



## What are Cultural Resources?

Cultural resources are the physical evidence of the past activities and accomplishments of people (individuals and society). They include prehistoric and historic districts, sites, buildings, structures, or objects listed in or eligible for listing in the National Register of Historic Places (maintained by the Secretary of the Interior). They also include all records, artifacts and physical remains associated with the historic properties. In NRCS, cultural resources are considered equivalent to historic properties as defined by Advisory Council on Historic Preservation (ACHP) regulations for compliance with Section 106 of the National Historic Preservation Act (NHPA). Cultural Resources protected under other authorities (such as the American Indian Religious Freedom Act) include:

1. Tangible traces such as buildings, structures, sites, objects, districts and traditional cultural properties;
2. Less tangible traces such as dance forms, aspects of folklife, landscapes, vistas, cultural or religious practices, and locations of cultural value to living societies, known as Traditional Cultural Properties;
3. Historical documents; and
4. Some landscapes, vistas, cemeteries (if they have historic or cultural value) and lifeways.

## Why is NRCS Accountable for Cultural Resources?

As stated in Section 106 of the National Historic Preservation Act (1966, as amended through 2000) <http://www.achp.gov/regs-rev04.pdf>, Federal Agencies must do two things:

“Take into account” the effects of their actions or undertakings on historic properties (i.e. effects on any district, site, building, structure or object that is included in or eligible for inclusion in the National Register); and “Afford the Advisory Council on Historic Preservation a reasonable opportunity to comment “on their actions.



### Minnesota NRCS - Compliance with Section 106

In accord with Section 106, State Historic Preservation Offices (SHPO) advise and assist Federal agencies in carrying out their Section 106 responsibilities. The Minnesota NRCS has developed a State Level Agreement with the Minnesota SHPO in order to streamline the Section 106 consultation process. The State Level Agreement can be found at: <http://efotg.nrcs.usda.gov/references/public/MN/StateLevelAgreement.pdf>.

The agreement allows the MN NRCS to exempt many practices from Section 106 review. Exempt practices are those that typically have little to no potential to effect historic properties. Most of these exempt practices such as Grassed Waterways, Residue Management, Pond Sealing or Lining, Cross Wind trap Strip, involve minimal to no ground disturbance and have no visual or contextual effects.

Practices that are considered undertakings undergo an internal review process that starts at the Field Office. Field personnel fill out the MN-CPA-048 Cultural Resources Review Form <http://efotg.nrcs.usda.gov/references/public/MN/mncpa48.doc> and submit it to the MN NRCS Cultural Resources Specialist (CRS).

After researching existing data bases and records the CRS makes a recommendation of *No Survey* or performs a survey to investigate potential impacts to historic properties at a project location. Once the effects of an undertaking are determined (i.e. *No Effect* or *Adverse Effect*), consultation proceeds accordingly as outlined in Section 106.

### Consultation with Indian Tribes

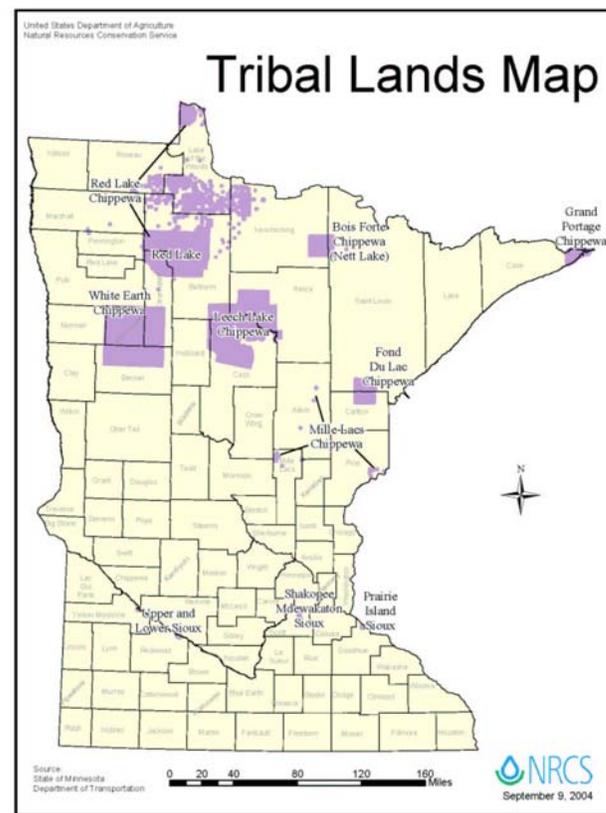
Section 101(d)(6)(A) of the National Historic Preservation Act clarifies that historic properties of religious and cultural significance to Indian tribes may be eligible for listing in the National Register, and Section 101(d)(6)(B) requires Federal Agencies, in carrying out their Section 106 responsibilities, to consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking. Consultation also applies to non-tribal property owners who are within the exterior boundaries of a reservation.

If a tribe has a Tribal Historic Preservation Officer (THPO) then the Federal Agency consults with the THPO *in lieu* of the SHPO on tribal lands. When there is no THPO the Federal Agency consults with the tribal designated representative and the SHPO. The Federal Agency must also make a *reasonable and good faith effort* to identify non-resident tribes that may have an interest in an undertaking.

Federal Agencies are encouraged to develop unique consultation agreements with tribes in order to document recognition of sovereign rights over cultural resources on tribal lands and special knowledge of the Tribe about their cultural and spiritual places. Currently MN NRCS has a Memorandum of Understanding (MOU) with the White Earth Band of Minnesota Chippewa that outlines how Section 106 consultation is done between the MN NRCS and the White Earth Reservation. The White Earth Band, the Leech Lake Band of Chippewa, and the Mille Lacs Band of Chippewa, all have THPOs.

In Minnesota there are eleven federally recognized tribes.

<http://www.kstrom.net/isk/maps/mn/mnrezmap.html>



Grand Mound, Koochiching County, Minnesota.

For more information about Minnesota NRCS Cultural Resources Activities contact Patrick McLoughlin, State Archaeologist, [patrick.mcloughlin@mn.usda.gov](mailto:patrick.mcloughlin@mn.usda.gov), (651)602-7907 or visit [www.mn.nrcs.usda.gov/technical/ecs/cultural/cultural.html](http://www.mn.nrcs.usda.gov/technical/ecs/cultural/cultural.html).

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