PROTOTYPE PROGAMMATIC AGREEMENT
BETWEEN THE
US DEPARTMENT OF AGRICULTURE,
TEXAS NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE,
TEXAS 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 1 *985* (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., Subtitle III, and its implementing regulations, 36 CFR Part 800, including the provisions of these regulations addressing NHLs at 36 CFR Part800.10; and

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

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

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

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

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

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

WHEREAS, this State-based Prototype Agreement conforms to the NRCS Prototype Agreement as designated by the ACHP on November 21, 2014, and therefore, does not require the participation or signature of the ACHP when the NRCS State Office and the SHPO 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, this Prototype Agreement does not modify the NRCS' responsibilities to consult with Indian tribes on all undertakings that might affect historic properties and properties of religious and cultural significance to them, regardless of where the undertaking is located, without prior agreement by the concerned Indian tribe, and recognizes that historic properties of religious and cultural significance to an Indian tribe may be located on ancestral homelands or on officially ceded lands near or far from current settlements; and

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

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

STIPULATIONS

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

I. Applicability.

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

II. Roles and Professional Qualifications.

a. The NRCS Texas State Conservationist is responsible for oversight of its performance under this State-based Prototype Agreement.
b. Texas NRCS shall ensure all NRCS staff or individuals carrying out Section 106 historic preservation compliance work on its behalf, including the NRCS Texas State senior historic preservation professional staff member (the Cultural Resources Specialist (CRS), or Archaeologist, or Historian), are appropriately qualified to coordinate the reviews of resources and historic properties as applicable to the resources and historic properties being addressed (site, building, structure, landscape, resources of significance to Indian tribes 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 Texas State Conservationist is responsible for consultation with the Texas SHPO. These responsibilities may not be delegated to any other staff, nor carried out on behalf of NRCS by another federal agency.

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

e. NRCS field office personnel involved in implementing this State-based Prototype Agreement, after completion of NRCS' web, classroom, and field awareness training acquired through USDA's AgLearn training site and from the CRS, shall work with the CRS/Archaeologist/Historian, as feasible, in completing historic preservation compliance (Section 106) field records for the agricultural producer's (NRCS' client or voluntary applicant for assistance) files and for use in producing initial historic property identification records (as set forth and outlined in NRCS' operational guidance, the National Cultural Resources Procedures Handbook, Title 190, Part 601).

1. NRCS field personnel may conduct cultural resources identification activities (review, field inspection, documentation/record-keeping, reporting) for those conservation practices (undertakings) planned, designed, approved, and implemented at the field office level per policy and procedures in GMSS TX401.21.

f. The CRS/Archaeologist/Historian in Texas shall oversee development of the scopes of work for investigation of the APEs for identified undertakings (see 36 CFR Part 800.4). The NRCS may use professional service contractors or consultants or partners to assist with cultural resources compliance studies. NRCS shall ensure these contractors meet the Secretary of Interior's Professional Qualifications Standards.

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

h. The Texas SHPO, if provided sufficient data on a proposed undertaking and APE for the proposed undertaking by Texas NRCS shall consult and provide a response to NRCS within 30 calendar days of receipt. 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 shall require personnel conducting cultural resources identification and evaluation work to complete, at a minimum, the NRCS Web-based (in USDA AgLearn) and field Cultural Resources Training in modules and the ACHP's Section 106 *Essentials* course.

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

c. NRCS may invite the SHPO or staff to participate in presentations at agency classroom or field trainings.
d. NRCS 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 is the lead federal agency for Section 106 purposes per 36 CFR Part 800.2(a)(2), NRCS staff shall follow the terms of this State-based Prototype Agreement. NRCS shall notify the SHPO of its involvement in the undertaking and the involvement of the other federal agencies.
b. For any undertaking for which the NRCS is not the lead federal agency for Section 106 purposes, including those undertakings for which the NRCS provides technical assistance to other USDA or other federal agencies, the terms of this State-based Prototype Agreement shall not apply to that undertaking. If the lead federal agency agrees, NRCS may follow the approved alternative procedures in place for that agency.

V. Review Procedures.

a. In consultation with the Texas SHPO, NRCS shall identify those undertakings with little to no potential to affect historic properties and list those undertakings in GMSS TX401.21(see Appendix A) under the designation "NG" (Not Ground or Site Disturbing). Upon the determination by the CRS/Archaeologist that a proposed undertaking is NG in GMSS TX401.21, the NRCS is not required to consult further with the SHPO/Indian tribe for that undertaking.
b. The list of undertakings provided in GMSS TX401.21may 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 not identified in GMSS TX401.21 as NG shall require further review as outlined in Stipulation V.c. The 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.
2. The NRCS shall attempt to avoid adverse effects to historic properties whenever possible; where historic properties are located in the APE, NRCS shall describe how it proposes to modify, buffer, or move the undertaking to avoid adverse effects to historic properties.
3. Where the NRCS proposes a finding of "no historic properties affected" or "no adverse effect" to historic properties, the SHPO who shall have 3 0 calendar days from receipt of this documented description and information to review it and provide comments. In addition, all surveys conducted by the CRS with no findings of cultural resources, will be

reported to the SHPO for review and concurrence. The NRCS shall take into account all timely comments.

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

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

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.

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

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

b. The NRCS State office shall prepare procedures for exigency (following the rules for NRCS' (EWP) regarding immediate threat to life and property requiring, response within 5 days) in consultation with the SHPO/Indian tribes. Texas NRCS developed an EWP Emergency Recovery Plan, in consultation with the Texas SHPO, in June 2013 that includes procedures for exigent and non-exigent emergencies. These procedures are appended to this document as Appendix B.

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

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

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

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

NRCS personnel for the area, and the landowner/applicant.

1. NRCS CRS shall inspect the discovery within 24 hours, if weather permits, and in consultation with the local NRCS official (field office supervisor or District or Area Conservationist), concerned Indian tribes, the SHPO, the NRCS State engineering or program supervisor, as appropriate), the landowner/producer (whomever NRCS is assisting), the CRS shall establish a protective buffer zone surrounding the discovery. This action may require inspection by tribal cultural resources experts in addition to the CRS.
2. All NRCS contact with media shall occur only under the direction of the NRCS Public Affairs Officer, as appropriate, and the State Conservationist.
3. Security shall be established to protect the resources/historic properties, workers, and private property. Local law enforcement authorities will be notified in accordance with applicable State law and NRCS policy in order to protect the resources. Construction and/or work may resume outside the buffer only when the State Conservationist determines it is appropriate and safe for the resources and workers.
4. NRCS CRS shall notify the SHPO/Indian tribe and the ACHP no later than 48 hours after the discovery and describe NRCS' assessment of the National Register eligibility of the property, as feasible and proposed actions to resolve any adverse effects to historic properties. The eligibility determination may require the assessment and advice of concerned Indian tribes, the SHPO, and technical experts (such as historic landscape architects) not employed by NRCS.
5. The SHPO/Indian tribe 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/Indian tribe 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 manner in which the terms of the agreement are implemented, the NRCS State Conservationist and CRS shall consult with such party to resolve the objection. If the State Conservationist determines that such objection cannot be resolved, he or she will:

1. Forward all documentation relevant to the dispute, including the State Conservationist's proposed resolution, to the NRCS FPO and Senior Policy Official (SPO Deputy Chief for Science and Technology) and the ACHP. The ACHP shall provide the FPO, SPO, and State Conservationist with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRCS shall prepare a written response that takes into account

any timely advice or comments regarding the dispute from the ACHP and any signatory or consulting parties, and provide them with a copy of this written response. NRCS will then proceed according to its final decision.

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

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

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

d. At any time during the implementation of the State-base Prototype Agreement, a member of the public may submit an objection pertaining to this agreement to the NRCS State Conservationist, in writing. Upon receiving such an objection, the State Conservationist shall notify the NRCS SPO and FPO, the SHPO, 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 of the outcome of this process.

IX. Public Involvement

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

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 Texas State Conservationist shall provide all consulting parties (including those parties who participate in the consultation but do not sign the agreement) and the FPO a summary report detailing work undertaken pursuant to its terms, including a geodatabase of undertakings designated NG in GMSS TX401.21 as well as undertakings that required further review; a summary of the nature and content of meetings held with SHPO; and an assessment of the overall effectiveness of the State-based Prototype Agreement. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in NRCS' efforts to carry out the terms of this agreement.

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

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

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, or SHPO 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 of the signatories, is filed with the NRCS FPO, SPO, and the ACHP.
b. If any signatory to this State-based Prototype Agreement, or the ACHP, determines that its provisions will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XII.A. If within 30 calendar days, or other time period agreed upon by the signatories, an amendment cannot be agreed upon, any signatory or the ACHP may terminate the agreement upon written notification to the other signatories.
c. If this State-based Prototype Agreement is terminated, or expires without being extended via the amendment process described above, and prior to continuing work on any undertaking, NRCS shall comply with 36 CFR Part 800 for all individual undertakings in the State of Texas.
d. NRCS will consider requests from other USDA agencies to become a signatory to the State-based Prototype Agreement following formal written requests and appropriate discussion with and approval by the NRCS FPO and SPO, and joint USDA Agency -NRCS State Office consultation with the ACHP, NCSHPO, and Indian tribes/THPOs, 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 the State of Texas on historic properties and afforded the ACHP a reasonable opportunity to comment.

Signatory Parties

Salvador Salinas OCT 1 3 2015

State Conservationist Date

Texas Natural Resources Conservation Service

Mark Wolfe 10/16/15

Texas State Historic Preservation Officer Date

Appendix A

NRCS Texas Activities, Enhancements, and Practices

With No Potential to Affect Historic Properties

Updated: July 2022

Pursuant to Stipulation V.a of the NRCS Texas Prototype Programmatic Agreement (PPA, 2015) with the Texas State Historic Preservation Office (TX-SHPO), and in accordance with 36 CFR Part 800.3(a)(1) and NRCS A-3A75-2-64 3 G (Oct 2006), NRCS Texas has determined that the following NRCS "conservation activities, enhancements, scenarios, methods, treatments, and practices" (henceforth "actions," but not to be confused with NEPA's "actions") constitute NHPA-defined "undertakings" (36 CFR Section 800.16[y]) with little or no potential to affect historic properties and other cultural resource governed by a nexus of other *applicable* laws, executive orders, and policy. This determination has been made by consensus of NRCS Texas Cultural Resource Specialists (CRS) in discussion with various resource technical experts who were also cultural resource trained and appointed Zone Cultural Resource Coordinators, and the State Conservationist in consultation with the Texas State Historic Preservation Office. If an action is not listed as part of this Appendix and Part 1 or 2's exemptions do not apply, then the action will not be considered exempted. Therefore, such a situation would warrant a cultural resource investigation is to be completed as directed by a CRS. Additionally, if an action is to be exempted from requiring Section 106 consultation with TX-SHPO in a future agreed on Historic Property Treatment Plan appendix of this PPA, then such a historic property when applicable is to be exempt from further consideration. Users of this Appendix is encouraged to review the Review (V) of the PPA and the PPA appendix regarding to future flow chart to simply knowing when to request assistance from a CRS. This Appendix A replaces the list of exempted practices referred to in the PPA, which originally directed the reader to a Texas-supplement to the NRCS National Cultural Resources Handbook.

The National Historic Preservation Act (NHPA), in Section 1 Chapter 3003 Definitions Section 300320 (1-4) of Public Law No. 89-665, as amended by Public law No. 96-515 (December 16, 2016) deems an "undertaking" any project, activity, or program (NRCS might varyingly call these conservation practices, enhancements, activities, programs, grants, scenarios, treatments, or methods) "funded in whole or in part under the direct or indirect jurisdiction of a Federal agency," including:

1. those carried out by or on behalf of a Federal agency;
2. those carried out with Federal financial assistance;
3. those requiring a Federal permit, license, or approval; and
4. those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

This is echoed in our National USDA-NRCS PPA and in our NRCS General Manual and Handbooks on cultural resources (NRCS GM 420-401.2 30; HB 190-601.10 D – I, 190-601.22 [1 and 3 i], 190-601.25 C).

Part 1 – NRCS Conservation Practice Coding Definitions and General Exemptions

NRCS Texas categorizes below actions, or "undertakings," in three ways. These definitions are based on the 2015 PPA's former Appendix A's attached State Supplement NRCS HB 420-TX401.21 A, which are later echoed in The *NRCS Cultural Resource Handbook* (NRCS HB 420-601.10 F [1-3], amend Oct 2018). Elsewhere in NRCS policy in accordance with NHPA 110f/Section 306108 acknowledges cultural resource consideration to also include indirect effects in addition to the more obvious direct effects (36 CFR 800.16[i]. 36 CFR 800.5[a][1]; NRCS HB 190-601.25 C; NRCS HB 190-601.52 A i-ii; NRCS A-3A75-2-64 G; NRCS-SHPO PPA 2015). These coded practice categories are arranged in the succeeding parts of this appendix with justifications are provided for particulars in accordance with NRCS A-3A75-2-64 3. National Exemptions, Oct 2006. This description supersedes the Texas State supplement to NRCS HB 420-601.

- **G – Ground or Site Disturbing**: actions considered to have high potential to affect cultural resources when installed to standard NRCS criteria. Planners will request a cultural resource review for guidance from a CRS for a state file database check and for guidance on the appropriate course of action. Significant ground disturbance is typically associated with these practices but may not be limited to direct effects but may include high likelihood indirect effects.
- **PG – Potentially Ground or Site Disturbing**: actions considered to have some potential to affect cultural resources depending on different contextual situations (e.g., prior disturbances, type of treatment/technique/method of action, potential for indirect effects on surrounding cultural resources, other cultural resource compliance considerations, scope of work, etc.). Planners will request a cultural resource review for a state file database check and guidance from a CRS on the appropriate course of action, and whether a particular proposed action constitutes coding as "G" or "NG." For example, one treatment method may be considered "G" because it would cause new ground disturbance or other affects to a cultural resource while another method may be considered "NG" because it would be non-intrusive and not pose any new ground disturbances or occurs on the surface without indirect effects.
- **NG – Non-Ground or Site Disturbing**: actions not considered to have potential to affect cultural resources. No guidance from a CRS is necessary as this action is considered benign enough or even beneficial to preserving or stabilizing a cultural resource. No further cultural resource consideration required if exempted in this appendix.

The above G, PG, and NG categories and below exemptions are primarily for work on private lands. <u>All actions on non-private lands (e.g., Federal, State, or Tribal) which are not related to administrative, environmental land classification determination, non-binding advice, or surface-only data collection require the Planner (or other applicable NRCS Personnel) to submit a request for a cultural resource review</u> from a CRS prior to issuing funds and beginning work until approval is received from the CRS. This is to ensure NRCS compliance with the applicable laws, government-to-government consultation, and necessary background research are conducted. A CRS will determine if the proposed activities on non-private lands, despite their N/PG/G coding, goes through the appropriate channels for review and compliance with the nexus of cultural resource laws governing different types of landowners and different types of cultural resources of concern.

Beside defining "undertaking" or actions here in this appendix, it bears briefly mentioning the types of ubiquitous but insignificant cultural materials exempted from further consideration. Ineligible historical properties are exempted from further consideration, but still necessitate a cultural resource background review to consider previously extents of investigation and the potential for yet discovered cultural

resources in the area. The following *archaeological* resources exempted from further Section 106 consideration are detailed in Appendix C include those which:

i. Fail to be considered a sacred place (under AIRFA, RFRA, Texas RFRA, NEPA, Executive Order 13007) by religious practitioners; and
ii. Fail to be considered a place of religious and cultural significance to a Federally-recognized Tribe (NHPA); and
iii. Fail to be rock art or a cemetery/human burial site (Texas Antiquities Code, and Texas Healthy and Safety Code); and
iv. Fail to be designated a National Historic Landmark or National Monument; and
v. Fail to meet the NRCS Texas definitions of a precontact archaeological site definition; and
vi. Fail to meet the NRCS Texas definitions of a historical archaeological site definition; or
vii. Meets the NRCS Texas definitions of a non-site isolate and is not one of those described in i-iv.

What follows is a continuation of discussing exemption categories and those lists of practices by the level of

1. **General <u>National</u> NRCS Exempted Actions which Have No Potential to Affect Historic Properties**
   NRCS Texas has determined the following general practices have no potential to affect historic properties according to a Nationwide Programmatic Agreement between the Advisory Council for Historic Preservation; USDA-NRCS; and the National Conference of State Historic Preservation Officers (NRCS A-3A75-2-64 3. National Exemptions, Oct 2006) and further clarified in NRCS HB 190-601.10 E. Therefore, these actions require no further consultation with the TX-SHPO under Section 106 of The National Historic Preservation Act (NHPA). Note the caveats among them, which is explained below and revisited in Part 2.
   A. <u>Conservation Planning Advice or Technical Assistance</u> These actions involve providing *non-binding* general conservation planning and technical assistance to its cooperators for identifying conservation practices to address specific resource concerns. Because this assistance is primarily focused on management and is completed in the office, or in the field; involves *no financial assistance* and *NRCS holds no control* of its implementation; assistance involves no obligatory ground disturbance activities, these actions have no potential to affect historic properties. Planning and technical assistance poses no further cultural resource concern.
   B. <u>Technical Determinations</u> These actions entail making empirical or factual findings and determinations of compliance or non-compliance from an office and involves no ground disturbance activities including, but not limited to Wetland Determinations, Highly Erodible Land Determinations, Prime and Unique Farmland Determinations, and the like. This exemption does not apply to those determinations, such as wetland determinations which are occasionally completed in the field utilizing a hand-dug test pit to identify redoximorphic features. Under such circumstances, Conservation Planners will see if such a proposed action is exempt by other exemptions in this Appendix, and if none apply, then submit a Cultural Resource Review request from a CRS. As necessary from the CRS' recommendations, the Conservation Planners shift the location of test pits to avoid impacts to cultural resources.
   C. <u>Analyses of Data</u> This action involves analyses of data from technical determinations or resource inventories, including but not limited to Soil Survey, Plant Materials for Conservation recommendations, River basin Studies under Section 6 of P.L. 83-566.
   D. <u>Development or Revision of Technical Standards and Specifications.</u>

E. Information Gathering Activities These involve National Resource Inventory, Ecological Site Descriptions, Water Supply Forecasts, Wetlands Inventories, and other types and forms of non-intrusive resource data collection (do not involves subsurface disturbance).
   i. National Cooperative Soil Survey Program activities or limited geotechnical testing on private lands that involve no new ground disturbance or are limited to small-scale field investigations, such a small (between 2 3/4" to 1' diameter- as to not exceed the horizontal dimensions/diameter of archaeological shovel test probes, and is not to be expected to be greater than the mining prospecting probes currently exempted in the Texas Antiquities Code), with a maximum depth of 200 cm or the lesser of a limiting layer. This scale of investigation may entail shovel holes, auger holes, probe holes, and core or sharpshooter holes which due to their limiting scale of effects do not require further cultural resource review. Among those conducting small-scale field investigations will have someone in attendance who is cultural resource training from a CRS.
   ii. New ground-disturbing soil survey activities on non-private lands or any larger-scale field investigations, such as soil investigation pits 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. An example of the scale of work from a soil investigation pit may involve the use of heavy equipment causing disturbances up to 3-4 feet wide, 10+ feet long, and about 200 cm or until the lesser of a limiting layer, and in rectangular dimensions. Under circumstances, a request for a cultural resource review by a CRS will be necessary for seeking guidance on the appropriate course of action.

F. Conservation Easement Purchases and Management Plans Those NRCS management activities for NRCS properties which do not call for structural modification or removal or ground disturbing activities. These also include the NRCS purchase of conservation or preservation easements where no subsequent round-disturbing activities are planned or foreseen. This exemption does not apply to transfer, lease, or sale of a property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic values (NHPA Section 306121-306122; NRCS HB 190-601.52 A i-ii; 190-601.31).

2. General NRCS Texas Exempted Actions

Here is discussed the rationale for additional listed exemptions from cultural resource consideration are drawn from State law and NRCS policy about certain circumstances an action must have to be considered to pose no adverse effect to historic properties or otherwise be exempted. This section is predominately for private lands, but may also apply on Texas state land if both i and ii are met:

i. the Conservation Planner has submitted a review request to a CRS, and
ii. the CRS during their background research and full cultural resource review has compared what they know about this proposed action, checked for known cultural resources in the area-of-potential effect, and agrees on the applicability of conditions of this Appendix's Part 2, then a finding of no potential effect may be applied to this action.

The National NRCS PPA (NRCS A-3A75-2-64 3 E and G) grants NRCS Texas the ability to develop a state-level agreement with the TX-SHPO which stipulates those local or regional exceptions;

special circumstances; or an action is considered to have no potential to affect National Register eligible properties. To simplify and apply the State's rationale to what is considered to have potential to significantly affect historic properties, we borrow rationale from the Texas Antiquities Code (TAC). For example, The Texas Antiquities Code acknowledges that some practices either through scope and intensity or by nature have "little chance to damage archaeological sites, and therefore should not require notification" (Nature Resources Code, Title 9 Heritage, Chapter 191 Antiquities Code, Subchapter A General Provisions Sec. 191.0525 d-e, hereafter referred to as TAC). However, this State law's exemptions for advance project review and activity exemptions explicitly applies to State lands and their subsidiaries, thereby leaving NRCS to otherwise make comparatively extraneous efforts to consult about matters the State would not ordinarily concern itself. Through this agreement's appendix we seek to also benefit from imitating aspects of the State's own streamlining rationale for review and to find agreement which activities have little chance to damage archaeological sites.

Similar to TAC's rationale of using its own reviewers to consult its own State File Database on behalf of its own subsidiaries to see if a project would affect an archaeological site, an NRCS Texas Cultural Resource Specialist (CRS) will review internally for NRCS whether a proposed *action on State lands* may meet the exemptions of this Appendix and check the State File Database (i.e., Atlas). In doing so, the CRS will see if a State Antiquities Landmark; recorded archaeological/historic site with either undetermined eligibility, eligible, or NR-listed status; or cemetery/burial (in keeping with the Texas Health and Safety Code) will coincide with the Area of Potential Effect of an action or if it will be affected by proposed action. If none of these types of cultural resources on State lands are affected, then the CRS will seek to the applicability of the Exemptions described throughout this Appendix. For situations on private land, Planners and CRS' will follow the Review procedures of the PPA, which entail consulting the NG, PG, G status of proposed actions. A Planner should check Appendix A Part 2 first for any exemptions, then consult Part 1 of this Appendix for any applicability. Finding no applicable PG exemption stipulation or finding an action to be G, the Planner will request a CRS to review it and the CRS will check for exemption applicability and failing to one an exemption will conduct the necessary consultation with SHPO. State-sponsors or State-subsidiary applicants of NRCS programs and their contracted archaeologists, when authorized by the NRCS Texas State Conservationist through a NRCS Texas Cultural Resource Specialist, to conduct cultural resource identification studies due to a project being an "undertaking" may use exemptions of this Appendix as guided by the CRS. The contracted archaeologist' communications to SHPO and report(s) must note NRCS-involvement and applicability of this Appendix under their discussion of authorities their investigation is conducted under. The following are Texas-specific general exemptions:

A. Actions which do cause <u>new</u> ground disturbance, that is disturbance exceeding previous (human-made or non-human) depths of disturbance from similar or less than types of previous ground disturbing activities (cf. TAC Subch. A Sec. 191.0525 e 9; NRCS HB 190-601.10 F 2). For example, this can include but not be limited to a soil horizon with slickensides, irrigation silt deposits, borrow pits, human dumped fill, previous bank stabilization fill, vegetal debris fill, bottom of steam channels, industrial or residential earthmoving or raised and level soil pads).
B. Actions of repair or maintenance to non-structural or non-built environment features (e.g., linear features), which are:
    i. If dated as less than 50 yrs old on private lands *or* dated from 1955 up until the present and on State land (its basis is implied in THC's *Guidance For Studying Late 19th-Century And Early 20th-Century Site*), and

   ii. do not pose new ground disturbances.

C. Actions of repair or maintenance to structural or built environmental features, which are:
   i. Modern features less than 45 years old on State lands or less than 50 years old on private land; or
   ii. modern features older than 45 years old on State land or older than 50 years old on private land; and
   iii. entail repairs, maintenance, and replacements in-kind; and
   iv. does not change its function and appearance; and
   v. does not cause new ground disturbance.
D. Actions of replacement, repair, or maintenance to actively-used infrastructure (e.g., roads; culverts; dams; irrigation systems and sprinkler pivots; firebreaks; bridges; channel bank stabilization measures, such as rip rap; wells; livestock pipelines; stream-crossings; which
   i. has been repeatedly modified within the last 45 years if on State land or the last 50 years if on private land,
   ii. and will not pose new ground disturbance.
E. Actions of management or administration, which do not pose changes to the usage, function, or aesthetics of facilities, structures, buildings, or other historic properties.
F. Actions applied through aerial or chemical (e.g., herbicide) when in areas unlikely to affect archaeological sites, features, rock art, or traditional Native American plant gathering areas.
G. Actions applied through (e.g., grazing or plant introduction) biological means.
H. Actions applied by hand tools or applied manually to the surface and involve no new ground disturbance.
I. Fences, once ruled out by a CRS as not occurring inside a recorded archaeological site, SAL, cemetery, or historic district.
   i. Unless it requires dozing or vegetation clearance (not done by hand or manually),
   ii. and lacks an existing trail or right-of-way on either side of a fence line, which would cause new ground disturbance.
J. Prescribed burns / controlled burns, once ruled out by a CRS as
   i. not occurring inside a recorded archaeological site, SAL, cemetery, or historic district,
   ii. and the fuel loads and volatile plant materials will not cause a high-intensity fire,
   iii. and applies only to renewed or existing fire lines or those fire lines do not cause new ground disturbance.
K. Animal grazing (i.e., prescribed grazing)
L. Plowing or disking the soil at depths no greater than previous disturbances.
   i. Soil Survey testing no deeper than a meter deep and a foot wide, after confirming with a CRS from a cultural resource review that not occurring inside a recorded archaeological site, SAL, cemetery, or historic district.
M. Water lines (e.g., livestock pipelines) laid on the surface that do not require excavation or other surface disturbance and after a cultural resource review by a CRS has determined that it will not cross known historic properties or previously recorded unevaluated, eligible, or listed historic properties. CRS will consider through background research or consultation if these above ground water lines pose a viewshed impediment to sacred places or other cultural resources and landscapes.

