

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

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

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

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

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

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

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

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

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

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

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

**WHEREAS**, the NRCS has consulted with Absentee-Shawnee Tribe of Oklahoma, Cayuga Nation, Delaware Nation, Delaware Tribe, Eastern Shawnee Tribe of Oklahoma, Oneida Indian Nation, Oneida Nation of Wisconsin, Onondaga Nation, Seneca Nation of Indians, Seneca-Cayuga Tribe of Oklahoma, Shawnee Tribe, St. Regis Mohawk Tribe, Stockbridge-Munsee Band of the Mohican Nation of Wisconsin, Tonawanda Band of Seneca, and Tuscarora Nation Indian tribes; and

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

**WHEREAS**, when NRCS Pennsylvania 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 Pennsylvania State Office and the PA SHPO agree that undertakings in Pennsylvania 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 Pennsylvania and the PA SHPO, this State-based Prototype Agreement sets forth the review process for all NRCS undertakings subject to Section 106 in the State of Pennsylvania.
- B. Execution of this State-based Prototype Agreement supersedes any existing State Level Agreement with Pennsylvania SHPO and/or consultation protocols executed under the previous NRCS nationwide Programmatic Agreement but does not replace any existing project-specific Section 106 agreements (Memoranda of Agreement or Programmatic Agreements).
- C. This State-based Prototype Agreement applies only when there is a Federal Preservation Officer (FPO) in the NRCS National Headquarters (NHQ) who meets the Secretary of the Interior's Professional Qualification Standards (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 Pennsylvania NRCS State Office.

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

- A. The NRCS Pennsylvania State Conservationist is responsible for oversight of its performance under this State-based Prototype Agreement.
- B. The NRCS Pennsylvania Cultural Resources Coordinator (CRC) shall coordinate, monitor, and oversee the work and reporting of all the NRCS Pennsylvania field office personnel, NRCS partners, and Conservation Planning technical service consultants (defined herein as Planners). The PA SHPO will provide technical advice and guidance as requested by NRCS. The CRC/CRS shall coordinate with such personnel to provide technical historic property and resource information to the State Conservationist for use in Section 106 findings and determinations, after appropriate consultations with the PA SHPO, Indian tribes, and discussions with the landowner. The CRC shall coordinate efforts to assist the

State Conservationist in determining whether an undertaking has the potential to affect historic properties, triggering Section 106 review, pursuant to 36 CFR Part 800.3(a).

- C. The Pennsylvania State Conservationist is responsible for consultation with the PA SHPO and government to government consultation with Indian tribe leaders and/or their 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.
- D. NRCS field office personnel involved in implementing this State-based Prototype Agreement, after completion of NRCS' web, classroom, and field awareness training acquired through USDA's AgLearn training site, shall work with the CRS/CRC/ and/or specialized cultural resource 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).
- E. The CRS/CRC in Pennsylvania shall oversee development of the scopes of work for investigation of the APEs for identified undertakings (see 36 CFR Part 800.4). The NRCS may use professional service contractors or consultants or partners to assist with cultural resources compliance studies. NRCS shall ensure these contractors meet the Secretary of Interior's Professional Qualifications Standards.
- F. NRCS Pennsylvania remains responsible for all consultation with the SHPO, Indian tribes and THPOs, and all determinations of NRHP eligibility and effect. NRCS may not delegate consultation for findings and determinations to professional services consultants or producers/applicants for conservation assistance.
- G. PA SHPO, if provided sufficient data on a proposed undertaking and APE for the proposed undertaking by Pennsylvania NRCS State Office shall consult and provide a response to all NRCS determinations or findings within 30 calendar days. The definition of sufficient data is provided in 36 CFR Part 800.11.
- H. The PA SHPO will collaborate with NRCS Pennsylvania to offer requested guidance, technical assistance, training and other support regarding applicable cultural resource management issues and the appropriate treatment of historic and archeological properties.
- I. The PA SHPO will provide NRCS personnel with the relevant level of access to the online inventory system (Archaeologist level access for NRCS Pennsylvania CRC to CRGIS and Planner level access for Planners to CRGIS in 2018).
- J. The ACHP shall provide technical guidance, participate in dispute resolution, and monitor the effectiveness of this agreement, as appropriate.
- K. NRCS Pennsylvania will notify PA SHPO of any changes in staffing for the NRCS Pennsylvania CRS/CRC position as soon as reasonably possible.

### **III. Training.**

- A. NRCS shall require personnel conducting cultural resources identification to complete, at a minimum, the NRCS Web-based (in USDA AgLearn) and field Cultural Resources Training Modules 1-9 and the ACHP's Essentials Course.
- B. NRCS Pennsylvania shall require the CRC/CRS and other NRCS Pennsylvania personnel overseeing cultural resource work to take the NRCS Cultural Resources Training Modules (awareness training) and the ACHP's Section 106 Essentials course, or a course with similar content, if approved by the NRCS FPO. Training must be completed within the first calendar year after execution of this State-based Prototype Agreement. NRCS personnel shall review and update training completion with their supervisors and include their training in their Individual Development Plans.
- C. NRCS shall require personnel conducting cultural resources work, such as initial field reviews, (Planners) to complete, at a minimum, the NRCS Web-based (in USDA AgLearn) and field Cultural Resources Training Modules 1-9.
- D. NRCS may invite the PA SHPO or staff to participate in presentations at agency classroom or field trainings.
- E. NRCS shall encourage all personnel conducting or overseeing cultural resources work to take additional appropriate specialized training as provided by the PA SHPO, Indian tribes, the ACHP, National Park Service, General Services Agency or other agencies, as feasible.
- F. PA SHPO shall provide NRCS Pennsylvania with training on the use of its current map-based online inventory (CRGIS in 2019) system for project screening, planning, and data collection purposes, and collaborate on other relevant cultural resources trainings as needed.
- G. Upon request, PA SHPO shall provide NRCS Pennsylvania and/or its designee(s) with available information about historic properties (such as access to online systems or site files, GIS data, survey information, geographic areas of concern), which may include, but is not limited to the PA SHPO's Cultural Resource Geographic Information System (CRGIS) and the paper files archived and stored in Harrisburg. Such data sharing will be memorialized in an agreement. Only Qualified NRCS staff and/or designee(s) shall be afforded access to protected historic property information.

#### **IV. Lead Federal agency.**

- A. For any undertaking for which the NRCS is the lead federal agency for Section 106 purposes per 36 CFR Part 800.2(a)(2), NRCS staff shall follow the terms of this State-based Prototype Agreement. NRCS shall notify the PA SHPO of its involvement in the undertaking and the involvement of the other federal agencies.
- B. For any undertaking for which the NRCS is not the lead federal agency for Section 106 purposes, including those undertakings for which the NRCS provides technical assistance to other USDA or other federal agencies, the terms of this State-based Prototype Agreement shall not apply to that undertaking. If the lead federal agency agrees, NRCS

may follow the approved alternative procedures in place for that agency.

## **V. Review Procedures.**

- A. NRCS Pennsylvania, in consultation with the PA SHPO, has classified its Pennsylvania conservation practices into three categories based on the practices' potential to affect historic properties, as defined in 36 CFR § 800.16.L1 and their corresponding level of required review and consultation with the PA SHPO. Appendix A documents the list of NRCS Pennsylvania Conservation Practices and their classification for cultural resources review and consultation purposes with the PA SHPO. Appendix B outlines the general cultural resource review process and forms NRCS Pennsylvania will utilize for its conservation assistance programs. In addition, the policy outlined in Appendix C regarding heavily disturbed barnyards will be followed when determining whether a practice should follow the complete cultural resources investigations.
1. In consultation with the PA SHPO, NRCS Pennsylvania identified those undertakings with little to no potential to affect historic properties, listed in Appendix A., Table 1. Upon the determination by NRCS that a proposed undertaking is included in Appendix A, Table 1, NRCS is not required to consult further with the PA SHPO for that undertaking.
  2. In consultation with the PA SHPO, NRCS Pennsylvania identified those undertakings that may have some potential to affect historic and archeological properties and warrant screening to determine if consultation with the PA SHPO is needed, listed in Appendix A, Table 2.
  3. NRCS Pennsylvania, in consultation with the PA SHPO, determined that the following undertakings listed in Appendix A, Table 3 have the potential to affect historic and archeological properties and require further consultation with the PA SHPO. NRCS Pennsylvania will consult with the PA SHPO for these undertakings in accordance with the process specified in Stipulation V.c.
- B. The list of undertakings provided in the Appendix A may be modified through consultation and written agreement between the NRCS State Conservationist and the PA SHPO without requiring an amendment to this State-based Prototype Agreement. The NRCS Pennsylvania State office will maintain the master list and will provide an updated list to all consulting parties with an explanation of the rationale (metadata) for classifying the practices accordingly.
- C. Undertakings not identified in Appendix A shall require further review as outlined in Stipulation V.c. The NRCS shall consult with the PA SHPO to define the undertaking's APE, identify and evaluate historic properties that may be affected by the undertaking, assess potential effects, and identify strategies for resolving adverse effects prior to approving the financial assistance for the undertaking.
1. NRCS Pennsylvania 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 PA SHPO, provided this documentation meets the

substantive standards in 36 CFR Part 800.4-5 and 800.11.

2. The NRCS Pennsylvania shall attempt to avoid adverse effects to historic properties whenever possible; where historic properties are located in the APE, NRCS Pennsylvania shall describe how it proposes to modify, buffer, or move the undertaking to avoid adverse effects to historic properties.
3. Where the NRCS Pennsylvania proposes a finding of “no historic properties affected” or “no adverse effect” to historic properties, the PA SHPO who shall have 30 calendar days from receipt of this documented description and information to review it and provide comments. The NRCS Pennsylvania shall take into account all timely comments.
  - i. If the PA SHPO, or another consulting party, disagrees with NRCS Pennsylvania’s findings and/or determination, it shall notify the NRCS Pennsylvania within the 30-calendar day time period. The NRCS Pennsylvania shall consult with the PA SHPO or other consulting party to attempt to resolve the disagreement. If the disagreement cannot be resolved through this consultation, NRCS Pennsylvania shall follow the dispute resolution process in Stipulation VIII below.
  - ii. If the PA SHPO does not respond to the NRCS Pennsylvania within the 30-calendar day period and/or the NRCS Pennsylvania receives no objections from other consulting parties, or if the PA SHPO concurs with the NRCS Pennsylvania’s determination and proposed actions to avoid adverse effects, the NRCS Pennsylvania 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 Pennsylvania shall describe proposed measures to minimize or mitigate the adverse effects, and follow the process in 36 CFR Part 800.6, including consultation with other consulting parties and notification to the ACHP, to develop a Memorandum of Agreement to resolve the adverse effects. Should the proposed undertaking have the potential to adversely affect a known National Historic Landmark (NHL), NRCS Pennsylvania 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 NRCS Pennsylvania 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 Pennsylvania Cultural Resources Review Form and Instructions provided in Appendix B to this agreement. The documents in Appendix B provide additional detailed

instructions for how NRCS Pennsylvania and the PA SHPO shall complete cultural resources reviews. The NRCS Pennsylvania Cultural Resource Review Process and Forms, Appendix B, may be modified through consultation and written agreement between the NRCS Pennsylvania State Conservationist and the PA SHPO without requiring an amendment to this State-based Prototype Agreement. The NRCS State office will maintain the master Appendix B procedures and will provide an updated document to all consulting parties with an explanation of the rationale for any updates, when applicable. Signed modifications will be filed with the FPO and ACHP.

