard Consultation Protocol for all conditions.*
436	Irrigation Regulating Reservoir	An irrigation water storage structure made by constructing a dam, embankment, pit, or tank.	*Subject to Standard Consultation Protocol for all conditions.*
441	Irrigation System, Micro-irrigation	An irrigation system for distribution of water directly to the plant root zone by means of surface or subsurface applicators. Pipes, tubing, tape is placed on the surface or just below the surface within the plowzone.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
442	Irrigation System, Sprinkler	A planned irrigation system in which all necessary facilities are installed for efficiently applying water by means of perforated pipes or nozzles operated under pressure.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
443	Irrigation System, Surface and Subsurface	A planned irrigation system in which all necessary water-control structures have been installed for efficient distribution of irrigation water by surface means, such as furrows, borders, contour levees, or contour ditches, or by subsurface means.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
447	Irrigation System, Tailwater Recovery	A planned irrigation system in which all facilities utilized for the collection, storage, and transportation of irrigation tailwater and/or rainfall runoff for reuse have been installed.	*Subject to Standard Consultation Protocol for all conditions.*
449	Irrigation Water Management	Determining and controlling the rate, amount, and timing of irrigation water in a planned efficient manner.	Exempt- all conditions.
450	Anionic Polyacrylamide (PAM) Application	Application of water-soluble Anionic Polyacrylamide (PAM) to meet a resource concern.	Exempt- all conditions.
453	Land Reclamation, Landslide Treatment	Managing in-place natural materials, mine spoil (excavated over-burden), mine waste or overburden to reduce down-slope movement.	Exempt when depth of previous disturbance is not exceeded and no known cultural resources present.

455	Land Reclamation, Toxic Discharge Control	Control of acid or otherwise toxic aqueous discharge from abandoned coal mines or coal-mine waste.	Exempt when depth of previous disturbance is not exceeded and no known cultural resources present.
460	Land Clearing	Removing trees, stumps, and other vegetation from wooded areas to achieve a conservation objective.	Exempt when occurring on previously tilled ground and depth of previous disturbance is not exceeded, or when the practice involves the application of chemical or biological agents. *Use of mechanical methods is subject to Standard Consultation Protocol.*
462	Precision Land Forming	Reshaping the surface of land to planned grades.	Exempt when occurring on previously leveled cropland and depth of previous disturbance is not exceeded by both direct and in-direct (new plowzone) and no known cultural resources present.
464	Irrigation Land Leveling	Reshaping the surface of land to be irrigated to planned lines and grades.	Exempt when occurring on previously leveled cropland and depth of previous disturbance is not exceeded by both direct and in-direct (new plowzone) and no known cultural resources present.
466	Land Smoothing	Removing irregularities on the land surface.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded and no known cultural resources present.
472	Access Control	The temporary or permanent exclusion of animals, people, & vehicles from an area.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded and there will be no new construction (e.g., fence).
484	Mulching	Applying plant residues or other suitable materials not produced on the site to the soil surface.	Exempt- all conditions

490	Tree/Shrub Site Preparation	Treating areas to encourage natural seeding of desirable tree or to permit reforestation by planting or direct seeding.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
500	Obstruction Removal	Removal and disposal of unwanted, unsightly or hazardous buildings, structures, vegetation, landscape features, trash, and other materials.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded and structure is less than 50 years in age.
511	Forage Harvest Management	The timely cutting and removal of forages from the field as hay, greenchop, or silage.	Exempt- all conditions
512	Forage and Biomass Planting	Establishing and reestablishing long term stands of adapted species of perennial, biennial, or reseeding forage plants.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
516	Livestock Pipeline	A pipeline and appurtenances installed to convey water for livestock or wildlife.	Exempt when placed on ground surface and vehicle access limited to existing roads, or installed within previous tilled cropland and depth of previous disturbance is not exceeded.
521A	Pond Sealing or Lining, Flexible Membrane	A manufactured hydraulic barrier consisting of a functionally continuous layer of synthetic or partially synthetic, flexible material.	Exempt when applied within the footprint of existing pond with no new ground disturbance..
521B	Pond Sealing or Lining, Soil Dispersant	A liner for a pond or waste storage impoundment consisting of a compacted soil-dispersant mixture.	Exempt- all conditions.
521C	Pond Sealing or Lining, Bentonite Sealant	A liner for a pond or waste impoundment consisting of a compacted soil-bentonite mixture.	Exempt when applied within the footprint of existing pond with no new ground disturbance.
528	Prescribed Grazing	The controlled harvest of vegetation with grazing or browsing animals.	Exempt when intensity will not increase and will not cause livestock congregation or cause new disturbance.
533	Pumping Plant	A facility that delivers water at a designed pressure and flow rate. Includes the required pump(s), associated power unit(s), plumbing, appurtenances, and may include on-site fuel or energy source(s), and protective structures.	Exempt when replacing existing pumping plants less than 50 years in age with in-kind pump. New pumping plants or different type of pumping plant is subject to Standard Consultation Protocol.

