

**PROTOTYPE PROGRAMMATIC AGREEMENT  
BETWEEN THE  
US DEPARTMENT OF AGRICULTURE,  
PACIFIC ISLANDS AREA NATURAL RESOURCES CONSERVATION SERVICE  
STATE OFFICE,  
AND THE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
STATE HISTORIC PRESERVATION OFFICER,  
REGARDING CONSERVATION ASSISTANCE**

**WHEREAS**, the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) administers numerous voluntary assistance programs, special initiatives, and grant and emergency response programs for soil, water, and related resource conservation activities available to eligible private producers, States, commonwealths, Federally Recognized Tribal governments, other government entities, and other applicants for conservation assistance, pursuant to the Agricultural Act of 2014 (2014 Farm Bill, Public Law 113-79); Soil Conservation and Domestic Allotment Act of 1935 (Public Law 74-46, 16 U.S.C. 590 a-f, as amended); the Flood Control Act of 1944 (Public Law 78-534, as amended); the Watershed Protection and Flood Prevention Act (Public Law 83-566, as amended, 16 U.S.C. 1001-1012); the Agricultural and Food Act of 1981 (Public Law 97-98, 95 Stat. 1213); the Agricultural Credit Act (Public Law 95-3341, Title IV, Section 403); Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624); the Flood Control Act of 1936 (Public Law 74-738); the Food Security Act of 1985 (Public Law 99-198, as amended); the Federal Agricultural Improvement and Reform Act of 1996 (Public Law 104-127); and executive and secretarial orders, implementing regulations and related authorities; and

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

**WHEREAS**, 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 Pacific Islands Area (PIA) State Office has consulted with the Commonwealth of the Northern Mariana Islands (CNMI) Historic Preservation Officer (HPO) and followed the instructions in the Advisory Council on Historic Preservation (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 (NHOs), historic preservation organizations (such as the National Trust for Historic Preservation), and the ACHP; and

**WHEREAS**, in accordance with 36 CFR Part 800.14(b)(4), the ACHP has designated this agreement as a Prototype Agreement, which allows for the development and execution of subsequent prototype agreements by individual NRCS State 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 HPO 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 HPO 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**, the NRCS has consulted with Indian tribes and NHOs during development of the national Prototype Agreement; and

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

**WHEREAS**, when NRCS 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 PIA State Office and the CNMI HPO agree that undertakings in the Territory of CNMI shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

## **STIPULATIONS**

This State-based Prototype Agreement is applicable to all NRCS undertakings carried out in the Territory of CNMI. This is inclusive of NRCS Farm Bill programs including but not limited to: EQIP, AMA, CSP, CIG, EWP, PL-566, ACEP, and RCPP. Should additional NRCS Farm Bill programs be developed and implemented in the future, these programs shall be subject to the provisions contained within this Prototype Agreement.

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

### **I. Applicability.**

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

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

- a. The NRCS PIA Director is responsible for oversight of PIA's performance under this State-based Prototype Agreement.
- b. The NRCS shall ensure all NRCS staff or individuals carrying out Section 106 historic preservation compliance work on its behalf, including the senior historic preservation professional staff member i.e. Cultural Resources Specialist (CRS) and Archaeologist, 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). Thus, these staff and consultants must meet the SOI's Professional Qualification Standards and have the knowledge to assess the resources within an undertaking's area of potential effects (APE).

- c. The NRCS PIA Director is responsible for consultation with the CNMI HPO to develop consultation protocols. These responsibilities may not be delegated to any other staff, nor carried out on behalf of NRCS by another federal agency.
- d. The NRCS CRS and/or professional consultants shall provide technical historic property and resource information to the NRCS PIA Director for use in Section 106 findings and determinations, after appropriate consultations with the HPO, and discussions with the landowner. The CRS shall monitor and oversee the work and reporting of all NRCS field office personnel and professional consultants. The CRS shall also assist the NRCS PIA Director 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, shall work with the NRCS CRS, 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).
- f. The NRCS CRS shall oversee development of the scope of work for investigations within the APEs for identified undertakings (see 36 CFR Part 800.4). The NRCS or producers may contract professional consultants to assist with cultural resources compliance studies. The NRCS shall ensure these contractors meet the SOI's Professional Qualifications Standards (see 36 CFR Part 61).
- g. NRCS remains responsible for all consultation with the HPO, and all determinations of NRHP eligibility and effect. NRCS may not delegate consultation for findings and determinations to professional consultants or producers/applicants for conservation assistance.
- h. The CNMI HPO, if provided sufficient data on a proposed undertaking and APE for the proposed undertaking by the NRCS PIA, shall consult and provide a response to the NRCS within 30 calendar days as detailed further in Section V.b.2.iv. 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 the NRCS CRS and Archaeologist conducting or overseeing cultural resources identification and evaluation work to take the NRCS Cultural Resources Training Modules 1-9 (cultural resources 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 year after the date the CRS or Archaeologist are hired. NRCS personnel shall review and update training completion with their supervisors and include their training in their Individual Development Plans.
- b. NRCS shall require that CNMI-based NRCS Planners (i.e., District Conservationists, Resource Conservationists, Soil Conservationists, Soil Conservation Technicians, Engineers) conducting cultural resources identification field work in the APE must complete the NRCS

Cultural Resources Modules 1-6 and 9 in AgLearn and the CNMI Cultural Resources Modules 7 & 8 training, consisting of classroom and field-based learning before fulfilling any planner responsibilities outlined in this agreement. NRCS Planners who have completed cultural resources training in another state will be required to complete the CNMI Cultural Resources Modules 7 & 8 training.

c. NRCS may invite the CNMI HPO or staff to participate in presentations at agency classroom or field trainings.

d. NRCS shall encourage all personnel overseeing cultural resources work to take additional appropriate specialized training as provided by the HPO, 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. The NRCS shall notify the CNMI HPO 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 CNMI HPO, the NRCS has identified those undertakings with little to no potential to affect historic properties and listed those undertakings in Sections I. and II. of Appendix [A].

1. Upon the determination by the NRCS that a proposed undertaking is included in Section I. or Section II. of Appendix [A], and when NRCS CRS or Archaeologist has made a determination of “no historic properties affected”, the NRCS is not required to consult further with the CNMI HPO for that undertaking, and the undertaking may proceed as planned.

2. The NRCS shall document the “no historic properties affected” determination on NRCS PIA report submissions. The CRS shall submit to the CNMI HPO on an annual basis, PDF copies of completed project reports.

b. In consultation with the CNMI HPO, the NRCS has identified those undertakings with little to no potential to affect historic properties or potential to affect historic properties dependent on their installation method and listed those undertakings in Section III. of Appendix [A].

c. In consultation with the CNMI HPO, the NRCS has identified those undertakings that always have potential to affect historic properties and listed those undertakings in Section IV. of Appendix [A].

