

Part 401 – Cultural Resources (Archeological and Historic Properties)  
Subpart D - Appendix

401.45 (d) (1)

**STATE LEVEL AGREEMENT BETWEEN  
THE NATURAL RESOURCES CONSERVATION SERVICE AND THE  
IDAHO STATE HISTORIC PRESERVATION OFFICE**

**PURPOSE**

This State Level Agreement (SLA) implements Stipulation 2 (State Agreements) of the National Programmatic Agreement among the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), Advisory Council on Historic Preservation (ACHP), and the National Conference of State Historic Preservation Officers relative to: Conservation Assistance.

The purpose of this agreement is to adjust compliance requirements of the National Programmatic Agreement to conditions that exist in Idaho that could not be uniformly addressed at the national level. Unless otherwise defined, all terms in this agreement are used in accordance with NRCS *General Manual* (GM) 420, Part 401, and the *National Cultural Resources Procedures Handbook* (GM 190, Part 601).

The Idaho NRCS and the Idaho State Historic Preservation Officer (SHPO) agree that execution of this Agreement provides for implementation of policies and procedures developed by NRCS to ensure that effects of conservation activities on historic properties are thoroughly considered and that cultural resource protection is accomplished as efficiently as possible.

**WHEREAS**, the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) has entered into an agreement titled Programmatic Agreement Among the USDA NRCS, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers Relative to: Conservation Assistance (dated May 31, 2002 ), hereinafter referred to as the National Agreement; and

**WHEREAS**, the National Agreement (Attachment 1) allows NRCS to comply programmatically with its obligations under the National Historic Preservation Act (NHPA)(16 U.S.C. § 470f) and related legislation dealing with cultural resources and requires NRCS to follow its policies and procedures for protecting cultural resources issued in the NRCS GM 420, Part 401, Cultural Resources (Archaeological and Historic Properties); and

**WHEREAS**, the Idaho State Historic Preservation Officer (hereafter referred to as SHPO) is appointed by the governor to administer the programs of the NHPA for that state and is charged with assisting federal agencies through maintenance and sharing of cultural resource inventory information and with preparation of a comprehensive statewide historic preservation plan; and

**WHEREAS**, Stipulation 2 of the National Agreement and NRCS GM 420, Part 401.33 requires each state NRCS office and its counterpart State Historic Preservation Office to develop a state level

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agreement (SLA) in order to further expedite the compliance process, speed delivery of conservation and protect cultural resources; and

**WHEREAS**, the State Conservationist for the NRCS in Idaho (Idaho NRCS) has consulted with the Idaho State Historic Preservation Office (SHPO) pursuant to GM 420 Part 401.33; and

**WHEREAS**, the definitions given below are applicable throughout this state level agreement;

**NOW THEREFORE**, the Idaho NRCS and the SHPO agree to the following definitions and stipulations and will ensure that they are implemented.

**Definitions and Stipulations**

**DEFINITIONS**

(a) **Adverse Effect** is the reduction in the characteristics that make an historic property eligible for the National Register of Historic Places. This is evidenced by diminishing the integrity of the location, design, setting, materials, workmanship, association, or other qualities that are important to defining the significance of the historic property.

(b) **Advisory Council on Historic Preservation (ACHP)** is the independent agency mandated to advise the President, Congress and Federal agencies and review their activities related to historic properties. ACHP was established pursuant to Title II of the National Historic Preservation Act (NHPA) of 1966 (80 Stat. 915, 16 U.S.C. § 470, as amended).

(c) **Area of Potential Effect (APE)** is the geographic area or areas within which an undertaking may cause changes in the character or use of any cultural resources present.

(d) **Consultation** is the process of seeking, discussing and considering the views of other participants in the cultural resource compliance process. Consulting parties can include the SHPO, Tribal Historic Preservation Officer (THPO), Indian Tribes, representatives of local governments, landowners and other interested parties.

(e) **Cultural Resources** are the traces of all of the past activities and accomplishments of people. These include (1) tangible traces such as districts, sites, buildings, structures and objects; (2) less tangible traces such as dance forms, aspects of folklife, landscapes, vistas, cultural or religious practices; (3) historical documents; and (4) some cemeteries. These same resources may also be (1) resources that have little or no significance; (2) resources included in or determined eligible for inclusion in the National Register of Historic Places (NRHP) or an equivalent register maintained at the state or local level; (3) unevaluated resources that may be eligible for inclusion in the National Register or an equivalent; or (4) properties that may qualify for the protections afforded by the Archaeological Resources Protection Act (ARPA) or the Native American Graves Protection and Repatriation Act (NAGPRA).

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(f) **Cultural Resources Investigation** is a general term including all types and levels of work to identify and evaluate cultural resources and those used in mitigating adverse effects to historic properties.

(g) **Cultural Resources Review** is an examination of current information to determine the likelihood that cultural resources are, or may be, present in a area that could be impacted by an NRCS undertaking. This review includes checking the current National Register of Historic Places, as well as equivalent state level registers, consulting the State Historic Preservation Officer and talking with the landowner(s)/cooperator(s). It should also include obtaining the views of the State archaeologist, State historian and State archivist and other knowledgeable individuals and organizations; archaeological and historical societies; and other appropriate individuals or organizations. It also includes research on the history, prehistory, ethnography and ecology of the area. The review is conducted by a cultural resources specialist, cultural resources technician or other NRCS personnel who have completed the required cultural resources training.

(h) **Cultural Resources Coordinator (CRC)** is the officially designated liaison responsible for the implementation of cultural resources policy and procedures, and for the overall compliance and program activities in NRCS operations.

(i) **Cultural Resources Specialist (CRS)** is a professional (Federal or nonfederal) who meets the education and experience requirements of the OPM X-118 series and/or the Secretary of the Interior's Standards and Guidelines in the disciplines of history, cultural anthropology, archaeology, architectural history, historic architecture or other related fields.

(j) **Cultural Resources Technician (CRT)** is a person who has been certified through completion of an approved training course and continuing education as determined by the NRCS CRS or CRC. The main duties of a CRT will be to conduct cultural resources field inspections, record cultural resources sites, ensure that cultural resources information is properly maintained, and act as a general liaison between the Cultural Resources Specialist and the field office. CRTs will work under the professional supervision of a Cultural Resources Specialist.

(k) **Discovery During Implementation** is the unanticipated occurrence of a cultural resource after compliance with this State Level Agreement. Such a discovery includes the occurrence of previously unevaluated information, data, materials or an unanticipated effect to known historic properties or cultural resources at any time that may have a bearing on the protection of said historic properties or cultural resources.

(l) **Discovery Plan** is a document outlining the actions of NRCS and the State Historic Preservation Office in the event of a discovery. Discovery plans may be general, establishing administrative processes, or specific to a single undertaking or group or class of undertakings. In certain cases, the Advisory Council on Historic Preservation and/or the Departmental Consulting Archaeologist may be parties to such a plan.

(m) **Division Cultural Resources Coordinator (DCRC)** is a cultural resources technician who acts as a liaison between NRCS field offices and the cultural resources coordinator. The primary

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responsibility of the DCRC is to ensure that all sensitive cultural resources materials are properly filed and accounted for.

(n) **Effect** is any change, beneficial or adverse, in the quality of the significant historic, architectural, or archaeological characteristics of the property. Effects are determined by applying the ACHP "Criteria of Adverse Effect" (36 CFR 800.5).

(o) **Emergency Work** is conducted according to the regulations outlined by the NRCS Emergency Watershed Protection (EWP) Program. Technical and financial assistance is provided when a natural occurrence causes an imminent threat to life or property by sudden impairment of and damage to a watershed. Emergency work is performed under two categories - exigency and nonexigency situations. Exigency is defined as an immediate threat of damage to life or property. Nonexigency is defined as the near-term probability of damage to life or property high enough to constitute a continued hazard but not an immediate threat to life or property. [See National Watershed Manual, 509.4(e)].

(p) **Evaluation** is the process of applying NRHP criteria in an historic context to determine the significance of a cultural resource. A Cultural Resource Specialist will make evaluations.

(q) **Field Inspection** is an examination of the area that may be impacted by an undertaking and is designed to physically locate and document the presence of cultural resources. This examination is conducted by either a cultural resources specialist or a cultural resources technician. The scope of the field check is generally small and is normally used on farms, fields, ranches or conservation treatment units.

