

**PROTOTYPE PROGRAMMATIC AGREEMENT
BETWEEN THE
US DEPARTMENT OF AGRICULTURE,
VIRGINIA NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE AND THE
VIRGINIA 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 95-3341, Title IV, Section 403); Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624); the Flood Control Act of 1936 (Public Law 74-738); the Food Security Act of 1985 (Public Law 99-198, as amended); the Federal Agricultural Improvement and Reform Act of 1996 (Public Law 104-127); and executive and secretarial orders, implementing regulations and related authorities; and

WHEREAS, NRCS, through its conservation assistance programs and initiatives, provides assistance for activities with the potential to affect historic properties eligible for or listed in the National Register of Historic Places (NRHP), including National Historic Landmarks (NHLs), and therefore constitute undertakings subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and its implementing regulations, 36 CFR Part 800, including the provisions of these regulations addressing NHLs at 36 CFR Part 800.10; and

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

WHEREAS, the NRCS Virginia State Office has consulted with the Virginia Department of Historic Resources (VDHR), as the State Historic Preservation Officer (SHPO) in Virginia, and followed the instructions in the Advisory Council on Historic Preservation (ACHP) letter that that accompanied the Prototype Agreement, dated November 21, 2014; and

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

WHEREAS, NRCS developed this Prototype Agreement in consultation with the National Conference of State Historic Preservation Officers (NCSHPO) and its members, interested Indian tribes, Native Hawaiian organizations (NHO), interested historic preservation organizations (such as the National Trust for Historic Preservation), and the 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 offices (State-based Prototype Agreements) to evidence compliance with Section 106; and

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

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

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

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

WHEREAS, NRCS Virginia has consulted with the Chickahominy Tribe, Chickahominy Indian Tribe - Eastern Division, Monacan Indian Nation, Nansemond Indian Nation, Pamunkey Indian Tribe, Rappahannock Tribe, Upper Mattaponi Indian Tribe, Shawnee Tribe, Eastern Shawnee Tribe of Oklahoma, Absentee Shawnee Tribe of Indians, Cherokee Nation, Eastern Band of Cherokee Indians, United Keetoowah Band of Cherokee Indians, Catawba Indian Nation, Delaware Tribe of Indians, Delaware Nation, Tuscarora Nation of NY, Oneida Indian Nation (WI), and Oneida Indian Nation (NY), and has invited their participation in the development of this State-based Prototype Agreement; and

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

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

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

STIPULATIONS

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

I. Applicability.

- a. Once executed by the NRCS and the Virginia SHPO, this State-based Prototype Agreement sets forth the review process for all NRCS undertakings subject to Section 106 in Virginia.
- b. Execution of this State-based Prototype Agreement supersedes any existing State Level Agreement with Virginia SHPO and/or consultation protocols executed under the previous NRCS nationwide Programmatic Agreement but does not replace any existing project-specific Section 106 agreements (Memoranda of Agreement or Programmatic Agreements).
- c. This State-based Prototype Agreement applies only when there is a Federal Preservation Officer (FPO) in the NRCS National Headquarters (NHQ) who meets the Secretary of the Interior's *Professional Qualification Standards* (Standards) (48 FR 44716).
- d. This State-based Prototype Agreement applies only where there is staffing or access to staffing (through contracted services or agreements with other NRCS state offices in the region, other agencies, or Indian tribes) who meet the Standards in the NRCS Virginia State Office.

II. Roles and Professional Qualifications.

- a. The NRCS Virginia State Conservationist is responsible for oversight of its performance under this State-based Prototype Agreement.
- b. NRCS Virginia shall ensure all NRCS staff or individuals carrying out Section 106 historic preservation compliance work on its behalf, including the NRCS Virginia State senior historic preservation professional staff member (the Cultural Resource Specialist (CRS)), are appropriately qualified to coordinate the reviews of resources and historic properties as applicable to the resources and historic properties being addressed (site, building, structure, landscape, resources of significance to Indian tribes, and other concerned communities). Thus, these staff and consultants must meet the Standards and have the knowledge to assess the resources within an undertaking's area of potential effects (APE).
- c. The Virginia State Conservationist is responsible for consultation with the Virginia SHPO and government to government consultation with Indian tribes, leaders and/or their THPOs 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 Virginia CRS and/or professional consultants shall provide technical historic property and resource information to the State Conservationist for use in Section 106 findings and determinations, after appropriate consultations with the SHPO, Indian tribes, and discussions with the landowner. The CRS shall monitor and oversee the work and reporting of all NRCS field office personnel and professional service consultants. The CRS shall also assist the State Conservationist in determining whether an undertaking has the potential to affect historic properties, triggering Section 106 review, pursuant to 36 CFR Part 800.3(a).
- e. NRCS Virginia field office personnel involved in implementing this State-based Prototype Agreement, after completion of NRCS' web, classroom, and field awareness training acquired through USDA's AgLearn training site, shall work with the CRS, as feasible, in completing historic preservation compliance field records for the agricultural producer's (NRCS' client or voluntary applicant for assistance) files and for use in producing initial historic property identification records (as set forth and outlined in NRCS' operational guidance, the National Cultural Resources Procedures Handbook, Title 190, Part 601).
- f. The CRS in Virginia shall oversee development of the scopes of work for investigation of the APES for identified undertakings (see 36 CFR Part 800.4). The NRCS may use professional service contractors

or consultants or partners to assist with cultural resources compliance studies. NRCS shall ensure these contractors meet the Standards.

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

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

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

III. Training.

a. NRCS Virginia shall require personnel conducting cultural resources identification and evaluation work or submitting cultural resource review requests to complete, at a minimum, the NRCS Web-based (in USDA AgLearn) and classroom and field Cultural Resources Training Modules.

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

c. NRCS Virginia may invite the SHPO, Indian tribes, and THPOs to participate in presentations at agency classroom or field trainings.

d. NRCS Virginia shall encourage all personnel conducting or overseeing cultural resources work to take additional appropriate specialized training as provided by the SHPO, Indian tribes, the ACHP, National Park Service, General Services Agency or other agencies, as feasible.