N. Installation of signs and markers, unless within known historic properties or as determined by a CRS to be in the viewshed of a sacred places or other cultural resources and landscapes.
O. Acquiring easements, lands, leases, and other purchases.
P. Actions which comprise a small footprint of new proposed ground disturbance within the following parameters. The use of this exemption requires a cultural resource review by a CRS to at least check the State file database, any available probability models, and scale and scope of the proposed actions. A CRS reserves the right to deny the use of this exemption if the CRS has cultural resource concerns, which are not satisfactorily ruled out by a field investigation according to the CRS. The following entail the following conditions which must be met for the CRS to apply this exemption.
    i. The project is not inside or affects any of the following resources:
        a. a designated historic district,
        b. recorded archaeological site with either undetermined eligibility, NRHP eligible, or NRHP-listed status,
        c. a State Antiquities Landmark,
        d. a precontact rock art site, or
        e. a cemetery,
    ii. **and** affects a cumulative surface area less than five acres or disturbs a cumulative area of less than 5,000 cubic yards, if any of these are triggered;
    iii. **and** if there is an available *behavioral-based* (PM) Texas Department of Transportation archaeological liability probability model for the APE predominately projects at least one of the following:
        i. Negligible potential (0)
        ii. Low potential (1)
        iii. Low-moderate potential (2)
        iv. Moderate potential (3),
    iv. **or** if the proposed action affects *less than 1 meter deep* **and** there is an available *integrity-based* (HPALM or PALM) Texas Department of Transportation archaeological liability probability model for the APE predominately projects at least one of the following:
        i. Negligible potential (0)
        ii. Low potential (1)
        iii. Low shallow potential, moderate deep potential (2)
        iv. Low shallow potential, high deep potential (3),
        v. Moderate shallow potential, low deep (4)
        vi. Moderate potential (5)
        vii. Moderate shallow potential, high deep (6)
    v. **or** if the proposed action affects *more than 1 meter* deep **and** an available *integrity-based* (HPALM or PALM) Texas Department of Transportation archaeological liability probability model for the APE predominately projects at least one of the following:
        i. Negligible potential (0)
        ii. Low potential (1)
        iii. Low shallow potential, moderate deep potential (2)
        iv. Moderate shallow potential, low deep (4)
        v. Moderate potential (5)

Part 2 – NRCS Conservation Practice List With Effects Codes (G, PG, NG)

See table on pages 9-24.

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Access Road	560	G	Entails staging area, grading and road shaping, ditches, stream crossings, culverts or bridges, seeding vegetation on berms.	**Direct effects (Physical)**: ground disturbance. Grades normally should not exceed 10 percent except for short lengths. A maximum grade of 15 percent should only be exceeded if necessary for special uses such as field access roads or fire protection roads. The minimum width of the roadbed for an all-purpose road is 14 feet for one-way traffic and 20 feet for two-way traffic. The roadbed width includes a tread-width of 10 feet for one-way traffic or 16 feet for two-way traffic and 2 feet of shoulder width on each side. Increase the two-way traffic width by a minimum of 4 feet for trailer traffic. Single-purpose roads will have a minimum width of 10 feet with greater widths at curves and turnouts. Use vegetation or other measures to protect the shoulders from erosion. Use turnouts on single lane roads where vehicles travel in both directions on a limited basis. Design the turnout to accommodate the anticipated vehicle use. Provide a turnaround at the end of dead end roads. Size the turnaround for the anticipated vehicle type that will be using the road. Provide parking space as needed to keep vehicles from parking on the shoulder or other undesirable locations. Design all cuts and fills to have stable slopes that are a minimum of 2 horizontal to 1 vertical. For short lengths, rock areas, or very steep hillsides, steeper slopes may be permitted if soil conditions warrant and special stabilization measures are installed. Where possible, design slopes to a minimum of 4 horizontal to 1 vertical to improve establishment and maintenance of turf. **Indirect effects (cumulative effects)**: potentially increased access to culturally sensitive areas. Run off erosion downslope is another indirect effect consideration. On a positive note, it may consolidate ground disturbance from future vehicular movements over the area, which might disturb cultural resources.
Agricultural Energy Management Plan - Written (AgEMP)	120	NG	This is an analysis, or audit, of current farm infrastructure and management with recommendations about how to reduce energy consumption. These plans can be done for a variety of farm enterprises, for example a livestock production system, a field crop system, or specialized nonlivestock operations such as greenhouses, cold storage, and syrup production. The AgEMP considers all facets of energy use in an agricultural enterprise except the home and living quarters.	No potential to affect cultural resources.
Amendments for Treatment of Agricultural Waste	591	PG	Adding chemical or biological additives to manure, process wastewater, contaminated storm water run off, or other wastes to reduce adverse effects on air/water. The additives covered by this practice are commonly used for phosphorus binding, ammonia suppression, odor control, and solids separation enhancement.	**Direct effects**: In areas where rock art may be expected to be encountered or where they are known to occur it is G, because it may pose effects to rock art in areas where rock art may be expected to be encountered or where they are known to occur. If work is proposed in areas where rock art is not expected to be encountered and where they are not known to occur, it is NG. Further information is needed to know if Sodium BisulfateNaHSO4 (91 - 94%) Acidified ClayH2SO4 (40- 50%) and Fullers Earth (50- 60%) Dry AlumAl2(SO4)3 14H2O (98 – 100%) Acid + Liquid AlumH2SO4 (<10%); Al2(SO4)3 14H2O (>45%); and Water (>45%). Though the contexts of its application are places with heavy livestock manure and waste water, so it may be unlikely to introduce any new affects than what has happened to any hypothetical resources present - though the Antiquity Code's protection of rock art makes it worth considering. .
Animal Mortality Facility (no)	316	G	An on-farm facility (with roof, walls, support structures, and may also include an incinerator, gasifier, composter, refrigerator) for routine animal carcass storage, treatment, or disposal is needed. Critical area planting to revegetate any ground disturbance from construction.	**Direct effects (Physical):** Site preparation disturbance (1-1.5' disturbance depth) for construction, building footprint, staging area, grading and drainage construction, and revegetation. Examples of building footprint for the composter an addition of 2' horizontal/surface concrete slab around it and at least 5" thick, plus a minimum of 3' perimeter of gravel around it and a thickness of 8".A minimum of 12' x12' horizontal/surface loading and exit area's concrete slabs **Direct effects (Non-physical):** While this practice standards already considers viewshed of activities and controlling water contamination. "Z" or height or visual impairment could pose its own visual indirect effect on a historic property. The details of this project stipulate the need to locate the facility so that prevailing winds and landscape elements minimize odors and protect visual resources, cultural landscapes, traditional cultural landscapes, and sacred places (AFRA, RFRA). There are additives to minimize the problem of odors from composting. CRS assistance should be sought to consider affects on the usage of cultural resource/landscape enjoyment.
Aquaculture Pond	397	G	A water impoundment constructed and managed for commercial production of fish and other aquaculture products.	**Direct effects (Physical):** Excavation/ new ground disturbance.
Bedding	310	G	This involves forming the surface of flat, poorly drained land into a series of parallel ridges and furrows. The practice is used to create a warm, dry planting bed for establishment of vegetation. The ridges and furrows minimize ponding, provide gradients for removing excess water, permit efficient operation of equipment, and help eliminate mosquito production.	**Direct effects (Physical):** Excavation

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Brush Management (ac)	314	PG	Involves the removal, reduction, or manipulation of woody (non-herbaceous or succulent) plants is desired to shape plant community composition, structure, and function to support resilience. This is not accomphlished by the means of fire or land clearing; rather, it takes the form of one of the following forms: mechanical; biological/grazing; or chemical/herbicide spray.	NRCS already considers this practice's potential to effect soil erosion and downslope erosion, and habitats to wildlife and those federally listed or state listed endangered or threatened plants or animals are already considered, and seeks to encourage the least ground disturbances approaches; therefore foreseeable/indirect effects are not redundantly discussed here. There are various kinds of brush management techniques available and there is potential for ground disturbance of below-ground tangible cultural resource concerns; above-ground tangible cultural resource concerns, such a rock art or other surface archaeological finds; and above-ground or living intangible cultural resource concerns. Biological/ grazing versions of this practice are NG. **Direct effects (Physical):** Only certain mechanical approaches are expected to have potential to cause adverse effects to historic properties. Each method is listed below and whether it is considered G, PG, or NG: Axes & girdle are NG; dragging are PG; mowing is NG; root plow (>18" disturbance depth) are G; cable involving pulling surface vegetation out of the ground is G; excavator (14-18" disturbance depth, possibly deeper in larger plants) is G; power grub (excavator) (14-18" disturbance depth, possibly deeper in larger plants) is G; saw is NG; chain involving pulling vegetation from the ground is G; hand grubbing is NG; railing; shred; deep plow (>18" disturbance depth) is G; offset plow (14-18" disturbance depth) is G; roller chop (large bladed cylinder, filled with water for extra eight usually, and pulled by dozer) is NG; tree doze (<18" disturbance depth) is G (dozing/ skid steer); disking (<18" disturbance depth); chop is NG; hydro-axe is NG; rome plow is G; tree shear (shearing blade either angled or v-shaped mounted on a dozer that cuts, shears, or shatters trees and stumped at the ground line) is NG. Indirect effects: It is possible that a chemical herbicide may impact the intangible cultural heritage use of certain plant species if a part of a traditional cultural place or other cultural landscape in which culturally significant species are harvested. Chemical / herbicide is NG if it poses little to no toxicity (e.g., no effects on edibility of traditional gathering/hunting grounds); and does not affect a mature old-growth forest (e.g., affecting Comanche Marker trees); and does not occur in an area known to have rock art or if it does occur in an area known to have rock art but is not labeled corrosive, or if the chemical is labeled corrosive and a field investigation finds no rock art in the area of potential effect. This practice is PG until checked by CRS to see if it occurs in areas known to not have rock art (in such a case it would NG) and is proposed in an area not known to have served as a traditional cultural places or Native American plant gathering ground or if the known spray does not contain corrosive properties.
Brush management to improve wildlife habitat	E314A	PG	See Brush Management	See Brush Management
Clearing and Snagging	326	PG	Removal of vegetation along the bank (clearing) and/or selective removal of snags, drifts, or other obstructions (snagging) from natural or improved channels and streams.	**Direct effects (Physical):** New depths of ground disturbance from heavy equipment use and staging area. Temporary denuding of vegetation if not mowed or entailed hand-removal. Excavation for vegetal debris disposal on-site, though off-site or mulching/burning is more likely. Methods which meet all of the following are NG: methods which do not pose new depths of ground disturbance from excavation of silt fill accumulations, hypothetical channel ramp cutting/grading a bank, or entail any excavation for disposing of vegetal debris on-site; do not involve heavy equipment use or removal of the bank's growing vegetation is NG. The act of removing recent storm event/flooding silt deposits, snags, or vegetal debris is NG, but attention to its methods are essential. Vegetation debris or silt removal via barge are NG. If heavy equipment is used but only staging area activities pose any potential for new ground disturbance or threats from compaction, then heavy equipment staging areas may be NG if heavy use or construction-related protective mats are used throughout their extent. Actions not meeting NG conditions will be considered G.
Clipping mature forages to set back vegetative growth for improved forage quality	E528O	NG	See Prescribed Grazing	No potential to affect cultural resources.
Close structures to capture and retain rainfall for waterfowl and wading bird winter habitat	E646A	PG	See Shallow Water Development And Management	See Shallow Water Development And Management
Closure of Waste Impoundments (no)	360	PG	The closure of waste impoundments (treatment lagoons and liquid storage facilities), that are no longer used for their intended purpose, in an environmentally safe manner. The contexts of these facilities which would be closed include liquid/dry waste storage or treatment facilities, confined animal housing, feedlots, livestock yards, and animal mortality or composting facilities.	All structures used to convey waste to waste impoundments or to provide drainage from the impoundment area shall be removed and replaced with compacted earth material or otherwise rendered unable to convey waste. Liquid and slurry wastes shall be agitated and pumped to the extent conventional pumping will allow. Clean water shall be added as necessary to facilitate the agitation and pumping. The wastewater shall be utilized in accordance with NRCS Conservation Practice Standard, Waste Utilization, Code 633. The sludge remaining on the bottom and sides of the waste treatment lagoon or waste storage facility may remain in place if it will not pose a threat to the environment. If leaving the sludge in place would pose a threat, it shall be removed to the fullest extent practical and utilized in accordance with NRCS Conservation Practice Standard, Waste Utilization, Code 633. After any necessary manipulation of embankments and layering with impermeable clay, it would revegetated and may include installing some hay bales or silt fences to control potential water erosion of these protective caps or closure activities. **Direct effects (Physical):** Excavation associated with demolishing earthen embankments or the construction of new ones are G. Non-excavation or activities which would not pose new depths of ground disturbance are NG.

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Comprehensive Nutrient Management Plan	102	NG	This plan contains records of the current activities on a livestock operation, an evaluation of the existing environmental risks, and proposals to reduce the risk of negative impacts to the environment. This plan is a pre-requisite to providing financial assistance on any practice related to the storage, management, or field application of agricultural wastes. The plan addresses erosion control plan for the fields that receive manure; reducing odors associated with the storage and application of wastes; documents all crop nutrient needs, soil test results, and application of all nutrients (including manure) to the fields; and a strategy to export manure in cases of insufficient available land for manure spreading.	No potential to affect cultural resources.
Conservation Cover (ac)	327	NG	Re-vegetates with seeds or bulbs in bare areas and to prevent soil erosion. Native species which grow close to the ground are favored.	Seeding may be accomplished through hand broadcast, cultipacking broadcast, no-till drill, which should not pose any ground disturbance. Though drilling with double disks or sprigging machines may have a deeper disturbance and could cause 4-6" ground disturbance. Though, it is more likely it will be 1/2 inch disturbance. Since this practice happens only in previously tilled crop-land, it should not pose new disturbances.
Conservation cover for pollinators and beneficial insects	E327A	NG	See Conservation Cover	see Conservation Cover
Conservation Crop Rotation (ac)	328	NG	This practice may be applied as part of a conservation management system to support one of the following: reduce sheet and rill erosion; reduce soil erosion from wind; maintain or improve soil organic matter content; manage the balance of plant nutrients; improve water use efficiency; manage plant pests (weeds, insects, and disease); provide food for domestic livestock; and provide food and cover wildlife.	No potential to affect cultural resources. Continues planting in an existing crop field.
Constructed Wetland	656	G	An artificial ecosystem with hydrophytic vegetation for water treatment.	**Direct effects (Physical):** Similar to the Pond practice, it causes significant ground disturbance from creating embankments and outlet control structure.
Contour Farming (ac)	330	NG	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 cultural resources. Planting in already inside existing croplands which have been tilled and terraced.
Controlled Traffic Farming	334	NG	Constrains all high load wheel/track traffic from farm equipment to specific lanes or tramlines (traffic pattern) in crop field year after year.	No potential to affect cultural resources.
Cover Crop (ac)	340	NG	Crops including grasses, legume, and forbs for seasonal cover and other conservation purposes.	No potential to affect cultural resources. Continues planting in an existing crop field.
Creating structural diversity with patch openings	E666K	PG	See Forest Stand Improvement	See Forest Stand Improvement
Critical Area Planting (ac)	342	PG	Involves the placement of lime, fertilizer, compost, and mulch with seeds to cause vegetation to grow and stabilize significantly eroded surfaces in ways that other techniques would fail. Grading or earth shaping may be necessary	**Direct effects (Physical):** If either the practice occurs in non-previously tilled cropland or the treatment calls for grading or other earthmoving/removal for shaping the banks prior to other treatment, then this would constitute new ground disturbance and is G. If the treatment occurs within a previously tilled cropland or does not involve grading or other earthmoving/removal for shaping the banks prior to other treatment, then it is NG.
Dam	402	G	An artificial barrier that can impound water for one or more beneficial purposes.	**Direct effects (Physical):** Involves earthmoving to create embankments which will cause significant ground disturbance and inundation that can directly or indirectly damage buried archaeological resources through water erosion.
Dike	356	G	A berm or ridge, or ridge and channel combination of compacted soil to channel water to a desired location or away form an undesired location.	**Direct effects (Physical):** Involves earthmoving or grading to create embankments or ditches which will cause significant ground disturbance and inundation that can directly or indirectly damage buried archaeological resources through water erosion.

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Diversion (ft)	362	G	A channel constructed across the slope with a supporting ridge on the lower side.	**Direct effects (Physical):** Involves earthmoving or grading to create embankments or ditches which will cause significant ground disturbance and inundation that can directly or indirectly damage buried archaeological resources through water erosion.
Early Successional Habitat Development/Mgt. (ac)	647	PG	Manage plant succession to develop and maintain early successional habitat to benefit desired wildlife and/or natural communities. To provide habitat for species requiring early successional habitat for all or part of their life cycle.	If this is only a plan, binding or not, with out any additional conservation practices nor advocating for causing new ground disturbance, then this is NG. If this is a plan which proposes separate conservation practices, the plan itself is NG but the proposed seperate conservation practices must have their individual G/PG/NG codes considered. If this practice advocates for disking and it would pose new greater depth of disturbance than previously inflicted, then it is G. If the practice advocates for disking and it would not pose new depths of disturbance than previously inflicted, then it is NG. If the practice advocates for mowing and no other new ground disturbing depths it is NG.
Eliminate use of chemical treatments to control pests and to increase the presence of dung beetles	E595E	NG	See Pest Management Conservation System	See Pest Management Conservation System
Emergency Animal Mortality Management	368	PG	Involves digging a pit/trench to bury onsite mass carcasses of farm animals as a result of an emergency for public health and property (biosecurity issues of infecting livestock).	**Direct effects (Physical):** Advice or assistance for proposing a new significant ground disturbance by excavating a pit/trench it is PG. Prior to an emergency, these new proposed pits or open-air burn pits are G. In the immediate wake (within 10 days) of a disaster/ emergency, these new proposed pits or open-burn pits are NG. Conservation planner will request a cultural resource review from a CRS (in situations prior to an emergency), who, in the field will inspect the proposed burial pit/trench and visually inspect the ground for cultural resources and will avoid any cultural resources prior to determining the site of a new pits/trenches. In a situation that is in the wake of an emergency, a Conservation Planner will still inspect the ground for cultural resources prior to determining the pit/trench site. The use of existing composting, incinerators or gasifiers, use of temporary mortality storage with refrigeration units, offsite disposal, transportation, rendering, and land fill technical assistance are NG.
Energy Efficient Building Envelope (no)	672	PG	A boundary between a conditioned space and an unconditioned space that meets or exceeds best practices for energy efficiency. A "conditioned space" is indicative of climate control and can take the form of a sealings to prevent air leakage, insulation, windows, doors, greenhouse energy screen, livestock curtain, energy screen, or control systems.	A building envelope or boundary may include walls, doors, windows, roof or ceiling, and foundation or floor of a building. This practice does not apply to residential spaces or buildings. This practice applies to any partially or fully conditioned agricultural building or space. A partially conditioned space is a building or space using both mechanical ventilation and natural ventilation. Ventilation systems can be used individually or at the same time. Examples include curtain-sided poultry broiler or swine finishing houses, and dairy milking parlors, among others. A fully conditioned space is a building or space using fans, heaters, or other mechanical devices for year-round conditioning of the space. Mechanically ventilated systems can be negative, positive, or neutral pressure. Examples include fully ventilated poultry layer houses or swine farrowing rooms, and milk storage rooms, among others. **Direct effects (Physical):** replacement of or alteration of the feel or workmanship which may compromise contributing elements to a historic property structure. If structure is greater than 45 yards old and the alterations are visible from the inside or outside the structure by a viewer, it is G and needs a cultural resource review submitted to a CRS. If the structure is less than 45 yrs. old, it is NG. If the structure is greater than 45 years old, but the alterations would not be visible from the inside or outside (e.g., sealing around a window or ceiling crawl space insulation) then it is NG. If the date of the structure is unknown and the landowner does not know, submit a cultural resource review request along with photographs of the building from different angles, including the corners and pictures of any nails and the physical address of the structure's property. These practices, despite their potential to alter the appearance of a historic structure, should also preserve the structure by ensuring climate control and prevention of easy access for vermin.
Energy Efficient Lighting System (no)	670	PG	An agricultural lighting system with increased energy efficiency. Would cause changes to a lighting system may include luminaires (lamps, ballasts, and housing), controls, and wiring as appropriate.	**Direct effects (Physical):** replacement of or alteration of the workmanship or contributing elements to a historic property structure. Alterations for the historic feeling of lighting and fixtures may affect the feel or setting of a historic property. If structure is greater than 45 yards old and the alterations to lamps, ballasts, housing, or changes to the bulb's general color or mood of light are visible from the inside or outside the structure by a viewer, it is G and needs a cultural resource review submitted to a CRS. If the structure is less than 45 yrs. old, it is NG. If the structure is greater than 45 years old, but the alterations to wiring, lamps, ballasts, housing, or changes to bulb's general color or mood of light would not be visible from the inside or outside then it is NG. If the date of the structure is unknown and the landowner does not know, submit a cultural resource review request along with photographs of the building from different angles, including the corners and pictures of any nails and the physical address of the structure's property. These practices, despite their potential to alter the appearance of a historic structure, with an update may make the structure safer from a fire that would be otherwise caused by antiquated wiring or hot lighting/heating elements.
Extend retention of captured rainfall for migratory waterfowl and wading bird late winter habitat	E646B	PG	See Shallow Water Development And Management	See Shallow Water Development And Management
Farmstead Energy Improvement (no)	374	PG	Installing, replacing, or retrofitting agricultural equipment systems and/ or related components or devices which results in on-form and/or off-site reduction in actual or potential emission of greenhouse gases. Reduces net greenhouse gas emissions from agricultural systems or components by implementing the recommendations from on-site energy audits.	**Direct effects (Physical):** Changes to or alteration or changes to the workmanship which may compromise contributing elements to a historic property structure. **Direct effects (Non-physical):**Changes to the feel, setting which may compromise contributing elements to a historic property structure. Request a cultural resource review request from a CRS for guidance on the appropriate course of action. Repairs or replacements in-kind or affected structures that less than 45 yrs. old are NG.

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Fence (ft)	382	PG	The installation or reinstallation or repair of fences, and their attendant braces, line posts, horizontal, anchor posts, corner or end posts, gates, or stream crossing. Fences may be permanent or temporary; barbed; high tensile; woven/net; electric; standard/non electric (t-post, wood, steel pipe); and may be a boundary fence, cross-fence (most frequently), or an exclusion fence (in sensitive areas).	The disturbance depth on posts is dependent on whether they are cemented or not, as well as, the soil types. **Direct effects (Physical):** In situations where steer skidding to remove encroaching vegetation on either side of the fence line about 10' for allowing vehicles to pass or keeping vegetation clear of the fence. This may pose new ground disturbance, albeit it will likely occur along a previous right-of-way and fence. Installing new posts, braces, gates, and stream crossing devices may pose new but minor ground disturbance no wider than 1' in diameter and between 1-3' disturbance depth from auguring or up to 5' disturbance depth from driven posts- which is not much greater than the disturbance from archaeological shovel test probes. In areas with shallow soil, fence post holes may be bored into bedrock. **Direct effects (Non-physical):** Alteration to historic fences which are contributing to the eligibility of the historic property, or if the fence occurs within a historic-period historic property and is within the viewshed of a public road at least to some degree. Exemptions / NG by sub-practice / variety: Fence repairs/ maintenance. Other exempted fences must meet all the following: Fences which are not part of a historic property or affecting any recorded arcaheological site; a field review by trained field personnel reports no rock art or burial indicators observed; if inside a historic-period associated historic property and the fence is completely absent from the viewshed of a public road; and proposed work will not cause new constructions or modifications of associated right-of-ways, roads, or fire breaks to depths greater than before.
Field Border (ft)	386	NG	A strip of permanent vegetation established at the edge or around the perimeter of a field. The minimum width of vegetation row will be 30 ft wide. Chemical and manure additives may be included in grass/ground covering seeding activities.	No potential to affect cultural resources. Surface or near surface work in an existing crop field context.
Filter Strip (ac)	393	NG	A strip or area of herbaceous vegetation that removes contaminants from overland flow.	No potential to affect cultural resources. Surface or near surface work in an existing crop field context.
Firebreak (ft)	394	PG	May involve digging narrow fire lines/ditches which may be temporary or permanent denuding of vegetation to retard the spread of wildfire and to contain prescribe burns. These often are combined with existing fire barriers like streams, lakes, ponds, rock cliffs, roads, field borders, skid trails, landings, drainage canals, railroads, utility right-of-ways, cultivated land, ridge crests, valley bottoms, or use or refresh existing firebreaks to the same previous depth.	**Direct effects (Physical):** May involve causing new ground disturbance via grading or disking (G); refreshing previous firebreaks without causing new depths of disturbance (NG); mowing (NG); or planning on using all existing natural or existing nonflammable man-made fire barriers (NG). The width of the fireline can range from 1-30' wide and if graded or tilled can be disturbed between 1-1.5' deep. The width is at least 10x the height of the crown canopy of the vegetation.
Fishpond Management	399	NG	Managing impounded water for the production of fish or other aquatic organisms.	No potential to affect cultural resources.
Forage Harvest Management (ac)	511	NG	The timely cutting and removal of forages from the field as hay, green chop, or ensilage.	No potential to affect cultural resources.
Forest Stand Improvement (ac)	666	PG	Manipulation of species composition, stand structure and stocking, by cutting or killing select trees and understory vegetation. This can mean clear-cutting, group selection/patch/block/strip clearcut logging, selective logging, thinning, or herbicide. Followed by replanting.	**Direct effects (Physical):** Mechanical heavy equipment like a dozer in logging may disturb up to 1' deep would be considered "G." Mulcher, chopper, mower, or other above-ground hand tools methods are NG. Chemical methods of dispersal in places not known to have rock art is NG they might have a corrosive or dye effect on rock art and is proposed in an area known to contain rock art. Other considerations include the direction of felling of trees would need to avoid surface historic properties. May affect (Comanche) culturally-modified trees.If the stand is not an old-growth plant community being targeted and there are no other activities mentioned above that may make it G, then it is NG. If the targeted plant community is an old-growth plant community, then submit a cultural resource review to a CRS for the appropriate course of action. The CRS will see if it is in an area with potential for Comache Marker Trees and may recommend a field inspection of scarred or bent trees. If such a resulting field inspection results in negative finds, then it is NG. If herbicides are used, consideration of traditional cultural places and Native American plant gathering areas should be considered. Often occurs in an area previously clear-cut/logged repeatedly.
Forest Trails and Landings (ac)	655	PG	A temporary or infrequently used route, path or cleared area. Trails and landings including ski trails are applicable on forest land. They typically connect to an access road.	**Direct effects (Physical):** This practice may cause new ground disturbance from subsurface vegetation removal methods. It may also affect culturally modified trees in an areas known to have them, such as Comanche Marker Trees if in an old-growth stand. However, this practice is likely to be used in frequently timber-harvested areas. This practice may maintain use of a historic trail or permit access to cultural resources, landscapes, or even cemeteries. If vegetation removal maintains existing trails; roads or does not pose new ground disturbance; and does not affect old-growth forest stands it is NG. If the activities involve causing new ground disturbance or may affect an old-growth forest stand, submit a cultural resource review to a CRS. A CRS will consider the proposed practices' depth of disturbance, prior depth of disturbance, previously recorded cultural resources, and whether the proposed work (if in an old-growth forest stand) is in an area with potential to affect culturally-modified trees. If the CRS finds that it will not pose new ground disturbance and rules out concerns about culturally-modified trees (with a field investigation) and finds none, then it is NG. Otherwise, this practice is G.