(r) **Historic Property** is any prehistoric or historic district, site, building, structure, or object, included on, or eligible for, inclusion on the National Register of Historic Places. These may include artifacts, records and material remains related to such a property or resource.

(s) **Identification** is a process of using specific methods or techniques to locate and describe cultural resources.

(t) **Impacts** is a set of effects that changes the qualities of a cultural resource characteristic.

(u) **Tribal Lands** are all lands within the exterior boundaries of any Indian Reservation and all dependent Indian communities.

(v) **Indian Tribe** is any tribe, band, nation or other organized group or community of Indians including any Alaska Native Village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act) which is recognized as eligible for the special programs and services provided by the United States to Indians.

(w) **Interested Party** is any individual or organization concerned with the impacts of an undertaking on cultural resources or effects on historic properties. Also referred to as "others".

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(x) **Knowledgeable Individuals** are those individuals (or groups) who have special knowledge about and interest in the history and culture of the area to be studied. In the case of traditional cultural properties, this means those individuals and groups who may ascribe traditional cultural significance to locations within the study area and those who may have knowledge of such individuals and groups.

(y) **Lead Agency** is the agency with legislated responsibility or designated departmental authority to administer public lands or Federal programs that provide financial or technical assistance.

(z) **Mitigation** refers to actions which lessen or eliminate the adverse effects of undertakings on historic properties. These actions may include 1) minimizing the effect by limiting the degree or magnitude of the undertaking (avoidance); 2) rectifying the effects by repairing, rehabilitating, restoring or moving the affected historic properties; 3) conducting preservation and maintenance operations during the life of the action; 4) compensating for the effect by documenting the historic property or 5) conducting data recovery.

(aa) **National Register Criteria** are the criteria established by the Secretary of the Interior for use in evaluating the eligibility of cultural resources for inclusion on the National Register of Historic Places, as published in 36 CFR 60.

(bb) **National Register of Historic Places (NRHP)** is the official list of districts, sites, buildings, structures and objects which meet the NRHP criteria for evaluation and are worthy of preservation because of their significance.

(cc) **Native American** includes and refers to all tribes, peoples or cultures that are indigenous to the United States. This includes Indian Tribes, Hawaiians who are descendants of aboriginal people occupying the State of Hawaii prior to 1778 and Alaska Natives recognized pursuant to the Alaska Native Claims Settlement Act of 1971.

(dd) **Participant** is any landowner, cooperater or project sponsor that receives NRCS assistance.

(ee) **Public Benefits** are the advantages to society from the social, economic, cultural, sociocultural or educational aspects of an undertaking.

(ff) **Section 106 Process** is the process that implements the section of the NHPA of 1966, as amended, requiring Federal agencies to take into account the effects of their undertakings and provide the ACHP an opportunity to comment on any Federal undertaking that may effect a cultural resource that meets the NRHP criteria.

(gg) **Section 110 Guidelines** are guidelines issued by the Secretary of the Interior under authority of Section 101(g) of the NHPA (PL 89-665, as amended) to be implemented by Federal agencies for establishing monitoring, reviewing and evaluating their historic preservation program. The historic preservation program of the Federal agency should incorporate the provisions of other relevant statutes, such as the American Indian Religious Freedom Act of 1978 (AIRFA), ARPA and NAGPRA.

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State Historic Preservation Officers (SHPO) refer to the guidelines when providing assistance to Federal agencies under Section 101(b) 3) of the Act. The ACHP and SHPOs use the guidelines in agreements executed pursuant to Section 106 of the Act and the regulations of the ACHP (36 CFR 800). The guidelines are used in conjunction with the Secretary's Standards and Guidelines to develop and carry out historic preservation projects, and published as "The Section 110 Guidelines; Annotated Guidelines for Federal Agency Responsibilities under Section 110 of the National Historic Preservation Act (53 FR 4727)."

(hh) **Significance** is used to describe any cultural resource that upon evaluation (for the purpose of NHPA) is concluded to meet the NRHP criteria for evaluation and/or statutes such as AIRFA, NAGPRA and ARPA.

(ii) **NRCS Assistance Activity** is any action planned or carried out with technical or financial assistance from NRCS.

(jj) **Site** is the location of an event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself maintains historical, cultural or archaeological value regardless of the values of any existing structures. Examples are battlefields, historic campgrounds, ancient trails or gathering places, deposits of cultural debris and historic farms.

(kk) **State Historic Preservation Officer (SHPO)** is the official who is responsible for administering the NHPA within the State or jurisdiction and is appointed pursuant to Section 101(b) (1) of the NHPA, as amended, or is a designated representative authorized to act for the SHPO.

(ll) **Traditional Cultural Properties (TCP)** are properties associated with cultural practices or beliefs of a living community that are rooted in the community's history and are important in maintaining the continuing cultural identity of the community. TCPs may be determined eligible for the National Register of Historic Places, and as such, are considered under the Section 106 process.

(mm) **Traditional Cultural Values** are underlying beliefs and principles held in common by a cultural group. They may be reflected in actions and behaviors that are sometimes associated with particular locations and settings.

(nn) **Tribal Historic Preservation Officer (THPO)** is the official designated to administer the NHPA on tribal lands. Pursuant to Section 101(d) (2) of the NHPA, the THPO can assume SHPO responsibilities in respect to these tribal lands.

(oo) **Termination of Assistance** is the NRCS withdrawal of technical and/or financial assistance for a specific undertaking or undertakings. Termination of assistance may occur when 1) adverse effects to an historic property in the APE cannot be avoided and mitigation alternatives cannot be implemented; 2) the State Conservationist determines that the cost or other factors involved with the cultural resource compliance jeopardize the feasibility of an undertaking; 3) a participant carries out an irreversible action associated with requested technical assistance prior to completion of NRCS compliance responsibilities; 4) a participant refuses to implement a recommended mitigation plan; 5)

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demolition of an historic property is planned [NHPA Section 110 (k)], or 6) the State Conservationist may elect to terminate assistance based on other factors unrelated to this agreement.

(pp) **Undertaking** is any project, activity, or program under the direct or indirect jurisdiction of a Federal agency that can result in changes in the character or use of historic properties, if any such historic properties are located in the area of potential effects. It includes any project, activity, or program that: 1) is carried out by or on behalf of the agency; 2) is financed in whole or part with Federal financial assistance; 3) requires a Federal permit, license, or approval, including agency authority to disapprove or veto the project, activity, or program; or 4) is subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency. Undertakings include new and continuing projects, technical assistance related to the provision of Federal financial assistance, activities, or programs, renewals or reapprovals of such assistance, activities, or programs, and any of their elements not previously considered under Section 106.

### STIPULATIONS

1. Use of NRCS Personnel: All NRCS Field Office personnel who complete the National Cultural Resources Training Series (modules 1-8) are considered qualified to request cultural resources reviews for all NRCS sponsored undertakings in Idaho. Cultural resource field inspections will be conducted by a Cultural Resource Specialist or an NRCS Cultural Resource Technician. Cultural resource sites will be recorded by a Cultural Resources Specialist or an NRCS Cultural Resources Technician on the Archaeological Survey of Idaho Site Inventory Form, the Idaho Historic Sites Inventory Form, or other approved forms (see attachments 7 and 8). NRCS will document negative and positive findings, and include appropriate record search letters and SHPO correspondence in the cooperator's case file. All evaluations for significance will be performed by a Cultural Resource Specialist.
2. Undertakings: The Idaho NRCS and the SHPO will use the classification system established in Attachment 3 to determine whether an NRCS planned activity qualifies as an undertaking. Any activity or practice that will result in a potential adverse effect to an historic property is considered an undertaking regardless of its status relative to the classifications defined in Attachment 3.
3. Procedures for Handling Discoveries: All discoveries, except human remains and associated grave materials, will be treated according to NRCS GM 420, Part 401.28. If the discovery is on public lands, then the appropriate State or Federal agency will be notified and work will not proceed until their cultural resource requirements are satisfied or waived in writing. If human remains and/or associated grave materials are identified in an area of potential effect (APE), all activities will cease and the following steps will be taken.
  - a.) Idaho NRCS will notify the landowner.
  - b.) Idaho NRCS will notify the SHPO and the proper law enforcement authorities.
  - c.) If human remains are encountered on non federal land, Idaho NRCS will consult with SHPO and follow the procedures established in the Protection of Graves Act, Idaho Chapter 5, 88 27-501 through Section 27-504 of the Idaho Code.

