PROTOTYPE PROGAMMATIC AGREEMENT BETWEEN THE US DEPARTMENT OF AGRICULTURE, NEBRASKA NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE, NEBRASKA STATE HISTORIC PRESERVATION OFFICER, REGARDING CONSERVATION ASSISTANCE

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

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

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

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

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

WHEREAS, NRCS developed this Prototype Agreement in consultation with the National Conference of State Historic Preservation Officers (NCSHPO) and its members, interested Indian

Tribes, Native Hawaiian organizations, interested historic preservation organizations, (such as the National Trust for Historic Preservation), and the Advisory Council on Historic Preservation (ACHP); and

WHEREAS, in accordance with 36 CFR Part 800.14(b)(4), the ACHP has designated this agreement as a Prototype Agreement, which allows for the development and execution of subsequent prototype agreements by individual NRCS NEBRASKA State office(s) (State-based Prototype Programmatic Agreements (SPPA)) 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 NEBRASKA State Office and the SHPO/THPO/Indian Tribe/NHO 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 NEBRASKA 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 Programmatic Agreement; and

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

WHEREAS, the NRCS NEBRASKA has consulted with the Apache Tibe of Oklahoma, The Arapaho Tribe of the Wind River Reservation, Wyoming, Cheyenne and Arapaho Tribes of Oklahoma, Cheyenne River Sioux Tribe, Comanche Nation, Crow Creek Sioux Tribe of the Crow Creek Reservation, Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Kaw Nation of Oklahoma, Kiowa Tribe of Oklahoma, Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota, Mandan, Hidatsa, and Arikara Nation, Northern Cheyenne Tribe, Oglala Sioux Tribe, Omaha Tribe of Nebraska, Otoe-Missouria Tribe of Indians, Oklahoma, Pawnee Nation of Oklahoma, Ponca Tribe of Indians of Oklahoma, Ponca Tribe of Nebraska, Rosebud Sioux Tribe, Sac & Fox Nation of Missouri in Kansas and Nebraska, Sac & Fox Nation, Oklahoma, Sac & Fox Tribe of the Mississippi in Iowa, Santee Sioux Nation of Nebraska, Standing Rock Sioux Tribe of North and South Dakota, Ute Mountain Ute Tribe, Winnebago Tribe of Nebraska, Yankton Sioux Tribe Nebraska Indian Tribe(s) and has invited The Omaha Tribe of Nebraska, The Winnebago Tribe of Nebraska, The Santee Sioux Nation, The Ponca Tribe of Nebraska, The Iowa Tribe of Kansas and Nebraska, The Sac and Fox

Nation of Missouri in Kansas and Nebraska Indian Tribe(s) to enter into this State-based Prototype Agreement as a invited signatory or concurring party; and

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

WHEREAS, when NRCS NEBRASKA 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 NEBRASKA State Office and the Nebraska SHPO agree that undertakings in the state of Nebraska 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 NEBRASKA shall ensure that the following stipulations are met and carried out:

I. Applicability.

a. Once executed by the NRCS NEBRASKA and the Nebraska State Historic Preservation Officer (SHPO), this State Prototype Programmatic Agreement (SPPA) sets forth the review process for all NRCS NEBRASKA undertakings subject to Section 106 in Nebraska.

b. Execution of this State Prototype Programmatic Agreement supersedes any existing State Level Agreement with Nebraska SHPO executed under the previous NRCS NEBRASKA nationwide Programmatic Agreement but does not replace any existing project-specific Section 106 agreements (Memoranda of Agreement or Programmatic Agreements).

c. This State Prototype Programmatic 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 Prototype Programmatic Agreement applies only when there is a State Cultural Resources Specialist (CRS) in the NRCS NEBRASKA State Office who meets the Secretary of Interior's Professional Qualification Standards.

II. Roles and Professional Qualifications.

a. The NRCS NEBRASKA State Conservationist is responsible for oversight of the agency's performance under this State Prototype Programmatic Agreement.

b. NRCS NEBRASKA shall ensure all NRCS NEBRASKA staff or individuals carrying out Section 106 historic preservation compliance work on its behalf, including the NRCS NEBRASKA State Cultural Resources Specialist (CRS) are appropriately qualified to coordinate the reviews of resources and historic properties as applicable to the resources and historic properties being addressed (e.g., site, building, structure, landscape, resources of significance to Native Tribes, and other concerned communities). Thus, these staff and consultants must meet the Secretary of the Interior's Professional Archaeologists Qualification Standards and have the knowledge to assess the resources within an undertaking's area of potential effects (APE).

c. The Nebraska State Conservationist is responsible for government-to-government consultation with Tribal leaders and/or their Tribal Historic Preservation Officers (THPOs) to develop consultation protocols. These responsibilities may not be delegated to any other staff, nor carried out on behalf of NRCS NEBRASKA by another federal agency or contractor.

d. The NRCS NEBRASKA cultural resource staff (comprised of the SOI Qualified CRS and NRCS NEBRASKA State Archeologist(s)) shall provide technical historic property and resource information to the State Conservationist for use in Section 106 findings and determinations, after appropriate consultations with the SHPO, Native Tribes, appropriate consulting parties, and discussions with the landowner. The NRCS NEBRASKA cultural resource staff shall monitor and oversee the cultural resources work and reporting of all NRCS NEBRASKA field office personnel, conservation partners, and professional service consultants related to NRCS NEBRASKA undertakings. The NRCS NEBRASKA cultural resource staff shall make recommendations to the NRCS NEBRASKA State Conservationist in determining whether an undertaking has the potential to affect historic properties, triggering Section 106 review, pursuant to 36 CFR Part 800.3(a).

e. NRCS NEBRASKA field office personnel and conservation partners involved in implementing this State Prototype Programmatic Agreement, after completion of NRCS NEBRASKA'S web, classroom, and field awareness trainings acquired through USDA's AgLearn training site, shall work with the NRCS NEBRASKA cultural resource staff, as feasible, to complete cultural resources identification and reporting work for NRCS NEBRASKA undertakings, as appropriate. This work will include limited participation in pedestrian cultural resources inventories and data collection, the completion of historic preservation compliance field records for the Cooperator's (i.e., NRCS NEBRASKA'S client or voluntary applicant for assistance) files, and the production of initial historic property identification records (as set forth and outlined in the NRCS NEBRASKA National Cultural Resources Procedures Handbook, Title 190, Part 601).

f. NRCS NEBRASKA SOI qualified, State Cultural Resources Specialist shall oversee development of the scopes of work for investigation of the APEs for identified undertakings (see 36 CFR Part 800.4). The NRCS NEBRASKA may use professional service contractors, consultants, or adequately trained partners to assist with cultural resources compliance studies. NRCS NEBRASKA shall ensure the contractors and consultants meet the Secretary of Interior's Professional Archaeologist Qualifications.

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

h. Nebraska SHPO, if provided sufficient data (as defined in 36 CFR Part 800.11) on a proposed undertaking and APE for the proposed undertaking by NRCS NEBRASKA, shall consult and provide a response to NRCS NEBRASKA within thirty (30) calendar days.

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

III. Training.

a. NRCS NEBRASKA shall require NRCS personnel conducting cultural resource identifications and evaluations to complete, at a minimum, the NRCS NEBRASKA Web-based (in USDA AgLearn) and field-based Cultural Resources Training modules and the ACHP's Section 106 *Essentials* course. Cultural resources training must be completed prior to conducting cultural resources compliance work and within the first year of employment with the NRCS NEBRASKA. The initial training must be supplemented with a Cultural Resources Refresher Training every three years as part of the NRCS NEBRASKA Planner Recertification process.

b. NRCS NEBRASKA shall require NRCS NEBRASKA Cultural Resource Staff overseeing cultural resource work to take the NRCS NEBRASKA 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 Prototype Programmatic Agreement or within the first year of employment for new NRCS NEBRASKA Cultural Resource Staff. NRCS NEBRASKA Cultural Resource Staff shall review and update training completion with their supervisors and include their training in their Individual Development Plans.

c. NRCS NEBRASKA may invite the Nebraska SHPO, Native American Tribal staff, THPOs, or staff to participate in presentations at agency classroom or field trainings.

d. NRCS NEBRASKA shall encourage all personnel conducting or overseeing cultural

resources work on behalf of the NRCS NEBRASKA to take additional specialized training as provided by the Nebraska SHPO, Native Tribes, NHOs, the ACHP, National Park Service, General Services Agency or other agencies, and professional groups as appropriate and feasible.

IV. Lead Federal Agency.

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

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

c. For any NRCS NEBRASKA undertaking located on Tribal land, the terms of this State Prototype Programmatic Agreement shall not apply.