548	Grazing Land Mechanical Treatment	Modifying physical soil and/or plant conditions with mechanical tools by treatments such as pitting, contour furrowing, and chiseling, ripping or subsoiling.	*Subject to Standard Consultation Protocol for all conditions.*
550	Range Planting	Establishment of adapted perennial vegetation such as grasses, forbs, legumes, shrubs, and trees.	Exempt when implemented within areas of existing or previously tilled lands and depth of previous disturbance is not exceeded.
554	Drainage Water Management	Controlling the removal of surface or subsurface runoff, primarily through the operation of existing water control structures.	Exempt when using existing water control structures.
557	Row Arrangement	Establishing a system of crop rows on planned grades and lengths primarily for erosion control and water management.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
558	Roof Runoff Structure	A facility for collecting, controlling, and disposing of runoff water from roofs. The placement of gutters on the roof eves and the disposal of the water across the land, away from the building or nearby structures.	Exempt when implemented on structures less than 50 years in age.
560	Access Road	A travel-way for equipment and vehicles constructed as part of a conservation plan.	*Subject to Standard Consultation Protocol for all conditions.*
561	Heavy Use Area Protection	Protecting heavily used areas by establishing vegetative cover, by surfacing with suitable material, or by installing needed structures.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
562	Recreation Area Improvement	Establishing grasses, legumes, vines, shrubs, trees, or other plants or selectively reducing stand density and trimming woody plants to improve an area for recreation.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded, or when applied using chemicals, mowing, or on foot using hand tools.
568	Trails and Walkways	A pathway for pedestrian, equestrian, bicycle, other off-road modes of recreation travel, farm-workers, construction/maintenance accesss and small walk behind equipment.	*Subject to Standard Consultation Protocol for all conditions.*
570	Stormwater Runoff Control	A system for controlling excess runoff caused by construction operations at development sites, changes in land use, or other land disturbances.	*Subject to Standard Consultation Protocol for all conditions.*

572	Spoil Spreading	Disposal of surplus excavated materials.	Exempt when placed on surface and doesn't result in surface disturbance for the first time, and no known cultural resources present.
574	Spring Development	Collection of water from springs or seeps to provide water for a conservation need.	*Subject to Standard Consultation Protocol for all conditions.*
575	Trails and Walkways	Established lanes or travel ways that facilitate animal movement.	*Subject to Standard Consultation Protocol for all conditions.*
578	Stream Crossing	A stabilized area or structure constructed across a stream to provide a travel way for people, livestock, equipment, or vehicles.	*Subject to Standard Consultation Protocol for all conditions.*
580	Streambank and Shoreline Protection	Treatment(s) used to stabilize and protect banks of streams or constructed channels, and shorelines of lakes, reservoirs, or estuaries.	Exempt when work occurs within existing stream channels or does not exceed previous disturbance. *Work, including staging areas, affecting undisturbed lands or streambanks is subject to Standard Consultation Protocol.*
582	Open Channel	Constructing or improving a channel either natural or artificial, in which water flows with a free surface.	Exempt when work occurs within existing stream channels or does not exceed previous disturbance. *Work, including staging areas, affecting undisturbed lands or streambanks is subject to Standard Consultation Protocol.*
584	Channel Bed Stabilization	Measure(s) used to stabilize the bed or bottom of a channel	Exempt when work occurs within existing stream channels or does not exceed previous disturbance. *Work, including staging areas, affecting undisturbed lands or streambanks is subject to Standard Consultation Protocol.*
585	Stripcropping	Growing planned rotations of erosion-resistant and erosion-susceptible crops or fallow in a systematic arrangement of strips across a field.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.

