

**PROTOTYPE PROGRAMMATIC AGREEMENT
BETWEEN THE
US DEPARTMENT OF AGRICULTURE
MINNESOTA NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE
AND
THE MINNESOTA HISTORIC PRESERVATION OFFICE
REGARDING CONSERVATION ASSISTANCE**

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

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

WHEREAS, NRCS has determined that the requirement to 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 Minnesota State Office has consulted with the Minnesota Historic Preservation Office (MnHPO) and followed the instructions in the ACHP letter that accompanied the Prototype Agreement, dated November 21, 2014; and

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

WHEREAS, NRCS developed this Prototype Agreement in consultation with the National Conference of State Historic Preservation Officers (NCSHPO) and its members, interested Indian tribes, Native Hawaiian organizations (NHO), interested historic preservation organizations, (such as the National Trust for Historic Preservation), and the Advisory Council on Historic Preservation (ACHP); and

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

compliance with Section 106; and

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

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

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

WHEREAS, the State-based Prototype Agreement does not apply to undertakings occurring on or affecting historic properties on Tribal lands, as defined by 54 U.S.C. 3000319 of the NHPA, without prior agreement and execution of a State-based Prototype Agreement with the concerned Indian tribe; and

WHEREAS, the NRCS Minnesota State Office has consulted with the Bois Forte Band of Chippewa Indians; the Red Lake Band of Chippewa Indians; the Fond du Lac Band of Lake Superior Chippewa; the Grand Portage Band of Lake Superior Chippewa; the Leech Lake Band of Ojibwe; the Prairie Island Indian Community of Minnesota; the Lower Sioux Indian Community; the Mille Lacs Band of Ojibwe; the Upper Sioux Community; the White Earth Nation of Minnesota Chippewa; and the Shakopee Mdewakanton Sioux Community and has invited their participation in the development of this State-based Prototype Agreement; and

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

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

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

STIPULATIONS

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

I. Applicability.

a. Once executed by the NRCS Minnesota State Office and the MnHPO, this State-based Prototype

Agreement sets forth the review process for all NRCS undertakings subject to Section 106 in Minnesota.

- b. Execution of this State-based Prototype Agreement supersedes any existing State Level Agreement with MnHPO and/or consultation protocols with Indian Tribes 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 staffing or access to staffing (through contracted services or agreements with other agencies or Indian tribes) who meet the Secretary of Interior's *Professional Qualification Standards* in the NRCS Minnesota State Office.

II. Roles and Professional Qualifications.

- a. The NRCS Minnesota State Conservationist is responsible for oversight of its performance under this State-based Prototype Agreement.
- b. The NRCS Minnesota Cultural Resources Specialist (CRS) shall provide technical historic property and resource information to the State Conservationist for use in Section 106 identification, eligibility and effect determinations, after appropriate consultations with the MnHPO, Indian tribes, and discussions with the landowner. The NRCS Minnesota CRS shall monitor and oversee the cultural resources work and reporting of all NRCS field office personnel and professional service contractors. The NRCS Minnesota CRS shall also assist the NRCS Minnesota State Conservationist in determining whether an undertaking has the potential to affect historic properties, triggering Section 106 review, pursuant to 36 CFR Part 800.3(a).
- c. When necessary, the NRCS Minnesota State Office shall utilize specialized cultural resources personnel (i.e., detailed NRCS CRS, archaeologists, historians, professional service contractors, etc.) to carry out additional Section 106 historic preservation compliance work on its behalf. The NRCS Minnesota State Office shall ensure that all cultural resources personnel carrying out this Section 106 historic preservation compliance work are appropriately qualified to coordinate the reviews of resources and historic properties as applicable to the resources and historic properties being addressed (site, building, structure, landscape, resources of significance to Indian tribes, and other concerned communities). Thus, these personnel must meet the Secretary of the Interior's *Professional Qualification Standards* (48 FR 44716) in the applicable field and have the knowledge to assess the resources within an undertaking's area of potential effects (APE).
- d. The NRCS Minnesota State Conservationist is responsible for consultation with the MnHPO, and government-to-government consultation with Indian Tribal leaders and/or their Tribal Historic Preservation Officer (THPO) to develop consultation protocols. These responsibilities may not be delegated to any other staff, nor carried out on behalf of NRCS by another federal agency.
- e. The NRCS Minnesota field office personnel involved in implementing this State-based Prototype Agreement, after completion of the NRCS web, classroom, and field awareness training acquired through the USDA AgLearn training site, shall work with the NRCS Minnesota CRS and/or specialized cultural resources personnel, 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 Minnesota CRS shall oversee development of the scopes of work for investigation of the APEs for identified undertakings (see 36 CFR Part 800.4). The NRCS Minnesota State Office

may use professional service contractors or consultants or partners to assist with cultural resources compliance studies. The NRCS Minnesota State Office shall ensure these professional service contractors or consultants or partners meet the Secretary of Interior's *Professional Qualifications Standards* (48 FR 44716) in the applicable field.

- g. The NRCS Minnesota State Office remains responsible for all consultation with the MnHPO, Indian tribes, and THPOs, and all determinations of NRHP eligibility and effect. The NRCS may not delegate consultation for findings and determinations to professional services consultants or producers/applicants for conservation assistance.
- h. MnHPO and Indian tribes, if provided sufficient data on a proposed undertaking and APE for the proposed undertaking by the NRCS Minnesota State Office shall consult and provide a response to NRCS within 30 calendar days. The definition of sufficient data is provided in 36 CFR Part 800.11.
- i. The ACHP shall provide technical guidance, participate in dispute resolution, and monitor the effectiveness of this agreement, as appropriate.

III. Training.

- a. The NRCS Minnesota State Office shall require personnel conducting cultural resources identification and evaluation work to complete, at a minimum, the NRCS Web-based (in USDA AgLearn) and field Cultural Resources Training in modules and the ACHP's Section 106 *Essentials* webinar for NRCS employees. This cultural resources training must be completed prior to completing cultural resources compliance work, and must be completed within the first year of employment with the NRCS.
- b. The NRCS Minnesota State Office shall require its CRS and other NRCS field office personnel overseeing and administering cultural resources work to take the NRCS Cultural Resources Training Modules (awareness training) and the ACHP's Section 106 *Essentials* course, or a course with similar content, if approved by the NRCS FPO. Training must be completed within the first calendar year after execution of this State-based Prototype Agreement. NRCS Minnesota field office personnel shall review and update training completion with their supervisors and include their training in their Individual Development Plans.
- c. The NRCS Minnesota State Office may invite the MnHPO, Indian tribes, and THPOs to participate in presentations at agency classroom or field trainings.
- d. The NRCS Minnesota State Office shall encourage all personnel conducting or overseeing cultural resources work to take additional appropriate specialized training as provided by the MnHPO, Indian tribes, the ACHP, National Park Service, the General Services Agency, or other agencies, as feasible.

IV. Lead Federal Agency.

- a. For any undertaking for which the NRCS Minnesota State Office is the lead federal agency for Section 106 purposes per 36 CFR Part 800.2(a)(2), NRCS Minnesota State Office personnel shall follow the terms of this State-based Prototype Agreement. The NRCS Minnesota State Office shall notify the MnHPO and Indian tribes of its involvement in the undertaking and the involvement of other federal agencies.
- b. For any undertaking for which the NRCS Minnesota State Office is not the lead federal agency for Section 106 purposes, including those undertakings for which the NRCS Minnesota State Office 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, the

NRCS Minnesota State Office may follow the approved alternative procedures in place for that agency.