V. Review Procedures.

a. In consultation with the Nebraska SHPO, NRCS NEBRASKA shall identify conservation practices (i.e, undertakings) with little to no potential to affect historic properties and list those undertakings in Appendices B and C. Upon the of this State Prototype Programmatic Agreement. Upon determination by the NRCS NEBRASKA CRS that a proposed undertaking is included in Appendices B and C and that no extenuating circumstances are identified, NRCS NEBRASKA is not required to consult further with the Nebraska SHPO for that undertaking.

b. The list of undertakings provided in Appendices B and C may be modified through consultation and written agreement between the NRCS NEBRASKA State Conservationist and the SHPO/Native Tribe without requiring an amendment to this State Prototype Programmatic Agreement. The NRCS NEBRASKA State office will maintain the master list of potential undertakings, and if changes to the master list are made, NRCS NEBRASKA will provide all consulting parties with an updated list and explanation of the rationale (metadata) for classifying the practices accordingly.

c. For undertakings identified in Appendices B and C that require further review, NRCS NEBRASKA shall consult with the SHPO/Native Tribe(s) to define the undertaking's APE, identify and evaluate historic properties that may be affected by the undertaking, assess potential effects, and identify strategies for resolving adverse effects prior to approving the financial assistance for the undertaking. Details of the review process are as follows:

1. NRCS NEBRASKA may provide an undertaking's proposed APE, identification of historic properties and/or scope of identification efforts, and assessment of effects in a single transmittal to the SHPO and Native Tribe(s), provided this documentation meets the substantive standards in 36 CFR Part 800.4-5 and 800.11.

2. NRCS NEBRASKA shall attempt to avoid adverse effects to historic properties whenever possible; when historic properties are located within the APE, NRCS NEBRASKA shall propose actions to modify, buffer, or move the undertaking to avoid adverse effects to historic properties.

3. Where NRCS NEBRASKA proposes a finding of "no historic properties affected" or "no adverse effect" to historic properties, the SHPO/Native Tribe/NHO shall have 30 calendar days from receipt of this documented description and information to complete their review and provide comments. The NRCS NEBRASKA shall take into account all timely comments.

i. If the SHPO/Native Tribe/NHO, or another consulting party, disagrees with NRCS NEBRASKA'S findings and/or determination, they shall notify the NRCS NEBRASKA within 30 calendar days. The NRCS NEBRASKA shall consult with the SHPO/Native Tribe/NHO or other consulting party to resolve the disagreement. If the disagreement cannot be resolved through additional consultation, NRCS NEBRASKA shall follow the dispute resolution process in Stipulation VIII of this State Prototype Programmatic Agreement.

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

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

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

a. NRCS NEBRASKA shall notify Nebraska SHPO within 48 hours of the emergency determination, following the NRCS NEBRASKA's Emergency Watershed Program

(EWP) final rule (see Section 216, P.L. 81-516 Final Rule, 7 CFR Part 624 (April 2005)).
b. The NRCS NEBRASKA State Office shall prepare procedures for exigency (following the rules for NRCS NEBRASKA's EWP regarding immediate threat to life and property requiring a response within 5 days) in consultation with the SHPO/Native Tribes. These procedures are appended to this document.

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

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

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

b. NRCS NEBRASKA 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, entity receiving financial assistance, or their contractor shall immediately notify NRCS NEBRASKA State Conservationist's Office, the CRS, supervisory NRCS NEBRASKA personnel for the area, and the landowner/applicant.

1.The NRCS NEBRASKA CRS shall inspect the discovery within 24 hours or as soon as weather permits, and in consultation with the local NRCS NEBRASKA official (i.e., District or Area Conservationist), concerned Native Tribes, the Nebraska SHPO, the NRCS NEBRASKA State engineering or program supervisor, as appropriate), the landowner/producer (whomever NRCS NEBRASKA is assisting), the CRS shall establish a protective buffer zone surrounding the discovery. This action may require inspection by Tribal cultural resources experts in addition to the CRS.

2. All NRCS contact with media shall occur only under the direction of the NRCS Public Affairs Officer, as appropriate, the State Conservationist, and in consultation with Tribes.

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 NEBRASKA policy in order to protect the cultural resource(s). Construction and/or project activities may resume

outside the buffer zone only after the State Conservationist determines it is appropriate and safe for both the cultural resources and workers.

i. The NRCS NEBRASKA CRS shall notify the Nebraska SHPO, Native Tribe(s), and the ACHP no later than 48 hours after the discovery and present NRCS NEBRASKA 'S assessment of the property's eligibility for listing in the NRHP as feasible and propose actions to resolve any adverse effects to historic properties. Eligibility determinations may require the assessment and advice of concerned Native Tribes, the Nebraska SHPO, and technical experts (e.g., historic landscape architects) not employed by NRCS NEBRASKA.

ii. The Nebraska SHPO, Native Tribe(s), and the ACHP shall respond within 48 hours from receipt of the notification with any comments on the discovery and proposed actions.

iii. NRCS NEBRASKA shall take into account any comments provided and carry out appropriate actions to resolve any potential adverse effects.

iv. NRCS NEBRASKA shall provide a report to the Nebraska SHPO, Native Tribe(s), and the ACHP of the actions when they are completed.

c. When human remains are discovered, NRCS NEBRASKA 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 compliance with the Nebraska Unmarked Human Burial Sites and Skeletal Remains Protection Act of 1989 (Nebraska State Statutes 12-12-1 through 12-1212), NRCS NEBRASKA will cease all activities the moment any human remains are discovered, and the presence and locations of any remains will be reported to law enforcement, State Archeology Office (SAO), and the State Historic Preservation Officer (SHPO) within 48 hours of discovery. NRCS NEBRASKA shall also refer to the ACHP's Policy Statement regarding *Treatment of Burial Sites, Human Remains and Funerary Objects* and the ACHP's Section 106 Archaeology Guidance. NRCS NEBRASKA shall also follow USDA and NRCS NEBRASKA policy on treatment of human remains and consultation.

VIII. Dispute Resolution.

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

1. Forward all documentation relevant to the dispute, including the State Conservationist's proposed resolution, to the NRCS NEBRASKA Federal Preservation

Officer (FPO), Senior Policy Official (SPO Deputy Chief for Science and Technology), and the ACHP. The ACHP shall provide the FPO, SPO, and State Conservationist with guidance on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRCS NEBRASKA shall prepare a written response that considers any timely advice or comment(s) regarding the dispute from the ACHP and the signatories/consulting parties and provide them with a copy of this written response. NRCS NEBRASKA will then proceed according to its final decision.

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

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

c. Any consulting party to State Prototype Programmatic 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 Prototype Programmatic Agreement (SPPA), a member of the public may submit an objection pertaining to this agreement to the NRCS NEBRASKA State Conservationist, in writing. Upon receiving such an objection, the State Conservationist shall notify the NRCS NEBRASKA SPO and FPO, the SHPO/Native Tribe, take the objection into account, and consult with other consulting parties as appropriate to resolve the objection. The NRCS NEBRASKA State Conservationist shall notify the SPO, FPO, SHPO/Native Tribe of the outcome of this process.

IX. Public Involvement.

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

X. Annual Reporting and Monitoring.

a. Every year following the execution of this agreement, until it expires or is terminated, the NRCS NEBRASKA State Conservationist shall provide all consulting parties (including those parties who participate in the consultation but do not sign the agreement) and the FPO a summary report detailing work undertaken pursuant to its terms, including a list of

undertakings with no potential to affect historic properties under Appendices B and C, undertakings that required further review, a summary of the nature and content of meetings held with Nebraska SHPO/Native Tribes, and an assessment of the overall effectiveness of the State Prototype Programmatic Agreement. Such report shall include any scheduling changes proposed, problems encountered, and disputes and/or objections received in NRCS NEBRASKA'S efforts to carry out the terms of this agreement.

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

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

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

b. The State Conservationist will participate in an annual review with the NRCS Regional Conservationist regarding the effectiveness of this State Prototype Programmatic Agreement and submit a written (email) report following this review to the NRCS NEBRASKA SPO.

c. The NRCS NEBRASKA State Conservationist, Nebraska SHPO, or Native Tribes, may request that the ACHP participate in any annual meeting or agreement review.

d. The NRCS NEBRASKA State Conservationist and Nebraska SHPO will annually review the implementation of the SPPA.

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

a. NRCS NEBRASKA shall comply with relevant and applicable state law(s), including permit requirements on state land, and with relevant and applicable Tribal law, when on Tribal lands.

b. Tribal sovereignty will be respected, and their involvement will not be circumvented by the establishment of this State Prototype Programmatic Agreement. Per 36 CFR part 800.2(c)(2) Native tribes will be consulted with on a government-to-government basis.