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

- A. NRCS Pennsylvania shall notify the PA SHPO, Indian tribes, and other consulting parties, as appropriate, immediately or within 48 hours of the emergency determination, following the NRCS' Emergency Watershed Program (EWP) final rule (see Section 216, P.L. 81-516 Final Rule, 7 CFR Part 624 (April 2005).

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

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

- A. Where construction has not yet begun, and a cultural resource is discovered after Section 106 review is complete, the NRCS Pennsylvania shall consult to seek avoidance or minimization strategies in consultation with the PA SHPO, and/or to resolve adverse effects in accordance with 36 CFR Part 800.6.
- B. The NRCS Pennsylvania shall ensure that every contract for assistance includes provisions for halting work/construction in the area when potential historic properties are discovered or unanticipated effects to historic properties are found after implementation, installation, or construction has begun. When such a discovery occurs, the producer who is receiving financial assistance or their contractor shall immediately notify the NRCS Pennsylvania State Conservationist's Office, CRC, supervisory NRCS personnel for the area, and the landowner/applicant.
  - 1. NRCS Pennsylvania CRS/CRC or specialized cultural resources personnel for NRCS Pennsylvania shall inspect the discovery within 24 hours, if weather permits, and in consultation with the local NRCS Pennsylvania official (field office supervisor or District or Area Conservationist), concerned Indian tribes, the PA SHPO, the NRCS Pennsylvania State engineering or program supervisor, as appropriate), the landowner/producer (whomever NRCS Pennsylvania is assisting), the CRS/CRC shall establish a protective buffer zone



surrounding the discovery. This action may require inspection by tribal cultural resources experts in addition to the CRS/CRC or specialized cultural resources personnel for NRCS Pennsylvania.

2. All NRCS Pennsylvania contact with media shall occur only under the direction of the NRCS Public Affairs Officer, as appropriate, and the State Conservationist.
  3. Security shall be established to protect the resources/historic properties, workers, and private property. Local law enforcement authorities will be notified in accordance with applicable State law and NRCS policy in order to protect the resources. Construction and/or work may resume outside the buffer only when the State Conservationist determines it is appropriate and safe for the resources and workers.
  4. NRCS Pennsylvania CRC/CRS shall notify the PA SHPO and the ACHP no later than 48 hours after the discovery and describe NRCS Pennsylvania's 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 PA SHPO, and technical experts (such as historic landscape architects) not employed by NRCS.
  5. The PA SHPO and ACHP shall respond within 48 hours from receipt of the notification with any comments on the discovery and proposed actions.
  6. NRCS Pennsylvania shall take any comments provided into account and carry out appropriate actions to resolve any adverse effects.
  7. NRCS Pennsylvania shall provide a report to the PA SHPO and the ACHP of the actions when they are completed.
- C. If unmarked human remains are encountered during construction activities, the planner/quality assurance inspector (inspector), CRC and the landowner will be contacted as soon as possible by the construction contractors. The inspector or CRC will direct that work stop in the vicinity of the remains and that the remains are flagged or fenced off, using a 50-foot buffer around the remains or the outer perimeter of a group of remains. The CRC will notify the local law enforcement agency and PA SHPO within 24 hours of the find. If the law enforcement agency determines that the remains do not reflect a crime scene and/or if they otherwise relinquish their jurisdiction over the remains, the CRC will consult appropriate parties (e.g., federally recognized Indian tribes and/or the property owners) regarding additional steps to be followed.
1. If it is determined that the remains are not Native American, a reasonable effort will be made to determine the identity or next of kin of the deceased. If the construction activities cannot be moved, the CRC will direct the property owner to find another location for the remains and to seek a court order to have the remains removed to that location.

2. If it is determined that the remains are Native American, the CRC shall contact federally recognized tribes to consult on the disposition of the remains and funerary objects, if applicable.
- D. The NRCS Pennsylvania shall follow all applicable federal, tribal, and state burial laws and ordinances, including the Native American Graves Protection and Repatriation Act and implementing regulations if on tribal or federal lands, and related human rights and health statutes, where appropriate. NRCS shall also refer to the ACHP's Policy Statement regarding *Treatment of Burial Sites, Human Remains and Funerary Objects* and the ACHP's Section 106 Archaeology Guidance. NRCS Pennsylvania 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 Pennsylvania State Conservationist and CRC shall consult with such party to resolve the objection. If the NRCS Pennsylvania State Conservationist determines that such objection cannot be resolved, he or she will:
1. Forward all documentation relevant to the dispute, including the NRCS Pennsylvania 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 NRCS Pennsylvania 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 Pennsylvania shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and any signatory or consulting parties and provide them with a copy of this written response. NRCS Pennsylvania will then proceed according to its final decision.
  2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, NRCS Pennsylvania may make a final decision on the dispute and proceed. Prior to reaching such a final decision, NRCS Pennsylvania 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 Pennsylvania Office responsibility to carry out all other actions subject to the terms of this agreement that are not the subject of the dispute remains unchanged.
- C. Any consulting party to State-based Prototype Agreement may request the ACHP provide its advisory opinion regarding the substance of any finding, determination, or decision regarding compliance with its terms.
- D. At any time during the implementation of the State-base Prototype Agreement, a

member of the public may submit an objection pertaining to this agreement to the NRCS Pennsylvania State Conservationist, in writing. Upon receiving such an objection, the NRCS Pennsylvania State Conservationist shall notify the NRCS SPO and FPO, the PA SHPO, take the objection into account, and consult with other consulting parties as appropriate to resolve the objection. The NRCS Pennsylvania State Conservationist shall notify the SPO, FPO, PA SHPO of the outcome of this process.

## **IX. Public Involvement**

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

This State-based Prototype Agreement was shared and discussed at the NRCS Pennsylvania State Technical Committee Meeting on April 18, 2019 in Harrisburg, PA. No comments were received.

## **X. Annual reporting and monitoring.**

- A. Every year following the execution of this agreement, commencing December 1, 2019, until it expires or is terminated, the NRCS Pennsylvania 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 falling under Appendix [A] as well as undertakings that required further review; a summary of the nature and content of meetings held with PA SHPO; and an assessment of the overall effectiveness of the State-based Prototype Agreement. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in NRCS Pennsylvania'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 NRCS Pennsylvania State Conservationist shall use the state report to assess the need for annual meetings with the PA SHPO each fiscal year.
- B. The NRCS Pennsylvania 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 Pennsylvania State Conservationist or SHPO may request that the ACHP participate in any annual meeting or agreement review.
- D. NRCS Pennsylvania and the PA SHPO will consult regularly to review implementation of the terms of the agreement. If deemed appropriate by NRCS Pennsylvania or PA

SHPO, both parties shall meet to discuss and resolve any issues raised as a result of the review including, at a minimum, one annual meeting.

**XI. Compliance with applicable State law and Tribal law (when on Tribal lands).**

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

**XII. Duration of Prototype Agreement.**

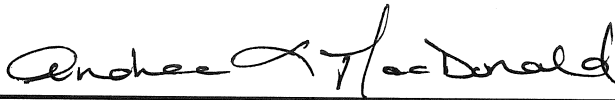
This State-based Prototype Agreement will be in effect for 10 years from the date of execution unless amended or terminated pursuant to Stipulation XIII below.


**XIII. Amendment and termination.**

- A. This State-based Prototype Agreement may be amended if agreed to in writing by all signatories. The amendment will be effective on the date a copy, signed by all of the signatories, is filed with the NRCS FPO, SPO, and the ACHP.
- B. If any signatory to this State-based Prototype Agreement, or the ACHP, determines that its provisions will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XII.A. If within 30 calendar days, or other time period agreed upon by the signatories, an amendment cannot be agreed upon, any signatory or the ACHP may terminate the agreement upon written notification to the other signatories.
- C. If this State-based Prototype Agreement is terminated or expires without being extended via the amendment process described above, and prior to continuing work on any undertaking, NRCS Pennsylvania shall comply with 36 CFR Part 800 for all individual undertakings in the State of Pennsylvania.
- D. NRCS Pennsylvania will consider requests from other USDA agencies to become a signatory to the State-based Prototype Agreement following formal written requests and appropriate discussion with and approval by the NRCS FPO and SPO, and joint USDA Agency -NRCS State Office consultation with the ACHP, NCSHPO, and Indian tribes/THPOs, and other consulting parties, as appropriate. Such inclusion of the USDA agency may require amendment to this State-based Prototype Agreement.

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

**Signatory Parties**





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Andrea L. MacDonald  
Deputy State Historic Preservation Officer

Date





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Denise Coleman  
State Conservationist, Pennsylvania Natural Resources Conservation Service

Date

**Invited Signatories/Concurring Parties**

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## **APPENDIX A**

### **LIST OF UNDERTAKINGS REQUIRING NO FURTHER SECTION 106 REVIEW IN NRCS PENNSYLVANIA**

Pursuant to Stipulation V.A. above, in consultation with the Pennsylvania SHPO, the NRCS Pennsylvania, through the qualified cultural resources personnel as described in Stipulation II.B., has determined that the following undertakings have little or no potential to affect historic properties. The NRCS Pennsylvania is not required to consult further with the PA SHPO under Section 106, as per the included terms and conditions, for the undertakings included in this appendix.

**APPENDIX A. List of Undertakings and Section 106 Review Requirements in NRCS Pennsylvania**

Pursuant to Stipulation V.A., in consultation with the Pennsylvania SHPO, NRCS Pennsylvania has identified and classified undertakings with little or no potential to affect historic properties. These undertakings are listed in Table 1. Undertakings identified and classified as having “potential to affect cultural resources”, except when they meet certain conditions are listed in Table 2. Table 3 is a list of practices that were examined and classified as having high potential to affect historic properties. For all exclusions below, if an unanticipated discovery is made, the procedures outlined in Stipulation VII and Appendix B (Standard Operating Procedures) will be followed.