V. Review Procedures.

- a. In consultation with the MnHPO and Indian tribes, the NRCS Minnesota State Office shall identify those undertakings with little or no potential to affect historic properties and list those undertakings in **Appendix A**. Upon the determination by the NRCS Minnesota State Office that a proposed undertaking is included in **Appendix A**, the NRCS is not required to consult further with the MnHPO and Indian tribes for that undertaking.
- b. The list of undertakings provided in **Appendix A** may be modified through consultation and written agreement between the NRCS Minnesota State Conservationist and the MnHPO and Indian tribes without requiring an amendment to this State-based Prototype Agreement. The NRCS Minnesota State Office will maintain the master list for **Appendix A** and will provide an updated annual list to all consulting parties with an explanation of the rationale (metadata) for classifying the practices accordingly.
- c. Undertakings not identified in **Appendix A** shall require further review as outlined in Stipulation V.c. The NRCS Minnesota State Office shall consult with the MnHPO and Indian tribes to define the undertaking's APE, identify and evaluate historic properties that may be affected by the undertaking, assess potential effects, and identify strategies for resolving adverse effects.
 1. The NRCS Minnesota State Office may provide its proposed APE, identification of historic properties and/or scope of identification efforts, and assessment of effects in a single transmittal to the MnHPO and Indian tribes, provided this documentation meets the substantive standards in 36 CFR Part 800.4-5 and 800.11.
 2. The NRCS Minnesota State Office shall attempt to avoid adverse effects to historic properties whenever possible; where historic properties are located in the APE, The NRCS Minnesota State Office shall describe how it proposes to modify, buffer, or move the undertaking to avoid adverse effects to historic properties.
 3. Where the NRCS Minnesota State Office determines a finding of "no historic properties affected" for a project (see 36 CFR Part 800.11[d]), no further consultation with MnHPO is needed and the NRCS Minnesota CRS will document the finding and NRCS may move forward with the undertaking. This information will be reported annually to the MnHPO. If the NRCS Minnesota State Office determines a finding of "no adverse effect" to historic properties, it shall provide documentation to the MnHPO that meets the substantive standards in 36 CFR Part 800.11(e). The MnHPO shall have thirty (30) calendar days from receipt of this documented description and information to review it and provide comments. The NRCS Minnesota State Office shall take into account all timely comments.
 - i. If the MnHPO, Indian tribes, or another consulting party, disagrees with the findings and/or determinations made by the NRCS Minnesota State Office, it shall notify the NRCS Minnesota State Office within the thirty (30) calendar day time period. The NRCS Minnesota State Office shall consult with the MnHPO, Indian tribe, or other consulting party to attempt to resolve the disagreement. If the disagreement cannot be resolved through this consultation, the NRCS Minnesota State Office shall follow the dispute resolution process in Stipulation VIII below.
 - ii. If the MnHPO/Indian tribe does not respond to the NRCS Minnesota State Office within the thirty (30) calendar day time period and/or the NRCS Minnesota State Office receives no objections from other consulting parties, or if the MnHPO/Indian tribe concurs with the determination and proposed actions of the NRCS Minnesota State Office to avoid adverse effects, the NRCS Minnesota State Office shall document the concurrence/lack of response

within the review time noted above, and may move forward with the undertaking per 36 CFR Part 800.3(1)(i).

4. Where a proposed undertaking may adversely affect historic properties, the NRCS Minnesota State Office shall provide an “adverse effect” determination to the MnHPO in writing with supporting documentation that meets the substantive standards in 36 CFR Part 800.11(e). The documentation shall provide justification by the NRCS pertaining to feasibility of avoidance of adverse effects and/or describe proposed measures to minimize or mitigate the adverse effects. The MnHPO will have thirty (30) calendar days from receipt of an “adverse effect” determination and documentation to review and provide comments. The NRCS Minnesota State Office shall take into account all timely comments. The NRCS will follow the process in 36 CFR Part 800.6, including consultation with other consulting parties and notification to the ACHP, in consultation with the MnHPO and others as applicable, to develop a Memorandum of Agreement to resolve the adverse effects. Should the proposed undertaking have the potential to adversely affect a known NHL, the NRCS Minnesota State Office shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to the NHL in accordance with 54 U.S.C. 306107 of the NHPA and 36 CFR Part 800.6 and 800.10, including consultation with the ACHP and respective National Park Service, Regional National Historic Landmark Program Coordinator, to develop a Memorandum of Agreement.

5. More specific procedures used by the NRCS Minnesota State Office to complete the Section 106 review process can be found in the NRCS National Cultural Resources Procedures Handbook, Title 190, Part 601, and in the NRCS Minnesota Section 106 Review for Cultural Resources form (MN-CPA-048) and instructions provided in **Appendix B** to this State-based Prototype Agreement. The documents in **Appendix B** provide additional detailed instructions for how the NRCS Minnesota State Office and the MnHPO shall complete cultural resources reviews.

- i. The NRCS Minnesota Section 106 Review for Cultural Resources form and instructions provided in **Appendix B** may be modified through consultation and written agreement between the NRCS Minnesota State Conservationist and the MnHPO without requiring an amendment to the State-based Prototype Agreement.

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

- a. The NRCS Minnesota State Office shall notify the MnHPO, Indian tribes, and other consulting parties, as appropriate, immediately or within forty-eight (48) hours of the emergency determination, following the NRCS Emergency Watershed Protection (EWP) program final rule (see Section 216, P.L. 81-516 Final Rule, 7 CFR Part 624 [April 2005]).
- b. Where the NRCS EWP final rule is found to be inapplicable, the NRCS Minnesota State Office shall follow the recently approved guidelines for Unified Federal Review issued by the Department of Homeland Security, Federal Emergency Management Service (DHS, FEMA), the Council on Environmental Quality (CEQ), and the ACHP in July 2014, or the procedures outlined in 36 CFR Part 800.12(b).

VII. Post-review Discoveries of Cultural Resources or Historic Properties and Unanticipated Effects to Historic Properties.

- a. Where construction has not yet begun and a cultural resource is discovered after Section 106 review is complete, the NRCS Minnesota State Office shall consult to seek avoidance or minimization strategies in consultation with the MnHPO and Indian tribes, and/or to resolve adverse effects in accordance with 36 CFR Part 800.6.
- b. The NRCS Minnesota State Office shall ensure that every contract for assistance includes

provisions for halting work/construction in the area when potential historic properties are discovered or unanticipated effects to historic properties are found after implementation, installation, or construction has begun. When such a discovery occurs, the producer who is receiving financial assistance or their contractor shall immediately notify the Office of the NRCS Minnesota State Conservationist, the NRCS Minnesota CRS, specialized cultural resources personnel as specified in II.c of this State-based Prototype Agreement, and supervisory NRCS Minnesota personnel for the area, and the landowner/applicant.

1. The NRCS Minnesota CRS or specialized cultural resources personnel for NRCS Minnesota shall inspect the discovery within twenty-four (24) hours, if weather permits, and in consultation with the local NRCS Minnesota official (field office supervisor or District or Area Conservationist), concerned Indian tribes, the MnHPO, the NRCS Minnesota State engineering or program supervisor, as appropriate, the landowner/producer (whomever NRCS is assisting). The NRCS Minnesota CRS or specialized cultural resources personnel for the NRCS Minnesota State Office shall establish a protective buffer zone surrounding the discovery. This action may require inspection by tribal cultural resources experts in addition to the CRS or NRCS' Archaeological Consultants.
 2. All the NRCS Minnesota State Office contact with media shall occur only under the direction of the NRCS Minnesota Public Affairs Officer, as appropriate, and the NRCS Minnesota State Conservationist.
 3. Security shall be established to protect the resources/historic properties, workers, and private property. Local law enforcement authorities will be notified in accordance with applicable State law and NRCS policy in order to protect the resources. Construction and/or work may resume outside the buffer only when the NRCS Minnesota State Conservationist determines it is appropriate and safe for the resources and workers.
 4. The NRCS Minnesota CRS shall assist the NRCS Minnesota State Conservationist in notifying the MnHPO, Indian tribes, and ACHP no later than forty-eight (48) hours after the discovery, and in describing the assessment of the National Register eligibility of the property, as feasible, and proposed actions to resolve any adverse effects to historic properties. The eligibility determination may require the assessment and advice of concerned Indian tribes, the MnHPO, and technical experts (such as historic landscape architects) not employed by NRCS.
 5. The MnHPO/Indian tribe shall respond within forty-eight (48) hours from receipt of the notification with any comments on the discovery and proposed actions.
 6. The NRCS Minnesota State Office shall take any comments provided into account and carry out appropriate actions to resolve any adverse effects.
 7. The NRCS Minnesota State Office shall provide a report of the actions to the MnHPO/Indian tribe when the actions are completed.
- c. When human remains are discovered, the NRCS Minnesota State Office shall follow all applicable federal, tribal, and state burial laws and ordinances, including the Native American Graves Protection and Repatriation Act, and implementing regulations, when on tribal or federal lands, and related human rights and health statutes, where appropriate. In Minnesota, the NRCS Minnesota State Office shall comply with the *State Archaeologist's Procedures for Implementing Minnesota's Private Cemeteries Act* (Minn. Stat. § 307.08). In addition to meeting the requirements of Minn. Stat. § 307.08, the producer who is receiving financial assistance or their contractor shall immediately notify the Office of the NRCS Minnesota State Conservationist, the NRCS Minnesota CRS or specialized cultural resources personnel as specified in II.c of this State-based Prototype Agreement, and supervisory NRCS Minnesota personnel for the area, and the landowner/applicant.
- d. The NRCS Minnesota State Office 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 Minnesota State Office shall also follow USDA and NRCS policy on treatment of human remains and consultation.