XII. Duration of Prototype Agreement.

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

XIII. Amendment and Termination.

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

b. If any signatory to this State Prototype Programmatic 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 develop an amendment per Stipulation XIII.a. If within 30 calendar days, or other time period agreed upon by the signatories, an amendment cannot be agreed upon, any signatory or the ACHP may terminate the agreement upon written notification to the other signatories.

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

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

XIV. Approval.

a. Execution of this State Prototype Programmatic Agreement by the NRCS NEBRASKA and Nebraska SHPO/Native Tribes and implementation of its terms evidence that NRCS NEBRASKA has taken into account the effects of its undertakings on historic properties in the State of Nebraska and afforded the ACHP a reasonable opportunity to comment.

Signatory Parties

USDA Natural Resources Conservation Service

Robert Lawson

Date: 4/9/2025

Robert Lawson,
USDA Natural Resources Conservation Service
Nebraska State Conservationist,

Nebraska State Historic Preservation Officer

Date: 4/8/2025

Daryl Bohac
Director Nebraska State Historic Preservation Office

APPENDIX A

GLOSSARY OF ACRONYMS, RESOURCE AND RECORDING GUIDELINES, NATIONAL REGISTER OF HISTORIC PLACES ELIGIBLITY, DETERMINATIONS OF EFFECT, HANDLING POTENTIALLY ELIGIBLE SITES, AND LAND USE DEFINITIONS

I. GLOSSARY OF ACRONYMS USED IN THE DOCUMENT

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

II. NEBRASKA CULTURAL RESOURCE DEFINITIONS AND RECORDING GUIDELINES

NRCS NEBRASKA Site Definition

Sites are distinguished by placing a spatial (i.e., vertical, and horizontal) limit on the defined or observable (e.g., surficial and/or subsurface) material remains of former human behavior that created the remains. What constitutes adequate spatial segregation between artifactual material in order to designate a site or multiple sites is not specifically defined here beyond the exercise of common sense. It may occur that two spatially separate are nevertheless clearly related to each other behaviorally and/or for reasons of research/management simplicity should be considered as one site. This is a common and acceptable practice. A site construct submitted to the NSHS for assignment of a site number may be broken into smaller site units or combined into larger units at the discretion of the NSHS Archeology Division (i.e., the Nebraska State Archeology Office/SAO), with a statement of justification sent to the requesting agency.

NRCS NEBRASKA Isolate/Isolated Resource Definition

Isolated finds are single artifacts (whether whole or a single artifact that has been broken) identified during cultural resource survey. The state of Nebraska does not maintain a system for recording isolated resources, so if isolated resources are encountered during a cultural resource survey, the following guidelines should be followed:

a. Non-diagnostic, prehistoric, isolated finds (i.e., single artifacts), which are clearly in a secondary induced context (e.g., stream-eroded, artificially moved), will be noted in reporting, but will not be given site status. All diagnostic prehistoric artifacts (e.g., projectile points), whether in a primary or secondary context, will be accounted for by assigning a site number.

b. Historic Euro-American isolated finds (e.g., beer cans, bottles, machinery fragments) will not be assigned site numbers unless the item is older than circa 100 years and with the same provision of natural-secondary context deposition as in Item 1 above. Isolated items less than 50 years old will not be documented in survey reports, unless the researcher considers them to be part of an overall significant cultural pattern.

c. Historic sites less than 50 years old will be reported as archeological sites if these consist of abandoned (not just temporarily unoccupied) farm/ranch yards, schoolhouses, trash dumps, and other structural/building/object sites. These locations may or may not have standing structures. Should standing structures be identified, a trinomial site number and SHPO ID number will be requested.

Defined Non-Sites and Property Types Requiring No Formal Documentation

The appropriate lead agency cultural resource specialists must review and approve any deviation from this list. In most cases, formal documentation of the property types listed below is not required. **Existence of non-sites and property types, as defined below, within the survey area and justification for their exclusion must be discussed in the project report.** If any of these property types exhibit significant architectural or engineering features or are associated with a National Register-eligible site or district (either within the boundary or clearly related to the significance of a NRHP-eligible site or district), they should be recorded on a Nebraska site form. Professional judgment and common sense should be applied. In general, Smithsonian numbers will not be assigned to the following property types:

a. Utility lines (e.g., power lines, towers, telephone lines, fiber optic cable).

b. Pipelines (e.g., water, gas). This does not include early wooden pipelines that may be considered historic.

c. Isolated stock dams, troughs, spring boxes, and associated windmills.

d. Elevation, bench, and section markers (e.g., all survey or cadastral markers).

e. Car banks (i.e., the use of abandoned cars, farm machinery, appliances, etc. to stabilize riverbanks, stream banks, or drainages).

f. Riprap (i.e., the use of cobbles, rock, or wood to stabilize riverbanks, stream banks, drainages).

g. Isolated abandoned motorized vehicles, appliances, and mobile homes.

h. Fences and exclosures (e.g., barbed wire, chain link, buck-and-pole, other types of pasture fence) that are not contributing to a NRHP eligible or listed cultural resource. This does not include corrals, roundup or load-out facilities.

i. Unnamed two-track roads (i.e., ranch roads, seismic roads). This will require standard historic research to determine if the roads are named. Named roads need to be formally recorded; generally, unnamed roads do not need to be recorded. Discuss in the report the historic research conducted (i.e., GLO check, county records, historic maps).

j. Post-WW2 refuse consisting of 10 or less artifacts of three or less artifact types. Fragmented objects (e.g., single glass bottle or ceramic bowl that have been broken)

would only count as one artifact. Example: A scatter of 3 post-WW2 glass bottles and 5 cans, would not be considered a site.

k. Producing oil/gas wells and dry hole markers.

l. Water control channels, laterals, spreaders, canals, and ditches that are not designated by name on the USGS Topographic maps and are not contributing to a NRHP eligible or listed cultural resource.

m. Short-term camps associated with stock grazing and recreation that provide no significant information.

n. Temporary sawmill sites, slash piles, and isolated woodpiles.

o. Roads that have been reconstructed within the last 50 years do not need to be recorded. Abandoned segments that are not associated with an eligible road do not need to be recorded.

III. DETERMINATIONS OF EFFECT AND NATIONAL REGISTER OF HISTORIC PLACES ELIGIBILITY

Determinations of Effect

When making effects determinations for its undertakings, NRCS NEBRASKA will follow the nomenclature utilized in guiding regulations 36 CFR 800. A summary of each is as follows:

a. **No historic properties affected** (36 CFR 800.4(d)): If the agency official finds that either there are no historic properties present or *there are* historic properties present, but the undertaking will have *no effect* on them as defined in 36 CFR 800.16(i).

b. Historic properties affected (36 CFR 800.4(d)): If the agency official finds that there are historic properties which may be affected by the undertaking

    1. **No adverse effect** (36 CFR 800.5(b)): The agency official, in consultation with the SHPO/THPO, may propose a finding of no adverse effect when the undertaking's effects do not meet the criteria of adverse effect per 36 CFR 800.5(a), or the undertaking is modified or conditions are imposed, such as avoidance or the subsequent review of plans for rehabilitation by the SHPO/THPO to ensure consistency with the Secretary of the Interior's standards for the treatment of historic properties (36 CFR 68) and applicable guidelines, to avoid adverse effects.

    2. **Adverse effect** (36 CFR 800.5(d)): If an adverse effect is found, the agency

official shall consult further to resolve the adverse effect pursuant to 36 CFR 800.6(d)).

Determinations of Eligibility for the National Register of Historic Places

When evaluating sites for their eligibility for listing in the National Register of Historic Places (NRHP), NRCS NEBRASKA will utilize the criteria established in 36 CFR Part 60.4 and will make one of the following determinations:

a. Eligible: A site is eligible for listing when it retains both significance and integrity as defined in 36 CFR Part 60.4 and the National Register Bulletin 15 "How to Apply the National Register Criteria for Evaluation."
b. Ineligible: A site is ineligible for listing when it lacks significance and/or integrity as defined in 36 CFR Part 60.4 and the National Register Bulletin 15 "How to Apply the National Register Criteria for Evaluation."

IV. CULTURAL RESOURCE SURVEY TYPES

There are multiple types of cultural resource surveys conducted by NRCS NEBRASKA throughout the state of Nebraska. NRCS NEBRASKA Cultural Resource Staff or qualified contractors, per Stipulation II (f), can conduct all levels of survey. NRCS NEBRASKA field office personnel with the required cultural resource training outlined in Stipulation III, can conduct **some** levels of cultural resource survey. The survey types, definitions, and field office staff limitations are as follows:

a. Class I: This style of cultural resource survey involves the thorough review and synthesis of the existing literature concerning a survey area. This will involve, at minimum:
    1. Conducting a record search through the Nebraska State Archeology Officer.
    2. Review of the project area utilizing historic maps, historic aerials, LiDAR imagery, satellite imagery, and other relevant and available resources.