IV. Lead Federal Agency.

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

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

V. Review Procedures.

a. NRCS Virginia and Virginia SHPO agree to use the classification system established in Appendix A to determine the potential of an undertaking being planned under any NRCS Virginia program to affect cultural resources. Upon determination that a proposed undertaking meets the conditions to be exempt (non-ground disturbing) from review, the NRCS is not required to consult further with the SHPO for that undertaking.

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

c. Undertakings that do not meet the conditions to be exempt from review as defined in Appendix A shall require further review as outlined in Stipulation V.c. and Appendix B. NRCS shall consult with the SHPO to define the undertaking's APE, identify and evaluate historic properties that may be affected by the undertaking, assess potential effects, and identify strategies for resolving adverse effects prior to approving the financial assistance for the undertaking.

1. NRCS may provide its proposed APE, identification of historic properties and/or scope of identification efforts, and assessment of effects in a single transmittal to the SHPO, provided this documentation meets the substantive standards in 36 CFR Part 800.4-5 and 800.11. Documentation of NRCS identification efforts by the qualified CRS may be submitted to the SHPO in an executive summary letter report. NRCS shall submit an annual report of all previously reviewed letter reports for inclusion in the VCRIS database of cultural resource reports. Any historic resources identified will be avoided or subjected to Phase II evaluation. For any field investigations beyond the Phase I identification level, or any work that is contracted out to a consultant, a full technical report that meets VDHR guidelines shall be submitted.

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

3. Where the NRCS proposes a finding of "no historic properties affected" or "no adverse effect" to historic properties, the SHPO shall have 30 calendar days from receipt of this documented description and information to review it and provide comments. The NRCS shall consider all timely comments.

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

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

4. Where a proposed undertaking may adversely affect historic properties, NRCS shall describe proposed measures to minimize or mitigate the adverse effects, and follow the process in 36 CFR Part 800.6, including consultation with other consulting parties and notification to the ACHP, to develop a Memorandum of Agreement to resolve the adverse effects. Should the proposed undertaking have the potential to adversely affect a known NHL, the NRCS shall, to the maximum extent possible, undertake such planning and actions that may be necessary to minimize harm to the NHL in accordance with 54 U.S.C. 306107 of the NHPA and 36 CFR Part 800.6 and 800.10, including consultation with the ACHP and respective National Park Service, Regional National Historic Landmark Program Coordinator, to develop a Memorandum of Agreement.

5. Specific procedures used by the NRCS Virginia to complete the cultural resources review process can be found in Appendix B of this agreement. The documents in Appendix B provide additional detailed instructions for how NRCS Virginia and VA SHPO shall complete cultural resources reviews. The NRCS Virginia cultural resources review process provided in Appendix B may be modified

through consultation and written agreement between the NRCS Virginia and the VA SHPO without requiring an amendment to this State-based Prototype Agreement.

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

- a. NRCS Virginia shall notify the SHPO or Indian tribes immediately or within 48 hours of an emergency determination, following the NRCS' Emergency Watershed Program (EWP) final rule [see Section 216, P.L. 81-516 Final Rule, 7 CFR Part 624 (April 2005)].
- b. The NRCS State office shall prepare procedures for exigency (following the rules for NRCS' (EWP) regarding immediate threat to life and property requiring response within 7 days) in consultation with the SHPO or Indian tribes. These procedures are appended to this document in Appendix C.
- c. If the NRCS State office has not developed specific procedures for responding to exigencies, the NRCS shall follow the recently approved guidelines for Unified Federal Review issued by the Department of Homeland Security, Federal Emergency Management Service (DHS, FEMA), the Council on Environmental Quality (CEQ), and the ACHP in July 2014, or the procedures in 36 CFR Part 800.12(b).

VII. Post-Review Discoveries and Unanticipated Effects to Historic Properties.

- a. Where construction has not yet begun, and a cultural resource is discovered after Section 106 review is complete, the NRCS Virginia shall consult to seek avoidance or minimization strategies in consultation with the SHPO to resolve adverse effects in accordance with 36 CFR Part 800.6.
- b. NRCS Virginia shall ensure that every contract for assistance includes provisions for halting work/construction in the area when potential historic properties are discovered or unanticipated effects to historic properties are found after implementation, installation, or construction has begun. When such a discovery occurs, the producer who is receiving financial assistance or their contractor shall immediately notify the NRCS State Conservationist's Office, CRS, supervisory NRCS personnel for the area, and the landowner/applicant.
 1. The CRS shall inspect the discovery within 24 hours, if weather permits, and in consultation with the local NRCS official, concerned Indian tribes, the SHPO, the NRCS State engineering or program supervisor (as appropriate), and the landowner/producer, the CRS shall establish a protective buffer zone surrounding the discovery. This action may require inspection by tribal cultural resources experts in addition to the CRS.
 2. All NRCS contact with media shall occur only under the direction of the NRCS Public Affairs Officer, as appropriate, and the State Conservationist.
 3. Security shall be established to protect the resources/historic properties, workers, and private property. Local law enforcement authorities will be notified in accordance with applicable State law and NRCS policy 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. NRCS CRS shall notify the SHPO and the ACHP no later than 48 hours after the discovery and describe NRCS' assessment of the National Register-eligibility of the property, and feasible and proposed actions to resolve any adverse effects to historic properties. The eligibility determination may require the assessment and advice of concerned Indian tribes, the SHPO, and technical experts (such as historic landscape architects) not employed by NRCS.
 5. The SHPO and ACHP shall respond within 48 hours from receipt of the notification with any comments on the discovery and proposed actions.
 6. NRCS shall take any comments provided into account and carry out appropriate actions to resolve any adverse effects.

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

c. When human remains are discovered, the NRCS shall follow all applicable federal, tribal, and state burial laws and ordinances, including the Native American Graves Protection and Repatriation Act, and implementing regulations, when on tribal or federal lands, and related human rights and health statutes, where appropriate. NRCS shall also refer to the ACHP's Policy Statement regarding *Treatment of Burial Sites, Human Remains and Funerary Objects* and the ACHP's Section 106 Archaeology Guidance. NRCS shall also follow USDA and NRCS policy on treatment of human remains and consultation.

