

**PROTOTYPE PROGRAMMATIC AGREEMENT  
BETWEEN THE  
US DEPARTMENT OF AGRICULTURE,  
NATURAL RESOURCES CONSERVATION SERVICE UTAH STATE OFFICE,  
AND THE  
UTAH 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); the Emergency Watershed Protection (EWP) Program (Public Law 81-516, 33 U.S.C 701b-1); Soil Conservation and Domestic Allotment Act, (Public Law 74-76, 16 U.S.C 590 a-f, 42 U.S.C. Sections 3271-3274); Soil Conservation and Domestic Allotment Act of 1936, as amended, (Public Law 74-46, 16 U.S.C. 590 a-f); and executive and secretarial orders, implementing regulations and related authorities; and

**WHEREAS**, the NRCS, through its conservation assistance programs and initiatives, provides assistance for activities with the potential to affect historic properties eligible for or listed in the National Register of Historic Places (NRHP), including National Historic Landmarks (NHLs) and therefore constitute undertakings subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f, and its implementing regulations, 36 CFR Part 800, including the provisions of these regulations addressing NHLs at 36 CFR Part800.10; and

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

**WHEREAS**, the NRCS Utah State Office (NRCS Utah) has consulted with the Utah State Historic Preservation Officer (SHPO) and followed the instructions in the ACHP letter that accompanied the PPA, dated November 21, 2014; and

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

**WHEREAS**, the NRCS developed this PPA 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 Programmatic Agreements [SPPA]) to evidence compliance with Section 106; and

**WHEREAS**, this SPPA 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 NRCS Utah and the Utah SHPO agree to the terms of the SPPA; and

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

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

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

**WHEREAS**, the SPPA does not apply to undertakings occurring on or affecting historic properties on State or Federal lands; and

**WHEREAS**, the NRCS has consulted with the Shoshone Tribe of the Wind River Reservation; the Northwest Band of the Shoshone Nation the Shoshone-Bannock Tribes of Fort Hall; the Skull Valley Band of Goshute Indians; the Confederated Tribes of the Goshute Reservation; the Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; the Paiute Indian Tribe of Utah; the Kaibab Band of Paiute Indians; the Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony; the Moapa Band of Paiute Indians of the Moapa River Indian Reservation; the Navajo Nation; the Ute Mountain Ute Tribe; the Utah Department of Agriculture and Food; the Utah Association of Conservation Districts; the Utah Professional Archaeological Council; the Southern Utah Wilderness Alliance; and the Western Watersheds Project, and has invited their participation in the development of this SPPA; and

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

**WHEREAS**, when NRCS Utah conducts individual Section 106 reviews for undertakings under this SPPA, it shall identify and invite other agencies, organizations, and individuals to participate as consulting parties; and

**NOW, THEREFORE,** NRCS Utah and the Utah SHPO agree that NRCS undertakings in the State of Utah 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 NRCS Utah and the Utah SHPO, this SPPA sets forth the review process for all NRCS undertakings subject to Section 106 in the State of Utah.
- b. Execution of this SPPA supersedes the 2002 State Level Agreement, as amended, between NRCS Utah and the Utah SHPO that was executed under the previous NRCS nationwide Programmatic Agreement, but does not replace any existing project-specific Section 106 agreements (Memoranda of Agreement or Programmatic Agreements).
- c. This SPPA applies only when there is a Federal Preservation Officer (FPO) in the NRCS National Headquarters (NHQ) who meets the Secretary of the Interior's Professional Qualification Standards (48 FR 44716).
- d. This SPPA applies only where there is staffing or access to a Cultural Resources Specialist (CRS) in the NRCS Utah State Office that meets the Secretary of Interior's Professional Qualification Standards.
- e. The review process outlined in this SPPA only applies to undertakings where NRCS Utah has been determined to be the lead Federal agency for the purposes of Section 106, and where the undertakings occur exclusively on privately-owned lands.
- f. The review process outlined in this SPPA does not apply to NRCS undertakings that occur on Tribal, State, or Federally-managed lands, and does not apply to undertakings where NRCS Utah functions as a cooperating agency for the purposes of Section 106.

#### **II. Roles and Professional Qualifications.**

- a. The NRCS Utah State Conservationist is responsible for oversight of NRCS Utah's performance under this SPPA.
- b. NRCS Utah shall ensure that all NRCS staff or individuals carrying out Section 106 historic preservation compliance work on its behalf, including the NRCS State and Area CRS(s), 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 NRCS Utah State Conservationist is responsible for consultation with the Utah SHPO, and government to government consultation with Native American 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 Utah State and Area 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, appropriate consulting parties, and discussions with the landowner. The CRS personnel shall monitor and oversee the cultural resources work and reporting of all NRCS Utah field office personnel, conservation partners, and professional service consultants related to NRCS Utah undertakings. The CRS personnel shall make recommendations to the NRCS Utah 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 Utah field office personnel and conservation partners involved in implementing this SPPA, after completion of NRCS' web, classroom, and field awareness trainings acquired through USDA's AgLearn training site, shall work with the NRCS Utah CRS personnel, as feasible, to complete cultural resources identification and reporting work for NRCS Utah undertakings, as appropriate. This work will include limited participation in pedestrian cultural resources inventories and data collection, participation in the completion of historic preservation compliance field records for the Cooperator's (NRCS' client or voluntary applicant for assistance) files, and participating in the production of initial historic property identification records (as set forth and outlined in the NRCS National Cultural Resources Procedures Handbook, Title 190, Part 601).

f. NRCS Utah CRS personnel 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 adequately trained partners to assist with cultural resources compliance studies. NRCS Utah shall ensure the contractors and consultants meet the Secretary of Interior's Professional Qualifications Standards.

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

h. The Utah SHPO, if provided sufficient data on a proposed undertaking and APE for the proposed undertaking by NRCS Utah shall consult and provide a response to NRCS Utah 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. NRCS Utah shall require NRCS personnel and conservation partners conducting cultural resources identification and evaluation work to complete, at a minimum, the NRCS Web-based (in USDA AgLearn) and field Cultural Resources Training modules. This cultural resources training must be completed prior to completing cultural resources compliance work, and must be completed within the first year of employment with the NRCS. The training must be

supplemented with a Cultural Resources Refresher Training every five (5) years as part of the NRCS Planner Recertification process.

b. NRCS Utah will encourage its personnel and conservation partners conducting cultural resources identification and evaluation work to participate in the ACHP's Section 106 *Essentials* course.

c. NRCS Utah shall require CRS personnel overseeing cultural resource work to take the NRCS Cultural Resources Training Modules (awareness training) and the ACHP's Section 106 *Essentials* course, or a course with similar content, if approved by the NRCS FPO. Training must be completed within the first calendar year after execution of this SPPA or within the first year of employment for new NRCS Utah CRS personnel. NRCS personnel shall review and update training completion with their supervisors and include their training in their Individual Development Plans.

d. NRCS Utah may invite the Utah SHPO, Native American Tribal staff, and Tribal Historic Preservation Officers to participate in presentations at agency classroom or field trainings.

e. NRCS Utah shall encourage all personnel and conservation partners conducting or overseeing cultural resources work on behalf of the NRCS to take additional appropriate specialized training as provided by the Utah SHPO, Indian tribes, NHOs, the ACHP, National Park Service, General Services Agency or other agencies, as feasible.

#### **IV. Lead Federal agency.**

a. For any undertaking for which NRCS Utah is the lead Federal agency for Section 106 purposes per 36 CFR Part 800.2(a)(2), NRCS Utah staff shall follow the terms of this SPPA. NRCS Utah shall notify the Utah SHPO and the appropriate Native American Tribes of its involvement in the undertaking and the involvement of other State or Federal agencies, if any.

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

c. For any NRCS Utah undertaking located on Tribal, State, or Federally-managed land, the terms of this SPPA shall not apply to that undertaking, regardless of the role of NRCS Utah as a cooperating or lead Federal agency. Under such circumstances, a lead Federal agency shall be determined in accordance with 36 CFR Part 800.2(a)(2), and the undertaking shall proceed utilizing the Section 106 consultation process as outlined in 36 CFR Part 800.2-7.

#### **V. Review Procedures.**

a. In consultation with the Utah SHPO, NRCS Utah shall identify those undertakings with little to no potential to affect historic properties and list those undertakings in Appendix A of this SPPA. Upon the determination by the NRCS Utah State CRS that a proposed undertaking is included in Appendix A, and that no extenuating circumstances exist as defined in Appendix B, further consultation for that undertaking is not required by NRCS Utah. Such undertakings will

be considered Category I undertakings as defined in Appendix B to this SPPA.

b. The list of undertakings provided in Appendix A, and the fieldwork procedures provided in Appendix B of this SPPA may be modified through consultation and written agreement between the NRCS Utah State Conservationist and the Utah SHPO without requiring an amendment to this SPPA. NRCS Utah will maintain the master list and will provide an updated list to all consulting parties with an explanation of the rationale (metadata) for classifying the practices accordingly.

c. Undertakings not identified in Appendix A shall require further review as generally outlined in Stipulation V.c of this SPPA. More specific procedures used by NRCS Utah to complete the Section 106 review process can be found in the NRCS National Cultural Resources Procedures Handbook, Title 190, Part 601, and in the *NRCS Utah Cultural Resources Review and Fieldwork Procedures* provided in Appendix B to this SPPA. NRCS Utah shall consult with the Utah SHPO, Native American Tribes, and other consulting parties, as appropriate, 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.

1. For those undertakings that meet the criteria for definition as Category II undertakings as defined in Appendix B to this SPPA (involve less than 100 acres of physical disturbance of undeveloped ground and lack extenuating circumstances that would otherwise involve additional consideration for cultural resources), NRCS Utah shall submit biannual reports to the Utah SHPO to assess the effects of such undertakings. NRCS Utah shall also consult with the Utah SHPO, Native American Tribes, and other consulting parties, as appropriate, on an annual basis to assess the effects of such undertakings.

i. NRCS Utah will provide the proposed APE, identification of historic properties and/or scope of identification efforts, and assessment of effects for such undertakings in a combined report to the Utah SHPO, Native American Tribes, and other consulting parties, as appropriate, in a format that meets the standards outlined in 36 CFR Part 800.4-5 and 800.11.

2. For NRCS Utah undertakings that meet the criteria for definition as Category III, IV, and IV undertakings as defined in Appendix B to this SPPA (undertaking has extenuating circumstances; public or Tribal lands are involved; NRCS Utah is a cooperating Federal Agency; planning authority is higher than the NRCS Field Office; undertaking will result in adverse effects to historic properties), NRCS Utah shall consult with the Utah SHPO, Native American Tribes, and other consulting parties, as appropriate, to define the APE, identify and evaluate historic properties that may be affected by the undertaking, assess potential effects, and identify strategies for resolving adverse effects.

i. NRCS Utah will provide its proposed APE, identification of historic properties and/or scope of identification efforts, and assessment of effects to the Utah SHPO, Native American Tribes, and other consulting parties, as appropriate, in a format that meets the standards outlined in 36 CFR Part 800.4-5 and 800.11.

ii. NRCS Utah 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.

iii. Where NRCS Utah proposes a finding of “no historic properties affected” or “no adverse effect” to historic properties, the Utah SHPO, Native American Tribes, and other consulting parties, as appropriate, shall have thirty (30) calendar days from receipt of this documented description and information to review it and provide comments. NRCS Utah shall take into account all timely comments.

a. If the Utah SHPO, Native American Tribes, or another consulting party, disagrees with NRCS’ findings and/or determination, it shall notify NRCS Utah within the thirty (30) calendar day time period. In such cases, NRCS Utah shall enter into additional consultation with the respective consulting party to attempt to resolve the disagreement. If the disagreement cannot be resolved through this consultation, NRCS Utah shall follow the dispute resolution process in Stipulation VIII below.

b. If the Utah SHPO, Native American Tribes, and other consulting parties, as appropriate, do not respond to the NRCS within the thirty (30) calendar day comment period and/or NRCS Utah receives no objections from other consulting parties, or if the consulting parties concur with the determination and proposed actions to avoid adverse effects, NRCS Utah shall document the concurrence/lack of response within the review time noted above, and may move forward with the undertaking.

3. Where a proposed undertaking may adversely affect historic properties, NRCS Utah shall describe proposed measures to minimize or mitigate the adverse effects, and follow the process in 36 CFR Part 800.6, including consultation with other consulting parties and notification to the ACHP, to develop a Memorandum of Agreement to resolve the adverse effects.

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

a. NRCS Utah shall notify the Utah SHPO, Native American Tribes, and other consulting parties, as appropriate, immediately or within 48 hours of the emergency determination, following the NRCS Emergency Watershed Protection (EWP) program final rule (see Section 216, P.L. 81-516 Final Rule, 7 CFR Part 624 (April 2005)).

b. Where the NRCS EWP final rule is found to be inapplicable, NRCS Utah shall follow the recently approved guidelines for Unified Federal Review issued by the Department of Homeland Security, Federal Emergency Management Service (DHS, FEMA), the Council on Environmental Quality (CEQ), and the ACHP in July 2014, or the procedures outlined in 36 CFR Part 800.12(b).

## **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, NRCS Utah shall consult to seek avoidance or minimization strategies in consultation with the Utah SHPO, Native American Tribes, and other consulting parties, as appropriate, and/or to resolve adverse effects in accordance with 36 CFR Part 800.6.

b. NRCS Utah shall ensure that every contract or agreement for financial assistance includes provisions for halting work/construction in the area when potential historic properties are

discovered or unanticipated effects to historic properties are found after implementation, installation, or construction has begun. When such a discovery occurs, the producer or entity who is receiving financial assistance, or their contractor, shall immediately notify the NRCS Utah State Conservationist's Office, the NRCS Utah State CRS, supervisory NRCS personnel for the area, and the landowner/applicant.