    Generally, Class I surveys involve little or no fieldwork and do not result in the recording of resources. Field office staff **cannot** conduct Class I cultural resource surveys even if they have received the cultural resource training discussed in Stipulation III of this agreement.

b. Class II: A pedestrian cultural resource survey covering less than 100 percent of a project area. This will involve one or multiple of the following:
    1. Pedestrian survey of high probability areas within the project area.
    2. Re-visit sites identified within the project area that are unevaluated for listing in the National Register of Historic Places (NRHP) or lack discrete site boundaries (e.g., eligible sites with a site boundary of a square mile).

    Class II survey(s) can only be conducted by NRCS NEBRASKA field office staff **with** the required cultural resource training, per Stipulation III, **and instruction and**

oversight from NRCS NEBRASKA Cultural Resource Staff.

c. Class III: A pedestrian cultural resource survey that covers 100 percent of the project area. This involves:

    1. Walking transects with a spacing of no further than 100 feet (30 meters) between surveyors throughout the entire project area.

    Class III survey can be conducted by NRCS NEBRASKA field office staff **with** the required cultural resource training, per Stipulation III, as a part of the initial documentation process as described in Appendix E.

d. Subsurface testing: This type of cultural resource survey can be conducted in conjunction with Class II or Class III pedestrian survey. This may involve:

    1. Shovel Testing:
        i. Excavating a 30-centimeter wide (approximately) shovel test pit to identify subsurface cultural resources.
        ii. Each stratum in the shovel test pit will be documented utilizing a Munsell Color Chart and textured; this information will be compiled in the final report for the project.
        iii. Shovel testing depth will terminate when the test pit has been excavated to one of the following:
            1. 60cm in depth
            2. Sterile subsoil
            3. Bedrock or another physical block
            4. Water table
        iv. Cultural resources identified will be documented and the information (e.g., artifact type, depth, photographs etc.) will be noted in the final report. Artifacts will be placed in the shovel test pit and reburied. **No artifacts will be collected.**
        v. Shovel testing can either systematic (i.e., spaced at a set interval along a transect) or selective (i.e., utilized at a site for evaluation purposes, utilized exclusively in high probability areas, or utilized only where ground disturbing practices are expected).
    2. Excavating a test unit to evaluate the eligibility of a cultural resource.

    NRCS NEBRASKA field office staff **cannot** conduct any form of subsurface testing even if they have received the required cultural resource training as described in Stipulation III of this agreement.

APPENDIX B:

LIST OF NRCS NEBRASKA UNDERTAKINGS THAT REQUIRE SECTION 106 REVIEW (Y) AND THOSE UNDERTAKINGS NOT REQUIRING FURTHER SECTION 106 REVIEW (N) BY NEBRASKA NRCS NEBRASKA

Activities, Enhancements, and Practices with No Potential to Affect Historic Properties

Pursuant to Stipulation V.a. of the NRCS NEBRASKA State Prototype Programmatic Agreement (SPPA), and in accordance with 36 CFR Part 800.3(a)(1), NRCS NEBRASKA 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 NEBRASKA State Conservationist, NRCS NEBRASKA Conservation Specialists, and the Nebraska SHPO. If a conservation activity, enhancement, or practice is not listed in 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 NEBRASKA PRACTICES WITH NO POTENTIAL TO AFFECT HISTORIC PROPERTIES:

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

a. Conservation Planning or Technical Assistance. General conservation planning and technical assistance to its Cooperators has no potential to affect historic properties. This assistance is primarily focused on management and is completed in the office or in the field. Planning and technical assistance involves no ground disturbance activities that would necessitate a cultural resources inventory.

b. Conservation Activity Plans. The development of Conservation Activity Plans (CAPs) has no potential to affect historic properties. CAPs are written plans prepared for Cooperators utilizing financial assistance provided by the NRCS NEBRASKA. 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 NEBRASKA. As with general conservation planning, the development of CAPs involve no ground disturbance activities that would necessitate a cultural resources inventory.

c. CPAs, DIAs, CEMAs. Conservation Planning Activities (CPA), Design and Implementation Activities (DIA), and Conservation Evaluation and Monitoring Activities (CEMA) have little or no potential to affect historic properties. CPAs and DIAs are planning activities utilizing financial assistance provided by the NRCS NEBRASKA. As with general conservation planning, CPAs and DIAs involve no ground disturbing activities that would

necessitate a cultural resource inventory. CEMAs are an evaluation of the environmental condition in support of the planning process. CEMAs may have minimal ground disturbance activities that would fall under Appendix C.

d. Highly Erodible Land and Wetland Determinations. Determinations of Highly Erodible Lands (HELs) and Wetlands has no potential to affect historic properties. These determinations are primarily completed in the office and involve no ground disturbing activities that would necessitate a cultural resource inventory. Wetlands determinations are occasionally completed in the field utilizing a hand-dug test pit to identify reduxomorphic features. Under such circumstances, Conservation Planners will shift the location of test pits to avoid impacts to known cultural resources. In the event that unrecorded cultural resources are discovered, further ground disturbing activities will immediately cease, and the procedure outlined in Stipulation VII will be followed.

e. NRCS NEBRASKA Soil Survey and Geotechnical Testing. Limited soil survey testing utilizing hand-dug test pits, hand probes, and/or augers has no potential to affect historic properties, provided that such testing is shifted to avoid impacts to cultural resources and provided that the testing is located on privately-owned land. Similarly, limited geotechnical auger testing of sediment fill and earthen fill structures associated with dam rehabilitation work has no potential to affect historic properties, provided that such geotechnical testing is shifted to avoid impacts to cultural resources and provided that the geotechnical testing is located on privately-owned land. If either activity is located on Federal, State, or Tribal-Administered lands, or if heavy equipment (e.g., backhoes, tractors, excavators) will be used as part of the testing process, then the activities are considered to have potential to affect historic properties. Under such circumstances, a pedestrian cultural resources inventory and Section 106 consultation with Nebraska SHPO will be required. In the event that previously unrecorded cultural resources are discovered, further ground disturbing activities will immediately cease, and the procedure outlined in Stipulation VII will be followed.

II. SPECIFIC NRCS NEBRASKA ACTIVITIES, ENHANCEMENTS, AND PRACTICES WITH NO POTENTIAL TO AFFECT HISTORIC PROPERTIES:

NRCS NEBRASKA has determined that the conservation activities, enhancements, and practices displayed in Table 1 of Appendix C with a status of "N" have no potential to affect historic properties, and that further consultation under Section 106 is unnecessary. These conservation activities, enhancements, and practices are considered to have no potential to affect historic properties provided that NRCS NEBRASKA is 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 conservation practices described in Table 1 of Appendix C with a status of "N" are associated with undertakings occurring on public or Tribal lands or involve extenuating circumstances as defined in Appendix B of the NRCS NEBRASKA SPPA, then consideration of the undertaking's effects is necessary, and coordination with NRCS NEBRASKA Cultural Resource Staff is required.

All practices in Table 1 of Appendix C with a status of "Y" **must** be reviewed by NRCS

NEBRASKA Cultural Resource Staff and, depending on the implementation of the practice, may require Section 106 consultation.

III. NRCS NEBRASKA CONSERVATION ACTIVITY, ENHANCEMENT, AND PRACTICE EXCEPTIONS

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

a. Conservation activities, enhancements, or practices are limited to management.

b. Conservation activities, enhancements, and practices are applied through aerial, chemical, or biological means.

c. Conservation activities, enhancements, and practices are applied manually or with hand tools.

d. Conservation activities, enhancements, and practices are applied to the modern ground surface and involve no subsurface disturbance.

e. Conservation activities, enhancements, and practices occur within existing tilled soils, croplands, or areas of surface disturbance, and will not exceed the existing depth of tillage or previous disturbance.

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

IV. ANNUAL UPDATES TO APPENDIX B

NRCS NEBRASKA recognizes that the standards and definitions for the conservation activities, enhancements, and practices are subject to changes on an annual basis. Similarly, NRCS NEBRASKA 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 NEBRASKA will submit an updated version Table 1 of this Appendix (Appendix B) to the Nebraska SHPO and other consulting parties on an annual basis or if updates occur. As specified in Stipulation V.b. of the NRCS NEBRASKA SPPA, the list of undertakings provided in this Appendix (i.e., Appendix B) may be modified through consultation and written agreement between the NRCS NEBRASKA State

Conservationist and the Nebraska SHPO without requiring an amendment to the NRCS NEBRASKA SPPA.