**Table 1** excludes from further review (I) undertakings that are easements that do not involve ground disturbance on the part of NRCS and do not call for removal or structural modifications of buildings over 50 years old, and (II) undertakings on certain soil conditions: (A) sites on soils mapped as highly disturbed; (B) ground that can be documented as thoroughly disturbed; and (C) if no known archaeological sites are previously identified within the Area of Potential Effects, undertakings on sites mapped as Very Poorly drained, (D) the work of NRCS Soil Scientists doing soil survey activities or technical soil services that are considered to generally not have the potential to cause effects on historic or cultural properties; and (III) undertakings that are primarily management related and/or do not have the potential to affect landscapes, buildings, or other structures 50 years in age or older.

**Table 2** lists undertakings classified as having some potential to affect historic and archaeological properties. These practices may be installed in either an intrusive or non-intrusive way. Under practice-specific, non-intrusive conditions, these undertakings are classified as having little or no potential to affect historic properties, and, require no further review if:

- (1) the practice-specific conditions specified under Notes are met AND
- (2) the practice does not involve significant changes to existing buildings, landscape features or construction of new features of significant size and scale, AND
- (3) the practice does not involve any soil disturbance of greater depth than that already caused by previous construction, equipment installation, or plowing, or on slopes of 15% or greater; or in a drainage way AND
- (4) the undertaking is NOT being done differently than the Description listed, AND
- (5) the NRCS planner has no other reason to believe review is needed.

**Table 3** lists undertakings that are classified as having the potential to affect historic properties. These undertakings always require further review.

**In addition:**

- (1) Any other types of undertakings not specifically excluded from further review in Appendix A require further review.
- (2) NRCS Pennsylvania will keep the master list of Tables for Appendix A. Per Stipulation V.B, these tables may be revised with consultation and written agreement among the NRCS Pennsylvania State Conservationist and the Pennsylvania SHPO without requiring an amendment to the State-based Prototype Agreement.

**APPENDIX A – Table 1. General Classes of Undertakings Requiring No Further Review**

<p>I. Conservation easements that do not involve ground disturbance on the part of NRCS and do not call for removal of building or structures or modifications of buildings, structures, or landscapes over 50 years old will not require review.</p>
<p>II. No further review is needed in the situations described below.</p> <p><b>If an unanticipated discovery is made, the procedures outlined in Stipulation VII and Appendix B (Standard Operating Procedures) will be followed.</b></p> <p>A. No further review is required for sites on highly disturbed soils. This refers to USDA soil series map units as follow: Coal mines; Pits, quarries; Udorthents<sup>1</sup>, loamy, very steep; Udorthents-Pits complex, gravelly; Udorthents-Urban land complex; Urban land; Udorthents, smoothed; Udorthents, flood control; Udorthents, periodically flooded.</p> <p>B. No further review is required for ground that can be documented as thoroughly disturbed (for example, gravel pits/digging, site filling, building construction, land leveling, mine spoil) <b>where the undertaking will not exceed the surface area and depth of previous disturbance.</b></p> <p>C. When no known archaeological sites are found in the Area of Potential Effects based on an examination of the Pennsylvania SHPO’s GIS-based archaeological site files using CRGIS, no further review is needed for very poorly drained soils.</p> <p>Other soil series not needing further review include: Very Poorly drained soils with a thick organic surface (e.g., Adrian, Carlisle, Catden, Freetown, Palms, Paupack, Puckum, Hemists, Peat and Mucks, Mucky Peats, Medihemists, Medifibrists, Medisaprists, Histosols, and Saprists)</p> <p>D. Soil Scientists are recognized as knowledgeable about artifacts and unusual coloration or horizonation in soils. Soil survey activities and technical soil services performed by NRCS Pennsylvania soil scientists are considered to generally not have the potential to cause effects to historic or cultural properties.</p> <p>1. When performed by an NRCS Soil Scientist, no further review is required for the following:</p> <ul style="list-style-type: none"><li>a. hand dug shovel holes, with soil filled back in proper horizon order when done</li><li>b. auger holes</li><li>c. probe holes</li><li>d. core holes</li></ul>
<p>III. Some conservation practices are primarily management related and will not have any physical effects or alteration to a cultural resource. Others are performed in</p>

<sup>1</sup> Udorthents refer to areas that have been so highly disturbed that the soil material no longer resembles the original soil, or it has been replaced by fill. The disturbance is relatively recent; therefore, the soil has not had time to develop horizons or other evidence of natural soil formation. Highways, landfills, urban lands, and mine spoil are typically classified as udorthents.



**APPENDIX A – Table 1. General Classes of Undertakings Requiring No Further Review**

previously disturbed soils, soils that are not likely to possess intact and distinct soil horizons and have a reduced likelihood of possessing historic properties within their original depositional contexts in the area and to the depth to be excavated. Others do not have the potential to affect landscapes, buildings, or other structures 50 years in age or older.

The following practices do not require further cultural resources considerations:

- |   |   |
|---|---|
| Access Control (472)                                    | Multi-Story Cropping (379)  |
| Alley Cropping (311)                                    | Nutrient Management (590)   |
| Amending Soil Properties with Gypsum Products (333)     | Pest Management Conservation System (595)                             |
| Amendments for Treatment of Agricultural Waste (591)    | Pond Sealing or Lining, Compacted Soil (520)                          |
| Channel Bed Stabilization (584)                         | Pond Sealing or Lining – Concrete (522)                               |
| Combustion System Improvement (372)                     | Pond Sealing or Lining – Geomembrane or Geosynthetic Clay Liner (521) |
| Conservation Cover (327)                                | Prescribed Burning (338)  |
| Conservation Crop Rotation (328)                        | Prescribed Grazing (528)  |
| Contour Buffer Strips (332)                             | Residue and Tillage Management, Reduced Till (345)                    |
| Contour Farming (330)                                   | Residue and Tillage Management, No Till (329)                         |
| Cover Crop (340)  | Riparian Forest Buffer (391)  |
| Critical Area Planting (342)                            | Riparian Herbaceous Cover (390)                                       |
| Drainage Water Management (554)                         | Stream Habitat Improvement & Management (395)                         |
| Early Successional Habitat Development/Management (647) | Stripcropping (585)   |
| Feed Management (592)                                   | Structures for Wildlife (649)   |
| Field Border (386)                                      | Tree/Shrub Establishment (612)  |
| Filter Strip (393)                                      | Tree/Shrub Pruning (660)  |
| Fuel Break (383)  | Upland Wildlife Habitat Management (645)                              |
| Forage and Biomass Planting (512)                       | Waste Recycling (633)   |
| Forage Harvest Management (511)                         | Waste Treatment (629)   |
| Forest Stand Improvement (666)                          | Well Decommissioning (351)  |
| Hedgerow Planting (422)                                 | Windbreak/Shelterbelt Establishment (380)                             |
| Herbaceous Weed Control (315)                           | Woody Residue Treatment (384)   |
| High Tunnel System (325)                                |   |
| Irrigation Water Management (449)                       |   |
| Karst Sinkhole Treatment (527)                          |   |
| Land Reclamation, Abandoned Mined Land (543)            |   |
| Land Reclamation, Currently Mined Land (544)            |   |
| Lighting System Improvement (470)                       |   |
| Livestock Shelter Structure (576)                       |   |
| Mine Shaft and Adit Closing (457)                       |   |
| Mulching (484)  |   |

**APPENDIX A – Table 2. General Classes of Undertakings Having Some Potential to Affect Historic and Archaeological Properties**

*Because they may be done in multiple ways, some of which are ground or site-disturbing, the practices on this list are classified as potentially intrusive. They are considered to have Little or No Potential to Affect Historic Properties when they are installed in such a way that (1) the practice-specific conditions specified under NOTES are met AND (2) does not involve significant changes to existing buildings, landscape features or new features of significant size and scale, AND (3) does not involve any soil disturbance of greater depth than that already caused by previous construction, equipment installation, or plowing, or on slopes of 15% or greater; or in a drainage way AND (4) the undertaking is NOT being done differently than the Description below, AND (5) the NRCS planner has no other reason to believe review is needed.*

Code	Practice Name (Alphabetically)	Description	Notes
560	Access Road	A road for equipment and vehicles with a packed sub-base and a 3" deep angular gravel or reclaimed bituminous material surface -- road may be created by cutting 12" deep to smooth and compact subgrade onto which is added a geotextile cloth then a 9" thick gravel subbase. Sometimes, the existing sub-base material can be compacted, on top of which a geotextile cloth is laid down and covered with a 3" deep layer of surface material. Access roads are typically not temporary. May involve tree removal. Some NRCS Access Roads may involve the refurbishing of an existing roadway rather than new construction. The minimum width is 14' (including 2' shoulders on each side) for 1-lane roads and 20' (including shoulders) for 2-lane roads.	Does not involve introduction of new landscape features.
371	Air Filtration and Scrubbing	Planting trees outside a building to serve as a bio-filter; device installed to reduce emissions of air contaminants from a structure via interception and/or collection (could be in-ground or above-ground)	
316	Animal Mortality Facility	A set of structures, possibly under a roof, to dispose of animal carcasses by incineration or composting	Does not involve sizeable new construction within or in the setting of the farm complex.
397	Aquaculture Ponds	Pond construction; may include waste sump	
396	Aquatic Organism Passage	Activities to facilitate passage of aquatic organisms including dam removal, channel modification and various constructed features/structures installed in and/or next to stream	No removal of structures 50 years in age or older; ground disturbance is within existing stream bank

**APPENDIX A – Table 2. General Classes of Undertakings Having Some Potential to Affect Historic and Archaeological Properties**