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- d.) If, after consultation with the proper authorities/tribes, the remains are determined to be covered by the NAGPRA of 1990, NRCS will comply with the appropriate sections of this Act.
- e.) If human remains are encountered on Federal or Tribal lands, Idaho NRCS will notify the appropriate responsible land managing agency and/or Tribe.
- f.) Idaho NRCS and the landowner will take appropriate measures, such as erecting protective fence or barriers, to protect the remains until the plan for treating the remains is completed.
- g.) Planning and construction activities at the site can resume only after Idaho NRCS, SHPO, and the public land management agencies affected, if any, agree that the plan for treating the remains has been properly implemented.

4. Curation Arrangements:

- a.) When archeological or historic materials are recovered during the course of NRCS activities, these recovered materials are the property of the Federal agency, State agency, Indian tribe, municipality, private landowner or any other group having jurisdiction over those lands. Curation of these materials is ultimately the responsibility of the land management agency or landowners.
- b.) NRCS will take temporary possession of these recovered materials and ensure that appropriate analysis is done prior to returning them to the owners.
- c.) The NRCS will encourage the owner of artifacts having important research or cultural value to donate them to an appropriate institution or curatorial facility.
- d.) With the permission or at the request of the owner, the NRCS may, through an agreement, take possession of certain cultural materials. These materials will be curated at an appropriate State or Federal curatorial facility meeting the standards of 36 CFR 79.
- e.) The NRCS is responsible for the curation of recovered cultural materials on lands they own, lease or manage. All materials will be curated at an appropriate State or Federal curatorial facility meeting the standards of 36 CFR 79.

5. Access to Cultural Resources Information: The SHPO shall allow authorized Idaho NRCS personnel (CRT, CRC, CRS) full access to all cultural resource information under their control. Idaho NRCS agrees to provide SHPO with all cultural resource information generated through Idaho NRCS activities. Idaho NRCS cultural resource information will be provided to SHPO as it is generated and in an annual summary (see Stipulation #7).

6. Standard Procedures for NRCS Personnel: Trained NRCS personnel will use the cultural resources procedures contained in Attachment 3.

7. Compliance Documentation: Documentation for Individual Undertakings: At a minimum, the Idaho NRCS shall provide SHPO and/or THPO with documentation on each undertaking planned. This information shall include the results of the archival search, the area covered by the field investigation, the number and types of resources located, the number of resources avoided, the method of avoidance, National Register eligibility information, and mitigation information. In addition, the person(s) conducting any cultural resources field work shall be identified. Field personnel will use the forms mutually agreed upon by Idaho NRCS and SHPO shown in attachments 4 through 7.

8. American Indian Tribal Consultation: NRCS will continue to consult with Tribal Historic Preservation Officers and Federally Recognized Tribes that do not have a designated THPO in order to establish

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consultation protocols. Discussions in developing consultation protocols will be government-to-government and direct, in person, and otherwise initiated in an appropriate manner for each individual Tribal Government.

8. Emergencies: The following procedures to protect cultural resources during an emergency situation ensure that protection of life is the overriding priority.

a. Declared Disasters. In all disasters declared by the President or the Governor, Idaho NRCS will notify the SHPO and the Secretary of Interior of intent to apply for a waiver of all or part of its cultural resources responsibilities as allowed under 36 CFR, Ch. VIII 800.12(b). This notification will contain the circumstances creating the emergency situation, location and type of work to be undertaken, and any consideration of historic properties. The SHPO will then have seven days to comment after receipt of said notification. Pursuant with 36 CFR 78.3 the State Conservationist retains the right to provide emergency assistance to eliminate an imminent threat to human life or property without SHPO concurrence.

b. All Other Emergencies. The Idaho NRCS will follow standard cultural resources procedures outlined in Attachment 3.

9. Avoidance: NRCS will protect cultural resources in their original location to the fullest extent possible. If a site is encountered during normal planning activities, its boundaries and means of impact avoidance will be determined by the CRS or NRCS CRT personnel. After impact avoidance measures have been implemented, the undertaking can proceed as outlined in Attachment 4.

10. Evaluating Significance: All evaluations of cultural resources for the purpose of determining eligibility to the National Register of Historic Places will be conducted by a CRS. The CRS will apply the National Register criteria (36 CFR, part 63) when evaluating these properties.

11. Training of Idaho NRCS Employees: The Idaho NRCS will provide the appropriate level of Cultural Resources training to its employees. The level of training will depend on an employee's position or duties. The SHPO and THPO may assist in this training as requested.

12. Access to Specialists: In consultation with SHPO, Idaho NRCS agrees to maintain regular and continuing access to a cultural resources specialist(s) by 1) hiring permanent, temporary or intermittent employees with appropriate qualifications; 2) developing cooperative agreements with other Federal agencies; 3) contracting needed investigations and surveys; and/or 4) as deemed appropriate by the State Conservationist.

13. Quality Assurance: Idaho NRCS will develop Guidelines for Quality Assurance as part of an NRCS Cultural Resources Handbook (under development). Interim quality assurance guidelines will be developed and implemented until the handbook is released. The SHPO will be invited to participate with formulation of Quality Assurance criteria, practices or procedures. The ACHP may be asked to review such activities by either party.

14. Annual Review: Idaho NRCS, SHPO, and other CRS as covered in Stipulation 12 will meet annually to review the SLA and overall Idaho NRCS cultural resources program.

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15. Items Not Covered in this Agreement: The Idaho NRCS and the SHPO agree that all matters not discussed in this agreement will be handled in accordance with NRCS GM 420, Part 401 and the Programmatic Agreement.

16. Dispute Resolution:

- a.) Should either party object to any actions or documents issued under the terms of this agreement, they will first confer in an effort to resolve the objection. If it is determined that the objection cannot be resolved, the Idaho NRCS will forward all relevant documentation on the dispute to the Council. Within 30 days after receipt of all pertinent documentation, the Council will provide the NRCS with recommendations for dispute resolution, or
- b.) Any recommendation provided by the Council will be understood to pertain only to the subject of the dispute. The NRCS will remain responsible to carry out all actions under the terms of this agreement that are not subject to the dispute.

17. Amendments: This Agreement may be amended or modified upon the request of either party. Any amendment will be executed in the same manner as the original agreement and require the agreement of both signatories.

18. Agreement Duration and Termination: This agreement may be amended upon the request of either party. The parties will consult in accordance with NRCS GM 420, Part 401 to consider such amendments. This agreement will remain in effect until either party provides written notification to the other party of intent to terminate.

IDAHO NATURAL RESOURCES CONSERVATION SERVICE

By: /s/ Richard Sims, State Conservationist

Date 02/16/07

IDAHO STATE HISTORIC PRESERVATION OFFICE

By: /s/ Susan Pengilly Neitzel, Deputy SHPO

Date 2/9/07

# Attachment 1

## National Programmatic Agreement

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NRCS A-3A75-2-64

**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**

WHEREAS, the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), formerly known as the Soil Conservation Service, carries out Conservation Assistance programs for soil, water, and related resource conservation activities under the 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 95-334), 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 related authorities; and

WHEREAS, the NRCS, in consultation<sup>1</sup> with the Advisory Council on Historic Preservation (Council), the National Conference of State Historic Preservation Officers (NCSHPO), and a number of federally recognized Indian Tribes, has determined that certain categories of its conservation programs and activities that meet the definition of undertakings<sup>2</sup> pursuant to the National Historic Preservation Act of 1966 (NHPA) (16 U.S.C. 470f, as amended, Section 301(7)) and the Council's implementing regulations for Section 106 of the Act, "Protection of Historic Properties" (36 CFR Part 800) may affect historic properties as defined in 800.16(l).<sup>3</sup> These activities are therefore subject to review under Section 106 of the NHPA and the Council's implementing regulations; and

WHEREAS, because of the sovereign status of federally recognized Indian Tribes, the NRCS has determined, and the Council has concurred, that it is appropriate to invite each federally recognized Indian Tribe to develop independent consultation protocols with the NRCS (based upon government-to-government consultation) and, hence, no Tribes have been asked to be signatories to this agreement; and