V. CONSERVATION ACTIVITIES

Based on conditions specific to Nebraska and pursuant to Stipulation V.a., in consultation with the Nebraska SHPO, the NRCS NEBRASKA , through a qualified Cultural Resources Specialist as described in Stipulation II.b., has reviewed NRCS NEBRASKA Conservation Activities and Practices and concurred on which undertakings will not require further Section 106 review because they are a type of activity with foreseeable effects that have little or no potential to affect historic properties (Status N). Activities which have the potential to cause effects on historic properties (Status Y) are thereby subject to review by Nebraska NRCS NEBRASKA cultural resource staff. The following table indicates the potential of each conservation activity or practice to cause effects on historic properties. The categories are as follows:

a. Conservation activities or practices which will not require further Section 106 review because they are a type of activity with foreseeable effects that have little or no potential to affect historic properties are marked "N" in the "Status" column.

b. Projects that must be reviewed by NRCS NEBRASKA Cultural Resources Staff are marked "Y" in the "Status" column.

c. Projects required to be reviewed by NRCS NEBRASKA Cultural Resource Staff must consider visual, atmospheric, and/or audible effects to archaeological and architectural resources are listed as "Y" under the "Status" column.

d. Some conservation practices will differ in their potential to effect historic properties based on their management stipulations. These practices will be marked with a "Y" under the "Status," column and consultation requirements will be noted in the comments column as follows:

    i. No Consultation Required:

    ii. Consultation Required:

VI. LAND USE DEFINITIONS

When determining whether a conservation practice, activity, or enhancement is likely to affect historic properties, land use definitions are necessary. Many practices that occur on cropland will have a similar level of disturbance to previous agricultural activity. On the other hand, the same practice installed on unbroken pasture or range land will have a greater level of disturbance than what has occurred in the past. The land use terms are defined below:

a. Cropland: Land used primarily for the production and harvest of annual or perennial field, forage, food, fiber, horticultural, orchards, vineyards, and/or energy crops.
b. Pastureland: Land composed of introduced or domesticated native forage species that is used primarily for the production of livestock. They receive periodic renovation and/or cultural treatments, such as tillage, fertilization, mowing, weed control, and may be irrigated. They are not in rotation with crops.
c. Rangeland: Land used primarily for the production of grazing animals. Includes native plant communities and those seeded to native or introduced species, or naturalized by introduced species, that are ecologically managed using less invasive range management principles.

APPENDIX C:
LIST OF NRCS NEBRASKA PRACTICES AND THEIR POTENTIAL TO AFFECT HISTORIC PROPERTIES

Conservation Activities	Status
Advice or Technical Assistance When NRCS NEBRASKA Exercises No Control Over Implementation	N
Changes or Amendments to Approved Actions when the NRCS NEBRASKA State Office, in Consultation with the SHPO, concurs that Such Changes have No Potential to Affect National Register Eligible Properties	N
Conservation Easement Purchases that Do Not Call for Structural Modification, Structure Removal, or Ground Disturbing Activities	N
Conservation Easement that Calls for Structural Modification, Structure Removal, or Ground Disturbing Activities	Y
Conservation Planning	N
Conservation Technical Assistance Program Activities with No Potential to Cause Effects to Historic Properties	N
Determinations of Compliance or Non-Compliance	N
Development or Revision of Technical Standards and Specifications	N
Highly Erodible Land Determinations	N
National Resource Inventory with Limited Subsurface Testing Completed with a Shovel, Auger, or Probe	N
Plant Materials for Conservation Recommendations (7 CFR Part 613) Data Analysis from Technical Determinations or Resource Inventories	N
Prime and Unique Farmland Determinations	N
Resource Inventory, Monitoring, Field Trials, and Other Information Gathering Activities that Do Not Involve Subsurface Disturbance	N
River Basin Studies under Section 6 of P. L. 83-566 (7CFR Part 621) Data Analysis from Technical Determinations or Resource Inventories	N
Sodbusting Determinations (No Direct Technical Assistance Provided)	N
Sodbusting Determinations (Previously Cultivated Land)	N
Sodbusting Determinations - Unbroken Land (Direct Technical Assistance Provided)**	Y
Soil Survey (7 CFR Part 611) Data Analysis from Technical Determinations or Resource Inventories	N
Soil Survey or Soil Judging with Limited Subsurface Testing Completed with a Shovel, Auger or Probe	N
Soil Survey that Includes the Mechanical Excavation of Soil Pits or Trenches	Y
Snow Survey and Water Supply Forecast (7 CFR Part 612) Data Analysis from Technical Determinations or Resource Inventories	N
Technical Determinations Based on Empirical or Factual Findings	N
Wetland Certification	N
Wetland Determinations	N

Practice Name and Unit	Code	Cultural Resources Review	
		Status	Comments
Access Control	472	N	
Access Road	560	Y	
Anaerobic Digester	366	Y	
Animal Mortality Facility	316	Y	
Anionic Polyacrylamide Erosion Control	450	N	
Aquatic Organism Passage	396	Y	
Brush Management	314	Y	See Appendix D.
Channel Bed Stabilization	584	Y	
Clearing and Snagging	326	Y	
Combustion System Improvement	372	N	
Composting Facility	317	Y	
Conservation Cover	327	N	
Conservation Crop Rotation	328	N	
Constructed Wetland	656	Y	
Contour Buffer Strips	332	N	
Contour Farming	330	N	
Controlled Traffic Farming	334	N	
Cover Crop	340	N	
Critical Area Planting	342	Y	No Consultation Required: Cropland/pastureland with or without heavy grading. Consultation Required: In rangeland.
Cross Wind Ridges	588	N	
Cross Wind Trap Strips	589	N	
Dam	402	Y	
Dam, Diversion	348	Y	
Denitrifying Bioreactor	605	Y	
Dike	356	Y	
Diversion	362	Y	

Practice Name and Unit	Code	Cultural Resources Review	
		Status	Comments
Drainage Water Management	554	Y	No Consultation Required: In cropland/pastureland; above ground. Consultation Required: In cropland/pastureland; below ground. Consultation Required: Outside of cropland/pastureland.
Dry Hydrant	432	Y	
Dust Control from Animal Activity on Open Lot Surfaces	375	N	
Early Successional Habitat Development/Management	647	N	
Emergency Animal Mortality Management	368	Y	
Energy Efficient Building Envelope	672	N	
Energy Efficient Lighting System	670	N	
Farmstead Energy Improvement	374	N	
Feed Management	592	N	
Fence	382	Y	No Consultation Required: Low Probability Areas Consultation Required: High Probability Areas a. If fence uses T-posts or is an electric fence, only survey support bracing (e.g., H-Braces, Corner Braces) b. If fence uses wooden posts, survey the entire fence line.
Field Border	386	N	
Filter Strip	393	N	
Firebreak	394	Y	No Consultation Required: Mowing, Grazing Consultation Required: Ground disturbing methods (e.g., discing, blading).
Fishpond Management	399	N	
Forage Harvest Management	511	N	
Forest Stand Improvement	666	Y	See Appendix D.
Fuel Break	383	Y	
Grade Stabilization Structure	410	Y	

Practice Name and Unit	Code	Cultural Resources Review	
		Status	Comments
Grassed Waterway	412	Y	No Consultation Required: Renovation/repair. Consultation Required: New installation.
Groundwater Testing	355	N	
Heavy Use Area Protection	561	Y	
Herbaceous Weed Treatment	315	N	
Herbaceous Wind Barriers	603	N	
High Tunnel System	325	Y	
Irrigation Canal or Lateral	320	Y	
Irrigation Ditch Lining	428	N	
Irrigation Field Ditch	388	Y	
Irrigation Land Leveling	464	Y	
Irrigation Reservoir	436	Y	
Irrigation System, Micro Irrigation	441	Y	
Irrigation Reservoir	436	Y	
Irrigation Pipeline	430	Y	
Irrigation Water Management	449	N	
Land Clearing	460	Y	
Land Smoothing	466	Y	
Lined Waterway or Outlet	468	Y	
Lined Waterway or Outlet	468	Y	
Livestock Pipeline	516	Y	
Livestock Shelter Structure	576	Y	
Monitoring Well	353	N	
Mulching	484	N	
Nutrient Management	590	N	
Obstruction Removal	500	Y	
Open Channel	582	Y	
Pasture and Hay Planting	512	N	
Pest Management Conservation System	595	Y	See Appendix D.
Pond	378	Y	
Pond Sealing or Lining Compacted Soil Treatment	520	Y	