VIII. Dispute Resolution.

- a. Should any consulting or signatory party to this State-based Prototype Agreement object to any actions proposed or the manner in which the terms of the agreement are implemented, the NRCS Minnesota State Conservationist and CRS shall consult with such party to resolve the objection. If the NRCS Minnesota State Conservationist determines that such objection cannot be resolved, he or she will:
 1. Forward all documentation relevant to the dispute, including the NRCS Minnesota State Conservationist's proposed resolution, to the NRCS FPO and Senior Policy Official (SPO Deputy Chief for Science and Technology) and the ACHP. The ACHP shall provide the FPO, SPO, and the NRCS Minnesota State Conservationist with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRCS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and any signatory or consulting parties, and provide them with a copy of this written response. The NRCS Minnesota State Office will then proceed according to its final decision.
 2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the NRCS Minnesota State Office may make a final decision on the dispute and proceed. Prior to reaching such a final decision, the NRCS Minnesota State Office 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 Minnesota 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 consulting party to the State-based Prototype Agreement may request the ACHP provide its advisory opinion regarding the substance of any finding, determination, or decision regarding compliance with its terms.
- d. At any time during the implementation of the State-based Prototype Agreement, a member of the public may submit an objection pertaining to this agreement to the NRCS Minnesota State Conservationist, in writing. Upon receiving such an objection, the NRCS Minnesota State Conservationist shall notify the NRCS SPO and FPO, the MnHPO, and Indian tribes, take the objection into account, and consult with other consulting parties as appropriate to resolve the objection. The NRCS Minnesota State Conservationist shall notify the SPO, FPO, MnHPO, and Indian tribes of the outcome of this process.

IX. Public Involvement.

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

X. Annual Reporting and Monitoring.

- a. Every year following the execution of this State-based Prototype Agreement, commencing September 20, 2017, until it expires or is terminated, the NRCS Minnesota State Conservationist shall provide all consulting parties (including those parties who participate in the consultation but do not sign the agreement) and the FPO a summary report detailing work undertaken pursuant to its terms during the previous calendar year. This report will include a summary of

undertakings falling under Appendix A as well as undertakings that required further review; a summary of the nature and content of meetings held with the MnHPO and Indian tribes; and an assessment of the overall effectiveness of the State-based Prototype Agreement. The report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in efforts by the NRCS Minnesota State Office to carry out the terms of this State-based Prototype Agreement.

1. The NRCS FPO shall use the state reports to provide, through the NRCS SPO, an annual report to the ACHP.
2. The NRCS Minnesota State Conservationist shall use the state report to assess the need for annual meetings with the MnHPO and Indian tribes each fiscal year.
- b. The NRCS Minnesota State Conservationist will participate in an annual review with the NRCS Regional Conservationist regarding the effectiveness of the prototype agreement and submit a written (email) report following this review to the SPO (Deputy Chief for Science and Technology).
- c. The NRCS Minnesota State Conservationist, MnHPO, or Indian tribes may request that the ACHP participate in any annual meeting or State-based Prototype Agreement review.

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

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

XII. Duration of Prototype Agreement.

This State-based Prototype Agreement for the NRCS Minnesota State Office will be in effect for five (5) years from the date of execution unless amended or terminated pursuant to Stipulation XIII below. If, at the end of five years (5), the terms of this State-based Prototype Agreement are found to be effective and operational, this State-based Prototype Agreement shall be extended an additional five (5) years.

XIII. Amendment and Termination.

- a. This State-based Prototype Agreement may be amended, or extended, if agreed to in writing by all signatories. The amendment will be effective on the date a copy, signed by all of the signatories, is filed with the NRCS FPO, SPO, and the ACHP.
- b. If any signatory to this State-based Prototype Agreement, or the ACHP, determines that its provisions will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XII. If within thirty (30) calendar days, or other time period agreed upon by the signatories, an amendment cannot be agreed upon, any signatory or the ACHP may terminate the State-based Prototype 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 Minnesota.
- d. The NRCS Minnesota State Office will consider requests from other USDA agencies to become a signatory to the State-based Prototype Agreement following formal written requests and appropriate discussion with and approval by the NRCS FPO and SPO, and joint USDA Agency -NRCS State Office consultation with the ACHP, the MnHPO, Indian Tribes/THPOs, and other consulting parties, as appropriate. Such inclusion of the USDA agency may require amendment to this State-based Prototype Agreement.

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

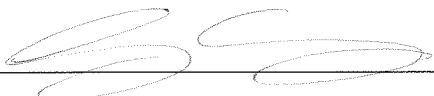
Signatories

USDA NATURAL RESOURCES CONSERVATION SERVICE, MINNESOTA

 _____ Date: 3/7/2017

Cathee Pullman, State Conservationist, NRCS Minnesota

MINNESOTA HISTORIC PRESERVATION OFFICE

 _____ Date: 3-9-17

Amy Spong, Deputy State Historic Preservation Officer

**AMENDMENT NUMBER ONE
TO THE
PROTOTYPE PROGRAMMATIC AGREEMENT
BETWEEN THE
US DEPARTMENT OF AGRICULTURE
MINNESOTA NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE
AND THE
MINNESOTA HISTORIC PRESERVATION OFFICE
REGARDING CONSERVATION ASSISTANCE**

WHEREAS, the Minnesota PPA was executed among NRCS and the Minnesota SHPO on March 22, 2017 to establish efficiencies in the administration of NRCS programs in Minnesota; and

WHEREAS, the signatories to the PPA have requested to amend the Minnesota PPA and have consulted in accordance with Stipulation XIII; and



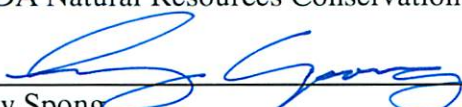

WHEREAS, the signatories have agreed that additional practices are appropriate for inclusion in Appendix A; and

WHEREAS, the NRCS Minnesota will send a copy of this executed amendment to the PPA to the Minnesota SHPO, the ACHP and the NRCS Federal Preservation Officer for their records; and

NOW THEREFORE, in accordance with Stipulation XIII of the PPA, the Minnesota NRCS and the Minnesota SHPO agree to amend the Minnesota PPA as follows:

1. The Minnesota PPA will be amended to include the following revisions so that it reads as follows: [See attached Appendix A]
2. All other provisions of the State PPA remain unchanged and NRCS will implement them in accordance with the terms of the original PPA.

Signatory Parties

 _____ Curtis Elke Acting State Conservationist - Minnesota USDA Natural Resources Conservation Service	 _____ Date
 _____ Amy Spong Division Director and Deputy State Historic Preservation Officer Minnesota State Historic Preservation Office	 _____ Date

**MODIFICATION NUMBER TWO
TO APPENDIX A OF THE
PROTOTYPE PROGRAMMATIC AGREEMENT
BETWEEN THE
US DEPARTMENT OF AGRICULTURE
MINNESOTA NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE
AND THE MINNESOTA HISTORIC PRESERVATION OFFICER,
REGARDING CONSERVATION ASSISTANCE**

WHEREAS, the Minnesota PPA was executed between the Minnesota NRCS and the Minnesota SHPO on March 9th, 2017 to establish efficiencies in the administration of NRCS programs in Minnesota; and

WHEREAS, the signatories to the PPA have requested to modify Appendix A of the Minnesota PPA and have consulted in accordance with Stipulation XIII; and

WHEREAS, the signatories have agreed that additional practices are appropriate for inclusion in Appendix A; and

WHEREAS, the Minnesota NRCS will send a copy of this executed modification to the PPA to the Minnesota SHPO, the ACHP and the NRCS Federal Preservation Officer for their records; and

NOW THEREFORE, in accordance with Stipulation XIII of the PPA, the Minnesota NRCS and the Minnesota SHPO agree to modify the Minnesota PPA as follows:

1. The Minnesota PPA will be modified to include the following revisions so that it reads as follows: [See the attached Appendix A]
2. All other provisions of the Minnesota PPA remain unchanged and the Minnesota NRCS will implement them in accordance with the terms of the original PPA.

Signatory Parties

Troy Daniell
State Conservationist, Minnesota
USDA Natural Resources Conservation Service

Date



Amy Spong
Division Director and Deputy State Historic Preservation Officer
Minnesota State Historic Preservation Office

9/6/19

Date

**MODIFICATION NUMBER THREE
TO APPENDIX A OF THE
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BETWEEN THE
US DEPARTMENT OF AGRICULTURE
MINNESOTA NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE
AND THE MINNESOTA HISTORIC PRESERVATION OFFICER,
REGARDING CONSERVATION ASSISTANCE**

WHEREAS, the Minnesota PPA was executed between the Minnesota NRCS and the Minnesota SHPO on March 9th, 2017 to establish efficiencies in the administration of NRCS programs in Minnesota; and

WHEREAS, the signatories to the PPA have requested to modify Appendix A of the Minnesota PPA and have consulted in accordance with Stipulation XIII; and

WHEREAS, the signatories have agreed that additional practices are appropriate for inclusion in Appendix A; and

WHEREAS, the Minnesota NRCS will send a copy of this executed modification to the PPA to the Minnesota SHPO, the ACHP and the NRCS Federal Preservation Officer for their records; and

NOW THEREFORE, in accordance with Stipulation XIII of the PPA, the Minnesota NRCS and the Minnesota SHPO agree to modify the Minnesota PPA as follows:

1. The Minnesota PPA will be modified to include the following revisions so that it reads as follows: [See the attached Appendix A]
2. All other provisions of the Minnesota PPA remain unchanged and the Minnesota NRCS will implement them in accordance with the terms of the original PPA.