Code	Practice Name (Alphabetically)	Description	Notes
314	Brush Management	Management or removal of unwanted woody plants (not on cropland). Includes mechanical and/or chemical treatments. Mechanical includes activities such as hand pulling, cutting with tools carried by a person, use of wheeled machinery with mowing blades, wheeled machine-assisted digging/pulling. Chemicals may be applied by hand (painting on cut surface or basal bark area; hand-held sprayer or other applicator); from a wheeled vehicle (regular- or low-ground pressure vehicle).	Review not required unless involves significant soil disturbance such as grubbing or use of heavy equipment. Review not required if using existing skid lines.
672	Building Envelope Improvement	Installing insulation; e.g., put plastic wrap on building under siding to seal cracks (except doors and windows), or install curtains on an existing building for heat regulation	Does not affect buildings 50 years in age or older or is limited to interior improvements.
317	Composting Facility	A structure or device to contain and facilitate the controlled aerobic decomposition of manure or other organic material.	Does not involve sizeable new construction within or in the setting of the farm complex.
656	Constructed Wetland	An artificially created wetland ecosystem with hydrophytic vegetation for biological treatment of water.	
331	Contour Orchard and Other Perennial Crops	Planting orchards, vineyards, Christmas trees, or small fruit so that all cultural operations are done on the contour	No significant terracing/changes to the landscape; disturbance is only in existing or previously tilled cropland not exceeding depth of plow zone
402	Dam	An artificial barrier that can impound water for one or more beneficial purposes.	
605	Denitrifying Bioreactor	A structure containing a carbon source, installed to reduce the concentration of nitrate nitrogen in subsurface agricultural drainage flow via enhanced denitrification, typically installed in-ground.	
356	Dike	A barrier constructed of earth or manufactured materials to protect land against overflow or to regulate water	
362	Diversion	A channel constructed across the slope with a supporting ridge on the lower side	
432	Dry Hydrant	A non-pressurized permanent pipe assembly system installed into a water source that permits the withdrawal of water by suction -- may be used to provide all weather access to water for fire suppression	Not located within 500 feet of previously identified site.
647	Early Successional Habitat Development/Mgt.	Manage plant cover to maintain early successional habitat. Management may include planting and associated site preparation, mechanical or chemical control of unwanted vegetation via mechanical methods (hand tools, machinery) or herbicides (painted on individual plants or sprayed by hand or from a vehicle)	

**APPENDIX A – Table 2. General Classes of Undertakings Having Some Potential to Affect Historic and Archaeological Properties**

Code	Practice Name (Alphabetically)	Description	Notes
368	Emergency Animal Mortality Management	A means or method for the management of animal carcasses from catastrophic mortality events; often includes mass burial.	
374	Farmstead Energy Improvement	Developing and implementing farmstead improvements including replacing or retrofitting agricultural equipment systems (e.g., gas and electric irrigation pumps) and related components or devices to increase energy efficiency. Also may include below-ground installation of root zone heating.	
382	Fence	Constructed barrier to control movement of people, animals or vehicles. Includes permanent fencing and temporary electric fencing. Gates and corners will have extra bracing and may extend to 5 feet deep. Also includes exclusion and safety fences that may be used around heavy use areas and manure storage structures.	Temporary electric fence, permanent fence posts are pounded, or planned with another already reviewed practice.
394	Firebreak	Permanent or temporary strip of bare or vegetated ground designed to allow for the removal and management of fuel to prevent the progress of forest fires and provide access to inner areas of the forest to fight such fires.	Does not involve any soil disturbance of greater depth than that already caused AND clearing of land is limited to vegetation removal.
655	Forest Trails and Landings	Forest Trails are for temporary or infrequent use by equipment for management activities. They involve smoothing the soil enough to get equipment through; this might involve scraping the topsoil with a bulldozer blade, re-grading, and perhaps spot treatment of lower wetter places that need some added coarser material for traction. In some cases, a logger will construct or bring in a temporary bridge (e.g., logs lashed together to bridge a small stream, a small pre-fabricated steel bridge temporarily put in place, or metal plates such as are used to cover big holes where there is roadwork being done on a public street). Vegetation may be cut next to the trail to increase sunlight on the forest floor. During the course of logging, portions of a trail may need ruts graded out. Water bars may be dug into the soil up to 15 inches for 6-12 feet of road. Temporary stream crossings on the soil surface (e.g., timber mats) may be used. Steep sections of Forest Trail, where traction and erosion control would be needed, might be delineated separately on the plan and constructed under the Practice and standards of Access Road (560). Some NRCS Forest Trails may follow the routes of old roadways or previous logging trails.	Use of existing trail/landing.
410	Grade Stabilization Structure	A structure used to control the grade and bank, dam, or wall cutting in natural or artificial channels	

**APPENDIX A – Table 2. General Classes of Undertakings Having Some Potential to Affect Historic and Archaeological Properties**

Code	Practice Name (Alphabetically)	Description	Notes
412	Grassed Waterway	A natural or constructed channel that is shaped or graded to required dimensions and established in suitable vegetation for conveyance of surface water at a non-erosive velocity to a stable outlet. Vegetation will be planted using the Conservation Cover or Critical Area Planting standards. Often does not exceed depth of existing plow zone.	
548	Grazing Land Mechanical Treatment	Treating or modifying the soil and plant conditions with mechanical tools by treatments such as pitting, contour furrowing, and chiseling, ripping, or subsoiling in order meet the desired purpose.	Disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone.
561	Heavy Use Area Protection	Protecting heavily used areas by establishing vegetative cover, by surfacing with suitable material, or by installing needed structures. Typically done in disturbed areas around farm headquarters or around watering facilities in pastures. Gravel pads for watering facilities may involve digging to put in 6"-12" deep gravel	Does not involve sizeable new construction within or in the setting of the farm complex.
430	Irrigation Pipeline	Includes both pipe and hydrant. If buried line is serving above-ground system, it will be set up ready to hook in above-ground system above the ground.	Above-ground installation or in-ground installation of pipe using ditch witch or 12" wide backhoe bucket, provided there are no known sites within 100 feet
436	Irrigation Reservoir	An irrigation water structure made by constructing a dam. Often done in heavily disturbed area.	
441	Irrigation System, Microirrigation	Involves above-ground drip tubes, drip tape, micro-misters or, if buried system, not below plow zone	
447	Irrigation System, Tailwater Recovery	A facility to collect, store, and transport excess water from irrigation for re-use in a farm irrigation distribution system	
460	Land Clearing	Removing trees, stumps, and other vegetation from wooded areas to facilitate a conservation practice. May involve digging holes to dispose of cut material or rutting of soil when heavy pieces are dragged to a pile.	No significant removal of windbreaks/woodlots; does not involve stumping/digging and no rutting of soil by dragging of large logs and heavy equipment.
453	Land Reclamation, Landslide Treatment	Stabilizing or managing in-place natural materials, mine spoil, mine waste, or overburden to reduce downslope movement	Disturbance is limited to removal of redeposited sediment.
468	Lined Waterway or Outlet	A waterway or outlet having an erosion-resistant lining of concrete, stone or other permanent material. The lined section extends up the side slopes to a designed depth. The earth above the permanent lining may be vegetated or otherwise protected.	
516	Livestock Pipeline	Pipeline and frost-free hydrant(s). Pipeline may be buried at various depths or laid above-ground.	Above-ground installation or in-ground installation of pipe using ditch witch or 12" wide backhoe bucket, provided there are no known sites within 100 feet

**APPENDIX A – Table 2. General Classes of Undertakings Having Some Potential to Affect Historic and Archaeological Properties**

Code	Practice Name (Alphabetically)	Description	Notes
353	Monitoring Well		Does not involve significant soil disturbance.
500	Obstruction Removal	Removal and disposal of buildings, structures, other works of improvement, vegetation, debris, or other materials in terrestrial, not aquatic situations. May involve re-shaping of the land surface and/or soil covering of foundations or below-ground portions of obstructions	
582	Open Channel	Natural or artificial channel in which water flows with a free surface	
378	Pond	A water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout.	
533	Pumping Plant	Installation of a pump to move water or waste liquid. Includes the required pump(s), associated power unit(s), plumbing, appurtenances, and may include on-site fuel or energy source(s) and protective structures. It may be attached to an existing building, put in a well, put on a concrete pad. A pumping plant is generally installed along with associated practices for installing water wells, buried pipeline for electrical supply and pump controls, and pipeline to convey water from the well. For review purposes, the pipeline/electrical line trench is part of the Area of Potential Effects and must be included in the request for review.	
716	Renewable Energy System	System to utilize renewable energy resources that meet some or all on-farm energy needs. Does not include anaerobic digesters; heat pumps (air-to-air, ground-coupled, or water-source); geothermal electric generation systems; and production of energy crops.	
643	Restoration and Management of Rare or Declining Habitats	Includes monitoring, developing micro-topography, vernal pool creation, flash grazing.	Does not involve significant soil disturbance such as grubbing or use of heavy equipment.
654	Road/Trail/Landing Closure and Treatment	Closure for purposes such as minimizing human impacts to the area, controlling erosion (etc.), re-establishing desired plant cover, re-establishing pre-road landform or drainage pattern, etc., with temporary or permanent treatment of the land done on existing road/trail/landing.	Gating does not require review.
558	Roof Runoff Structure	Typically gutter or downspout connecting to Underground Outlet (620), but can also be a concrete or gravel trench adjacent to a structure. (Highly unlikely to be installed in undisturbed soil.)	Does not involve replacement of original fabric.

**APPENDIX A – Table 2. General Classes of Undertakings Having Some Potential to Affect Historic and Archaeological Properties**

Code	Practice Name (Alphabetically)	Description	Notes
367	Roofs and Covers	A rigid, semi-rigid, or flexible manufactured membrane, composite material, or roof structure placed over a heavy use area or a waste management area to divert water or to contain biogas/odors; may be attached to the waste management facility or need its own foundation in the ground	Does not involve sizeable new construction within the farm complex or physical effects to 50 year old features such as barnyard walls.
350	Sediment Basin	A basin constructed to collect and store debris or sediment	
646	Shallow Water Development and Management	The inundation of lands to provide habitat for fish and/or wildlife where water can be impounded or regulated by diking, excavating, ditching, and/or flooding	
318	Short Term Storage of Animal Waste and Byproducts	Temporary, non-structural measures used to store solid or semi-solid, organic agricultural waste or manure on a short-term basis between collection and utilization.	
574	Spring Development	Improving springs and seeps by excavating, cleaning, capping, or providing collection and storage facilities	
442	Sprinkler System	In crop field; includes installation of sprinkler with flow meter. Sprinkler may be linear or lateral movement system; wheel line system; center pivot; solid set system with small traveling gun; or a big travelling gun to apply animal feeding waste water with a reel on a towpath.	
570	Stormwater Runoff Control	Temporary placement of silt fence, straw wattles and/or straw bales to block sedimentation and erosion. Typically associated with ground-disturbing practice that would be reviewed separately	
578	Stream Crossing	Involves construction, e.g., culverts, bridges, or fords	Does not involve any soil disturbance of greater depth than that already caused by previous construction or ground disturbance is within existing stream bank.
580	Streambank and Shoreline Protection	Includes riprap, shaping of toe-slope, addition of rock, placement of stacked rock or pre-cast concrete blocks	Does not remove of structures 50 years in age or older; does not involve any soil disturbance of greater depth than that already caused by previous construction or ground disturbance is within existing stream bank.
587	Structure for Water Control	A structure in an irrigation, drainage, or water management system that conveys water, controls the direction or rate of flow, or maintains a desired water surface elevation. It may involve water meters and flow meters (not ground disturbing) as well as culverts, flashboards/gates, and fish screens	