1. Upon determination by the NRCS that a proposed undertaking included in Section III. of Appendix [A] is *non-intrusive* and therefore has little to no potential to affect historic properties, and when NRCS has made a determination of “no historic properties affected”, the NRCS is not required to consult further with the CNMI HPO for that undertaking, and the undertaking may proceed as planned. The NRCS shall document the “no historic properties affected” determination on the NRCS PIA cultural resources report submissions. The CRS shall submit to the CNMI HPO on an annual basis, PDF copies of completed cultural resources project reports.
2. Upon determination by the NRCS that a proposed undertaking included in Section III. of Appendix [A] is *intrusive*, or that a proposed undertaking is included in Section IV. of Appendix [A], and therefore has potential to affect historic properties, the NRCS may be required to consult further with the CNMI HPO for that undertaking, as described below.
  - i. The NRCS shall define the undertaking’s APE and a NRCS Planner shall conduct a preliminary field inspection of the APE to determine the presence/absence of cultural resources. If the NRCS Planner requires assistance in determining if potential cultural resources observed during the preliminary field investigation are in fact cultural resources, they may submit a photograph and description of the item(s) in question to the CNMI HPO and/or the CRS for input. The NRCS Planner shall then document the results of the field inspection in a NRCS PIA cultural resources report submission and submit it to the CRS. The CRS shall review the cultural resources report submittal and conduct a literature review within the CNMI HPO’s site inventory records to further identify the potential for presence/absence of cultural resources. The CRS and/or NRCS Planner may request assistance from the CNMI HPO in conducting the literature review to further identify the potential for presence/absence of cultural resources. The CNMI HPO shall respond to the request for literature review assistance within seven (7) calendar days.
  - ii. If the NRCS determines that cultural resources are absent from the APE, and when the CRS has made a determination of “no historic properties affected”, the NRCS is not required to consult further with the CNMI HPO for that undertaking, and the undertaking may proceed as planned.
    1. The NRCS shall document the “no historic properties affected” determination in a NRCS PIA cultural resources report submittal. The CRS shall submit to the CNMI HPO on an annual basis, PDF copies of completed cultural resource project reports.
  - iii. If the NRCS determines that cultural resources are present within the APE, or during the literature review determines that the APE is located in an area with a potential for the discovery of previously unknown historic properties, the NRCS CRS, and/or professional consultants that meet SOI qualifications shall conduct a field inventory survey, in consultation with the CNMI HPO, to identify and evaluate historic properties that may be affected by the undertaking, assess potential effects, and identify strategies for resolving adverse effects prior to installation of the conservation practice or implementation of the action.
    1. The NRCS may provide its proposed APE, identification of historic properties, scope of identification efforts, and determination of effects in a single transmittal

to the CNMI HPO and other consulting parties. This documentation must meet the substantive standards in 36 CFR Part 800.4-5 and 800.11 and meet the CNMI HPO Report Guidelines.

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.
- iv. Where the NRCS proposes a determination of “no adverse effect” to historic properties, the CNMI HPO shall have thirty (30) calendar days from receipt of the documentation to review and to concur, or not. The NRCS shall take into account all timely comments.
1. If the CNMI HPO, or another consulting party disagrees with NRCS’ determination, it shall notify the NRCS in writing within the thirty (30) calendar day period. The NRCS shall consult with the CNMI HPO, 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.
  2. If the CNMI HPO does not respond to the NRCS within the thirty (30) calendar day period, the NRCS shall document the lack of response and may move forward with the undertaking.
  3. If the CNMI HPO concurs, the NRCS shall document the concurrence and may move forward with the undertaking.
  4. The NRCS shall document a “no adverse effect” determination. The CRS shall submit to the CNMI HPO on an annual basis, PDF copies of completed Cultural Resources documentation.
  5. The NRCS Planner shall modify the producers’ job sheets to require that the producer adhere to the avoidance measures, thereby ensuring “no adverse effect” to historic properties. The NRCS Planner shall physically verify that the avoidance measures are in place.
- v. Where the NRCS makes a determination of “adverse effect” to historic properties, the NRCS shall propose measures to minimize or mitigate the adverse effects, following the process in 36 CFR Part 800.6, including consultation with other consulting parties, notification to the ACHP, and development of a Memorandum of Agreement (MOA) to resolve the adverse effects. Where the NRCS makes a determination of “adverse effect” to a National Historic Landmark, the NRCS shall propose measures to minimize or mitigate the adverse effects, following the process in 36 CFR Part 800.6 and 800.10, including consultation with ACHP and the National Park Service Pacific West Region National Historic Landmark Program Coordinator, and development of a MOA to resolve the adverse effects.
3. The NRCS shall verify that the mitigation measures agreed to in the MOA have been executed prior to the producer’s contract implementation.
- d. The list of undertakings provided in the Appendix [A] may be modified through consultation and written agreement between the NRCS PIA Director and the CNMI HPO without requiring an amendment to this State-based Prototype Agreement. The NRCS PIA will maintain the

Appendix A master list and will provide an updated Appendix A to all consulting parties with an explanation of the rationale (metadata) for classifying the practices accordingly. This Appendix A master list shall be provided to the CNMI HPO.

e. The Stipulation V. Review Procedures are illustrated in Appendix C.

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

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

b. The NRCS PIA State Office shall prepare procedures for exigency (following the rules for NRCS' EWP regarding immediate threat to life and property requiring, response within five (5) days of the emergency determination) in consultation with the CNMI HPO. These procedures are provided in Appendix D.

c. If the NRCS PIA 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 with the CNMI HPO to seek avoidance or minimization strategies in consultation, 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, including burials and human remains, 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 PIA Director, CRS, Archaeologist, supervisory NRCS personnel for the area, and the landowner/applicant.

1. The NRCS CRS or Archaeologist shall inspect the discovery as soon as practical, preferably within 10 business days, and in consultation with the local NRCS official (field office supervisor or District or Area Conservationist), the CNMI HPO, the NRCS State engineering or program supervisor (as appropriate), the landowner/producer (whomever NRCS is assisting), the CRS or Archaeologist shall establish a protective buffer zone surrounding the discovery. This action may require inspection by CNMI cultural resources experts in addition to the CRS or Archaeologist.
2. All NRCS contact with media shall occur only under the direction of the NRCS Public Affairs Officer, as appropriate, and the NRCS PIA Director. NRCS PIA shall consult with



the CNMI HPO for their review and input on proposed media coverage relating to CNMI cultural resources.

3. Security shall be established to protect the resources/historic properties, workers, and private property. Local law enforcement authorities may be notified in accordance with applicable Territorial law and NRCS policy in order to protect the resources. Construction and/or work may resume outside the buffer only when the NRCS PIA Director determines it is appropriate and safe for the resources and workers.
4. The NRCS CRS shall notify CNMI HPO and the ACHP no later than ninety-six (96) hours, or as soon as possible, after the field evaluation by the PIA CRS or Archaeologist 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 local cultural resources experts, the CNMI HPO, and technical experts (such as historic landscape architects) not employed by NRCS.
5. The CNMI HPO and ACHP shall respond within forty-eight (48) hours from receipt of the notification with any comments on the discovery and proposed actions.
6. The NRCS shall take any comments provided into account and carry out appropriate actions to resolve any adverse effects.
7. The NRCS shall provide a report to the CNMI HPO and the ACHP of the actions when they are completed.

c. When human remains are discovered, the NRCS shall follow all applicable federal and territorial burial laws and ordinances, including the Native American Graves Protection and Repatriation Act, and implementing regulations, when on federal lands, and related human rights and health statutes, where appropriate. The 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. The NRCS shall also follow USDA and NRCS policy on treatment of human remains and consultation. Burial treatment shall involve consultation with the landowner.