Practice Name and Unit	Code	Cultural Resources Review	
		Status	Comments
Pond Sealing or Lining: Geomembrane or Geosynthetic clay Liner	521	Y	
Prescribed Burning	338	Y	No Consultation Required: If no standing structure is present within the APE. Keep for end of the year reporting. Consultation Required: If a standing structure is present within the APE.
Prescribed Grazing	528	N	
Pumping Plant	522	N	
Range Planting	550	N	
Residue and Tillage Management, No-Till	329	N	
Residue and Tillage Management, Reduced Till	345	N	
Restoration of Rare or Declining Natural Communities	643	N	
Riparian Forest Buffer	391	Y	No Consultation Required: Handplanting or tree plowing in cropland/pastureland. Consultation Required: Tree plowing in rangeland/undisturbed land.
Riparian Herbaceous Cover	390	N	
Road/Trail/Landing Closure and Treatment	654	Y	
Roof Runoff Structure	558	N	
Roofs and Covers	367	N	
Salinity and Sodic Soil Management	610	N	
Saturated Buffer	604	Y	
Sediment Basin	350	Y	
Shallow Water Development and Management	646	Y	
Soil Carbon Amendment	808	N	
Spoil Disposal	572	N	
Spring Development	574	Y	
System Sprinkler	442	Y	
Stormwater Runoff Control	570	Y	
Stream Crossing	578	Y	
Stream Habitat Improvement and Management	395	Y	
Streambank and Shoreline Protection	580	Y	

Practice Name and Unit	Code	Cultural Resources Review	
		Status	Comments
Strip-cropping	585	N	
Structures for Wildlife	649	Y	
Structure for Water Control	587	Y	No Consultation Required: Flow Meters.
Subsurface Drain	606	Y	
Surface Drain, Field Ditch	607	Y	
Surface Drain, Main or Lateral	608	Y	
Surface Roughening	609	Y	
Terrace	600	Y	No Consultation Required: Terrace rebuild. Consultation Required: New terrace build.
Trails and Walkways	575	Y	
Tree/Shrub Establishment	612	Y	No Consultation Required: In cropland/pastureland. Consultation Required: In rangeland.
Tree/Shrub Pruning	660	N	
Tree/Shrub Site Preparation	490	Y	No Consultation Required: In cropland/pastureland. Consultation Required: In rangeland.
Underground Outlet	620	Y	No Consultation Required: Underground outlet repair Consultation Required: New Underground outlet installation
Upland Wildlife Habitat Management	645	N	
Vegetated Treatment Area	635	Y	See Practice 512.
Vegetative Barrier	601	Y	No Consultation Required: In cropland/pastureland. Consultation Required: In rangeland.
Waste Facility Closure	360	N	
Waste Separation Facility	632	Y	
Waste Storage Facility	313	Y	
Waste Transfer	634	N	
Waste Treatment	629	Y	
Waste Treatment Lagoon	359	Y	
Water and Sediment Control Basin	638	Y	

Practice Name and Unit	Code	Cultural Resources Review	
		Status	Comments
Water-Harvesting Catchment	636	Y	
Water Well	642	Y	
Watering Facility	614	Y	
Waterspreading	640	Y	
Well Decommissioning	351	Y	No Consultation Required: Modern/Machine dug. Consultation Required: Hand dug.
Wetland Creation	658	Y	
Wetland Enhancement	659	Y	
Wetland Restoration	657	Y	
Wetland Wildlife Habitat Management	644	Y	No Consultation Required: If associated practice does not have the potential to affect historic properties. Consultation Required and/or Cultural Resource Review: If associated practice has the potential to affect historic properties.
Wildlife Habitat Planting	420	N	
Windbreak/Shelterbelt Establishment	380	Y	
Windbreak/Shelterbelt Renovation	650	Y	
Woody Residue Treatment	384	Y	

*** For land use definitions (i.e. rangeland, pastureland, and cropland) please refer to Appendix B (VI)**

Conservation Stewardship Program Enhancements with No Potential to Effect			
Code	**Enhancement Name**	**Cultural Resource Review**	
		Status	**Comments**
E199A	CSP Comprehensive Conservation Plan	N	
E314A	Brush management to improve wildlife habitat	See Appendix D	
E315A	Herbaceous weed treatment to create desired plant communities consistent with the ecological site	N	
E327B	Establish Monarch butterfly habitat	N	
E327C	Wildlife habitat for nesting and brooding on non-cropped areas	N	
E328C	Conservation crop rotation on recently converted CRP grass/legume cover	N	
E328D	Leave standing grain crops unharvested to benefit wildlife	N	
E328E	Soil health crop rotation	N	
E328F	Modifications to improve soil health and increase soil organic matter	N	
E328G	Crop rotation on recently converted CRP grass/legume cover for soil organic matter improvement	N	
E328J	Improved crop rotation to provide benefits to pollinators	N	
E328K	Multiple crop types to benefit wildlife	N	
E328L	Leaving tall crop residue for wildlife	N	
E328M	Diversify crop rotation with canola or sunflower to benefit pollinators	N	
E328O	Perennial grain crop conservation rotation	N	
E328P	Low Nitrogen Requirement Annual Crop Rotation	N	
E329A	No till to reduce soil erosion	N	
E329B	No till to reduce tillage induced particulate matter	N	
E329C	No till to increase plant-available moisture	N	
E329D	No till system to increase soil health and soil organic matter content	N	
E329E	No till to reduce energy	N	
E329F	No-till into green cover crop to improve soil organic matter quantity and quality	N	
E334A	Controlled traffic farming to reduce compaction	N	
E338A	Strategically planned, patch burning for grazing distribution and wildlife habitat	Y	See Conservation Practice 338
E338B	Short-interval burns to promote a healthy herbaceous plant community	Y	See Conservation Practice 338

E338C	Sequential patch burning	Y	See Conservation Practice 338
E340A	Cover crop to reduce soil erosion	N	
E340B	Intensive cover cropping to increase soil health and soil organic matter content	N	
E340C	Use of multi-species cover crops to improve soil health and increase soil organic matter	N	
E340D	Intensive orchard/vineyard floor cover cropping to increase soil health	N	
E340E	Use of soil health assessment to assist with development of cover crop mix to improve soil health	N	
E340F	Cover crop to minimize soil compaction	N	
E340G	Cover crop to reduce water quality degradation by utilizing excess soil nutrients	N	
E340H	Cover crop to suppress excessive weed pressures and break pest cycles	N	
E340I	Using cover crops for biological strip till	N	
E345A	Reduced tillage to reduce soil erosion	N	
E345B	Reduced tillage to reduce tillage induced particulate matter	N	
E345C	Reduced tillage to increase plant-available moisture	N	
E345D	Reduced tillage to increase soil health and soil organic matter content	N	
E345E	Reduced tillage to reduce energy use	N	
E372A	Switch to Renewable Power Source	N	
E372B	Renewable Energy Source for Large Internal Combustion Engines	N	
E381A	Silvopasture to improve wildlife habitat	Y	
E382A	Incorporating "wildlife friendly" fencing for connectivity of wildlife food resources	Y	See Conservation Practice 382
E382B	Installing electrical fence offsets and wire to facilitate cross-fencing for improved grazing management	Y	See Conservation Practice 382
E383A	Grazing-maintained fuel break to reduce the risk of fire	Y	See Conservation Practice 383A
E384A	Biochar production from woody residue	Y	
E386A	Enhanced field borders to reduce soil erosion along the edge(s) of a field	N	
E386B	Enhanced field borders to increase carbon storage along the edge(s) of the field	N	
E386C	Enhanced field borders to decrease particulate emissions along the edge(s) of the field	N	
E386D	Enhanced field borders to increase food for pollinators along the edge(s) of a field	N	

E386E	Enhanced field borders to increase wildlife food and habitat along the edge(s) of a field	N	
E390A	Increase riparian herbaceous cover width for sediment and nutrient reduction	N	
E390B	Increase riparian herbaceous cover width to enhance wildlife habitat	N	
E391A	Increase riparian forest buffer width for sediment and nutrient reduction	Y	See Conservation Practice 391
E391B	Increase stream shading for stream temperature reduction	Y	See Conservation Practice 391
E391C	Increase riparian forest buffer width to enhance wildlife habitat	Y	See Conservation Practice 391
E393A	Extend existing filter strip to reduce water quality impacts	N	
E395A	Stream habitat improvement through placement of woody biomass	Y	
E399A	Fishpond management for native aquatic and terrestrial species	N	
E412A	Enhance a grassed waterway	Y	See Conservation Practice 412
E420A	Establish pollinator habitat	N	
E420B	Establish monarch butterfly habitat	N	
E449C	Advanced Automated IWM – Year 2-5, soil moisture monitoring	N	
E449D	Advanced Automated IWM – Year 1, Equipment and soil moisture or water level monitoring	N	
E472A	Manage livestock access to waterbodies to reduce nutrients or pathogens to surface water	N	
E484A	Mulching to improve soil health	N	
E484C	Mulching with natural materials in specialty crops for weed control	N	
E511A	Harvest of crops (hay or small grains) using measures that allow desired species to flush or escape	N	
E511B	Forage harvest management that helps maintain wildlife habitat cover, shelter or continuity	N	
E511C	Forage testing for improved harvesting methods and hay quality	N	
E511D	Forage harvest management to improve terrestrial habitat for wildlife and invertebrates during critical over-winter periods	N	
E512B	Forage plantings that help increase organic matter in depleted soils	N	
E512D	Forage plantings that help increase organic matter in depleted soils	N	