1. The NRCS Utah CRS shall inspect the discovery within 24 hours, if weather permits, and in consultation with the local NRCS official (field office supervisor or District or Area Conservationist), concerned Indian tribes, the Utah SHPO, the NRCS Utah State engineering or program supervisor, as appropriate), the landowner/producer (whomever NRCS is assisting), the NRCS Utah 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 Utah CRS.
  2. All NRCS contact with media shall occur only under the direction of the NRCS Utah Public Affairs Officer, as appropriate, and the NRCS Utah 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 Utah CRS shall notify the Utah 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 Utah SHPO, and technical experts (such as historic landscape architects) not employed by the NRCS.
  5. The Utah SHPO shall respond within 48 hours from receipt of the notification with any comments on the discovery and proposed actions.
  6. NRCS Utah shall take any comments provided into account and carry out appropriate actions to resolve any adverse effects.
  7. NRCS Utah shall provide a report to the Utah SHPO and the ACHP of the actions when they are completed.
- c. When human remains are discovered, NRCS Utah shall follow all applicable Federal, tribal, and State burial laws and ordinances, including the Native American Graves Protection and Repatriation Act (NAGPRA), and implementing regulations, when on tribal or federal lands, and related human rights and health statutes, where appropriate. NRCS Utah shall also refer to the ACHP's Policy Statement regarding *Treatment of Burial Sites, Human Remains and Funerary Objects* and the ACHP's Section 106 Archaeology Guidance. NRCS shall also follow USDA and NRCS policy on treatment of human remains and consultation.



**VIII. Dispute resolution.**

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

1. Forward all documentation relevant to the dispute, including the NRCS Utah State Conservationist's proposed resolution, to the NRCS FPO and Senior Policy Official (SPO Deputy Chief for Science and Technology) and the ACHP. The ACHP shall provide the FPO, SPO, and NRCS Utah State Conservationist with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRCS Utah 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 Utah 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 Utah may make a final decision on the dispute and proceed. Prior to reaching such a final decision, NRCS Utah 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 responsibility of NRCS Utah to carry out all other actions subject to the terms of this agreement that are not the subject of the dispute remains unchanged.

c. Any consulting party to this SPPA may request the ACHP provide its advisory opinion regarding the substance of any finding, determination, or decision regarding compliance with its terms.

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

**IX. Public Involvement**

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

**X. Annual reporting and monitoring.**

a. Every year following the execution of this agreement, commencing December 1, 2015, until it expires or is terminated, the NRCS Utah State Conservationist shall provide all consulting parties

(including those parties who participate in the consultation but do not sign the agreement), the Utah SHPO and the NRCS FPO a summary report detailing work undertaken pursuant to its terms.

1. The report will include a list of undertakings falling under Appendix A, as well as a summary of undertakings that required further review in accordance with Stipulations V.c and Appendix B of this SPPA.
2. The report will also provide an assessment of the overall effectiveness of the SPPA in fulfilling the Section 106 responsibilities of NRCS Utah. It will summarize the nature and content of meetings held with The Utah SHPO, Native American Tribes, and other consulting parties, as appropriate.
3. The report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in efforts by NRCS Utah to carry out the terms of this SPPA.
4. The NRCS FPO shall use the state reports to provide, through the NRCS SPO, an annual report to the ACHP.

b. The NRCS Utah State Conservationist, NRCS CRS personnel, the Utah SHPO, Native American Tribes, and other consulting parties, as appropriate, will participate in an annual face-to-face meeting regarding the effectiveness of the SPPA.

c. The NRCS Utah State Conservationist will participate in an annual review with the NRCS Regional Conservationist regarding the effectiveness of the SPPA and submit a written (email) report following this review to the SPO.

d. The NRCS Utah State Conservationist, Utah 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 Utah 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 the SPPA.**

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

#### **XIII. Amendment and termination.**

a. This SPPA 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 SPPA, or the ACHP, determines that its provisions will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XIII.a. If within thirty (30) calendar days, or other time period agreed

upon by the signatories, an amendment cannot be agreed upon, any signatory or the ACHP may terminate the agreement upon written notification to the other signatories.

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

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


**IX. Approval.**

Execution of this SPPA by NRCS Utah and the Utah SHPO, and implementation of its terms, evidence that NRCS Utah has taken into account the effects of its undertakings in the State of Utah on historic properties and afforded the ACHP a reasonable opportunity to comment.

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

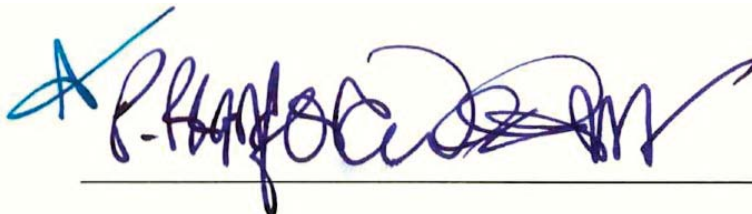
**SIGNATORIES:**

USDA NATURAL RESOURCES CONSERVATION SERVICE

 Date: 4-9-15

David C. Brown, Utah State Conservationist

UTAH STATE HISTORIC PRESERVATION OFFICER

 Date: 04/09/2015

P. Bradford Westwood, Utah State Historic Preservation Officer

## APPENDIX A

### NRCS Utah Activities, Enhancements, and Practices With No Potential to Affect Historic Properties

Pursuant to Stipulation V.a of the NRCS Utah SPPA, and in accordance with 36 CFR Part 800.3(a)(1), NRCS Utah has determined that the following conservation activities, enhancements, and practices constitute undertakings with little or no potential to affect historic properties. This determination has been made in consultation with the NRCS Utah State Conservationist, NRCS Conservation Specialists, and the Utah SHPO. If a conservation activity, enhancement, or practice is not listed as part of this Appendix, and if the exceptions found in Part III of this Appendix do not apply, then the conservation activity, enhancement, or practice will be considered as having potential to affect cultural resources. Therefore, a cultural resources investigation should be completed.

#### I. General NRCS Utah Practices with No Potential to Affect Historic Properties:

NRCS Utah has determined that the following general practices have no potential to affect historic properties, and thus require no further consultation under Section 106.

- a) Conservation Planning or Technical Assistance. NRCS Utah has determined that providing general conservation planning and technical assistance to its Cooperators has no potential to affect historic properties. This assistance is primarily focused on management and is completed in the office or in the field. Planning and technical assistance involves no ground disturbance activities that would necessitate a cultural resources inventory.
- b) Conservation Activity Plans. NRCS Utah has determined that the development of Conservation Activity Plans (CAPs) has no potential to affect historic properties. CAPs are written plans prepared for Cooperators utilizing financial assistance provided by the NRCS. The CAPs are used to identify conservation measures that are needed to address specific resource concerns, and CAPs can be used to help cooperators apply for financial assistance from the NRCS. As with general conservation planning, the development of CAPs involves no ground disturbance activities that would necessitate a cultural resources inventory.
- c) Highly Erodible Land and Wetland Determinations. NRCS Utah has determined that the determination of Highly Erodible Lands (HEL) and Wetlands has no potential to affect historic properties. These determinations are primarily completed in the office and involves no ground disturbance activities that would necessitate a cultural resources inventory. Wetlands determinations are occasionally completed in the field utilizing a hand-dug test pit to identify redoxomorphic features. Under such circumstances, Conservation Planners will shift the location of test pits to avoid impacts to cultural resources.
- d) NRCS Snow Survey and Climate Monitoring Data Collection. NRCS Utah has determined that standard survey data collection at Snow Courses, Snow Telemetry (SNOTEL) locations, and Soil Climate Analysis Network (SCAN) locations has no

potential to affect historic properties. Data collection at these locations occurs electronically, or is collected by hand with the use of probes and shovels to measure existing snow packs. No surface disturbance is associated with any of these data collection methods. NRCS Utah recognizes that the establishment of new SNOTEL, Snow Course, and/or SCAN locations has the potential to affect historic properties. Should the establishment of new locations become necessary, NRCS Utah will complete a pedestrian cultural resources inventory and Section 106 consultation prior to construction.

- e) NRCS Utah Soil Survey and Geotechnical Testing. NRCS Utah has determined that limited soil survey testing utilizing hand-dug test pits, hand probes, and/or augers has no potential to affect historic properties, provided that such testing is shifted to avoid impacts to cultural resources, and provided that the testing is located on privately-owned land. Similarly, NRCS Utah has determined that limited geotechnical auger testing of sediment fill and earthen fill structures associated with dam rehabilitation work has no potential to affect historic properties, provided that such geotechnical testing is shifted to avoid impacts to cultural resources, and provided that the geotechnical testing is located on privately-owned land. If either activity is located on Federal, State, or Tribal-Administered lands, or if heavy equipment (i.e., backhoes, tractors, excavators, etc.) will be used as part of the testing process, then the activities are considered to have potential to affect historic properties. Under such circumstances, a pedestrian cultural resources inventory and Section 106 consultation will be required.

## **II. Specific NRCS Utah Activities, Enhancements, and Practices with No Potential to Affect Historic Properties:**

NRCS Utah has determined that the conservation activities, enhancements, and practices displayed in Table 1 of this Appendix have no potential to affect historic properties, and that further consultation under Section 106 is unnecessary. These conservation activities, enhancements, and practices are considered to have no potential to affect historic properties provided that NRCS Utah has been determined to be the lead Federal agency for the purposes of Section 106; that no extenuating circumstances exist; and that the undertaking occurs exclusively on privately-owned lands. If any of the conservation practices described in Table 1 are associated with undertakings occurring on public or Tribal lands, or involve extenuating circumstances as defined in Appendix B of the NRCS Utah SPPA, then consideration of the effects of the undertaking is necessary and coordination with NRCS CRS personnel is required.

## **III. NRCS Utah Conservation Activity, Enhancement, and Practice Exceptions.**

NRCS Utah has determined that a conservation activity, practice, or enhancement has no potential to affect historic properties when the following Exceptions apply:

- a) Conservation activities, enhancements, or practices are limited to management.
- b) Conservation activities, enhancements, and practices are applied through aerial, chemical, or biological means.
- c) Conservation activities, enhancements, and practices are applied manually or with hand-tools.

- d) Conservation activities, enhancements, and practices are applied to the modern ground surface and involve no subsurface disturbance.
- e) Conservation activities, enhancements, and practices occur within existing tilled soils, croplands, or areas of surface disturbance, and will not exceed the existing depth of tillage or previous disturbance.

If, through the planning process, Conservation Planners determine that a conservation activity, enhancement, or practice meets the criteria for one of the five exceptions listed above, and that no extenuating circumstances exist, then planners shall submit an *NRCS Utah Cultural Resources Review Form* to the NRCS State CRS for further review. The form shall include a list of all conservation activities, enhancements, and practices that are being planned for the undertaking, and it shall also include a clear justification for why an exception should be applied. Use of any exception shall require approval from the NRCS State CRS. Approval from the NRCS State CRS may require consultation per Section 106 and its implementing regulations under 36 CFR Part 800 before an exception can be applied.

#### **IV. Annual Updates to this Appendix**

NRCS Utah recognizes that the standards and definitions for the conservation activities, enhancements, and practices are subject to changes on an annual basis. Similarly, NRCS Utah also recognizes that additional conservation activities, enhancements, and practices are added on an annual basis as the focus of conservation changes over time. To address these changes, NRCS Utah will submit an updated version Table 1 of this Appendix to the Utah SHPO and other consulting parties, as appropriate, on an annual basis. As specified in Stipulation V.b of the NRCS Utah SPPA, the list of undertakings provided in this Appendix may be modified through consultation and written agreement between the NRCS Utah State Conservationist and the Utah SHPO without requiring an amendment to the NRCS Utah SPPA.

<b>Table 1. FY 2015 NRCS Utah Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties</b>			
<b>Practice</b>	<b>Name</b>	<b>Description</b>	<b>Excluded <u>ONLY</u> under the following conditions</b>
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.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
311	Alley Cropping	Trees or shrubs are planted in sets of single or multiple rows with agronomic, horticultural crops or forages produced in the alleys between the sets of woody plants that produce additional products.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
314	Brush Management	The management or removal of woody (non-herbaceous or succulent) plants including those that are invasive and noxious.	This practice has no potential to affect historic properties when occurring on historically tilled ground, or when the practice involves the application of chemical or biological agents.
315	Herbaceous Weed Control	The removal or control of herbaceous weeds including invasive, noxious and prohibited plants.	This practice has no potential to affect historic properties when occurring on historically tilled ground, or when the practice involves the application of chemical or biological agents.
327	Conservation Cover	Establishing and maintaining permanent vegetative cover.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
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.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
329	Residue and Tillage Management, No-Till/Strip Till/Direct Seed	Managing the amount, orientation and distribution of crop and other plant residue on the soil surface year round while limiting soil-disturbing activities to only those necessary to place nutrients, condition residue and plant crops.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
330	Contour Farming	Aligning ridges, furrows, and roughness formed by tillage, planting and other operations to alter velocity and/or direction of water flow to around the hillslope.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
331	Contour Orchard and Other Perennial Crops	Planting orchards, vineyards, or other perennial crops so that all cultural operations are done on or near the contour.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
332	Contour Buffer Strips	Narrow strips of permanent, herbaceous vegetative cover established around the hill slope, and alternated down the slope with wider cropped strips that are farmed on the contour.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
340	Cover Crop	The planting of crops such as grasses, legumes and forbs to provide seasonal cover that will reduce erosion, improve soil organic matter, promote efficient nutrient cycling, fix nitrogen in the soil, suppress weeds, increase biodiversity and/or provide food and cover for wildlife.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
342	Critical Area Planting	Establishment of permanent vegetation on sites that have or are expected to have high erosion rates, and on sites that have physical, chemical or biological conditions that prevent the establishment of vegetation with normal practices.	No potential to affect historic properties when implemented within areas of agricultural development, within the existing depth of tillage, or when applied with aerial seeding.

<b>Table 1. FY 2015 NRCS Utah Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties</b>			
<b>Practice</b>	<b>Name</b>	<b>Description</b>	<b>Excluded <u>ONLY</u> under the following conditions</b>
345	Residue and Tillage Management, Mulch Till	Managing the amount, orientation and distribution of crop and other plant residue on the soil surface year round while limiting the soil-disturbing activities used to grow crops in systems where the entire field surface is tilled prior to planting.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
355	Well Water Testing	Testing the physical, biological, and chemical quality of groundwater from a water well or spring.	All conditions
367	Roofs and Covers	A rigid, semi-rigid, or flexible manufactured membrane, composite material, or roof structure placed over a waste management facility.	No potential to affect historic properties provided that the structure is determined to be less than 50 years old.
371	Air Filtration and Scrubbing	A device or system for reducing emissions of air contaminants from a structure via interception and/or collection.	No potential to affect historic properties provided that the structure is determined to be less than 50 years old.
372	Combustion System Improvement	Installing, replacing, or retrofitting agricultural combustion systems and/or related components or devices for air quality and energy efficiency improvement.	All conditions
373	Dust Control on Unpaved Roads and Surfaces	Controlling direct particulate matter emissions produced by vehicle and machinery traffic or wind action from unpaved roads and other surfaces by applying a palliative on the surface.	All conditions
374	Farmstead Energy Improvement	Development and implementation of improvements to reduce, or improve the energy efficiency of on-farm energy use.	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.	All conditions
380	Windbreak/Shelterbelt Establishment	Windbreaks or shelterbelts are single or multiple rows of trees or shrubs in linear configurations to reduce surface wind speeds in order to control wind erosion, manage snow deposition, reduce the spread of odors, reduce pesticide spray drift and/or provide wildlife food and cover.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
382	Fence	A constructed barrier to animals or people.	No potential to affect historic properties when implemented within areas of agricultural development, when installed by hand, when it is temporary, and when installed without the use of heavy equipment to clear vegetation and obstructions.
383	Fuel Break	A strip or block of land on which the vegetation, debris and detritus have been reduced and/or modified to control or diminish the risk of the spread of fire crossing the strip or block of land.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
384	Woody Residue Treatment	The treatment of residual woody material that is created due to management activities or natural disturbances.	No potential to affect historic properties when implemented without physical ground disturbance or burning.
386	Field Border	A strip of permanent vegetation established at the edge or around the perimeter of a field to provide a buffer between cropland and non-cropped areas to reduce cropland impacts and provide wildlife food and cover.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
393	Filter Strip	A strip or area of herbaceous vegetation established on cropland that removes contaminants from overland flow.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.