## **VIII. Dispute Resolution.**

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

1. Forward all documentation relevant to the dispute, including the NRCS PIA Director's proposed resolution, to the NRCS FPO and the ACHP. The ACHP shall provide the FPO, and NRCS PIA Director with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRCS 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) calendar day period, NRCS may make a final decision on the dispute and proceed. Prior to reaching such a final decision, NRCS shall prepare a written response that 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 PIA State Office responsibility to carry out all other actions subject to the terms of this State-based Prototype Agreement that are not the subject of the dispute remains unchanged.

c. Any signatory or consulting party to this 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 this State-based Prototype Agreement, a member of the public may submit an objection pertaining to this agreement to the NRCS PIA Director, in writing. Upon receiving such an objection, the NRCS PIA Director shall notify the NRCS FPO, and the CNMI HPO, take the objection into account, and consult with other consulting parties as appropriate to resolve the objection. The NRCS PIA Director shall notify the FPO, and the CNMI HPO of the outcome of this process.

## **IX. Public Involvement.**

The public was involved during the development of the national Prototype Programmatic Agreement. The NRCS PIA Director will ensure that the public participates in Section 106 review as set forth above in Section V (reference to other parties). NRCS PIA shall ensure that public consultation is conducted with appropriate individuals, groups, tribes, and units of government depending on the size and nature of the undertaking. For small practices on individual farms, this will include the landowner and operator, any partners involved (such as the local conservation district), and any individual or group who expresses interest in that undertaking.

## **X. Annual Reporting and Monitoring.**

a. Every year following the execution of this agreement, commencing September 30, 2023, until it expires or is terminated, the NRCS PIA Director shall provide all signatory and consulting parties (including those parties who participate in the consultation but do not sign the agreement) and the FPO a summary report identifying and detailing all work undertaken pursuant to its terms; a summary of the nature and content of meetings held with the CNMI HPO; 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 an annual report to the ACHP.

2. The NRCS PIA Director shall use the state report to assess the need for annual meetings with the CNMI HPO each fiscal year.

b. The NRCS PIA Director or the CNMI HPO may request that the ACHP participate in any annual meeting or agreement review.

## **XI. Compliance with Applicable Territorial law.**

The NRCS shall comply with relevant and applicable Territorial law, including permit requirements on territorial land.

## **XII. Duration of Prototype Agreement.**

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

## **XIII. Amendment and Termination.**

- a. This Prototype Programmatic 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 and 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 thirty (30) calendar days, or other period agreed upon by the signatories, an amendment cannot be agreed upon, any signatory or the ACHP may terminate the agreement upon written notification to the other signatories.
- c. If this State-based Prototype Agreement is terminated or expires without being extended via the amendment process described above, and prior to continuing work on any undertaking, NRCS shall comply with 36 CFR Part 800 for all individual undertakings in the Territory of CNMI.
- d. NRCS will consider requests from other USDA agencies to become a signatory to this State-based Prototype Agreement following formal written requests and appropriate discussion with and approval by the CNMI HPO, the NRCS FPO, and joint USDA Agency -NRCS State Office consultation with the ACHP, NCSHPO, 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 the CNMI HPO and implementation of its terms evidence that the NRCS has taken into account the effects of its undertakings in the Territory of CNMI on historic properties and afforded the ACHP a reasonable opportunity to comment.

**Signatory Parties**

NATURAL RESOURCES CONSERVATION SERVICE PACIFIC ISLANDS AREA (PIA)

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J.B. Martin, NRCS PIA Director

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Date

**Signatory Parties**

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS STATE HISTORIC  
PRESERVATION OFFICE

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RITA CHONG-DELA CRUZ, Historic Preservation Officer

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Date

## APPENDIX A

### LIST OF UNDERTAKINGS IN NRCS PACIFIC ISLANDS AREA (CNMI)

Pursuant to Stipulation V.a. above, in consultation with the CNMI HPO, the NRCS, through the qualified CRS as described in Stipulation II.b., has determined that the following undertakings listed in Sections I. and II. have little or no potential to affect historic properties. The NRCS is not required to consult further with the CNMI HPO under Section 106 for any undertaking that is included in Sections I. and II. of this appendix.

Pursuant to Stipulation V.b. above, in consultation with the CNMI HPO, the NRCS, through the qualified CRS as described in Stipulation II.b., has determined that the following undertakings listed in Section III. have little or no potential to affect historic properties *if installation methods are non-intrusive*, generally meaning:

- installation will not exceed the depth or extent of previous cultivation or mechanical disturbance in modern times, and/or
- installation will not result in ground disturbance for the first time

If the NRCS determines that a proposed undertaking included in Section III. is non-intrusive and therefore has little to no potential to affect historic properties, the NRCS is not required to consult further with the CNMI HPO for that undertaking as outlined in Stipulation V.b.1.

Pursuant to Stipulation V.b. above, in consultation with the CNMI HPO, the NRCS, through the qualified CRS as described in Stipulation II.b., has determined that the following undertakings listed in Section III. have potential to affect historic properties *if installation methods are intrusive*, generally meaning:

- installation will exceed the depth or extent of previous cultivation or mechanical disturbance in modern times, and/or
- installation will result in ground disturbance for the first time

If the NRCS determines that a proposed undertaking included in Section III. is intrusive and therefore has potential to affect historic properties, the NRCS may be required to consult further with the CNMI HPO for that undertaking, as outlined in Stipulation V.b.2.

Pursuant to Stipulation V.b. above, in consultation with the CNMI HPO, the NRCS, through the qualified CRS as described in Stipulation II.b., has determined that the following undertakings listed in Sections IV. have potential to affect historic properties. If the NRCS determines that a proposed undertaking is included in Section IV. and therefore, has potential to affect historic properties, the NRCS may be required to consult further with the CNMI HPO for that undertaking, as outlined in Stipulation V.b.2.

## I. PROGRAMMATIC UNDERTAKINGS WITH LITTLE TO NO POTENTIAL TO AFFECT HISTORIC PROPERTIES

- a) Conservation Technical Assistance (CTA) – CTA is advice and/or technical assistance, including the development, review, and/or approval of a NRCS-Certified Conservation Plan. NRCS provides no financial assistance to a producer for the producer’s implementation of a CTA-developed NRCS-Certified Conservation Plan, nor does NRCS exercise control over the producer’s implementation of a CTA-developed NRCS-Certified Conservation Plan.
- b) Technical Determinations – Technical determinations based on empirical or factual findings and determinations of compliance or non-compliance including, but not limited to, wetland determinations, determinations of highly erodible land, certification of the existence of a wetland or highly erodible land, determination of prime and unique farmland, and the like.
- c) Soil Survey – The NRCS conducts soil survey activities that involve no ground disturbance or are limited to small-scale field investigations, such as small shovel holes, auger holes, probe holes, and core hole; the potential for these activities to affect historic properties is minimal. Larger scale field investigations, such as soil investigation pits, do have a potential to affect historic properties and require review as an undertaking following Stipulation V. Additionally, the discovery provisions outlined in Section VII above apply to any cultural resources or historic properties identified during soil survey of any scale.