VIII. Dispute Resolution.

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

1. Forward all documentation relevant to the dispute, including the State Conservationist's proposed resolution, to the NRCS FPO and Senior Policy Official (SPO Deputy Chief for Science and Technology) and the ACHP. The ACHP shall provide the FPO, SPO, and State Conservationist with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRCS shall prepare a written response that considers any timely advice or comments regarding the dispute from the ACHP and any signatory or consulting parties and provide them with a copy of this written response. NRCS will then proceed according to its final decision.

2. If the ACHP does not provide its advice regarding the dispute within the 30-day period, NRCS may make a final decision on the dispute and proceed. Prior to reaching such a final decision, NRCS shall prepare a written response that considers any timely comments regarding the dispute from the signatories and consulting parties and provide them and the ACHP with a copy of the written response.

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

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

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

IX. Public Involvement

The NRCS State Conservationist shall ensure the public is involved in the development of this State-based Prototype Agreement and participates in Section 106 review as set forth above in Section V (reference to other parties). NRCS Virginia shall ensure that public consultation is conducted with appropriate individuals, groups, tribes, and units of government depending on the size and nature of the undertaking. For small practices on individual farms, this will include the landowner and operator, any partners involved

(such as the local conservation district), and any individual or group who expresses interest in that undertaking.

X. Annual Reporting and Monitoring.

a. Every year following the execution of this agreement, commencing December 1, 2022 until it expires or is terminated, the NRCS Virginia State Conservationist shall provide all consulting parties (including those parties who participate in the consultation but do not sign the agreement) and the FPO an annual summary report detailing work undertaken pursuant to its terms, including a list of undertakings exempt from review as well as undertakings that required further review; a summary of the nature and content of meetings held with the SHPO and Indian tribes; and an assessment of the overall effectiveness of the State-based Prototype Agreement. NRCS will attach, as a separately bound appendix to the annual report, a summary of all letter reports reviewed by SHPO in the previous year. The annual report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in NRCS' efforts to carry out the terms of this agreement.

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

2. The State Conservationist shall use the state report to assess the need for annual meetings with the SHPO and Indian tribes each fiscal year.

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

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

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

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

XII. Duration of Prototype Agreement.

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

XIII. Amendment and Termination.

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

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

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

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

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

Signatory Parties

Virginia Natural Resources Conservation Service

EDWIN MARTINEZ MARTINEZ

Digitally signed by EDWIN MARTINEZ MARTINEZ
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Date: 2022.07.07 13:28:36 -04'00'

Edwin Martinez Martinez, Ph.D., State Conservationist

DATE

Virginia State Historic Preservation Officer


Julie V. Langan, Director
Department of Historic Resources

7.11.2022
DATE

APPENDIX A
CLASSIFICATION OF NRCS VIRGINIA CONSERVATION PRACTICES

Pursuant to Stipulation V.a. above, in consultation with VA SHPO, NRCS Virginia has classified its Virginia conservation practices into three categories, Not Ground Disturbing (NG), Potentially Ground Disturbing (PG), and Ground Disturbing (G), based on the practice's potential to affect historic and archaeological properties and its corresponding level of required review and consultation with the VA SHPO.

I. NRCS Virginia conservation practices exempt from consultation with VA SHPO

The NRCS Virginia and VA SHPO agree that the practices on Table 1 that are listed as NG, or as PG and meet the conditions to be considered NG, have little or no potential to adversely affect historic properties and are exempt from consultation with the VA SHPO. NRCS review ends at the Field Office level; certified planners in the Field Office will document the results of the review process on the NRCS Environmental Evaluation (NRCS-CPA-52) and on the NRCS Conservation Assistance notes (NRCS-CPA-6). However, if a practice listed as NG under all conditions deviates from the typical method, as described in the practice extent column, so as to be ground disturbing, it may be subject to review and will be forwarded to the CRS.

II. Conservation practices that NRCS Virginia will review to determine the need for consultation with VA SHPO

NRCS Virginia and VA SHPO agree that practices on Table 1 that are listed as G, or as PG and do not meet the conditions to be considered NG, have the potential to affect historic properties and may require further consultation with VA SHPO. These practices will be forwarded to the CRS for further review. If a practice listed as G deviates from the typical method so as to be not ground disturbing, it may be considered exempt from further review, at the discretion of the CRS.

The CRS will use the VA SHPO's online Virginia Cultural Resources Information System (VCRIS) to identify if a proposed practice intersects with a known cultural resource. If the VCRIS screening does not identify any recorded resources in the practice's APE, and the APE does not retain a moderate to high probability for unrecorded cultural resources as determined by the CRS, no consultation with the VA SHPO is needed. The CRS will document the results and forward to the FO to document the review and allow the project to proceed as planned.

If the VCRIS screening reveals a recorded resource in the APE, or the CRS determines the APE is in a moderate to high probability zone, NRCS Virginia will consult with the VA SHPO for that practice, in accordance with the process specified in Stipulation V.c and Appendix B.

III. Annual Updates to this Appendix

NRCS Virginia recognizes that the standards and definitions for conservation activities, enhancements, and practices are subject to change, and that additional conservation activities, enhancements, and practices are added over time. To address these changes, NRCS Virginia will submit an updated version of this Appendix to VA SHPO and other consulting parties, as appropriate, on an annual basis.

Table 1 – Classification of Conservation Practices Effects on Cultural Resources

Code	Practice Name	Practice Definition	Practice Extent	Potential to Effect Historic Properties
472	Access Control	The temporary or permanent exclusion of animals, people, vehicles, and equipment from an area	Barriers may consist of either natural and/or artificial structures such as logs, vegetation, earth-fill, boulders, fences, gates, electronic and sonic devices, or signs	PG – NG when practice involves only fencing or with no subsurface disturbance
560	Access Road	An established route for equipment and vehicles	Earth shaping and grading, vegetation removal, placement of surface material, gravel, culverts, berms, etc.	G
309	Agrichemical Handling Facility	A facility with an impervious surface to provide an environmentally safe area for the handling of on-farm agrichemicals	Removal of vegetation, site grading, placement of concrete and/or building	G
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	Use of a tractor-pulled mechanical planter or can be hand planted after a harvest or for field or pasture conversion	NG
591	Amendments for Treatment of Agricultural Waste	The use of chemical or biological additives to change the properties of manure, process wastewater, contaminated storm water runoff and other wastes	Involves only additions to wastes, no ground disturbance	NG
366	Anaerobic Digester	A component of a waste management system that provides biological treatment in the absence of oxygen	Removal of vegetation, site grading, placement of concrete and/or building	G
316	Animal Mortality Facility	An on-farm facility for the treatment or disposal of animal carcasses due to routine mortality	Can include composting facilities, disposal and burial pits, and incinerators	G
396	Aquatic Organism Passage	Modification or removal of barriers that restrict or impede movement of aquatic organisms	May include use of arches/culverts, removal of dams, road crossings, culverts	G
314	Brush Management	The management or removal of woody (non herbaceous or succulent) plants including those that are invasive and noxious	By hand, chemically, or mechanically with a mower, chopper, or other farm equipment; sometimes dozer used to scrape vegetation away	PG – NG when practice does not involve stump extraction or subsurface disturbance, or is only chemical control
584	Channel Bed Stabilization	Measure(s) used to stabilize the bed or bottom of a channel	Use of heavy equipment, concrete or metal structures placed in channel bottom and/or sidewalls	G