**APPENDIX A – Table 2. General Classes of Undertakings Having Some Potential to Affect Historic and Archaeological Properties**

Code	Practice Name (Alphabetically)	Description	Notes
606	Subsurface Drain	A conduit, such as plastic tubing, tile, or pipe; installed beneath the ground surface to collect and/or convey drainage water	
607	Surface Drain, Field Ditch	A graded ditch for collecting excess water in a field	
608	Surface Drain, Main or Lateral	An open drainage ditch constructed to a designed size and grade	
600	Terrace	An earthen embankment, a channel, or a combination of ridge and channel constructed across the slope	
575	Trails and Walkways	A lane or travel way constructed of earth, vegetated, concrete, or material over geotextile cloth to facilitate the movement (or example from farm headquarter to pasture) of animals, people, or off-road vehicles often on a route designed to avoid/protect ecologically sensitive sites. Typically 8'-12' wide with 6"-12" ground disturbance. (Some situations may not exceed the depth of the plow layer or the depth of other previous disturbance.)	
490	Tree/Shrub Site Preparation	Preparing the site for planting or natural regeneration of woody plants; may involve disking or chemical treatment	Disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone; chemical treatment does not require review.
620	Underground Outlet	A conduit installed beneath the surface of the ground to collect surface water and convey it to a suitable outlet	In-ground installation of pipe using ditch witch or 12" wide backhoe bucket, provided there are no known sites within 100 feet
635	Vegetated Treatment Area	An area of permanent vegetation used for agricultural wastewater treatment. This is associated with a practice that would move agricultural waste water to the treatment site. Use of the treatment site may involve shaping of the land to promote water movement, or it may not	Disturbance is only in existing or previously tilled crop land not exceeding depth of plow zone.
360	Waste Facility Closure	Demolition of concrete structure that has been emptied. Or removing solid/liquid manure and excavating to reform the surface and then seeding down.	
313	Waste Storage Facility	A fabricated structure for temporary storage of animal wastes or other organic agricultural wastes	Buildings require review unless not located within a farm complex that is 50 or more years old.
634	Waste Transfer	Using existing structures, conduit, or equipment to convey by-products (wastes) from agricultural operations to points of usage	



**APPENDIX A – Table 2. General Classes of Undertakings Having Some Potential to Affect Historic and Archaeological Properties**

Code	Practice Name (Alphabetically)	Description	Notes
359	Waste Treatment Lagoon	An impoundment made by excavation or earth fill for biological treatment of animal or other agricultural waste	
638	Water and Sediment Control Basin	An earth embankment or combination ridge and channel generally constructed across the slope and minor watercourses to form a sediment trap and a water detention basin	
642	Water Well	A well constructed or improved to provide water for irrigation, livestock, wildlife or recreation. In addition to the hole for the well casing, water wells involve small trenches for the pump controls.	Does not involve significant soil disturbance.
614	Watering Facility	Can be portable troughs with above-ground pipeline, or, frost free waterers with concrete foundations and underground pipelines, or, combinations of the two.	
658	Wetland Creation	A wetland that has been created on a site location which historically was not a wetland or is a wetland but the site will be converted to a wetland with a different hydrology, vegetation type, or function than naturally occurred on the site	
659	Wetland Enhancement	The augmentation of wetland functions beyond the original natural conditions on a former, degraded, or naturally-functioning wetland site. Includes use of an excavator to create/restore topographic variation within a wetland.	
657	Wetland Restoration	Restoration of wetlands by actions such as excavation of old tile drainage, removal of levees, removal of ditch plugs and accumulated sediment, breaching of a dike sections	
644	Wetland Wildlife Habitat Management	Retaining, creating, or managing wetland habitat for wildlife	Does not involve significant soil disturbance such as grubbing or use of heavy equipment.

**APPENDIX A – Table 3. General Classes of Undertakings Having High Potential to Affect Historic and Archaeological Properties**

<b>THESE PRACTICES ALWAYS REQUIRE REVIEW BY PA-SHPO</b>			
<b>Code</b>	<b>Practice Name (Alphabetically)</b>	<b>Description</b>	<b>Notes</b>
309	Agrichemical Handling Facility	Roofed facility with an impervious surface to provide an environmentally safe area for the handling of on-farm agrichemicals	
366	Anaerobic Digester	Constructed facility in which biological treatment breaks down animal manure and other organic materials in the absence of oxygen. May be above or in-ground.	
324	Deep Tillage	Performing tillage operations below the normal tillage depth to fracture restrictive layers where soil has conditions that inhibit plant growth. It includes tillage operations commonly referred to as deep plowing, subsoiling, ripping, or row-till, which are carried out on an as-needed basis. May be used where non-stony soils have been compacted. Deep tillage could extend to 18-24 (30 max) inches deep.	
455	Land Reclamation, Toxic Discharge Control	Used to reduce acid or otherwise toxic aqueous discharge from abandoned mines or mine waste. May involve sealing the mine, controlling infiltration, or neutralizing discharge water through an in-ground constructed structure.	

**APPENDIX B**

**PA NRCS CULTURAL RESOURCES STANDARD OPERATING PROCEDURES**

**APPENDIX B. Standard Operating Procedures for Pennsylvania NRCS Personnel**

Training Requirements

1. Field Personnel

1.B. As per NRCS General Manual (420-401-GM, 2018) 401.26.A *NRCS will provide basic awareness training to all personnel and partners who carry out any part of the NRCS section-106 compliance responsibilities... The basic awareness training will vary based on an individual's conservation planning roles and individual State requirements but will consist at a minimum of modules 1–6 of the NRCS Cultural Resources Training Series with most conservation planners being required to also complete modules 7–9 of this training series.*

1.B.i This corresponds with Stipulation III.C. The currently required training is NRCS AgLearn online Series 1 (Cultural Resource Modules 1-6); classroom Module 7 (conducted in association with PA SHPO staff); field training Module 8; and, as available, the NRCS AgLearn online Working Effectively with Tribal Governments (which is treated as Module 9).

1.C. As per the NRCS National Cultural Resources Procedures Handbook (190-VI-NCRPH, 2003) 601.50.F:

1.C.i *All employees conducting conservation planning or application will complete the NRCS National Cultural Resources Training Program.*

1.C.ii *Non-NRCS personnel (including Technical Service Providers (TSPs)) carrying out conservation planning, assistance, and particularly installation, under the technical oversight of NRCS, or conducting cultural resources data gather for NRCS' own compliance needs, that is, district employees, state employees, and contractors (including TSPs), should complete the NRCS National Cultural Resources Training and Conservation Planning Training courses unless conservation activities completed by them are overseen and concurred with by persons who meet the Secretary of Interior's professional qualification standards.*

2. The CRC<sup>1</sup>/CRS<sup>2</sup> must be trained per Stipulation III.B.

2.B. This includes all trainings required of Field Personnel.

2.C. The CRC/CRS shall also attend the ACHP's Section 106 Essentials course, or a course with similar content, within the first year as CRC.

2.D. Prior to receiving archaeological access to CRGIS, CRC/CRS must receive

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<sup>1</sup> CRC – NRCS Pennsylvania Cultural Resources Coordinator; does not meet Secretary of Interior's Professional Qualification Standards, but provides internal oversight of cultural resource procedures within the state

<sup>2</sup> CRS – NRCS Pennsylvania Cultural Resources Specialist; meets Secretary of Interior's Professional Qualification Standards, generally an archaeologist or historian; provides internal oversight of cultural resource procedures within the state

**APPENDIX B. Standard Operating Procedures for Pennsylvania NRCS Personnel**

approximately 1 hour of specialized training from PA-SHPO on the SHPO's CRGIS<sup>3</sup> website.

Soil Science Activities

1. Soil Scientists are recognized as knowledgeable about artifacts and unusual coloration or horizonation in soils. Soil survey activities and technical soil services performed by NRCS Pennsylvania soil scientists are considered to generally not have the potential to cause effects to historic or archaeological properties.
  - 1.A. Per Table 1 of Appendix A, the following activities of NRCS Soil Scientist do not require review: hand dug shovel holes with soil filled back in proper horizon order, auger holes, probe holes, core holes.
2. Some larger-scale soil survey field investigations such, as soil investigation pits, are recognized as having the potential to affect historic properties.
  - 2.A. All soil pits to be dug with machines will be located away from known archaeological sites.
  - 2.B. Soil pits to be dug with machines, including those dug under the advice of NRCS for educational purposes, do not require review by the NRCS Pennsylvania CRC/CRS and PA-SHPO unless either of the following conditions are met:
    - 2.B.i As per the CRGIS model, the excavation is to be done in a high probability area OR
    - 2.B.ii The area of the excavation exceeds 100 ft<sup>2</sup>.
  - 2.C. Soil pits to be dug with machines do not require the NRCS Pennsylvania CRC/CRS to forward for PA-SHPO review unless both of the following conditions are met:
    - 2.C.i The area of the excavation exceeds 100 ft<sup>2</sup> AND
    - 2.C.ii The area of the excavation is within 500' of a known archaeological site.
  - 2.D. Backhoe pits for determining sites for NRCS program practices shall not be dug until the undertaking has been reviewed.
  - 2.E. No review is required if reusing a previously-dug soils pit for a training exercise.
3. NRCS Pennsylvania soil scientists performing soil survey activities or technical services for Pennsylvania NRCS shall stop digging if any archaeological resources are encountered. Then:
  - 3.A. If no human bones or funerary objects (objects intentionally placed with the remains) are present, they will do the following:
    - 3.A.i Do not remove anything.
    - 3.A.ii Take scaled pictures of found archaeological resources.

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<sup>3</sup> CRGIS — PA SHPO's Cultural Resources online inventory system: <https://www.dot7.state.pa.us/CRGIS/>.

**APPENDIX B. Standard Operating Procedures for Pennsylvania NRCS Personnel**

- 3.A.iii Fill hole and make note of its location
- 3.A.iv Report site to the NRCS Pennsylvania CRC/CRS. The CRC/CRS will report the site to PA-SHPO.
- 3.B. If human bones and/or funerary objects are not involved, work shall be moved at least 50 feet away and continue.
- 3.C. If human bones or funerary objects are encountered, work shall stop immediately, and the steps outlined in Stipulation VII.C shall be followed (which says, in brief, call the State Police/Coroner to determine if the remains are Native American and the NRCS Pennsylvania CRC/CRS who shall contact the PA-SHPO).