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WHEREAS, the NRCS has consulted with a number of federally recognized American Indian governments and Tribal Historic Preservation Officers (THPOs) through direct Nation-to-Nation communication and has extended an invitation to consult with other Tribal governments through several United States Department of Agriculture and NRCS liaison organizations (including the NRCS' State and Regional Tribal liaisons, the NRCS American Indian and Native Alaskan Employees Association, the Inter-Tribal Agriculture Council, the Southwest Indian Agricultural Association), the NRCS American Indian Program Manager, the United Southern and Eastern Tribes, members of the National Association of Tribal Historic Preservation Officers, regarding this agreement and establishment of the NRCS policy regarding establishment of Tribal consultation protocols; and

WHEREAS, a streamlined NRCS compliance process for technical assistance activities delivered at the Field Office (county) level is appropriate to the large number of small undertakings on private and public property and Tribal lands,<sup>4</sup> the NRCS has determined there is: (1) the need for timely services to diverse NRCS clientele dependent upon agricultural production; (2) the need to provide categorical exemptions for certain NRCS programs, activities and technical assistance practices that are clearly undertakings but with effects that are foreseeable and likely to be minimal or not adverse, to historic properties (in accordance with 36 CFR 800.14(c)); (3) the need to reconcile the variable emergency directives contained in NRCS (7 CFR Part 624) and Council (36 CFR 800.12) regulations; and (4) the need for reliance on agreements or consultation protocols with State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPO) and Governments of Federally recognized Indian Tribes (in accordance with the ACHP regulations, 36 CFR 800.2(c)(1) and 800.2(c)(2)); and

WHEREAS, 36 CFR 800.14(c) permits agencies to propose categories of programs or activities that may be exempted from review under the provisions of 36 CFR 800, Subpart B, the Section 106 Process. The NRCS provides conservation assistance through categories of programs or activities that, by definition (36 CFR 800.16(y)) may be considered undertakings. Under provisions of 36 CFR 800.14(c), some broad categories of these programs and activities may be exempt because the potential effects are foreseeable and likely to be minimal or not adverse.

WHEREAS, the NRCS proposes to comply programmatically with Section 106 of the NHPA (16 U.S.C. 470f), as authorized by the Council regulations (36 CFR 800.14(b)) by means of subsequent agreements with the designated SHPO for actions on private and public lands within a particular state, and consultation protocols with the designated THPO for actions on Tribal lands, and the SHPO and Tribal Government(s) for actions on Tribal lands where no THPO has been designated by the National Park Service of the US Department of the Interior or where a Tribe has an expressed interest in resources on non-Tribal lands; and

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WHEREAS, this agreement does not modify Tribal roles and responsibilities as defined in 101 (d)(2) of the NHPA (16 U.S.C. 470f) nor to Tribal government roles and responsibilities on Tribal lands because these will be addressed by direct compliance with the 36 CFR Part 800 regulations or individual consultation protocols or agreements with federally recognized Tribes; and

WHEREAS, in the absence of State Level Agreements (SLAs) and/or appropriate Tribal consultation protocols, the NRCS' responsibilities for compliance under Section 106 of the NHPA shall be met by direct compliance with the Council's regulations (36 CFR Part 800, dated December 12, 2000 and in effect since January 12, 2001, or subsequent rules under that title), and

WHEREAS, unless otherwise defined in this Agreement, all terms are used in accordance with definitions codified at 36 CFR Part 800.16;

NOW THEREFORE, the NRCS, the Council, and the NCSHPO agree that a streamlined compliance process is desirable for the NRCS' conservation assistance activities and that the NRCS is committed to carry out its responsibilities under Section 106 of the NHPA in accordance with the statements above and the following stipulations, thereby taking into account the effects of its conservation program activities on historic properties that are eligible for listing in the NRHP. The NRCS shall acknowledge this commitment in any new State Level Agreements (SLAs) developed with the State Historic Preservation Officers. Additionally, the NRCS and the Council agree that in recognition of the sovereign status of federally recognized Indian Tribal governments, this nationwide agreement does not apply to Tribal lands nor Tribal review of undertakings pursuant to 101(d)(2) of the NHPA. Rather, the NRCS is committed to simultaneously seeking consultation protocols with individual THPOs and, where there is no 101(d)(2) THPO, other individual governments of federally recognized Indian Tribes.

**STIPULATIONS**

**I. COMPLIANCE THROUGH PROGRAMMATIC PROCEDURES**

- A. For purposes of compliance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470(f) for conservation assistance activities, the NRCS will follow its policy and procedures for protecting historic properties set forth herein and the procedures resulting from this PA and issued in the NRCS General Manual and associated Cultural Resources Handbook (as they are updated). The procedures set forth in this agreement shall take effect only when an SLA with the relevant SHPO and consultation protocols with relevant Federally recognized Indian Tribes are in effect. Specifically, a) the SLAs are between the NRCS State Conservationist and the designated SHPO for actions on private and public lands; b) consultation protocols are between the NRCS State

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Conservationist and the designated THPO for actions on Tribal lands; and c) between the NRCS State Conservationist, the SHPO and Tribal Government(s) for actions on Tribal lands where no THPO has been designated. The SLAs and consultation protocols may also cover procedures for Tribal consultation where a Tribe has an expressed interest in resources on non-Tribal lands (on private or public land, and recognizing the SHPO's consultation role for these lands as well). The NRCS, through its State Offices, will follow the Advisory Council's regulations, 36 CFR Part 800, in each State that does not have an SLA or consultation protocol in effect.

- B. The NRCS will continue to update and refine policies and procedures for protecting historic properties to ensure that they are current with legislative mandates, pertinent executive orders and regulations. The NRCS will also issue directives to improve and clarify methods for protection of historic properties. The Council and the NCSHPO will provide the NRCS with copies of new policy and regulatory documents that may affect agency procedures.

**2. STATE AGREEMENTS AND TRIBAL CONSULTATION PROTOCOLS**

**A. STATE LEVEL AGREEMENTS**

Designated NRCS State Office officials shall meet with the SHPOs to develop State Level Agreements (SLAs) or to update existing SLAs to ensure they meet the requirements of this agreement, the National Historic Preservation Act and its amendments and the current implementing regulations for Section 106 of the NHPA (36 CFR Part 800). The purpose of these State Level Agreements is to tailor compliance procedures and requirements of the NHPA and the Section 106 implementing regulations to local conditions that cannot be uniformly addressed at the national level. These SLAs are to include:

- 1) Delineation of Section 106 review and consultation procedures specifying, by title, who carries out various portions of consultation, identification, evaluation, and review, and designating, by location and title, the Cultural Resources Specialist for the NRCS State Office who meets the Secretary of Interior's standards for historic preservation personnel (The Secretary of the Interior's Professional Qualification Standards (48 FR 44716, September 29, 1983). This specialist (archaeologist, historian, architectural historian, or other historic preservation professional) must be available to oversee resources identification, determinations of eligibility and development of historic properties treatment recommendations. The SLA shall detail the roles and responsibilities of the trained field personnel and the professional Cultural Resources Specialist (s).

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- 2) Provision for consultation with Indian Tribes consistent with Section 101(d)(6)(B) of the Act and 36 CFR Part 800 or Indian Tribal consultation protocols executed between the NRCS and the Indian Tribes that attach cultural and religious significance to historic properties in that state (see B below).
- 3) Delineation of SHPO staff responsible for working with the NRCS State Office on the Section 106 review and consultation procedures and the SHPO staff authorized to sign consultation correspondence and agreements.
- 4) A schedule for annual review with the SHPO and, as appropriate, for revision of the SLA.
- 5) A schedule for training of field personnel on basic NRCS policy, procedures and field identification processes, using the NRCS modular training or more recently updated training developed in the State Office. The NRCS State Offices shall encourage SHPO staff and the THPOs and Tribes (see B. Tribal Consultation Protocols) to attend and participate in the training sessions.
- 6) A list of practices and/or programs exempted from case-by-case review, as appropriate to the cultural, historical, and ecological conditions within the State, beyond those listed in Paragraph 3, "Exemptions," below, because they are a type of activity with foreseeable effects that are minimal or not adverse to resources eligible for listing in the NRHP. Practices and programs may also be exempt from case-by-case review where the reasonable and foreseeable effect of implementation benefits historic properties. These lists will be developed by the designated the NRCS State Office staff and the SHPO staff and incorporated into the final SLA.
- 7) Emergency provisions consistent with Section 800.12 of the Council's regulations and Section 110(j) of the NHPA and its implementing regulations found at 36 CFR Part 78.<sup>5</sup> These procedures are to be developed as part of each SLA or a stand-alone pre-disaster agreement (to be incorporated into the State's Emergency Watershed Program Pre-Disaster Plan) in consultation with the SHPO and/or THPO.
- 8) Public participation provisions that recognize the rights of private and Tribal land owners and are commensurate with the nature, scale and complexity of proposed projects (see 800.2 (c) and (d)). These must address Tribal consultation in those undertakings that are not on Tribal land.