Code	Practice Name	Practice Definition	Practice Extent	Potential to Effect Historic Properties
326	Clearing and Snagging	Removal of vegetation along the bank (clearing) and selective removal of snags, drifts, or other obstructions (snagging) from natural or improved channels and streams	Heavy equipment used to pull trees from waterways, remove sand bars and debris piles	G
372	Combustion System Improvement	Installing, replacing, or retrofitting agricultural combustion systems and/or related components or devices for air quality and energy efficiency improvement	Equipment installation or replacement	NG
317	Composting Facility	A structure or device to contain and facilitate an aerobic microbial ecosystem for the decomposition of manure and/or other organic material into a final product sufficiently stable for storage, on farm use and application to land as a soil amendment	Can include removal of vegetation, site grading, placement of concrete and/or building	G
327	Conservation Cover	Establishing and maintaining permanent vegetative cover	Planting permanent vegetation other than trees on previously established cropland	NG
328	Conservation Crop Rotation	Growing crops in a planned sequence on the same field	Normal planting of annual crops in previously tilled fields using farm equipment	NG
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	Planting protective cover on sloping farmland in previously tilled fields using farm equipment	NG
330	Contour Farming	Aligning ridges, furrows, and roughness formed by tillage, planting and other operations at a grade near the contour to alter the velocity or the direction of water flow	Normal planting of annual crops on sloping land in previously tilled fields using farm equipment	NG
331	Contour Orchards and other Perennial Crops	Planting orchards, vineyards, or other perennial crops so that all cultural operations are done on or near the contour	Generally requires construction of bench or terrace on sloping land	PG – NG when practice is contained entirely within existing plow zone soils
334	Controlled Traffic Farming	Confining all wheel/track traffic from farm equipment (and in some cases, foot traffic) to specific lanes or tramlines (traffic pattern) in crop fields year after year	In existing crop fields, no new disturbance	NG
340	Cover Crop	Grasses, legumes, and forbs planted for seasonal vegetative cover	Normal planting of annual crops in previously tilled fields using farm equipment	NG

Code	Practice Name	Practice Definition	Practice Extent	Potential to Effect Historic Properties
342	Critical Area Planting	Establishing 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 seeding/planting methods	Usually disturbed, eroded areas; farm or heavy equipment used to shape area before planting	PG – NG when practice is contained entirely within disturbed area or existing plow zone soils
402	Dam	An artificial barrier that can impound water for one or more beneficial purposes	Extensive earthwork to remove vegetation and construct dam and pool area; disturbance includes borrow location	G
324	Deep Tillage	Performing tillage operations below the normal tillage depth to modify adverse physical or chemical properties of a soil	Tillage equipment such as chisels, subsoilers, or rippers can go as deep as 24 inches	G
605	Denitrifying Bioreactor	A structure that uses a carbon source to reduce the concentration of nitrate nitrogen in subsurface agricultural drainage flow via enhanced denitrification	Heavy equipment used to construct lined media chamber, install water control structures	G
356	Dike or Levee	A barrier constructed of earth or manufactured materials	Heavy farm or construction equipment used to build berm; disturbance includes borrow location	G
362	Diversion	A channel generally constructed across the slope with a supporting ridge on the lower side	Heavy farm or construction equipment used to excavate a channel and push soil into a berm	G
554	Drainage Water Management	The process of managing water discharges from surface and/or subsurface agricultural drainage systems	May include conduits, water control structures, and outlet channels	PG – NG when using existing water control structure
432	Dry Hydrant	A non-pressurized permanent pipe assembly system installed into a water source that permits the withdrawal of water by suction	Use of ditch witch if possible	G
647	Early Successional Habitat Development/ Management	Manage plant succession to develop and maintain early successional habitat to benefit desired wildlife and/or natural communities	Vegetative manipulation by prescribed burning, mowing, bush hogging, drum chopping, herbicide, grazing, etc.	NG – unless using for timber harvest
368	Emergency Animal Mortality Management	A means or method for the management of animal carcasses from catastrophic mortality events	Includes burial pit/trench, composting, incinerators and gasifiers, open-air burning	PG – NG when open-air burning or in emergency

Code	Practice Name	Practice Definition	Practice Extent	Potential to Effect Historic Properties
374	Energy Efficient Agricultural Operation	Development and implementation of improvements to reduce or improve the energy efficiency of on-farm energy use	Replace inefficient parts on existing systems or equipment, no ground disturbance	NG
672	Energy Efficient Building Envelope	Modification or retrofit of the building envelope of an existing agricultural structure	Modification of existing building, no new construction	PG – NG when all components are above ground and building is less than 50 years old
670	Energy Efficient Lighting System	Complete replacement or retrofitting of one or more components of an existing agricultural lighting system	Modification of existing system, no ground disturbance	NG
592	Feed Management	Manipulating and controlling the quantity and quality of available nutrients, feedstuffs, or additives fed to livestock and poultry	No ground disturbance	NG
382	Fence	A constructed barrier to animals or people	Posts can be drilled or driven	NG
386	Field Border	A strip of permanent vegetation established at the edge or around the perimeter of a field	Generally converted from existing cropland	PG – NG when practice is contained entirely within existing plow zone soils
393	Filter Strip	A strip or area of herbaceous vegetation that removes contaminants from overland flow	Applied at the edges of fields and to connect other buffer practices	PG – NG when practice is contained entirely within existing plow zone soils
394	Firebreak	A permanent or temporary strip of bare or vegetated land planned to retard fire	Fire line plows, heavy bush and bog disks, or farm equipment used to expose mineral soil	PG – NG when previously tilled or using existing firebreak
511	Forage Harvest Management	The timely cutting and removal of forages from the field as hay, green-chop, or ensilage	No ground disturbance	NG
666	Forest Stand Improvement	The manipulation of species composition, stand structure, or stand density by cutting or killing selected trees or understory vegetation to achieve desired forest conditions or obtain ecosystem services	Undesirables may be cut and left on ground, injected with poison and left standing, or cut and removed; can be sole use of herbicide	PG – NG when practice does not involve stump removal or subsurface disturbance, or is sole use of herbicide
655	Forest Trails and Landings	A temporary or infrequently used route, path, or cleared area	Can include installation of water bars, dips, other drainage measures using heavy machinery	G
410	Grade Stabilization Structure	A structure used to control the grade in natural or constructed channels	Use of heavy machinery to construct earth embankments and mechanical spillways	G