587	Structure for Water Control	A structure in a water management system that conveys water, controls the direction or rate of flow, maintains a desired water surface elevation or measures water.	Exempt when limited to repair/replacement of water control structures less than 50 years in age and does not exceed extent of previous disturbance. *Subject to Standard Consultation Protocol for all new water control structures and work on structures greater than 50 years in age.*
588	Cross Wind Ridges	Ridges formed by tillage, planting, or other operations and aligned perpendicular to prevailing wind directions during critical wind erosion periods.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
589C	Cross Wind Trap Strips	Herbaceous cover established in one or more strips typically perpendicular to the most erosive wind events. Traps of at least 15-25 ft wide of annual or perennial plants, growing or dead, installed in cropland or other land susceptible to wind erosion.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
590	Nutrient Management	Managing the amount, form, placement, and timing of applications of plant nutrients.	Exempt- all conditions
591	Amendments for Treatment of Agricultural Waste	The use of chemical or biological additives to change the properties of manure, process wastewater, contaminated storm water runoff and other wastes.	Exempt- all conditions
592	Feed Management	Manipulating and controlling the quantity and quality of available nutrients, feedstuffs, or additives fed to livestock and poultry.	Exempt- all conditions
595	Integrated Pest Management	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.	Exempt- all conditions
600	Terrace	An earth embankment, or a combination ridge and channel, constructed across the field slope.	*Subject to Standard Consultation Protocol for all conditions.*
603	Herbaceous Wind Barriers	Herbaceous vegetation established in rows or narrow strips across the prevailing wind direction.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
606	Subsurface Drain	A conduit installed beneath the ground surface to collect and/or convey excess water.	*Subject to Standard Consultation Protocol for all conditions.*

607	Surface Drain, Main or Lateral	An open drainage ditch constructed to a designed cross section, alignment and grade.	*Subject to Standard Consultation Protocol for all conditions.*
608	Surface Drain, Field Ditch	A graded ditch for collecting excess water in a field.	*Subject to Standard Consultation Protocol for all conditions.*
609	Surface Roughening	Performing tillage operations that create random roughness of the soil surface. Creation of disking or ridges on existing cropland, to control wind erosion.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
610	Salinity and Sodic Soil Management	Management of land, water and plants to control and minimize accumulations of salts and/or sodium on the soil surface and in the crop rooting zone.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
612	Tree/Shrub Establishment	Planting or seeding woody plants	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
614	Watering Facility	A device (tank, trough, or other watertight container) for providing animal access to water.	Exempt when installed on existing or previously tilled cropland, when no new ground disturbance is planned, and will not cause new livestock congregations.
620	Underground Outlet	A conduit or system of conduits installed beneath the surface of the ground to convey surface water to a suitable outlet.	*Subject to Standard Consultation Protocol for all conditions.*
629	Waste Treatment	The use of unique or innovative mechanical, chemical, or biological technologies that change the characteristics of manure and agricultural waste.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
632	Solid/Liquid Waste Separation Facility	A filtration or screening device, settling tank, settling basin, or settling channel used to partition solids and/or nutrients from a waste stream.	*Subject to Standard Consultation Protocol for all conditions.*
633	Waste Recycling	Using agricultural waste or other waste on land in an environmentally acceptable manner while maintaining or improving soil and plant resources.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.