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9) Dispute resolution provisions.

B. AMERICAN INDIAN TRIBAL CONSULTATION PROTOCOLS

The NRCS State Offices shall continue to consult with Tribal Historic Preservation Officers and Federally recognized Tribes that do not have a designated THPO in order to establish consultation protocols for undertakings on Tribal lands. Discussions in developing consultation protocols shall be government-to-government and direct, in person, and otherwise initiated in an appropriate manner for each individual Tribal government. The Tribal and NRCS representatives shall work together to develop the consultation protocols. Form letters and public notices, among other forms of notification, are not appropriate when used as the sole attempt to consult.

Whenever possible, the discussions and consultation protocols shall be built upon existing relationships between the NRCS and Tribal governments, established through the NRCS' technical assistance programs, while recognizing the importance of government-to-government communication with sovereign Indian Tribes. When agreed upon by all parties or as set out by the Council's regulations (36CFR800.3(c)(1)), the NRCS shall invite the SHPO to participate in these consultation activities.

During development of the consultation protocols, the State Office officials shall review with the Indian Tribe the list of exemptions outlined in Paragraph 3 (Exemptions, below) of this agreement. Exemptions developed with the SHPO in the SLA and the broad category exemptions included in Paragraph 3, "Exemptions," of this agreement do not necessarily apply to Tribal lands. All exemptions must be established during the development of individual Tribal consultation protocols and in accordance with 36 CFR 800.14(c).

These consultation protocols shall establish:

- 1) Delineation of Section 106 review and consultation procedures specifying, by title, who carries out various portions of consultation, identification, evaluation, and review, and designating, by location and title, the Cultural Resources Specialist for the NRCS State Office who meets the Secretary of Interior's standards for historic preservation personnel (The Secretary of the Interior's Professional Qualification Standards (48 FR 44716, September 29, 1983). This specialist (archaeologist, historian, architectural historian, or other historic preservation professional) must be available to oversee resources identification, determinations of eligibility and development of historic properties treatment recommendations. The consultation protocol shall detail the roles and responsibilities of the trained field personnel and the professional Cultural Resources Specialist (s).

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- 2) Who (by title), will participate in consultation for the NRCS and for the American Indian Tribe.
- 3) When, where, and in what format (written, face-to-face meetings, etc.) this consultation shall take place.
- 4) Any actions, programs or practices exempted from case-by-case review (including but not limited to the general exemptions herein).
- 5) Timeframes for responses to requests for consultation.
- 6) A schedule for training of field personnel on basic NRCS policy. The NRCS State Office shall encourage Tribal and/or THPO staff to attend and participate in the training sessions.
- 7) Any other specific needs (e.g. level and form of documentation of the proposed action) to complete the protocol.
- 8) Emergency provisions consistent with Section 800.12 of the Council's regulations and Section 110(j) of the NHPA and its implementing regulations found at 36 CFR Part 78.
- 9) Public participation provisions that recognize the rights of private and Tribal land owners and are consistent with Tribal ordinances and commensurate with the nature, scale, and complexity of the proposed actions (see 800.2 (c) and (d)).
- 10) Dispute resolution provisions.

C. COUNCIL PARTICIPATION IN DEVELOPMENT OF AGREEMENTS

At any time during negotiations for the development or revision of a SLA or Tribal consultation protocol, any party may request in writing that the Council participate in the negotiations. The Council shall then investigate the need for participation and within 30 days of the request inform the requesting party and all other consulting parties of the decision about whether to participate. Should the Council choose to participate, the State SLA or Tribal protocol may include the Council as a signatory. Should the Council choose not to participate, the parties may proceed to complete consultation regarding terms of the SLA or protocol and sign it prior to filing the SLA or protocol with the Council Headquarters in Washington, DC, and the NRCS Federal Preservation Officer (FPO)

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D. LACK OF A STATE LEVEL AGREEMENT OR CONSULTATION  
PROTOCOLS

If for any reason a NRCS State Conservationist determines it is not possible to establish an agreement with the SHPO or it is not possible or appropriate to establish a consultation protocol with any Federally recognized Tribe, the NRCS State Conservationist shall document this fact in writing and place it in the NRCS State Office files, with a copy to the NRCS FPO. The FPO shall forward this documentation to the Council.

Until an SLA and consultation protocol(s) are properly executed, the NRCS State Office shall comply with Section 106 of the National Historic Preservation Act in accordance with 36 CFR Part 800.3-800.7 and *none of the provisions of this agreement shall apply*, including Paragraph 3, "Exemptions."

E. UPDATING, COMPLETION AND DISTRIBUTION OF AGREEMENTS  
AND PROTOCOLS

The NRCS will maintain a copy of each final SLA and American Indian consultation protocol on file in the Washington, DC office of the Council and with the NRCS FPO. All SLAs and American Indian Tribal consultation protocols must be consistent with this agreement and must meet the requirements of the Council regulations, 36 CFR Part 800. The NRCS State Conservationist shall submit each agreement and Tribal consultation protocol to the FPO and Council Washington, DC Headquarters office upon completion. The Council and the NRCS FPO (and members of the NRCS senior management, as necessary) will have 30 days to review and comment on the completeness and consistency of each agreement. Upon completion of this review and concurrence on and integration of needed revisions, or upon expiration of the 30 days, the agreement shall be in effect.

All extant SLAs or Tribal consultation protocols must be reviewed by all relevant parties (including the NRCS State Office, the SHPO, THPO, Tribes, the NRCS FPO and Council Washington Office) and updated to ensure consistency with the Council's regulations and this agreement. This review and update must take place within one calendar year of the date of ratification of this PA or the SLAs or Tribal consultation protocols shall be suspended. The NRCS State Offices shall forward all new SLAs or Tribal consultation protocols to the NRCS FPO after obtaining signatures of all participating parties. The FPO will forward copies of this document to the Council, Washington Office, for review and concurrence. Such agreements shall be in effect upon concurrence by the NRCS FPO and Council or after 30 calendar days, whichever comes first.

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These SLAs and consultation protocols are to address the NRCS NHPA Section 106 compliance responsibilities for conservation assistance undertakings that may affect historic properties listed in or eligible for listing in the NRHP.

**3. NATIONAL EXEMPTIONS**

The NRCS provides conservation assistance through categories of programs or activities that, by definition (36 CFR 800.16(y)) are generally considered undertakings. The NRCS, the Council and the NCSHPO have determined that several broad categories of NRCS activities or programs may be undertakings but may also be exempted nationwide under the provisions of 36 CFR 800.14(c) because their potential effects are foreseeable and likely to be minimal or not adverse. These are:

- A. Advice or technical assistance, including the development, review and/or approval of conservation plans or technical designs when NRCS provides no financial assistance for their implementation or otherwise exercises no control over implementation (for example, design advice from the NRCS National Handbook of Conservation Practice Standards for a farm pond that is installed, independently by the agricultural producer<sup>6</sup> with his or her own funds and private contractor).

When known to the NRCS, the agency will advise the producer when proposed practices that are to be installed without any Federal assistance appear to have the potential to affect historic properties and provide the name(s) of possible contacts (e.g. the SHPO and THPO) who may provide guidance on identifying and protecting historic properties. Additionally, the plan will advise the producer that state or local cultural resources, historic preservation or state burial laws may apply. The producer may use these data if he/she decides to implement the conservation plan without NRCS financial assistance.

- B. Technical determinations based upon empirical or factual findings and determinations of compliance or non-compliance including, but not limited to, wetlands determinations, determinations of highly erodible land, certification of the existence of a wetland or highly erodible land, determination of prime and unique farmland, and the like;
- C. Analyses of data from technical determinations or resource inventories, including but not limited to Soil Survey (7CFR Part 611), Snow Survey and Water Supply Forecasts (7CFR Part 612), Plant Materials for Conservation recommendations (7 CFR Part 613), River Basin Studies under Section 6 of P.L. 83-566 (7 CFR Part 621);

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- D. Development or revision of technical standards and specifications.
- E. Changes or amendments to approved actions when the NRCS State Office, in consultation with the SHPO/THPO, concur that such changes have no potential to affect National Register eligible properties.
- F. Resource inventory, monitoring, field trials, and other information gathering activities that do not involve subsurface disturbance.
- G. Conservation easement purchases, the management plans for which do not call for structural modification or removal or ground disturbing activities.