Code	Practice Name	Practice Definition	Practice Extent	Potential to Effect Historic Properties
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	Channel is cut or graded; spoil is spread on nearby crop field	G
355	Groundwater Testing	Testing the physical, biological, and chemical quality of groundwater from a water well or spring	No ground disturbance	NG
561	Heavy Use Area Protection	Used to stabilize a ground surface that is frequently and intensively used by people, animals, or vehicles	Area is graded, shaped, planted and/or covered with hardened material such as crushed rock or concrete	G
422	Hedgerow Planting	Establishment of dense vegetation in a linear design to achieve a natural resource conservation purpose	Small trees/shrubs are usually hand planted using shovel or dibble	NG
315	Herbaceous Weed Treatment	The removal or control of herbaceous weeds including invasive, noxious, and prohibited plants	Use of mower, bush hog, or other light equipment followed by herbicide application	NG
603	Herbaceous Wind Barriers	Herbaceous vegetation established in narrow strips within the field to reduce wind speed and wind erosion	Normal planting activity using farm equipment on previously cropped land	NG
325	High Tunnel System	An enclosed polyethylene, polycarbonate, plastic, or fabric covered structure that is used to cover and protect crops from sun, wind, excessive rainfall, or cold, to extend the growing season in an environmentally safe manner	Usually placed on existing cropland, some sites may require minor grading	PG – NG when practice does not involve grading and there is no viewshed impact
447	Irrigation and Drainage Tailwater Recovery	An irrigation system designed to collect, store, and convey irrigation tailwater, rainfall runoff, and/or field drain water for reuse in water distribution to crop	May include ditches, water control structures, sumps, collecting basins, pumping plants, and pipelines	PG – NG when all components are installed above ground
430	Irrigation Pipeline	A pipeline and appurtenances installed to convey water for storage or application, as part of an irrigation water system	Applies to above ground or buried pipelines but may be through/from existing waterways or wetlands	PG – NG when all components are installed above ground
436	Irrigation Reservoir	An irrigation water storage structure made by constructing a dam, embankment, pit, or tank	earthwork involving mechanical Extensive reshaping of land, construction of dam, removal of vegetation, etc.	G
441	Irrigation System, Microirrigation	An irrigation system for frequent application of small quantities of water on or below the soil surface: as	Applies to seasonal high tunnels and some fields suitable for	PG – NG when all components are on the

Code	Practice Name	Practice Definition	Practice Extent	Potential to Effect Historic Properties
		drops, tiny streams, or miniature spray through emitters or applicators placed along a water delivery line	irrigation, tubing/pipeline can be placed on the surface or buried	surface or within existing depth of disturbance
443	Irrigation System, Surface and Subsurface	A system in which all necessary earthwork, multi-outlet pipelines, and water-control structures have been installed for distribution of water by surface means, such as furrows, borders, and contour levees, or by subsurface means through water table control	Includes installation of measuring devices, division boxes, checks, turnouts, pipelines, lined ditches, valves, pumps, and gates	PG – NG when all components are installed above ground
449	Irrigation Water Management	The process of determining and controlling the volume, frequency, and application rate of irrigation water	Applies to existing irrigated lands, no ground disturbance	NG
460	Land Clearing	Removing trees, stumps, and other vegetation from wooded areas to achieve a conservation objective	Can involve use of heavy equipment, extensive site disturbance to remove vegetation	G
543	Land Reclamation – Abandoned Mined Land	Reclamation of land and water areas adversely affected by past mining activities	Land has already been disturbed or adversely affected by past mining	NG
544	Land Reclamation – Currently Mined Land	Reclamation of currently mined land to an acceptable form and planned use	Areas are already highly disturbed from recent mining activity	NG
453	Land Reclamation – Landslide Treatment	Managing in-place natural materials, mine spoil (excavated over-burden), mine waste or overburden to reduce downslope movement	Highly disturbed areas	NG
455	Land Reclamation – Toxic Discharge Control	Control of acid or otherwise toxic aqueous discharge from abandoned coal mines or coal mine waste	Highly disturbed areas	NG
468	Lined Waterway or Outlet	A waterway or protected outlet section having an erosion-resistant lining of concrete, stone, synthetic turf reinforcement fabrics, or other permanent material	Channel excavated in a field or existing waste facility; spoil is spread in adjacent field	G
516	Livestock Pipeline	A pipeline and appurtenances installed to convey water for livestock or wildlife	Pipe is placed 18-30 in below ground in a trench, usually dug using a trenching machine	PG – NG when all components are installed above ground
457	Mine Shaft and Adit Closing	Closure of underground mine openings by filling, plugging, capping, installing barriers, gating, or fencing	Finished surface graded to provide drainage away from the opening; can include construction of caps and walls, dams, and stone barriers	G
353	Monitoring Well	A well, or wells, designed and installed to obtain representative groundwater samples and hydrogeologic information	Generally constructed by driving metal casings into the ground, disturbed area usually less than 16 sq ft	G