634	Waste Transfer	Using existing structures, conduits, or equipment to convey byproducts (wastes) from agricultural operations to points of usage.	Exempt when using existing structures, conduits, or equipment with no new construction.
635	Vegetated Treatment Area	An area of permanent vegetation used for agricultural wastewater treatment.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
636	Water Harvesting Catchment	A facility for collecting and storing runoff from precipitation. Includes the construction of an apron, an overflow pipe or auxiliary spillway, and storage.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
638	Water and Sediment Control Basin	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.	*Subject to Standard Consultation Protocol for all conditions.*
642	Water Well	A hole drilled, dug, driven, bored, jetted or otherwise constructed to an aquifer for water supply.	*Subject to Standard Consultation Protocol for all conditions.*
643	Restoration and Management of Rare or Declining Habitats	Restoring and managing rare and declining habitats and their associated wildlife species to conserve biodiversity.	Exempt when limited to management plan. *Implementation of planned items may be subject to Standard Consultation Protocol.*
644	Wetland Wildlife Habitat Management	Retaining, developing, or managing wetland habitat for wildlife.	Exempt when limited to management plan. *Implementation of planned items may be subject to Standard Consultation Protocol.*
645	Upland Wildlife Habitat Management	Creating, maintaining, or enhancing areas for food and cover for upland wildlife.	Exempt when limited to management plan. *Implementation of planned items may be subject to Standard Consultation Protocol.*
646	Shallow Water Development and Management	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.	Exempt when limited to management plan. *Implementation of planned items may be subject to Standard Consultation Protocol.*
647	Early Successional Habitat Development/Management	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.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.

649	Structures for Wildlife	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.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
650	Windbreak/Shelterbelt Renovation	Widening, partial replanting, removing and replacing selected trees and shrubs to improve an existing windbreak.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
655	Forest Trails and Landings	A route, travel-way, or cleared area within a forest.	*Subject to Standard Consultation Protocol for all conditions.*
656	Constructed Wetland	An artificial ecosystem with hydrophytic vegetation for water treatment.	*Subject to Standard Consultation Protocol for all conditions.*
657	Wetland Restoration	The return of a wetland and its functions to a close approximation of its original condition as it existed prior to disturbance on a former or degraded wetland site.	Exempt when implemented within previously disturbed lands and depth of previous disturbance is not exceeded and no known cultural resources present.
658	Wetland Creation	The creation of a wetland on a site that was historically non-wetland.	*Subject to Standard Consultation Protocol for all conditions.*
659	Wetland Enhancement	The augmentation of wetland functions beyond the original natural conditions on a former, degraded, or naturally functioning wetland site; sometimes at the expense of other functions.	*Subject to Standard Consultation Protocol for all conditions.*
660	Tree/Shrub Pruning	Removing all or selected branches from trees and shrubs.	Exempt when implemented on foot, by hand, and with no ground disturbance or burning. *Use of mechanical methods outside of existing roads to remove vegetation, debris, and detritus is subject to Standard Consultation Protocols.*

666	Forest Stand Improvement	Manipulate species of trees by cutting or killing selected trees and understory vegetation.	Exempt when implemented on foot, by hand, and with no ground disturbance or burning. *Use of mechanical methods outside of existing roads to remove vegetation, debris, and detritus is subject to Standard Consultation Protocols.*
670	Lighting System Improvement	Complete replacement or retrofitting of one or more components of an existing agricultural lighting system.	Exempt when implemented on lighting systems less than 50 years in age.
672	Building Envelope Improvement	Modification or retrofit of the building envelope of an existing agricultural structure.	Exempt when implemented on buildings less than 50 years in age.

APPENDIX B
STANDARD DOCUMENTATION AND TREATMENTS FOR PROJECTS INVOLVING HISTORIC DITCHES AND ACEQUIAS

Acequias and irrigation ditches have played an important role in the development of agriculture in many parts of New Mexico through the redistribution of waters to facilitate agricultural development in New Mexico's arid environment. NRCS routinely funds projects throughout New Mexico that rehabilitate, modernize, or convert (e.g., pipe, concrete line, etc.) acequias and ditches. The purpose of this appendix is to streamline the process for documenting, evaluating, and consulting on acequia and ditch structures for Section 106 purposes.

When evaluating the effect of individual pipeline or concrete lining projects, the NRCS will take into account both previous impacts to the resource as well as foreseeable future actions as a measure of the potential cumulative impact the project may have on the irrigation resource as a whole. Although the effect of individual projects may be minor, subsequent projects over time may collectively change or alter characteristics supporting the eligibility of the resource, thus causing an adverse effect (see 36 CFR 800.5(a)(1)) due to cumulative impacts.