Programs of study under the authority of Public Law 83-566, as amended (implemented through 7 CFR Part 621), specifically: River Basin Studies, Floodplain Management Studies, Natural Resource studies.

Before implementing any nationally exempted activities, the NRCS State Cultural Resources Specialist or Coordinator will review the foreseeable effects of the activity to ensure that there are no special circumstances that might result in adverse effects to NRHP eligible resources.

Exemption of NRCS conservation practice standards installed in the field must be reviewed at a local or regional level, taking into account the cultural, historical, ecological and environmental variables, local methods of installation and maintenance considerations that may comprise direct or indirect effects (800.5(a)(1)). These local or regional exemptions will be included in SLAs and Tribal consultation protocols (see Stipulation 2, above) and, therefore, developed in consultation with the relevant SHPO, THPO or Indian Tribe and subject to review and revision by the NRCS Headquarters and the Council prior to final implementation.

**4. MONITORING, ANNUAL REPORTING AND REVIEW**

**A. MONITORING.**

The NRCS (National Headquarters and State Offices) will inform the NCSHPO, individual SHPOs, THPOs, American Indian Tribal Governments, and the Council regarding NRCS actions pursuant to this Agreement or individual State Level Agreements, and Tribal consultation protocols. Such monitoring may be initiated through NRCS management reviews, as necessary, or through Council staff reviews.

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B. ANNUAL REPORTING.

The NRCS Headquarters shall provide the Council, NCSHPO and any Tribal government that requests it, a copy of the annual cultural resources report it submits to the Department of Interior. This report is generally available by March 1 (and no later than March 30) for the preceding calendar year. The report is produced for incorporation into the Executive Branch's annual report to Congress in accordance with the Archaeological and Historic Preservation Act of 1974 (PL 93-296). This report includes:

- 1) A summary of activities conducted by the NRCS in each state and on Tribal lands.
- 2) A descriptive summary of the NRCS efforts to conduct its cultural resources training program for field personnel, partners and cooperating agencies and any problems encountered and accomplishments achieved in this effort.
- 3) A report, as appropriate, identifying any issues, initiatives or goals the NRCS will address in the coming year with regard to its cultural resource program, and any guidance or assistance that the Council or NCSHPO may provide to help make compliance activities more effective.
- 4) A discussion identifying any problems the NRCS encountered in carrying out the terms of this agreement that need to be addressed by the signatories through amendments or development of guidance documents.
- 5) Any other information the NRCS wishes to provide that might improve the effectiveness of this agreement.

C. REVIEW

Upon receipt of the annual report, the Council, NCSHPO, and any recipient Tribal government shall have thirty (30) days to review and comment on the adequacy of the report, and to respond to any questions or requests posed by the NRCS regarding its content and findings.

- 1) Any signatory to this Programmatic Agreement may request in writing signatories meet to review and discuss any aspect of the annual report. Upon receipt of such a request, the NRCS shall arrange for the parties to meet (in person or by teleconference) and invite other participants, as necessary, and discuss the questions or concerns.

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- 2) Failure by the NRCS to provide an annual report by March 30 of the following year without explanation may constitute grounds for the Council and NCSHPO to suspend this agreement. Such a suspension of the agreement will take effect, after discussion with the NRCS FPO and appropriate members of the NRCS senior management and upon receipt by the NRCS of written notification from the Council and NCSHPO. Such a suspension shall be lifted upon receipt of the report by the NCSHPO and Council.

**5. DISPUTE RESOLUTION**

Should any signatory to this agreement object to any actions or documents issued under the terms of this agreement, the NRCS shall, in an effort to resolve the objection, confer with the signatory. If the NRCS or objecting party determines that the issue cannot be resolved within 30 days of receipt of the objection, the NRCS shall provide all relevant information regarding the dispute, including the NRCS proposed resolution to the Council for comment. Within 30 days of receipt of all relevant documentation, the Council will either:

- A. Provide the NRCS with recommendations which the NRCS shall take into account in reaching a final decision regarding the matter; or
- B. Notify the NRCS FPO that it will comment pursuant to 36 CFR Section 800.7(c), and proceed to comment within 45 days of notification to the NRCS.
- C. Any recommendations or comments provided by the Council shall be taken into account by the NRCS with reference to the subject of the dispute, in accordance with 36 CFR Section 800.7(c). Any recommendations or comments provided by the Council will be understood to pertain only to the subject of the dispute; the NRCS responsibilities to carry out all actions that are not the subjects of the dispute will remain unchanged.
- D. At any time during implementation of this agreement, should a member of the public or a Federally recognized Indian Tribe object to any measure of this agreement, or its implementation, the NRCS shall take into account the objection and confer with the objecting party, SHPO, THPO, and/or Council as needed to resolve the objection within 45 days. The NRCS is responsible for making the final decision after conferring with the other parties.

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**6. AMENDMENT**

Any signatory to this agreement may propose that it be amended or modified, whereupon the parties will confer and consider such amendment. Any resulting amendment shall be executed in the same manner as the original agreement and require the agreement of all signatories.

**7. TERMINATION**

Any signatory to this agreement may terminate it by providing written notice to the other parties with specific reasons for such termination. During a 60-day period following the notice, the signatories shall consult and attempt to resolve the issue(s) leading to the notice. If the signatories are unable to resolve the issues, termination will occur at the end of the 60-day period. As stated above, under such termination, the NRCS will complete its Section 106 compliance for individual undertakings in accordance with the Council's regulations, 36 CFR Part 800.

**8. EXPIRATION**

This agreement shall expire ten years from the date of execution. This agreement is dependent upon biennial (every other year) consultation among the signatories to review the adequacy of implementation of the Agreement.

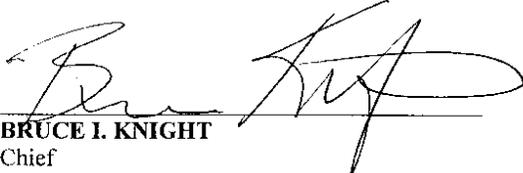
Execution of this programmatic agreement and implementation of its terms evidences that the NRCS has taken into account the effects of its assistance activities and programs on historic properties, and has afforded the Council a reasonable opportunity to comment on its assistance activities and their likely effects on historic properties.

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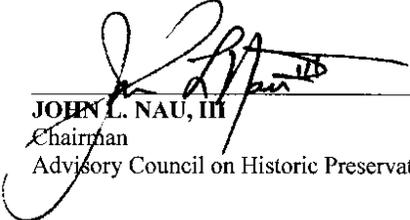
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Signatories:

  
\_\_\_\_\_  
**BRUCE I. KNIGHT**  
Chief  
Natural Resources Conservation Service

5/7/02  
DATE

  
\_\_\_\_\_  
**JOHN L. NAU, III**  
Chairman  
Advisory Council on Historic Preservation

May 31, 2002  
DATE

  
\_\_\_\_\_  
**EDWARD F. SANDERSON**  
President  
National Conference of State Historic  
Preservation Officers

May 16, 2002  
DATE

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ENDNOTES

<sup>1</sup> 36 CFR 800.16(f) defines consultation as: “the process of seeking, discussing and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process. The Secretary’s ‘Standards and Guidelines for Federal Agency Preservation Programs pursuant to the National Historic Preservation Act.’ provide further guidance on consultation.”

This definition is used in this agreement. Section 800.2 defines the participants in the Section 106 process (agency official, Council, consulting parties, the public); Section 800.2(c) outlines the consulting parties who work with the agency official (SHPO, Indian Tribes and THPOs and Native Hawaiian organizations, representatives of local government, applicants for Federal assistance, and others with demonstrated interest); and Section 800.6(c)(1) defines signatories who have the sole authority to execute, amend or terminate a memorandum of agreement that defines resolution of adverse effects.

<sup>2</sup> 36 CFR Part 800.16(y) defines Undertaking as: “a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; those requiring a Federal permit or license or approval; and those subject to State or local regulations administered pursuant to a delegation or approval by a Federal agency.”