Signatory Parties

Troy Daniell

*Digitally signed by Troy Daniell
Date: 2020.11.30 15:15:04 -06'00'*

Troy Daniell
State Conservationist, Minnesota
USDA Natural Resources Conservation Service

Date


Amy Spong
Division Director and Deputy State Historic Preservation Officer
Minnesota State Historic Preservation Office

12/8/2020
Date

**MODIFICATION NUMBER FOUR
TO APPENDIX A OF THE
PROTOTYPE PROGRAMMATIC AGREEMENT
BETWEEN THE
US DEPARTMENT OF AGRICULTURE
MINNESOTA NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE
AND THE MINNESOTA HISTORIC PRESERVATION OFFICER,
REGARDING CONSERVATION ASSISTANCE**

WHEREAS, the Minnesota PPA was executed between the Minnesota NRCS and the Minnesota SHPO on March 9th, 2017 to establish efficiencies in the administration of NRCS programs in Minnesota; and

WHEREAS, the signatories to the PPA have requested to modify Appendix A of the Minnesota PPA and have consulted in accordance with Stipulation XIII; and

WHEREAS, the signatories have agreed that additional practices are appropriate for inclusion in Appendix A; and

WHEREAS, the Minnesota NRCS will send a copy of this executed modification to the PPA to the Minnesota SHPO, the ACHP and the NRCS Federal Preservation Officer for their records; and

NOW THEREFORE, in accordance with Stipulation XIII of the PPA, the Minnesota NRCS and the Minnesota SHPO agree to modify the Minnesota PPA as follows:


1. The Minnesota PPA will be modified to include the following revisions so that it reads as follows: [See the attached Appendix A]
2. All other provisions of the Minnesota PPA remain unchanged and the Minnesota NRCS will implement them in accordance with the terms of the original PPA.

Signatory Parties

TROY DANIELL Digitally signed by TROY DANIELL
Date: 2021.12.21 11:00:32 -06'00'

Troy Daniell
State Conservationist, Minnesota
USDA Natural Resources Conservation Service

Date


Amy Spong
Division Director and Deputy State Historic Preservation Officer
Minnesota State Historic Preservation Office

Date

12/21/2021

**MODIFICATION NUMBER FIVE
TO APPENDIX A OF THE
PROTOTYPE PROGRAMMATIC AGREEMENT
BETWEEN THE
US DEPARTMENT OF AGRICULTURE
MINNESOTA NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE
AND THE MINNESOTA HISTORIC PRESERVATION OFFICER,
REGARDING CONSERVATION ASSISTANCE**

WHEREAS, the Minnesota PPA was executed between the Minnesota NRCS and the Minnesota SHPO on March 9th, 2017 to establish efficiencies in the administration of NRCS programs in Minnesota; and

WHEREAS, the signatories to the PPA have requested to modify Appendix A of the Minnesota PPA and have consulted in accordance with Stipulation XIII; and

WHEREAS, the signatories have agreed that additional practices are appropriate for inclusion in Appendix A; and

WHEREAS, the Minnesota NRCS will send a copy of this executed modification to the PPA to the Minnesota SHPO, the ACHP and the NRCS Federal Preservation Officer for their records; and

NOW THEREFORE, in accordance with Stipulation XIII of the PPA, the Minnesota NRCS and the Minnesota SHPO agree to modify the Minnesota PPA as follows:

1. The Minnesota PPA will be modified to include the following revisions so that it reads as follows: [See the attached Appendix A]
2. All other provisions of the Minnesota PPA remain unchanged and the Minnesota NRCS will implement them in accordance with the terms of the original PPA.

Signatory Parties

Troy Daniell
State Conservationist, Minnesota
USDA Natural Resources Conservation Service

Date


Amy Spong
Division Director and Deputy State Historic Preservation Officer
Minnesota State Historic Preservation Office

02/06/2023

Date

**MODIFICATION NUMBER SIX
TO APPENDIX A OF THE
PROTOTYPE PROGRAMMATIC AGREEMENT
BETWEEN THE
US DEPARTMENT OF AGRICULTURE
MINNESOTA NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE
AND THE MINNESOTA HISTORIC PRESERVATION OFFICER,
REGARDING CONSERVATION ASSISTANCE**

WHEREAS, the Minnesota PPA was executed between the Minnesota NRCS and the Minnesota SHPO on March 9th, 2017 to establish efficiencies in the administration of NRCS programs in Minnesota; and

WHEREAS, the signatories to the PPA have requested to modify Appendix A of the Minnesota PPA and have consulted in accordance with Stipulation XIII; and

WHEREAS, the signatories have agreed that additional practices are appropriate for inclusion in Appendix A; and

WHEREAS, the Minnesota NRCS will send a copy of this executed modification to the PPA to the Minnesota SHPO, the ACHP and the NRCS Federal Preservation Officer for their records; and

NOW THEREFORE, in accordance with Stipulation XIII of the PPA, the Minnesota NRCS and the Minnesota SHPO agree to modify the Minnesota PPA as follows:

1. The Minnesota PPA will be modified to include the following revisions so that it reads as follows: [See the attached Appendix A]
2. All other provisions of the Minnesota PPA remain unchanged and the Minnesota NRCS will implement them in accordance with the terms of the original PPA.

Signatory Parties


Troy Daniell

Digitally signed by TROY DANIELL

Date: 2024.02.24 10:58:31 -06'00'

Troy Daniell
State Conservationist, Minnesota
USDA Natural Resources Conservation Service

Date



Amy Spong
Division Director and Deputy State Historic Preservation Officer
Minnesota State Historic Preservation Office

2/28/2024

Date

APPENDIX A

Natural Resources Conservation Service (NRCS) Minnesota Activities, Enhancements, and Practices With Little or No Potential to Affect Historic Properties

Pursuant to Stipulation V.a of the NRCS Minnesota State-based agreement, and in accordance with 36 CFR Part 800. 3(a)(1), NRCS Minnesota has determined that the following conservation activities, enhancements, and practices constitute undertakings with little or no potential to affect historic properties. This determination has been made in consultation with the NRCS Minnesota State Conservationist, NRCS Conservation Specialists, and the Minnesota Historic Preservation Office (MnSHPO). If a conservation activity, enhancement, or practice is not listed as part of this Appendix, and if the exceptions found in Part III of this Appendix do not apply, then the conservation activity, enhancement, or practice will be considered as having potential to affect cultural resources. Therefore, a cultural resources investigation should be completed.

I. General NRCS Minnesota Practices with Little or No Potential to Affect Historic Properties:

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

- a) Conservation Planning or Technical Assistance when NRCS Exercises No Control Over Implementation. NRCS Minnesota has determined providing general conservation planning and technical assistance to its Cooperators has little or no potential to affect historic properties. This assistance is primarily focused on management and is completed in the office or in the field. Planning and technical assistance involves no ground disturbance activities that would necessitate a cultural resources inventory.
- b) Conservation Activity Plans. NRCS Minnesota has determined that the development of Conservation Activity Plans (CAPs) has little or no potential to affect historic properties. CAPs are written plans prepared for Cooperators utilizing financial assistance provided by the NRCS. The CAPs are used to identify conservation measures that are needed to address specific resource concerns, and CAPs can be used to help cooperators apply for financial assistance from the NRCS. As with general conservation planning, the development of CAPs involves no ground disturbance activities that would necessitate a cultural resources inventory.
- c) Highly Erodible Land and Wetland Determinations. NRCS Minnesota has determined that the determination of Highly Erodible Lands (HEL) and Wetlands has little or no potential to affect historic properties. These determinations are primarily completed in the office and involves no ground disturbance activities that would necessitate a cultural resources inventory. Wetlands determinations are occasionally completed in the field utilizing a hand-dug test pit to identify redoximorphic features. Under such circumstances, Conservation Planners will shift the location of test pits to avoid impacts to cultural resources.

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

II. Specific NRCS Minnesota Activities, Enhancements, and Practices with Little or No Potential to Affect Historic Properties:

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

III. NRCS Minnesota Conservation Activity, Enhancement, and Practice Exceptions.

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

- a) Conservation activities, enhancements, or practices are limited to management.
- b) Conservation activities, enhancements, and practices are applied through aerial, chemical, or biological means.
- c) Conservation activities, enhancements, and practices are applied manually or with hand-tools.
- d) Conservation activities, enhancements, and practices are applied to the modern ground surface and involve no subsurface disturbance.
- e) Conservation activities, enhancements, and practices occur within existing tilled soils, croplands, or areas of surface disturbance, and will not exceed the existing depth of tillage or previous disturbance.

If, through the planning process, Conservation Planners determine that a conservation activity, enhancement, or practice does not meet the criteria for one of the five exceptions listed above, and that no extenuating circumstances exist, then planners shall submit an *NRCS Minnesota (MN-CPA-048) Cultural Resources Review Form* to the NRCS State CRS for further review. The form shall include a list of all conservation activities, enhancements, and practices that are being planned for the undertaking, and it shall also include a clear justification for why an exception should be applied. Use of any exception shall require approval from the NRCS State CRS. Approval from the NRCS State CRS may require consultation per Section 106 and it's implementing regulations under 36 CFR Part 800 before an exception can be applied.