Code	Practice Name	Practice Definition	Practice Extent	Potential to Effect Historic Properties
484	Mulching	Applying plant residues or other suitable materials to the land surface	No ground disturbance	NG
590	Nutrient Management	Managing the amount (rate), source, placement (method of application), and timing of plant nutrients and soil amendments	Incorporation of fertilizer into the root zone is extent of soil disturbance	NG
500	Obstruction Removal	Removal and disposal of buildings, structures, other works of improvement, vegetation, debris, or other materials	Can be ground disturbing but will vary greatly from job to job; used under Emergency Watershed Program	PG – NG when exigency situation under EWP
582	Open Channel	Constructing or improving a channel either natural or artificial, in which water flows with a free surface	Excavation of soil and shaping or grading of bottom and banks of channel using heavy equipment; used under Emergency Watershed Program	PG – NG when exigency situation under EWP
512	Pasture and Hay Planting	Establishing adapted and compatible species, varieties, or cultivars of perennial herbaceous plants suitable for pasture, or hay production	Normal planting activity using farm equipment on previously cropped or cleared land	NG
595	Pest Management Conservation System	A site-specific combination of pest prevention, pest avoidance, pest monitoring, and pest suppression strategies	No ground disturbance	NG
378	Pond	A water impoundment made by constructing an embankment, by excavating a dugout, or by a combination of both	Use of heavy equipment to excavate soil and either spread nearby or place to construct a dam	G
522	Pond Sealing or Lining, Concrete	A liner for an impoundment constructed using reinforced or nonreinforced concrete	Site already disturbed for pond construction, liner placed on surface or incorporated to 6 inches or less	NG
520	Pond Sealing or Lining, Compacted Soil Treatment	A liner for an impoundment constructed using compacted soil with or without soil amendments	Site already disturbed for pond construction, liner placed on surface or incorporated to 6 inches or less	NG
521	Pond Sealing or Lining, Geomembrane or Geosynthetic Clay Liner	A liner for an impoundment constructed using a geomembrane or a geosynthetic clay material	Site already disturbed for pond construction, liner placed on surface or incorporated to 6 inches or less	NG

Code	Practice Name	Practice Definition	Practice Extent	Potential to Effect Historic Properties
462	Precision Land Forming and Smoothing	Regrading of a field to remove surface irregularities.	Removal of depressions, mounds, old terraces, turn-rows, and other surface irregularities	PG – NG when practice is contained entirely within previously disturbed soils
338	Prescribed Burning	Controlled fire applied to a predetermined area	Burn plans, permits, fire barriers and fire breaks required	PG – NG when practice does not exceed existing depth of disturbance and there are no structures over 50 years
528	Prescribed Grazing	Managing the harvest of vegetation with grazing and/or browsing animals with the intent to achieve specific ecological, economic, and management objectives	No ground disturbance	NG
533	Pumping Plant	A facility that delivers water at a designed pressure and flow rate. Includes the required pump(s), associated power unit(s), plumbing, appurtenances, and may include on-site fuel or energy source(s), and protective structures	Construction of permanent facility housed in shed or small building	G
329	Residue and Tillage Management, No Till	Limiting soil disturbance to manage the amount, orientation and distribution of crop and plant residue on the soil surface year around	In-row soil disturbance operation during strip tillage, planting operation, and seed row/furrow closing device	NG
345	Residue and Tillage Management, Reduced Till	Managing the amount, orientation, and distribution of crop and other plant residue on the soil surface year-round while limiting soil-disturbing activities used to grow and harvest crops in systems where the field surface is tilled prior to planting	Includes mulch tillage or conservation tillage where the entire surface may be disturbed by chisel plowing, field cultivating, tandem disking, or vertical tillage	NG
643	Restoration of Rare or Declining Natural Communities	Reestablishment of abiotic (physical and chemical) and biotic (biological) conditions necessary to support rare or declining natural assemblages of native plants and animals	Reestablishing native plant communities generally using normal planting practices	NG
391	Riparian Forest Buffer	An area predominantly trees and/or shrubs located adjacent to and up-gradient from watercourses or water bodies	Generally previously cleared land that has been cropped or pastured, trees/shrubs planted using a mechanical planter or hand planted	PG – NG when practice is contained entirely within existing plow zone soils
390	Riparian Herbaceous Cover	Grasses, sedges, rushes, ferns, legumes, and forbs tolerant of intermittent flooding or saturated soils, established or managed as the dominant vegetation in the transitional zone between upland and aquatic habitats	Normal planting using farm equipment on previously cropped land or cleared land converted from forest or native vegetation	PG – NG when practice is contained entirely within existing plow zone soils

Code	Practice Name	Practice Definition	Practice Extent	Potential to Effect Historic Properties
654	Road/Trail/Landing Closure and Treatment	The closure, decommissioning, or abandonment of roads, trails, and/or landings and associated treatment to achieve conservation objectives	Reshaping and/or excavation, ripping to improve infiltration, water bars, planting and/or mulching to stabilize landform or return to natural state	G
558	Roof Runoff Structure	A structure that will collect, control, and convey precipitation runoff from a roof	Placement of gutters on the roof eaves and disposal of the water away from the building	PG – NG when buildings are less than 50 years old
367	Roofs and Covers	A rigid, semi-rigid, or flexible manufactured membrane, composite material, or roof structure placed over a waste management facility, agrichemical handling facility, or an on-farm secondary containment facility	Construction of roof or cover over a waste management facility, can include installation of posts	NG
604	Saturated Buffer	A subsurface, perforated distribution pipe used to divert and spread drainage system discharge to a vegetated area to increase soil saturation	Buried distribution line	G
350	Sediment Basin	A basin constructed with an engineered outlet, formed by constructing an embankment, excavating a dugout, or a combination of both	Earthwork generally completed using heavy equipment to excavate and place fill to form a berm, dam, or pit	G
646	Shallow Water Development and Management	The inundation of lands to provide habitat for fish and/or wildlife	May involve diking, ditching, or flooding; disturbance includes any borrow location	G
381	Silvopasture	Establishment and/or management of desired trees and forages on the same land unit	Use of a tractor-pulled mechanical planter that mimics a normal farm tillage operation or hand planted	PG – NG when practice does not involve stump extraction
527	Sinkhole Treatment	The treatment of sinkholes in karst areas to reduce contamination of groundwater resources, and to improve farm safety	Involves geologic investigation, vegetative treatment, surface water control, and sinkhole treatment/closure	G
572	Spoil Disposal	Disposal of surplus excavated materials	Spoil material from excavation of channels, drainage ditches, irrigation canals, etc.	PG – NG when spoil is spread on existing ground surface
574	Spring Development	Collection of water from springs or seeps to provide for livestock and wildlife	Earthwork generally completed using heavy equipment to excavate and place fill to form a berm, dam, or pit	G