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Fuel Break (ac)	383	PG	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. The minimum width will be 66 feet and the maximum width will be 660 feet. Includes a plan to keep the vegetation from regrowing higher than 1.5 ft or less in the future to prevent risk of fire spread across it.	**Direct effects (Physical):** Ground disturbance from vegetation removal or clear-cutting, which are subsequently put into slash piles for burning, and subsequent chemical or biological treatment. Using mechanical heavy equipment like a dozer in logging may disturb up to 1' deep would be considered "G." Mulcher, chopper, or mower is NG. Biological methods are NG. Chemical methods of dispersal in places not known to have rock art is NG they might have a corrosive or dye effect on rock art and is proposed in an area known to contain rock art. Other considerations include the direction of felling of trees would need to avoid surface historic properties. May affect (Comanche) culturally-modified trees. If the stand is not an old-growth plant community being targeted and a CRS rules out there are no other activities mentioned above that may make it G, then it is NG. If the targeted plant community is an old-growth plant community, then submit a cultural resource review to a CRS for the appropriate course of action. The CRS will see if it is in an area with potential for Comanche Marker Trees and may recommend a field inspection of scarred or bent trees. If such a resulting field inspection results in negative finds, then it is NG. If herbicides are used, consideration of traditional cultural places and Native American plant gathering areas should be considered. Often occurs in an area previously clear-cut/logged repeatedly.
Grade Stabilization Structure (no)	410	PG	A structure used to control the grade and head cutting in natural or artificial channels. There is a wide-range of alternative types involving excavating and depositing earth fill or installing structures. Structures can consist of rock, concrete, or metal. Some alternative methods involve the use of cattle panel structures, treated wood, geotextiles, or large precast concrete blocks.	**Direct effects (Physical):**Usually involves grading or cutting back portions of degraded channel banks and laying rip rap or gabion cages, or installing steel sheet piles. May involve pond-sized dams, full-flow open structures, embankments, island-type structures, side-inlet, open-weir, embankment dams, or pipe-drop drainage structure, mowing, and revegetation. Compaction from heavy-equipment. Dumping rip-rap, rock, concrete rock, or depositing gabion cages without new ground-disturbance is NG. Re-excavation of a long-history of channel repairs, excavating through previous fill, or built-up /designed channel or occur along a channel without causing greater depth of disturbance than before is NG. This practice can actually preserve nearby sites from severe water erosion.
Grassed Waterway (ac)	412	G	Involves a shaped or graded shallow channel that is established with suitable vegetation to convey water at a nonerosive speed to a stable outlet to prevent gullying from runoff; flooding; or even improve water quality.	**Direct effects (Physical):** Site preparation of vegetation removal may occur causing as much as 1.5' depth of disturbance. Then 0.5-8' disturbance depth from earthsmoothing or shaping channel and its banks and replanting vegetation .5-1' disturbance depth. The re-vegetation may involve using mulch; nurse crop; rock, straw, hide-a-bales, or hay bale dikes; fabric or rock checks; filter fences; or runoff diversion to protect the vegetation until it is established. Planting a close-growing crop (e.g., small grains or grasses) on the contributing watershed prior to construction of the grassed waterway can also significantly reduce the flow through the waterway during establishment. Often occurs in cropland with prior disturbances.
Grazing Land Mechanical Treatment (ac)	548	PG	Modifying physical soil and/or plant conditions with mechanical tools by treatments such as pitting, contour furrowing; and chiseling, ripping, or subsoiling.	**Direct effects (Physical):** This has potential to pose new ground disturbance if outside a crop field context, such as undisturbed rangeland. Methods which will pose new depths of ground disturbance will be G, but methods which would not pose a new depth of disturbance is NG. Contour Furrowing: Minimum depth of furrows will be three inches. Minimum width of furrows will be six inches. The horizontal interval should not exceed 10 feet on slopes of 10% or less. On slopes greater than 10%, restrict spacing to no more than 1.0 foot of vertical interval. Horizontal interval should be decreased as average rainfall increases. Renovation by Ripping, Chiseling, Disking or Other Means: Depth of the ripping operation should be determined by finding the depth of the most restrictive soil layer. The minimum depth of any operation should be 4 to 6 inches for disking and 6 to 10 inches for ripping. On shallower soils, the majority of the A and B horizons would be fractured. Extremely rocky soils would not be ripped.
Grazing management for improving quantity and quality of food or cover and shelter for wildlife	E528D	NG	See Prescribed Grazing	No potential to affect cultural resources.
Grazing management that protects sensitive areas from gully erosion	E528M	NG	See Prescribed Grazing	No potential to affect cultural resources.
Grazing management that protects sensitive areas -surface or ground water from nutrients	E528I	NG	See Prescribed Grazing	No potential to affect cultural resources.
Heavy Use Area Protection (ac)	561	G	Stablizing or protecting intensively used areas from soil erosion and improve water quality from animal or vehicular use.	**Direct effects (Physical):** Methods use depend on whether it is for vehicles or livestock. 1' depth of disturbance from leveling or foundation construction and laid over with gravel, crushed stone, other suitable material, geotextile, or a combination of materials. Surface treatment may involve concrete structures (e.g., concrete apron around a water trough for cattle), bituminous concrete pavement, or other cementitious materials like soil cement, agricultural lime, roller-compacted concrete, and coal combustion byproducts. May involve apply mulch and re-vegetation with grass species.

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Herbaceous Weed Treatment (ac)	315	PG	The removal of herbaceous weeds including invasive, noxious, and other prohibited plants through chemical or biological (introduced native species of plants or by grazing) means.	There is no ground disturbance associated with this practice. Biological methods are NG. **Direct effects (Physical):** Corrosivity to rock art protected by State law and impacts to intangible cultural heritage, such as culturally significant natural resources and the edibility of species or drinkability of water important to traditional cultural places and cultural landscapes. If a chemical is not labeled as corrosive and poses little to no toxicity to other plant and animal life, then it is NG. If the chemical is labeled corrosive then it is PG and needs review by CRS to see if it occurs in areas known to not have rock art (in such a case it would NG). A CRS will also determine if the affect area is known to have served as a traditional cultural places or Native American plant gathering ground; and once a field inspection ensures no rock art in the area of potential effect, once these concerns are ruled out then it is NG. If no rock art in the area is anticipated by the CRS and the treatment poses little to no potential to affect the toxicity to water drinkability, plant, or animal consumption in or around the area of potential effect, then it is NG. If the treatment occurs in an area with potential or known to possess to rock art and a field investigation rules out the presence of rock art and a CRS rules out intangible cultural heritage conerns, then it is NG. If chemical corrosive or poses toxicity concerns, and a field investigation finds rock art in the area of potential effect or if a CRS raises intangible cultural heritage concerns, then it is G.
Herbaceous weed treatment to create plant communities consistent with the ecological site	E315A	PG	see Herbaceous Weed Treatment	see Herbaceous Weed Treatment
High Tunnel System (ft)	325	G	These are essentially greenhouses. Involves 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. May contain raised growing beds.	**Direct effects (Physical):** The pouring of a concrete pad/foundation and installing posts which may involve excavation disturbance depth at least 18" to a maximum of 3' (at the post locations) and width shall not exceed 32'. The size of the holes are not expected to exceed dimensions of an archaeological test shovel probe. **Direct effects (Non-physical):** This roofed structure will be at least as high as 6' at its peak which means there may be viewshed considerations to historic properties. These are usually small structures and occur in residential or cropland contexts with prior tillage.
Hillside Ditch	423	G	A channel that has a supporting ridge on the lower side, constructed across the slope at defined gradient and horizontal or vertical interval, with or without a vegetative barrier.	**Direct effects (Physical):** excavation of ditches and installation of outlets. An outlet may be a grade control structure, a natural or constructed waterway, a stable watercourse, or a stable disposal area such as a well established pasture.
Improved grazing management for enhanced plant structure and composition for wildlife	E528E	NG	See Prescribed Grazing	No potential to affect cultural resources.
Improved grazing management through monitoring activities	E528N	NG	See Prescribed Grazing	No potential to affect cultural resources.
Improving nutrient uptake efficiency and reducing risk of nutrient losses	E590A	NG	See Nutrient Management	No potential to affect cultural resources.
Incorporating wildlife refuge areas in contingency plans for wildlife.	E528C	NG	See Prescribed Grazing	No potential to affect cultural resources.
Increase diversity in pine plantation monocultures	E666Q	PG	See Forest Stand Improvement	See Forest Stand Improvement
Irrigation Ditch Lining	428	PG	An irrigation ditch, canal, or lateral is liend with an impervious (concrete, steel nonferrous metal, geosynthetic and semirigid formed plastic) material or a chemical treatment.	**Direct effects (Physical):** Have a cultural resource review request submitted to CRS to check if it will affect a contributing element, such as workmanship, setting, feel, aesthetic, to an eligible or National Register of Historic Places district's irrigation ditch, canal, or lateral.
Irrigation Land Leveling (ac)	464	PG	The grading or leveling of the land for promoting efficient and uniform distribution of irrigation water.	**Direct effects (Physical):** Bulldozing/earthscraping to level the land by its nature is ground-disturbing; however this practice primarily in contexts where the irrigated cropfield has repeated performed to the same or similar degree for decades or even centuries to allow irrigation run off to be gravity-fed across a field. The topsoil is sediment being removed, not "virgin" ground. It entails a field where silt deposits from the irrigation water has been deposited across the field during watering and causes subseqent water to be unevenly disturbed as silt built up in the fields from watering. This practice also smoothes our some gull erosion or furrows left from irrgation water run off. If this practice is occurring where it has previously occurred and is not causing greater (new) ground disturbance than what was previously done, then it is NG. If it is new ground disturbance then it is G.
Irrigation Pipeline	430	PG	The installation of a pipieline / waterline with it appurtenances to convey water for storage or use in an irrigation water system.	**Direct effects (Physical):** Potential for causing new ground-disturbance from the digging of a trench to put a subsurface waterline, would make this is a G practice. The maximum depth of such a trench can range from 18inches to 4 ft deep, depending on surface traffic and size of pipeline diamter. The maximum width of the trench is 30" greater than the diameter of the pipe (which can be 1/2 inch to 6 or more inches in diameter), but these trenches are usually is only a foot wide. A surface install is an alternative though, if CRS has checked the state-file database for known historic properties and has no other concerns, then it could be a NG. Irrigation pipeline appurtenances could include pressure reducers, inlets, check valves, backflow prevention devices, surge tanks, air chambers, and pressure relief valves. Air relief valves and vents.
Irrigation Reservoir	436	G	An irrigation water storage structure made by constructing a dam, embankment, pit, or tank.	**Direct effects (Physical):** Excavation, inundation, and water and/or livestock traffic erosion.

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Irrigation System - Micro irrigation (no & ac)	441	PG	The installation or replacement of small waterline above or below the surface for providing small amounts of water and nutrients for vegetation (whether windbreaks, buffers, crops, etc)	**Direct effects (Physical):** Surface microirrigation systems may be laid out in a serpentine patten and involve laterals buried 2-4 inches below soil surface and under mulch or plastic row covers, which in a tilled field is NG. However, subsurface drip irrigation could involve putting in a lateral at a maximum depth of 2 feet, which means it may exceed the prior depth of disturbance in a tilled field. In a case where it would go deeper than prior disturbances it would be G, but in cases where it is within the previous footprint of disturbance from tilling it would be NG.
Irrigation System - Sprinkler (no & ac)	442	PG	The installation or reinstallation of a sprinkler systems to applies water by nozzles under pressure across croplands.	**Direct effects (Physical):** Likely occurs in an existing and actively irrigated cropland/tilled field. Though, there is some possible small-scale new ground-disturbance potential from the digging of new trenches to lay irrigation pipes. **Direct effects (Non-physical):** Pivots and risers can be as tall or taller than an average person's height, so there is some potential for it affecting the viewshed of a cultural resource/ historic property's contributing elements of setting, feel, or setting..
Irrigation System - Surface & Subsurface (no & ac)	443	PG	The installation or reinstallation of an irrigation system, which may include earthworks, multioutlet pipelines, and water-control structures. These are installed for distribution of water by surface means, such as furrows, borders, and contour levees, or by subsurface means through water table control.	**Direct effects (Physical):** Potential for new ground-disturbance or directly altering any contributing elements' eligibility of any listed or eligible National Register historic (irrigation) district. A CRS should review this project. **Direct effects (Non-physical):** It's possible different features of this system is part of an eligible or listed National Register historic (irrigiation) district, a CRS should review this project.
Irrigation Water Management (ac)	449	NG	The process of determining and controlling the volume, frequency and application rate of irrigation water in a planned, efficient manner.	Management methods which do not pose new ground disturbance are NG. The installation of soil moisture monitors may involve digging a hole is generally the size of a soil probe and can go down to 4,' but due to its very limited scale of ground disturbance not greater than an archaeological shovel test probe is NG. Therefore, this Practice has no potential to affect cultural resources.
Land Clearing (ac)	460	G	Removing tree, stumps, and other vegetation to achieve a conservation objective.	**Direct effects (Physical):** significant ground disturbance from bulldozing excavation and heavy equipment.
Land Smoothing (ac)	466	G	Removing irregularities on the land surface. To improve surface drainage, provide for more uniform cultivation, and improve equipment operation and efficiency. Occurs where depressions, mounds, old terraces, turnrows, and other surface irregularities interfere with the application of needed soil and water conservation and management practices. Needs adequate soil depth or where topsoil can be salvaged and replaced.	**Direct effects (Physical):** Likely to cause new ground disturbance from heavy equipment to reshape the ground's topsoil to even the ground.
Leave standing grain crops unharvested to benefit wildlife	E328D	NG	See Conservation Crop Rotation	See Conservation Crop Rotation
Lined Waterway or Outlet (ft)	468	G	A waterway or protected outlet section having an erosion-resistant lining of concrete, stone, synthetic turf reinforcement fabrics, or other permanent material (concrete, shotcrete, flagstone, riprap, and synthetic turf reinforcement fabrics and rid pavers).	**Direct effects (Physical):** If creating a new waterway, site preparation work to make an even working surface between vegetation removal and excavation. It is also possible a historic irrigation/waterway's contributing elements may be directly altered by different improvements. **Direct effects (Non-physical):** Changes to the feel, aesthetic, or workmanship of existing historic properties or cultural resources/landscapes.
Livestock Pipeline (ft)	516	PG	The installation of a pipeline/ waterline and appurtenances installed to convey water for livestock or wildlife.	**Direct effects (Physical):** Potential for causing new ground-disturbance from the digging of a trench to put a subsurface waterline, would make this is a G practice. The maximum depth of such a trench can range from 18inches to 30 inches deep, depending on surface traffic and size of pipeline diamter. These trenches are usually is only a foot wide. A surface install is an alternative though, if CRS has checked the state-file database for known historic properties and has no other concerns, then it could be a NG. Irrigation pipeline appurtenances could include pressure reducers, inlets, check valves, backflow prevention devices, surge tanks, air chambers, and pressure relief valves. Air relief valves and vents.
Livestock Shelter Structure	576	PG	A permanent or portable structure with less than four walls and/or a roof to provide for improved utilization of pastureland and rangeland and to shelter livestock from negative environmental factors. This structure is not to be construed to be a building. It may be roofed or be wind shelter, as an example. May be made of sheet metal or fabric (shade) cloth and wood.	There are "V-shaped" shelters for wind or snow, semicircular shelters, straight-line shelters. May be at most 6-14ft high and can range from 3 to 50 sq. ft. in surface dimension. Temporary shelters may have wheels or means of moving it. **Direct effects (Physical):** Cultural resource review is needed by a CRS to not just look for the footprint of any constructions and viewshed, but also consider how encouraging livestock to congregate in a small place may after cultural resources. A field investigation should be done to check possible areas of its use in order to learn which areas the practice should avoid to protect cultural resources from heavy livestock traffic. Permanent shelter constructions which do not pose new ground disturbance and once determined by a CRS do not pose indirect effects on historic properties or other cultural resources/landscapes are NG. Permanent shelter constructions which do pose new ground disturbance and/or are found by a CRS to have indirect effects are G. **Indirect effects (foreseeable effects):**Temporary shelters while not ground-disturbing should be reviewed by a CRS and found by a field investigation to not have any cultural resources on the surface which may be affected by heavy hoof traffic, so as to pre-advise avoidance areas for putting temporary shelters to be good stewards of cultural resources. If these cultural resource concerns are addressed in situations of temporary shelters, then they are NG.

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Management Intensive Rotational Grazing	E528R	NG	See Prescribed Grazing	No potential to affect cultural resources.
Manipulate vegetation on fields with captured rainfall for waterfowl & wading bird winter habitat	E647A	NG	See Early Successional Habitat Development/Mgt.	See Early Successional Habitat Development/Mgt.
Manure/Waste Transfer (no)	634	G	A system using structures, pipes, or other conduits installed to convey manure or waste byproducts from an agricultural source to a storage facility, treatment facility, or land application site.	**Direct effects (Physical):** Excavation is G. Excavation may be performed to lay a pipeline or waste application or concrete chute), to construct a work or loading area, to build reception pits, or to construct structures, including concrete reception pits, tanks, hoppers, manholes, and channels used for waste transfer, prefabricated or cast-in-place. **Direct effects (Non-physical):** Pits, tanks, hoppers, or structures may interfere with contributing setting or feel of historic properties.
Modified Playa Conservation Initiative	N/A	PG	This is funding initiative for play conservation which may entail various methods of treatment. Applicable to disturbed playas which may include actively farmed/plowed playas, grazed playas within crop or rangeland fields, disturbed or undisturbed playas located within cropland fields that don't have an existing buffer, or other modifications. Currently there is no single practice number code for this yet.	**Direct effects (Physical):** Any modifications to the undisturbed areas or depths of the playa are G. Playa berms and surrounding areas have a high risk for intact cultural resources related to the Peopling of Texas as well as into contemporary contexts. Methods or practices considered G include: interior playa basin sediment removal, shallow planting of native rangeland species, grubbing of cacti and invasive species, drainage pipe removal, field border installation (native species), fencing, and new livestock watering practices. Practice codes being applied to this initiative include: 659, 657, 644, 645, 386, 340, 315, 382, 642, 614, 533, 516, and 561. Playa wetlands will be identified using NRCS-approved methods which include 1) Wetlands of the United States (Circular 39), 2) Classification of Wetlands and Deepwater Habitats in the United States (Cowardin), 3) U.S. Army Corps of Engineers Wetland Delineation Manual (1987 Manual, as revised and supplemented), or 4) Food Security Act Wetland Identification Procedures (GM_190_410.26_Subpart B). The source of back fill to fill in previously disturbed areas will vary.
Mulching (ac)	484	NG	Applying plant residues or other suitable materials produced off site, to the land surface.	No potential to affect cultural resources.
Nutrient Management (ac)	590	NG	Managing the amount, source, placement, form and timing of the appilcation of plant nutrients and soil amendments.	No potential to affect cultural resources.
Obstruction Removal (ac)	500	PG	Removal and disposal of buildings, structures, other works of improvement, vegetation, debris or other materials.	**Direct effects (Physical):** Destruction of potential historic structures or potential ground disturbance from subsurface vegetation removal is G. The removal of vegetal or other man-made sediment debris deposited in a channel or on the surface is NG.
Pasture & Hay Planting (ac)	512	NG	The establishment of adapted and/or compatible (non-invasive) species, varitiers, or cultivars of herbaceous plants for pasture, hay, or biomass production. May involve very shallow topsoil disturbance, with the application of seed and fertilizer.	**Direct effects (Physical):** Seeding may be accomphlished through hand broadcast, cultipacking broadcast, no-till drill, which should not pose any ground disturbance. Though drilling with double disks could cause 4-6" ground disturbance; however, since this practice happens only in previously tilled crop-land, it should not pose new disturbances.
Pest Management Conservation System (ac)	595	NG	Technical assistance to landowners on testing methods for finding the safe and effect ways to manage animal and plant pest species.	The plan primarily involves a study to the prevention, avoidance, or mitigation of effects, but may advise 1 to 5+ additional conservation practices and may or not involve binding Federal advice/technical assistance because of Federal funding. However, this is only a standalone plan, any execution of proposed practices are seperate and would be reviewed seperately. The plan by itself poses no effects to cultural resources.
Pond (no)	378	G	A pond is a water impoundment made by constructing an embankment, by excavating a dugout, or by a combination of both.	**Direct effects (Physical):** Significant ground disturbance effects are expected for these which are installed with 10- 12 ft in ground disturbance, but could be a high as 50 ft. Some may be created by making embankments (dams) where water collects on the other side, while others may involve excavation or a combination of both. Indirect effects: Embankment may involve ground disturbance in prepaing the site and the installing various drainage, runoff, and anti-erosion measures. Viewshed impediment from embankment wall that could be as a high or greater than 20' high.
Pond Sealing or Lining, Compacted Soil Treatment	520	NG	A liner for an impoundment constructed using compacted soil with or without soil amendments. This is to prevent water seepage losses.	Despite compacting the soil, there is no potential to affect cultural resources or historic properties because the work would hardly be visibly noticeable and the work would be within the footprint of prior disturbances involved in creating the water impoundment in the first place.
Pond Sealing or Lining, Geomembrane or Geosynthetic Clay Liner	521	NG	A liner for an impoundment constructed using a geomembrane (synthetic liner similar to tarp) or a geosynthetic clay material.	There is no potential to affect cultural resources or historic properties. The work would hardly be visibly noticeable and the work would be within the footprint of prior disturbances involved in creating the water impoundment in the first place.
Precision Land Forming (ac)	462	G	Reshaping the surface of the land to planned grades.	**Direct effects (Physical):** Potential for new ground-disturbance. A CRS should review this project. **Indirect effects (cumulative effects):** landscaping at this scale to affect a cultural landscape.
Prescribed Burning (ac)	338	PG	Controlled fire applied to a predetermined area.	**Direct effects (Physical):**Potential to affect above-ground cultural resources and structures. Submit a cultural resource review to a CRS. If no field investigation reveals no cultural resources and the proposed work will cause a low intensite fire, then it is NG. If either the fuel load and plant volatility will cause a high intensity fire or field investigation yield cultural resources, then it is G.