IV. Conservation Stewardship Program (CSP) Enhancements

CSP conservation practice enhancements will follow guidance listed under the applicable conservation practice standard codes. This includes all E-conservation practice standard-based enhancements. CSP bundles will be reviewed based on each enhancement applicable to the bundle.

V. Annual Updates to this Appendix

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

Table 1. FY 2024 NRCS Minnesota Conservation Activities, Enhancements, and Practices with Little or No Potential to Affect Historic Properties Non-Exempt: Planners shall submit an <i>NRCS Minnesota (MN-CPA-048) Cultural Resources Review Form</i> to the NRCS State CRS for further review. Exempt: No further action needed <u>if</u> exemption criteria apply. If exemption criteria do not apply, the practice is Non-Exempt (see above). Not Listed: Planners shall submit an <i>NRCS Minnesota (MN-CPA-048) Cultural Resources Review Form</i> to the NRCS State CRS for further review.			
Practice	Name	Description	Exemption Criteria
309	Agrichemical Handling Facility	A facility with an impervious surface to provide an environmentally safe area for the handling of on-farm agrichemicals.	Exempt when implemented within areas of previous disturbance, does not exceed the existing depth of disturbance, or is confined to the modern surface. Non-Exempt when implemented in previously undisturbed areas, exceeds the depth of prior disturbance, or is located within a farmstead determined to be 50 years old or older.
311	Alley Cropping	Trees or shrubs planted in a set or series of single or multiple rows with agronomic, horticultural crops or forages produced in the alleys between the rows of woody plants.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
313	Waste Storage Facility	A waste storage impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure.	Non-Exempt
314	Brush Management	The management or removal of woody (non-herbaceous or succulent) plants including those that are invasive and noxious.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or when the practice only involves the application of chemical or biological agents. Non-Exempt when using mechanical means and associated disturbances exceed the depth of prior disturbance.
315	Herbaceous Weed Treatment	The removal or control of herbaceous weeds including invasive, noxious, and prohibited plants.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or when the practice only involves the application of chemical or biological agents. Non-Exempt when using mechanical means and associated disturbances exceed the depth of prior disturbance.
316	Animal Mortality Facility	An on-farm facility for the treatment or disposal of livestock and poultry carcasses for routine and catastrophic mortality events.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas and/or exceeds the depth of prior disturbance.
317	Composting Facility	A structure or device to contain and facilitate an aerobic microbial ecosystem for the decomposition of manure and/or other organic material into a final product efficiently stable for storage, on farm use, and application to land as a soil amendment.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or is confined to the modern surface. Non-Exempt when implemented in previously undisturbed areas and/or exceeds the depth of prior disturbance.
319	On-Farm Secondary Containment Facility	A permanent facility designed to provide secondary containment of oil and oil products used on farm.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or is confined to the modern surface and does not include a roof. Non-Exempt when the facility will include a roof or is implemented in previously undisturbed areas and/or exceeds the depth of prior disturbance.

Table 1. FY 2024 NRCS Minnesota Conservation Activities, Enhancements, and Practices with Little or No Potential to Affect Historic Properties Non-Exempt: Planners shall submit an <i>NRCS Minnesota (MN-CPA-048) Cultural Resources Review Form</i> to the NRCS State CRS for further review. Exempt: No further action needed <u>if</u> exemption criteria apply. If exemption criteria do not apply, the practice is Non-Exempt (see above). Not Listed: Planners shall submit an <i>NRCS Minnesota (MN-CPA-048) Cultural Resources Review Form</i> to the NRCS State CRS for further review.			
Practice	Name	Description	Exemption Criteria
324	Deep Tillage	Performing tillage operations below the normal tillage depth to modify adverse physical or chemical properties of a soil.	Non-Exempt
325	High Tunnel System	A seasonal polyethylene covered structure that is used to cover crops to extend the growing season in an environmentally safe manner.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
326	Clearing and Snagging	Removal of vegetation along the bank (clearing) and/or selective removal of snags, drifts, or other obstructions (snagging) from natural or improved channels and streams.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when using mechanical means and exceeds the depth of prior disturbance.
327	Conservation Cover	Establishing and maintaining permanent vegetative cover.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
328	Conservation Crop Rotation	Growing crops in a recurring sequence on the same field.	Exempt
329	Residue and Tillage Management, No-Till	Managing the amount, orientation and distribution of crop and other plant residue on the soil surface year-round while limiting soil-disturbing activities to only those necessary to place nutrients, condition residue and plant crops.	Exempt
330	Contour Farming	Aligning ridges, furrows, and roughness formed by tillage, planting, and other operations to alter velocity and/or direction of water flow to around the hillslope.	Exempt
331	Contour Orchard and Other Perennial Crops	Planting orchards, vineyards, or other perennial crops so that all cultural operations are done on or near the contour.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
332	Contour Buffer Strips	Narrow strips of permanent, herbaceous vegetative cover established around the hill slope, and alternated down the slope with wider cropped strips that are farmed on the contour.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
336	Soil Carbon Amendment	Application of carbon-based amendments derived from plant materials or treated animal byproducts.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
338	Prescribed Burning	Applying controlled fire to a predetermined area.	Exempt when implemented within areas of previous disturbance. Non-Exempt when implemented within previously undisturbed areas.

Table 1. FY 2024 NRCS Minnesota Conservation Activities, Enhancements, and Practices with Little or No Potential to Affect Historic Properties Non-Exempt: Planners shall submit an <i>NRCS Minnesota (MN-CPA-048) Cultural Resources Review Form</i> to the NRCS State CRS for further review. Exempt: No further action needed <u>if</u> exemption criteria apply. If exemption criteria do not apply, the practice is Non-Exempt (see above). Not Listed: Planners shall submit an <i>NRCS Minnesota (MN-CPA-048) Cultural Resources Review Form</i> to the NRCS State CRS for further review.			
Practice	Name	Description	Exemption Criteria
340	Cover Crop	The planting of crops such as grasses, legumes, and forbs to provide seasonal cover that will reduce erosion, improve soil organic matter, promote efficient nutrient cycling, fix nitrogen in the soil, suppress weeds, increase biodiversity and/or provide food and cover for wildlife.	Exempt
342	Critical Area Planting	Establishment of permanent vegetation on sites that have or are expected to have high erosion rates, and on sites that have physical, chemical, or biological conditions that prevent the establishment of vegetation with normal practices.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when shaping and grading exceed original depth of disturbance.
345	Residue and Tillage Management, Reduced Till	Managing the amount, orientation and distribution of crop and other plant residue on the soil surface year-round while limiting the soil-disturbing activities used to grow crops in systems where the entire field surface is tilled prior to planting.	Exempt
350	Sediment Basin	A basin constructed with an engineered outlet, formed by an embankment or excavation or a combination of the two.	Non-Exempt
351	Well Decommissioning	The sealing and permanent closure of an inactive, abandoned, or unusable water well.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
356	Dike and Levee	A barrier constructed of earth or manufactured materials.	Non-Exempt
360	Waste Facility Closure	The decommissioning of facilities, and/or the rehabilitation of contaminated soil, in an environmentally safe manner, where agricultural waste has been handled, treated, and/or stored and is no longer used for the intended purpose.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
362	Diversion	A channel generally constructed across the slope with a supporting ridge on the lower side.	Non-Exempt
366	Anaerobic Digester	A component of a waste management system that provides biological treatment in the absence of oxygen.	Non-Exempt
367	Roofs and Covers	A rigid, semi-rigid, or flexible manufactured membrane, composite material, or roof structure placed over a waste management facility.	Exempt
368	Emergency Animal Mortality Management	A means or method for the management of animal carcasses from catastrophic mortality events.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or confined to the modern surface. Non-Exempt when the existing depth of disturbance is exceeded or not confined to the modern surface in areas not previously disturbed.
372	Combustion System Improvement	Installing, replacing, or retrofitting agricultural combustion systems and/or related components or devices for air quality and energy efficiency improvement.	Exempt