A list of common actions to acequias, the documentation needed, the effect determination and whether or not the action will result in mitigation is listed in Table 1. If NRCS makes effect determinations or recommendations for mitigation different from Table 1, NRCS must consult with SHPO. If any acequia or structure is significant for its engineering or architectural features, NRCS shall consult with SHPO to determine the appropriate treatment, which may include the standard treatments in Table 1 or other treatments (e.g. HAER).

The below Standard Documentation section details the documentation requirements for all ditches and acequias. The Extensive Documentation section details standardized treatments that may be utilized for streamlining the process for resolving adverse effects in lieu of the process in 36 CFR 800.6. If an adverse effect is anticipated, NRCS will consult with New Mexico State Historic Preservation Office to ensure that the standardized treatments as discussed below are appropriate.

Standard Documentation:

In accordance with Stipulation II.e.3 , NRCS field office personnel may document and record short segments of irrigation ditches (exluding diversions and dams) and on-farm field ditches. All historic ditches and acequias will be documented according to the standards below.

1. completed HCPI base form and HCPI Acequia detail form
2. reconnaissance archival research (online sources, oral history from producer, etc.)
3. representative photographs of structure(s) and features (if any)
4. sketch map
5. extent of entire resource depicted on aerial image/topographic map and digitized in NMCRIS GIS (if possible)
6. segment and entire resource (if possible) depicted on topographic map (1:24k)

Extensive Documentation

The following streamlined approach listed below will be considered Standard Treatment for resolving adverse effects to National Register eligible or undetermined ditches and acequias. The following Standard Treatments for resolving adverse effects will be applicable when no Indian Tribes or other consulting parties wish to participate in the resolution of adverse effects as outlined in 36 CFR 800.6. NRCS CRS or qualified consultants will complete the Extensive Documentation listed below.

1. completed HCPI base form and HCPI Acequia detail form
2. extensive archival research (State Engineer Office records, oral history from landowner, oral history from mayordomo, etc.)
3. representative High resolution digital photographs of structure(s) and features (if any) printed on archival paper
4. sketch map
5. scaled sketch drawings
6. extent of entire resource depicted on aerial image/topographic map and digitized in NMCRIS GIS
7. segment and entire resource depicted on topographic map (1:24k)

Table 1. Actions and Documentation required assuming that Main/Laterals are considered Eligible for listing to the NRHP and unnamed field laterals (serving single owner) are considered Not Eligible for NRHP.

Action	Documentation	Project Effect	Mitigation Measures
Convert unnamed single user earthen or concrete lined field ditch system to subsurface pipeline – Pipeline will tie onto existing turnout off of Main or Lateral	Standard documentation of field ditch system.	No Historic Properties Affected	n/a
Convert unnamed single user earthen or concrete lined field ditch system to subsurface pipeline – A new turnout will be installed on Main or Lateral	Standard documentation of field ditch system *and* standard documentation of ~50m segment in each direction (if accessible) of Main/Lateral.	No Adverse Effect	n/a
Convert unnamed single user earthen or concrete lined field ditch system to subsurface pipeline – with replacement of >50 year old turnout on Main or Lateral	Standard documentation of field ditch system *and* standard documentation of ~50 m segment in each direction (if accessible) of Main/Lateral.	No Adverse Effect	n/a
Convert unnamed single user earthen or concrete lined field ditch system to subsurface pipeline – with replacement of <50 year old turnout on Main or Lateral	Standard documentation of field ditch system *and* standard documentation of ~50 m segment in each direction (if accessible) of Main/Lateral.	No Adverse Effect	n/a
Install *new* ditch structure on Main/Lateral (diversion, flume, overshot, etc.)	Standard documentation of ~100 m segment in each direction (if accessible) of Main/Lateral	No Adverse Effect	n/a
Replace existing ditch structures (diversion dams, flumes, overshots, etc.) > 50 years in age with **in-kind** materials. (Structure is not significant for its engineering/architectural elements)	Standard documentation of ~100 m segment of Main/Lateral. Detailed documentation of structure (photos, sketch drawing, etc.)	No Adverse Effect	n/a
Replace existing ditch structures (diversion dams, flumes, overshots, etc.) < 50	Standard documentation of ~100 m segment of Main/Lateral including	No Adverse Effect	n/a