<b>Table 1. FY 2015 NRCS Utah Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties</b>			
<b>Practice</b>	<b>Name</b>	<b>Description</b>	<b>Excluded <u>ONLY</u> under the following conditions</b>
394	Firebreak	A permanent or temporary strip of bare or vegetated land established to retard the movement of fire.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
399	Fishpond Management	Managing impounded water for the production of fish or other aquatic organisms.	All conditions
412	Grassed Waterway	A shaped or graded channel that is established with suitable vegetation to convey surface water at a non-erosive velocity using a broad and shallow cross section to a stable outlet.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
422	Hedgerow Planting	Establishment of dense vegetation in a linear design to achieve a natural resource conservation purpose	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
442	Irrigation System, Sprinkler	A distribution system that applies water by means of nozzles operated under pressure.	All conditions
449	Irrigation Water Management	The process of determining and controlling the volume, frequency and application rate of irrigation water in a planned, efficient manner.	All conditions
450	Anionic Polyacrylamide (PAM) Application	Application of water-soluble Anionic Polyacrylamide (PAM) to meet a resource concern.	All conditions
472	Access Control	The temporary or permanent exclusion of animals, people, vehicles, and/or equipment from an area.	No potential to affect historic properties when confined to the modern surface, or with no new construction
484	Mulching	Applying plant residues or other suitable materials produced off site, to the land surface.	All conditions
511	Forage Harvest Management	The timely cutting and removal of forages from the field as hay, green-chop or ensilage.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
512	Forage and Biomass Planting	Establishing adapted and/or compatible species, varieties, or cultivars of herbaceous species suitable for pasture, hay, or biomass production.	No potential to affect historic properties when applied aerially, or when implemented within areas of agricultural development and within the existing depth of tillage.
521A	Pond Sealing or Lining, Flexible Membrane	A manufactured hydraulic barrier consisting of a functionally continuous layer of synthetic or partially synthetic, flexible material.	No potential to affect historic properties when installed within the footprint of an existing pond
521B	Pond Sealing or Lining, Soil Dispersant	A liner for a pond or waste storage impoundment consisting of a compacted soil-dispersant mixture.	No potential to affect historic properties when installed within the footprint of an existing pond
521C	Pond Sealing or Lining, Bentonite Sealant	A liner for a pond or waste storage impoundment consisting of a compacted soil-bentonite mixture.	No potential to affect historic properties when installed within the footprint of an existing pond
521D	Pond Sealing or Lining, Compacted Clay Treatment	A liner for a pond or waste storage impoundment constructed using compacted soil without soil amendments.	No potential to affect historic properties when installed within the footprint of an existing pond
528	Prescribed Grazing	Managing the harvest of vegetation with grazing and/or browsing animals in order to enhance or maintain good forage production and provide wildfire food and cover.	All conditions
550	Range Planting	Establishment of adapted perennial vegetation such as grasses, forbs, legumes, shrubs and trees in order to establish a function range ecology.	No potential to affect historic properties when applied aerially, or when implemented within areas of agricultural development and within the existing depth of tillage.

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<b>Practice</b>	<b>Name</b>	<b>Description</b>	<b>Excluded <u>ONLY</u> under the following conditions</b>
554	Drainage Water Management	The process of managing water discharges from surface and/or subsurface agricultural drainage systems.	No potential to affect historic properties when using existing water control structures.
557	Row Arrangement	Row Arrangement is a system of crop rows on planned directions, grades and lengths.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
558	Roof Runoff Structure	A structure that will collect, control and convey precipitation runoff from a roof.	No potential to affect historic properties provided that the structure is determined to be less than 50 years old.
561	Heavy Use Area Protection	Heavy Use Area Protection is used to stabilize a ground surface that is frequently and intensively used by people, animals, or vehicles.	No potential to affect historic properties when applied aerially, or when implemented within areas of agricultural development and within the existing depth of tillage.
585	Stripcropping	Growing row crops, forages, small grains, or fallow in a systematic arrangement of equal width strips across a field.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
588	Cross Wind Ridges	Ridges formed by tillage, planting or other operations and aligned perpendicular to prevailing wind direction during critical wind erosion periods.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
589C	Cross Wind Trap Strips	Herbaceous cover established in one or more strips typically perpendicular to the most erosive wind events.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
590	Nutrient Management	Managing the amount (rate), source, placement (method of application), and timing of plant nutrients and soil amendments.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
591	Amendments for the Treatment of Agricultural Waste	The use of chemical or biological additives to change the properties of manure, process wastewater, contaminated storm water runoff and other wastes.	All conditions
592	Feed Management	Managing the quantity of available nutrients fed to livestock and poultry for their intended purpose.	All conditions
595	Integrated Pest Management (IPM)	A site-specific combination of pest prevention, pest avoidance, pest monitoring, and pest suppression strategies.	All conditions
601	Vegetative Barrier	Permanent strips of stiff, dense vegetation along the general contour of slopes or across concentrated flow areas.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
603	Herbaceous Wind Barriers	Herbaceous vegetation established in rows or narrow strips in the field across the prevailing wind direction.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
609	Surface Roughening	Performing tillage operations that create random roughness of the soil surface.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
612	Tree/Shrub Establishment	Establishing woody plants by planting seedlings or cuttings, direct seeding, or natural regeneration.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.

<b>Table 1. FY 2015 NRCS Utah Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties</b>			
<b>Practice</b>	<b>Name</b>	<b>Description</b>	<b>Excluded <u>ONLY</u> under the following conditions</b>
633	Waste Recycling	The use of the by-products of agricultural production or the agricultural use of non-agricultural by-products.	All conditions
634	Waste Transfer	A system using structures, pipes or conduits installed to convey wastes or waste byproducts from the agricultural production site to storage/treatment or application.	No potential to affect historic properties when using existing structures, conduits, or equipment, and without new construction.
635	Vegetated Treatment Area	An area of permanent vegetation used for agricultural wastewater treatment.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
643	Restoration and Management of Declining Habitats	Restoring and managing rare and declining habitats and their associated wildlife species to conserve biodiversity.	No potential to affect historic properties when limited to management.
644	Wetland Wildlife Habitat Management	Retaining, developing or managing wetland habitat for wetland wildlife.	No potential to affect historic properties when limited to management.
645	Upland Wildlife Habitat Management	Provide and manage upland habitats and connectivity within the landscape for wildlife.	No potential to affect historic properties when limited to management.
646	Shallow Water Development and Management	The inundation of lands to provide habitat for fish and/or wildlife.	No potential to affect historic properties when limited to management.
647	Early Successional Habitat Development/Management	Manage early plant succession to benefit desired wildlife or natural communities by increasing plant community diversity.	No potential to affect historic properties when limited to management.
649	Structures for Wildlife	A structure installed to replace or modify a missing or deficient wildlife habitat component.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage, or when no new ground disturbance is planned.
650	Windbreak/Shelterbelt Renovation	Replacing, releasing and/or removing selected trees and shrubs or rows within an existing windbreak or shelterbelt, adding rows to the windbreak or shelterbelt or removing selected tree and shrub branches.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
670	Lighting System Improvement	Complete replacement or retrofitting of one or more components of an existing agricultural lighting system.	All conditions
672	Building Envelope Improvement	Modification or retrofit of the building envelope of an existing agricultural structure.	No potential to affect historic properties provided that the structure is determined to be less than 50 years old.
798	Seasonal High Tunnel System for Crops	A seasonal polyethylene covered structure that is used to cover crops to extend the growing season in an environmentally safe manner.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
AIR03	Replace burning of prunings and other crop residues with non-burning alternatives	The use of non-burning alternatives to dispose of prunings, removals and other crop residues from orchards, vineyards and other woody perennial crops. Non-burning alternatives include chipping, grinding, shredding, mowing or composting of these materials.	No potential to affect historic properties when confined to the modern surface, or when no physical ground disturbance is planned.
AIR04	Use drift reducing nozzles, low pressures, lower boom height and adjuvants to reduce pesticide drift	Use drift reduction technologies to reduce the drift of agricultural chemicals away from the intended target when spraying.	All conditions

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<b>Practice</b>	<b>Name</b>	<b>Description</b>	<b>Excluded <u>ONLY</u> under the following conditions</b>
AIR07	GPS, targeted spray application (SmartSprayer), or other chemical application electronic control tec	Utilize electronically-controlled or managed chemical spray application technology to more precisely apply agricultural pesticides to their intended targets.	All conditions
AIR08	Nitrification inhibitors or urease inhibitors	The use of an ammonia or ammonium fertilizers with a substance that inhibits the biological oxidations of ammoniacal nitrogen to nitrate nitrogen or the use of surface applied urea products with a substance that inhibits hydrolytic action on urea by urease enzyme that when applied to soils results in less urea nitrogen lost by ammonia volatilization (AAPFCO). This enhancement is only applicable to nitrogen applied within 30 days of planting or after consecutive warm days (i.e., greater than 75°F). This does not apply to “pop-up” or starter nitrogen sources applied at planting time.	All conditions
AIR10	Discontinue burning crop residue	Utilize non-burning crop residue management techniques after a crop harvest.	No potential to affect historic properties when confined to the modern surface, or when no physical ground disturbance is planned
ANM03	Incorporate native grasses and/or legumes into 15% or more of the forage base	Improve pasture by increasing native grasses and/or legumes to 15% of herbage dry matter (productivity by weight) using adapted species and varieties, appropriate seeding rates, and timing of seeding. Pastures containing about 15% native grasses and/or legumes by weight dry matter are approximately equal to 30% foliar cover.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ANM09	Grazing management to improve wildlife habitat	Implement a grazing management plan that allows for rest periods to provide adequate residue for nesting and fawning cover and increase diversity of vegetation structure to benefit a variety of wildlife species.	All conditions
ANM25	Stockpiling Forages to Extend the Grazing Season	Livestock are excluded from forages on specified acres during the growth season. The “stockpiled” forages are grazed at a later time using strip grazing to allow animals to utilize the forage within a strip for a specified period of time.	All conditions
ANM27	Wildlife Friendly Fencing	This enhancement involves the use of wildlife friendly fencing techniques that allow free passage of daily wildlife movement and seasonal migration; and/or increase visibility to prevent entanglement and mortality. <u>Selection of this enhancement requires the activity to be planned concurrently on all eligible land use acres.</u>	No potential to affect historic properties when implemented within areas of agricultural development, when installed by hand, and when installed without the use of heavy equipment to clear vegetation and obstructions.
ANM29	On-farm forage based grazing system	A forage based grazing system that supplies all roughage (forage and supplemental hay) requirements for a livestock operation.	All conditions
ANM31	Drainage water management	This enhancement consists of seasonal hydrology management during non-cropping periods for wildlife habitat on working lands.	No potential to affect historic properties when using existing water control structures.
ANM32	Extend existing filter strips or riparian herbaceous cover for WQ protection and wildlife habitat	Where existing filter strips or riparian herbaceous covers (i.e., buffers) are utilized, extend them to gain more efficiency in intercepting overland flow and reducing the transport of nutrients, pesticides and agro-chemicals, and for wildlife habitat.	No potential to affect historic properties when limited to management, or when implemented within areas of agricultural development and within the existing depth of tillage.

Table 1. FY 2015 NRCS Utah Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties			
Practice	Name	Description	Excluded <u>ONLY</u> under the following conditions
ANM33	Riparian buffer, terrestrial and aquatic wildlife habitat	This activity consists of managing riparian zones by utilizing select conservation measures (such as re-locating equipment operations, trails, or livestock; establishing diverse native vegetation and controlling invasive species; fencing; and extending the width of the riparian zone to enhance wildlife habitat adjacent to riparian zones of streams, ponds, lakes, or wetlands) to achieve stream side cover and vegetative diversity and structure to improve terrestrial and aquatic wildlife habitat.	No potential to affect historic properties when limited to management; when no new construction is planned; or when activities are confined to the modern surface.
ANM34	Leave standing grain crops un-harvested to benefit wildlife	Implement a crop management plan that will allow a portion of grain crops to be left in fields un-harvested to provide food and cover for wildlife during winter months.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ANM35	Enhance habitat on expired CRP acres or acres with perennial vegetated cover managed as hayland	Implement a focused habitat management plan for the benefit of selected wildlife species on expired CRP grass/legume covered acres that has CRP conservation cover or acres with similar perennial vegetated cover managed as hayland.	No potential to affect historic properties when limited to management, or when implemented within areas of agricultural development and within the existing depth of tillage.
ANM36	Enhance habitat on expired CRP acres or acres with woody cover managed as forestland	Implement a focused habitat management plan for the benefit of selected wildlife species on expired CRP tree covered acres that has CRP conservation cover or acres with similar woody cover managed as forestland.	No potential to affect historic properties when limited to management, or when implemented within areas of agricultural development and within the existing depth of tillage.
ANM37	Prescriptive grazing management system for grazed lands	Implement a prescriptive grazing management system for all grazed lands and for all eligible land uses in the operation. This includes expired CRP grass/legume or tree covered acres that are now converted to a grazing system. <u>Selection of this enhancement requires the activity to be planned concurrently on all eligible land use acres.</u>	All conditions
ANM38	Retrofit watering facility for wildlife escape and enhanced access for bats and bird species	Retrofit all existing watering facilities (troughs, tanks, etc.) to allow for the escape of wildlife that become trapped while trying to drink and to remove obstructions above the watering facility such as boards and wires. <u>Selection of this enhancement requires the activity to be planned concurrently on all eligible land use acres.</u>	All conditions
ANM40	Extending existing field borders for water quality protection and wildlife habitat	Where existing field borders are utilized, extend them to gain more efficiency in intercepting overland flow and reducing the transport of nutrients, pesticides and agro-chemicals, and for wildlife habitat.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ANM41	Multi-species native perennials and native self-seeding annuals for biomass/wildlife habitat	This enhancement consists of establishing native perennial and native self-seeding annual vegetation for biomass production and wildlife habitat. The biomass may be harvested for renewable energy or forage, grazed, or left in place.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ANM42	Forest stand improvement for wildlife habitat and soil quality	This enhancement consists of the creation of snags, den trees, forest stand structural diversity, and coarse woody debris on the forest floor to a level optimum for native wildlife, ecosystem function, and long-term forest soil health. It may be implemented during thinning or harvesting, or it can be implemented separately.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.