Conservation Planning Activities

1. The client will be informed of the following:
  - Cultural resources are important, and some can be of national significance.
  - By law NRCS is required to consider the potential effects of its undertakings<sup>4</sup> on cultural resources.
  - Artifacts found on private land (with the exception of human bones and funerary objects) are the property of the landowner.
2. The NRCS conservation planner<sup>5</sup> will determine whether each individual practice within an undertaking is classified as “E” (Effect or Ground/Resource Disturbing), “PE” (Potential Effects/Potentially Ground (Resource) Disturbing) Intrusive or Non-Intrusive, or “NE” (No Effect/Not Ground (Resource) Disturbing), using the NRCS Pennsylvania Classification of Conservation Practice Effects on Cultural Resources<sup>6</sup> (Attachment A) early in the conservation planning process.
  - 2.A. No Effect/Not Ground (Resource) Disturbing – conservation practices not considered as having a “potential to affect cultural resources.” The NE practices do not require further cultural resources considerations but are documented on the NRCS-CPA-52 Environmental Evaluation Worksheet.
  - 2.B. Potential Effects/Potentially Ground (Resource) Disturbing – conservation practices considered as having “potential to affect cultural resources”, except when they meet certain conditions. Cultural resource considerations are required if the installation will be intrusive.

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<sup>4</sup> For the NRCS Pennsylvania – PA SHPO PPA, undertakings are defined as federally sponsored projects that can include multiple NRCS conservation practices.

<sup>5</sup> Conservation planners are the personnel responsible for planning a project or practice. Conservation planners include NRCS soil conservationists, district conservationists, or other NRCS specialists who are involved daily with planning conservation practices and enhancements on agricultural operations that have the potential to include site disturbing activities. Conservation planners also include conservation district staff and private technical service providers providing conservation planning services as a NRCS-Certified Conservation Planner,

<sup>6</sup> The NRCS Pennsylvania Classification of Conservation Practice Effects on Cultural Resources is in accordance with Tables 1, 2, or 3 of Appendix A.

**APPENDIX B. Standard Operating Procedures for Pennsylvania NRCS Personnel**

Conservation practices are intrusive and require consideration if at least one of the following conditions are met:

- The installation of the practice will change the landscape or viewshed near or physically affect buildings and other structures that are 50 years old or older.
- The installation of the practice involves ground disturbance that will exceed the depth, extent, or kind of previous cultivation or other earth disturbance activity.

If the PE practice installation is non-intrusive, no further cultural resource considerations are required except to document on the NRCS-CPA-52 Environmental Evaluation Worksheet.

2.C. Effect or Ground (Resource) Disturbing – conservation practices and associated systems considered as having a high potential to affect cultural resources. Cultural resource considerations are always required.

3. For undertakings requiring further review (E and PE-Intrusive), a Cultural Resources Review Request packet (Request packet) will be prepared by the planner or other person making the request.

3.A. The Request packet will contain the following items:

- the Cultural Resources Review Worksheet (Attachment B) with all fields assigned to planner complete
- a Conservation Practice map (or other graphic deemed acceptable by the Cultural Resources Coordinator) depicting the location of practices and associated Area of Potential Effect<sup>7</sup> (APE),
- any other materials deemed appropriate by the planner, such as photographs of properties including buildings 50 years in age or older, historical maps, screen shots of *CRGIS*, etc.

3.B. Note that per Stipulation V.C.5, the Cultural Resources Review Worksheet (Attachment B) may be revised upon agreement among NRCS Pennsylvania and PA SHPO. The following items will always be included in the Cultural Resources Review Worksheet:

- Name of client
- Property address or latitude and longitude
- Tract number (if registered with the Farm Service Agency)
- Previous knowledge of any cultural resources in the APE
- Previous knowledge of any artifacts on the property
- Past disturbance and past/current land use practices that could affect the site integrity in the APE
- Environmental conditions indicative of site sensitivity for the presence of

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<sup>7</sup>The Area of Potential Effect is defined by 36 CFR Part 800.16 and includes the area in which a project will directly or indirectly affect the characteristics that qualify a property for listing or eligibility for listing in the National Register of Historic Places.

**APPENDIX B. Standard Operating Procedures for Pennsylvania NRCS Personnel**

cultural resources eligible for listing in the National Register of Historic Places, and,

- For each undertaking:
  - the type of practices
  - location, size, and scale of new construction;
  - any alterations to or demolitions of buildings 50 years in age or older;
  - anticipated depth of ground disturbance and,
  - as needed, additional notes on what the practice will entail.

3.C. The planner will delineate the Area of Potential Effects (APE). The APE will encompass the location where an undertaking will take place plus any associated areas that will be directly affected by the installation or presence of the practice (for example, equipment staging areas, borrow pits, access roads). The APE will also include any adjacent above ground resources that will be indirectly affected by the introduction of visual elements associated with the undertaking. Each undertaking has its own APE.

At the beginning of the planning process, the planner is required to check the SHPO's CRGIS database prior to conducting a field survey. The planner will review CRGIS to determine the presence/absence of previously identified cultural resources within the APE.

3.D. The planner will ask the Landowner/Client about their knowledge of cultural resources with respect to:

- buildings and structures in or near the project area, including age and function;
- artifacts found on the property;
- existing historical features in the APE, including but not limited to ruins and foundations, cisterns, hand-dug wells, privies; and,
- any other known cultural resources information that may help evaluate the potential effects of the project on cultural resources

3.E. At the beginning of the planning process, the planner may ask the CRC/CRS for known information on archaeological sites in the APE. (The CRC/CRS will have access to the specific locations of previously identified archaeological sites following submission of request for Archaeological access and one-hour of specialized training with SHPO staff.)

3.F. Review requests packets for soil scientist requests will include:

- Site address or GIS coordinates of the planned excavation,
- Size of the buffer area around the property/GIS coordinates,
- Basic description of the excavation (size and depth of hole).

4. The Request packet will be submitted to the NRCS CRC/CRS.

4.A. The CRC/CRS will review submitted Cultural Resources Review Request packets and determine the need for further consultation with the PA SHPO/Tribes in



**APPENDIX B. Standard Operating Procedures for Pennsylvania NRCS Personnel**

- accordance with Stipulation V and the steps listed below.
- The review will include an examination of CRGIS to determine if there are any previously identified sites in the project area and potential for archaeological sites. If a previously identified resource will be affected by the undertaking, the CRC/CRS will consult with PA SHPO, Tribes, and other individuals or agencies as appropriate.
- 4.B. To initiate consultation with the PA SHPO, the CRC/CRS will provide a copy of the SHPO's Project Review Form and required attachments (including historic and current aerial comparison, site plan with building function and age, extent and nature of ground disturbance, and height and size of proposed construction).
- 4.C. The CRC/CRS will coordinate follow-up actions with the field planning personnel. Following consultation, the CRC/CRS will respond to the planning personnel with one of the following findings:
- 4.C.i No Effect on cultural resources is expected. In this case, if no further consultation with SHPO or Tribes is needed, and planning and application of conservation practices may proceed; OR
  - 4.C.ii Field review is needed. The site needs to be evaluated in the field by a qualified Archaeologist and/or a Cultural Resources Specialist (CRS) or PA SHPO before planning proceeds further; OR
  - 4.C.iii The project needs to be redesigned/ a different location needs to be considered to avoid impacts to cultural resources.
5. If a landowner disagrees with the NRCS determination that either additional evaluation is needed or that a project redesign/relocation must be considered, NRCS has the option of withdrawing technical and financial assistance.
6. If a field survey (either a Historic Resource Survey Form or Archaeological Survey) is requested by SHPO, the CRC will use a NRCS archaeologist and/or a NRCS CRS, or other a qualified contractor who meets relevant Secretary of the Interior's Professional Qualification Standards and has the knowledge to assess the National Register eligibility of the resources within an undertaking's APE, as NRCS funding allows.
7. Assuming that a field survey can/will proceed, the CRC will facilitate the field survey and make sure that the findings are documented.
- 7.A. Outcomes of field survey will be documented on the Cultural Resources Review Request form (with attached documents as needed).
  - 7.B. Outcomes of field survey will be documented in coordination with PA SHPO using their standard forms and formats.
8. If there is a potentially eligible archaeological site or National Register listed or eligible above ground or archeological resource within the APE, NRCS personnel will propose to modify, buffer, or move the undertaking to avoid adverse effects to the site.

**APPENDIX B. Standard Operating Procedures for Pennsylvania NRCS Personnel**

Avoidance measures should be acceptable to the SHPO and the landowner/client.

- 8.A. If avoidance of the potentially eligible archaeological site or National Register listed or eligible above ground or archeological resource within the APE is not possible, the CRC will work with planner, PA SHPO, and any identified local preservation interests (consulting parties) identified to develop an appropriate plan for mitigation.
9. When SHPO requests monitoring or observation during installation, the CRC will work with SHPO and the planner to develop an avoidance or monitoring plan<sup>8</sup>. The CRC will note the final outcome on the Cultural Resources Review Form and document the information for SHPO using their Avoidance Monitoring Form (Attachment C).
10. Following field survey, inventory and analysis of artifacts will occur offsite and will be conducted by a qualified archaeologist. Note, again, that with the exception of human bones and objects associated with human burials, all artifacts found on private land are the property of the landowner. The landowner should be asked if they are willing to donate the artifacts to the State Museum of Pennsylvania.
11. Prior to having the landowner/client sign a contract, the Planner shall actively inform the client that the contract appendix (NRCS-CPA-1202) includes a provision for halting work or practice implementation immediately if during the construction of any practice a previously unknown or unidentified cultural, archaeological or historical site is encountered. In addition, the client shall be informed that the contract appendix states that the CCC<sup>9</sup> {whose agent is NRCS} may unilaterally cancel the Contract when the implemented conservation system would cause adverse impacts to significant cultural and/or environmental resources without mitigation actions unless CCC and the Participant modify the Contract to address such impacts. Refer to Stipulation VII for details on handling post- review discoveries of cultural resources or historic properties and unanticipated effects to historic properties.
12. The findings from the above Section 106 process also will be used in documentation of the client case file on the NRCS Environmental Evaluation Worksheet (CPA-52).
13. These Standard Operating Procedures may be revised upon agreement among NRCS Pennsylvania and PA SHPO. When NRCS develops separate cultural resources agreements with Tribal Nations, every effort will be made to ensure that these agreements do not contradict each other in regard to Standard Operating Procedures and practices excluded from further review.

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<sup>8</sup> The avoidance or monitoring plan generally consists of short narrative and a plan map of the work being done, showing how the project is not going to impact the potentially eligible archaeological site or National Register listed or eligible above ground or archaeological resource.

<sup>9</sup> CCC – Credit Commodity Corporation, a USDA owned and operated entity that aids producers through loans, purchases, payments, and other operations, and makes available materials and facilities required in the production and marketing of agricultural commodities.