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Prescribed Grazing (ac)	528	NG	Managing the harvest of vegetation with grazing and/or browsing animals.	No potential to affect cultural resources.
Prescribed grazing that improves or maintains riparian and watershed function-erosion	E528L	NG	See prescribed grazing	No potential to affect cultural resources.
Provide early successional shorebird habitat between first crop and ratoon crop	E647B	NG	See Early Successional Habitat Development/Mgt.	See Early Successional Habitat Development/Mgt.
Pumping Plant (no)	533	PG	A facility that delivers water or wastewater at a designed pressure and flow rate. Includes one or more pumps and associated power units, plumbing, and appurtenances, and may include pressure tanks, onsite fuel or energy source, and protective structures.	**Direct effects (Physical):** Generally these do not cover a large area, but some subsurface ground disturbance may be involved in their installation of power units, photvoltaic panels (solar panels), wind mills, hydraulic pumps, PTO-driven pumps, suction and discharge pipes, fencing, and other buildings and their accessories. The pump may be connected to a well existing or proposed, or an existing irrigation system.These activities may cause as much as 18-36 inches of ground disturbance. If causing new ground disturbance than it is G, but if it is all within in the previous footprint of previous disturbances and not indirect effects are noted during a cultural resource review, then it would be NG. **Direct effects (Non-physical):** Power units (windmills, solar panels) and exclusion fences / protection fences around this equipment and power source (e.g., solar panels) from cattle, can pose visual impediments to cultural resources or historic properties, and should be reviewed by a CRS.
Range Planting (ac)	550	PG	Establishment of adapted perenniel or self-sustaining vegetation such as grasses, forbs, legumes, shrubs, or trees.	**Direct effects (Physical):** Depends on the method of seedbed prep. brush management is G, conventional tillage using tandem disks, chisels, and typical farming equipment is NG, dead litter cover is NG, and prescribed burning is PG (depending on the fuel load and volitile plant fuel potential for a high intensity fire). There are also seeding operations involved, such as broadcast, (which should not pose any ground disturbance) and drilling with double disks could cause 4-6" ground disturbance; however, since this practice happens only in previously tilled crop-land, it should not pose new disturbances. The choices of plants for planting focus on maintaining those in the expected plant community of the area (NRCS ecological site description), so little affect on changing the expected vegetation in the viewshed is expected.
Reduce forest density and manage understory along roads to limit wildfire risk and improve habitat	E666G	PG	See Forest Stand Improvement	See Forest Stand Improvement
Reduce height of the forest understory to limit wildfire risk	E666E	PG	See Forest Stand Improvement	See Forest Stand Improvement
Reduce risk of pesticides in surface water by utilizing precision pesticide application techniques	E595A	PG	See Pest Management Conservation System	See Pest Management Conservation System
Reduce risk of pesticides in water and air by utilizing IPM PAMS techniques	E595B	PG	See Pest Management Conservation System	See Pest Management Conservation System
Reduction of attractants to human-subsidized predators in sensitive wildlife species habitat	E645A	PG	Reduction of artificial perching sites, nest sites, food, and water available to subsidized predators in areas where human subsidized predators are a threat to sensitive wildlife species. Human subsidized predators may include ravens, crows, magpies, coyotes, foxes,, skunks, raccoons, and other species. Activities under this enhancement may include removal of non native or invasive trees; removal of unused power poles, corrals, windmills, buildings, and other vertical structures; and/or removal or management of watering facilities, dead livestock, road kill, garbage, animal feed, dumps, and other non natural food sources.	**Direct effects (Physical):** Removal of human-built structures like power poles, permanent corrals, windmills, buildings, and the removal are trees constitute G. Removal of bird nests/houses, stacked vegetal debris used for animal habitat, dead livestock, road kill, garbage, animal feed, animal dump sites are NG.
Residue and Tillage Management, Mulch Till (ac)	345	NG	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 cultural resources or historic properties.
Residue and Tillage Management, No Till/Strip Till/Direct Seed (ac)	329	NG	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 cultural resources. Continues planting and adding additives in an existing crop field.

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Restoration and Management of Rare or Declining Habitats (ac)	643	PG	Restoring, conserving, and managing unique or diminishing native terrestrial and aquatic ecosystems. This returns aquatic or terrestrial ecosystems to their original or usable and functioning condition and to improve biodiversity by providing and maintaining habitat for fish and wildlife species associated with the ecosystem	Those methods which are non-ground disturbing, do not involve cutting down trees in old-growth forest stands, or do not pose new-ground disturbances are NG. Data collection, monitoring, field documentation of wildlife and plants, and records keeping managment of existing habitat are NG. **Direct effects (Physical):** Methods involving site preparation or giving binding (finanical assistance) advice calling for tree/shrub preparation, see stipulations for Tree/shrub preparation. This practice can have a positive effect on cultural landscapes and intangible heritage as it restores ecosystems to earlier historical versions.
Riparian Forest Buffer (ac)	391	PG	Planting or seeding an area predominantly with (Cottonwood, Willow, Buttonbush, etc.) tree and/or shrubs located adjacent to and up-gradient from water courses or water bodies to improve the declining stratum along predominantly forested or wooded riparian corridors.	Three scenarios for this practice may entail planting using cuttings by the acre, plantings of bare roots of hardwood seedlings by the plant, or plantings of small containers hand planted by the acre. Those methods which are non-ground disturbing, or do not involve cutting down trees in old-growth forest stands, or do not pose new depths of ground disturbances are NG. Those which do pose new depth of ground disturbances but far within those exempted soil survey dimensions are NG. Those methods which do pose new depths of ground disturbance and exceed the dimensions the exemptions afforded in soil survey contexts or involve cutting down trees in old-growth forest stands are G. **Direct effects (Physical):** Methods involving site preparation, see stipulations for Tree/shrub Preparation.
Riparian Herbaceous Cover (ac)	390	PG	Establishing 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.	Those methods which do not pose new depths of ground disturbance, and do not involve cutting down trees in old-growth forest stands are NG. Scenarios with their attendant methods follow. Aquatic Wildlife- This requires the planting of an adapted mix of grasses, sedges, rushes, ferns, legumes, and or forbs to the site. Plugs, broadcast, and or drill seeding methods may be used for planting.Grass, Cool or Warm Season- This requires the planting of an adapted mix of native warm or cool season grasses tolerant to the site conditions will be planted by broadcast and or drill seeding methods. Pollinator Habitat- This requires the planting of an adapted mix of pollinator species tolerant to the specific site conditions. Plantings will consist of a mix of grasses, forbs and legumes that will bloom at different times throughout the year. Example would be a nine species mix of flowering forbs and legumes with at least 3 species that bloom in each season: spring, summer, and fall with adequate amounts of native grasses to reduce soil erosion, improve water quality, and meet any other identified resource concerns. Broadcast, and or drilling methods may be used for planting. **Direct effects (Physical):** Methods involving site preparation, see stipulations for Tree/shrub preparation. Methods involving pest management, see pest management conservation system.
Road/Trail/Landing Closure and Treatment	654	PG	The closure, decommissioning, or abandonment of roads, trails, and/or landings and associated treatment to achieve conservation activities.	**Indirect effects (foreseeable):** Decommissioning or neglect can be considered an adverse effect to historic properties. Submit a cultural resource review request to a CRS about the appropriate course of action. If no historic properties, cultural resources or landscapes, or historic trails may be negatively affected by road/trail/landing closure and treatment than it is NG. If historic properties, cultural resources or landscapes, or historic trails may be negatively impacted by a road/trail/landing closure and treatment, it is G. Both the road/trail/landing's abandonment must be considered and "down-the-line" implications by a lack of access must be considered.
Roof Runoff Structure (no)	558	PG	Structures that collect, control, and transport preciptation from roofs (e.g., adding gutters).	**Direct effects (Physical):** Depends on whether the structure is 45 or more years old. May alter contributing elements to a historic property. **Direct effects (Non-physical):** May affect the aesthetic, workmanship, setting, or feel of a historic structure. Please submit a cultural resource review to a CRS to discern the appropriate course of action.
Roofs and Covers	367	NG	A rigid, semi-rigid, or flexible manufactured membrane, composite material, or roof structure placed over a waste management facility.	No potential to affect cultural resources or historic properties.
Sequential patch burning	E338C	PG	See Prescribed Burning	See Prescribed Burning
Shallow Water Development and Management	646	PG	The inundation of lands to provide habitat for fish and/or wildlife.	This may involve financially incentivizing a landowner to allow an area to pond or shallowly (9-18" deep) inundate, or artifically causing shallow inundation via a water pump. **Direct effects (Physical):** Any excavation for installing a water pump at a depth greater than previous disturbance is G. If the water pump is on the surface, the only concern is potential water damage to above-surface cultural resources and structures. Request a cultural resource review from a CRS. If a field investigation is performed there are negative finds, then it is NG. If there are positive finds, then it is G.
Short-interval burns to promote a healthy herbaceous plant community	E338B	PG	See Prescribed Burning	See Prescribed Burning
Snags, den trees, and coarse woody debris for wildlife habitat	E666O	PG	See Forest Stand Improvement	See Forest Stand Improvement

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Spring Development	574	PG	Collection of water from springs or seeps to provide water for a conservation need (livestock or wildlife). Consists of tile or perforated pipe, gravel, cutoff wall, spring box, conveyance pipe, or other collection means appropriate to the site. If necessary include measures to prevent sediment from entering the collection system. Construct the cutoff wall using concrete, clay, masonry, plastic sheeting, or sheet pile.	**Direct effects (Physical):** Methods involving sub-surface excavation, such as the installation of a sheet pile are G. **Indirect effects (foreseeable):** Methods which do not involve sub-surface disturbance and will not significantly diminish downstream access to stream-fed water are NG. Methods which would diminish downstream access to spring-fed water may affect intangible cultural heritage which depends on that water.
Stream Crossing (no)	578	G	A stabilized area or structure constructed across a stream to provide controlled access for people, livestock, equipment, or vehicles. Controls the quantity and quality of stormwater runoff.	**Direct effects (Physical):** Excavation or grading, depositing fill and rock, installing fencing, re-vegetating, and constructing a bridge.
Stream Habitat Improvement and Management	395	PG	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 a desired aquatic species. This may mean introducing boulders and/or large wood where appropriate, resting pools, instream barriers, water pumps, diversion ditches, digging a channel to connect floodplain-to-channel, overhead cover, and diverse riparian plant communities.	**Direct effects (Physical):** Excavating a diversion ditch, channel, pond, or pool is G. All other non-ground disturbing activities are NG.
Streambanks and Shoreline Protection	580	PG	Treatment(s) used to stabilize and protect banks of streams or constructed channels, and shorelines of lakes, reservoirs, or estuaries. May involve the use of construction materials (geotextile fabrics), grading practices, and establish vegetation.	**Direct effects (Physical):** Grading or other excavation methods that may cause new ground disturbances are G. Other non-ground disturbing methods are NG.
Structure for Water Control (no)	587	PG	A structure in a water management system that conveys water, controls the direction or rate of tis flow, maintains a desired water surface elevation, or measures water.	**Direct effects (Physical):**The possibilities of what this practice is highly variable. Convey water from one elevation to a lower elevation within, to, or from a water conveyance system such as a ditch, channel, canal, or pipeline. Typical structures include drops, chutes, turnouts, surface water inlets, head gates, pump boxes, and stilling basins. Control the elevation of water in drainage or irrigation ditches. Typical structures include checks, flashboard risers, and check dams. Control the division or measurement of irrigation water. Typical structures include division boxes and water measurement devices. Keep trash, debris or weed seeds from entering pipelines. Typical structures include trash racks and debris screens. Control the direction of channel flow resulting from tides and high water or backflow from flooding. Typical structures include tide and water management gates. Control the water table level, remove surface or subsurface water from adjoining land, flood land for frost protection, or manage water levels for wildlife or recreation. Typical structures include water level control structures,flashboard risers, pipe drop inlets, and box inlets. Convey water over, under, or along a ditch, canal, road, railroad, or other barriers. Typical structures include bridges, culverts, flumes, inverted siphons, and long span pipes. Modify water flow to provide habitat for fish, wildlife, and other aquatic animals. Typical structures include chutes, cold water release structures, and flashboard risers. Provide silt management in ditches or canals. Typical structures include sluice gates and sediment traps. Supplement a resource management system on land where organic waste or commercial fertilizer is applied. May involve installing chemical valves and/or flow meters. **Direct effects (Non-physical):**Even though not all of these may involve any ground disturbance, there are built structure and other historic property considerations of feeling, setting, aesthetic are needed. A cultural resource review will be requested from a CRS and include the specifics of this particular practice in order to discern the appropriate course of action. CRS will check to see if the proposed action would affected an eligible or listed NRHP irrigation district or other historic properties.

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Structures for Wildlife (no)	649	PG	A structure installed to replace or modify a missing or deficient wildlife habitat component. This is highly variable. The purpose of this practice is to reduce problems for wildlife being evicted from buildings and other structures near cities and towns, and which may reduce harmful crop insects.	Provide loafing, escape, nesting, rearing, roosting, perching and/or basking habitat, Examples are nesting islands, nesting boxes (small with no pole, small with a pole; large, enough for bats and owls as an example), roosting boxes, escape ramp, fence markers (to reduce mortalities associated with fence collisions), rock piles, a bat can quad (mounted on a single wooden post), other perching structures, and brush piles (a small one may be 10'x20,' while a large one may be 30'x50'). May Modify existing structures to minimize the risks of injury or mortality to wildlife. Retrofit an existing fence with fence markers NG. Modifications of an existing fence by removing wire or adding wildlife-friendly wire at appropriate spacing is NG. Modification of an existing watering facility by installing escape ramps or removing obstacles that impede safe access to water is NG if not posing new depths of ground disturbance. Nesting boxes and perches, if the width of their posts installment does not exceed one foot in diamter, are NG. **Direct effects (Physical):** Any new ground disturbance posed by escape ramp (in an existing water facility/trough), perching structures, roosting boxes, nesting boxes, nesting islands, or brush piles construction and installation is G. Clear-cutting or local rock collection to create rock piles or brush piles are G. **Direct effects (Non-physical):** Some methods, such as large brush piles, may pose some potential to impede viewshed of historic property from above structures. Request a cultural resource review from a CRS for guidance on the appropriate course of action if one of the direct effects conditions apply or if it is not otherwise deemed NG. This practice may pose positive effects on intangible cultural resources, both in terms of increasing the usability of culturally significant places by naturally reducing pest problems and through encouragement of possible culturally significant species.
Subsurface Drain (ft)	606	G	A conduit installed beneath the ground surface to collect and convey excess water. An open drainage constructed to a designed cross section alignment and grade.	**Direct effects (Physical):** Excavation.
Surface Roughening (ac)	609	PG	Performing of tillage operations that create random roughness of the soil surface.	**Direct effects:** If this is in an existing previously tilled cropland field, then it is NG. If it is not and not otherwise disturbed to a greater depth to the same extent, then it is G.
TA Application	912	NG	This simply involve initiating paperwork for technical assistance requested by a producer.	No potential to affect cultural resources.
TA Check-Out	913	NG	This simply involve completing paperwork for technical assistance requested by a producer.	No potential to affect cultural resources.
TA Design	911	NG	This simply involve paperwork for technical assistance designs requested by a producer.	No potential to affect cultural resources.
Terrace (ft, m)	600	G	An earth embankment or a combination ridge and channel, constructed across the field slope, followed by revegetation to reduce erosion and trap sediment or manage runoff.	**Direct effects (Physical):** "Stair-step" or "contoured" excavation of as much as 1-4 ft in ground-disturbance in rows that traces the contours of the topography; however, these are usually in croplands which have been repeatedly terraced. Consideration of prior disturbances will be paramount. **Direct effects (Non-physical):** Revegetation, unless using native or expected NRCS ecological site description's plant community could pose an impediment or effect to viewshed of a historic property.
Trails and Walkways	575	PG	A constructed path with a vegetated, earthen, gravel, paved, or other hard surface to facilitate the movement of animals, people, or off-road vehicles	This can involve vegetation clearance, possible grading, digging some water erosion control measures (e.g., diversion), constructing bridges or elevated walkways, installing surfacing material, and establishing vegetation. **Direct effects (Physical):** new-ground disturbing methods are G, non-ground disturbing methods are NG. **Direct effects (Non-physical):** If historic properties present, and bridge or raised walkways are proposed they may affect the aesthetic, feel, or setting of a historic property. Increasing public access to sensitive cultural resources/landscapes should be considered as well. If no known historic properties or cultural resource landscapes/resources are to be impacted visually or by ease of access, and if there are no methods involve any new ground-disturbance, then this is NG.
Tree/Shrub Establishment (ac)	612	PG	Establishing woody plants by planting seedlings or cuttings, direct seeding, or natural regeneration.	**Direct effects (Physical):** Not more than one foot deep, but likely much less. May be installed by a dibble bar by hand (reminiscent of a rooting stick) or mechanically by a machine planter pulled behind a tractor or a bulldozer, which slits the soil or makes a small furrow to place seedlings or rootstock. Situations where only tree/shrub preparation has been performed previously and only tree/shrub establishment is proposed should not pose any direct effects. This likely occurs in previously tilled cropland, which if this is the case and if after review by a CRS finds no indirect effects are expected to occur on known historic properties, nor have any other concerns, then it would be NG. Tree/shrub establishment is often proposed in areas tree/shrub site preparation has been conducted previously by the landowner before, which if this is the case and the disturbance was the same extent as proposed tree/shrub establishment then it is NG. **Direct effects (Non-physical):** In situations of affected historic trails, trail viewsheds' and setting may be adversely affected by non-native species of plantings and linear rows of plantings. The use of native over non-native species of trees and avoidance of linear rows in situations of historic trails' viewsheds are encouraged and will assist a CRS in Section 106 consulting with the National Park Service and Texas SHPO (THC). Request a cultural resource review from a CRS for consulting Atlas (State file database) and for any applicable course of action in the effect of an affected National Historic Trail's non-physical direct effects consideration.

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Tree/Shrub Preparation	490	PG	Vegetation removal treatments (mechanical or chemical) of areas to improve site conditions for establishing trees and/or shrubs.	**Direct effects (Physical):**Often include clear-cutting, but tehcnically only certain mechanical approaches are expected to have potential to cause adverse effects to historic properties. Each method is listed below and whether it is considered G, PG, or NG: mowing is NG; roller chop (large bladed cylinder, filled with water for extra eight usually, and pulled by dozer) is NG; tree shear (shearing blade either angled or v-shapred mounted on a dozer that cuts, shears, or shatters trees and stumped at the ground line) is NG; shearing and piling (involves shearing and then a seond dozer or pass using mounted root rake, piles the debris. if windrowed, its debris is piled along contours and left with periodic gaps is G; root raking only (toothed dozer blade rips roots and stumps from the ground) is G; mulching (a spinning drum with flailing hammers mounted horizontally to the front of a large machine) is NG; combination plower (a three-in-one plow, pulled by a dozer or other large machine rips, disks, and beds a site) is G; sub-soiling / ripping (aripping shank is pulled behind a large machine to break up the soil profile down to a depth of 18-24 inches) is G; bedding (a hedding harrow is pulled to create raised beds for planting) is G; tilling is PG, depending on the prior depth of disturbance; lopping (chainsaws and hand tools to clear a site) is NG; prescribed burning is PG (depending on whether it will involve creating new disturbance from new fire lines or if it will cause a high intensity fire, which would cause it to be G, otherwise it is NG); and chemical / herbicide is PG until checked by CRS to see if it occurs in areas known to not have rock art (in such a case it would NG) and is proposed in an area not known to have served as a traditional cultural places or Native American plant gathering ground or if the known spray does not contain dyes or corrosive properties; and biological/ grazing versions of this practice are NG. **Direct effects (Non-physical):** It is possible that a chemical herbicide may impact the intangible cultural heritage use of certain plant species if a part of a traditional cultural place or other cultural landscape in which culturally significant species are harvested.
Tree/Shrub Pruning (ac)	660	PG	The removal of all or part of selected branches, leaders or roots from trees and shrubs.	**Direct effects (Physical):** Trimming may affect (Comanche) culturally-modified trees.If the stand is not an old-growth plant community being targeted, then it is NG. If the targeted plant community is an old-growth plant community, then submit a cultural resource review to a CRS for the appropriate course of action. The CRS will see if it is in an area with potential for Comache Marker Trees and may recommend a field inspection of scarred or bent trees. If such a resulting field inspection results in negative finds, then it is NG.
Underground Outlet (ft)	620	G	A conduit or system of conduits installed beneath the surface of the ground to convey surface water to a suitable outlet.	**Direct effects (Physical):** Excavation
Upland Wildlife Habitat Management (ac)	645	PG	Provide and manage upland habitats and connectivity within the landscape for wildlife. This involves vegetation establishment for shelter, food and to enable movement; structural measures to provide shelter, food or enable movement; and manipulation of vegetation to sustain desirable habitat conditions over time.	This involves preparing a plan to address the wildlife habitat components of food, space, shelter, water. What additional conservation practices activities are needed are site specific. For example, in meeting the need for animal shelter that could consist of a slash pile, brush management onsite might be done to generate the slash materials to provide animal habitat shelter structure. This could also simply be recommending seeding for pollinators, developing census or surveying routes, documentation, range planting, prescribed grazing, prescribed fire, overflow ponds, troughs, fences, plans to leave fields in fallow, or trimming down vegetation like mesquite as an example. These plans provides the guidelines for how the landowner would work with another individual (contractor), they may be binding (Federal funding involved) or non-binding advice. If NRCS advice/ technical assistance on pest management is non-binding and there is no funding or other Federal control, this is NG. If it is involves binding advice or funding assistance, see direct effects. If this involves only a plan, binding or not, and no associated conservation practices it is NG. Any recommended conservation practices as part of a plan will need to have each of those conservation practice's codes (G, PG, NG) searched. **Direct effects (Physical):** Plans which are binding and involve Federal funding, and propose conservation practices which would pose new ground disturbing methods are G. Those plans which are binding and involve Federal funding, but do not entail methods which would pose any new ground disturbance are NG.
Use Exclusion/Access Control (ac)	472	PG	Barriers will consist of natural and/or artificial structures such as logs, vegetation, earth-fill, boulders, fences – both conventional and electric, gates, electronic and sonic devices, or signs.	**Direct effects (Physical):** If earthen fill is used, it may inadvertently cap a site, which depends on using the state guidances on whether it would prove protective or harmful to a buried site**. Indirect effects (foreseeable)**: May impair wildlife health and movement causing affects to intangible cultural resources such as culturally significant animals (e.g., barrier to water access). Restricting access to a religiously significant or sacred site is also a consideration (cf. ARFA, RFRA).
Use of body condition scoring for livestock on a monthly basis to keep track of herd health	E528Q	NG	See Prescribed Grazing	No potential to affect cultural resources.
Waste Facility Cover (no)	367	PG	The closure of waste impoundments (treament lagoons and liquid sotrages facilities), that are no longer used for their intended purpose in an environmentally safe manner.	**Direct effects (Physical):** earthmoving, excavation, or creating borrow pits are G. Non-ground disturbing means are NG.
Waste Separation Facility	632	PG	A filtration or screening device, settling tank, settling basin, or settling channel used to partition solids and/or nutrients from a waste stream.	**Direct effects (Physical):** earthmoving or excavation through establishing earthen embankments, excavating a settling basin, conveyance system, or outlets (may include pipelines, perforated or slotted pipe risers, porous plank walls or dams, or screened walls) are G. If the Practice involves only replacing a filtration or screening device which does not involve causing any new ground disturbances, it is NG. If the Practice entails an existing Facility, a mechanical separator placed on an existing location without causing any new ground disturbance is NG.
Waste Storage Facility (no)	313	PG	A waste storage impoundment made by constructing an embankment and/or excavating a pit or dugout, or by building a structure.	**Direct effects (Physical):** Excavation and earthmoving or new ground disturbance in building construction are G. Methods, such as above-ground structures which involve no new ground disturbance are NG.
Waste Treatment (no)	629	NG	The mechanical, chemical, or biological treatment of agricultural waste.	No potential to affect cultural resources.

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Water and Sediment Control Basin (no)	638	G	An earthen embankment or a combination ridge and channel constructed across the slope of a minor. Subsurface pipelines for drainage and gradual water release are sometimes installed as well or drainageway.	**Direct effects (Physical):** Excavation and earthmoving or new ground disturbance in building construction are G.
Water Harvesting Catchment (no)	636	G	A facility for collecting and storing water from an area that has been treated to increase precipitation runoff.	Methods include: excavating some space for installing a catchment, removing vegetation, reshaping and compacting the existing soils, or adding impermeable soils; soil dispersants, bentonite clay, synthetic membranes, or paving to the catchment area, and installing diversions or curbs to either divert runoff to the catchment area. **Direct effects (Physical):** Excavation.
Water Well (no)	642	PG	A hole drilled, dug, driven, bored, etted, or otherwise constructured to aquifer for water supply.	**Direct effects (Physical):** new-ground disturbance. If the diameter of the boring is less than 1 ft then it is NG, if the boring is greater than 1 ft in diameter then it is G.
Watering Facility (no) (gal)	614	PG	A watering facility (troughs and tanks) that stores or provides drinking water to livestock or wildlife. May include supporting features to protect it or the area from erosion.	**Direct effects (Physical):** The troughs and tanks themselves do not pose ground disturbance, but they are often accompanied with concrete aprons beneath and around them to prevent soil erosion; a pipeline / waterline necessitating a trough cut 12-18 inches deep; an animal watering ramp; an animal escape to prevent drowning; or may even have a fence (1-4' deep disturbance). A water trough may be about 3 feet high, so it is unlikely to pose a visual impairment to a historic property, and may occur in an area within the prior footprint of disturbance depending.
Well Decommissioning (no)	351	PG	The sealing and permanent closure of an inactive, abandoned, or unusable water well. Most of these affected wells are not likely to be historic in nature. Well decommissioning under Texas State law states abandoned wells must be decommissioned and plugged to prevent ground contamination, in addition to eliminating safety hazards (Occupations Code Chapter 1901. Water Well Drillers, Sec 1901.254 and .255) and compliance with State law is a pre-requisite for NRCS assistance, though replacing these wells may not necessarily be NRCS' responsibility to provide financial assistance for implementation if conflicting with NHPA or other State law like the Texas Antiquities Code.	**Direct effects (Physical):** May adversely affect a contributing element/component of a historic property/district. **Indirect effect (foreseeable):** Decommissioning or neglect could be an adverse effect to an eligible or listed historic property. The Planner must submit a cultural resource review request to a CRS to determine the appropriate course of action, including checking Atlas to see if it is a contributing element in a listed National Register of Historic Places or occurs within a State Antiquities Landmark, and to see if it meets the NRCS Texas archaeological site definition. Meanwhile, a Cultural Resource Trained Field Office Personnel should proactively survey a 100x100 square meter area around the well proposed for decommissioning and check for any other possible similar in age historic structures, features, or artifacts and report the findings to the CRS on the CRS Reporting Form if positive finds are made or a simple message explaining negative results and date of inspection inside the Cultural Resource Review Sharepoint (or similar) survey as an attachment with the CRS Cultural Resource Reporting Form (if a positive results) or a message in the Notes field (if negative results). If the CRS Atlas check results and negative field inspection results (no similar in age features/artifacts to the well) rule out the application of NRCS Texas' archaeological site definition according to a CRS and a CRS finds it is not a contributing element to an eligible or listed NRHP historic property/district, or occurs in a State Antiquities Landmark, and the CRS has no other concerns then it is NG. If there are positive finds (similar in age features/artifacts to the well) within the field inspected area and a CRS applies the NRCS Texas archaeological site definition and considers it an archaeological site or if a CRS finds it is inside a State Antiquities Landmark or a contributing element to a listed NRHP historic property, then it is G.
Well Water Testing (no)	355	NG	The groundwater testing practice includes testing for physical, biological, and chemical characteristics of groundwater in a well or spring development. This may be applied as part of a conservation management system to determine the quality of a groundwater supply for the following intended uses: irrigation, livestock, fish and wildlife habitat, aquaculture enterprises, or other agricultural uses.	No potential to affect cultural resources.
Wetland Creation	658	PG	The creation of a wetland on a site that was historically non-wetland, due to non-conducive wetland factors of soil, vegetation, or hydrology.	**Direct effects (Physical):** water damage for some above-ground cultural resources. Please submit a cultural resource review to a CRS to determine the appropriate course of action. If CRS notes no known cultural resources, or has no further concerns, and a field investigation has found no cultural resources it is NG. If CRS has noted cultural resources or has other concerns, or if the field investigation has found cultural resources, then it is G.
Wetland Enhancement	659	PG	The rehabilitation of a degraded wetland or the reestablishment of a wetland so that soils, hydrology, vegetative community, and habitat are a close approximation of the original natural historic condition and boundary that existed prior to the modification..	May involve setting or installing water control structures to control waterflow. Ditch plugs may be installed or some other form of refilling surface drainage ditches. A dike may also be installed. Vegetation establishment is another possible practice. **Direct effects (Physical):** New ground disturbance practices, including those installing new water control structures, ditches, dikes, and re-vegetation/vegetation establishment measures that extend beyond the depth of prior disturbances are G. Those measures which will not pose new-ground disturbances and after a cultural resource review by a CRS finds no potential to affect the setting of a historic property or other cultural landscape are NG. Inundation may affect surface cultural resources. **Direct effects (Non-physical):** May affect the feel, setting, or aesthetic of a historic property or a character or use of a cultural landscape. A cultural resource review should be submitted to a CRS. The CRS will search records of previously recorded sites, cemeteries, and other indicators of cultural resources. If some cultural resource indicators are encountered and a field investigation has negative findings, then it is NG. If there are positive findings from the field investigation then it is G.