<b>Table 1. FY 2015 NRCS Utah Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties</b>			
<b>Practice</b>	<b>Name</b>	<b>Description</b>	<b>Excluded <u>ONLY</u> under the following conditions</b>
ANM51	Establish and maintain early successional, naturally occurring vegetation in ditches and ditch bank borders for wildlife habitat and water quality protection	This enhancement is to encourage the establishment of early successional, naturally occurring vegetation in ditches, side slope and bank borders to provide cover, critical nesting and brood rearing habitat as well as filtering overland flow and improving water quality.	All conditions
ANM52	Implement fallow disking to improve wildlife habitat	This enhancement is to encourage the implementation of fallow disking as a means to improve early successional habitat for wildlife species of concern.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ANM53	Hinge cutting for wildlife	This enhancement creates hinge cuts for wildlife cover, resting or loafing areas while providing valuable browse and cover for several game and non-game species.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when physical ground disturbance is planned.
ANM55	Creation and retention of snags, den trees and coarse woody debris for wildlife habitat	This enhancement is to create and/or retain snags, den trees and coarse woody debris on the forest floor to reverse the leading cause of upland wildlife population decline – habitat loss.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when physical ground disturbance is planned.
ANM56	Increase summer roost habitat for forest dwelling bat species	This activity consists of managing forestland and forested riparian areas by creating new potential roost trees within a forest and associated riparian areas to achieve desired summer habitat for forest dwelling bat species.	All conditions
ANM59	Grazing management to improve Sage grouse habitat	Implement a grazing management plan that will allow for rest periods to provide adequate residue for nesting cover and increase diversity of vegetative structure to benefit a variety of wildlife species.	All conditions
ANM60	Grouse friendly fencing	This enhancement involves the retrofit of existing fences to increase visibility and prevent grouse from collision and mortality. Selection of this enhancement requires all fences that are a high or medium risk to grouse be marked. Selection of this enhancement requires the activity to be planned concurrently on all eligible land use acres.	All conditions
ANM61	Hosting a grazing related field day	This enhancement requires a producer to host a grazing field day. Grazing field days provide an opportunity for producers, state, and federal employees to visually learn grazing principles from others to help encourage, plan, and implement effective grazing management. Assistance from state/federal employees or other agriculture organizations is encouraged.	All conditions
ANM62	Deferred Grazing to improve Lesser Prairie-chicken (LPC) habitat	Implement a grazing management plan that will include year-long deferments to insure that adequate standing residue is available to meet the nesting and brood rearing cover requirements for lesser prairie-chickens (LPC).	All conditions

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<b>Practice</b>	<b>Name</b>	<b>Description</b>	<b>Excluded <u>ONLY</u> under the following conditions</b>
ANM63	Harvest crop in a manner that allows wildlife to flush and escape	Harvest crops (hay or small grains) using conservation measures that allow wildlife to flush and escape. These measures include timing of haying to avoid periods when upland wildlife are nesting or fawning, idling land during the nesting or fawning period, and applying harvest techniques that reduce mortality to wildlife.	All conditions
ANM64	Managing livestock parturition to coincide with forage availability	This enhancement uses a controlled breeding season to match livestock nutrient requirements to available pasture forage and reduce supplemental feeding. This enhancement is applicable to all grazing livestock.	All conditions
ANM65	Monitoring nutritional status of ruminant livestock using the NUTBAL system	Use the NUTBAL Online application to determine if the current diet is sufficient to meet ruminant livestock nutritional needs and develop a least cost nutrition management plan. This requires the collection and laboratory analysis of forage or fecal samples to determine the nutritional value of grazing forages.	All conditions
BCR10	BCR10 (Improves nutrient and pesticide application techniques and widens buffers)	This bundle of enhancement activities includes: AIR04-Use drift reducing nozzles, low pressures, lower boom height, and adjuvants to reduce pesticide drift; AIR07-GPS, targeted spray application (SmartSprayer), or other chemical application electronic control technology; WQL11-Precision application technology to apply nutrients; WQL29-High level IPM to reduce pesticide environmental risk; and one of the buffer widening enhancements ANM32, ANM39 or ANM40.	All conditions
BCR11	BCR11 (Addresses orchard and vineyard resource concerns)	This bundle of enhancement activities includes: AIR03-Replace burning of pruning, removals and other crop residues with non-burning alternatives; AIR04-Use of drift reducing nozzles, low pressures, lower boom height, and adjuvants to reduce pesticide drift; PLT15- Establish pollinator and/or beneficial insect habitat; SQL11-Cover cropping in orchards, vineyards and other woody perennial horticultural crops; and WQL29-High level IPM to reduce pesticide environmental risk.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
BOI01	BOI01 (Improves irrigation water conservation and widens buffers)	This bundle of enhancement activities includes: WQT01-Irrigation system automation; WQT03-Irrigation pumping plant evaluation; WQT09-High level or advanced level irrigation water management; WQT10-Center pivot irrigation system end gun removal; and one of the buffer widening enhancements ANM32 or ANM40.	All conditions
BOI02	BOI02 (Improves irrigation water conservation and widens buffers)	This bundle of enhancement activities includes: WQT03-Irrigation pumping plant evaluation; WQT09-High level or advanced level irrigation water management; WQT10-Center pivot irrigation system end gun removal; WQT11-Low elevation precision application irrigation; and one of the buffer widening enhancements ANM32 or ANM40.	All conditions

<b>Table 1. FY 2015 NRCS Utah Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties</b>			
<b>Practice</b>	<b>Name</b>	<b>Description</b>	<b>Excluded <u>ONLY</u> under the following conditions</b>
BOI03	BOI03 (Improves irrigation water conservation and widens buffers)	This bundle of enhancement activities includes: WQT01-Irrigation system automation; WQT03-Irrigation pumping plant evaluation; WQT05-Remote monitoring and notification of irrigation pumping plant operation; WQT07-Regional weather network; and one of the buffer widening enhancements ANM32 or ANM40.	All conditions
BPA09	Pasture Grazing Bundle # 9 (Addresses multiple resource concerns)	This bundle of enhancement activities includes: AIR04-Use drift reducing nozzles, low pressures, lower boom height, and adjuvants to reduce pesticide drift; ANM03-Incorporate native grasses and/or legumes into 15% or more of herbage dry matter productivity; ANM27-Wildlife friendly fencing; PLT16-Intensive rotational grazing, and WQL07-Split nitrogen applications 50% after the crops/pasture emerge/green-up.	All conditions
BPA10	BPA10 (Improves forage utilization)	This bundle of enhancement activities includes: ANM25-Stockpiling of forages to extend the grazing season; ANM29-On-farm forage based grazing system; ANM64- Managing livestock parturition to coincide with forage availability; PLT16-Intensive rotational grazing; and WQL07-Split nitrogen applications 50% after the crops/pasture emerge/green-up.	All conditions
BRA10	BRA10 (Addresses multiple resource concerns)	This bundle of enhancement activities includes: ANM09-Grazing management to improve wildlife habitat; ANM64-Managing livestock parturition to coincide with forage availability; PLT02-Monitor key grazing areas to improve grazing management; WQL03-Rotation of supplement and feeding areas; and WQL29-High level IPM to reduce pesticide environmental risk.	All conditions
CCR98	Improved Resource Conserving Crop Rotation (IRCCR)	Improving a resource-conserving crop rotation means strengthening an existing resource-conserving crop rotation to further: 1. Reduces erosion; 2. Improves soil fertility and soil health; 3. Interrupts pest cycles; and 4. In applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
CCR99	Resource-Conserving Crop Rotation	Resource-conserving crop rotation means a crop rotation that: 1) Includes at least one resource conserving crop as determined by the State Conservationist, 2) Reduces erosion, 3) Improves soil fertility and tilth, 4) Interrupts pest cycles, and 5) In applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation. Resource-conserving crop means a crop that is one of the following: 1) A perennial grass, 2) A legume grown for use as forage, seed for planting, or green manure, 3) A legume-grass mixture, and 4) A small grain grown in combination with a green manure crop consisting of a grass, legume, forbs, or grass-forbs mixture, whether interseeded or planted in rotation.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ENR01	Fuel use reduction for field operations	This enhancement is for fuel savings of 20% or more achieved by a reduction in field operations when compared to existing management system.	All conditions



Table 1. FY 2015 NRCS Utah Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties			
Practice	Name	Description	Excluded <u>ONLY</u> under the following conditions
ENR10	Using N provided by legumes, animal manure and compost to supply 90 to 100% of the N needs	This enhancement involves using nitrogen (N) produced by legumes and/or available animal manure and compost to supply 90 to 100% of N nutrient needs for crops, hay and/or forages produced on the farm.	All conditions
ENR11	Improving energy feedstock production using alley cropping systems with short rotation woody crops	This enhancement involves the use of short rotation woody plants that produce energy feedstock planted in multiple rows with crops or forages produced in the alleyways between the woody rows.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ENR12	Use of legume cover crops as a nitrogen source	This enhancement is for the use of legume cover crops as a primary source of nitrogen in a cropping system. Use of legume cover crops is applicable to conventional, specialty and organic crop production systems.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
ENR13	Variable speed motor-drive systems	This enhancement activity is for upgrading of existing single speed motors through the addition of variable speed drives. A motor replacement may also be included in some cases. The primary use of this enhancement is for irrigation water pumping. This enhancement is not intended for farmstead or animal housing applications.	All conditions
PLT02	Monitor key grazing areas to improve grazing management	Adjust grazing management based on monitoring data. Monitor key grazing areas to determine if current grazing management is meeting management goals and objectives. A key grazing area is a small area of a grazed field that is identified as being representative of the entire field.	All conditions
PLT06	Renovation of a windbreak or shelter belt, or hedgerow for wildlife habitat	This enhancement is for the renovation of existing sites that are declining in vigor, need additional woody plants (trees or shrubs) or otherwise no longer provide wildlife habitat benefits. Existing rows of woody plants may be thinned, removed or replaced with new plantings. Existing woody plants may be pruned, either branches or roots or both, to improve windbreak function, health and vigor.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT16	Intensive rotational grazing	This enhancement is for the <u>harvest efficiency</u> of grazing livestock to increase forage harvest, and to improve forage quality and livestock health. The grazing system is managed to produce high quality, nutritious forage and maintain plants with sufficient energy reserves to recover quickly when adequate soil moisture is available for regrowth. Generally, livestock are rotated through pastures in the grazing system based on the physiological growth and nutritional stage of the forage plants and the daily dry matter intake and nutritional requirements of the animal. This enhancement is for: rotational grazing systems with increased numbers of pastures or paddocks, the accompanying required infrastructure, shorter grazing periods, and increased stock density. <u>Selection of this enhancement requires the activity to be planned concurrently on all eligible land use acres.</u>	All conditions

<b>Table 1. FY 2015 NRCS Utah Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties</b>			
<b>Practice</b>	<b>Name</b>	<b>Description</b>	<b>Excluded <u>ONLY</u> under the following conditions</b>
PLT17	Creating forest openings to improve hardwood stands	Creating forest openings or patches is a silvicultural practice used to naturally regenerate over-mature and/or degraded hardwood stands while providing added cover and browse for several game and non-game species of wildlife.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT18	Increasing on-farm food production with edible woody buffer landscapes	This enhancement is for the enhancing of windbreaks, alley cropping, silvopasture, or riparian forest buffer systems with trees and shrubs that produce edible products for human or wildlife consumption.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT19	Herbicide resistant weed management	Adoption of multiple agronomic principles to manage herbicide resistant weeds in annually planted crop fields.	All conditions
PLT20	High residue cover crop or mixtures of high residue cover crops for weed suppression and soil health	Utilize biomass from a cover crop or cover crop mixture as a living or killed mulch to suppress weed seed germination and to add carbon to the terrestrial carbon pool.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
PLT22	Multi-story cropping, sustainable management of non-timber forest plants	This activity, sometimes called forest farming, involves the manipulation of forest species composition, structure, and canopy cover to achieve or maintain a desired native plant community to facilitate the sustainable management of native non-timber forest plant(s) (e.g., goldenseal, ramps, mushrooms, ginseng, ferns, "sugarbush", etc.).	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT23	Conifer crop tree release	Conifer Crop Tree Release (CCTR) is a silvicultural technique used to enhance the growth, health and productivity of individual trees, while improving other resources such as wildlife habitat, recreation, timber value, and aesthetics.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT24	Crop tree release in young hardwood stands	Crop Tree Release (CTR) in young hardwood stands is a silvicultural technique used to enhance the health and productivity of individual trees, while improving other resources such as wildlife habitat, recreation, timber value, and aesthetics.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT25	Prune low density pine or hardwood trees to improve tree quality and wildlife habitat	This enhancement is to enrich the health and productivity of individual trees, while improving other resources such as recreation, timber value, and aesthetics through the use of a silvicultural technique--pruning.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT26	Forest stand improvement to treat understory vegetation to minimize the risk of damaging wildfires, and/or manipulate the density and composition of tree species to improve wildlife habitat and forest health	This enhancement is to manage the understory vegetation in a forested area with mechanical, chemical or manual methods to reduce the fuel load to lessen the risk of a wildfire, improve the plant species mix to benefit wildlife or to improve the health of the residual trees.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.