E512I	Establish pollinator and/or beneficial insect and/or monarch habitat	N	
E512J	Establish wildlife corridors to provide habitat continuity or access to water	N	
E512L	Diversifying forage base with inter-seeding forbs and legumes to increase pasture quality	N	
E512M	Establishing native grass or legumes to improve the plant community	N	
E528A	Maintaining quantity and quality of forage for animal health and productivity	N	
E528B	Grazing management that improves monarch butterfly habitat	N	
E528C	Incorporating wildlife refuge areas in contingency plans for wildlife.	N	
E528D	Grazing management for improving quantity and quality of food or cover and shelter for wildlife	N	
E528E	Improved grazing management for enhanced plant structure and composition for wildlife	N	
E528F	Stockpiling cool season forage to improve structure and composition or plant productivity and health	N	
E528G	Improved grazing management on pasture for plant productivity and health with monitoring activities	N	
E528H	Prescribed grazing to improve/maintain riparian and watershed function-elevated water temperature	N	
E528I	Grazing management that protects sensitive areas -surface or ground water from nutrients	N	
E528J	Prescribed grazing on pastureland that improves riparian and watershed function.	N	
E528L	Prescribed grazing that improves or maintains riparian and watershed function-erosion	N	
E528M	Grazing management that protects sensitive areas from gully erosion	N	
E528N	Improved grazing management through monitoring activities	N	
E528O	Clipping mature forages to set back vegetative growth for improved forage quality	N	
E528P	Implementing Bale or Swath Grazing to increase organic matter and reduce nutrients in surface water	N	

E528Q	Use of body condition scoring for livestock on a monthly basis to keep track of herd health	N	
E528R	Management Intensive Rotational Grazing	N	
E528S	Soil Health Improvements on Pasture	N	
E528T	Grazing to Reduce Wildfire Risks on Forests	N	
E533B	Complete pumping plant evaluation for energy savings	N	
E533C	Install variable frequency drive(s) on pump(s)	N	
E550A	Range planting for increasing/maintaining organic matter	N	
E550B	Range planting for improving forage, browse, or cover for wildlife	N	
E570A	Enhanced rain garden for wildlife	Y	
E578A	Stream crossing elimination	Y	
E580A	Stream corridor bank stability improvement	Y	
E580B	Stream corridor bank vegetation improvement	Y	
E590A	Improving nutrient uptake efficiency and reducing risk of nutrient losses	N	
E590B	Reduce risks of nutrient loss to surface water by utilizing precision agriculture technologies	N	
E590C	Improving nutrient uptake efficiency and reducing risk of nutrient losses on pasture	N	
E590D	Reduce risks of nutrient losses to surface and groundwater by increasing setback awareness via precision technology	N	
E595A	Reduce risk of pesticides in surface water by utilizing precision pesticide application techniques	Y	See Appendix D
E595B	Reduce risk of pesticides in water and air by utilizing IPM PAMS techniques	Y	See Appendix D
E595D	Increase the size requirement of refuges planted to slow pest resistance to Bt crops	Y	See Appendix D
E595E	Eliminate use of chemical treatments to control pests and to increase the presence of dung beetles	Y	See Appendix D
E595F	Improving soil organism habitat on agricultural land	Y	See Appendix D
E595G	Reduce resistance risk by utilizing PAMS techniques	Y	See Appendix D
E612B	Planting for high carbon sequestration rate	Y	See Conservation Practice 612
E612C	Establishing tree/shrub species to restore native plant communities	Y	See Conservation Practice 612
E612D	Adding food-producing trees and shrubs to existing plantings to an agroforestry system	Y	See Conservation Practice 612
E612E	Cultural plantings	Y	See Conservation Practice 612

E612G	Tree/shrub planting for wildlife food	Y	See Conservation Practice 612
E614A	Adding telemetry to a watering facility to monitor water levels remotely	Y	
E643B	Restoration and management of rare or declining habitat	N	
E643C	Restore glade habitat to benefit threatened and endangered species and state species of concern	N	
E643D	Low-tech process-based restoration to enhance floodplain connectivity	N	
E644A	Managing Flood-Irrigated Landscapes for Wildlife	Y	See Conservation Practice 644
E645A	Reduction of attractants to human-subsidized predators in sensitive wildlife species habitat	N	
E645B	Manage existing shrub thickets to provide adequate shelter for wildlife	N	
E645C	Edge feathering for wildlife cover	N	
E645D	Enhanced Wildlife Habitat Management for Upland Landscapes	N	
E646D	Manipulate vegetation and maintain closed structures for shorebird late summer habitat	Y	
E647C	Maintain most soil vegetation on cropland edges to enhance waterfowl and shorebird habitat	N	
E647D	Establish and maintain early successional habitat in ditches and bank borders	N	
E666A	Maintaining and improving forest soil quality	Y	See Appendix D
E666D	Forest management to enhance understory vegetation	Y	See Appendix D
E666E	Reduce height of the forest understory to limit wildfire risk	Y	See Appendix D
E666F	Reduce forest stand density to create open stand structure	Y	See Appendix D
E666G	Reduce forest density and manage understory along roads to limit wildfire risk and improve habitat	Y	See Appendix D
E666H	Increase on-site carbon storage	Y	See Appendix D
E666I	Crop tree management for mast production	Y	See Appendix D
E666J	Facilitating oak forest regeneration	Y	See Appendix D
E666K	Creating structural diversity with patch openings	Y	See Appendix D
E666L	Forest Stand Improvement to rehabilitate degraded hardwood stands	Y	See Appendix D
E666O	Snags, den trees, and coarse woody debris for wildlife habitat	Y	See Appendix D
E666P	Summer roosting habitat for native forest-dwelling bat species	Y	See Appendix D
E666R	Forest songbird habitat maintenance	Y	See Appendix D

APPENDIX D:
NRCS NEBRASKA STANDARD IMPLEMENTATION REQIREMENTS FOR BRUSH MANAGEMENT RELATED PRACTICES
(314, 595, 666)

Standard treatments may be applied by NRCS NEBRASKA to Brush Management related conservation practices 314, 595, and 666 as found in the Field Office Technical Guide (FOTG) to assist in complying with provisions of the SPPA and Section 106. Pursuant to Stipulation V.a, NRCS Nebraska and Nebraska SHPO, recognize the three following standard treatments for brush management related practices:

1. Chemical Treatment
2. Biological Treatment
3. Mechanical Treatment

Provided that the standard treatments, as defined below, are followed, these undertakings have no potential to cause effects to historic properties as per federal regulation 36 CFR 800.3(a)(1) and will not require consultation. They will be filed as a part of the annual reporting process per Stipulation X.

Standard Treatments:

Chemical Treatment: This standard treatment involves the application of herbicides to contain, manage, or control target species. The application of herbicides to control vegetation does not have the potential to cause effects to cultural resources eligible for, or listed in, the NRHP and will not require cultural resource survey or consultation. These projects will be filed for annual reporting as per Stipulation X.

Biological Treatment: This standard treatment involves the use of grazing animals with the goal to contain, manage, or control target species by adjusting the timing, frequency, and duration of the grazing rotation. The implementation of grazing animals to control vegetation does not have the potential to cause effects to cultural resources eligible for, or listed in, the NRHP and will not require consultation with Nebraska SHPO. These projects will be filed for annual reporting as per Stipulation X.

Mechanical Treatment: This standard treatment involves the use of mechanical equipment and/or hand tools to contain, manage, or control target species. Provided that Mechanical Treatment Stipulations A, B, or C below are followed, this type of undertaking does not have the potential to cause effects to cultural resources eligible for, or listed in, the NRHP and will not require cultural resource survey or consultation with Nebraska SHPO. These projects will be filed for annual reporting as per Stipulation X.