Practice Name	Practice Code	Proposed Effect Code	Practice Description	Consideration of Effects and Stipulations
Wetland Restoration	657	PG	The rehabilitation of a degraded wetland or the reestablishment of a wetland so that soils, hydrology, vegetative community, and habitat are a close approximation of the original natural condition that existed prior to modification of the extent practical.	May involve modifying drainage, restoring stream/floodplain connectivity, removing diversions, dikes, and levees, and/or by using a natural or artificial water source to provide conditions similar to the original, natural conditions. **Direct effects (Physical):** New ground disturbance practice methods like excavating drainages, dikes, diversions, and the like are G. Those practices whose excavation activities refresh up to the previous depth of disturbance or do not pose new ground disturbances, and after a cultural resource review by a CRS finds no potential to affect the setting of a historic property or other cultural landscape, are NG. Inundation may affect surface cultural resources. **Direct effects (Non-physical):** May affect the feel, setting, or aesthetic of a historic property or a character or use of a cultural landscape. A cultural resource review should be submitted to a CRS. The CRS will search records of previously recorded sites, cemeteries, and other indicators of cultural resources. If some cultural resource indicators are encountered and a field investigation has negative findings, then it is NG. If there are positive findings from the field investigation then it is G.
Wetland Wildlife Habitat Management (ac)	644	PG	This practice will be used to maintain, develop, or improve habitat for waterfowl, furbearers, or other wetland associated flora and fauna.	May involve modifying drainage, restoring stream/floodplain connectivity, removing diversions, dikes, and levees, and/or by using a natural or artificial water source to provide conditions similar to the original, natural conditions. Monitoring, non-ground disturbing data collection, or documentation activities are NG. **Direct effects (Physical):** New ground disturbance practice methods like excavating drainages, dikes, diversions, and the like are G. Those practices whose excavation activities refresh up to the previous depth of disturbance or do not pose new ground disturbances, and after a cultural resource review by a CRS finds no potential to affect the setting of a historic property or other cultural landscape, are NG. Inundation may affect surface cultural resources. **Direct effects (Non-physical):** May affect the feel, setting, or aesthetic of a historic property or a character or use of a cultural landscape. A cultural resource review should be submitted to a CRS. The CRS will search records of previously recorded sites, cemeteries, and other indicators of cultural resources. If some cultural resource indicators are encountered and a field investigation has negative findings, then it is NG. If there are positive findings from the field investigation then it is G.
Wildlife Habitat Planting (ac)	420	PG	Establishing wildlife habitat by planting herbaceous vegetation or shrubs. The purpose of this practice is to improve degraded wildlife habitat for the target wildlife species or guild, and to establish wildlife habitat that resembles the historic, desired, and reference native plant community	**Direct effects (Physical):** Depends on the method of seedbed prep. brush management is G, conventional tillage using tandem disks, chisels, and typical farming equipment is NG, dead litter cover is NG, and prescribed burning is PG (depending on the fuel load and volitile plant fuel potential for a high intensity fire. It is NG if a low intensity fire and G if not).There are also seeding operations involved, such as broadcast, (which should not pose any ground disturbance) and drilling with double disks could cause 4-6" ground disturbance; however, since this practice happens only in previously tilled crop-land, it should not pose new disturbances. Grazing/prescribed grazing or deferred grazing is NG. The choices of plants for planting focus on maintaining those in the expected historic plant community of the area (NRCS ecological site description), so little affect on changing the expected vegetation in the viewshed is expected.

Appendix A Revision Signatures

In accordance with Section XIII (a) of this State-based Prototype Agreement, the Signatories to this Agreement's, either personally or through their duly authorized representatives, have executed this Agreement's amendment on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of the Agreement's amendment.

KRISTY OATES Digitally signed by KRISTY OATES
Date: 2022.08.03 09:49:20 -05'00'

8/3/2022

State Conservationist, Texas — Date

USDA Natural Resources Conservation Service

Mark Wolfe

8/22/22

Texas State Historic Preservation Officer — Date

APPENDIX B
PROCEDURES FOR EMERGENCY RESPONSE
(excerpt from NRCS Texas Emergency Watershed Protection (EWP) Emergency Recovery Plan (ERP)

United States Department of Agriculture
Natural Resources Conservation Service

Emergency Watershed Protection Program
Emergency Recovery Plan

Natural Resources Conservation Service
101 South Main
Temple, Texas 76501
June 2013

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INTRODUCTION

Emergency Watershed Protection (EWP) assistance may be made available when sudden watershed impairment occurs that creates an imminent threat to life or property, as determined by the NRCS State Conservationist. The EWP Program provides recovery assistance consisting of emergency measures for repair and restoration of eligible sites. The EWP Program helps project sponsors implement emergency recovery measures to relieve imminent hazards to life or property created by a natural disaster that causes a sudden impairment of a watershed.

An eligible project sponsor must be a legal subdivision of State government or State agency or Native American Tribe or Tribal organization. The project sponsor must also have the legal interest in, or responsibility for, the areas threatened by a watershed emergency.

EWP technical and financial assistance may be made available if funding is available when:

1. The President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.
2. The STC has declared a local or State emergency.
3. The Secretary of Agriculture has declared a drought emergency.

Assistance available under the EWP Program consists of installing emergency measures, including the purchase of floodplain easements to reduce hazards to life or property.

Eligible recovery measures include practices that:

1. Reduce threats to life or property from a watershed impairment, including sediment and debris removal.
2. Provide protection from additional flooding or soil erosion by retarding runoff.
3. Remove debris deposited by a natural disaster that would affect runoff or erosion.
4. Restore the hydraulic capacity to the natural environment to the maximum extent practical based upon pre-event conditions.
5. Are economically, socially, and environmentally defensible and technically sound.
6. Measures must also provide immediate, adequate, and safe relief from the hazard
7. Be limited to measures or practices that to the greatest extent possible use the least damaging practical construction techniques and equipment that retain as much of the existing characteristics of the landscape and habitat.
8. Conform to all applicable statutes, published regulations, and Executive orders.

The Damage Survey Report (DSR) is the primary document in the planning process to record all assessments, evaluation, and planning decisions for EWP recovery measures. A DSR must be completed for every site determined eligible for EWP assistance. The DSR must include sufficient data and information to document eligibility. A DSR must be completed within 60 days of the formal request for assistance from the sponsor. See Appendix C.

A Programmatic Environmental Impact Statement (PEIS) has been developed in compliance with Public Law 91-190, National Environmental Policy Act (NEPA) of 1969 (83 Stat. 852; 42 U.S.C. Section 4321 et seq.). The PEIS was developed, in part, to facilitate NEPA compliance at the NRCS State level by allowing tiering by the State for certain EWP measures and activities.

The DSR includes an evaluation of all alternatives considered, including environmental, social, and economic considerations, as well as estimates of the cost of project installation. The NRCS and the project sponsor are responsible for fully completing the DSR to identify the environmental effects or impacts that will result from the proposed action. In many cases, the effects of the proposed actions are sufficiently described in the PEIS. In such cases, no additional analysis is required for purposes of NEPA compliance because the site-specific activities will be addressed or tiered to the PEIS. Additional analysis or documentation may be required, however, to comply with the Endangered Species Act (ESA), National Historic Preservation Act (NHPA), or other environmental requirements. If significant impacts are found as a result of the EWP environmental evaluation process and the proposed actions have not been sufficiently described in the PEIS, it is possible that an environmental assessment or environmental impact statement will be required.

The EWP Floodplain Easements (EWP-FPE) Program provides an alternative measure to traditional EWP recovery. Where sites are eligible and it can be determined that acquiring an easement in lieu of recovery is the more economical and prudent approach to reducing a threat to life or property. NRCS will only purchase floodplain easements from landowners on a voluntary basis. Floodplain easements are held and administered by the NRCS on behalf of the United States and are perpetual. The easement must be restored to the extent practicable to the natural environment and may include both structural and nonstructural practices to restore the flood storage and flow, erosion control, and improve the practical management of the easement. Structures, including buildings, within the floodplain easement must be demolished and removed, or relocated outside the 100-year floodplain or dam breach inundation area.

Following a declared natural disaster, the NRCS State Conservationist or his or her designee must submit a written request for floodplain easement funding to the NRCS Chief. The letter must include the nature and location of the event, the anticipated funding required, and appropriate rational for using floodplain easement in lieu of recovery. If funds are being requested for the purchase of easements on lands with residences or other nonagricultural structures, the STC must provide confirmation that the acquisition is part of a strategy that will facilitate the restoration of an entire reach of the floodplain.

PRIMARY NRCS CONTACTS

Salvador Salinas, NRCS State Conservationist
101 South Main
Temple, Texas 76501
Fax: 254-742-9819
Phone: 254-742-9800

General Program Administration
Claude Ross, Program Manager
Phone: 254-742-9822
Claude.Ross@tx.usda.gov

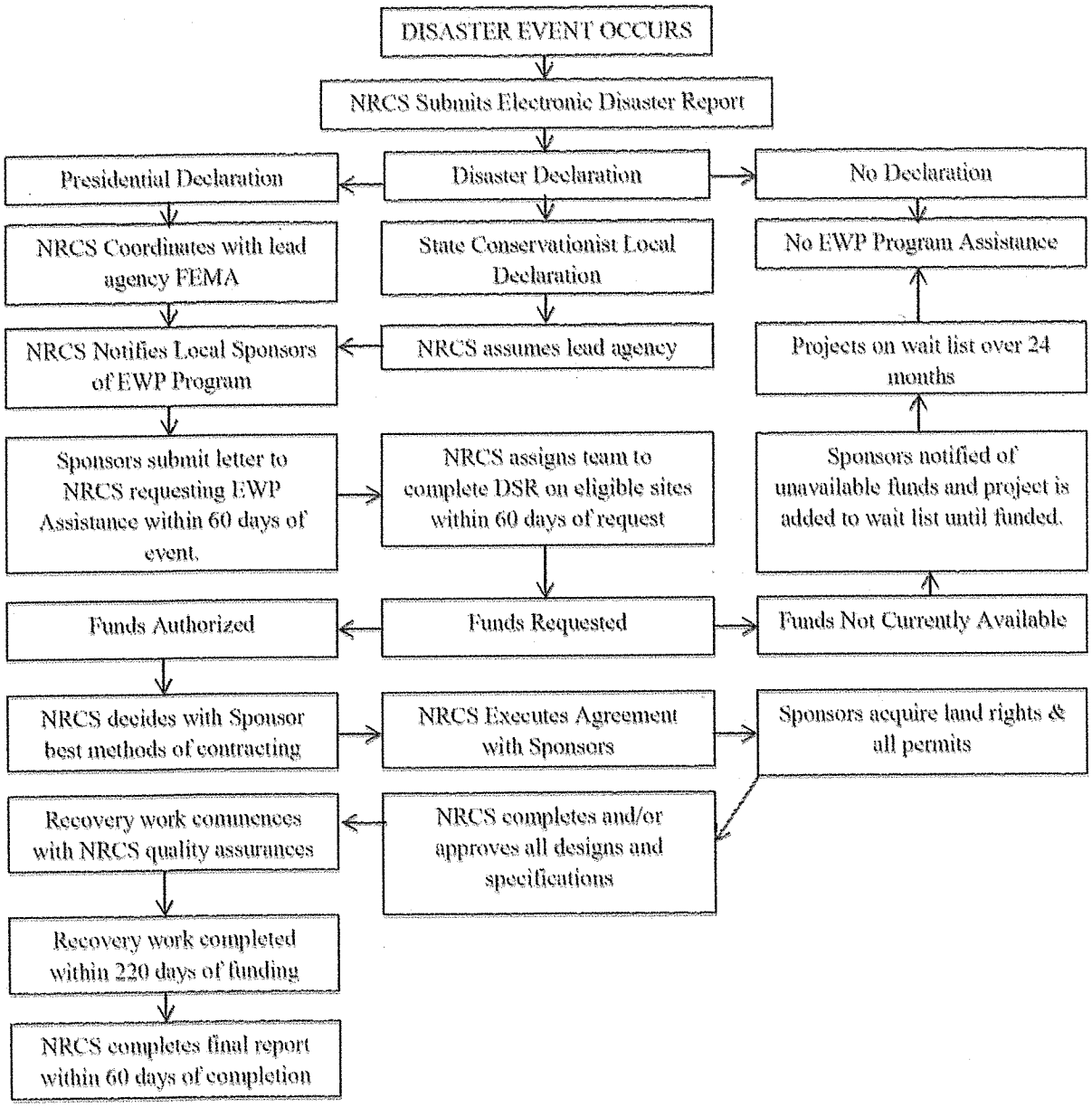
NRCS ROLES AND RESPONSIBLITIES

See Emergency Watershed Protection Program Implementation Plan revised April 2013, Appendix A.

PROJECT SPONSOR RESPONSIBLITIES

1. Submit written request to the NRCS State Conservationist requesting NRCS assistance within 60 days after the event. See example in Appendix B. Letter should include:
    a. A description of the problems encountered and the assistance needed, including the following:
        i. Nature of the problem
        ii. Location
        iii. Scope of the problem
    b. Commitment by the project sponsor to assume the following responsibilities:
        i. Provide local cost share
        ii. Land rights acquisition
        iii. Permits
        iv. Operation and maintenance (O&M), if required
    c. A statement indicating funds have either been exhausted or insufficient to provide adequate recovery measures from the applicable hazards.
    d. A statement identifying other State or Federal funding received or application submitted.
2. Accept requests for assistance from private property/land owners.
3. Possess legal authority and certify land rights (including any rights needed for the relocation of fences, bridges, etc.) with a legal opinion and a signed NRCS-ADS-78 form.
4. Acquire all necessary Federal, State and local permits before construction begins. Ensure all utilities are located and removed or relocated within the work area prior to construction.
5. Ensure appropriate easements have been acquired.
6. Publicize the availability of the EWP Program and conduct outreach to underserved populations.
7. Participate on a DSR team as needed and assist to establish priorities for work.
8. Accept the completed work for projects installed using locally awarded contracting procedures as appropriate
9. Submit a SF 424 "Application for Federal Assistance" with SF 424A and 424B for non-construction projects and SF 424 C and SF 424D for construction projects.
10. Enter into a written agreement with NRCS outlining responsibilities and obligations.
11. Agree to provide operation and maintenance of completed structural measures.
12. Provide 25 percent of project costs (cash and/or approved in-kind). Matching EWP funds with other Federal funds is not permitted without express statutory authority, i.e., Housing and Community Development Act of 1974.

EMERGENCY RECOVERY PROCESS FLOW CHART



DESCRIPTION OF TYPICAL RECOVERY MEASURES

In the state of Texas, typical recovery measures include damage caused by flooding and high winds. EWP assistance may also be available to fire and drought damaged areas; however, assistance for resulting damage has not typically been requested. Eligible measures shall meet the criteria specified in the EWP Program Manuel, Section 511.3- Eligibility for Recovery Assistance, paragraph D. Eligible measures. For more information on recovery measures and program eligibility, please contact the EWP Program Manager.

Below are descriptions of typical watershed impairments and the associated repairs:

(1) Streambank Protection and Stabilization – Rigid and flexible facings and structural devices to resist erosion or scour adjacent to eligible sites. Typical sites to be protected would include road ways, city utilities and water impoundment structures.
   a. Rock riprap bank armor
   b. Rock riprap barbs and or weirs
   c. Stacked concrete bags
   d. Gabions (with or without shotcrete)
   e. Sheet pilings
   f. Grouted rock riprap bank armor
   g. Bio-engineering with native vegetation

(2) Road Crossings – Abutment and armor protection at the intersection of existing roadways and concentrated stream flows.
   a. Timber headwalls
   b. Low water crossings (does not include repair of road surface)
   c. Stacked concrete bag headwalls
   d. Sloped rock riprap armor
   e. Grouted rock riprap armor
   f. Ditch stabilization measures (check dams, rock chutes, abutments, etc.)
   g. Bridge abutment stabilization

(3) Sediment and Debris Removal – Removal and disposal of watershed obstructions for the purpose of restoring pre-storm channel capacity.
   a. Removal of accumulated woody debris from stream channels
   b. Removal of aggregate from stream channels and road crossings

(4) PL-534 and PL-566 watershed structures – Shaping, earthwork and/or rock riprap to repair damage to existing structures caused by an eligible storm event.
   a. Floodwater Retarding Structures Sites
      i. Auxiliary spillway repairs
      ii. Plunge basin repairs
      iii. Embankment shaping
   b. Channelization project repairs
   c. Grade stabilization structure repairs

(5) Drainage channels, dikes, and irrigation canals
   a. Repair slope slides
   b. Repair scour around rigid structures
   c. Repair erosion from overtopping

Design requirements shall be pursuant to EWP Program Manuel, Section 512.4 - Technical Adequacy Recovery. The measures shall correct the watershed impairment to either a stable or pre-disaster condition that will not cause increased adverse impacts. All recovery measures must be technically adequate. All work subject to NRCS standards must be carried out in accordance with the 210-NEM, Section 501.24; Title 180, National Planning Procedures Handbook (NPPH); Title 190, National Agronomy Manual (NAM); and the Field Office Technical Guide (FOTG). Prior to contract, technical documents shall be reviewed by the State Conservation Engineer for his approval and seal if necessary.

Photographs of NRCS typical installations and EWP standard drawings are located in Appendix C. For the most current drawings, specifications, quality assurance plans, cost estimates, time estimates, drafting aids and design templates contact the EWP Program Manager or State EWP Engineer.

CONTRACTING PROCEDURES

NRCS uses four methods for implementing EWP projects listed in order of priority: Federal contracts, contracting local organization (CLO), locally-led contracting and force account. All Sponsors must have a DUNS number and be registered at www.SAM.gov in order to receive Federal funding.

Federal contract

NRCS enters into a Project Agreement with the Sponsor in which NRCS will provide the engineering services, contract administration and quality assurance (inspection) services, at no cost to the sponsor. The contracting procedures follow the Federal Acquisition Regulation, USDA Acquisition Regulations, NRCS Acquisition Regulations and local policies to install the emergency watershed protection measures. The sponsor is required to provide their share of the total cost of the works of improvement with cash and/or approved in-kind contributions. The Sponsor may be requested to provide an advance of funds for up to 90 percent of their matching funds prior to the award of the contract. NRCS will issue a bill of collection or a refund to the Sponsor based on the final contract costs.

Contracting Local Organization (CLO)

NRCS will enter into a cooperative agreement with the Sponsor who then contracts out some or all of the engineering services, contracting administration and quality assurance. The cooperative agreement provides financial assistance (FA) funding for the construction or other approved emergency work and any technical assistance (TA) funding approved up to a fixed amount based on the estimated construction costs. All funding types must be stated in the agreement prior to the Sponsor's request for reimbursement. Approved technical funding applies to engineering designs/surveys, contract administration and quality assurance.

FA is generally 75% NRCS' and 25% Sponsor's cost share. Approved TA is funded at 100% NRCS' cost share. NRCS will reimburse the Sponsor up to the approved amount upon receipt of an acceptable request for reimbursement (Standard Form 270). No reimbursement allowed prior to the execution of the agreement.

FA may include in-kind credit in the form of goods, services or both that directly relate to the physical construction of the works of improvement. Examples include: materials, labor, equipment used in the construction and debris disposal (chipping, burning or tipping fees). FA in-kind credit must be approved in the Agreement prior to the Sponsor's submitting a request for reimbursement. Proper documentation is required for reimbursement. The Sponsors must follow State and local regulations plus any terms and conditions in the agreement. See 7CFR 3015 and 3016 for further guidance.

The Sponsors must submit quarterly accrual reports no later than the 15th of the last month of each quarter, stating the amount of Federal funds earned, federal funds invoiced and federal funds not invoiced, until project completion. Accrual reports apply to CLO, locally-led and force account agreements.

Locally-led

This is similar to the CLO above however the Sponsor does the contracting, engineering and quality assurance with their workforce.

Force Account

This is the least preferred method. The Sponsor performs the work of improvements using their own personnel, materials and equipment. The sponsor may supplement its own personnel, materials and equipment through temporary hire, material purchases and equipment rental not to exceed 15% of the total estimated project costs. State/local regulations and procedures are used. An approved plan of operation is required which details the three major components: materials, equipment and personnel. Current FEMA hourly equipment rental rates will apply for reimbursement. Only the hours of equipment operations are allowed, no stand-by fees. Personnel shall be identified by name, title, hourly wage with benefits and overtime. Overtime shall be paid for over 40 hours less benefits.

Generally a Force Account agreement is limited to $150,000. Requests for additional funding require approval from NRCS National Headquarters Acquisition Division. In all agreements NRCS will provide project oversight by the Contracting Officer, the project Engineer and/or a construction inspector. These services are at 100% NRCS' costs.

In-Kind Contributions:

Provisions for in-kind is covered in 7 CFR 3016 and 3015 and as limited by the EWP Program Manual, Title 390. In-kind services include labor, equipment, design, surveys, contract administration and construction inspection.

Ineligible Sponsor Contributions

The following activities are not eligible as sponsor contributions:

- Activities related to land rights
- Legal opinions related to land right activities
- Construction easements
- Project permit activities

STATE AND LOCAL WATER QUALITY PERMITS

The discharge of wastewater and certain types of storm water into or adjacent to water in the state (HTML) must be authorized by the Texas Commission on Environmental Quality (TCEQ). This authorization may come in the form of an individual discharge permit or a general permit. Applicants requesting a U.S. Army Corps of Engineers (USACE) 404 permit in Texas must also receive 401 Water Quality Certification from the Texas Commission on Environmental Quality as specified in Section 401 of the Clean Water Act. The 401 Certification can cover both the construction and operation of the proposed project. Most nationwide USACE 404 permits have water quality certification issued concurrently with the permit; however, if a standard individual permit is required for authorization, the conditions of the 401 Water Quality Certification become part of the USACE 404 permit. Counties or other local entities may also require additional permits such as fill and grade, shorelines, etc. The sponsor is responsible for obtaining all of the necessary permits to complete the project. There are instances when NRCS needs to be involved in the process. It should be noted that failure of a sponsor to obtain necessary permits that results in contractor delay or termination of a contract, generally, will result in the excess costs being the responsibility of the sponsor as the permits are equivalent to property-rights.

PERMITS FOR CLEAN WATER ACT, SECTION 404

The Regulatory Division of the USACE administers Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Federal law (Section 404 of the Clean Water Act) prohibits the discharge of dredged or fill material into waters of the United States which includes wetlands, without a Department of Army permit issued by the USACE. Under Section 10 of the Rivers and Harbors Act, no work may commence that might affect traditional navigable waters of the U.S. without a permit from the USACE. Applicants requesting a 404 permit must also receive 401 Water Quality Certification from the appropriate certifying agency (TCEQ) as specified in Section 401 of the Clean Water Act. The 401 Certification can cover both the construction and operation of the proposed project. Most nationwide permits have water quality certification issued concurrently with the permit; however, if a standard individual permit is required for authorization, the conditions of the 401 Water Quality Certification become part of the USACE 404 permit. USACE personnel can provide assistance with the procedure to acquire a 404 permit, a Section 10 Permit if required, and water quality certification. Additionally, any activity that disturbs more than 5 acres would require a Stormwater Pollution Prevention Plan also issued by the Texas Commission on Environmental Quality.