<b>Table 1. FY 2015 NRCS Utah Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties</b>			
<b>Practice</b>	<b>Name</b>	<b>Description</b>	<b>Excluded <u>ONLY</u> under the following conditions</b>
PLT27	Create small openings in pine stands to improve wildlife habitat or to prepare the area for natural regeneration	This enhancement is to create small openings in pine stands (i.e., one-half (0.5) to three (3) acres in size). The cleared area will have the vegetation removed through harvesting, mulching, or means compatible with the site.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT29	Rehabilitating damaged or cut over stands	This enhancement is designed to restore a forest that has been damaged or cut-over leaving very few desirable trees along with undesirable tree species. Action will be taken to reduce the undesirable tree species and promote the desirable tree species. Over time, the favoring of desirable species will bring the stand back to a productive and healthy forest.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
PLT30	Monitor pasture health using pasture condition scores (PCS)	Evaluate current pasture productivity and stability of the plant community and soil resources; and utilize the information for management decision making.	All conditions
SOE05	Intensive no-till (Organic or Non-organic systems)	This enhancement is for using an intensive no-till, strip till, or direct seeding method of planting throughout the planned rotation. High residue levels are maintained by including high residue-producing crops, or by low residue crops followed by a cover crop in the rotation. Termination of all cover crops is accomplished using chemical methods or non-chemical methods, such as flail mowing, roller crimper and frost kill.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
SQL01	Controlled traffic system	Controlled traffic confines heavy traffic from tractor drive wheels/tracks, combine wheels, fertilizer or manure spreaders and grain carts to specific lanes in crop fields year after year.	All conditions
SQL04	Use of Cover Crop Mixes	This enhancement is for the use of cover crop mixes that contain two (2) or more different species of cover crops or cultivars of a single species.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
SQL05	Use deep rooted crops to breakup soil compaction	This enhancement is for the use of deep rooted crops to break up compacted soils and improve soil quality. Deep rooted crops can be perennial plants like alfalfa or annual plants like forage radish.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
SQL08	Intercropping to improve soil quality and increase biodiversity	This enhancement involves the use of intercropping principles (i.e., growing two or more crops in close proximity to each other during part or all of their life cycles) to promote interactions that improve soil and water quality via increased biodiversity and contribute to pest management.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
SQL09	Conversion of cropped land to grass-based agriculture	Conversion of cropped land to grass-based agriculture is the establishment of mixtures of perennial grasses, forbs and/or legume species on cropland where annually-seeded cash crops have been grown in monocultures. Select perennial species based on species compatibility, forage quality potential, improvements to soil quality, beneficial effects for wildlife and/or production of biomass.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.

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<b>Practice</b>	<b>Name</b>	<b>Description</b>	<b>Excluded <u>ONLY</u> under the following conditions</b>
SQL10	Crop management system on crop land acres recently converted	Implement a prescriptive crop management system on crop land acres that have been recently converted from CRP grass/legume conservation cover or similar perennial vegetated cover to a rotation of annually planted crops. Note: this enhancement is limited to acres where the conversion event took place not more than 2 years prior (not including hayland).	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
SQL11	Cover cropping in orchards, vineyards and other woody perennial horticultural crops	Grow perennial or annual cover crop mixtures of grass, legumes, native flowering plants and/or other forbs year round to provide soil coverage, organic mulch, beneficial insect habitat, and other conservation benefits in orchards, vineyards or other perennial horticultural crops. Cover crops, once planted, are replanted annually or maintained year after year.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
SQL12	Intensive cover cropping in annual crops	Grow and manage <i>seasonal</i> cover crops of grasses, legumes or forbs to maintain soil coverage and other conservation benefits during all the non-crop production periods in an annual crop rotation. Intensive cover cropping is applicable to conventional, specialty and organic crop production systems.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
SQL13	Forest stand improvement for soil health	This enhancement consists of forest management activities (planting, tending, and harvesting) to minimize impacts on forest soils and improve soil health.	No potential to affect historic properties when limited to hand tools; when limited to trees under 6" in diameter; or when no burning or physical ground disturbance is planned.
SQL14	Integrate grazing into crop and forest systems	This enhancement integrates of grazing into land use systems where they are absent.	All conditions
SQL15	Utilize the soil health nutrient tool to assess soil nutrient pools	Use a soil health nutrient tool to assess soil nutrient pools for soil health.	All conditions
SQL16	High species diversity grazing lands	Warm-season perennial grazing lands will be overseeded with a multi-species diverse mixture of annual grasses, clovers, and broadleaf species.	No potential to affect historic properties when applied aerially, or when implemented within areas of agricultural development and within the existing depth of tillage.
SQL17	Placement of hay feeding areas on low fertility soils	This enhancement combines soil testing and remediation of low fertility grazing areas with targeted hay feeding sites. Selected sites will have the hay unrolled. Only specific grazing areas will be targeted instead of the entire farm.	All conditions
SQL18	Soil health crop rotation	Implement a crop rotation which addresses the four principle components of a soil health: adds diversity to the cropping system; maintains residue throughout the year; keeps a living root; and minimizes soil chemical, physical and biological disturbance.	All conditions

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<b>Practice</b>	<b>Name</b>	<b>Description</b>	<b>Excluded <u>ONLY</u> under the following conditions</b>
SQL19	Management for rangeland soil health	Professional assessment of rangeland health by evaluating the presence, descriptions and amounts of rills, water flow patterns, pedestals or terracettes, bare ground, gullies, wind erosion affected areas, litter movement, soil surface loss and resistance to erosion, plant community composition and distribution, compaction, functional/structural groups, plant mortality/decadence, amounts of litter, annual production, invasive plants, and reproductive capability of perennial plants; and implementing measures that help avoid degradation of the resource.	All conditions
WQL03	Rotation of supplement and feeding areas	The proper location and regular movement of livestock concentration areas such as feeding areas and mineral blocks in a manner that will improve livestock distribution, reduce localized areas of disturbances and reduce impacts on water bodies.	All conditions
WQL04	Plant Tissue Testsing and Analysis to Improve Nitrogen Management	Use plant tissue tests to adjust nitrogen application rates.	All conditions
WQL05	Apply nutrients no more than 30 days prior to planned planting date	This enhancement is for applying nutrients from fertilizer, manures and/or compost no more than 30 days prior to the planned planting date of the crop.	All conditions
WQL07	Split nitrogen applications 50% after crop emergence	Apply no more than 50% of total crop nitrogen needs within 30 days prior to planting or in the case of pasture or hay after green up of the dormant grasses. Apply the remaining 50% or more of the total nitrogen needs after crop emergence or pasture green up.	All conditions
WQL09	Apply phosphorus fertilizer below soil surface	This enhancement is for the application of all phosphorus fertilizer at least 3 inches deep, including manure, or as a 2X2 row starter. Note: the use of this enhancement may require a revised Highly Erodible Land Conservation (HELC) plan.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
WQL10	Plant an annual grass-type cover crop that will scavenge residual nitrogen	Plant a cover crop that will scavenge nitrogen remaining in the soil after the harvest of a previous crop. Suitable cover crops include those with at least a "Very Good" rating for scavenging nitrogen as documented in <i>"Managing Cover Crops Profitably, 3rd Edition"</i> (Sarrantonio, 1998), Chart 2 Performance & Roles, pg 67. Examples include cereal rye, barley, forage radish and sorghum sudan.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
WQL11	Precision application technology to apply nutrients	The use of precision agriculture technologies to apply nutrients to fit variations in site-specific conditions found within fields.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
WQL18	Non-Chemical Pest Mgmt for Livestock	The use of management, monitoring, and prevention techniques to manage external livestock pests without the use of pesticides.	All conditions

Table 1. FY 2015 NRCS Utah Conservation Activities, Enhancements, and Practices with No Potential to Affect Historic Properties			
Practice	Name	Description	Excluded <u>ONLY</u> under the following conditions
WQL19	Transition to Organic Grazing Systems	“Transition to Organic Grazing Systems” supports the conversion of a conventional to an organic livestock grazing system. Key to the enhancement activity is following ecological and pasture-based grazing requirements, applying materials according to the National List of Allowed Synthetic and Prohibited Natural Substances, and managing livestock according to National Organic Program (NOP) rules (Subpart C – Organic Production and Handling Requirements) for organic certification. This enhancement activity facilitates compliance with NOP rules for organic certification.	All conditions
WQL20	Transition to Organic Cropping Systems	“Transition to Organic Cropping Systems” supports the conversion of a conventional to an organic cropping system. Key to the enhancement is the inclusion of management activities that improve water and soil quality in an “Organic System Plan (OSP)” that adheres to the National Organic Program (NOP) 205.201 criteria. Included in the plan are specifics on how producers will manage pests, weeds, diseases, and plant nutrients by following a crop rotation that incorporates cover crops and by using other cultural, biological and physical methods. The OSP also covers uses of manure and compost, measures to prevent exposure of organic crops and soils to NOP-prohibited substances, and seed sources.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
WQL22	On Farm Composting of Farm Organic Waste	This enhancement consists of composting organic waste generated from the agricultural operation(s) on-farm. This includes animal manures, livestock mortality (where state or local laws allow), and waste from on-farm processing of agricultural products (e.g., slaughter by-products or vegetable culls removed from the field during harvest). It does not include any hazardous household waste, any general hazardous waste products or bio-hazard waste products. Yard waste such as grass clippings and leaves can be included but are not required. Composted products must be used in compliance with all federal, state and local laws, rules and regulations.	No potential to affect historic properties when utilizing existing structures; when confined to the modern surface; and when no new construction is planned.
WQL25	Split applications of nitrogen based on a PSNT	Use <u>pre-sidedress</u> soil nitrate test (PSNT) to determine the need and/or amount of additional nitrogen to be applied during a sidedress/topdress N application.	All conditions
WQL26	Reduce the concentration of nutrients imported on farm	Grow at least 75% of feed for livestock on the farm and use manure from the livestock to supplement up to 50% of N, 90% of P and 90% K for crops grown on the farm.	All conditions
WQL27	Drainage water management for nutrient, pathogen, or pesticide reduction	This enhancement consists of managing soil and/or surface water levels during the non-cropping season in order to reduce the loss of nutrients, pathogens, or/and pesticides from a crop field through drainage systems and into downstream receiving waters. This enhancement may also be utilized to reduce the oxidation of organic matter in the soil and/or reduce wind erosion or particulate matter (dust) emissions.	No potential to affect historic properties when using existing water control structures.

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<b>Practice</b>	<b>Name</b>	<b>Description</b>	<b>Excluded <u>ONLY</u> under the following conditions</b>
WQL29	High level integrated pest management to reduce pesticide environmental risk	Utilize advanced Integrated Pest Management (IPM) prevention, avoidance, monitoring, and suppression techniques to eliminate or minimize the need for pesticide while maintaining satisfactory pest control. Apply pesticides in an environmentally sound manner only when monitoring indicates an economic pest threshold has been exceeded and other measures are not sufficiently effective. Choose the lowest risk pesticide available labeled for and effective against the target pest(s), and implement appropriate mitigation techniques to minimize environmental risks. Pesticide applications must follow all label requirements.	All conditions
WQL30	Integrated pest management for ORGANIC farming	Managing pests on an organic farm, including farms transitioning to organic, with an Integrated Pest Management (IPM) system that relies on high level prevention, avoidance, monitoring, and suppression techniques that are based on an understanding of pest ecology. Organic IPM relies primarily on ecologically-based cultural and biological practices that result in healthy soil, healthy plants and habitat for beneficial organisms. Appropriate mitigation techniques are utilized to reduce environmental risks from selected suppression techniques.	All conditions
WQL31	Land application of treated manure	This enhancement is for the use of manure that has been treated to reduce odors and/or pathogens prior to land application. Acceptable practices include controlled temperature anaerobic digestion (mesophilic or thermophilic), composting, and chemical treatment or amendment. Waste treatment lagoons and injection of manure alone do not qualify as acceptable practices.	All conditions
WQL32	Apply enhanced efficiency fertilizer products	At least 50% of the pre-emergent and early post emergent nitrogen fertilizers, phosphorus fertilizers or manure used for production must include enhanced efficiency formulations.	All conditions
WQL33	Use of non-chemical methods to kill cover crops	Use non-chemical methods to kill cover crops prior to no-tilling, direct seeding or strip-tilling the normal production crop. These methods include mowing, rolling, undercutting and weather kill.	No potential to affect historic properties when implemented within areas of agricultural development and within the existing depth of tillage.
WQT01	Irrigation system automation	This enhancement entails using GPS guided variable rate irrigation or other innovative technologies that allow irrigation water application based on variable site conditions within a field.	All conditions
WQT03	Irrigation pumping plant evaluation	This enhancement consists of the evaluation of the pumping plant performance and efficiency using the Nebraska Irrigation Pumping Plant Performance Criteria.	All conditions
WQT05	Remote monitoring and notification of irrigation pumping plant operation	A system for monitoring the status of an irrigation pumping plant and notifying the operator by a wireless connection of a change in the operating status of the irrigation system.	All conditions

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<b>Practice</b>	<b>Name</b>	<b>Description</b>	<b>Excluded <u>ONLY</u> under the following conditions</b>
WQT07	Regional weather networks for irrigation scheduling	Crop evapotranspiration (crop ET) information from a regional weather network is utilized as a part of the irrigation water management plan for irrigation scheduling. Water use is planned and adjustments in application rates and timing are made using the regional weather network data.	All conditions
WQT08	Decrease irrigation water quantity or conversion to non-irrigated crop production	This enhancement consists of reducing the total quantity of irrigation water used to produce crops and forages or the conversion of land to non-irrigated production.	All conditions
WQT09	High level or advanced irrigation water management	This enhancement entails using high level irrigation water management (IWM) methods and other innovative technologies to evaluate precise soil and crop conditions to schedule irrigation water application based on variable site conditions within a field.	All conditions
WQT10	Center pivot irrigation system end gun removal	This enhancement consists of removing the end guns from center pivot irrigation systems.	All conditions
WQT11	Low energy precision application (LEPA) irrigation	This enhancement consists of converting existing conventional sprinkler irrigation systems to a low energy precision application (LEPA) irrigation system.	All conditions
WQT12	Computerized hole selection for polypipe	This enhancement consists of calculating hole sizes for polypipe tubing using computer software to determine the optimal size hole per furrow in order to improve irrigation efficiency and decrease the quantity of irrigation water need per season.	All conditions



# NRCS Agreement No. A-8D43-15-15 APPENDIX B:

## NRCS UTAH CULTURAL RESOURCES REVIEW AND FIELDWORK PROCEDURES

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## I. INTRODUCTION

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

The *NRCS National Cultural Resources Procedures Handbook* (**H 190 Part 601**) was developed by the NRCS in addition to GM 420 Part 401 in order to provide a procedural reference and guidance on processes the NRCS, its conservation partners, and its consultants use to identify, evaluate and protect cultural resources, including historic properties, in compliance with the NHPA, 36 CFR Part 800, and other related authorities. This document provides additional guidance on responsibilities of the NRCS in the cultural resources compliance process, and provides additional procedures in the identification, avoidance, and determination of effects on cultural resources that may be impacted by NRCS undertakings.