Mechanical Treatment Stipulations:

1. Mechanical brush management related projects conducted with small skid steer type equipment and/or hand tools (e.g., handsaws, loppers), cut near ground level and the root

ball will not be removed, and brush is not transported offsite, will apply, if the following are met:

a. Mechanical Brush Management must occur during dry ground conditions.
b. Brush must be piled up in place or in proximity (less than 100 feet) to the location (preferably on slope) where it was cut and only burned during frozen ground conditions.
c. No new roads are created.

c. Mechanical Brush Management related projects conducted with small skid steer like equipment and/or hand tools, during frozen ground conditions, where brush is cut near ground level and the roots will not be removed, and brush may or may not be transported offsite.
    a. Mechanical Brush Management must occur during frozen ground conditions.
    b. Brush must be piled, removed, or burned (while still on site) during frozen ground conditions.
    c. No new roads are created.

d. Mechanical Brush Management that is conducted exclusively with hand tools and will leave trees standing such as girdling or removal of tree limbs.

Non-Standard Treatment Brush Management Related Projects:

For brush management related conservation practices 314, 595, and 666 that deviate from the standard treatments (e.g., grubbing, chaining, stump pulling), the following process will be followed:

1. Review each project and check with the field office to assure what type of equipment will be utilized;

2. Conduct Class I review to assess what types of sites are likely to occur within the project area and what their significant characteristics may be;

3. Utilize consultation information and the project's physiographic and cultural characteristics to assess whether the proposed practice could adversely affect historic properties based on known information and assess whether;

    a. No on-the-ground survey is required
    b. A Class II survey is required as defined in Appendix A (IV)
    c. A Class III survey is required as defined in Appendix A (IV)

4. If a applies, NRCS Nebraska Cultural Resource Staff will file the project for the annual report, per Stipulation X.

5. If b or c apply, the state cultural resource staff will provide the NRCS Nebraska field office overseeing the project with the areas to be surveyed. Field office staff **with** the required cultural resource training, outlined in Stipulation III, will conduct a pedestrian survey of the

project area. The following actions will apply:

a. Negative Results: If subsurface testing is not necessary and no cultural resources are identified during initial survey, the field office will submit a "Negative Results," form to the NRCS Nebraska Cultural Resource Staff. This information will be compiled and submitted to the Nebraska SHPO as a part of the annual reporting process, per Stipulation X.
b. Positive Results: If cultural resources are identified during the initial survey by field office staff, they will provide NRCS Nebraska Cultural Resource Staff with a preliminary recording of the site including, at minimum, current photos and spatial data. NRCS Nebraska Cultural Resource Staff will then record the site, provide an eligibility determination to the Nebraska SHPO, and adjust the practice to avoid the site, if necessary.

APPENDIX E:
SURVEY RESULTS PROCEDURE(S)

For all projects noted with a "Y" in Appendix C, excluding brush management related practices in Appendix D, NRCS NEBRASKA field office staff **with** the required cultural resource training outlined in Stipulation III, will conduct a Class III pedestrian survey of the project area. Some conservation practices may involve a Class II survey (e.g., T-post fence line installations); however, these surveys can only be conducted by field office staff **with** required cultural resource training who have received approval and oversight from Nebraska NRCS NEBRASKA Cultural Resource Staff. When NRCS NEBRASKA field office staff conduct Class III or Class II pedestrian survey, all members of the field crew who participate must have completed the required cultural resource training. NRCS NEBRASKA field office staff with the training **are not** authorized to lead a survey with untrained staff. Upon completion of this survey, the following actions will apply:

a. Negative Results: If subsurface testing is not necessary and no cultural resources are identified during the field office pedestrian survey, the NRCS NEBRASKA field office personnel will submit a "Negative Results" form to the NRCS NEBRASKA Cultural Resource Specialists. This information will be compiled and submitted to the Nebraska SHPO as part of the annual reporting process, per Stipulation X.

    1. If a conservation practice requires subsurface testing, NRCS NEBRASKA field office personnel will also conduct a Class III pedestrian survey to check for surficial cultural resources. Once this is complete, NRCS NEBRASKA Cultural Resource Specialists will complete the necessary subsurface testing.

    2. If field office pedestrian survey is conducted as part of an avoidance measure, and the survey results are negative for cultural resources, additional information compiled for annual reporting will include the nature of the survey (e.g., avoidance) and what sites were avoided.

b. Positive Results: If cultural resources are identified during initial pedestrian survey by NRCS NEBRASKA field office staff, they will provide a preliminary recording of the site including, at minimum, current photos and spatial data. NRCS NEBRASKA Cultural Resource Staff will then record the site, provide an eligibility determination to the Nebraska SHPO, and adjust the practice to avoid the site, if necessary.

A quality assurance review (QAR) of up to 5% of the projects conducted at the field office level will be reviewed by NRCS NEBRASKA cultural resource staff each fiscal year. Any field offices found in violation of the procedures laid out in this SPPA will have their job approval authority revoked and all compliance work will be conducted by the NRCS NEBRASKA State Cultural Resource Staff as per 36 CFR 800.

Field Office job approval authority may only be reinstated when the following apply:

a. One calendar year has passed from the date of job approval authority revocation.
b. No new infractions have occurred.
c. All planners in the offending field office have retaken the NRCS NEBRASKA cultural

resources training, as listed Stipulating III, in full.

For instructions on field office survey of brush management related projects, see Appendix D.

APPENDIX F:
AVOIDING POTENTIALLY ELIGIBLE AND ELIGIBLE HISTORIC PROPERTIES WITHIN PROJECT AREAS

Historically, the Nebraska SHPO has utilized an additional, state specific, eligibility determination of "potentially eligible" for cultural resources that were recorded but did not receive an eligibility determination. Many sites throughout the state were given this designation and, as such, have never received an official determination from the Nebraska SHPO. NRCS NEBRASKA encounters these sites often when conducting cultural resource reviews throughout the state. As these cultural resources have not been evaluated, but have been deemed "potentially eligible," they must be treated as an eligible cultural resource until an eligibility determination from the agency official, in concurrence with the Nebraska SHPO or THPO, is received. However, many NRCS NEBRASKA undertakings will have no effect on historic properties or are undertakings that can be easily modified to avoid these cultural resources. In consultation with the Nebraska SHPO, it has been decided that:

a. All NRCS NEBRASKA activities, per Appendices B C, determined to have *no potential to affect historic properties* will not adversely affect "potentially eligible" or *eligible* cultural resources and, as such, will not be consulted on.

b. If "potentially eligible" or *eligible* cultural resources with a discrete site boundary are identified within the APE of an NRCS NEBRASKA undertaking that, per Appendices B C, have the potential to affect cultural resources, the following procedures will apply:

    1. NRCS NEBRASKA may choose to establish an avoidance buffer 100 feet or greater around the site and will not be required to provide an eligibility determination.
    2. If NRCS NEBRASKA elects to establish an avoidance buffer, Nebraska will communicate with the responsible NRCS NEBRASKA field office to identify alternatives. Once an alternative is identified, NRCS NEBRASKA field office staff **with** the required cultural resource training outlined in Stipulation III, will conduct a pedestrian survey of the project area. Upon completion of the field office survey, the appropriate procedures, outlined in Appendix E, will be followed.

If a "potentially eligible," or *eligible* cultural resource without a discrete site boundary (i.e., site boundaries that consist of a square section), are identified within the APE of an NRCS NEBRASKA undertaking that has the potential to affect historic properties, per Appendix B and Appendix C, NRCS NEBRASKA Cultural Resource Staff will survey the proposed practice area. If the site is identified, it will be evaluated. If it is not identified, the undertaking will receive an effects determination of *no historic properties affected*, and a report with updated site form will be submitted to the Nebraska SHPO.

Appendix G:
NRCS NEBRASKA AND NEBRASKA STATE HISTORICAL SOCIETY GIS DATA EXCHANGE

Currently, NRCS NEBRASKA planners utilize a tool called the "footprint tool" that alerts them if a previously identified cultural resource is present within a square mile of a proposed project. This alert is called a "hit." A "hit" on the footprint tool serves as a reminder for the planner that, as they develop the conservation plan with landowners, there may be cultural resources that need to be avoided.

To ensure compliance with the SPPA, and to ensure that the footprint tool remains as updated as possible, the Nebraska SHPO has agreed to provide the following GIS shapefile to NRCS NEBRASKA on an annual basis:

a. A GIS shapefile the consists of all Public Land Survey System (PLSS) quarter sections that contain cultural resources. This layer will be provided to the NRCS NEBRASKA State GIS Specialist to incorporate into the footprint tool. This layer will be updated when the Nebraska SHPO provides more data on the annual timeline.