Nationwide Permits (NWPs) are issued nationally or regionally for a category or categories of activities that are similar in nature and cause only minimal individual and cumulative adverse

impacts. NWPs always include terms and conditions for compliance and may require preconstruction notification to the USACE. A list of the current nationwide permits can be found on any of the USACE websites. To qualify for NWP authorization, the prospective permittee must comply with all of the terms and applicable general conditions of the nationwide permit program in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. There are currently 31 general conditions that include, but are not limited to, requirements for no impacts to wild and scenic rivers, cultural and historic properties, and/or threatened and endangered species. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP.

USACE NWP 37 specifically addresses the NRCS EWP Program activities when dealing with "exigency" and "emergency" situations. When EWP recovery efforts require working in "waters of the U.S. and/or near navigable waters of the U.S." the NRCS Environmental Specialist will coordinate all EWP activities and any needed mitigation with the USACE. The project sponsor will obtain all necessary permits prior to commencement of emergency EWP actions. Additionally, most USACE districts have procedures in place for special and emergency situations to streamline and/or expedite permit issuance. The USACE regulations define an "emergency" as "a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures."

In general, the prospective permittee (project sponsor) should wait until the USACE district engineer issues a NWP verification or 45 calendar days have passed before proceeding with the watershed protection and rehabilitation activity. However, in EWP cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur, the emergency watershed protection and rehabilitation activity may proceed immediately, and the district engineer will consider the information in the pre-construction notification and any comments received as a result of agency coordination to decide whether the NWP 37 authorization should be modified, suspended, or revoked. The local sponsor with assistance from NRCS will notify the USACE verbally and in writing as soon as possible with the following items:

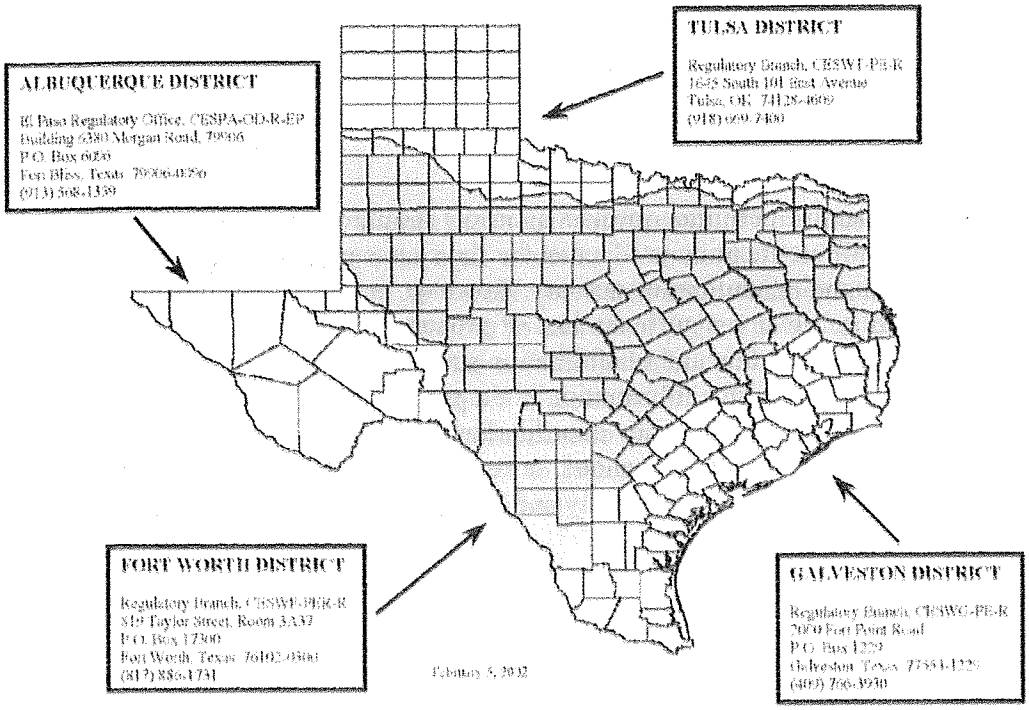
1. Name of applicant;
2. Location of work (vicinity map showing location);
3. Wetland determination for the site;
4. Purpose of the project;
5. Description of work/project including basic dimensions and drawings. The drawings may be approximations and do not have to be to scale or be detailed engineering drawings;
6. Cause of emergency (describe when and how the emergency occurred);
7. Urgency of work (describe why the situation is an emergency using USACE definition and explain what would happen if emergency permitting procedures are not used);
8. Time to complete emergency work (estimate beginning and end);
9. Direct and indirect adverse environmental effects the project may cause;
10. Summary of resource agency coordination;

11. Other permits the EWP Program sponsor is seeking.

If the USACE determines that the proposed EWP activity is not authorized by a nationwide permit, the project sponsor should immediately consult the appropriate USACE website and the assigned regulatory district to start the standard individual permit process. Any activities undertaken by the sponsors that are not a part of the EWP project would not be authorized by Nationwide Permit 37 and might require additional authorization by USACE

There are four USACE districts in Texas: Albuquerque District, Fort Worth District, Galveston District, and Tulsa District. A map with contact information and the boundaries of each district is included.

U.S. Army Corps of Engineers Districts within the State of Texas



ENDNAGERED SPECIES ACT AND EMERGENCY CONSULTATION WITH USFWS

Following a natural disaster, NRCS will assess the damage and required emergency response to restore damage as identified within the NRCS EWP Program. NRCS must make an initial effects determination for any endangered or threatened species, designated critical habitats,

proposed species or habitats, candidate species, or State or Tribal species of concern protected by State or Tribal law or regulation present, or potentially present, within the project area. Once the effects determination has been completed, there may be a need to initiate consultation with the USFWS or NMFS that would result in the development of negotiated "reasonable and prudent measures" (RPMs) to mitigate potential negative impacts. During emergency events, the primary objective of the responding agency must be to protect human life and property and this objective takes precedence over considerations for minimizing adverse effects to listed species under the ESA. The protection of listed species and designated critical habitat is initiated when it would not interfere with the emergency response to protect human life and property. Consequently, the first action is to initiate a response to the emergency and then to determine if there are actions that can be taken to protect or reduce effects to listed species.

NRCS must make an initial effects determination for any endangered or threatened species, designated critical habitats, proposed species or habitats, candidate species, or State or Tribal species of concern protected by State or Tribal law or regulation present, or potentially present, within the project area. Once the effects determination has been completed, there may be a need to initiate consultation with the USFWS or NMFS that would result in the development of negotiated RPMs to mitigate potential negative impacts.

The ESA process for handling emergencies:

STEP 1 (Initiating Contact)

During any emergency response, the Federal agency will contact the U.S. Fish and Wildlife Service (Service) by telephone or facsimile (as quickly as possible following the onset of the emergency). Hopefully, the responding agency would have previously established a list of emergency contacts that includes the appropriate Service office responsible for the area where the emergency exists. The Federal agency will provide the Service the project location, a description of the emergency response action and timelines.

STEP 2 (Service Recommendations)

During this initial contact, the Service will recommend actions that may be implemented to minimize the impacts to any listed species or critical habitat in the area. The emergency response agency will proceed with all necessary actions to stop the imminent threat to human life or property. At the same time, the Service will provide the agency, within 48 hours, a letter to explain the protective procedures that were identified during the initial contact.

STEP 3 (Service Evaluation)

The Service will continue to evaluate the emergency. If this evaluation indicates that the emergency response procedures may result in jeopardy/adverse modification, and no means of reducing or avoiding this impact are available, the Service will advise the responding agency of this and document this conclusion. The agency will not stop or delay their emergency response because of this notification. In such a situation, the Federal agency and the Service will discuss actions to remediate the effects following conclusion of the emergency.

STEP 4 (Emergency Over)

Once the emergency is under control, the action agency will identify any incidental take of a species or an adverse effect to critical habitat that resulted from the emergency response action and initiate formal consultation. This formal consultation follows standard procedures, includes a description of what action the agency took to respond to the emergency, and identifies the final impacts to listed species.

STEP 5 (Consultation Completed)

The Service will prepare an after-the-fact biological opinion to cover any incidental take that occurred during the emergency response and document the final impacts to the listed species. This biological opinion could contain suggestions for after-the-fact remediation in the form of reasonable and prudent alternatives, or reasonable and prudent measures when incidental take of listed species or adverse modification of critical habitat attributable to the emergency response occurred. With the finalization of the biological opinion, the action agency has completed their compliance with the ESA.

The compliance with the ESA for an emergency action only requires a short telephone call at the beginning of the emergency. After that, the response agency does not have to contact the Service until the emergency is over. We are currently working with Federal agencies to provide technical assistance, coordination, and, in some instances, Section 7 consultation for proactive projects to reduce the need for contacts prior to emergency events. These efforts will eliminate the need for the Federal agency to contact the Service following the onset of an emergency response activity because we will have already provided them with needed species information and the means to avoid or minimize adverse effects to listed species/critical habitats. In these situations, the Federal agency will only contact the Service after the emergency is over.

US Fish and Wildlife Service Contact Information: USFWS Region 2 Field Offices

ESSENTIAL FISH HABITAT

Following a natural disaster, NRCS will assess the damage and required emergency response to restore damage as identified within the NRCS EWP Program. NRCS must first assess whether a proposed action or alternative will result in short or long-term disruptions or alterations that may result in an "adverse effect" to Essential fish habitats (EFHs). If yes, NRCS may first consider if and how the action or alternative can be modified to mitigate potential adverse effects. If that is not possible, NRCS will have to consult with NMFS to determine measures to conserve such habitat. Following consultation, NRCS is responsible for detailing the measures that will be taken to mitigate any adverse effects to EFH and explain reasons for any actions inconsistent with the NMFS EFH recommendations.

EFHs are areas identified as being vital for sustaining marine or anadromous fish populations. They include the waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. As amended in 1996, the Act requires Federal or

State agencies proposing, funding, or undertaking actions that would adversely affect any EFH to devise measures for avoiding, mitigating, or offsetting the impact of the activity on the habitat.

Habitat Areas of Particular Concern Identified in the 2005 Fishery Management Plan Amendment of the Gulf of Mexico Fishery Management Council.

Texas/Louisiana Topographic Features (Reefs and Banks)

- West Flower Garden Banks
- East Flower Garden Banks
- Stetson Bank
- 29 Fathom Bank
- MacNeil Bank
- Rezak Sidner Bank
- Rankin Bright
- Bank Geyer Bank
- McGrail Bank
- Bouma Bank
- Sonnier Bank
- Alderdice Bank
- Jakkula Bank
- Additional information may be found at:
  - NOAA Essential Fish Habitat and Texas
  - Essential Fish Habitat Mapper
- NOAA Marine Fisheries Service Contact Information:
- NOAA Galveston Texas Lab

WILD AND SCENIC RIVERS

NRCS must consider the values of these segments prior to taking actions that could exclude them from future wild, scenic, or recreational status. Generally, timber harvests and agricultural operations on privately owned lands are unaffected in wild, scenic, and recreational river designations. However, some activities may require permits or may be covered under special provisions of the management plan. The Federal river manager (each designated river has a manager) may assist and cooperate with States or local organizations, landowners, and individuals to plan, protect, and manage river resources. The assistance may include limited financial assistance.

The designation of a river or river segment under the Wild and Scenic Rivers Act provides legal protections from adverse development and provides a mechanism for management of the river's resources. In addition to the river segments designated as wild and scenic, many more segments are believed to possess one or more outstanding or remarkable natural or cultural values judged to be of more than local or regional significance. Texas has approximately 184,797 miles of river,

of which 191.2 miles are designated as wild & scenic—1/10th of 1% of the state's river miles. The designated reach is along the Rio Grande River where the segment on the United States side of the river from river mile 842.3 above Mariscal Canyon downstream to river mile 651.1 at the Terrell-Val Verde County line. This reach is with the boundaries of the Big Bend National Park. Designation: Wild — 95.2 miles; Scenic — 96.0 miles; Total — 191.2 miles.

CULTURAL RESOURCES

A formal notification from the NRCS State Conservationist to the State Historic Preservation Officer (SHPO) is made when official commitment of NRCS funds is made to local sponsors. NRCS, as the lead federal agency, is responsible for consideration of cultural resources in accordance with Section 106 of the National Historic Preservation Act. The State Level Agreement between NRCS and the Texas SHPO addresses how cultural resources consideration is handled in emergencies, including when EWP assistance is provided.

Exigent emergencies pose an immediate threat of damage to life or property. An exigency continues to exist as long as the probability of damage to life or property continues. Undertakings associated with exigent emergencies consist of actions (e.g., repairs) which

(i) have the potential to impact cultural resources; and
(ii) are integral to alleviating the threat of damage.

Procedures for exigent emergencies are as follows:

1. Repairs or other activities will start as soon as possible and must be completed within 10 days after funds are received.
2. As soon as possible after the beginning of an emergency, NRCS will notify SHPO. To the extent possible given the circumstances, SHPO will provide NRCS with information about cultural resources that could be impacted by the undertaking. Potential impacts to cultural resources are to be considered as carefully as possible given the nature of the emergency.
3. As soon as emergency conditions permit, cultural resources field inspections will be made and the impacts to cultural resources, if any, will be assessed.

Non-exigent emergencies pose a near-term threat of damage to life or property that is high enough to constitute a continuing hazard, but not high enough to constitute an immediate threat. Procedures in GM State Supplement Title 420, Part 401, TX401.21 (NRCS Texas Policy for Cultural Resources Consideration) will be followed.

Cultural resources reviews are completed for all proposed EWP measures. DSRs are routed to the cultural resources specialist (CRS) in the state office for review. The review determines the presence of previously recorded cultural resources in the vicinity of proposed EWP measure, the potential for as yet unidentified cultural resources, and makes an assessment of the scope and level of disturbance of the measure.

In most cases the scope of the EWP measures is comparable to practices designed and implemented at the field office level. If there are no items of concern, such as previously

recorded sites in close proximity, the CRS notifies the field office indicating results of the review and specifying that NRCS personnel having received training in identification of cultural resources will conduct a cultural resources field inspection of the area of potential effect that will be disturbed by the proposed measure(s). In cases where the proposed measure will involve more complex design, high level of disturbance in areas with relatively good potential for cultural resources, or previously recorded sites in close proximity, the CRS notifies the field office indicating results of the review and that a cultural resources survey should be completed by the CRS. NRCS will consult with the SHPO and the NRCS archeologist will conduct a survey of the area of potential effect.

NRCS and the Texas SHPO, in the existing State Level Agreement, agreed that debris and sediment removal itself would not be considered an undertaking unless activities associated with these actions (e.g. vehicle/equipment access, staging areas) have the potential to impact undisturbed deposits. It is NRCS policy when assisting with debris removal to utilize existing access when possible and avoid any new disturbances. Potential impacts to cultural resources should be minimal with debris removal.

TRIBAL CONSULTATION

A Project Sponsor can include any Native American tribe or tribal organization as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b). NRCS will encourage Tribal entities to develop procedures for use during emergency programs when responding to a disaster or emergency declared by the President, a tribal government, or State Governor when responding to other immediate threats to life or property. These procedures will be developed in consultation with the SHPO, THPO, and federally recognized Tribes as part of each State-level agreement and Tribal consultation protocol or a stand-alone pre-disaster agreement that will be incorporated into the emergency recovery plan.

INTERAGENCY COORDINATION

Natural Resources Conservation Service (NRCS)

In a State or locally declared disaster where the STC determines that a watershed impairment exists, NRCS will assume the lead in providing assistance and coordinating work with the appropriate State office of emergency preparedness, as well as with other Federal, Tribal, or local agencies involved with administering emergency programs as appropriate and as outlined in this Emergency Recovery Plan. For major disasters, NRCS staffs will participate at the Joint Field Office as needed for coordination with other state and federal agencies.

Federal Emergency Management Agency (FEMA)

Under Public Law 93-288, the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, as amended., when the President declares an area a major disaster area, all emergency work will be coordinated with FEMA or its designee (7 CFR

Section 624.5(a)). FEMA will not coordinate NRCS' work unless conflicts arise from adjacent sites where FEMA has responsibility.

Texas Division of Emergency Management (TDEM)

When disasters occur of a magnitude that state and federal assistance might be needed, the Recovery Section coordinates damage surveys with local and federal agencies, prepares disaster declaration requests for the Governor's signature, and deploys staff to the affected area to coordinate the overall recovery process. For major disasters, state and federal recovery staffs are collocated in a Joint Field Office. The TDEM Recovery staff includes: specialists who carry out disaster recovery programs for individual disaster survivors (Individual Assistance), as well as specialists who aid local governments and public entities, such as school districts and hospitals (Public Assistance), with programs to repair or reconstruct facilities that were damaged or destroyed. The TDEM staff will notify local governments that EWP assistance may be available. The TDEM staff will also inform the NRCS State Conservationist of the natural disaster and the potential request for assistance.

U.S. Army Corps of Engineers (USACE)

The USACE has the primary responsibility for the removal of debris from federally maintained navigable channels and waterways. For Stafford Act disasters, FEMA Recovery Policy RP9523.5, dated October 30, 2012, will be followed for determining the eligibility of debris removal from navigable waterways, the coastal and inland zones and wetlands under the Public Assistance Program.

Assistance for levees and flood control works, the USACE and NRCS will follow an existing Memorandum of Agreement. NRCS will generally be responsible for repairing flood control works in watersheds with contributing drainage areas less than 400 square miles. The USACE would be responsible for repairs to eligible non-federal flood control works in urban areas regardless of watershed area.

Appendix A

EMERGENCY WATERSHED PROTECTION PROGRAM IMPLEMENTATION PLAN

Rev. April 2013

Action Item	Action	EWP Program Manager	ASC(FO)	Field Office	DSR Team	Appropriate Specialist	EWP Program Engineer	Field/Zone Engineer	Contracting Officer	State Con. Eng.	COTR/GR/Inspector	NRCS Time Charge	Sponsor	Time Line (Days)
	PREPAREDNESS													
1	Maintain communication with Texas Division of Emergency Management (TDEM).	R										CTA		
2	Notify Zone & Field Offices of potential damages from major storm events	R										CTA		
3	Monitor TDEM Situation Reports	R										CTA		
	STORM EVENT													0
4	Provide State Office with report of storm and potential damages.		R									CTA		
5	Notify NHQ of event and damages for potential funding through the Electronic Disaster Report	R										CTA		5
6	As soon as conditions allow, contact local official (County, City, Emergency Management Coordinator, SWCD, Special Districts, etc.) inquiring about damages			R								CTA		
7	Notify EWP Program Manager of any exigent situations that warrant immediate attention		R	A								CTA		
8	Conduct preliminary assessment to determine if EWP can assist with recovery efforts and forward report to Program Manager. Collect any information that will assist in completion of DSR.			R			A	A				CTA		
9	Provide general information on EWP and the process to request assistance to the potential project sponsor (Sponsor's Guide, web site, etc)	A		R				A				CTA		
10	Submit letter requesting EWP assistance to State Conservationist												R	Within 60 days of event
11	Notify Zone & Field Office of official request for assistance received from Governor's office or local sponsor	R										CTA		
12	Monitor efforts relating to official disaster declarations and advise STC on declaring local disasters	R										CTA		
13	Monitor and coordinate response efforts with FEMA, DEM and other agencies.	R										CTA		

EMERGENCY WATERSHED PROTECTION PROGRAM
IMPLEMENTATION PLAN

Action Item	Action	EWP Program Manager	ASC(FO)	Field Office	DSR Team	Appropriate Specialist	EWP Program Engineer	Field/Zone Engineer	Contracting Officer	State Con. Eng.	COTR/GR/Inspector	NRCS Time Charge	Sponsor	Time Line (Days)	
14	Assign appropriate staff to DSR team to assist FO. Request additional assistance from State Office Staff if necessary. The DC will assume the DSR Team Leader.		R									CTA		Commence within 21 days of request letter	
15	Schedule and complete DSR with representative from entity requesting assistance.				R			A				CTA		Competion within 60 days of request	512.1 B.
16	Compile information from DSRs and request project code and funding	R										CTA			
17	Review planned treatment in DSRs for the following:	R					A	A				CTA			
	General Program Requirements	R													
	Engineering					Hrebik									
	COE 404 Permit Needs/NWP					Kelly									
	Cultural Resources					Sanders									
	T&E Species (Consulation Needs)					Castro									
PROJECT FUNDED														0	
18	Upon approval from NHQ, notify FNM of project code and available funds. Notify Sponsors of project being funded.	R										EWP			
19	Arrange meeting with Sponsors to discuss: 1. Methods of contracting 2. Available funding (FA & TA) 3. Responsibilities for Designs & QA 4. Land Rights, Vendor, POC, etc.	R		A			A		A			EWP			
20	Secure: 1. Land Rights 2. Applicable Permits 3. Engineering Services (as applicable)					A							R		
21	Assign COR, GR and Inspector as appropriate	A	A						R	A		EWP			
22	Prepare Scope of Work (SOW)						A	A			R	EWP			
23	Prepare Plan of Operations for Force Account						A	A				EWP	R		
24	Review designs, drawings, Plan of Operations (Force Acct) or Scope of Work (CLO) and provide to CO						A	R	A			EWP			
25	Provide O&M requirements to CO						R	A				EWP			

EMERGENCY WATERSHED PROTECTION PROGRAM IMPLEMENTATION PLAN

Action Item	Action	EWP Program Manager	ASC(FO)	Field Office	DSR Team	Appropriate Specialist	EWP Program Engineer	Field/Zone Engineer	Contracting Officer	State Con. Eng.	COTR/GR/Inspector	NRCS Time Charge	Sponsor	Time Line (Days)
26	Monitor funding levels (FA & TA) of project codes and take appropriate actions	R										EWP		
27	Maintain active dates for project codes	R										EWP		
28	Review designs and QA plans from Sponsors						R				A	EWP		
29	Develop Project Agreement (Force Acct. & CLO). Funding obligated with signatures of sponsor and STC.	A					A		R			EWP		
30	Prepare solicitation for Federal Contract								R			EWP		
	PROJECT CONSTRUCTION													
31	Review Sponsors solicitation and bid package.						A		R		A	EWP		
32	Monitor project for Contracting Officer						A				R	EWP		
33	Approve request for extension and additional funding (30 day prior to expiration)	R										EWP		
34	Close out project									R	A	EWP		
	PROJECT COMPLETED													220
35	Compile and maintain project results & outcomes	R										CTA		
36	Send Project Code Final Report to NHQ	R										CTA		280
37	Coordinate with Public Affairs to develop publicity materials on project accomplishments.	R		A								CTA		

NOTES:

DSR Team members and leader will be assigned by the ASC(FO). The inter-disciplinary team should include the Field Office Staff, Field Engineer and any others with technical and area-wide planning experience. Local representatives from the entity will assist the team.

R - Responsible for action

A - Assist with action

Appendix B
Sample Letter for Requesting EWP Assistance

Date

Salvador Salinas
State Conservationist
Natural Resources Conservation Service
101 South Main
Temple, Texas 76501

Mr. Salinas;

We request Federal assistance under the provisions of Section 216 of the Flood Control Act of 1950, Public Law 81-516 or Section 403 of the Agricultural Credit Act of 1978, Public Law 95-334, to restore damages sustained in _____ County by storms of <<Enter name and/or type of disaster that occurred>> on <<Enter date disaster occurred>>. This work is needed to safeguard lives and property from an imminent hazard of <<enter hazard type>>.

We understand, as sponsors of an Emergency Watershed Protection project that our responsibilities will include acquiring land rights and any permits needed to construct, and if required, to operate and maintain the proposed measures. We are prepared to provide local <<enter type of local contribution>> of the cost of construction work in dollars or in-kind services.

The names, addresses, and telephone numbers of the administrative and technical contact persons in our organization are as follows:

Name: _____
Title: _____
Address: _____
Phone: _____
Email: _____

Please contact him or her for any additional information that you might need in assessing our request.

Sincerely,

United States Department of Agriculture
Natural Resources Conservation Service

OMB No. 0578-0030
NRCS-PDM-20

DAMAGE SURVEY REPORT (DSR)
Emergency Watershed Protection Program – Recovery

Section 1A

Date of Report: _____

DSR Number: _____ Project Number: _____

NRCS Entry Only
Eligible: YES ____ NO ____
Approved: YES ____ NO ____
Funding Priority Number (from Section 4) ____
Limited Resource Area: YES ____ NO ____

Section 1B Sponsor

Sponsor Name: _____

Address: _____

City/State/Zip: _____

Telephone Number: _____ Fax: _____

Section 1C Site Location Information

County: _____ State: _____ Congressional District: _____

Latitude: _____ Longitude: _____ Section: _____ Township: _____ Range: _____

UTM Coordinates: _____

Drainage Name: _____ Reach: _____

Damage Description: _____

Section 1D Site Evaluation

All answers in this Section must be YES in order to be eligible for EWP assistance.

Site Eligibility	**YES**	**NO**	**Remarks**
Damage was a result of a natural disaster?*			
Recovery measures would be for runoff retardation or soil erosion prevention?*			
Threat to life and/or property?*			
Event caused a sudden impairment in the watershed?*			
Imminent threat was created by this event?**			
For structural repairs, not repaired twice within ten years?**			
Site Defensibility			
Economic, environmental, and social documentation adequate to warrant action? (Go to pages 3, 4, 5 and 6 ***)			
Proposed action technically viable? (Go to Page 9 ***)			

Have all the appropriate steps been taken to ensure that all segments of the affected population have been informed of the EWP program and its possible effects? YES ____ NO ____

Comments: _____

* Statutory
** Regulation
*** DSR Pages 3 through 6 and 9 are required to support the decisions recorded on this summary page. If additional space is needed on this or any other page in this form, add appropriate pages.