**APPENDIX B. Standard Operating Procedures for Pennsylvania NRCS Personnel**

Attachments

- A. NRCS Pennsylvania Classification of Conservation Practice Effects on Cultural Resources
- B. NRCS Pennsylvania Cultural Resource Review Worksheet
- C. PA SHPO Avoidance Monitoring Form



## Classification of Conservation Practice Effects on Cultural Resources (October 2019)

### Rating

**NE No Effect/Not Ground (Resource) Disturbing** – conservation practices **not** considered as having a “potential to affect cultural resources.”

Some conservation practices are primarily management related and will not have any physical effects or alteration to a cultural resource. These practices are not just benign, but often provide beneficial effects by affecting soil or cover stability. Others are performed in previously disturbed soils, soils that are not likely to possess intact and distinct soil horizons and have a reduced likelihood of possessing historic properties within their original depositional contexts in the area and to the depth to be excavated. Others do not have the potential to affect landscapes, buildings, or other structures 50 years in age or older.

The NE practices do not require further cultural resources considerations but are documented on the NRCS-CPA-52 Environmental Evaluation Worksheet.

**PE Potential Effects/Potentially Ground (Resource) Disturbing** – conservation practices considered as having low potential to affect cultural resources, except when they are considered to be intrusive. **Cultural resource considerations required if the installation will be intrusive.**

Conservation practices are **intrusive** and require consideration if at least one of the following conditions are met:

1. The installation of the practice will change the landscape or viewshed near or physically affect buildings and other structures that are 50 years old or older.
2. The installation of the practice involves ground disturbance that will exceed the depth, extent, or kind of previous cultivation or other earth disturbance activity.

If the PE practice installation is non-intrusive, no further cultural resource considerations are required except to document on the NRCS-CPA-52 Environmental Evaluation Worksheet.

**E Effect or Ground (Resource) Disturbing** - conservation practices and associated systems considered as having a high potential to affect cultural resources. **Cultural resource considerations are always required.**

If a practice is considered a **PE-Intrusive** or **E**, the planner should complete the PA Cultural Resources Review Worksheet and related packet and submit it to the Cultural Resources Coordinator (CRC) for review. Based on an examination of the packet and CRIGS, the CRC may or may not consult with PA-SHPO.



## Classification of Conservation Practice Effects on Cultural Resources

Practice Name & Units	Unit	Practice Code	Rating
Access Control	Ac.	472	NE
Access Road	Ft.	560	PE
Agrichemical Handling Facility	No.	309	E <sup>1</sup>
Air Filtration and Scrubbing	No.	371	PE
Alley Cropping	Ac.	311	NE
Amending Soil Properties with Gypsum Products	Ac.	333	NE
Amendments for Treatment of Agricultural Waste	AU	591	NE
Anaerobic Digester	No.	366	E <sup>1</sup>
Animal Mortality Facility	No.	316	PE
Aquaculture Ponds	Ac.	397	E
Aquatic Organism Passage	Mi.	396	E
Brush Management	Ac.	314	PE
Building Envelope Improvement	No.	672	E
Channel Bed Stabilization	Ft.	584	NE
Clearing & Snagging	Ft.	326	NE
Combustion System Improvement	No.	372	NE
Composting Facility	No.	317	PE
Conservation Cover	Ac.	327	NE
Conservation Crop Rotation	Ac.	328	NE
Constructed Wetland	Ac.	656	E
Contour Buffer Strip	Ac.	332	NE
Contour Farming	Ac.	330	NE
Contour Orchard and Other Perennial Crops	Ac.	331	PE
Cover Crop	Ac.	340	NE
Critical Area Planting	Ac.	342	NE
Dam	No./Ac.-Ft.	402	E
Deep Tillage	Ac.	324	E <sup>1</sup>
Denitrifying Bioreactor	No.	605	E
Dike	Ft.	356	E
Diversion	Ft.	362	PE
Drainage Water Management	Ac.	554	NE
Dry Hydrant	No.	432	PE
Early Successional Habitat Development/Management	Ac.	647	NE
Emergency Animal Mortality Management	No.	368	PE
Farmstead Energy Improvement	No.	374	PE
Feed Management	No./AU	592	NE
Fence	Ft.	382	PE
Field Border	Ac.	386	NE
Filter Strip	Ac.	393	NE
Firebreak	Ft.	394	PE

## Classification of Conservation Practice Effects on Cultural Resources

Practice Name & Units	Unit	Practice Code	Rating
Forage & Biomass Planting	Ac.	512	NE
Forage Harvest Management	Ac.	511	NE
Forest Stand Improvement	Ac.	666	NE
Forest Trails & Landings	Ac.	655	PE
Fuel Break	Ac.	383	PE
Grade Stabilization Structure	No.	410	PE
Grassed Waterway	Ac.	412	PE
Grazing Land Mechanical Treatment	Ac.	548	PE
Heavy Use Area Protection	Sq. Ft.	561	PE
Hedgerow Planting	Ft.	422	NE
Herbaceous Weed Control	Ac.	315	NE
High Tunnel System	Sq. Ft.	325	NE
Irrigation Pipeline	Ft.	430	PE
Irrigation Reservoir	Ac-Ft	436	E
Irrigation System, Microirrigation	Ac.	441	PE
Irrigation System, Tailwater Recovery	No.	447	E
Irrigation Water Management	Ac.	449	NE
Karst Sinkhole Treatment	No.	527	NE
Land Clearing	Ac.	460	E
Land Reclamation, Abandoned Mined Land	Ac.	543	NE
Land Reclamation, Currently Mined Land	Ac.	544	NE
Land Reclamation, Landslide Treatment	No./Ac	453	PE
Land Reclamation, Toxic Discharge Control	No.	455	E <sup>1</sup>
Lighting System Improvement	No.	670	NE
Lined Waterway or Outlet	Ft.	468	PE
Livestock Pipeline	Ft.	516	PE
Livestock Shelter Structure	No.	576	NE
Mine Shaft and Adit Closing	No.	457	NE
Monitoring Well	No.	353	PE
Mulching	Ac.	484	NE
Multi-Story Cropping	Ac.	379	NE
Nutrient Management	Ac.	590	NE
Obstruction Removal	Ac.	500	E
Open Channel	Ft.	582	PE
Pest Management Conservation System	Ac.	595	NE
Pond	No.	378	E
Pond Sealing or Lining – Compacted Soil	No.	520	NE
Pond Sealing or Lining – Concrete	No.	522	NE
Pond Sealing or Lining – Geomembrane or Geosynthetic Clay Liner	No.	521	NE

## Classification of Conservation Practice Effects on Cultural Resources

Practice Name & Units	Unit	Practice Code	Rating
Prescribed Burning	Ac.	338	NE
Prescribed Grazing	Ac.	528	NE
Pumping Plant	No.	533	PE
Renewable Energy System	No.	716	E
Residue and Tillage Management, Reduced Till	Ac.	345	NE
Residue and Tillage Management, No-Till	Ac.	329	NE
Restoration and Management of Rare and Declining Habitats	Ac.	643	PE
Riparian Forest Buffer	Ac.	391	NE
Riparian Herbaceous Cover	Ac.	390	NE
Road/Trail/Landing Closure and Treatment	Ft.	654	PE
Roof Runoff Structure	No.	558	PE
Roofs and Covers	No.	367	PE
Sediment Basin	No.	350	E
Shallow Water Development and Management	Ac.	646	E
Short Term Storage of Animal Waste and Byproducts	Cu. Yd.	318	PE
Spring Development	No.	574	E
Sprinkler System	Ac.	442	PE
Stormwater Runoff Control	No./Ac.	570	PE
Stream Crossing	No.	578	PE
Stream Habitat Improvement & Management	Ac.	395	NE
Streambank and Shoreline Protection	Ft.	580	PE
Stripcropping	Ac.	585	NE
Structure for Water Control	No.	587	PE
Structures for Wildlife	No.	649	NE
Subsurface Drain	Ft.	606	E
Surface Drain, Field Ditch	Ft.	607	PE
Surface Drain, Main or Lateral	Ft.	608	E
Terrace	Ft.	600	PE
Trails and Walkways	Ft.	575	PE
Tree/Shrub Establishment	Ac.	612	NE
Tree/Shrub Site Preparation	Ac.	490	PE
Tree/Shrub Pruning	Ac.	660	NE
Underground Outlet	Ft.	620	E
Upland Wildlife Habitat Management	Ac.	645	NE
Vegetated Treatment Area	Ac.	635	PE
Waste Gasification Facility	No.	735	E <sup>1</sup>
Waste Facility Closure	No.	360	PG
Waste Recycling	Ac.	633	NE
Waste Separation Facility	No.	632	E <sup>1</sup>

## Classification of Conservation Practice Effects on Cultural Resources

Practice Name & Units	Unit	Practice Code	Rating
Waste Storage Facility	No.	313	E <sup>2</sup>
Waste Transfer	Ac.	634	PE
Waste Treatment	No.	629	NE
Waste Treatment Lagoon	No.	359	E
Water and Sediment Control Basin	Ft.	638	E
Water Well	No.	642	PE
Watering Facility	No.	614	PE
Well Decommissioning	No.	351	NE
Wetland Creation	Ac.	658	E
Wetland Enhancement	Ac.	659	PE
Wetland Restoration	Ac.	657	E
Wetland Wildlife Habitat Management	Ac.	644	PE
Windbreak/Shelterbelt Establishment	Ft.	380	NE
Woody Residue Treatment	Ac.	384	NE

<sup>1</sup> Requires consultation with PA-SHPO

<sup>2</sup> Roofed waste storage structures require consultation with PA-SHPO when installed within a farmstead with buildings over 50 years old.





United States Department of Agriculture

Name or Office Name
Office Address
Phone Number
Email

PA Cultural Resources Review Worksheet

Landowner:
Operator:
Site Address:

County:
Tract Number:
Township:
Program:

Undertakings that have the Potential to Affect Cultural Resources

Table with 5 columns: No., Undertaking (Practice number and Size Included in the Undertaking), Max. Depth of Anticipated Disturbance, APE, Acres of Undertakings For Review, Has area been previously disturbed? Total Number of Undertakings Reviewed = Total Acres = 0.00

1 Please use Additional Notes to the Reviewer on Page 2, if needed, to clarify depth of disturbance.
2 If checked, please describe disturbance in Previous Disturbance on Page 2.

ARCHAEOLOGICAL RESOURCES

Areas Investigated - Provide information for each Investigation Conducted. Each Investigation must be its own column.