<sup>3</sup> 36 CFR 800.16(l)(1) defines historic property as: “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.” 36 CFR 800.16(l)(2) defines “eligible for inclusion in the National Register” to include “both properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.” NOTE: NRCS uses the phrase “cultural resources” to be equivalent to “historic properties,” when discussing compliance with Section 106 of the NHPA.

<sup>4</sup> Section 800.16(x) states Tribal Lands “means all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities”

<sup>5</sup> Section 800.12, Emergency situations, addresses emergencies and encourages agencies to develop procedures for use during emergency programs designed to respond to a disaster or emergency declared by the President, a Tribal government or Governor of a State or to respond to other immediate threats to life or property (such as NRCS’ Emergency Watershed Program).

Section 110(j) of the NHPA, as implemented by 36 CFR Part 78, permits NRCS to waive Section 110 compliance if the Chief or his/her designee (State Conservationist) determines that emergency action is necessary to ensure the immediate “preservation of human life or property.” 36 CFR Part 78.3 states that the waiver may be invoked in only a limited range of circumstances involving “major natural disaster or imminent threat to

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the national security." In such cases, within 12 days, the Chief or his designee (the State Conservationist) must notify the Secretary of the Interior, in writing, identifying: (1) the major disaster necessitating the waiver; (2) the period of effect of the waiver (generally no more than 30 days after the determination that disaster assistance is needed); (3) which parts of Section 110 have been waived; (4) the geographic area to which the waiver applies; (5) the measures to be taken to minimize harm to historic properties. In all cases, information copies of the notice sent to the Secretary of the Interior shall also be forwarded to the Council, the SHPO and the NRCS FPO in NRCS Ecological Sciences Division. In all other cases, the SHPO must be consulted and follow-up documentation shall be sent to the Council.

<sup>6</sup> "Producer" refers to an agricultural or livestock producer, that is, a farmer or rancher.

## Attachment 2

# NRCS conservation practices exempted from case-by-case review in Idaho

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Any activity or practice that will result in a potential adverse effect to an historic property is considered an undertaking with the potential for adverse effects regardless of its status relative to this attachment.

<b>Practice Name</b>	<b>Practice Code</b>
○ Anionic Polyacrylamide Erosion Control	450
○ Atmospheric Resource Quality Management	370
○ Bedding	310
○ Conservation Cover	327
○ Conservation Crop Rotation	328
○ Contour Buffer Strips	332
○ Contour Farming	330
○ Contour Stripcropping	585
○ Cover Crop	340
○ Cross Wind Ridges	589A
○ Cross Wind Trap Strips	589C
○ Drainage Water Management	554
○ Early Successional Habitat Development/Management	647
○ Feed Management	592
○ Fence (Jack fence with no ground disturbance only)	382D
○ Field Border	386
○ Filter Strip (Cropland only)	393

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○ Firebreak (Cropland only)	394
○ Fishpond Management (no)	399
○ Forage Harvest Management	511
○ Forest Stand Improvement (Hand-work only)	666
○ Herbaceous Wind Barriers (Field application)	603
○ Irrigation Water Conveyance - Ditch and Canal Lining	
Non-reinforced Concrete	428A
Flexible Membrane	428B
Galvanized Steel	428C
Pneumatically-Applied Mortar	428D
○ Irrigation Water Management	449
○ Mulching	484
○ Multi-Story Cropping	379
○ Nutrient Management	590
○ Pasture & Hayland Planting (Cropland only)	512
○ Pest Management	595
○ Pond Sealing or Lining	
Flexible Membrane	521A
Soil Dispersant	521B
Bentonite Sealant	521C
Compacted Clay Treatment	521D
○ Prescribed Grazing	528
○ Range Planting (Broadcast only)	550

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○ Residue Management	
No-Till, Strip Till & Direct Seed	329
Mulch Till	345
Ridge Till	446
○ Residue Management, Seasonal	344
○ Restoration and Management of Declining Habitats	643
○ Riparian Forest Buffer	391
○ Riparian Herbaceous Cover (Existing cropland only)	390
○ Salinity and Sodic Soil Management	610
○ Stripcropping, Field	585
○ Surface Roughening (Field application)	609
○ Tree/Shrub Establishment (Seedlings, cuttings & direct seeding only)	612
○ Tree/Shrub Pruning	660
○ Tree/Shrub Site Preparation (Hand prep. only)	490
○ Upland Wildlife Habitat Mgt.	645
○ Use Exclusion	472
○ Waste Utilization	633
○ Well Decommissioning	351
○ Wetland Wildlife Habitat Management	644
○ Windbreak/Shelterbelt Establishment (Cropland only)	380
○ Windbreak/Shelterbelt Renovation	650

## Attachment 3

# Standard Cultural Resource Procedures for Idaho NRCS Personnel

**Standard Cultural Resources Procedures for  
Idaho NRCS Personnel**

1. All NRCS field personnel will complete National Cultural Resources Training, Modules 1-8.
2. NRCS employees will determine if a proposed practice is an ‘undertaking’ with the potential to affect cultural resources by using the list of *Conservation Practices Considered as Undertakings* (General Manual 420, 401.40) and the list of *Idaho Conservation Practices Exempted from Case-by-case Review* (Attachment 2). **Any activity or practice that will result in a potential effect to an historic property is considered an undertaking regardless of its status relative to the classifications defined in these lists.**
3. If the practice is not an undertaking, then NRCS will document the finding on form NRCS-CPA-52 *Environmental Worksheet* and proceed with practice planning and installation.
4. If the practice is an undertaking, the responsible NRCS employee will complete form ID-420-004 *NRCS Project Request for Cultural Resources Assistance* (attachment 4). The request will be filled out completely and will include enough information for the Cultural Resources Specialist (CRS) to evaluate the potential for effect against the potential for certain types of cultural resources to occur within the area of potential effect (APE). The APE will be defined on a 1:24,000 scale USGS quadrangle map attached to the ID-420-005. All project activities, current and historic land use, and the presence of any existing buildings and other structures will be described for the CRS on this form. The request form and map will be mailed to the CRS at the Idaho State NRCS Office (and Tribe as appropriate). Copies will be sent to the Division Cultural Resources Coordinator (DCRC).
5. The CRS (in consultation with Tribes as appropriate) will complete the form ID-420-005 within 10 working days and send results and recommendations back to the DCRC with an e-mail copy of all results to the field office(s). The form will describe all previous recorded cultural resources (including buildings and structures) within the APE and the potential for encountering unrecorded cultural materials.
6. The CRS will recommend one of the following:
  - a) A field review is not needed.
  - b) An archaeological field review is needed. The field reviews will mainly consist of pedestrian surveys, although additional subsurface testing may be appropriate in some circumstances.
  - c) In some cases, monitoring during implementation by a CRS or other professional archaeologist may be recommended in lieu of, or in addition to, the field review.
7. If a field review is not needed, a signed copy of the ID-420-005 form and/or the email response from the CRS will be placed in the cooperator’s case file and planning/installation will continue.
8. If a field review is needed, the DCRC will assign a CRT to conduct the field review. The CRT will request specialist assistance from the Cultural Resource Specialist (CRS) if circumstances in the field (such as density of cultural materials encountered, multiple historic structures or cultural resources not normally observed, etc) warrant. Also, on the ID-420-005, the CRS may designate

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themselves or another specialist to perform or assist the CRT with the field review as necessary. The CRT or CRS will complete the appropriate forms as agreed upon by NRCS and State Historic Preservation Officer (see attachments 5-8). On these forms, the CRT or CRS will describe all previously recorded sites within or adjacent to the APE and efforts to relocate these sites.

9. If cultural resources are not observed during the field inspection, Form A, No Cultural Resources Present (attachment 5) will be completed and placed in the cooperator's file with a copy sent to the CRS. The CRS will review the report and has 10 days to make comments and recommendations to the DCRC. If the CRS agrees with CRT's determinations or does not respond within the 10-day comment period the practice implementation will proceed.

10. If cultural resources are observed, the CRT and/or CRS will complete Form B, Cultural Resources Present (attachment 6), and the *Archaeological Survey of Idaho Site Inventory Form* or the *Idaho Historic Sites Inventory Form* (see attachments 7 & 8). The survey report and any associated site records will then be sent to the CRS for review.

11. If cultural resource sites are identified within or immediately adjacent to the APE during a field review, a CRS will assist with the determination of National Register eligibility and/or project effect on eligible or potentially eligible sites. This may require a field examination by a CRS.