DSR NO: _____

Section 1E Proposed Action

Describe the preferred alternative from Findings: Section 5 A:

Total installation cost identified in this DSR: Section 3: $_____

Section 1F NRCS State Office Review and Approval

Reviewed By: _____ Date Reviewed: _____
State EWP Program Manager

Approved By: _____ Date Approved: _____
State Conservationist

PRIVACY ACT AND PUBLIC BURDEN STATEMENT

NOTE: The following statement is made in accordance with the Privacy Act of 1974, (5 U.S.C. 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is 7 CFR 624 (EWP) and Section 216 of the Flood Control Act of 1950, Public Law 81-516, 33 U.S.C. 701b-1; and Section 403 of the Agricultural Credit Act of 1978, Public Law 95-334, as amended by Section 382, of the Federal Agriculture Improvement and Reform Act of 1996, Public Law 104-127, 16 U.S.C. 2203. EWP, through local sponsors, provides emergency measures for runoff retardation and soil erosion control to areas where a sudden impairment of a watershed threatens life or property. The Secretary of Agriculture has delegated the administration of EWP to the Chief of NRCS on state, tribal and private lands.

Signing this form indicates the sponsor concurs and agrees to provide the cost-share to implement the EWP recovery measure(s) determined eligible by NRCS under the terms and conditions of the program authority. Failure to provide a signature will result in the applicant being unable to apply for or receive a grant the applicable program authorities. Once signed by the sponsor, this information may not be provided to other agencies, IRS, Department of Justice, or other State or Federal Law Enforcement agencies, and in response to a court or administrative tribunal.

The provisions of criminal and civil fraud statutes, including 18 U.S.C. 286, 287, 371, 641, 651, 1001; 15 U.S.C. 714m; and 31 U.S.C. 3729 may also be applicable to the information provided. According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0578-0030. The time required to complete this information collection is estimated to average 117/1.96 minutes/hours per response, including the time for reviewing instructions, searching existing data sources, field reviews, gathering, designing, and maintaining the data needed, and completing and reviewing the collection information.

USDA NONDISCRIMINATION STATEMENT

"The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write USDA, Director of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-941 0 or call (800)795-3272 (voice) or (202)720-6382 (TDD). USDA is an equal opportunity provider and employer.

Civil Rights Statement of Assurance

The program or activities conducted under this agreement will be in compliance with the nondiscrimination provisions contained in the Titles VI and VII of the Civil Rights Act of 1964, as amended; the Civil Rights Restoration Act of 1987 (Public Law 100-259); and other nondiscrimination statutes: namely, Section 504 or the Rehabilitation Act of 1973, Title IX of the Amendments of 1972, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. They will also be in accordance with regulations of the Secretary of Agriculture (7 CFR 15, 15a, and 15b), which provide that no person in the United States shall on the grounds of race, color, national origin, gender, religion, age or disability, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the U.S. Department of Agriculture or any agency thereof.

DSR NO: _____

Section 2 Environmental Evaluation

2A Resource Concerns	2B Existing Condition	2C Alternatives and Effects		
		Proposed Action	No Action	Alternative
		2D Effects of Alternatives		
Soil				
Water				
Downstream water rights				
Air				
Plant				
Animal				
Other				

DSR NO: _____

Section 2E Special Environmental Concerns

Resource Consideration	Existing Condition	Alternatives and Effects		
		Proposed Action	No Action	Alternative
Clean Water Act Waters of the U.S.				
Coastal Zone Management Areas				
Coral Reefs				
Cultural Resources				
Endangered and Threatened Species				
Environmental Justice				
Essential Fish Habitat				
Fish and Wildlife Coordination				
Floodplain Management				
Invasive Species				
Migratory Birds				
Natural Areas				
Prime and Unique Farmlands				
Riparian Areas				
Scenic Beauty				
Wetlands				
Wild and Scenic Rivers				

Completed By: _____ Date: _____

DSR NO: _____

Section 2F Economic

This section must be completed by each alternative considered (attach additional sheets as necessary).

	Future Damages ($)	Damage Factor (%)	Near Term Damage Reduction
Properties Protected (Private)			
Properties Protected (Public)			
Business Losses			
Other			
		Total Near Term Damage Reduction $	
		Net Benefit (Total Near Term Damage Reduction minus Cost from Section 3)	

Completed By: _____ Date: _____

DSR NO: _____

Section 2G Social Consideration

This section must be completed by each alternative considered (attach additional sheets as necessary).

	YES	NO	Remarks
Has there been a loss of life as a result of the watershed impairment?			
Is there the potential for loss of life due to damages from the watershed impairment?			
Has access to a hospital or medical facility been impaired by watershed impairment?			
Has the community as a whole been adversely impacted by the watershed impairment (life and property ceases to operate in a normal capacity)			
Is there a lack or has there been a reduction of public safety due to watershed impairment?			

Completed By: _____ Date: _____

DSR NO: _____

Section 2H Group Representation Information

This section is completed only for the preferred alternative selected.

Group Representation	Number
American Indian/Alaska Native Female Hispanic	
American Indian/Alaska Native Female Non-Hispanic	
American Indian/Alaska Native Male Hispanic	
American Indian/Alaska Native Male Non-Hispanic	
Asian Female Hispanic	
Asian Female Non-Hispanic	
Asian Male Hispanic	
Asian Male Non-Hispanic	
Black or African American Female Hispanic	
Black or African American Female Non-Hispanic	
Black or African American Male Hispanic	
Black or African American Male Non-Hispanic	
Hawaiian Native/Pacific Islander Female Hispanic	
Hawaiian Native/Pacific Islander Female Non-Hispanic	
Hawaiian Native/Pacific Islander Male Hispanic	
Hawaiian Native/Pacific Islander Male Non-Hispanic	
White Female Hispanic	
White Female Non-Hispanic	
White Male Hispanic	
White Male Non-Hispanic	
Total Group	

Census tract(s) _____

Completed By: _____ Date: _____

DSR NO: _____

Section 21. Required consultation or coordination between the lead agency and/or the RFO and another governmental unit including tribes:

Easements, permissions, or permits:

Mitigation Description:

Agencies, persons, and references consulted, or to be consulted:

DSR NO: ______________

Section 3 Engineering Cost Estimate

Completed By: ________________________________ Date: ______________________

This section must be completed by each alternative considered (attach additional sheets as necessary).

Proposed Recovery Measure (including mitigation)	Quantity	Units	Unit Cost ($)	Amount ($)
Total Installation Cost (Enter in Section 1F)$				

Unit Abbreviations:

AC Acre
CY Cubic Yard
EA Each
HR Hour
LF Linear Feet
LS Lump Sum
SF Square Feet
SY Square Yard
TN Ton
Other (Specify)

DSR NO: _____

Section 4 NRCS EWP Funding Priority

Complete the following section to compute the funding priority for the recovery measures in this application

(see instructions on page 14).

Priority Ranking Criteria	Yes	No		Ranking Number Plus Modifier
1. Is this an exigency situation?				
2. Is this a site where there is serious, but not immediate threat to human life?				
3. Is this a site where buildings, utilities, or other important infrastructure components are threatened?				
4. Is this site a funding priority established by the NRCS Chief?				
The following are modifiers for the above criteria			**Modifier**	
a. Will the proposed action or alternatives protect or conserve federally-listed threatened and endangered species or critical habitat?				
b. Will the proposed action or alternatives protect or conserve cultural sites listed on the National Register of Historic Places?				
c. Will the proposed action or alternatives protect or conserve prime or important farmland?				
d. Will the proposed action or alternatives protect or conserve existing wetlands?				
e. Will the proposed action or alternatives maintain or improve current water quality conditions?				
f. Will the proposed action or alternatives protect or conserve unique habitat, including but not limited to, areas inhabited by State-listed species, fish and wildlife management area, or State identified sensitive habitats?				

Enter priority computation in Section 1A, NRCS Entry, Funding priority number.

Remarks:

DSR NO: _____

Section 5A Findings

Finding: Indicate the preferred alternative from Section 2 (Enter to Section 1E):

I have considered the effects of the action and the alternatives on the Environmental Economic, Social; the Special Environmental Concerns; and the extraordinary circumstances (40 CFR 1508.27). I find for the reasons stated below, that the preferred alternative:

____ Has been sufficiently analyzed in the EWP PEIS (reference all that apply)
Chapter _____
Chapter _____
Chapter _____
Chapter _____
Chapter _____

____ May require the preparation of an environmental assessment or environmental impact statement. The action will be referred to the NRCS State Office on this date:

NRCS representative of the DSR team

Title: _____ Date: _____

Section 5B Comments:

Section 5C **Sponsor Concurrence:** _____

Sponsor Representative

Title: _____ Date: _____

Section 6 Attachments:

A. Location Map
B. Site Plan or Sketches
C. Other (explain)

INSTRUCTIONS FOR COMPLETING THE NRCS-PDM-20, DSR

	Explanation of Requested Item	Who Completes
Section 1	Enter Site Sponsor, Location, Evaluation, Selected Alternative, and Reviewed and Approval Signatures.	NRCS completes with voluntary assistance from Sponsor except for NRCS only portion of Section 1A.
1A	Enter the Date, DSR Number, Project Number. For NRCS only enter Eligible Yes/No, Approved Yes/No, Funding Priority Number, and Limited Resource Area Yes/No.	
1B	Enter Sponsor Name, Address, Telephone, Fax	
1C	Enter site location County, State, Congressional District, Latitude, Longitude, Section, Township, Range, UTM Coordinates, Drainage Name, Reach within drainage, and Damage Description.	
1D	Enter Yes/No and any Remarks for the Site Evaluation information. Any No response means the site is not eligible for EWP assistance and no further information is necessary to complete the DSR. (See NEWPPM 390-502.03 and 390-502-04) Enter Yes/No regarding whether the affected public has been informed of the EWP program.	
1E	Enter the proposed treatment and the cost of installation.	NRCS only.
1F	NRCS Review and Approval.	

	Explanation of Requested Item	Who Completes
Section 2	Use available natural resource, economic, and social, information, including the EWP Programmatic Environmental Impact Statement (PEIS), to briefly describe the effects of the alternatives to the proposed action including the "no action" alternative. The no action alternative is the predicted future condition if no action is taken. Typically, the proposed action and no action are the alternatives considered for EWP recovery measures due to the focus on repairing or preventing damages within a watershed. However, in cases where additional alternatives are considered, include all pertinent information to adequately address the additional alternatives (e.g., proposed action would be bio-engineering for bank stabilization, no action alternative, and an additional alternative may be riprap for bank stabilization). Do not leave blanks where a consideration is not applicable, use NA to indicate the factor was considered but not applicable for the alternative.	NRCS completes with voluntary assistance from Sponsor.
2A	List all resource concerns which are relevant to the area of the proposed action and alternatives. Refer to the National Bulletin 450-5-8 TCH-COMPLETING AND FILING MEASEMENT UNITS FOR RESOURCE CONCERNS IN THE FIELD OFFICE TECHNICAL GUIDE (FOTG). Note: the affected area may extend beyond the construction foot print (e. g. where water quality or water rights are affected downstream of the site.)	
2B	Provide a brief description of the present condition of each resource concern listed in 2A. Quantify conditions where possible. Reference accompanying photographic documentation.	
2C	Briefly summarize the practice/system of practices being proposed, as well as the "no action" alternative is predicted future condition if no action is taken.	
2D	Document the efforts of the proposed action and alternatives for the considerations listed in 2A. Reference applicable quality criteria, information in the CPPE, and quantify effects whenever possible. Consider both long-term and short-term effects. Consider any effects which may be individually minor but cumulatively significant at a larger scale or over an extended time period. Clearly define the differences between proposed action, no action, and the other alternatives.	

2E	Enter Special Environmental Concerns for Clean Water Act Waters of the U.S., Coastal Zone Management Areas, Coral Reefs, Cultural Resources, Endangered and Threatened Species, Environmental Justice, Essential Fish Habitat, Fish and Wildlife Coordination, Floodplain Management, Invasive Species, Migratory Birds, Natural Areas, Prime and Unique Farmlands, Riparian Areas, Scenic Beauty, Wetlands, and Wild and Scenic Rivers for each alternative considered. In the case where the selected alternative from Section 5A impacts a Special Environmental Concern, additional information, coordination, permitting or mitigation may be required and adequate documentation should be prepared and attached to the DSR to identify how NRCS or the Sponsor addressed the concern.	
2F	Identify Property Protected both private and public, business losses and other economic impacts considered for each alternative. Enter the dollar value of the potential future damages if no action is taken in the Future Damage (5) column. This would be the estimate of the value lost if the EWP recovery measure is not installed. Use the repair cost or damage dollar method to determine the estimate of future damages. The repair cost method uses the costs to return the impaired property, good, or services based on their original pre-event condition or value. The damage dollar method uses an estimate of the future damage to value (e.g. if the structure is condemned, then enter the value of the structure). Enter the estimated amount based upon existing information or information furnished by the sponsor, contractors or others with specific knowledge for recovery from natural disasters for each alternative considered. Often market values for properties or services can be obtained from personnel at the local county/parish tax assessment office. The DSR team needs to determine the Damage Factor (%) which is a coefficient that indicates the degree of damage reduction to a property that is attributed to the effect of the proposed EWP recovery measures. Use an appropriate estimate of how much of the damage the EWP recovery measure will avoid for the alternative being considered. If the recovery measures from a single site will prevent 100 percent of the damage use 100 percent. The Near Term Damage Reduction is the Future Damage ($) times the Damage Factor (%). Sum the Near Term Damage Reduction values to calculate the Total Near Term Damage Reduction. Enter the Net Benefit which is computed by subtracting the Cost from section 3 from the total near term damage reduction. The economic section must be completed for each alternative considered. Attach additional sheets as necessary.	
2G	Enter information to describe the potential social impacts and considerations for each alternative. Answer Yes or No and any remarks necessary to adequately address each question. The information may be obtained through interviews with community leaders, government officials or sponsors. Factors such as road closures, loss of water, electricity, access to emergency services are used when answering whether the community as a whole has been impaired. This information is part of the environmental evaluation portion of the DSR but may be pertinent in Section 4 regarding priorities. The Social Considerations Section must be completed for each alternative considered. Attach additional sheets as necessary.	
2H	Enter the Group Representation for the preferred alternative. Use the most recent census tract information based upon where the EWP recovery measures are located.	Sponsor completes.

2I	Enter whether easement, permissions, or permits, and mitigation will require consultation or coordination for the selected alternative (e.g., Clean Water Act section 404 permit, Endangered Species Act section 10 permits, and any State or county permits or requirements). Describe mitigation to be applied that will offset any adverse impacts and attach any documentation from other agencies regarding mitigation requirements.	NRCS completes with voluntary assistance from Sponsor.

	Explanation of Requested Item	Who Completes
Section 3	Enter Proposed Recovery Measure(s) including Quantity, Units, Unit Cost, and Total Amount Cost. Enter sum of all Proposed Recovery Measure Costs to calculate Total Costs. Enter Total Installation Costs in Section 1F. The Engineering Cost Estimate must be completed for each alternative considered. Attach additional sheets as necessary.	NRCS completes with voluntary assistance from Sponsor.

	Explanation of Requested Item	Who Completes
Section 4	This section is used to determine the Funding Priority for the preferred alternative and sequence for initiating recovery measures. Enter Yes/No for questions 1 through 4 and enter the number (exigency 1, serious threat to human life 2, etc.) in the right column, Ranking Number Plus Modifier. Complete the Modifier portion by placing the alphabetic indicator a. through f. in the Modifier column. Complete the Ranking Number Plus Modifier column by entering the alphabetic indictor(s) that exists within the site. The number of the site designates the priority (e.g., a site with a designation of 2 is a higher priority that a site with a designation of 3). The modifiers increase the priority for the same numeric site (e.g., a site with a designation of 1a, would be a higher priority than a site with a designation of 1, a site with a designation of 2bc would be a higher priority than a site designated as 2b). Enter the Funding Priority in Section 1A.	NRCS completes with voluntary assistance from Sponsor.

	Explanation of Requested Item	Who Completes
Section 5	Enter the Findings, Rationale Supporting Findings, NRCS Representative signature and Comments, and Concurrence signature by the Sponsor(s).	NRCS completes.
5A	Indicate the preferred alternative and check the applicable finding being made. The NRCS Representative signs indicating the Finding selected. If the proposed action was adequately addressed in the PEIS, check all appropriate chapter paragraphs.	
5B	Explain the rationale for making the finding. Cite any references, analysis, data, or documents which support the finding. Add any additional pages or documents as necessary. To find that an action has been sufficiently analyzed in an existing NRCS environmental document, the document must cover an adequate description of the action proposed for implementation.	
5C	Enter any additional Comments.	
5D	Sponsor(s) review and concurrence.	Sponsor(s) signature.

Section 6	Include attachments for location map, site sketch or plan and other information as needed.	NRCS completes with voluntary assistance from Sponsor.

Appendix D

Photos & Drawings of Typical Recovery Measures

Figure 1 – Streambank Protection: Rock riprap armor with rock weirs

Figure 2 –Streambank Protection: Stacked concrete bags

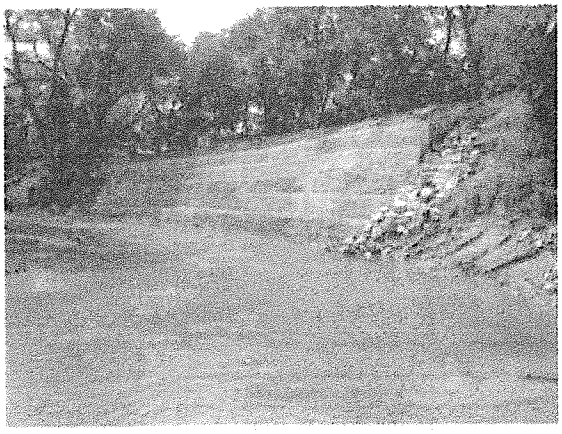


Figure 3 – Streambank Protection: Gabion Baskets with shotcrete facing

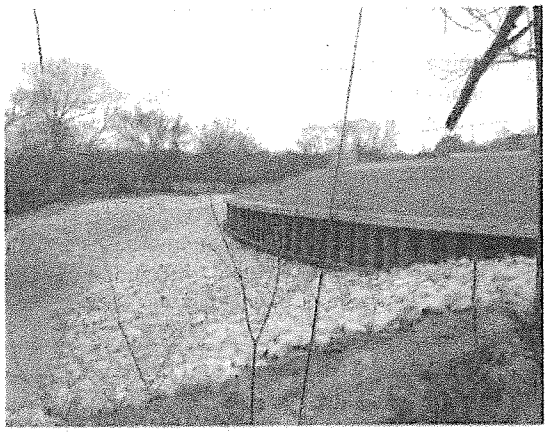


Figure 4 – Streambank Protection: Steel sheet piling with rock armor

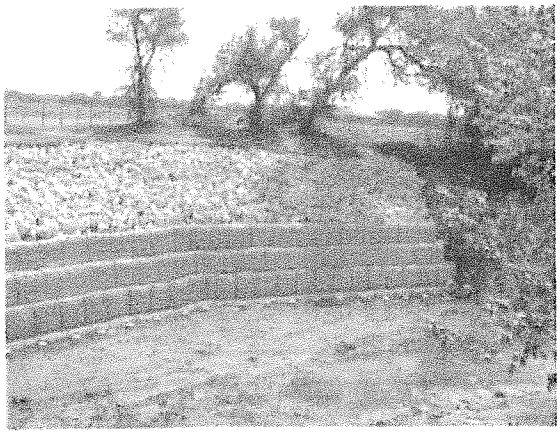


Figure 5 – Streambank Protection: Gabion Baskets with rock armor.

Figure 6 – Road Crossing: Stacked cement bag abutment with rock armor.

Appendix D

Figure 7 – Road Crossing: Timber abutment with rock chute

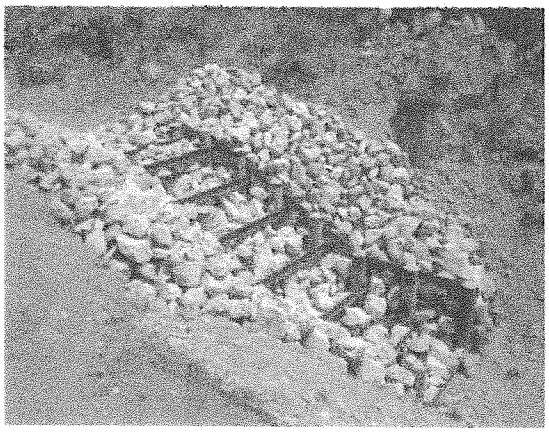


Figure 8 – Ditch Stabilization: Rock filled steel pilling and rails

Figure 9 – Ditch Stabilization: Rock riprap check dams

Figure 10 – Low water crossing: Concrete subgrade, up and downstream grout and riprap.

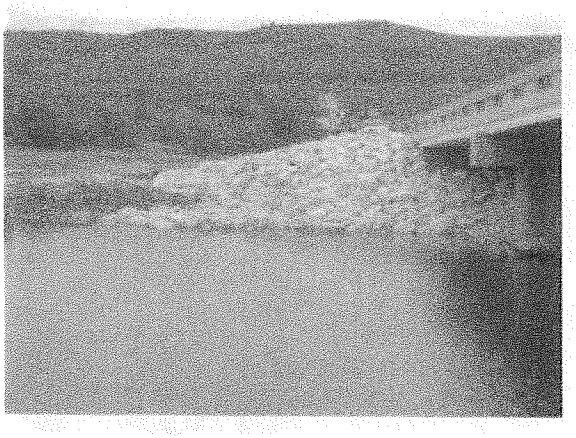


Figure 11 – Bridge abutment stabilization: Rock riprap armor

Figure 12 – Bridge abutment stabilization: Stack cement bag bulkhead with ditch outlet

Appendix D

Figure 13 – Woody debris removal in ephemeral stream channel

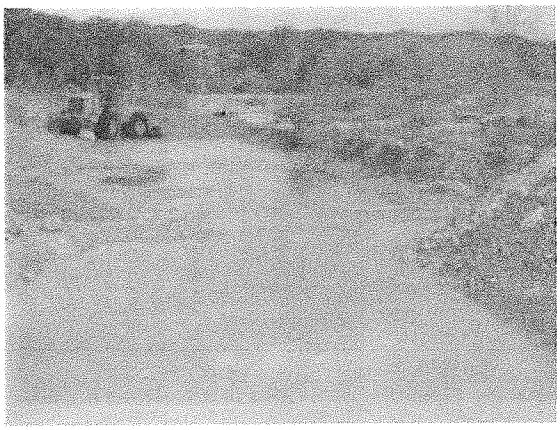


Figure 14 – Silt and gravel removal for stream channel

Figure 14 – Flood Retarding Structure: Earthfill, shaping and rock armor at outlet of auxiliary spillway.

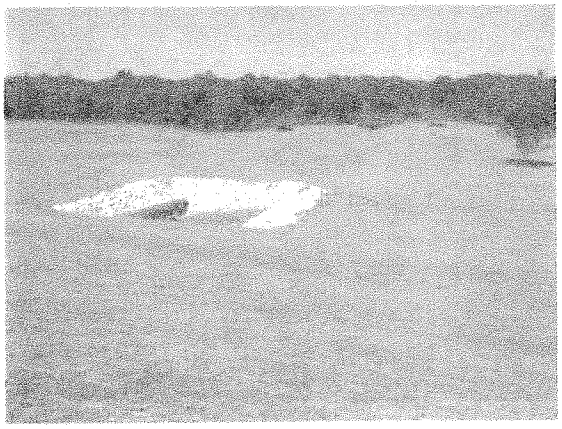


Figure 15 – Floodwater Retarding Structure: Earthfill, shaping and rock lined plunge basin.

Figure 16 – Drainage Ditch Stabilization: Steel sheet piling and bank shaping

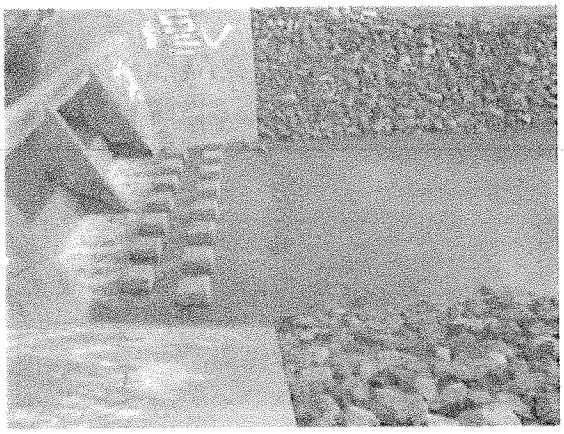
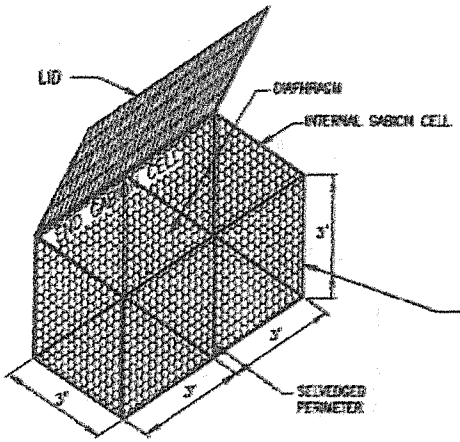
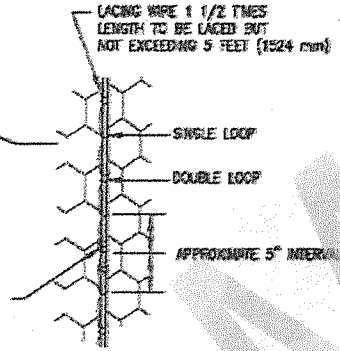


Figure 17 – Drainage Ditch Stabilization: Rock armor of concrete weir

ALTERNATE PLACING OF ROCK & CONNECTING TIE WIRES SHALL BE DONE IN 1/3 INCREMENTS, EXCEPT 1'-6" GABIONS REQUIRE ONLY 1 SET OF 4 CONNECTING WIRES.