Code	Practice Name	Practice Definition	Practice Extent	Potential to Effect Historic Properties
442	Sprinkler System	A distribution system that applies water by means of nozzles operated under pressure	Can be on surface or buried	PG – NG when all components are on the surface or within existing depth of disturbance
578	Stream Crossing	A stabilized area or structure constructed across a stream to provide controlled access for people, livestock, equipment, or vehicles	Installation of stable sloped approaches to stream usually underlain with geotextile and topped with gravel	G
395	Stream Habitat Improvement and Management	Maintain, improve, or restore physical, chemical, and biological functions of a stream, and its associated riparian zone, necessary for meeting the life history requirements of desired aquatic species	May include in-stream structures and riparian vegetation management	G
580	Streambank and Shoreline Protection	Treatment(s) used to stabilize and protect banks of streams or constructed channels, and shorelines of lakes, reservoirs, or estuaries	Areas affected may be artificial or natural, structures may include rock riprap, geotextiles, gabions, concrete blocks, and bio-engineering methods	G
585	Stripcropping	Growing planned rotations of erosion-resistant and erosion-susceptible crops or fallow in a systematic arrangement of strips across a field	Normal planting using farm equipment on previously cropped land or cleared land converted from forest or native vegetation	NG
587	Structure for Water Control	A structure in a water management system that conveys water, controls the direction or rate of flow, maintains a desired water surface elevation, or measures water	Usually a pipe or weir with movable gate installed into an earthen embankment	G
649	Structures for Wildlife	A structure installed to replace or modify a missing or deficient wildlife habitat component	Can be nesting boxes, perching structures, brush piles, modifying fencing or watering facility, etc.	NG
606	Subsurface Drain	A conduit installed beneath the ground surface to collect and/or convey excess water	Pipe installed 1-5 ft below surface using a backhoe or trenching machine	G
607	Surface Drain, Field Ditch	A graded channel on the field surface for collecting excess water	Can be constructed using a tractor-mounted grading blade or small dozer	G
608	Surface Drain, Main or Lateral	An open drainage ditch for moving the excess water collected by a field ditch or subsurface drain to a safe outlet	Generally constructed using a backhoe or excavator	G

Code	Practice Name	Practice Definition	Practice Extent	Potential to Effect Historic Properties
600	Terrace	An earth embankment, or a combination ridge and channel, constructed across the field slope	Soil in existing field is pushed into a berm, a channel is cut uphill of the terrace	G
575	Trails and Walkways	A trail is a constructed path with a vegetated or earthen surface. A walkway is a constructed path with an artificial surface. A trail/walkway is used to facilitate the movement of animals, people, or off-road vehicles	Shaping of earth to form an elevated or level bed or crossing	G
612	Tree/Shrub Establishment	Establishing woody plants by planting seedlings or cuttings, by direct seeding, and/or through natural regeneration	Planted generally using a tractor-pulled mechanical planter or hand planted after a harvest or for field or pasture conversion	PG – NG when practice does not exceed existing depth of disturbance
490	Tree/Shrub Site Preparation	Treatment of areas to improve site conditions for establishing trees and/or shrubs	Pushing and piling, chopping, or burning timber trash left over from timber harvest; can be just sole use herbicide	PG – NG when practice is contained entirely within existing plow zone soils or is only chemical control
620	Underground Outlet	A conduit or system of conduits installed beneath the surface of the ground to convey surface water to a suitable outlet	Pipe installed 1-5 ft below surface using a backhoe or trenching machine	G
645	Upland Wildlife Habitat Management	Provide and manage upland habitats and connectivity within the landscape for wildlife	Structural, vegetative, or management measures to improve food and cover	NG
635	Vegetated Treatment Area	An area of permanent vegetation used for agricultural wastewater treatment	Includes some ground-disturbance, such as ditch, curb, or gated pipe	G
360	Waste Facility Closure	The decommissioning of facilities, and/or the rehabilitation of contaminated soil, in an environmentally safe manner, where agricultural waste has been handled, treated, and/or stored and is no longer used for the intended purpose	Closure or conversion of agricultural waste impoundments	G
633	Waste Recycling	The use of by-products of agricultural production or the agricultural use of non-agricultural by-products	Collection and surface application of agricultural wastes	NG
632	Waste Separation Facility	A filtration or screening device, settling tank, settling basin, or settling channel used to partition solids and/or nutrients from a waste stream	Use of heavy equipment to install tank, basin, or channel	G
313	Waste Storage Facility	An agricultural waste storage impoundment or containment made by constructing an embankment, excavating a pit or dugout, or by fabricating a structure	Usually constructed of earthen materials using heavy equipment,	G

Code	Practice Name	Practice Definition	Practice Extent	Potential to Effect Historic Properties
			or placement of a concrete structure or other storage vessel	
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	Pipes may be installed underground, concrete box may be constructed	G
629	Waste Treatment	The use of unique or innovative mechanical, chemical, or biological technologies that change the characteristics of manure and agricultural waste	Utilizing existing systems, no ground disturbance	NG
359	Waste Treatment Lagoon	A waste treatment impoundment made by constructing an embankment and/or excavating a pit or dugout	Heavy equipment used to excavate soil at least 10 ft deep; soil placed along top and shaped into a berm	G
638	Water and Sediment Control Basin	An earth embankment or a combination ridge and channel constructed across the slope of minor watercourses to form a sediment trap and water detention basin with a stable outlet	Use of heavy equipment, soil collected from surrounding area placed into embankment	G
642	Water Well	A hole drilled, dug, driven, bored, jetted or otherwise constructed into an aquifer for water supply	Generally constructed by driving metal casings into the ground, disturbed area usually less than 16 sq ft	G
614	Watering Facility	A watering facility is a means of providing drinking water to livestock or wildlife	Tank is placed on ground or on a concrete or gravel pad	G
351	Well Decommissioning	The sealing and permanent closure of inactive, abandoned, or unusable water or monitoring well	No ground disturbance	NG
658	Wetland Creation	The creation of a wetland on site location that was historically non-wetland	Usually involves vegetation or tree planting, land shaping, clearing, berms, and/or placement of water control structures	G
659	Wetland Enhancement	The augmentation of wetland functions beyond the original natural conditions on a former, degraded, or naturally functioning wetland site; sometimes at the expense of other functions	May include sediment removal, excavation of pipes/tiles, ditch plugs, levee/dike breaks, earthmoving	G
657	Wetland Restoration	The return of a wetland and its functions to a close approximation of its original condition as it existed prior to disturbance on a former or degraded wetland site	Usually involves vegetation or tree planting, dike construction or placement of water control structures	G