## II. INDIVIDUAL NRCS CONSERVATION PRACTICES WITH LITTLE TO NO POTENTIAL TO AFFECT HISTORIC PROPERTIES

Practice Code	Practice Name
DIA101	Comprehensive Nutrient Management Plan
CPA102	Comprehensive Nutrient Management Plan
CPA106	Forest Management Plan
CPA116	Soil Health Management Plan
DIA120	Agricultural Energy Design Plan
CPA138	Conservation Plan Supporting Organic Transition Plan
DIA140	Transition to Organic Plan
DIA144	Fish and Wildlife Habitat Plan
DIA148	Pollinator Habitat Plan
DIA157	Nutrient Management Plan
DIA158	Feed Management Plan
DIA159	Grazing Management Plan
DIA160	Prescribed Burning Plan
DIA161	Pest Management Conservation System Plan
DIA162	Soil Health Management Plan
DIA163	Irrigation Water Management Design Plan
DIA164	Drainage Water Management Design Plan

Practice Code	Practice Name
DIA165	Forest Management Plan
CPA199	Conservation Plan
CEMA201	Edge-of-Field Water Quality Monitoring-Data Collection and Evaluation
CEMA202	Edge-of-Field Water Quality Monitoring- System Installation
CEMA209	PFAS Testing in Water or Soil
CEMA221	Soil Organic Carbon Stock Measurement
CEMA222	Indigenous Stewardship Methods Evaluation
CEMA223	Forest Management Assessment
CEMA224	Aquifer Flow Test
CEMA207	Site Assessment and Soil Testing for Contaminants Activity Plan
CEMA216	Soil Health Testing Plan
CEMA217	Soil and Source Testing for Nutrient Management Plan
CEMA218	Carbon Sequestration and Greenhouse Gas Mitigation Assessment Plan
CEMA228	Agricultural Energy Assessment Plan
336 (old-808)	Soil Carbon Amendments
472	Access Control
E472A	Access Control - Manage livestock access to waterbodies to reduce nutrients or pathogens to surface water
366	Anaerobic Digester
327	Conservation Cover
E327A	Conservation Cover - Conservation cover for pollinators and beneficial insects
328	Conservation Crop Rotation
E328A	Conservation Crop Rotation - Resource conserving crop rotation
E328B	Conservation Crop Rotation - Improved resource conserving crop rotation
E328E	Conservation Crop Rotation - Soil health crop rotation
E328F	Conservation Crop Rotation - Modifications to improve soil health and increase soil organic matter
E328I	Conservation Crop Rotation - Forage harvest to reduce water quality impacts by utilization of excess soil nutrients
E328J	Conservation Crop Rotation - Improved crop rotation to provide benefits to pollinators
E328K	Conservation Crop Rotation - Multiple crop types to benefit wildlife
E300EAP1	Conservation Stewardship Program – Existing Activity Payment-Land Use
E300EAP2	Conservation Stewardship Program - Existing Activity Payment-Resource Concern
330	Contour Farming
331	Contour Orchard and Other Perennial Crops
340	Cover Crop
E340A	Cover Crop - Cover crop to reduce soil erosion
E340B	Cover Crop - Intensive cover cropping to increase soil health and soil organic matter content
E340C	Cover Crop - Use of multi-species cover crops to improve soil health and increase soil organic matter
E340D	Cover Crop - Intensive orchard/vineyard floor cover cropping to increase soil health
E340E	Cover Crop - Use of soil health assessment to assist with development of cover crop mix to improve soil health
E340F	Cover Crop - Cover crop to minimize soil compaction
E340G	Cover Crop - Cover crop to reduce water quality degradation by utilizing excess soil nutrients



E340H	Cover Crop - Cover crop to suppress excessive weed pressures and break pest cycles
E340I	Cover Crop - Using cover crops for biological strip till
589C	Cross Wind Trap Strips
823	Organic Management
386	Field Border
E386A	Field Border - Enhanced field borders to reduce soil erosion along the edge(s) of a field
E386B	Field Border - Enhanced field borders to increase carbon storage along the edge(s) of the field
E386C	Field Border - Enhanced field borders to decrease particulate emissions along the edge(s) of the field
E386D	Field Border - Enhanced field borders to increase food for pollinators along the edge(s) of a field
E386E	Field Border - Enhanced field borders to increase wildlife food and habitat along the edge(s) of a field
393	Filter Strip
E393A	Filter Strip - Extend existing filter strip to reduce water quality impacts
512	Pasture and Hay Planting
E512A	Pasture and Hay Planting - Cropland conversion to grass-based agriculture to reduce soil erosion
E512B	Pasture and Hay Planting - Forage and biomass planting to reduce soil erosion or increase organic matter to build soil health
E512C	Pasture and Hay Planting - Cropland conversion to grass for soil organic matter improvement
E512D	Pasture and Hay Planting - Forage plantings that help increase organic matter in depleted soils
E512E	Pasture and Hay Planting - Forage and biomass planting that produces feedstock for biofuels or energy production.
E512H	Pasture and Hay Planting - Forage plantings that enhance bird habitat cover and shelter or structure and composition
E512J	Pasture and Hay Planting - Establish wildlife corridors to provide habitat continuity or access to water
603	Herbaceous Wind Barriers
595	Pest Management Conservation System
E595A	Pest Management Conservation System - Reduce risk of pesticides in surface water by utilizing precision pesticide application techniques
E595B	Pest Management Conservation System - Reduce risk of pesticides in water and air by utilizing IPM PAMS techniques
E595D	Pest Management Conservation System - Increase the size requirement of refuges planted to slow pest resistance to Bt crops
449	Irrigation Water Management
E449A	Irrigation Water Management - Complete pumping plant evaluation for water savings
E449C	Irrigation Water Management - Advanced Automated IWM - Year 2-5, soil moisture monitoring
E449D	Irrigation Water Management - Advanced Automated IWM - Year 1, Equipment and soil moisture or water level monitoring
E449F	Irrigation Water Management - Intermediate IWM - Year 1, Equipment with Soil or Water Level monitoring
E449G	Irrigation Water Management - Intermediate IWM - Years 2-5, Soil or Water Level monitoring
484	Mulching
E484A	Mulching - Mulching to improve soil health
E484B	Mulching - Reduce particulate matter emissions by using orchard or vineyard generated woody materials as mulch
E484C	Mulching - Mulching with natural materials in specialty crops for weed control
590	Nutrient Management
E590A	Nutrient Management - Improving nutrient uptake efficiency and reducing risk of nutrient losses