Both GM 420 Part 401 and H190 Part 601 serve as the primary guidance documents for compliance with the NHPA by the NRCS in Utah. In accordance with GM 420 Part 401.34, and following the guidance issued in GM 420 Part 401.43, NRCS Utah has developed the following guidance document for use by NRCS Utah personnel, its conservation partners, and subcontractors for undertakings implemented by the NRCS within the State of Utah. These procedures, when applied in accordance with the NRCS Utah SPPA, serve as alternative procedures to Advisory Council on Historic Preservation (**A CHP**) regulations (i.e., substitutes for all or part of Subpart B of the regulations) pursuant to 800.14(a) and Section 110(a)(2)(E) of the NHPA. These procedures provide a streamlined Section 106 compliance process appropriate for conservation technical and financial assistance, and other activities carried out by NRCS Utah.

## II. RESPONSIBILITIES FOR SECTION 106 COMPLIANCE FOR NRCS UTAH UNDERTAKINGS

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

- a) **The NRCS Utah State Conservationist.** The NRCS Utah State Conservationist is the responsible Federal Official for cultural resources compliance for NRCS undertakings within the State of Utah. The NRCS Utah State Conservationist has approval authority for all NRCS undertakings, and is responsible for committing NRCS Utah to take the appropriate actions in order to comply with Section 106. Importantly, the NRCS Utah State Conservationist is responsible for conducting cultural resources consultation with the Utah State Historic Preservation Office (**SHPO**), Federal and State Agencies, Tribal Historic Preservation Offices (**THPOs**), Tribes, and other interested parties.

- b) **District Conservationists.** NRCS Utah District Conservationists are responsible for ensuring that the provisions for compliance with Section 106 and with NRCS Utah cultural resources policies are implemented in their areas and offices.
- c) **State and Area Cultural Resources Specialists (CRS).** The NRCS Utah State CRS oversees the implementation of cultural resources compliance policies for all NRCS undertakings in Utah. The work of the State CRS is supplemented by Area CRS staff. State and Area CRS personnel provide oversight and quality assurance reviews during conservation planning, and provide training to NRCS Utah personnel and partnering conservation planners who help identify cultural resources during the planning process. The CRS personnel are also responsible for providing direct assistance to NRCS Area and Field Office staff to complete cultural resources inventories and evaluations when needed.
- d) **NRCS Utah Personnel and Conservation Partners (Conservation Planners).** In situations where conservation planning authority occurs at the field office level, NRCS Utah personnel are responsible for assisting in the identification of cultural resources that may be impacted as a result of NRCS undertakings. NRCS personnel are further assisted in these efforts by conservation partners such as the Utah Association of Conservation Districts (**UACD**) and the Utah Department of Agriculture and Food (**UDAF**), among others. The cultural resources identification process often involves completion of a pedestrian cultural resources inventory of those areas within a conservation plan that will be subjected to physical disturbance, and submitting the pertinent review forms and paperwork to the State CRS for review and approval.
- e) **Agricultural Producers, Applicants for Assistance, and Project Sponsors (Cooperators).** Each year, agricultural producers, applicants for assistance, and project sponsors seek technical and financial assistance from NRCS Utah to implement conservation undertakings throughout the state. Because the financial assistance is comprised of Federal funding delivered through a variety of NRCS conservation programs, the undertaking is subject to review under Section 106 of the NHPA and its implementing regulations. Cooperator responsibilities in the Section 106 compliance process include working with Conservation Planners to help identify cultural resources on their property, project implementation when authorized to do so, and making all necessary efforts to avoid and minimize impacts to cultural resources that are identified during the conservation planning process. As the property owners and the project applicants, all Cooperators are fully entitled and are encouraged to participate in the Section 106 process as a consulting party.

### **III. NRCS UTAH TRAINING REQUIREMENTS FOR PARTICIPATION IN CULTURAL RESOURCES INVENTORIES**

The NRCS GM 420 Part 401.24 states that all NRCS personnel and conservation partners responsible for planning or implementing NRCS undertakings will receive training for consideration of cultural resources in conservation planning. To facilitate this process the NRCS developed a 9-module National Cultural Resources Training Series. Modules 1-6 are online courses designed to familiarize personnel with laws and regulations underlying the cultural resources compliance process. The courses also provide basic information on how to consider cultural resource issues in conservation planning, how to conduct cultural resource inventories during the conservation planning process, and how to identify cultural resources in the field.

Modules 7 and 8 consist of formal training sessions provided by the NRCS Utah State CRS. Module 7 is a one-day course that reviews the training covered in the online modules. This course also covers the specific requirements for cultural resource compliance in Utah. Module 8 is a 1-2 day field course wherein personnel visit archaeological sites and learn basic field techniques and inventory methods. The goals of the program are to: a.) Provide a basic understanding of laws that govern historic preservation; b.) Raise awareness of cultural resources in a variety of contexts; and c.) Incorporate cultural resources and issues into conservation planning.

Module 9 is an online course entitled *Working Effectively with Tribal Governments*. The course is designed to provide background on government responsibilities for tribal consultation. The course also outlines appropriate protocols for working effectively with Tribal governments during the conservation planning process.

As stipulated in the NRCS Utah Planner Certification requirements, all NRCS Utah personnel and conservation partners wishing to qualify as certified planners must complete the National Cultural Resources Training Series within one year of being hired. In addition, NRCS Utah requires that Conservation Planners receive supplemental cultural resources training every five years as part of the Conservation Planner re-certification process. This supplemental training will require Conservation Planners to take the classroom and field courses as specified for Modules 7 and 8.

Conservation Planners who successfully complete the National Cultural Resources Training Series and the supplemental training every five years are authorized to conduct basic, limited cultural resources investigations in accordance with the guidelines discussed later in this fieldwork procedures manual. It is nonetheless important to note that the National Cultural Resources Training Series and the policies implemented by NRCS Utah are **NOT** designed to train individuals as professional or even ‘*paraprofessional*’ archaeologists. Rather, these programs and policies have been implemented to promote awareness, identification and protection of cultural resources in NRCS Utah conservation planning. The training program is part of a broad effort to streamline the compliance process while ensuring maximum consideration of historic properties. In all instances, NRCS Utah CRS personnel serve as the technical specialists and are ultimately responsible for quality control and assurance related to cultural resources compliance on NRCS Utah undertakings.

#### **IV. DEFINING CULTURAL RESOURCES**

Cultural resources are defined by the NRCS through the National Cultural Resources Training Series as “...the physical evidence of past activities and accomplishments of people (individuals and society).” Broadly, cultural resources may include both tangible traces (i.e., buildings, structures, objects, sites, districts, etc.) and less tangible traces (landscapes, vistas, locations of cultural value, etc.) of cultural activity and significance. Although many different elements of human activity may be defined as cultural resources, the NRCS focuses primarily on three main categories: archaeological sites, isolated occurrences, and Traditional Cultural Properties.

- a) **Archaeological Sites.** Traces of past activity that are tangible are usually classified as archaeological sites based on considerations of the age of cultural remains, the density and diversity of artifacts and features, and the spatial arrangements of remains within the area under

consideration. For NRCS Utah undertakings, the minimum criteria for defining cultural resources as archaeological sites are displayed below in Table 1.

<b>Table 1. NRCS Utah Criteria for Defining Archaeological Sites</b>	
<b>The location contains remains of past human activity that are at least 50 years old <u>and</u> meets one of the following criteria:</b>	
<b>I.</b>	<b>Contains at least 10 artifacts of a single class (e.g., 10 sherds) within a 10-meter (50-foot) diameter area, except when all pieces appear to originate from a single source (e.g., one ceramic pot, one glass bottle); or</b>
<b>II.</b>	<b>Contains at least 15 artifacts which include at least 2 classes of artifact types (e.g., sherds, nails, glass, lithic debris) within a 10-meter diameter area; or</b>
<b>III.</b>	<b>Contains one or more archaeological features in temporal association with any number of artifacts; or</b>
<b>IV.</b>	<b>Possesses two or more temporally associated archaeological features without artifacts.</b>

Federal law and NRCS policy stipulate that all cultural resources meeting the criteria for archaeological site definition be evaluated for eligibility for the NRHP. All NRHP eligibility determinations are the responsibility of NRCS Utah CRS personnel and are developed in consultation with the Utah SHPO and other required or interested participants in the cultural resources review process. The criteria used to determine eligibility for the NRHP are shown below in Table 2.

<b>Table 2. NRHP Eligibility Criteria (Per 36 CFR Part 60.4)</b>	
<b>The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:</b>	
<b>A.</b>	<b>That are associated with events that have made a significant contribution to the broad patterns of our history; or</b>
<b>B.</b>	<b>That are associated with the lives of persons significant in our past; or</b>
<b>C.</b>	<b>That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or</b>
<b>D.</b>	<b>That have yielded, or may be likely to yield, information important in prehistory or history.</b>

An archaeological site that possesses sufficient integrity and meets one or more of the Criteria listed in Table 2 is eligible for the NRHP and is considered a *Historic Property*. This is a very specific term for cultural resources that are either "... included in or eligible for inclusion in the National Register." It is important to note that historic properties can include both prehistoric and historical archaeological sites, and that the term is not used for sites determined to be not eligible for the NRHP. Those archaeological sites determined to be historic properties are afforded special protection under Federal law and NRCS policy. Conservation planning must take into account potential impacts to these cultural resources in particular, and take appropriate steps to avoid, minimize, or mitigate any adverse effects that may result from NRCS Utah activities.

- b) Traditional Cultural Properties.** A Traditional Cultural Property (**TCP**) is a place that is significant for its association with cultural practices or beliefs of a living community. Such locations are rooted in that community's history and are important in maintaining the continuing cultural identity of the community. The significance of a TCP is derived from the role the location plays in a community's historical beliefs, customs, and practices.

Some TCPs may not contain any material remains. They must still be taken into account during cultural resources planning. Such places will normally become known to the Conservation Planner during the cultural resources review as the result of questioning participants, informants, local residents, or through consultation with Federally Recognized Indian Tribes. Treatment of TCPs during the conservation planning process will require the assistance of the informant and should also involve NRCS Utah CRS personnel.

- c) Isolated Occurrences.** An isolated occurrence (**IO**) may be sub-categorized as "isolated artifacts" in instances where a single artifact or a small group of artifacts (flakes, pot sherds, cans, etc.) are identified and do not constitute a site, as defined above. An "isolated feature" is defined as a cultural feature (ditches, fence lines, power line, roads, depressions, etc.) that does not have any other features or artifacts present that would further qualify it as a site.

## **V. NRCS UTAH PROCEDURES FOR COMPLETING CULTURAL RESOURCES INVESTIGATIONS**

The number of steps that may be necessary to fully consider cultural resources in any given situation may vary depending on whether such resources are found in the work area, whether they are significant, and other circumstances. The following discussion details the steps that Conservation Planners must follow to complete the cultural resources compliance process. It is always wise (and legally mandated) to begin the cultural resources review process as early as possible in conservation planning.

- a) Obtain Consent from the Cooperator.** Prior to the initiation of the cultural resources investigation process, Conservation Planners are required to meet with the prospective Cooperator and complete the *Authorization for NRCS Release of Conservation Plan File Information* form. This form is utilized by NRCS Utah to inform Cooperators of the consultation process that is required as part of the conservation planning process. Completion of the form by the Cooperator provides consent for the NRCS to enter into the consultation

process with the appropriate consulting parties, and to disclose information related to resources that are located on the property controlled by the Cooperator.

**b) Prepare a Cultural Resources Review Form.** Conservation Planners will begin preparation of the most current version of the *NRCS Utah Cultural Resources Review Form*. This form is utilized by NRCS Utah to guide Conservation Planners through the cultural resources review process.

1. Provide Administrative Information for the Undertaking. Conservation Planners will provide basic administrative information about the conservation plan that is being considered by completing Part A of the Form. The Administrative Information will identify the respective Cooperator, the NRCS Utah contract number that is associated with the undertaking, and the funding source that is being used to implement the undertaking,
2. Describe the Proposed Undertaking. Conservation Planners will provide a basic description of the undertaking by completing Part B of the Form. Conservation Planners will provide a written description of the undertaking, and will list the conservation activities, enhancements, and/or practices that will be involved in the implementation. Conservation planners will review Appendix A of the NRCS Utah SPPA to determine whether a planned conservation activity, enhancement, or practice for a given undertaking is subject to further cultural resources investigation. This Appendix contains a list of conservation activities, enhancements, and practices that have been determined to be not subject to review for cultural resources. Appendix A also provides guidance for determining whether other conservation programs, activities, enhancements, or practices implemented by NRCS Utah can be considered not subject to review for cultural resources investigations under certain circumstances.

Each conservation activity, enhancement, and practice involved in a conservation plan will be considered individually for its potential to affect cultural resources. If a planned conservation activity, enhancement, and practice is not covered in Appendix A of the NRCS Utah SPPA, it will be assumed that it has the potential to affect cultural resources and will be treated as an undertaking that is subject to review.

3. Describe the Area of Potential Effects (APE). Conservation Planners will provide a basic description of the APE for the undertaking in Part C of the Form. This will include a description of the conditions, history of land use, and disturbance activities that have occurred within the APE; and will include a legal description of the APE. Land ownership must also be included in the description of the APE to determine if the undertaking will involve coordination with another state or Federal agency.
4. Complete a Pre-field Information Review. Conservation Planners will summarize the results of the pre-field information review by completing Part D of the Form. If it is determined that a conservation plan involves conservation activities, enhancements, and/or practices that have potential to affect cultural resources, Conservation Planners will proceed with the cultural resources review process. Conservation Planners will complete a pre-field information review, and this information will be used to determine whether or not NRCS CRS personnel need to be involved in the investigation. If the undertaking involves

Federal, state, or tribal land; if NRCS Utah is a cooperating Federal agency; if planning authority for an undertaking is above the field office level; or if any extenuating circumstances exist (e.g. 100+ acres of physical disturbance of undeveloped ground; cultural resources are present; undertaking involves 4 or more cooperators, etc.); Conservation Planners are required to request direct assistance from NRCS CRS personnel before proceeding with the cultural resources investigation.

