

# 106 SUCCESS STORY

## Nationwide Agreement Protects Historic Properties, Healthy Agricultural Lands

### Nationwide

“I was cautiously optimistic about the agreement and while I generally support efforts to streamline the process, I am wary of painting with too broad a brush. The NRCS Cultural Resource Specialist was amazing to work with and took members of SHPO staff into the field to observe many of the undertakings, so we would fully understand what the actions and potential effects might be. As a result of those field visits, we realized that we were able to fine-tune the actions that could be exempted from review on a case-by-case basis. . . . So far, the agreement has worked well, resulting in fewer projects to review, so SHPO staff can focus on projects that are likely to have an effect on historic properties.”

—AMANDA MCBRIDE  
Environmental Review Coordinator, Alabama  
Historical Commission

Photos: Above, Lincoln Memorial shrouded in dust cloud, 1935 (photo by John Hugh O'Neill) [National Archives and Records Administration]; Right, prescribed grazing is an exempted practice in Florida (Jessica Bertine, NRCS); cover crops are an exempted practice in Connecticut (NRCS)



### THE STORY

Water and wind cause soil erosion, reducing the ability of the land to sustain agricultural productivity and support rural communities who depend on the land for their livelihoods. Beginning in 1932, persistent drought conditions on the Great Plains caused widespread crop failures and generated dust clouds that blew through Washington, D.C. during congressional hearings on a proposed soil conservation law. In 1935, Congress, recognizing that “the wastage of soil and moisture resources on farm, grazing, and forest lands . . . is a menace to the national welfare,” established the Soil Conservation Service, now known as the Natural Resources Conservation Service (NRCS). Today, NRCS annually disburses funds in every U.S. state and territory to implement projects, often on private land, to further its goal of healthy, productive land. With the NRCS’ broad mandate, federally funded projects could impact many types of historic resources, ranging from archaeological sites to historic farmsteads and battlefields.

### THE PROJECT

In 2011, to fulfill its responsibilities under the National Historic Preservation Act (NHPA), NRCS partnered with the Advisory Council on Historic Preservation (ACHP) to support a staff position at the ACHP to serve as the principal point of contact for NRCS project reviews and to develop and implement a new approach to NRCS Section 106 reviews. This took the form of a Prototype Programmatic Agreement (PPA), which would be a consistent nationwide approach that could be tailored for local use.

### THE 106 PROCESS

NRCS, the federal agency funding projects on private land, is responsible for completing the Section 106 process under the NHPA. Section 106 requires federal agencies to identify historic properties and assess the effects of the projects they carry out, fund, or permit on those properties. Federal agencies also are required to consult with parties that have an interest in the historic property when adverse effects may occur.

Over three years, NRCS consulted with the ACHP, National Conference of State Historic Preservation Officers, National Association of Tribal Historic Preservation

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Officers, and National Trust for Historic Preservation to develop the PPA. The goal was to provide a model process for Section 106 reviews that each state, territory, and Indian tribe can adapt to the conditions in their jurisdiction. These individual PPAs would contain a list of practices that are exempt from further review under Section 106.

As some State Historic Preservation Officers (SHPOs) and Tribal Historic Preservation Officers (THPOs) were wary of wholesale exemptions, NRCS staff in each state consulted with SHPO/THPO staff and discussed each practice in detail. It was agreed that a practice would be placed on one of three lists: the exemption list, with no further review necessary; a conditional list, with no further review if specific conditions were met; or a list requiring further review. Those practices requiring a review would use streamlined procedures outlined in the PPA. Exempted practices include those that are applied manually or with hand tools; applied aerially, chemically, or biologically; are contained within previous disturbance; or are limited to management and construction, repair, or maintenance of structures less than 50 years old and do not involve subsurface disturbance. In 2014, the ACHP authorized the PPA, and NRCS began implementing it nationwide.

## THE SUCCESS

The PPA has produced responsible efficiencies that have significantly reduced the time frame for Section 106 compliance. In 2017, NRCS reviewed 131,809 projects nationwide; 40,695 projects had potential to affect historic properties and were processed under PPAs. The implementation of the PPA has also reduced the SHPO/THPO annual NRCS caseload between 40 percent and 90 percent in the 36 states, one territory, and six tribal nations that have signed a PPA, freeing time to address other issues. Under the PPA, compliance timelines have been reduced, benefiting the applicants seeking funds from NRCS to implement projects on their land. The NRCS partnership with farmers, ranchers, local and state governments, and Indian tribes maintains healthy and productive working landscapes while protecting historic resources. New Mexico SHPO Jeff Pappas said, "I can't thank NRCS enough for reaching what we feel is a reasonable compromise and [thanks to] their state office especially for supporting good, solid archaeology in New Mexico." To see a list of PPAs by state, territory, and tribe, go to <https://www.achp.gov/NRCS> and click on the PPA title for the list.

Photos: Left, Kenny Reichert in a cover crop field on his farm in Chariton County, MO (Charlie Rahm, NRCS); Right, October 30, 2017, joint signing ceremony for the NRCS Arizona State Office, Arizona SHPO, and Arizona State Land Department (ASLD) Section 106 PPA. Front row, from left: Arizona State Land Commissioner Lisa A. Atkins, Arizona SHPO Kathryn Leonard, NRCS Acting State Conservationist Emily Fife. Second row, from left: ASLD Cultural Resources Section Manager Matthew Behrend, Arizona SHPO's NRCS liaison Mary-Ellen Walsh, Arizona NRCS State Cultural Resources Specialist Allen Dart (Valentino Reyes, Arizona NRCS)

### Consulting Parties:

- NRCS
- ACHP
- National Conference of State Historic Preservation Officers
- National Association of Tribal Historic Preservation Officers
- National Trust for Historic Preservation

For more about Section 106 and the ACHP go to [www.achp.gov](http://www.achp.gov)

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