E590B	Nutrient Management - Reduce risks of nutrient loss to surface water by utilizing precision agriculture technologies
E590C	Nutrient Management - Improving nutrient uptake efficiency and reducing risk of nutrient losses on pasture
528	Prescribed Grazing
E528A	Prescribed Grazing - Maintaining quantity and quality of forage for animal health and productivity
E528C	Prescribed Grazing - Incorporating wildlife refuge areas in contingency plans for wildlife
E528D	Prescribed Grazing - Grazing management for improving quantity and quality of food or cover and shelter for wildlife
E528E	Prescribed Grazing - Improved grazing management for enhanced plant structure and composition for wildlife
E528F	Prescribed Grazing - Stockpiling cool season forage to improve structure and composition or plant productivity and health
E528G	Prescribed Grazing - Improved grazing management on pasture for plant productivity and health with monitoring activities
E528H	Prescribed Grazing - Prescribed grazing to improve/maintain riparian and watershed function-elevated water temperature
E528I	Prescribed Grazing - Grazing management that protects sensitive areas -surface or ground water from nutrients
E528J	Prescribed Grazing - Prescribed grazing on pastureland that improves riparian and watershed function
E528K	Prescribed Grazing - Improved grazing management for soil compaction on pasture through monitoring activities
E528L	Prescribed Grazing - Prescribed grazing that improves or maintains riparian and watershed function-erosion
E528M	Prescribed Grazing - Grazing management that protects sensitive areas from gully erosion
E528N	Prescribed Grazing - Improved grazing management through monitoring activities
E528O	Prescribed Grazing - Clipping mature forages to set back vegetative growth for improved forage quality
E528P	Prescribed Grazing - Implementing Bale or Swath Grazing to increase organic matter and reduce nutrients in surface water
E528Q	Prescribed Grazing - Use of body condition scoring for livestock on a monthly basis to keep track of herd health
E528R	Prescribed Grazing - Management Intensive Rotational Grazing
E533A	Pumping Plant - Advanced Pumping Plant Automation
E533B	Pumping Plant - Complete pumping plant evaluation for energy savings
329	Residue and Tillage Management, No Till
E329A	Residue and Tillage Management, No Till - No till to reduce soil erosion
E329B	Residue and Tillage Management, No Till - No till to reduce tillage induced particulate matter
E329C	Residue and Tillage Management, No Till - No till to increase plant-available moisture
E329D	Residue and Tillage Management, No Till - No till system to increase soil health and soil organic matter content
E329E	Residue and Tillage Management, No Till - No till to reduce energy
345	Residue and Tillage Management, Reduced Till
E345A	Residue and Tillage Management, Reduced Till - Reduced tillage to reduce soil erosion
E345B	Residue and Tillage Management, Reduced Till - Reduced tillage to reduce tillage induced particulate matter
E345C	Residue and Tillage Management, Reduced Till - Reduced tillage to increase plant-available moisture
E345D	Residue and Tillage Management, Reduced Till - Reduced tillage to increase soil health and soil organic matter content

E345E	Residue and Tillage Management, Reduced Till - Reduced tillage to reduce energy use
E383A	Residue and Tillage Management, Reduced Till - Grazing-maintained fuel break to reduce the risk of fire
557	Row Arrangement
646	Shallow Water Development and Management
E646A	Shallow Water Development and Management - Close structures to capture and retain rainfall for waterfowl and wading bird winter habitat
E646B	Shallow Water Development and Management - Extend retention of captured rainfall for migratory waterfowl and wading bird late winter habitat
E646C	Shallow Water Development and Management - Manipulate vegetation and maintain closed structures for shorebirds mid-summer habitat
E646D	Shallow Water Development and Management - Manipulate vegetation and maintain closed structures for shorebird late summer habitat
660	Tree/Shrub Pruning
601	Vegetative Barrier
635	Vegetated Treatment Area
420	Wildlife Habitat Planting
633	Waste Utilization
798	Seasonal High Tunnel System
B000CPL20	Crop Bundle #20 - Soil Health Assessment; Conservation practices (590), (595), (328), (329), (327), (420), (345)
B000CPL22	Crop Bundle #22 - Erosion Bundle (Organic): Conservation practices (328), (590), (595), (345), (340), (327)
CAP102	Comprehensive Nutrient Management Plan
CAP104	Nutrient Management Plan
CAP106	Forest Management Plan
CAP108	Feed Management Plan
CAP110	Grazing Management Plan
CAP112	Prescribed Burning Plan
CAP114	Integrated Pest Management Plan
CAP116	Soil Health Management Plan
CAP118	Irrigation Water Management Plan
CAP128	Agricultural Energy Management Plan
CAP130	Drainage Water Management Plan
CAP138	Conservation Plan - Organic Transition
CAP142	Fish and Wildlife Habitat Plan
CAP146	Pollinator Habitat Enhancement Plan
CAP154	Herbicide Resistant Weed Conservation Plan
AIR03	Replace burning of prunings and other crop residues with non-burning alternatives
AIR04	Use drift reducing nozzles, low pressures, lower boom height and adjuvants to reduce pesticide drift
ANM03	Incorporate native grasses and/or legumes into 15% or more of the forage base
ANM09	Grazing management to improve wildlife habitat
ANM29	On-farm forage based grazing system
ANM32	Extend existing filter strips or riparian herbaceous cover for WQ protection and wildlife habitat
ANM37	Prescriptive grazing management system for grazed lands
ANM40	Extending existing field borders for water quality protection and wildlife habitat
ANM61	Hosting a grazing related field day

CCR98	Improved Resource Conserving Crop Rotation (IRCCR)
ENR01	Fuel use reduction for field operations
ENR10	Using N (nitrogen) provided by legumes, animal manure and compost to supply 90 to 100% of the N needs
ENR12	Use of legume cover crops as a nitrogen source
PLT06	Renovation of a windbreak, shelterbelt, or hedgerow for wildlife habitat
PLT15	Establish pollinator and/or beneficial insect habitat
PLT16	Intensive rotational grazing
PLT18	Increasing on-farm food production with edible woody buffer landscapes
PLT20	High residue cover crop or mixtures of high residue cover crops for weed suppression and soil health
PLT30	Monitor pasture health using pasture condition scores (PCS)
SOE05	Intensive no-till (Organic or Non-organic systems)
SQL04	Use of cover crop mixes
SQL05	Use of deep-rooted crops to breakup soil compaction
SQL08	Intercropping to improve soil quality and increase biodiversity
SQL11	Cover cropping in orchards, vineyards, and other woody perennial horticultural crops
SQL12	Intensive cover cropping in annual crops
SQL14	Integrate grazing into crop and forest systems
SQL15	Utilize the soil health nutrient tool to assess soil nutrient pools
SQL18	Soil health crop rotation
SQL19	Management for rangeland soil health
WQL05	Apply nutrients no more than 30 days prior to planned planting date
WQL07	Split nitrogen applications 50% after crop emergence
WQL09	Apply phosphorus fertilizer below soil surface
WQL10	Plant an annual grass-type cover crop that will scavenge residual nitrogen
WQL20	Transition to organic cropping systems
WQL31	Land application of treated manure
WQL33	Use of non-chemical methods to kill cover crops
WQT03	Irrigation pumping plant evaluation
WQT08	Decrease irrigation water quantity or conversion to non-irrigated crop production

### III. INDIVIDUAL NRCS CONSERVATION PRACTICES WITH POTENTIAL TO AFFECT HISTORIC PROPERTIES DEPENDENT UPON INSTALLATION METHOD

Practice Code	Practice Name	Undertaking with potential to affect historic properties because installation methods are <b>INTRUSIVE</b>	Undertaking with no potential to affect historic properties because installation methods are <b>NON-INTRUSIVE</b>
311	Alley Cropping	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed via hand methods (i.e., via shovel) or chemical methods, and if planting shrubs, and/or if installation will not result in ground disturbance for the first time, or does not exceed the depth/extent of previous disturbance at tree maturity
575	Animal Trails and Walkways	if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
316	Animal Mortality Facility	if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
314	Brush Management	if removing trees, and/or if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if removing trees or shrubs, and/or if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods, and leaving the tree stumps in place and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E314A	Brush management to improve wildlife habitat	if removing trees, and/or if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if removing trees or shrubs, and/or if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods, and leaving the tree stumps in place and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
326	Clearing and Snagging	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods, and/or if installation will not result in ground disturbance for

		depth/extent of previous disturbance	the first time, or does not exceed depth/extent of previous disturbance
342	Critical Area Planting	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees	if installed via hand methods, and/or if installing shrubs, seeds, sod, etc.
375	Dust Control from Animal Activity on Open Lot Surfaces	if installed on a structure that is 50 years old or older	if installed on a structure that is less than 50 years old
368	Emergency Animal Mortality	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if carcass disposal is non-ground disturbing (i.e. rendered) or chemical methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
374	Farmstead Energy Improvement	if installed on a structure that is 50 years old or older	if installed on a structure that is less than 50 years old
E374A	Farmstead Energy Improvement - Install variable frequency drive(s) on pump(s)	if installed on a structure that is 50 years old or older	if installed on a structure that is less than 50 years old
E374B	Farmstead Energy Improvement - Switch fuel source for pump motor(s)	if installed on a structure that is 50 years old or older	if installed on a structure that is less than 50 years old
382	Fence	if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E382B	Fence - Installing electrical fence offsets and wire for cross-fencing to improve grazing management	if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
398	Fish Raceway or Tank	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance

666	Forest Stand Improvement	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods and leaving the tree stumps in place, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E666A	Forest Stand Improvement - Maintaining and improving forest soil quality	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods and leaving the tree stumps in place, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E666D	Forest Stand Improvement - Forest management to enhance understory vegetation	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods and leaving the tree stumps in place, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E666E	Forest Stand Improvement - Reduce height of the forest understory to limit wildfire risk	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods and leaving the tree stumps in place, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E666F	Forest Stand Improvement - Reduce forest stand density to create open stand structure	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods and leaving the tree stumps in place, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance

E666G	Forest Stand Improvement - Reduce forest density and manage understory along roads to limit wildfire risk and improve habitat	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods and leaving the tree stumps in place, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E666H	Forest Stand Improvement - Increase on-site carbon storage	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods and leaving the tree stumps in place, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E666K	Forest Stand Improvement - Creating structural diversity with patch openings	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods and leaving the tree stumps in place, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E666L	Forest Stand Improvement to rehabilitate degraded hardwood stands	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods and leaving the tree stumps in place, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
383	Fuel Break	if removing trees, and/or if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if removing shrubs, and/or if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods, and leaving the tree stumps in place and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
548	Grazing Land Mechanical Treatment	if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance



561	Heavy Use Area Protection	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed directly atop the ground surface, or via hand methods (shovels, etc.), and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
422	Hedgerow Planting	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
315	Herbaceous Weed Treatment	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E315A	Herbaceous weed treatment to create plant communities consistent with the ecological site	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
430	Irrigation Pipeline	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed directly atop the ground surface, or via hand methods (shovels, etc.), and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
441	Irrigation System, Microirrigation	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed directly atop the ground surface, or via hand methods (shovels, etc.), and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance

319	On-Farm Secondary Containment Facility	if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
442	Sprinkler	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed directly atop the ground surface, or via hand methods (shovels, etc.), and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
460	Land Clearing	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if stumps are removed/excavated, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods, and/or involves cutting a tree to a stump (but not removal/excavation of stump), and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
543	Land Reclamation, Abandoned Mined Land	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or exceeds depth/extent of previous disturbance	if installation does not exceed depth/extent of previous disturbance
544	Land Reclamation, Currently Mined Land	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or exceeds depth/extent of previous disturbance	if installation does not exceed depth/extent of previous disturbance
466	Land Smoothing	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
670	Lighting System Improvement	if installed on a structure that is 50 years old or older	if installed on a structure that is less than 50 years old

379	Multi-Story Cropping	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed via hand methods (i.e., via shovel) or chemical methods, and if planting shrubs, and/or if installation will not result in ground disturbance for the first time, or does not exceed the depth/extent of previous disturbance at tree maturity
516	Livestock Pipeline	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed directly atop the ground surface, or via hand methods (shovels, etc.), and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
521D	Pond Sealing or Lining, Compacted Clay Treatment	if installed on a pond that is 50 years old or older	if installed on a pond that is less than 50 years old
521A	Pond Sealing or Lining, Flexible Membrane	if installed on a pond that is 50 years old or older, and/or if liner's anchoring system is below the pond's berm or outside the previously disturbed area	if installed on a pond that is less than 50 years old; and/or if the liner's anchoring system will not go below the pond's berm and remains within the previously disturbed area
462	Precision Land Forming	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (shovels, etc.), and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
533	Pumping Plant	if installed on a structure that is 50 years old or older, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed on a structure that is less than 50 years old, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
812	Raised Beds	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (shovels, etc.), and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance

550	Range Planting	if installed on a forest and involves mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed on range/pasture; or on a forest and plantings involve hand methods (shovels, etc.), and/or installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E550A	Range planting for increasing/maintaining organic matter	if installed on a forest and involves mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed on range/pasture; or on a forest and plantings involve hand methods (shovels, etc.), and/or installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E550B	Range planting for improving forage, browse, or cover for wildlife	if installed on a forest and involves mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed on range/pasture; or on a forest and plantings involve hand methods (shovels, etc.), and/or installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
562	Recreation Area Improvement	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed via hand methods (shovels, etc.) or chemical methods, and/or if installing shrubs, etc., and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance at tree maturity
566	Recreation Land Grading and Shaping	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (shovels, etc.), and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
643	Restoration of Rare or Declining Habitats	if removing trees/tree limbs, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if removing brush, and/or if installed via hand methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E643A	Restoration of Rare or Declining Habitats - Restoration of sensitive coastal vegetative communities	if removing trees/tree limbs, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if removing brush, and/or if installed via hand methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance

E643B	Restoration of Rare or Declining Habitats - Restoration and management of rare or declining habitat	if removing trees/tree limbs, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if removing brush, and/or if installed via hand methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
391	Riparian Forest Buffer	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed via hand methods (i.e., via shovel) or chemical methods, and if planting shrubs, and/or if installation will not result in ground disturbance for the first time, or does not exceed the depth/extent of previous disturbance at tree maturity
E391A	Riparian Forest Buffer - Increase riparian forest buffer width for sediment and nutrient reduction	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed via hand methods (i.e., via shovel) or chemical methods, and if planting shrubs, and/or if installation will not result in ground disturbance for the first time, or does not exceed the depth/extent of previous disturbance at tree maturity
E391B	Riparian Forest Buffer - Increase stream shading for stream temperature reduction	if installed or removed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed or removed via hand methods (i.e., via shovel) or chemical methods, and if planting shrubs, and/or if installation will not result in ground disturbance for the first time, or does not exceed the depth/extent of previous disturbance at tree maturity
E391C	Riparian Forest Buffer - Increase riparian forest buffer width to enhance wildlife habitat	if installed or removed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed or removed via hand methods (i.e., via shovel) or chemical methods, and if planting shrubs, and/or if installation will not result in ground disturbance for the first time, or does not exceed the depth/extent of previous disturbance at tree maturity
390	Riparian Herbaceous Cover	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (shovels, etc.), and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance

E390A	Increase riparian herbaceous cover width for sediment and nutrient reduction	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (shovels, etc.), and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E390B	Increase riparian herbaceous cover width to enhance wildlife habitat	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (shovels, etc.), and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
558	Roof Runoff Structure	if installed on a structure that is 50 years old or older, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed on a structure that is less than 50 years old, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
367	Roofs and Covers	if a new roof is installed on a structure that is 50 years old or older	if installed on a structure that is less than 50 years old; or if installed on the roof of a structure that is 50 years old or older via repair/replacement with materials in kind or with similar materials
381	Silvopasture	if installed via mechanical methods (i.e., heavy equipment / bulldozer / tractor), and/or if planting trees on a pasture or grasses in a forest, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance at tree maturity	if installed via hand methods (i.e., shovel, etc.) and planting shrubs or grasses on a pasture, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance at tree maturity
E381A	Silvopasture to improve wildlife habitat	if installed via mechanical methods (i.e., heavy equipment / bulldozer / tractor), and/or if planting trees on a pasture or grasses in a forest, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance at tree maturity	if installed via hand methods (i.e., shovel, etc.) and planting shrubs or grasses on a pasture, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance at tree maturity
632	Solid/Liquid Waste Separation Facility	if installed on a structure that is 50 years old or older, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed on a structure that is less than 50 years old, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance

570	Stormwater Runoff Control	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (shovels, etc.), and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
612	Tree/Shrub Establishment	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed via hand methods (i.e., via shovel) or chemical methods, and if planting shrubs, and/or if installation will not result in ground disturbance for the first time, or does not exceed the depth/extent of previous disturbance at tree maturity
E612A	Tree/Shrub Establishment - Cropland conversion to trees or shrubs for long term improvement of water quality	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed via hand methods (i.e., via shovel) or chemical methods, and if planting shrubs, and/or if installation will not result in ground disturbance for the first time, or does not exceed the depth/extent of previous disturbance at tree maturity
E612B	Tree/Shrub Establishment - Planting for high carbon sequestration rate	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed via hand methods (i.e., via shovel) or chemical methods, and if planting shrubs, and/or if installation will not result in ground disturbance for the first time, or does not exceed the depth/extent of previous disturbance at tree maturity
E612C	Tree/Shrub Establishment - Establishing tree/shrub species to restore native plant communities	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed via hand methods (i.e., via shovel) or chemical methods, and if planting shrubs, and/or if installation will not result in ground disturbance for the first time, or does not exceed the depth/extent of previous disturbance at tree maturity
E612D	Tree/Shrub Establishment - Adding food-producing trees and shrubs to existing plantings	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed via hand methods (i.e., via shovel) or chemical methods, and if planting shrubs, and/or if installation will not result in ground disturbance for the first time, or does not exceed the depth/extent of previous disturbance at tree maturity

E612E	Tree/Shrub Establishment - Cultural plantings	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed via hand methods (i.e., via shovel) or chemical methods, and if planting shrubs, and/or if installation will not result in ground disturbance for the first time, or does not exceed the depth/extent of previous disturbance at tree maturity
E612G	Tree/Shrub Establishment - Tree/shrub planting for wildlife food	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed via hand methods (i.e., via shovel) or chemical methods, and if planting shrubs, and/or if installation will not result in ground disturbance for the first time, or does not exceed the depth/extent of previous disturbance at tree maturity
490	Tree/Shrub Site Preparation	if removing trees, and/or if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if removing shrubs, and/or if installed via hand methods (i.e., via shovel) or chemical methods, and leaving the tree stumps in place and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
645	Upland Wildlife Habitat Management	if removing trees, with mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation will result in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if removing trees or shrubs, and/or if installed via hand methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E645A	Upland Wildlife Habitat Management - Reduction of attractants to human-subsidized predators in sensitive wildlife species habitat	if removing structure, feature, or artifact that is 50 years old or older	if removing structure, feature, or artifact that is less than 50 years old
360	Waste Facility Closure	if installed on a structure that is 50 years old or older, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed on a structure that is less than 50 years old; or if modifying a structure that is 50 years old or older via repair/replacement with materials in kind or with similar materials; and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance



634	Waste Transfer	if installed on a structure that is 50 years old or older, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed on a structure that is less than 50 years old; or if modifying a structure that is 50 years old or older via repair/replacement with materials in kind or with similar materials; and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
629	Waste Treatment	if installed on a structure that is 50 years old or older, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed on a structure that is less than 50 years old; or if modifying a structure that is 50 years old or older via repair/replacement with materials in kind or with similar materials; and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
636	Water Harvesting Catchment	if installed on a structure/pond that is 50 years old or older, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed on a structure/pond that is less than 50 years old; and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
614	Watering Facility	if installation entails replacement of a trough/tank that is 50 years old or older, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installation entails replacement of a trough/tank that is less than 50 years old, or if installation entails repair of a trough/tank that is 50 years old or older with materials in kind or with similar materials; and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
351	Well Decommissioning	if installed on a structure/pond that is 50 years old or older, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed on a structure/pond that is less than 50 years old; and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance

644	Wetland Wildlife Habitat Management	if removing trees, with mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation will result in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if removing trees or shrubs, and/or if installed via hand methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
E644A	Wetland Wildlife Habitat Management - Managing Flood-Irrigated Landscapes for Wildlife	if removing trees, with mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation will result in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if removing trees or shrubs, and/or if installed via hand methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
380	Windbreak/Shelterbelt Establishment	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed via hand methods (i.e., via shovel) or chemical methods, and if planting shrubs, and/or if installation will not result in ground disturbance for the first time, or does not exceed the depth/extent of previous disturbance at tree maturity
650	Windbreak/Shelterbelt Renovation	if removing and/or planting trees, and/or if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if removing or planting shrubs, and/or if installed via hand methods (i.e., chainsaw, axe, lopper, machete, etc.) or chemical methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
384	Woody Residue Treatment	if installation involves tracked heavy equipment and/or a ground-disturbing implement	if installation involves wheeled equipment, or manual lop-and-scatter methods or piling methods outside of an existing historic property location with surface features.
E384A	Woody Residue Treatment - Biochar production from woody residue	if kiln development for biochar production results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if kiln development for biochar production will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance

ANM38	Retrofit watering facility for wildlife escape and enhanced access for bats and bird species	if installation entails replacement of a trough/tank that is 50 years old or older, and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installation entails replacement of a trough/tank that is less than 50 years old, or if installation entails repair of a trough/tank that is 50 years old or older with materials in kind or with similar materials; and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
ANM39	Extending riparian forest buffers for water quality protection and wildlife habitat	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance at tree maturity	if installed via hand methods (shovels, etc.) or chemical methods, and/or if installing shrubs, etc., and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance at tree maturity
ANM42	Forest stand improvement for wildlife habitat and soil quality	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods and/or involves cutting a tree to a stump (but not removal/excavation of stump), and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
B000BFF1	Buffer Bundle #1: Conservation Practices: (393), (327), (420), (612)	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed via hand methods (i.e., via shovel) or chemical methods, and if planting shrubs, and/or if installation will not result in ground disturbance for the first time, or does not exceed the depth/extent of previous disturbance at tree maturity
B000GRZ1	Grazing Bundle 1 - Range and Pasture: Conservation practices (528), (315), (645)	if removing trees, with mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation will result in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if removing trees or shrubs, and/or if installed via hand methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
B000GRZ5	Grazing Bundle 5 - Range and Pasture: Conservation practices (528), (315), (645)	if removing trees, with mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation will result in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if removing trees or shrubs, and/or if installed via hand methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance

B000PST5	Pasture Bundle 5: Conservation practices (528), (315), (645)	if removing trees, with mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation will result in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if removing trees or shrubs, and/or if installed via hand methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
B000RNG4	Range Bundle 4: Conservation practices (528), (315), (645)	if removing trees, with mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation will result in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if removing trees or shrubs, and/or if installed via hand methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance
PLT22	Multi-story cropping, sustainable management of nontimber forest plants	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if planting trees, and/or if installation results in ground disturbance for the first time, or exceeds the depth/extent of previous disturbance at tree maturity	if installed via hand methods, and/or if installing shrubs, etc., and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance at tree maturity
PLT25	Prune low density pine or hardwood trees to improve tree quality and wildlife habitat	if pruning trees	if pruning shrubs
WQL22	On farm composting of farm organic waste	if constructing a composting facility	if piling of organic materials for composting
WQL28	Biological suppression and other non- chemical techniques to manage vegetation	if installed via mechanical methods (i.e., heavy equipment / bulldozer), and/or if installation results in ground disturbance for the first time, or exceeds depth/extent of previous disturbance	if installed via hand methods (chainsaw, axe, lopper, machete, etc.) or chemical methods, and/or if installation will not result in ground disturbance for the first time, or does not exceed depth/extent of previous disturbance

#### IV. INDIVIDUAL NRCS CONSERVATION PRACTICES WITH POTENTIAL TO AFFECT HISTORIC PROPERTIES

Practice Code	Practice Name
560	Access Road
309	Agrichemical Handling Facility
396	Aquatic Organism Passage
672	Building Envelope Improvement
317	Composting Facility
402	Dam
324	Deep Tillage
356	Dike
362	Diversion
655	Forest Trails and Landings
410	Grade Stabilization Structure
412	Grassed Waterway
423	Hillside Ditch
464	Irrigation Land Leveling
436	Irrigation Reservoir
468	Lined Waterway or Outlet
582	Open Channel
378	Pond
555	Rock Barrier
350	Sediment Basin
574	Spring Development
578	Stream Crossing
E578A	Stream Crossing elimination
395	Stream Habitat Improvement and Management
580	Streambank and Shoreline Protection
E580A	Streambank and Shoreline Protection - Stream corridor bank stability improvement
E580B	Streambank and Shoreline Protection - Stream corridor bank vegetation improvement
587	Structure for Water Control
607	Surface Drain, Field Ditch
608	Surface Drain, Main or Lateral
600	Terrace
568	Trails and Walkways
620	Underground Outlet
313	Waste Storage Facility
359	Waste Treatment Lagoon
642	Water Well
638	Water and Sediment Control Basin
658	Wetland Creation
659	Wetland Enhancement
657	Wetland Restoration
ANM55	Creation and retention of snags, den trees and coarse woody debris for wildlife habitat
ANM57	Removal of all threats to sensitive wildlife species on the operation
B000GRZ3	Grazing Bundle 3 - Range and Pasture: Conservation practices (472), (390), (580).
B000GRZ4	Grazing Bundle 4 - Range and Pasture: Conservation practices (472), (391), (580).

# APPENDIX B REVIEW PROCEDURES FLOW CHART



## APPENDIX C PROCEDURES FOR EMERGENCY RESPONSE

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

1. If the President declares an area to be a major disaster area, the NRCS shall provide assistance which will be coordinated with the Federal Emergency Management Agency (FEMA). FEMA is the lead federal agency for Presidentially declared natural disasters. As outlined in Stipulation IV., the terms of this State-based Prototype Agreement shall not apply to that undertaking. If the FEMA or its designee agrees, NRCS may follow the approved alternative procedures in place for that agency.
2. When the PIA NRCS Director determines that a watershed impairment exists, but the President does not declare an area to be a major disaster area, FEMA does not coordinate assistance and NRCS will assume the role of lead federal agency for all undertakings that occur on private and Territory of CNMI lands. Following the NRCS's Emergency Watershed Program (EWP) final rule (see Section 216, P.L. 81-516 Final Rule, 7 CFR Part 624 [April 2005]) and 36 CFR 800.12, the NRCS shall consult with the CNMI HPO as outlined below.
  - a. NRCS shall notify the CNMI HPO immediately or within forty-eight (48) hours of the emergency determination.
  - b. CNMI HPO shall respond to this notification within seven (7) calendar days, providing comments, as well as providing the NRCS with a list of historic properties and a map(s) showing the location of these properties within the designated disaster area. If circumstances do not permit seven (7) calendar days for comment, the NRCS shall notify the CNMI HPO to invite comments within the time available.
  - c. For an emergency where there is a future, but not immediate, threat to life and property, the NRCS shall follow the review procedures outlined in Stipulation V. of this agreement with the exception that the CNMI HPO shall respond within fifteen (15) calendar days, or within the time available, to the NRCS's findings and/or determinations.
  - d. For an exigency where there is an immediate threat to life and property, the NRCS shall follow the procedures outlined in Stipulation V. as circumstances allow. The CNMI HPO shall respond to the NRCS's findings and/or determinations within seven (7) calendar days or within the available period as determined by the NRCS PIA Director.
    - i. Under extraordinary circumstances and pursuant to 36 CFR 800.12(d) and 36 CFR 78.3, the NRCS PIA Director retains the right to waive the provisions of Section 106 and Section 110 of the NHPA and proceed with providing emergency assistance to eliminate an imminent threat to human life or property without CNMI HPO concurrence. If the NRCS PIA Director makes use of their waiver authority, the NRCS shall notify the CNMI HPO and the Secretary of the Interior in writing pursuant to 36 CFR 78.4.

**APPENDIX D**  
**GLOSSARY OF ACRONYMS AND DEFINITIONS USED IN THIS DOCUMENT**

<b>ACEP</b>	Agricultural Conservation Easement Program (NRCS Farm Bill program)
<b>ACHP</b>	Advisory Council on Historic Preservation
<b>AMA</b>	Agricultural Management Assistance (NRCS Farm Bill program)
<b>APE</b>	Area of Potential Effects—from ACHP regulations 36 CFR Part 800
<b>CEQ</b>	Council on Environmental Quality
<b>CFR</b>	Code of Federal Regulations
<b>CIG</b>	Conservation Innovation Grants (NRCS Farm Bill program)
<b>CRS</b>	Cultural Resources Specialist
<b>CSP</b>	Conservation Stewardship Program (NRCS Farm Bill program)
<b>DHS</b>	Department of Homeland Security
<b>EQIP</b>	Environmental Quality Incentives Program (NRCS Farm Bill program)
<b>EWP</b>	Emergency Watershed Program (NRCS Farm Bill program)
<b>FEMA</b>	Federal Emergency Management Agency
<b>FPO</b>	Federal Preservation Officer
<b>MOA</b>	Memorandum of Agreement
<b>NCSHPO</b>	National Conference of State Historic Preservation Officers
<b>NEPA</b>	National Environmental Policy Act
<b>NHL(s)</b>	National Historic Landmark(s)
<b>NHPA</b>	National Historic Preservation Act
<b>NHQ</b>	National Headquarters
<b>NRCS</b>	Natural Resources Conservation Service
<b>NRHP</b>	National Register of Historic Places
<b>PIA</b>	Pacific Islands Area
<b>RCPP</b>	Regional Conservation Partnership Program (NRCS Farm Bill program)
<b>HPO</b>	Historic Preservation Officer
<b>SOI</b>	Secretary of the Interior
<b>USDA</b>	United States Department of Agriculture

**Cultural Resources / Historic Properties**

“Cultural resources,” in NRCS, are considered equivalent to “historic properties” as defined by the ACHP regulations for compliance with Section 106 of the NHPA [36 CFR 800.16(l)(1)]. Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (maintained by the Secretary of the Interior). This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.”