Code	Practice Name	Practice Definition	Practice Extent	Potential to Effect Historic Properties
644	Wetland Wildlife Habitat Management	Retaining, developing, or managing wetland habitat for wetland wildlife	Can involve planting and management of vegetation, installation of water control measures, construction of structures	PG – NG when planting by hand or does not exceed existing depth of disturbance
420	Wildlife Habitat Planting	Establishing wildlife habitat by planting herbaceous vegetation or shrubs	Normal planting activity	NG
380	Windbreak/Shelterbelt Establishment and Renovation	Windbreaks or shelterbelts are single or multiple rows of trees or shrubs in linear configurations	Planting of two or more rows of trees using hand tools or mechanical tree planter	NG
384	Woody Residue Treatment	The treatment of residual woody material that is created due to management activities or natural disturbances	Can include piling, burning, chipping/masticating, lop and scatter, offsite removal, or crushing of woody residue and stumps	PG – NG when practice does not exceed existing depth of disturbance and no stump extraction

APPENDIX B CULTURAL RESOURCES REVIEW PROCESS

NRCS VA Cultural Resource Review Procedures

1. NRCS FO personnel will determine whether a planned practice requires cultural resources review using Appendix A. If the practice is listed as NG on Table 1, or as PG but meets the conditions to be considered NG, it does not require cultural resources review; the FO will document and proceed with the practice.
2. If the practice is listed as G, or as PG and does not meet the conditions to be considered NG, or deviates from the typical practice extent so as to be ground disturbing, a cultural resources review is required. The FO will conduct a field review of the APE and complete a Cultural Resources Review form or the equivalent, a 1:24,000 topo map showing tract and practice locations, and a 1:5,000 aerial conservation plan map showing practice locations, and forward everything to the CRS.
3. The CRS will conduct a VCRIS search; if there are no known resources in the APE, the CRS, through consideration, as appropriate, of SHPO records, environmental and topographic data, ethnographic data, Tribal information, historical maps, local historical records, and other previous studies, will evaluate the probability of the APE to contain cultural resources. If no cultural resources are present and no moderate to high probability zones are identified within the APE, no further review is needed. The CRS will contact the FO to document the review and allow the project to proceed.
4. If a planned practice will impact a known cultural resource or is in a high probability zone that is likely to contain unrecorded cultural resources, the CRS will determine whether further work is needed. If additional work is needed, the CRS will contact the FO and the FO will evaluate alternatives with the landowner. If an alternative location or non-ground disturbing action can be planned, the FO will document and proceed with assistance. If the practice cannot be moved, the CRS will conduct the necessary field investigation (Phase I).
5. The CRS will submit the project information to SHPO through ePIX (<https://epix.dhr.virginia.gov/>) or through a mutually accepted means. Prior to submittal, the FO will obtain permission to consult from the landowner via an Authorization of the Release of Records. If SHPO concurs with the NRCS's finding of No Adverse Effect or No Historic Properties Affected, the project may proceed without further review. If SHPO does not concur with the NRCS finding, they will make recommendations to the CRS to determine how NRCS will proceed.
6. If the CRS in consultation with SHPO determines that an identified resource within the APE may be eligible for inclusion in the NRHP, and avoidance is not possible and funding is available, the CRS will conduct an evaluation (Phase II) of the site.
7. If the resource is determined eligible for the listing in the NRHP, then NRCS, in consultation with SHPO, will develop a plan to reduce, mitigate or avoid any adverse effects upon the resource.
8. If NRCS determines in consultation with SHPO that the resource fails to meet the criteria for inclusion in the NRHP, or if SHPO fails to respond to such a determination within 30 days, then NRCS has met its Section 106 obligations and the practice may proceed.

APPENDIX C
PROCEDURES FOR EMERGENCY RESPONSE

NRCS and the SHPO will use the following procedures to ensure that the need to protect life and property in an emergency is accomplished while taking cultural resources into account to the maximum extent possible, congruent with rapidly changing priorities and circumstances. The NRCS will fulfill its responsibilities under its disaster assistance program consistent with the UFR Process.

I. Exigency Situations (Emergency Watershed Protection Program): The NRCS State Conservationist will notify the SHPO of the exigency situation; this notification should include the types and amount of funds obligated, circumstances creating the exigency situation, work to be undertaken, and any consideration of historic properties, as appropriate. The NRCS will keep the FPO and ACHP apprised of the situation. The SHPO will then have 7 days to respond to NRCS after receipt of said notification. NRCS will consider SHPO comments received before exigency work begins and will document and avoid adverse impacts to cultural resources encountered during the exigency work to the fullest extent practicable. NRCS will provide the SHPO with this documentation of cultural resources following the emergency work.

II. Other Emergency Situations: During certain other emergency situations, and in declared disasters or a major threat to life or property, NRCS may elect to waive all or part of its cultural resources responsibilities as allowed under 36 CFR 78 and described in 36 CFR 800.12(b).

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
NEPA	National Environmental Policy Act
CEQ	Council on Environmental Quality
DHS	Department of Homeland Security
FEMA	Federal Emergency Management Agency
NHPA	National Historic Preservation Act
FPO	Federal Preservation Officer (Federal Preservation Officer)
SPO	Senior Policy Official (NRCS)
NHQ	National Headquarters (NHQ)
APE	Area of Potential Effect—from ACHP regulations 36 CFR Part 800
CRS	Cultural Resources Specialist
EWP	Emergency Watershed Program (NRCS program)