Table 1. FY 2024 NRCS Minnesota Conservation Activities, Enhancements, and Practices with Little or No Potential to Affect Historic Properties Non-Exempt: Planners shall submit an <i>NRCS Minnesota (MN-CPA-048) Cultural Resources Review Form</i> to the NRCS State CRS for further review. Exempt: No further action needed <u>if</u> exemption criteria apply. If exemption criteria do not apply, the practice is Non-Exempt (see above). Not Listed: Planners shall submit an <i>NRCS Minnesota (MN-CPA-048) Cultural Resources Review Form</i> to the NRCS State CRS for further review.			
Practice	Name	Description	Exemption Criteria
374	Energy Efficient Agricultural Operation	Development and implementation of improvements to reduce or improve the energy efficiency of on-farm energy use.	Exempt
376	Field Operations Emissions Reduction	Adjusting field operations and technologies to reduce emissions of particulate matter and oxides of nitrogen from field operations.	Exempt
378	Pond	A water impoundment made by constructing an embankment, by excavating a dugout, or by a combination of both.	Non-Exempt
379	Forest Farming	Managing existing stands of trees and shrubs with an understory of woody and/or non-woody plants.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when disturbances exceed the depth of prior disturbance.
380	Windbreak/Shelterbelt Establishment and Renovation	Windbreaks or shelterbelts are single or multiple rows of trees or shrubs in linear configurations to reduce surface wind speeds to control wind erosion, manage snow deposition, reduce the spread of odors, reduce pesticide spray drift and/or provide wildlife food and cover.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
381	Silvopasture	Establishing a combination of trees and compatible forage on the same acreage.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in areas not previously disturbed.
382	Fence	A constructed barrier to animals or people.	Exempt when implemented within areas of previous disturbance and when installed by hand, when it is temporary, and when installed without the use of heavy equipment to clear vegetation and obstructions. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
383	Fuel Break	A strip or block of land on which the vegetation, debris, and detritus have been reduced and/or modified to control or diminish the spread of fire.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in areas not previously disturbed.
384	Woody Residue Treatment	The treatment of residual woody material that is created due to management activities or natural disturbances.	Exempt when implemented without physical ground disturbance or burning. Non-Exempt when mechanized equipment will disturb subsurface.
386	Field Border	A strip of permanent vegetation established at the edge or around the perimeter of a field to provide a buffer between cropland and non-cropped areas to reduce cropland impacts and provide wildlife food and cover.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
390	Riparian Herbaceous Cover	Grasses, sedges, rushes, ferns, legumes, and forbs tolerant of intermittent flooding or saturated soils, established or managed as the dominant vegetation in the transitional zone between upland and aquatic habitats.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.

Table 1. FY 2024 NRCS Minnesota Conservation Activities, Enhancements, and Practices with Little or No Potential to Affect Historic Properties Non-Exempt: Planners shall submit an <i>NRCS Minnesota (MN-CPA-048) Cultural Resources Review Form</i> to the NRCS State CRS for further review. Exempt: No further action needed <u>if</u> exemption criteria apply. If exemption criteria do not apply, the practice is Non-Exempt (see above). Not Listed: Planners shall submit an <i>NRCS Minnesota (MN-CPA-048) Cultural Resources Review Form</i> to the NRCS State CRS for further review.			
Practice	Name	Description	Exemption Criteria
391	Riparian Forest Buffer	An area predominantly trees and/or shrubs located adjacent to and up-gradient from watercourses or water bodies.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
393	Filter Strip	A strip or area of herbaceous vegetation established on cropland that removes contaminants from overland flow.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
394	Firebreak	A permanent or temporary strip of bare or vegetated land established to retard the movement of fire.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
395	Stream Habitat Improvement and Management	Maintain, improve, or restore physical, chemical, and biological functions of a stream, and its associated riparian zone, necessary for meeting the life history requirements of desired aquatic species.	Non-Exempt
396	Aquatic Organism Passage	Modification or removal of barriers that restrict or impede movement of aquatic organisms.	Non-Exempt
397	Aquaculture Pond	A water impoundment constructed and managed for farming of freshwater and saltwater organisms including fish, mollusks, crustaceans, and aquatic plants.	Non-Exempt
402	Dam	An artificial barrier that can impound water for one or more beneficial purposes.	Non-Exempt
410	Grade Stabilization Structure	A structure used to control the grade and head cutting in natural or artificial channels.	Non-Exempt
412	Grassed Waterway	A shaped or graded channel that is established with suitable vegetation to convey surface water at a non-erosive velocity using a broad and shallow cross section to a stable outlet.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
420	Wildlife Habitat Planting	Establishing wildlife habitat by planting herbaceous vegetation or shrubs.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
422	Hedgerow Planting	Establishment of dense vegetation in a linear design to achieve a natural resource conservation purpose	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.

Table 1. FY 2024 NRCS Minnesota Conservation Activities, Enhancements, and Practices with Little or No Potential to Affect Historic Properties Non-Exempt: Planners shall submit an <i>NRCS Minnesota (MN-CPA-048) Cultural Resources Review Form</i> to the NRCS State CRS for further review. Exempt: No further action needed <u>if</u> exemption criteria apply. If exemption criteria do not apply, the practice is Non-Exempt (see above). Not Listed: Planners shall submit an <i>NRCS Minnesota (MN-CPA-048) Cultural Resources Review Form</i> to the NRCS State CRS for further review.			
Practice	Name	Description	Exemption Criteria
430	Irrigation Pipeline	A pipeline and appurtenances installed to convey water for storage or application, as part of an irrigation water system.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or confined to the modern surface. Non-Exempt when buried below existing depth of disturbance or in areas not previously disturbed.
432	Dry Hydrant	A nonpressurized permanent pipe assembly installed to permit withdrawal of water by suction from a water source.	Non-Exempt
436	Irrigation Reservoir	A constructed dam, pit, or tank used to store water for irrigation.	Non-Exempt
441	Irrigation System, Microirrigation	An irrigation system for frequent application of small quantities of water on or below the soil surface: as drops, tiny streams, or miniature spray through emitters or applicators placed along a water delivery line.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or confined to the modern surface. Non-Exempt when buried below existing depth of disturbance or in areas not previously disturbed.
442	Sprinkler System	A distribution system that applies water by means of nozzles operated under pressure.	Exempt
449	Irrigation Water Management	The process of determining and controlling the volume, frequency, and application rate of irrigation water in a planned, efficient manner.	Exempt
453	Land Reclamation, Landslide Treatment	Stabilize in-place natural materials, mine spoil, waste, or overburden to prevent downslope movement.	Non-Exempt
460	Land Clearing	Removing trees, stumps, and other vegetation from wooded areas to achieve a conservation objective.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
462	Precision Land Forming and Smoothing	Regrading of a field to remove surface irregularities.	Non-Exempt
468	Lined Waterway or Outlet	A waterway or outlet having an erosion-resistant lining of concrete, stone, synthetic turf reinforcement fabrics, or other permanent material.	Exempt If adding a liner to a previously disturbed waterway (e.g., adding a liner on top of a waterway and anchoring with staples). Non-Exempt if new installation.
472	Access Control	The temporary or permanent exclusion of animals, people, vehicles, and/or equipment from an area.	Exempt when confined to the modern surface, or with no new construction. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
484	Mulching	Applying plant residues or other suitable materials produced off site, to the land surface.	Exempt

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Practice	Name	Description	Exemption Criteria
490	Tree/Shrub Site Preparation	Treatment of areas to improve site conditions for establishing trees and/or shrubs.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
500	Obstruction Removal	Removal and disposal of buildings, structures, other works of improvement, vegetation, debris, or other materials.	Non-Exempt
511	Forage Harvest Management	The timely cutting and removal of forages from the field as hay, green-chop, or ensilage.	Exempt
512	Pasture and Hay Planting	Establishing adapted and/or compatible species, varieties, or cultivars of herbaceous species suitable for pasture, hay, or biomass production.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
516	Livestock Pipeline	A pipeline and appurtenances installed to convey water for livestock or wildlife.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or confined to the modern surface. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
520	Pond Sealing or Lining - Compacted Soil Treatment	A liner for an impoundment constructed using compacted soil with or without soil amendments.	Non-Exempt
521	Pond Sealing or Lining – Geomembrane or Geosynthetic Clay Liner	A liner for an impoundment constructed using a geomembrane or a geosynthetic clay material.	Non-Exempt
522	Pond Sealing or Lining - Concrete	A liner for an impoundment constructed using reinforced or nonreinforced concrete.	Non-Exempt
527	Sinkhole Treatment	The treatment of sinkholes in karst areas to reduce contamination of groundwater resources, and/or to improve farm safety	Non-Exempt
528	Prescribed Grazing	Managing the harvest of vegetation with grazing and/or browsing animals	Exempt
533	Pumping Plant	A facility that delivers water at a designed pressure and flow rate. Includes the required pump(s), associated power unit(s), plumbing, appurtenances, and may include on-site fuel or energy source(s), and protective structures	Exempt when updating or replacing an existing pump or pump component and no ground disturbance is involved. Non-Exempt when involving ground disturbance.
543	Land Reclamation, Abandoned Mined Land	Reclamation of land and water areas adversely affected by past mining activities.	Non-Exempt
548	Grazing Lands Mechanical Treatment	Modifying physical soil and/or plant conditions with mechanical treatments.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.