years in age with new materials. (Structure is not significant for its engineering/architectural elements)	the structures.		
Convert earthen Main/Lateral to pipeline or concrete lining, less than 10 percent of total length of acequia/lateral. NRCS will take into consideration cumulative effects.	Standard documentation of affected Main/Lateral segment. Reconnaissance documentation of entire extent of Main/Lateral (GIS, water rights information, archival research).	No Adverse Effect	n/a
Convert concrete lined Main/Lateral to pipeline, less than 10 percent of total length of acequia/lateral. NRCS will take into consideration cumulative effects.	Standard documentation of affected Main/Lateral segment. Reconnaissance documentation of entire extent of Main/Lateral (GIS, water rights information, archival research).	No Adverse Effect	n/a
Replace existing concrete lined Main/Lateral with in-kind material	Standard documentation of affected Main/Lateral segment. Reconnaissance documentation of entire extent of Main/Lateral (GIS, water rights information, archival research).	No Adverse Effect	n/a
Replace existing ditch structures (diversion dams, flumes, overshots, etc.) > 50 years in age with new materials. (Structure is not significant for its engineering/architectural elements)	Extensive documentation of ~100 m segment of Main/Lateral.	Adverse Effect	Extensive documentation of acequia/acequia features in project area, plus Reconnaissance documentation of entire extent of Main/Lateral (oral history, GIS, water rights information, etc.). Detailed documentation of structure (photos, sketch drawing, etc.).
Convert earthen Main/Lateral to pipeline or concrete lining, greater than 10 percent of total length of acequia/lateral.	Extensive documentation affected segment of Main/Lateral.	Adverse Effect	Extensive documentation of acequia/acequia features in project area, plus Reconnaissance documentation of entire extent of Main/Lateral (oral history, GIS, water rights information, etc.).

Convert concrete lined Main/Lateral to pipeline, greater than 10 percent of total length of acequia/lateral.	Extensive documentation affected segment of Main/Lateral.	Adverse Effect	Extensive documentation of acequia/acequia features in project area, plus plus Reconnaissance documentation of entire extent of Main/Lateral (oral history, GIS, water rights information, etc.).

Definitions:

Main ditch (Acequia Madre)- The main channel for delivering water to community laterals and field laterals. These ditches begin at water source, usually a stream or river, and ends where the water empties back into the river downstream or at the lower end of the community. Typically considered as eligible for listing to the NRHP following criteria a, c, and d, as appropriate.

Lateral ditch (Acequia Menores, Linderos)- An irrigation channel that branches off of the Main ditch/Acequia Madre to deliver irrigation waters to localized community of landowners. Operation and maintenance of laterals is usually the responsibility of the group of landowners who utilize the lateral. Lateral ditches normally will be considered to be eligible for listing to the NRHP following criteria a, c, and d, as appropriate.

Field lateral (Brazos)- Established channels that are used to irrigate individual plots of land. Normally these follow the edges of irrigation fields. Checks or turnouts release water directly onto fields or into field ditches in order to irrigated fields. These ditches are typically the responsibility of the landowner to establish and maintain. Field laterals are typically not eligible for the NRHP as these resources are usually significant only to the fields and ranch where it is located.

Field ditch (field spreaders/furrows, Surcos)- Ephemeral channels used to distribute irrigation waters within agricultural fields. These are usually re-established on a regular basis. These ditches are typically the responsibility of the landowner to establish and maintain. In general, these ditches do not meet the 50 year old threshold to be considered cultural resources.

Drains (Desagues)- channel or outlet used to carry excess water away from system or irrigation fields. When located at the base of agricultural fields, these resources will typically be considered not eligible for NRHP as the significance is tied to the individual fields. Drains serving multiple landowners will need to be evaluated for NRHP within the context of the entire irrigation system.