- c) **Complete a Cultural Resources Inventory.** If the criteria for involving NRCS CRS personnel do not apply to an undertaking, Conservation Planners that have successfully completed the NRCS National Cultural Resources Training Series will proceed with a pedestrian cultural resources inventory of the undertaking. This pedestrian inventory will focus on those conservation activities, enhancements, and/or practices that are subject to review for cultural resources investigation, and the goal of the inventory shall be the identification of any visible cultural resources that could potentially be impacted by implementation of the undertaking.

When completing a pedestrian cultural resources inventory of the undertaking, it is important for Conservation Planners to begin by interviewing the property owner or land manager to see if they have any knowledge of any cultural resources on the property. Under most circumstances, these individuals have extensive knowledge of the property and can provide Conservation Planners with an idea of what to expect during an inventory. During the pedestrian inventory, Conservation Planners will inventory the affected areas in parallel transects spaced no more than 50 feet (15 meters) apart. Conservation Planners will inspect the areas for environmental indicators (water, landforms, etc.) that may provide clues to the presence of cultural resources. Conservation Planners are encouraged to use a variety of methods to track their progress and record their findings (GPS data, photography, drawings, written descriptions, etc.), but Conservation Planners should also be aware that collection of artifacts or materials during the inventory is strictly prohibited.

- d) **Report the Results of the Review to the NRCS Utah State CRS.** Once Parts A, B, C, and D of the *NRCS Utah Cultural Resources Review Form* have been completed, Conservation Planners will complete Part E of the Form, which provides information about the cultural resources inventory. If a pedestrian cultural resources inventory is completed as described above, then Conservation Planners will provide a description of the inventory methods that were used, and the conditions that were encountered during the inventory. Conservation Planners shall complete the process by reporting the results of the inventory and summarizing the investigation, and they will submit an electronic copy of the review form to the NRCS State CRS for further review and final approval.

At a minimum, Conservation Planners will submit a 1:24,000 topographic location map showing the proposed undertaking and the areas that were inventoried for cultural resources. This map shall be submitted with *NRCS Utah Cultural Resources Review Form* to the NRCS State CRS, and the map should display the location of any cultural resources that were identified during the pedestrian inventory. Additional maps such as aerial photography, planning maps, and engineering designs are welcome and encouraged, but they are supplemental to the topographic location map.



- e) **Complete the NRCS State CRS Review and Implement the Undertaking.** Once the review form and topographic map have been submitted to the NRCS State CRS, the State CRS will review the materials and complete a literature review for the undertaking with the Utah SHPO to determine if any previous inventories or cultural resources have occurred within the APE. The NRCS State CRS will have 30 working days from receipt of the material to provide management recommendations and a formal determination of project effects for the proposed undertakings. These will be provided to Conservation Planners with a completed and signed cultural resources review form. If further information is needed, or if NRCS Utah CRS personnel are needed to provide further assistance for an undertaking, Conservation Planners will be notified within the 30-day time period for such needs. Under no circumstances will Cooperators be allowed to implement an undertaking until given authorization to proceed from the NRCS State CRS.

NRCS Utah field offices will retain a copy of all cultural resources review forms, site documentation, associated materials, and correspondence as part of the conservation planning materials for a proposed undertaking. A central filing of all cultural resources review forms, reports, archaeological site documentation, and consultation will be maintained at the NRCS Utah State Office in Salt Lake City.

If the nature or the extent of the proposed undertaking should change after the cultural resources review process has been completed, Conservation Planners will initiate the Section 106 review process again for the new/revised undertaking. Conservation Planners will be required to submit an updated review form and project map to the NRCS Utah State CRS for review, and the NRCS Utah State CRS will review the revised undertaking as described above.

## **VI. GENERAL PLANNING GUIDANCE**

At the conclusion of the cultural resources investigation, and prior to the implementation of an undertaking, Conservation Planners shall meet with Cooperators and equipment operators to hold a preconstruction meeting to address any questions or concerns. Conservation Planners are encouraged to invite NRCS CRS personnel to such meetings, particularly if there are cultural resources present that could be impacted during implementation. Conservation Planners shall inform the Cooperators and equipment operators of the boundaries and extent of the proposed undertaking and will provide them with the appropriate data (maps, GIS data, GPS points, etc.) to help identify the boundaries of the undertaking. If any changes in the design or configuration of the undertaking result from the preconstruction meeting, Conservation Planners should notify the District Conservationist and take the appropriate steps to modify the undertaking. The NRCS State CRS should also be notified of any such changes, so that further consideration of cultural resources can be undertaken.

If cultural resources are present within the APE, Conservation Planners shall inform Cooperators of their responsibility towards cultural resources prior to project implementation. Conservation Planners and NRCS Utah CRS Personnel shall take the appropriate measures to ensure that the cultural resources are clearly identified before the undertaking can be implemented. Cultural resources, and any buffer areas deemed appropriate, shall be clearly marked for avoidance with lathe, flagging tape, paint, etc. no more than two weeks prior to the implementation of the project. All markings for cultural resources shall be removed no later than two weeks after implementation.

has been completed. Conservation Planners shall inform the Cooperators and equipment operators of the presence of the cultural resources, and will provide them with the appropriate data (maps, GIS data, GPS points, etc.) to help identify their location. The Cooperator and the equipment operator shall be briefed about their responsibilities for the protection and preservation of cultural resources during implementation of the undertaking, and they will be provided with instructions for the treatment of cultural resources in the event of a discovery or unintentional impact.

Once an undertaking has been implemented and completed, Conservation Planners shall complete a follow-up inspection of the affected area to ensure that the undertaking was completed according to the design specified in the conservation plan. The Conservation Planner will also review the cultural resources to ensure that they were appropriately avoided during implementation. If any changes in the design or configuration of the undertaking are observed during the follow-up inspection, or if damage to historic properties is observed, Conservation Planners should notify the District Conservationist and take the appropriate steps to modify the undertaking. The NRCS State CRS should also be notified of any such changes, so that further consideration of cultural resources can be undertaken.

## **VII. CATEGORIZING CULTURAL RESOURCES COMPLIANCE FOR NRCS UTAH UNDERTAKINGS**

The policies and procedures established by the NRCS in GM 420 Part 401, H190 Part 601, the NRCS Utah SPPA, and this document have been designed to streamline the Section 106 compliance process for the efficient delivery of technical and financial conservation assistance. As discussed below, NRCS Utah has developed a five-category cultural resources compliance system that can be used to classify each undertaking according to the specific set of circumstances that are involved. To be classified within a given category, Conservation Planners shall submit a completed *NRCS Utah Cultural Resources Review Form* to the NRCS State CRS for each undertaking. The form shall provide the administrative information, legal description, and pre-field information for the undertaking, and it shall list all of the conservation activities, enhancements, and practices that are proposed. Information provided on the *NRCS Utah Cultural Resources Review Form* will be used to classify the undertaking according to the five categories discussed in the following sections. In turn, the classification will allow the NRCS CRS personnel and Conservation Planners to identify the level of planning, consultation processes, and timing for implementation that is appropriate for each undertaking.

- a) **Category I.** Category I undertakings are defined by NRCS Utah as those undertakings comprised entirely of conservation activities, enhancements, and practices with little or no potential to affect historic properties as defined in Table 1 of Appendix A of the NRCS Utah SPPA. Other conservation activities, enhancements, and practices can be included in this category if, through the planning process, conservation planners determine that a conservation activity, enhancement, or practice meets the criteria for one of the five exceptions listed in Part III of Appendix A. Use of any exception shall require approval from the NRCS State CRS. Category I status is limited to those undertakings that meet the criteria listed above, and are limited to undertakings where NRCS Utah has been determined to be the lead Federal agency for the purposes of Section 106 and where the undertakings occur exclusively on privately-owned lands.

- b) **Category II.** Category II undertakings are defined by NRCS Utah as small-scale undertakings that are limited in size and scope. Generally, Category II undertakings involve less than 100 acres of physical disturbance of undeveloped ground and lack extenuating circumstances that would otherwise involve additional consideration for cultural resources. Category II status is limited to those undertakings that meet the criteria listed above, and are limited to undertakings where NRCS Utah has been determined to be the lead Federal agency for the purposes of Section 106, and where the undertakings occur exclusively on privately-owned lands.
- c) **Category III.** Category III undertakings are defined by NRCS Utah as undertakings that involve **Extenuating Circumstances** that warrant further consideration of cultural resources. Category III status is limited to those undertakings that meet the criteria discussed below, and are limited to undertakings where NRCS Utah has been determined to be the lead Federal agency for the purposes of Section 106, and where the undertakings occur exclusively on privately-owned lands. Extenuating circumstances, as defined by NRCS Utah, include the following:

1. Undertaking Involves More Than 100 Acres of Physical Disturbance of Undeveloped Ground. Undertakings that involve more than 100 acres of physical disturbance of undeveloped ground require additional consideration for cultural resources due to the scale of the undertaking and the increased potential to impact cultural resources. Undertakings of such size require a systematic, intensive pedestrian cultural resources inventory, and such inventories must be designed and directly supervised by a qualified professional archaeologist.
2. Undertaking has Cultural Resources Present. Additional consideration must be given to those undertakings where archaeological sites or TCPs are identified during the pre-field information review, or when archaeological sites or TCPs are identified during the pedestrian cultural resources inventory. This policy does not apply to isolated occurrences. Once identified, Conservation Planners must notify the NRCS Utah State or Area CRS and schedule a field visit. The NRCS Utah CRS will formally document the cultural resource and determine its eligibility for the NRHP.

To be considered as a Category III undertaking, the NRCS Utah CRS will coordinate with Conservation Planners to ensure that the proposed conservation activities, practices, or enhancements can be designed to avoid the cultural resource by at least 50 feet to reduce or eliminate impacts to the cultural resource. Additional consultation is required for cultural resources that cannot be avoided by 50 feet during implementation.

3. Undertaking Involves 4 or More Cooperators. In accordance with GM 420 Part 401 and H190 Part 601, additional consideration is given to those undertakings that involve 4 or more cooperators. Such undertakings involve cooperation among multiple property owners, require a variety of permits and notifications, and have a higher public profile. Under such circumstances, assistance may be necessary to complete any required fieldwork authorizations or permits, and to complete public outreach, reporting, and consultation processes as outlined in Section 106.

4. General Concern. If Conservation Planners feel that there is general concern for cultural resources at any point during the conservation planning process for an undertaking, they are encouraged to seek the direct assistance of NRCS Utah CRS personnel. NRCS Utah CRS personnel can assist the Conservation Planner with the review process, and can assist with the field inventory. NRCS Utah CRS personnel can also meet with the respective Cooperator to address any issues or concerns that the Cooperator may have with the cultural resources investigation.
- d) Category IV.** Category IV undertakings are defined by NRCS Utah as undertakings that require implementation in full accordance with Section 106 of the NHPA and its implementing regulations found in 36 CFR Part 800. Undertakings within this category include the following:
1. Undertaking Involves Public or Tribal Lands. Undertakings that occur on Tribal, State, or Federally-managed lands require further coordination and are often completed in conjunction with other agency-specific studies, procedures, or permitting processes. Implementation in accordance with Section 106 is necessary to establish lead and cooperating Federal agencies; to complete any required fieldwork authorizations or permits; and to complete the reporting and consultation process.
  2. NRCS Utah is a Cooperating Federal Agency for the Undertaking. Implementation in accordance with Section 106 and its implementing regulations is required for undertakings where NRCS Utah functions as a cooperating agency for the purposes of Section 106. Such undertakings are often the focus of large-scale studies such as Environmental Assessments (**EAs**) or Environmental Impact Statements (**EISs**) that require interagency cooperation, consultation, and public outreach. As stated above, full compliance is necessary to establish lead and cooperating Federal agencies; to complete any required fieldwork authorizations or permits; and to complete the reporting and consultation process.
  3. Planning Authority for an Undertaking is Higher than the NRCS Utah Field Office. Implementation in accordance with Section 106 and its implementing regulations is required for undertakings where conservation planning authority is at a level higher than the NRCS Utah Field offices. These undertakings are often related to watershed planning, emergency watershed protection, fire rehabilitation, or dam rehabilitation, among other categories. As stated above, full compliance is necessary to establish lead and cooperating Federal agencies; to complete any required fieldwork authorizations or permits; and to complete the reporting and consultation process as outlined in Section 106.
  4. Undertaking has Cultural Resources Present That **Cannot** be Avoided by at Least 50 Feet. Implementation in accordance with Section 106 and its implementing regulations is required for undertakings where cultural resources are identified during the pre-field information review or pedestrian cultural resources inventory that cannot be avoided by 50 feet during implementation. Conservation Planners must notify the NRCS Utah State or Area CRS and schedule a field visit when cultural resources are identified within the planning area. The NRCS Utah CRS will formally document the cultural resource, determine its eligibility for the NRHP, and assess the effects of the undertaking on the cultural resource. NRCS Utah will complete the reporting and consultation process as outlined in Section 106 to determine eligibility for the NRHP and to determine project effects.

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

**VIII. CRITERIA FOR ASSISTANCE FROM NRCS UTAH CRS PERSONNEL**

As stated previously, participation in the National Cultural Resources Training Series and the supplemental training every five years authorizes NRCS Utah to utilize its personnel and conservation partners in completing basic cultural resources. In accordance with the NRCS Utah SPPA, the use of trained personnel for completing cultural resources investigations is limited to those undertakings where NRCS Utah has been determined to be the lead Federal agency for the purposes of Section 106, where no extenuating circumstances exist, and where the undertakings occur exclusively on privately-owned lands. Utilizing the five-category cultural resources compliance system, Table 3 presents the criteria that are used to determine if an undertaking requires further assistance from NRCS Utah CRS personnel.