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Practice	Name	Description	Exemption Criteria
550	Range Planting	Establishment of adapted perennial or self-sustaining vegetation such as grasses, forbs, legumes, shrubs, and trees.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
554	Drainage Water Management	The process of managing water discharges from surface and/or subsurface agricultural drainage systems.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or confined to the modern surface. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
558	Roof Runoff Structure	A structure that will collect, control, and convey precipitation runoff from a roof.	Exempt provided that the structure is determined to be less than 50 years old. Non-Exempt when the structure is determined to be 50 years old or older.
560	Access Road	A travel-way for equipment and vehicles constructed as part of a conservation plan.	Non-Exempt
561	Heavy Use Area Protection	Heavy Use Area Protection is used to stabilize a ground surface that is frequently and intensively used by people, animals, or vehicles.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or confined to the modern surface (example: installing gravel base foundation with minimal surface disturbance) Non-Exempt when the existing depth of disturbance is exceeded or not confined to the modern surface in areas not previously disturbed. (example: installing concrete foundation)
570	Stormwater Runoff Control	Controlling the quantity and quality of stormwater runoff.	Non-Exempt
572	Spoil Disposal	Disposal of surplus excavated materials from construction activities.	Non-Exempt
574	Spring Development	Collection of water from springs or seeps to provide water for a conservation need.	Non-Exempt
575	Trails and Walkways	Established lanes or travel ways that facilitate animal movement.	Non-Exempt
576	Livestock Shelter Structure	A permanent or portable structure with less than four walls and/or a roof to provide shelter to livestock.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
578	Stream Crossing	A stabilized area or structure constructed across a stream to provide a travel way for people, livestock, equipment, or vehicles	Non-Exempt
580	Streambank and Shoreline Protection	Treatment(s) used to stabilize and protect banks of streams or constructed channels, and shorelines of lakes, reservoirs, or estuaries.	Non-Exempt
582	Open Channel	Construction, improvement, or restoration of a natural or artificial water channel.	Non-Exempt

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Practice	Name	Description	Exemption Criteria
584	Channel Bed Stabilization	Measure(s) used to stabilize the bed or bottom of a channel.	Non-Exempt
585	Stripcropping	Growing planned rotations of erosion-resistant and erosion-susceptible crops or fallow in a systematic arrangement of strips across a field.	Exempt
587	Structure for Water Control	A structure in a water management system that conveys water, controls the direction or rate of flow, maintains a desired water surface elevation or measures water.	Non-Exempt
588	Cross Wind Ridges	Ridges formed by tillage, planting or other operations and aligned perpendicular to prevailing wind direction during critical wind erosion periods.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
589C	Cross Wind Trap Strips	Herbaceous cover established in one or more strips typically perpendicular to the most erosive wind events.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
590	Nutrient Management	Managing the amount (rate), source, placement (method of application), and timing of plant nutrients and soil amendments.	Exempt
592	Feed Management	Manipulating and controlling the quantity and quality of available nutrient, feedstuffs, or additives fed to livestock and poultry.	Exempt
595	Pest Management Conservation System	A site-specific combination of pest prevention, pest avoidance, pest monitoring, and pest suppression strategies.	Exempt
600	Terrace	An earth embankment, or a combination ridge and channel, constructed across the field slope.	Non-Exempt
601	Vegetative Barrier	Permanent strips of stiff, dense vegetation along the general contour of slopes or across concentrated flow areas.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
603	Herbaceous Wind Barriers	Herbaceous vegetation established in rows or narrow strips in the field across the prevailing wind direction.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
604	Saturated Buffer	A subsurface, perforated distribution pipe used to divert and spread drainage system discharge to a vegetated area to increase soil saturation	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
605	Denitrifying Bioreactor	A structure that uses a carbon source to reduce the concentration of nitrate nitrogen in subsurface agricultural drainage flow via enhanced denitrification.	Non-Exempt

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Practice	Name	Description	Exemption Criteria
606	Subsurface Drain	A conduit installed beneath the ground surface to collect and/or convey excess water.	Non-Exempt
609	Surface Roughening	Performing tillage operations that create random roughness of the soil surface.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implementation exceeds the depth of prior disturbance.
610	Saline and Sodic Soil Management	Management of land, water, and plants to reduce the accumulation impacts of salts, sodium, or combination of salts and sodium on the soil surface and in the rooting zone.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
612	Tree/Shrub Establishment	Establishing woody plants by planting seedlings or cuttings, direct seeding, or natural regeneration.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
614	Watering Facility	A permanent or portable device to provide an adequate amount and quality of drinking water for livestock and or wildlife.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or confined to the modern surface. Non-Exempt when disturbance will exceed the depth of prior disturbance.
620	Underground Outlet	A conduit or system of conduits installed beneath the surface of the ground to convey surface water to a suitable outlet.	Non-Exempt
627	Wastewater Treatment – Milk House	The physical, mechanical, and biological treatment of dairy milk house wastewater.	Non-Exempt
629	Waste Treatment	The mechanical, chemical, or biological treatment of agricultural waste.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
632	Waste Separation Facility	A filtration or screening device, settling tank, settling basin, or settling channel used to separate a portion of solids from a liquid waste stream.	Non-Exempt
634	Waste Transfer	A system using structures, pipes or conduits installed to convey wastes or waste byproducts from the agricultural production site to storage/treatment or application.	Exempt when using existing structures, conduits, or equipment, and without new construction. Non-Exempt when implemented with new construction.
635	Vegetated Treatment Area	An area of permanent vegetation used for agricultural wastewater treatment.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.

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Practice	Name	Description	Exemption Criteria
638	Water and Sediment Control Basin	An earth embankment or a combination ridge and channel generally constructed across the slope and minor watercourses to form a sediment trap and water detention basin.	Non-Exempt
642	Water Well	A hole drilled, dug, driven, bored, jetted or otherwise constructed to an aquifer for water supply.	Non-Exempt
643	Restoration of Rare or Declining Natural Communities	Restoring and managing rare and declining habitats and their associated wildlife species.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or when limited to management. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
644	Wetland Wildlife Habitat Management	Retaining, developing, or managing wetland habitat for wetland wildlife.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or when limited to management. Non-Exempt when installing water control structures or performing earthmoving activities.
645	Upland Wildlife Habitat Management	Provide and manage upland habitats and connectivity within the landscape for wildlife.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or when limited to management. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
646	Shallow Water Development and Management	The inundation of lands to provide habitat for fish and wildlife.	Non-Exempt
647	Early Successional Habitat Development/Management	Manage early plant succession to benefit desired wildlife or natural communities by increasing plant community diversity.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when using mechanical means and soil subsurface will be disturbed in areas not previously disturbed.
649	Structures for Wildlife	A structure installed to replace or modify a missing or deficient wildlife habitat component.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or confined to the modern surface. Non-Exempt when disturbance will exceed the depth of prior disturbance.
654	Road-Trail-Landing Closure and Treatment	Decommissioning and abandonment of travel ways or log landings.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when using mechanical means and soil subsurface will be disturbed in areas not previously disturbed.
655	Forest Trails and Landings	A route, travel-way or cleared area within a forest.	Non-Exempt

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Practice	Name	Description	Exemption Criteria
656	Constructed Wetland	An artificial ecosystem with hydrophytic vegetation for water treatment.	Non-Exempt
657	Wetland Restoration	The return of a wetland and its functions to a close approximation of its original condition as it existed prior to disturbance on a former or degraded wetland site.	Non-Exempt
658	Wetland Creation	The creation of a wetland on a site location that was historically non-wetland.	Non-Exempt
659	Wetland Enhancement	The augmentation of wetland functions beyond the original natural conditions on a former, degraded, or naturally functioning wetland site, sometimes at the expense of other functions.	Non-Exempt
660	Tree-Shrub Pruning	Removing all or parts of selected branches from trees and shrubs.	Exempt
666	Forest Stand Improvement	The manipulation of species composition, stand structure and/or stand density by cutting or killing selected trees and/or understory vegetation to achieve desired forest conditions.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or when confined to the modern surface. Non-Exempt when disturbance will exceed the depth of prior disturbance.
670	Energy Efficient Lighting System	Complete replacement or retrofitting of one or more components of an existing agricultural lighting system.	Exempt
672	Energy Efficient Building Envelope	Modification or retrofit of the building envelope of an existing agricultural structure.	Exempt provided that the structure is determined to be less than 50 years old. Non-Exempt when the structure is determined to be 50 years old or older.
782	Phosphorus Removal System	A system installed to intercept subsurface (tile) flow, groundwater or surface runoff flow, and reduce the concentration of phosphorus.	Non-Exempt
805	Amending Soil Properties with Lime	Adjust the soil pH with lime to change physical and chemical properties of the soil to achieve a conservation objective.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance or when confined to the modern surface. Non-Exempt when disturbance will exceed the depth of prior disturbance.
809	Conservation Harvest Management	Managing the amount, orientation, and distribution of crop and other plant residues on the soil surface during a specified period of the year.	Exempt
810	Annual Forages for Grazing Systems	Establish adapted and compatible species, varieties, or cultivars of annual forage species suitable for pasture or fodder.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.