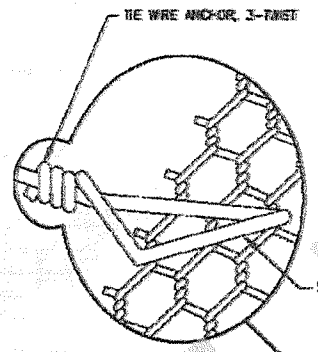


GABION BASKET ISOMETRIC

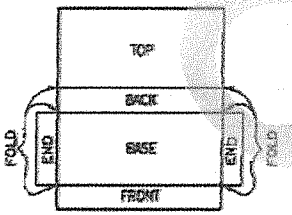


THIS LACING WIRE DETAIL SHALL BE UTILIZED FOR VERTICAL EDGE SEAMS, VERTICAL DIAPHRAGM SEAMS, TOP SEAMS & EDGES WHERE ADJACENT GABIONS MEET.

LACING WIRE DETAIL

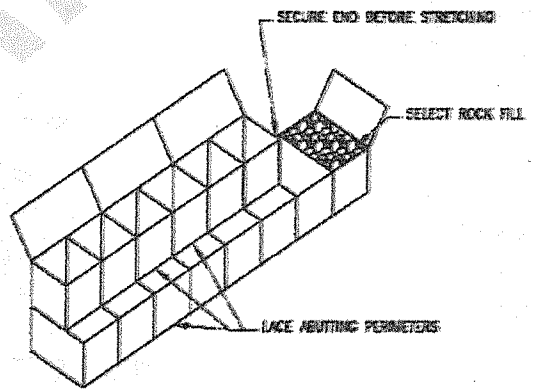


INTERNAL TIE WIRE DETAIL

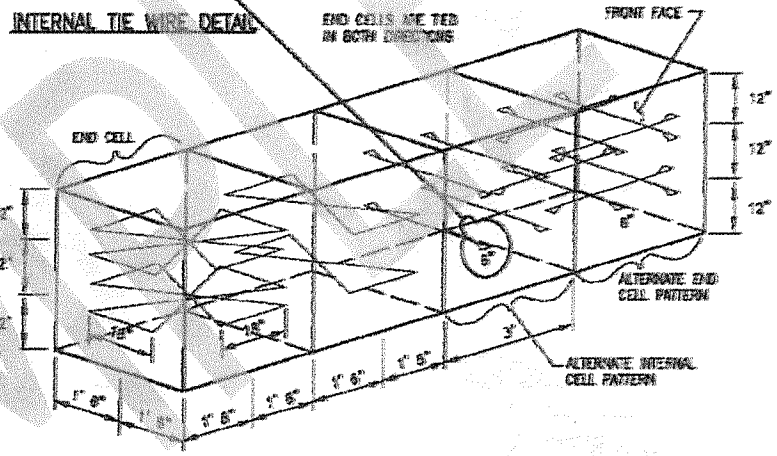


PLAN OF TYPICAL GABION SHOWING FOLDS NECESSARY TO ASSEMBLE & TIE

GABION DEVELOPMENT



TYPICAL GABION STRUCTURE ISOMETRIC



INTERNAL TIE WIRE ISOMETRIC

Design is released for the purpose of interim review under the authority of John W. Mueller, P.E. 90026 on April 2013. It is not to be used for bidding or construction purposes.

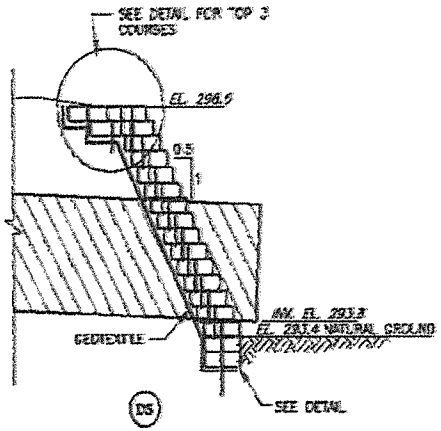
GABION DETAIL
SITE
COUNTY ROAD
COUNTY, TEXAS

NRCS
U.S. Department of Agriculture

DRAWING NO.
TX-EIP-XXXX

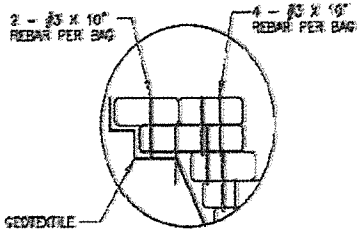
SHEET
XX

Design is released for the purpose of interim review under the authority of John W. Mueller, P.E. 90026 on April 2013. It is not to be used for bidding or construction purposes.



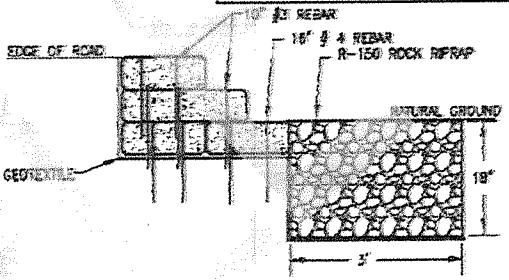
SECTION A–A

NOT TO SCALE



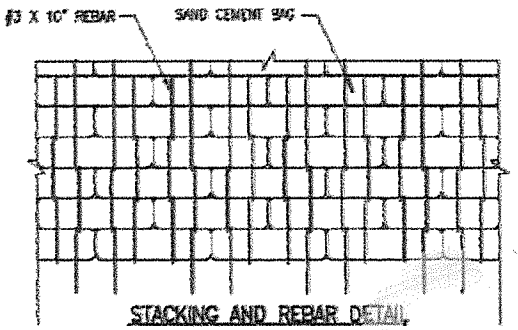
DETAIL–TOP 3 COURSES

NOT TO SCALE



TOE DETAIL WITH ADDED ROCK

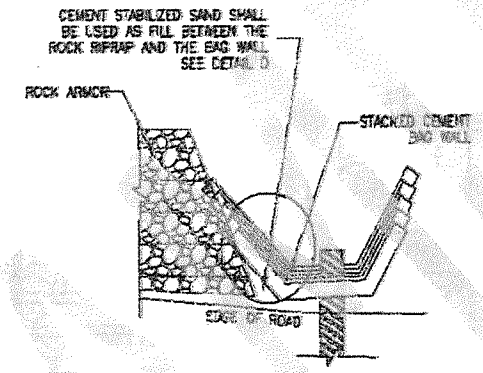
NOT TO SCALE

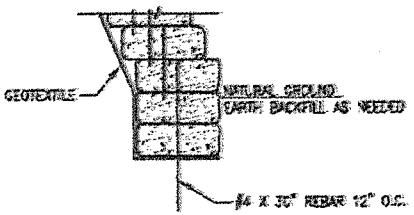


STACKING AND REBAR DETAIL

NOT TO SCALE

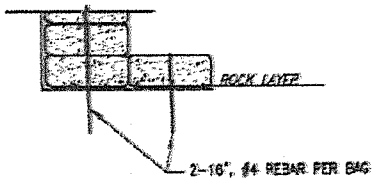
NOTE: ALL BAGS ARE SCRIM REINFORCED AND OF THE STANDARD SIZE 13" X 21" X 4 3/4"





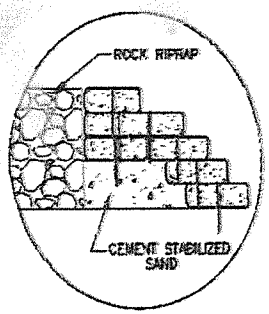
EARTHEN TOE DETAIL
TYPICAL

NOT TO SCALE



ROCK TOE DETAIL
TYPICAL

NOT TO SCALE



DETAIL D

NOT TO SCALE

CEMENT STABILIZED SAND USED AS BACKFILL IS SUBSIDIARY TO BID ITEM SITE PREPARATION.

GEOTEXTILE SHALL BE PLACED BEHIND THE SAND–CEMENT BAG WALL AND CURB AS SHOWN. GEOTEXTILE SHALL BE CLASS 1, 8 OZ., NON–WOVEN, SEE CONSTRUCTION SPECIFICATION 95.

SECTIONS
SACKED CEMENT BAG DETAILS
COUNTY EWP
COUNTY, TEXAS

NRCS
Natural Resources Conservation Service
U.S. Department of Agriculture

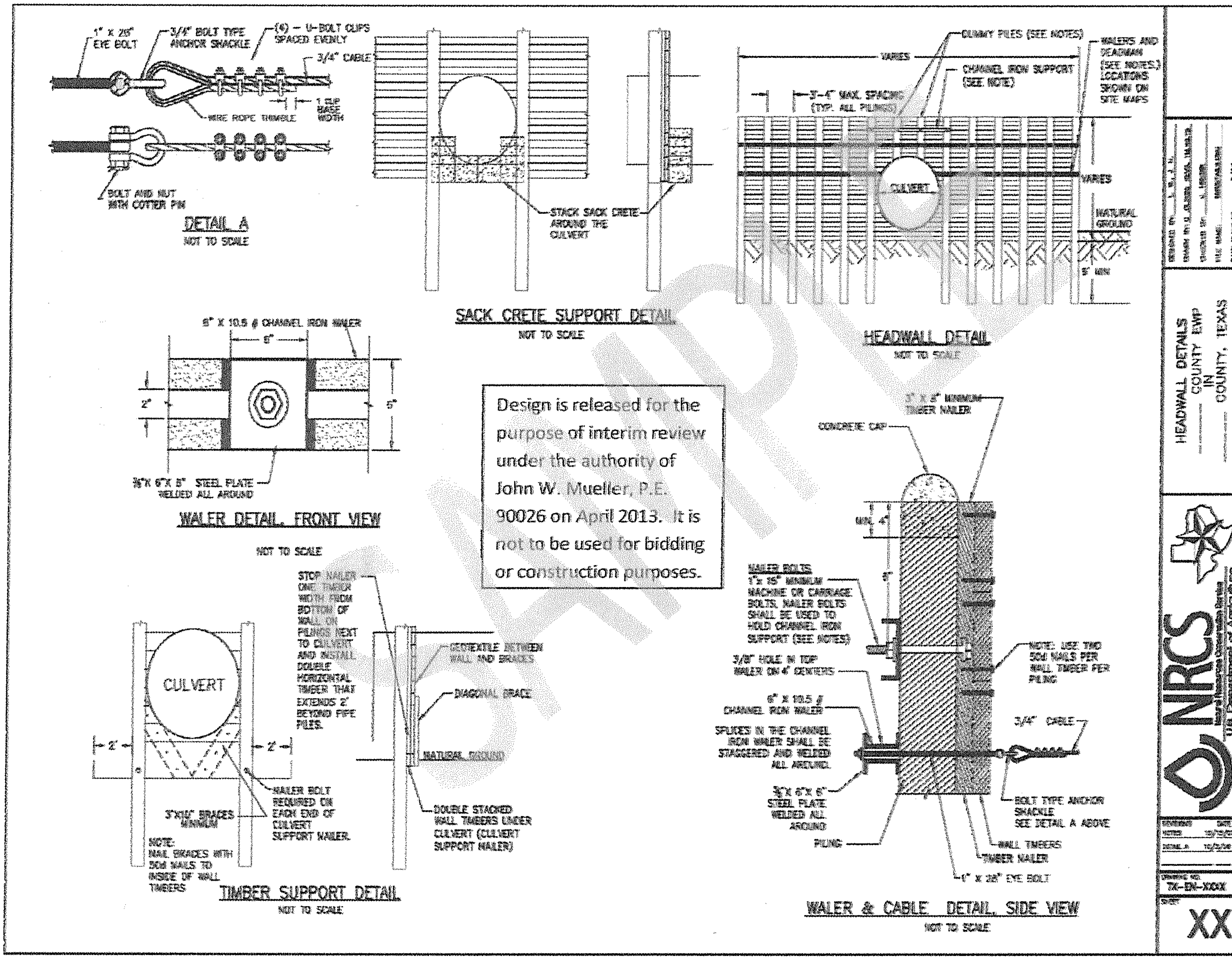
DRAWING NO.
TX–EN–XXXX

SHEET
XX

EWP Page 40 of 42

APPENDIX C
GLOSSARY OF ACRONYMS USED IN THIS DOCUMENT

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


1" x 28" EYE BOLT
3/4" BOLT TYPE ANCHOR SHACKLE
(4) – U-BOLT CLIPS SPACED EVENLY
3/4" CABLE
WIRE ROPE THIMBLE
1 CLIP BASE WIDTH
BOLT AND NUT WITH COTTER PIN
DETAIL A
NOT TO SCALE
STACK SACK CRETE AROUND THE CULVERT
SACK CRETE SUPPORT DETAIL
NOT TO SCALE
DUMMY PILES (SEE NOTES)
VARIES
CHANNEL IRON SUPPORT (SEE NOTE)
3'-4" MAX. SPACING (TYP. ALL PILINGS)
WALERS AND DEADMAN (SEE NOTES) LOCATIONS SHOWN ON SITE MAPS
CULVERT
NATURAL GROUND
HEADWALL DETAIL
NOT TO SCALE
6" X 10.5 # CHANNEL IRON WALER
3/8"X 6"X 6" STEEL PLATE WELDED ALL AROUND
WALER DETAIL, FRONT VIEW
NOT TO SCALE
Design is released for the purpose of interim review under the authority of John W. Mueller, P.E. 90026 on April 2013. It is not to be used for bidding or construction purposes.
STOP WALER ONE TIMBER WIDTH FROM BOTTOM OF WALL ON PILINGS NEXT TO CULVERT AND INSTALL DOUBLE HORIZONTAL TIMBER THAT EXTENDS 2' BEYOND PIPE PILES.
GEOTEXTILE BETWEEN WALL AND BRACES
DIAGONAL BRACE
NATURAL GROUND
CULVERT
WALER BOLT REQUIRED ON EACH END OF CULVERT SUPPORT WALER.
3"X10" BRACES MINIMUM
NOTE: NAIL BRACES WITH 50d NAILS TO INSIDE OF WALL TIMBERS
DOUBLE STACKED WALL TIMBERS UNDER CULVERT (CULVERT SUPPORT WALER)
TIMBER SUPPORT DETAIL
NOT TO SCALE
3" X 8" MINIMUM TIMBER WALER
CONCRETE CAP
MIN. 4"
WALER BOLTS 1"x 15" MINIMUM MACHINE OR CARRIAGE BOLTS. WALER BOLTS SHALL BE USED TO HOLD CHANNEL IRON SUPPORT (SEE NOTES)
3/8" HOLE IN TOP WALER ON 4' CENTERS
6" X 10.5 # CHANNEL IRON WALER
SPLICES IN THE CHANNEL IRON WALER SHALL BE STAGGERED AND WELDED ALL AROUND.
3/8"X 6"X 6" STEEL PLATE WELDED ALL AROUND
PILING
NOTE: USE TWO 50d NAILS PER WALL TIMBER PER PILING
3/4" CABLE
BOLT TYPE ANCHOR SHACKLE SEE DETAIL A ABOVE
WALL TIMBERS
TIMBER WALER
1" X 28" EYE BOLT
WALER & CABLE DETAIL, SIDE VIEW
NOT TO SCALE
HEADWALL DETAILS
COUNTY EWP
IN
COUNTY, TEXAS
NRCS
Natural Resources Conservation Service
U.S. Department of Agriculture
TX-EN-XXXX
XX

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Appendix C

NRCS Texas Archaeological Site Definition

Pursuant of 36 CFR 800.4-5 4.b.1, which *recommends* a Federal Agency *consider* laws, standards, and guidelines of professional organizations,' State, and Tribal, and local governments, this Appendix proposes a standardized operational definition of an archaeological site with its rationale basis for the purposes of a good faith effort in identifying an archaeological historic property under the National Historic Preservation Act. An archaeological site is a necessity to prevent unnecessary efforts for certain kinds of modern debris and certain other non-site isolates that should not constitute an archeological site encountered as a result of background research or field studies. The NHPA does not provide an operable definition and neither does current National policy of NRCS. Typically, State Historic Preservation Offices (SHPO) normalize such a definition and Federal Agencies may or may not incorporate it depending on whether they are land management agencies or not. Currently, the Texas SHPO and the consensus of the archaeological community (i.e., the Council of Texas Archaeologists) encourages each entity to define an archaeological site for themselves and provide their site definition criteria in their resulting technical reports' methods chapter. Site definition are even requested on the Texas Archaeological Research Laboratory's TexSite (site form) template as a field to complete in situations where submitting a site form may be warranted. The proposed definition here does not necessarily apply to historic (standing built-structure) sites, historical architectural features/sites, sacred sites, State Antiquity Landmarks, Traditional Cultural Places, or Historic Properties which are Places of Religious and Cultural Significance- either because other authorities, qualifying criteria, or specialists may govern their definition or eligibility. Previously recorded sites will be grandfathered-in as an archaeological site. The exception to "grandfathering-in" would be in the case of an empty Atlas point data, or "recorded sites" with no or virtually no information associated with them in Atlas and unavailable at the Texas Archaeological Laboratory (TARL) (i.e., no data available results, no site types, or no period associations) *and* an absence of findings at the point vicinity during field investigation.

NRCS' conceptual base for a site definition derive from an archaeological site having to provide enough material to glean information about "past activities or accomplishments of a people" (according to NRCS definition in NRCS HB 190-601.60 H and GM 420-401.2 [7]), whether prehistoric or historic in nature. Because of the need for consistency and potential investigations are occur on State lands, we have *informed* our definition, in part, from the Antiquities Code and its associated Administrative Code regarding site types enumerated in their definitions (in accordance with Texas Administrative Code Title 13 Part 2 Ch. 26 Subchapter A Rule 26.3 (5) and Subchapter C Rule 26 (10-11). This influence of State definition and concepts is considered in so far as it does not exceed *applicable* Federal legislative and policy, unless NRCS (or its authorized contracted archaeologist) is working under a permit on State land. For example, the default NRCS Texas conception of the criteria of "significance" follows NHPA's understanding

of the term, but may incorporate Texas' definition of the criteria of significance only in contexts necessitated by Texas SHPO permitted investigations on State land (Texas Administrative Code Title 13 Part 2 Ch. 26 Subchapter C Rule 26 (10-11) in accordance with Section XI of the PPA. Likewise, the research put into crafting a site definition here also *considered* definitions and conceptual frameworks of other Western U.S. States' SHPO offices and other local Federal Agency entities' site definitions. Therefore, we have devised the following definition categories: a prehistoric/protohistoric site (a qualifying density and assemblage of objects/features dating before known permanent European or Euro-American settlement its county); a historic site (a qualifying density and assemblage of objects/features dating after known permanent European or Euro-American settlement in its county); a non-site isolate find (something clearly not qualifying as an archaeological site); and a site isolate (an object that while either minimal in number or singular yet worth being counted as a site in its own right). See Table 1 for these definitions. The minimum sized buffer of a site will be 50 feet around the extent of its qualifying material(s), but this should incorporate natural site boundaries in terms of limitations and known special use activity areas (e.g., taskscapes) *as allowed* within the Area of Potential (APE) or permitted area of investigation. This may be increased by the judgement of the investigating archaeologist and/or consulting partners.

Going back to our conceptual basis of an archaeological site in NRCS HB 190-601.60 H and GM 420-401.2 [7], non-site isolates are essentially isolated finds which do not convey meaningful information about the human past, such as a lost object; significantly disarticulated or out-of-context object; a minimal activity locus; physical landscape evidence of previous conservation treatments; active infrastructure; or formerly technically historic but destroyed materials experiencing clean-up during or post-disaster or superfund site designation. Non-site isolates will be mentioned in terms of general vicinity and may be noted in narrative and/or a site plan map of a site form, in situations when a site is being recorded and submitted with permission from the landowner, for contextual purposes like land use or convey a range of impacting activities, but otherwise ignored.

Temporally-speaking, Federal (NHPA) undertakings generally considers things that are more than 50 year old as potentially being a historic property and defaults to this definition on private lands. If something is quite exceptional but younger than 50 years old, it could still be a possible historic property but not something "archaeological" as discussed in this Appendix, unless it is on State lands and its fits some pre-requisite of temporal site definition under an Antiquities permit and according to this Appendix. Due to compliance with Section XI of the PPA, on Texas State lands standing-structures or human-built environments that are 45 years or older. On Texas State lands, archaeological sites that are as old as or older than 1955 could qualify for a site, but this is already something that would make it fall under Federal consideration anyways. In cases of objects/artifacts and features between 1880-1955, a contracted archaeologist or NRCS cultural resource specialist (CRS) may consider applying the "Revised 19th Century to 20th Century

Sites Guidance" in their consideration of it as an archaeological site in context of a find on State land.

Quantitatively and spatially-speaking, a site can be considered a site by NRCS Texas if it meets one of the site density requirements of a prehistoric/protohistoric or historic site or meets the list of "site isolates." In situations necessitating vertical site definition and site delineation involving shovel test probes, NRCS Texas (and authorized contracted archaeologists) will carry out site delineation standards on State lands contexts when a condition of an Antiquities permit, but otherwise on private lands NRCS Texas will *consider* the reasonable use of the Council of Texas Archeologists' guidance on site delineation and intervening Texas Historical Commission guidance about site delineation. Site density conditions used in our site definition is derived from these THC and CTA 30 meter spatial boundaries, which are based on two cumulative negative STPs' distance needed to delineate a site. Sites defined this way and occur within 60 meters of each other might be grouped together if similar in age, function, and type. The quantitative aspect of site definition, or of non-sites, and conception of the nature of non-site isolates are conservatively influenced by considerations of both: our Agency's conservation ethic and our Agency's shared interest with the State of Texas in the public interest in the preservation of archaeological resources with data potential and safety, while not posing an undue impediment to the lifeways of Texans as permitted under applicable law.

Table 1. NRCS Texas Archaeological Site Definitions Summary.

Prehistoric/Protohistoric (must meet one of the following, unless a site isolate)	Historic Sites (must meet one of the following, unless a site isolate)
• At least one diagnostic artifact plus at least one other prehistoric/protohistoric artifact, whether diagnostic or not, present within 30 meters of each other.	• At least three diagnostic artifacts in addition to any other number of historic artifacts, whether diagnostic or not, present within 30 meters of each other.
• At least one cultural feature plus one prehistoric/protohistoric artifact, whether diagnostic or not, within 30 meters of each other.	• At least one cultural feature plus one diagnostic historic artifact within 30 meters of each other.
• More than one cultural feature within 30 meters of each other.	• At least ten nondiagnostic artifacts within 30 meters of each other which are not ruled out by the list of "non-site isolates"
• At least five nondiagnostic artifacts within 30 meters of each other, which are not rule out by the list of "non-site isolates."	

Non-Site Isolates (must meet at least one of the following)	Site Isolates (must meet at least one of the following)
• Random modern litter • Isolated (not within 100 meters) farm/ranch equipment • Isolated (not within 100 meters) mobile homes • Horded yard equipment, or abandoned vehicles not known to be an art installation, tourist attraction, or other point of interest. • Isolated (not within 100 meters) Depression Era to Present city town dumps or residential dump sites • A portable object (not already considered a "site isolate") occurring with no other similar period object within 30 meters on a slope of 40% or greater • Rip-rap or dump sites/refuse on gullies, streambanks, or riverbanks intended as a historic erosion control or bank stabilization measure. • Landscape patterns created by previous disturbance from energy operations, brush management, and other 20th century conservation efforts • Superfund sites or places undergoing remediation due to toxic conditions • Present-day used destroyed structures or structures in disrepair as a result of an emergency or disaster and in need of waste removal for the sake of public health and safety • Officially unnamed laterals or roads • Slash piles or isolated (not within 100 meters) wood piles • Non-functional livestock fencing, barb-wire, water facilities, or wells in active ranches without a nearby associated cultural features of the same period or a known rural cultural landscape • Isolated (not within 100 meters) stock dams, troughs, chain-link fencing, spring boxes, and windmills without a nearby associated cultural features of the same period or a known rural cultural landscape • Oil or gas extraction pad sites/wells • Utility lines • Pipelines (except for wood pipelines) • Elevation markers, bench markers, and section markers for survey or cadastral markers	• A human burial an its associated funerary objects; a cemetery (abandoned or not); or dedicated cemetery/graveyard ground (used or not). • A culturally modified tree. • Rock art (pictograph, petroglyph, and historic graffiti). • A rock cairn of discernable antiquity or style associated with historic shepherding activities or prehistoric activities. • A diagnostic Paleoindian artifact or cultural feature. • A Rare singular cultural features that is distinctive of an archaeological culture complex • Unusual variations or out-of-place artifacts or cultural feature • A Congressionally-designated National Historic Trail • Other politically-designed protected historic sites/landmarks • A statue • A memorial • A battlefield • A historic marker (itself) • A traditional cultural place, a cultural landscape, or rural landscape • A generally-less portable artifact such as a singular occurrence of a ground stone artifact, mano, metate, or bedrock mortar • Any prehistoric/protohistoric pottery sherd • A shell midden or other faunal midden or other faunal remains with anthropogenic modifications • A bison kill/jump/chokepoint site • The presence of anthropogenic surface vegetation distinguished by qualitative and non-random spatial distributive patterns with at least three diagnostic artifacts or cultural features within 100 meters. • A collection of cultivars or cultigens greater than 50 years, either in individual age or indicative of land use activities known through historic ethnobotanical, oral interview, or landscape architectural practices, exceeding 50 years ago with at least three diagnostic artifacts or cultural features.

Appendix C Signatures

In accordance with Section XIII (a) of this State-based Prototype Agreement, the Signatories to this Agreement's, either personally or through their duly authorized representatives, have executed this Agreement's amendment on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of the Agreement's amendment.

KRISTY OATES Digitally signed by KRISTY OATES Date: 2022.08.03 09:47:55 -05'00'

8/3/2022

State Conservationist, Texas

Date

USDA Natural Resources Conservation Service

Mark Wolfe

8/22/22

Texas State Historic Preservation Officer

Date