APPENDIX C
STANDARD DOCUMENTATION AND TREATMENT PROTOCOL FOR A SPECIAL CLASS OF PROPERTIES: FARMING, RANCHING AND HOMESTEADING FEATURES

Farming and ranching are an important facet of New Mexico's past, present, and future economy. Historic era farming and ranching buildings, structures, and homesteads built prior, during, and after the Land Grant period and the Homestead Act in 1862 reflect how lands in New Mexico have been used to propagate its agricultural base. The NRCS assists today's farmers and ranchers to implement improvements to their operations. Oftentimes, the original materials or design of common farming and ranching structures and buildings are now obsolete, non-functioning, and/or too costly to maintain. In their place, modern materials and designs are desired that repair or replace the original structures in order to prolong functionality, increase life-span, and/or ease labor maintenance costs for the rancher. Given the nature of the NRCS work with agricultural producers, listed below are common resources NRCS encounters during its work. These resources are often ubiquitous on the landscape and in general represent agricultural development and settlement of the West in the broadest sense. The purpose of this appendix is to streamline the process for documenting, evaluating, and treating historic farming and ranching structures for Section 106 purposes.

There are a significant number of potential features that can be found within historic farming, ranching, and homesteading complexes; these can be part of a discrete complex or isolated buildings or structures within a larger ranching landscape (e.g. structures, wells, windmills, corrals, pens, fences, roads, etc.). These should first be identified as either an isolated building or structure and evaluated for NRHP eligibility on its own, or as a building or structure within a complex where the complex as a whole is evaluated for NRHP eligibility and individual buildings and/or structures are evaluated for their contribution to the resource as a whole (i.e., contributing or non-contributing). Avoidance is always first priority; however, if historic property is unavoidable, evaluate the effect of the project implementation to the property as a whole.

If the resource is evaluated for NRHP as "undetermined" or eligible and the proposed conservation practice will adversely affect the resource, Extensive Documentation methods will be employed. If an adverse effect is anticipated, NRCS will consult with New Mexico State Historic Preservation Office to ensure that the standardized treatments as discussed below are appropriate.

The below Standard Documentation section details the documentation requirements for all historic farm, ranching, and homesteading structures. The Extensive Documentation section details standardized treatments that may be utilized for streamlining the process for resolving adverse effects.

Standard Documentation:

In accordance with Stipulation II.e.3 , NRCS field office personnel may document and record isolated windmills, watering facilities, corrals and earthen tanks following the standards below.

1. draft HCPI base and detail forms

2. reconnaissance archival research (online sources, oral history from producer, etc.)
3. representative photographs of structure(s) and features (if any)
4. sketch map
5. resource depicted on aerial image (if possible)
6. resource depicted on topographic map (1:24k)

Extensive Documentation

The following streamlined approach for the resolution of potential adverse effects to historic farming, ranching, and homesteading properties without establishing an MOA will be applicable when no Indian Tribes or other consulting parties wish to participate in the resolution of adverse effects as outlined in 36 CFR 800.6. Provided that NRCS and SHPO are in agreement that the below standardized treatments are appropriate, extensive documentation mitigating potential adverse effects may be provided to SHPO concurrently with APE determination, survey results, and project effect consultations. The NRCS CRS or qualified consultants will complete the Extensive Documentation following the standards listed below.

1. completed LA site form and HCPI base and detail forms (as applicable)
2. extensive archival research, as available (e.g., State Engineer Office records, BLM GLO records, oral history from landowner/community, census data, etc.)
3. representative high resolution digital photographs of structure(s) and features (if any) printed on archival paper
4. representative photographs of site, structure(s), and features
5. sketch map
6. scaled sketch drawings
7. extent of site and features depicted on aerial image
8. extent of site and features depicted on topographic map (1:24k)

Definitions of Resource Types:

Complete the LA site form and/or HCPI form as applicable, taking into considertation the integrity of the resource and following guidance in the National Register Bulletins.

Homesteads or Ranching Headquarters: traditionally defined as a domestication habitation property associated with a a building or structure or a complex of buildings or district that are associated with agricultural traditions. These properties can include a wide variety of buildings and structures.

Houses and/or Domestic Structures: habitation structure.

House Foundation: remains of habitation structure, including collapsed buildings. Includes footings of various materials, formal house cellars, cement slabs, fireplaces or chimney remnants, builders' trenches, and crawl spaces.

Log Cabin: structure built of logs. Footing types and roofs vary. Use for standing/extant or partially deteriorated/dismantled structures.