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Practice	Name	Description	Exemption Criteria
812	Raised Beds	Create an above ground growing environment.	Exempt when implemented on the existing ground surface or does not exceed the existing depth of disturbance. Non-Exempt when implemented with ground disturbance that exceeds the depth of prior disturbance.
815	Groundwater Recharge Basin or Trench	An off-channel impoundment with a permeable base underlain by an unconfined aquifer.	Non-Exempt
821	Low Tunnel System	An enclosed polyethylene, polycarbonate, plastic, or fabric covered structure that is used to cover and protect crops from sun, wind, excessive rainfall, or cold, and to extend the growing season or to reduce pest pressure	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.
823	Organic Management	Managing and improving natural resources on land in and adjacent to organic production using methods which integrate cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.	Exempt when implemented within areas of previous disturbance and does not exceed the existing depth of disturbance. Non-Exempt when implemented in previously undisturbed areas or exceeds the depth of prior disturbance.

APPENDIX B
SECTION 106 REVIEW for CULTURAL RESOURCES
MINNESOTA NRCS

Project Background:

Landowner/Project Name _____ County _____

USDA Program _____ If Other (e.g. CTA) please name _____

Practice(s) with Codes(s) _____

Total Amount of Area(s) of Potential Effect (in Acres) _____ Total Project Area Size (in Acres) _____

Project Location: Township _____ N Range _____ W Section (¼ Sec) _____

Planned Construction Date _____

If pipeline/trail (linear ft., L and W) _____

If there are other partner(s), please name _____

Mandatory Attachments (on separate sheets)

1. USGS topographical map scaled at 1 in. = 2000 to 4000 ft. and an aerial photo scaled at 1 in. to 660 to 1320 ft., add and label township lines; and mark and label the practice and project boundaries exactly on all maps;
2. Note details of anticipated project activities, i.e. ground/building disturbance (label maps as necessary);
3. Only the relevant sections of design drawings showing soil disturbance boundaries (e.g. plan views).

Describe the current land use, any previous disturbance in the project area, and any proposed disturbance (including depth)Check the Yes or No box if there are any known buildings/sites* in the project area. Yes ☐ No ☐

*Sites are such places as artifact scatters, mounds or earthworks, cemeteries, privy pits, old foundations, ruins, bridges, dams, water control structures, historic roads/trails/fences, and trash pits/piles.

1. Age of building(s)/site(s) or date(s) built:
2. Ground level photographs of outside of buildings/sites are required for any buildings on or near the disturbed site.
3. Individually, what kind of physical shape are they in? (good, fair or poor and explain reasoning)

Form submitted by: _____ Field Office _____ Date _____

2nd Level Reviewer: _____ Position: _____ Date _____*If applicable, submit this form with the NEPA checklist*

Additional Notes if necessary (including additional practice names with codes; or locations T/R/S(Q):

Use or attach additional pages as necessary.

For information regarding consultation with SHPO or the processing of this form contact:

Jason Reichel
 375 Jackson Street
 Suite 600
 St. Paul MN, 55101
 Phone: 651-602-7861
 Email: jason.reichel@mn.usda.gov

Instructions for Completing the Section 106 Review for Cultural Resources Form (MN-CPA-048)

NOTE: This form was developed in cooperation with SHPO. All lines are required as per the instructions below. Any required information that is incomplete or incorrect will result in the request not being processed and require resubmission. This will delay the processing of the form and may delay the project causing harm to the client.

Project Background:

Landowner/Project Name: If there is a Toolkit account, use the producer's name/business that is used for ToolKit. If not, use the Producer's given name, for example Joseph (not Joe) Smith. A farm name such as Johnson Acres or a business name such as Lambert Brothers, LLC can also be used.

County: Use the county where the project is located. This may be a different county than the producer's home address or the servicing field office.

USDA Program: Use the appropriate Federal USDA program, not any other programs such as state cost-share programs.

If Other please name (e.g. CTA, State cost/share, grants-please name the grant): This is for all non-Federal USDA programs.

Practice(s) with Code(s): List the NRCS conservation practice code and number. Do not allow the font size to be reduced to complete these lines. Use the section "Additional Notes if necessary" to add additional practices.

Practices that are exempt should NOT be included.

Practice names shall not be abbreviated.

Good Example: Water and Sediment Control Basin (638), Grade Stabilization Structure (410).

Poor Example: WASC0B, Grade Stabe (410).

Total Amount of Area(s) of Potential Effect (in Acres): This is the size of the geographic area or areas within which Federal agency planned actions or activities (undertakings) may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertakings. The APE should include all borrow, fill or temporary storage areas, access roads and any other lands that would be directly or indirectly affected by the proposed undertaking, it should include all disturbed areas. In some cases, with very large or elevated projects, the APE may include visual effects. Enter in the total acres of the *Area of Potential Effect.

Total Project Area Size (in Acres): This is the size of the geographic area or areas within which Federal agency planned projects are to be implemented. If the project has a narrow impact use the line "If pipeline/trail, (linear ft., L and W)". Be very careful in choosing the project size measurements; some pipeline projects may need to use both acreage and linear measurements. Use one, the other or both as appropriate.

Project Location: The township, range, section and quarter section is required. (Each section is divided into 4 quarters, each being ¼ square mile, or 160 acres. Each of the quarter sections is labeled with a quadrant direction (NW, NE, SW, SE). When completing township, range, section (¼ Sec) use the township that has >50% of the impacted area and enter only one location for each line. Be sure to enter the section number and quarter section as shown on the form; i.e. 12 (NE). For example: 12 (NE) is the proper way to enter in a project located in the northeast Quarter section of Section 12. If a project is located in more than one township, range or section (¼ Sec), use the "Additional Notes if necessary;" to add more locations, enter each on a separate line.

Planned Construction Date: Enter in a month and a year. Allow time for a Cultural Resources Review request taking into account that a survey may be needed. SHPO has 30 days from the receipt of agency findings to complete the CRR.

If pipeline/trail, (linear ft., L and W): Use this line when an acres measurement is not logical; however, use professional judgement when using this measurement. Some linear practices will have supporting or associated practices requiring an acres measurement also.

If there are other partner(s), please name: Partners may include other federal agencies, state agencies, local agencies or NGOs.

Mandatory Attachments (on separate sheets)

1. USGS 7.5' quad topographical map and a separate aerial photo with the project and impacted area clearly outlined on both maps and using appropriate NRCS mapping protocol and scale.
2. Details of anticipated project activities, i.e. building removals, ground disturbance, borrow areas, etc. (add narratives, maps and photos as necessary). Include previous CRRs and SHPO letters when available.
3. Only the relevant sections of design drawings showing soil disturbance boundaries (e.g. plan views) are needed.

***Describe the current land use, any previous disturbance in the project area, and any proposed disturbance (including depth):** Be clear and succinct with descriptions. Add photos of the area, with captions or descriptions, if they clarify descriptions. Use professional judgement, knowledge and prior experience. Request forms do not have to be just 3 pages; but don't submit a "book" either.

***Project Narrative Description**

Not all activities have the potential to cause effects on historic properties. Examples of such assistance activities may include, but are not limited to providing basic information on soil and water conservation and crop production; providing general or broad based planning assistance across a district; and providing assistance that will not cause a ground disturbance or lead to greater disturbances of previously disturbed areas.

Check here if any known building/sites* are located in the project area (if not, check here). Check one of the boxes!

*Sites are such places as artifact scatters, mounds or earthworks, cemeteries, privy pits, old foundations, ruins, bridges, dams, water control structures, historic roads/trails/fences, and trash pits/piles.

Information needed to be furnished to CRC if there are known buildings/sites in the project area:

Fill in items 1 – 3 as appropriate.

1. Age of building(s)/site(s) or date(s) built: _____
2. Ground level photographs of outside of buildings/sites.
3. Individually, what kind of physical shape are they in (good, fair or poor)? Explain reasoning.

Form submitted by: Required! An electronic signature is OK. This person will be receiving all correspondence from the Cultural Review Coordinator. If others in the field office need to receive correspondence, include their names within this space or in the Additional Notes if necessary section.

Field Office: Required. Should be the Field Office of the person submitting the form.

Date: Required! Date the form was completed.

Additional Notes if necessary: As previously discussed, add T/R/S/QS and multiple practices if more room is needed. Make sure the additions are clear. Add anything else that would help describe the project that would aid in deciding whether a survey is needed.

APPENDIX C

GLOSSARY OF ACRONYMS USED IN THIS DOCUMENT

ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effect
CAP(s)	Conservation Activity Plan(s)
CEQ	Council on Environmental Quality
CRS	Cultural Resources Specialist
DHS	Department of Homeland Security
EWP	Emergency Watershed Protection
FEMA	Federal Emergency Management Service
FPO	Federal Preservation Officer
HEL	Highly Erodible Lands
MnHPO	Minnesota State Historic Preservation Office
NCSHPO	National Conference of State Historic Preservation Officers
NEPA	National Environmental Policy Act
NHL(s)	National Historic Landmark(s)
NHO	Native Hawaiian Organization
NHPA	National Historic Preservation Act
NHQ	National Headquarters
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NRI	Natural Resource Inventory
SHPO	State Historic Preservation Officer

SPO	Senior Policy Official
THPO	Tribal Historic Preservation Officer
USDA	United States Department of Agriculture