Table for archaeological resources with rows: Which undertaking(s)?, Size of Investigation (acres), Type of ground cover, Percent of ground visible, Primarily hydric soil (Y/N)?, Percent slope, Feet to perennial water

Does the landowner/operator know of or suspect any historic or prehistoric cultural resources within the APE? If yes, check which resource and describe below.

- Presence of within APE: Ruins or foundation(s)?, Old stone wall?, Hand dug well?, Unusual depression?, Mound of soil or stone?, Cistern(s)?, Privies/Latrines?, Other cultural features?, None, Rock outcrops that could have been used for tools (flint or chert) or shelter?, Tools, Shelter

Describe: [Empty box for describing resources]

Have artifacts been found on the property? If so, check material type and describe below.

- Flint/Chert Flakes, Projectile Points, Pottery Sherds, Other, None

Describe: [Empty box for describing artifacts]

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**ABOVE GROUND RESOURCES**

Describe all above ground resources (buildings, structures, objects, or landscape sites) and their estimated ages on the farm that may be affected by the proposed undertakings. Also describe the potential effect. (Direct effect examples - demolition, physical modification, and repair; Indirect effect examples - introduction of buildings, alteration of land use, visual impacts, foreseeable development)

**NOTE: If buildings 50 years old or older may be directly or indirectly affected, send photos of buildings, area of planned undertaking, and wide view of area.**

Is this site located in a historical district?  No  Yes, Name

**OTHER INFORMATION**

**Previous Disturbance**

If you checked the Previous Disturbance box for any of the Undertakings on Page 1, please describe the type, depth, and extents of previous disturbance (beyond normal tillage) that has occurred in the undertaking's APE.

**Additional Notes to the Reviewer**

Please include any additional information about the site or planned practices that may be helpful to the person reviewing this form.

**How did you acquire this information? Check all that apply**

- National Register of Historic Places using Priority Resource Map or CRGIS - **Required** (<https://www.dot7.state.pa.us/crgis/>)
- Recollections from landowner(s) - **Required, if practicable**
- Historic Documents (old maps, plats, aerial photos) Penn Pilot - <http://www.pennpilot.psu.edu/>
- Visual clues - **Required**

**Field survey conducted by (mark one):**

(Must have completed NRCS Cultural Resources Training Mods 1-8)

NRCS	District	RC&D	TSP	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature

Date:

*A complete cultural resources review submission includes:*

- CRRW form
- Practice Map (identifying the location and extents of the planned undertakings)
- Pictures (as appropriate)

**CRC/CRS Use Only Below this Line**

Number of Investigations Conducted	Acres of Investigation Conducted	Number of Potential Sites Identified in APE	Acres of Potential Sites Identified in APE
	0.00		

**SHPO Consultation?**

No  Yes

ER: \_\_\_\_\_

Additional Work:  Phase I  HRSF  
 Phase II  None

Contractor: \_\_\_\_\_

**Treatment Type**

- Not Applicable
- Avoidance
- No Treatment
- None
- Data Recovery/Interpretation
- Other:

**NRCS CRC/CRS Review**

Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

Comments:



**PA Cultural Resources Review Worksheet**

Landowner: \_\_\_\_\_  
 Operator: \_\_\_\_\_  
 Site Address: \_\_\_\_\_  
 \_\_\_\_\_

County: \_\_\_\_\_  
 Tract Number: \_\_\_\_\_  
 Township: \_\_\_\_\_  
 Program: \_\_\_\_\_

**Undertakings that have the Potential to Affect Cultural Resources**

No.	Undertaking (Practice number and Size Included in the Undertaking) (acres, feet, ft <sup>2</sup> , ft <sup>3</sup> , no., etc.)	Max. Depth of Anticipated Disturbance <sup>1</sup>	APE, Acres of Undertakings Reviewed	Has area been previously disturbed? <sup>2</sup>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
<b>Total Number of Undertakings Reviewed =</b>		See Page 1	<b>Total Acres =</b>	See Page 1

<sup>1</sup> Please use **Additional Notes to the Reviewer** on Page 2, if needed, to clarify depth of disturbance.  
<sup>2</sup> If checked, please describe disturbance in **Previous Disturbance** on Page 2.

**ARCHAEOLOGICAL RESOURCES**

**Areas Investigated** - Provide information for each Investigation Conducted. Each Investigation must be its own column.

Which undertakings?					
Size of Investigation (acres)					
Type of ground cover					
Percent of ground visible					
Primarily hydric soil (Y/N)?					
Percent slope					
Feet to perennial water					

Clear Form





# Avoidance Monitoring Form

(This form may only be used as part of an approved Avoidance Plan.)

### 1. Project Identification:

ER Number \_\_\_\_\_

Project Name &/or Agency Tracking #: \_\_\_\_\_

Agency: \_\_\_\_\_ Applicant: \_\_\_\_\_

Preparers Name and affiliation: \_\_\_\_\_

Date Prepared: \_\_\_\_\_

Project Area County/Municipality (list all)

County	Municipality

### 2. Project Setting: (check all that apply)

- urban/suburban;  rural
- upland;  floodplain/terrace ( active;  stable terrace)

7.5" USGS Quadrangle(s) Name (list all):

Name	Date

Physiographic Zone(s)(list All. Use DCNR Map 13 compiled by W.D. Sevon, Fourth Edition, 2000.):

Physiographic Zone

Project Area Drainage(s), (list all) (Sub-basin and Watershed can be obtained from CRGIS):

Sub-basin	Watershed	Major Stream	Minor Stream

### 3. Basic Field Conditions:

(Text fields will expand as needed. Please be complete)

Area of APE / Project Area in hectares: \_\_\_\_\_ Hectares tested: \_\_\_\_\_

General Description of APE / Project Area: \_\_\_\_\_

Type of Proposed Project / Impact: \_\_\_\_\_

Date of field investigation(s): \_\_\_\_\_

Description of Field Conditions:

\_\_\_\_\_

## 4. Monitoring Methodology:

(Text field will expand as needed. Please be complete)

## 5. Previously Recorded Archaeological Sites within APE / Project Area and not relocated by this project:

PASS Site Number	Particular Disturbance in this area

## 6. Results: (Describe the results of the monitoring. Text field will expand as needed. Please be complete)

## 7. Required Attachments:

- 7.5' USGS Quadrangle Map delineating APE / Project Area
- APE map showing location of monitoring
- At least two (2) supporting photographs with descriptions of view and view direction

List all other attachments to this Avoidance Monitoring Form:

Attachment Type

**APPENDIX C**

**BARNYARD POLICY**

**APPENDIX C. Barnyard Policy**

**NRCS PENNSYLVANIA POLICY FOR CULTURAL RESOURCES REVIEW OF PREVIOUSLY DISTURBED ANIMAL CONCENTRATION AREAS**

**Introduction**

The NRCS Pennsylvania implements barnyard runoff undertakings on about 80 farms every year. In most cases, the livestock housed in and near the barn have heavily disturbed these areas. Furthermore, the barnyards are periodically scraped to remove manure and may receive fill from time to time. Under these conditions, any site integrity for archeological sites that may be present has likely been destroyed.

Therefore, given the likelihood that barnyard areas will seldom be sufficiently intact to allow for a systematic archeological investigation in concert with increasing workload issues for both the NRCS Pennsylvania and the SHPO/Indian Tribes, the NRCS Pennsylvania will make an independent determination of previous disturbance within the confines of the criteria outlined below.

**Criteria**

The barnyard area must not be located any closer than 500' to a documented archaeological resource.

The following criteria must be met in order for NRCS Pennsylvania to make a determination that a barnyard area has been previously disturbed.

1. Only projects that entail heavy use area stabilization and associated runoff management are included under this exception. Filter strips that involve land grading and diversions uphill of barnyard areas must still be considered for review by the PA SHPO. Roofed heavy use areas must be considered for PA SHPO review by the NRCS Cultural Resources Coordinator/Specialist.
2. Concrete pads cannot exceed ½ acre in size. A larger pad requires submission of the cultural resources review form to the NRCS Cultural Resources Coordinator/Specialist, who may then submit to PA SHPO.
3. The barnyard area where the protection will be created must be a heavy use area where livestock have caused significant disturbance to the soil through habitual use over a period of several years.
4. Excavation in preparation for constructing the heavy use area protection may remove manure deposits and any fill, but will not extend substantially into intact subsoil. If construction of the heavy use area protection involves changing the grade and thereby excavating intact subsoil, then the project must be submitted to the NRCS Cultural Resources Coordinator/Specialist, who may then submit to PA SHPO.

NRCS Pennsylvania's Cultural Resources Coordinator/Specialist must clearly document the degree of disturbance by presenting a brief history of the barnyard area in terms of the number of animals using the barnyard and the approximate number of years that the area has been used as a barnyard. NRCS Pennsylvania's Cultural Resources Coordinator/Specialist must also document, internally, that the Project Review Form was not submitted to the PA SHPO because of the disturbance.

**APPENDIX D**

**GLOSSARY OF ACRONYMS USED IN THIS DOCUMENT**

<b>ACHP</b>	<b>Advisory Council on Historic Preservation</b>
<b>APE</b>	<b>Area of Potential Effect—from ACHP regulations 36 CFR Part 800</b>
<b>CEQ</b>	<b>Council on Environmental Quality</b>
<b>CRS</b>	<b>Cultural Resources Specialist (NRCS—meets Secretary of Interior’s Professional Qualification Standards, generally an archaeologist or historian)</b>
<b>CRC</b>	<b>Cultural Resource Coordinator (NRCS, does not meet Secretary of Interior’s Professional Qualification Standards, but providing internal oversight of cultural resource procedures within the state)</b>
<b>DHS</b>	<b>Department of Homeland Security</b>
<b>EWP</b>	<b>Emergency Watershed Program (NRCS program)</b>
<b>FEMA</b>	<b>Federal Emergency Management Agency</b>
<b>FPO</b>	<b>Federal Preservation Officer (Federal Preservation Officer)</b>
<b>NCSHPO</b>	<b>National Conference of State Historic Preservation Officers</b>
<b>NEPA</b>	<b>National Environmental Policy Act</b>
<b>NHL(s)</b>	<b>National Historic Landmark(s)</b>
<b>NHPA</b>	<b>National Historic Preservation Act</b>
<b>NHQ</b>	<b>National Headquarters (NHQ)</b>
<b>NRCS</b>	<b>Natural Resources Conservation Service</b>
<b>NRHP</b>	<b>National Register of Historic Places</b>
<b>SHPO</b>	<b>State Historic Preservation Officer</b>
<b>SPO</b>	<b>Senior Policy Official (NRCS)</b>
<b>THPO</b>	<b>Tribal Historic Preservation Officer</b>
<b>USDA</b>	<b>United States Department of Agriculture</b>