<b>Table 3. Criteria for Assistance from NRCS Utah CRS Personnel</b>		
<b>Category</b>	<b>CRS Required?</b>	<b>Description</b>
<b>Category I</b>	<b>NO</b>	<b>Category I undertakings have little or no potential to affect historic properties. A review of such undertakings can be completed by Conservation Planners and submitted to the NRCS State CRS for approval without direct assistance.</b>
<b>Category II</b>	<b>NO</b>	<b>Category II undertakings are limited in size and scope and lack extenuating circumstances that would otherwise involve additional consideration for cultural resources. Pedestrian inventories for Category II undertakings can be completed by Conservation Planners and submitted to the NRCS State CRS for approval without direct assistance.</b>
<b>Category III</b>	<b>YES</b>	<b>Category III undertakings warrant further consideration of cultural resources due to the extenuating circumstances that are involved. Direct assistance from NRCS CRS personnel is therefore necessary.</b>
<b>Category IV</b>	<b>YES</b>	<b>Category IV undertakings require direct assistance from NRCS CRS personnel to help establish lead and cooperating Federal agencies; to complete any required fieldwork authorizations or permits; and to complete the reporting and consultation process as outlined in Section 106 and its implementing regulations found in 36 CFR Part 800.</b>
<b>Category V</b>	<b>YES</b>	<b>Category V undertakings require direct assistance from NRCS CRS personnel to develop mitigation measures to resolve adverse effects, and to complete the reporting and consultation process as outlined in Section 106 and its implementing regulations found in 36 CFR Part 800.</b>

## IX. IMPLEMENTATION TIMING

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

- a) **Category I.** For Category I undertakings, implementation shall proceed with a determination of ‘no potential to cause effects’ in accordance with 36 CFR Part 800.3(a)1. Implementation shall proceed once the NRCS State CRS has returned a signed copy of the *NRCS Utah Cultural Resources Review Form* to the Conservation Planner. Conservation Planners will maintain a signed copy of the form with the conservation plan for the undertaking.
- b) **Category II.** For Category II undertakings, implementation shall proceed with a determination of ‘no historic properties affected’ in accordance with 36 CFR Part 800.4(d)(1). Implementation shall proceed once the NRCS State CRS has returned a signed copy of the *NRCS Utah Cultural Resources Review Form* to the Conservation Planner. Conservation Planners will maintain a signed copy of the form with the conservation plan for the undertaking, and implementation shall occur as stated in the design specifications stated in the conservation plan.
- c) **Category III.** For Category III undertakings, implementation shall proceed at the discretion of the NRCS State CRS upon the completion of fieldwork with a determination of ‘no historic properties affected’ in accordance with 36 CFR Part 800.4(d)(1). Implementation shall proceed through communication between the NRCS State CRS and the Conservation Planner. If archaeological sites or TCPs are present within the APE, and the proposed conservation activities, enhancements, and/or practices can be modified to avoid the resource with a buffer zone of no less than 50 feet (15 meters), then implementation can proceed in accordance with the design specifications stated in the conservation plan. NRCS Utah CRS personnel will meet with the Conservation Planner to document the cultural resources and evaluate them for eligibility for the NRHP. Once the Section 106 consultation process has been completed, the NRCS State CRS will return a signed copy of the *NRCS Utah Cultural Resources Review Form* to the Conservation Planner. Conservation Planners will maintain a signed copy of the form and any associated cultural resources reports and consultation letters with the conservation plan for the undertaking.

If, after the consultation process, an avoided cultural resource has been determined eligible for the NRHP, then Cooperators must ensure that the cultural resources remain avoided and unaffected to the extent that the eligibility of the cultural resource for the NRHP is not adversely affected. Avoidance shall last for the lifespan of the conservation activity, enhancement, and/or practice that is being planned. However, if an avoided cultural resource is determined not eligible for the NRHP through the consultation process, further avoidance measures are unnecessary and can be maintained at the discretion of the property owner.

- d) **Category IV.** For Category IV undertakings, NRCS Utah will implement undertakings in accordance with Section 106 of the NHPA and its implementing regulations found in 36 CFR Part 800. Under such circumstances, NRCS Utah will consult with the Utah SHPO, Native American Tribes, and other consulting parties, as appropriate, to determine the effects of the undertaking and the eligibility of archaeological sites or TCPs for the NRHP prior to implementation. Once the Section 106 consultation process has been completed, the NRCS State CRS will authorize implementation and will return a signed copy of the *NRCS Utah Cultural Resources Review Form* to the Conservation Planner. Conservation Planners will maintain a signed copy of the form and any associated cultural resources reports and consultation letters with the conservation plan for the undertaking.
- e) **Category V.** For Category V undertakings, NRCS Utah will implement undertakings in accordance with Section 106 of the NHPA and its implementing regulations found in 36 CFR Part 800. NRCS Utah will resolve the adverse effects through the development of a treatment plan detailing the measures that will be used to minimize and mitigate the effects to the historic properties in accordance with 36 CFR Part 800.6. This treatment plan will be developed through consultation among the NRCS, the Utah SHPO, and other consulting parties, as appropriate. The ACHP will be invited to participate in the consultation process as well. Once the treatment plan and measures to minimize and mitigate the adverse effects are agreed upon by the consulting parties, an MOA will be executed and implemented pursuant to compliance with Section 106.

Once the mitigation work and the Section 106 consultation process has been completed, the NRCS State CRS will authorize implementation and will return a signed copy of the *NRCS Utah Cultural Resources Review Form* to the Conservation Planner. Conservation Planners will maintain a signed copy of the form and any associated cultural resources reports and consultation letters with the conservation plan for the undertaking.

## **X. REPORTING CULTURAL RESOURCES INVESTIGATIONS**

As specified in stipulation V of the NRCS Utah SPPA, NRCS Utah will report the findings of all of its cultural resources investigations to the Utah SHPO, Native American Tribes, consulting parties, NRCS National Headquarters, and the ACHP. The timing and nature of such reporting shall vary according to the specific circumstances for each undertaking. Generally, reporting will be completed in accordance with the five-category cultural resources compliance system. Specific timing for reporting is shown in Table 4 and is discussed in the following sections.

- a) **Category I.** NRCS Utah will synthesize information for all Category I undertakings and shall include the information within the annual summary report that is to be provided to all consulting parties, the general public, and the NRCS Federal Preservation Officer (**FPO**) in accordance with Stipulation X of the NRCS Utah SPPA.
- b) **Category II.** For Category II undertakings, NRCS Utah shall submit biannual reports to the Utah SHPO to assess the effects of such undertakings. The biannual reports shall be comprised of ‘batched’ cultural resources reports collected for Category II undertakings for a given 6-month period. NRCS Utah will describe the proposed APE, identification of historic properties and/or scope of identification efforts, and assessment of effects for such undertakings in reports

that meet the standards outlined in 36 CFR Part 800.4-5 and 800.11. NRCS Utah will also provide Geographic Information System (GIS) shapefiles for Category II undertakings to the Utah SHPO, and to other consulting parties as deemed necessary and appropriate. The biannual reports shall be provided to Native American Tribes and to other consulting parties as requested, and information on Category II undertakings shall be included within the annual summary report that is to be provided to all consulting parties, the general public, and the NRCS FPO in accordance with Stipulation X of the NRCS Utah SPPA.

<b>Category</b>	<b>CRS Required?</b>	<b>Implementation Timing</b>	<b>Reporting &amp; Consultation Timing</b>
<b>Category I</b>	<b>NO</b>	<b>Implementation shall proceed with a determination of ‘no potential to affect historic properties’ after a completed cultural resources review form is received from the NRCS Utah State CRS.</b>	<b>Annual report to SHPO, NHQ, Consulting parties</b>
<b>Category II</b>	<b>NO</b>	<b>Implementation shall proceed with a determination of ‘no historic properties affected’ after a completed cultural resources review form is received from the NRCS Utah State CRS.</b>	<b>Bi-annual report to SHPO; Annual report to SHPO, NHQ, Consulting parties</b>
<b>Category III</b>	<b>YES</b>	<b>Implementation shall proceed with a determination of ‘no historic properties affected’ upon approval by NRCS Utah State CRS.</b>	<b>Case-by-case basis with SHPO, consulting parties; Annual report to SHPO, NHQ, Consulting parties</b>
<b>Category IV</b>	<b>YES</b>	<b>A determination of project effects is required prior to implementation, and work <u>CANNOT</u> proceed until the review process is completed and a completed cultural resources review form is received from NRCS Utah State CRS.</b>	<b>Case-by-case basis with SHPO, consulting parties; Annual report to SHPO, NHQ, Consulting parties</b>
<b>Category V</b>	<b>YES</b>	<b>Implementation <u>CANNOT</u> proceed until mitigation is completed and implementation is approved by NRCS Utah State CRS</b>	<b>Case-by-case basis with SHPO, consulting parties; Annual report to SHPO, NHQ, Consulting parties</b>

- c) **Category III, Category IV, and Category V Undertakings.** For Category III, Category IV, and Category V undertakings, NRCS Utah shall consult with the Utah SHPO, Native American Tribes, and other consulting parties, as appropriate, on a case-by-case basis within 60 days of the completion of cultural resources fieldwork. NRCS Utah shall consult with the Utah SHPO, Native American Tribes, and other consulting parties, as appropriate, to define the APE, identify and evaluate historic properties that may be affected by the undertaking, determine project effects, and identify strategies for resolving adverse effects. NRCS Utah will provide GIS shapefiles for these undertakings to the Utah SHPO, and to other consulting parties as deemed necessary and appropriate. Information on these undertakings shall be included within



the annual summary report that is to be provided to all consulting parties, the general public, and the NRCS FPO in accordance with Stipulation X of the NRCS Utah SPPA.

It is important to note that reporting the results of cultural resources investigations by NRCS Utah does not authorize access to those cultural resources that are identified during the review process. Most of these cultural resources are located on privately-owned lands, and they cannot be accessed without landowner consent. Reporting the cultural resources investigations also does not provide authorization to collect artifacts and materials associated with the archaeological site or TCP. These materials are considered the property of the land owner, and collection of such materials is prohibited.

## **XI. UNANTICIPATED DISCOVERIES AND TREATMENT OF HUMAN REMAINS**

- a) **Unanticipated Discoveries.** NRCS Utah will treat the unanticipated discovery of cultural resources in accordance with Stipulation VII.b of the NRCS Utah SPPA, with GM 420 Part 401.24, with H 190 Part 601.29, and with 36 CFR 800.13 of the ACHP regulations.
- b) **Human Remains.** NRCS Utah will treat the unanticipated discovery of cultural resources in accordance with Stipulation VII.c of the NRCS Utah SPPA, with H 190 Part 601.29(6), and with 36 CFR Part 800.13 of the ACHP regulations. If human remains are identified during conservation planning or during the implementation of a conservation activity, enhancement, or practice, all activities deemed likely to impact the remains will cease and the following steps shall be taken.
  1. Contact the Appropriate Authorities. NRCS Utah personnel will contact the respective County Sheriff where the discovery is made. NRCS Utah personnel will also contact NRCS CRS personnel. The Utah SHPO shall also be notified.
  2. If the remains are determined to be Native American in origin, and are not considered to be part of a crime scene by the Sheriff, NRCS Utah will follow the procedures outlined in U.C.A. 9-9-401 on private land. On Federal or Tribal land, NRCS Utah will follow procedures established in Section 3 of the Native American Graves Protection and Repatriation Act (**NAGPRA**).
  3. If the remains are determined not to be part of a crime scene and are not Native American in origin, NRCS Utah will consult with the Utah SHPO and other consulting parties, as appropriate, to develop a mitigation plan for treating the remains.
  4. NRCS Utah personnel and Cooperators will take all appropriate measures (barriers, fencing, temporary coverings, etc.) to protect the remains in place until the plan for treating the remains has been properly implemented.

## **XII. AVOIDANCE OF CULTURAL RESOURCES, ANTICIPATORY DEMOLITION, AND WITHDRAWAL OF ASSISTANCE.**

- a) **Avoidance of Cultural Resources.** In accordance with Subpart C of H 190 Part 601.22(C), and in accordance with Section 110 of the NHPA, Cooperators receiving technical and

financial assistance from NRCS Utah shall make all necessary efforts to avoid and minimize impacts to cultural resources that are identified during the conservation planning process. This is of particular importance for those cultural resources determined eligible for the NRHP. The policy of avoidance of cultural resources shall remain in place for the duration of the lifespan of the conservation activity, enhancement, and practice that is being implemented, in accordance with NRCS Farm Bill Programs rules. Failure to avoid historic properties could potentially result in a determination of adverse effects, mitigation where appropriate, contract termination, and withdrawal of technical and financial assistance.

In accordance with the criteria for identifying Category III undertakings outlined above, conservation activities, enhancements, and practices can be redesigned to avoid cultural resources by a 50-foot buffer during the implementation process in an effort to streamline the delivery of conservation assistance in a timely manner. If, after the consultation process, an avoided cultural resource has been determined eligible for the NRHP, then Cooperators must ensure that the cultural resources remain avoided as described above. However, if an avoided cultural resource is determined not eligible for the NRHP through the consultation process, further avoidance measures are unnecessary.

- b) **Anticipatory Demolition.** As stated in H 190 Part 601.27.A(2), NRCS Utah will not provide technical or financial assistance to Cooperators who intentionally destroy, remove, or otherwise adversely affect historic properties within a conservation planning area in an effort to evade compliance with Section 106 of the NHPA. If such damages occur, NRCS Utah shall insure that Federal assistance is not used to cause or further an adverse impact to a cultural resource. Under these circumstances, NRCS will follow its Procedures for the Withdrawal of Assistance found in GM 420 Part 401.23 and H 190 Part 601.27.
- c) **Withdrawal of Technical and Financial Assistance.** Both GM 420 Part 401.23 and H 190 Part 601.27 outline the process for the withdrawal of assistance that NRCS Utah shall follow in situations where an adverse effect has occurred or is likely to occur through a Cooperator's refusal to implement feasible mitigation measures. NRCS Utah will take the appropriate measures to document and assess the impacts, and will document the actions and events leading to the withdrawal of assistance. The extent and duration of the withdrawal shall vary according to the conservation activity, enhancement, or practice under which the impact might have occurred, and may also vary at the discretion of the NRCS Utah State Conservationist.

Milford Wayne Donaldson, FAIA  
Chairman

Clement A. Price, Ph.D.  
Vice Chairman

John M. Fowler  
Executive Director



*Preserving America's Heritage*

November 21, 2014

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

Ref: Prototype Programmatic Agreement for NRCS

Dear Chief Weller:

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

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

This PPA replaces the 2002 nationwide "Programmatic Agreement among the United States Department of Agriculture Natural Resources Conservation Service, the Advisory Council on Historic Preservation,

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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and the National Conference of State Historic Preservation Officers relative to Conservation Assistance,” as amended in 2011 and 2012, which will expire on November 20, 2014. Existing State Level Agreements with SHPOs and Consultation Protocols with Tribal Nations, THPOs or NHOs developed pursuant to the 2002 amended nationwide Programmatic Agreement shall be void upon expiration of the nationwide Programmatic Agreement.

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, reading "Milford Wayne Donaldson". The signature is written in a cursive style with a large initial "M" and "D".

Milford Wayne Donaldson, FAIA  
Chairman

Enclosure

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

**APPENDIX D  
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 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)**