Dugout: structure formed by excavation into the ground and then roofed over. May be dug into the side of a hill, or have a stair access. Used as a residence and/or storage.

Wells: deep shaft or hole drilled to obtain water or other resources.

Corrals: enclosure for confining livestock. May be constructed of any materials and incorporate natural features or vegetation as part of the enclosure.

Lambing Pen: small, sheltered enclosure used to protect young lambs.

Outhouses: small structure housing an outdoor toilet, or the remains of such a structure.

Windmills: wheel of adjustable blades or shafts rotated by the wind to provide energy to draw water from a well.

Tank: a capture and/or holding area for liquids. Includes stock impoundments, metal tank stock waters, wildlife waterers, waste water/sewage impoundments, oil tanks, LP tanks, etc.

Reservoir: natural or artificial lake in which water can be stored for future use.

Water Catchment Device: small structure for the collection of water. Includes cisterns and retention dams.

Barns: large farm or ranch building used to house/store livestock, machinery, feed, and equipment. Includes stables.

Outbuildings and Sheds: structures separated from, but related to, the principal structure on a residential site. Includes: chicken coops, storage buildings, well houses, etc.

APPENDIX D
PROCEDURES FOR EMERGENCY RESPONSE

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

a. If the President declares an area to be a major disaster area, the NRCS will provide assistance which will be coordinated with the Federal Emergency Management Agency (FEMA). FEMA is the lead federal agency for Presidentially-declared natural disasters. As outlined in Stipulation VI, the terms of this State-based Prototype Agreement shall not apply to that undertaking. With the written concurrence of the FEMA, the New Mexico SHPO, and the New Mexico Department of Homeland Security and Emergency Management, NRCS may follow the approved alternative procedures as outlined in Appendix A to the programmatic agreement for FEMA programs in the State of New Mexico to satisfy responsibilities under Section 106 and Section 110 of NHPA.

b. When the New Mexico NRCS State Conservationist determines that a watershed impairment exists, but the President does not declare an area to be a major disaster area, FEMA does not coordinate assistance and NRCS will assume the role of lead federal agency for all undertakings that occur on private and State of New Mexico lands. Following the NRCS's Emergency Watershed Program (EWP) final rule (see Section 216, P.L. 81-516 Final Rule, 7 CFR Part 624 (April 2005) and 36 CFR 800.12, the NRCS shall consult with the New Mexico SHPO as outlined below.

1. NRCS shall notify the New Mexico SHPO immediately or within 48 hours of the emergency determination.
2. New Mexico SHPO shall respond to this notification within seven days providing comments. If circumstances do not permit seven days for comment, the NRCS shall notify the New Mexico SHPO and appropriate Indian tribes to invite comments within the time available.
3. For an emergency where there is a future, but not immediate, threat to life and property, the NRCS shall follow the review procedures outlined in Stipulation V. of this agreement with the exception that the New Mexico SHPO shall respond within 15 days, or within the time available, to the NRCS's findings and/or determinations.

For an exigency where there is an immediate threat to life and property, the NRCS shall follow the procedures outlined in Stipulation V. as circumstances allow. The New Mexico SHPO shall respond to the NRCS's findings and/or determinations within seven days or within the available time period as determined by the State Conservationist. Under extraordinary circumstances and pursuant to 36 CFR 800.12 (d) and 36 CFR 78.3, the State Conservationist retains the right to waive the provisions of Section 106 and 110 of NHPA and proceed with providing emergency assistance to eliminate an imminent threat to human life or property

without New Mexico SHPO concurrence. If the State Conservationist makes use of their waiver authority, the NRCS shall notify the New Mexico SHPO, Indian tribes, and the Secretary of Interior in writing pursuant to 36 CFR 78.4.

APPENDIX E
GLOSSARY OF ACRONYMS USED IN THIS DOCUMENT

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

NMCRIS **New Mexico Cultural Resource Information System**

NIAF **NMCRIS Inventory Abstract Form**

HCPI **Historic Cultural Properties Inventory**

ARMS **Archeological Records Management Section (NM Department of Cultural Affairs)**

LA **Laboratory of Anthropology**