12. The CRS reviews documentation, makes recommendations and sends a Determination of Significance and Effect to SHPO or the THPO for review within 5 working days. This form is then completed by the SHPO or THPO and returned to the CRS within 30 days. The CRS will send the signed form to the DCRC within 5 working days. If cultural resources are observed within the APE, practice implementation will not proceed until SHPO or THPO concurrence has been obtained.

13. The DCRC sends case file documentation to the field office. All cultural resource site information will be maintained in a secure file. The DCRC will report all cultural resource activities within the division through the appropriate NRCS reporting system.

14. Avoiding Impacts to Cultural Resources: It is NRCS policy to protect cultural resources in their original location to the fullest extent practicable by avoiding adverse impacts (GM 420, Part 401.20). These measures may include complete site or feature avoidance, erosion control or other stabilization, limiting indirect impacts and considering the cumulative impacts of a proposed project. Avoiding impacts will be accomplished through the following actions:

- a.) The CRS, or another professional under the supervision of a CRS, will determine site boundaries.
- b.) The CRS will consult with the SHPO or THPO, Field Office, and the landowner or other concerned parties on the best method to avoid impacts to the site.
- c.) After impact avoidance measures have been implemented, planning/implementation of the undertaking can proceed.

15. If impacts cannot be avoided and all consulting parties agree that the site is not eligible for listing on the National Register of Historic Places (NRHP), then:

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- a.) Where alternative, non-impacting conservation practices are feasible; NRCS will encourage cooperators to substitute these practices.
  - b.) If the cooperator declines implementing these alternative practices, then the NRCS will document this in the cooperator file and proceed with planning / implementation.
16. If adverse effects cannot be avoided to NRHP eligible properties, then:
- a.) The CRS/CRC will consult with SHPO on appropriate levels of mitigation. If a mitigation plan can be agreed to, the NRCS and the Idaho SHPO will develop a memorandum of agreement (MOA).
  - b.) The CRS/CRC will consult with the landowner, NRCS management, and other concerned parties on the mitigation plans. The selected plan will then be reviewed by the Advisory Council on Historic Preservation (ACHP).
  - c.) If a historic property within the APE cannot be avoided and mitigation alternatives cannot be implemented, the State Conservationist may consider:
    - 1.) Notifying the landowner, SHPO and ACHP of its intent to withdraw assistance (GM 420, Part 401.26).
    - 2.) Proceeding with the adverse effects due to special circumstances or overriding participant concerns. The SHPO and ACHP will be notified and the case file will be documented and forwarded to the NRCS Chief of a final determination. The NRCS will follow ACHP regulations and procedures outlined in the NRCS General Manual and the *National Cultural Resources Procedures Handbook* (GM 420, Part 401.25 & GM 190, Part 601.26).

## Attachment 4

# NRCS Project Request for Cultural Resource Assistance (ID-420-005)

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U.S. Department of Agriculture  
Natural Resources Conservation Service

ID-420-005  
03/2006

NRCS Project Request for Cultural Resource Assistance

Project Name:		Quad Name:	Date of Request:
Legal Description ¼ Sec.	Sec. #	Township	Range
NRCS Unit: Program:	County:	NRCS Contact Person & Phone #:	
Project Description:			
Previous or Current Land Use:			
Acres of undertaking:			
Is the project within the external boundaries of an Indian Reservation and/or on tribally owned lands? <input type="checkbox"/> No <input type="checkbox"/> Yes (which?)			
<input type="checkbox"/> Duck Valley (Shoshone-Piaute)	<input type="checkbox"/> Nez Perce	<input type="checkbox"/> Kootenai	
<input type="checkbox"/> Ft. Hall (Shoshone-Bannock)	<input type="checkbox"/> Coeur d'Alene	<input type="checkbox"/> Other: _____	

CULTURAL RESOURCE SPECIALIST PRELIMINARY REVIEW

Date Received:	Project Number: NRCS
Sources of information checked:	
Are there known sites in the Project Area? ( ) Yes ( ) No If Yes, list site number, name and relationship to project: (key to map)	
Is the NRCS Project Area sensitive? ( ) Yes ( ) No If Yes, provide a brief description of where Cultural Resources are expected with respect to cultural themes, landforms, water, slope, etc.	
Is an archaeological field review recommended? ( ) Yes ( ) No	
Additional comments\recommendations:	

Cultural Resource Specialist \_\_\_\_\_ Date: \_\_\_\_\_

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Attachments: ( ) Maps ( ) Site Forms ( ) Other Attachments (List)

**INSTRUCTIONS:**

**Project Name:** List landowner and type of project (e.g. John Smith Irrigation Pipeline)

**Quad Name:** List 7.5' topographic map name.

**Date of Request:** List date that the request was mailed to the Cultural Resources Specialist.

**Legal Description:** List Township, Range, Section to ¼ section.

**NRCS Unit:** List the office that is providing technical assistance for the project.

**County:** List the Idaho County where the project will be applied.

**Program:** List any program that is associated with the project (EQIP, CRP, RCRDP etc.)

**NRCS Contact Person and Phone #:** Specify who to contact about the project.

**Project Description:** Provide a brief but complete description of the project and history for the land involved. For example: in pipeline projects - the extent of the excavation involved; length, width and depth of the trench, or other activities associated with the project that may affect cultural resources. Include total acres of the undertaking.

**Describe the previous and current land use.** For example: if cropland - how long has it been cultivated?

Enclose a high quality copy of the project area shown on a 7.5' topographic map at a 1:24,000 scale. Indicate the project area boundary clearly on the map.

The map should be labeled in the lower right corner with the following information:

Project Name

**7.5' Topographic Map Name**  
**North Arrow**

**Forward this form and map to:**

**Darin Vrem**  
NRCS Archaeologist  
**9173 West Barnes Drive, Suite C**  
**Boise, ID 83709-1574**  
**Phone: 208-685-6995**

**Send a copy of the form and map to your Division Cultural Resource Coordinator .**

**Requests may also be sent via email: Attach the request as a word document (.doc) and the map as a [ .pdf]. Title each file the same in this format: “field office” “one word project name.” Example – the John Dough Pipeline project from the Emmett F.O. would be labeled “Emmett Dough.doc” for the request and “Emmett Dough.pdf” for the map. Mail to [darin.vrem@id.usda.gov](mailto:darin.vrem@id.usda.gov) and Div. Coordinator**

## Attachment 5

### Form A – No Cultural Resources Present

**IDAHO NATURAL RESOURCES CONSERVATION SERVICE  
 ARCHAEOLOGICAL AND HISTORICAL INVENTORY RECORD**

**FORM A - NO CULTURAL RESOURCES PRESENT**

<b>Project Title:</b>	<b>Project Number:</b>	<b>Date of Request:</b>	<b>NRCS Unit:</b>
	NRCS-		

**Project Description:**

**Legal Description:**

1/4 Secs.:	Sec.#:	Township:	Range:
1/4 Secs.:	Sec.#:	Township:	Range:
1/4 Secs.:	Sec.#:	Township:	Range:

U.S.G.S. Map Reference: \_\_\_\_\_ County: \_\_\_\_\_  
 Land ownership: \_\_\_\_\_ Total project acres: \_\_\_\_\_

<b>Pre-field Research:</b> (See attached ID-420-005)	<b>Summary of previous research in general area:</b> (See attached ID-420-005)
---	---

**Areas within the area of potential effect not examined and reason why:**

\_\_\_\_\_

**Land Use:** Cultivated Rangeland Woodland  
 Developed Feedlot Other: \_\_\_\_\_

**Topographical Location:** Floodplain Terrace Slope  
 Hilltop/Ridgetop Other

**Surface**

**Visibility:**

**Problems Encountered:**

**Survey Date:**

**Total Acres Surveyed:**

**Personnel Participating In Field Survey:**

**Results:**

\_\_\_\_\_

**Recorder:**

**Date:**

cc: NRCS Division Cultural Resource Coordinator

Attachments: ID-420-004 ( ) Maps ( ) Other Attachments (list)

**Review:**

\_\_\_\_\_  
**NRCS Cultural Resource Specialist:**

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

## Attachment 6

### Form B – Cultural Resources Present

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FORM – B

\_\_\_\_\_ **Project Name**

NRCS- \_\_\_\_\_  
**Project Number**

**A. FULL DESCRIPTION OF THE PROPOSED UNDERTAKING:**

**B. LOCATION AND GENERAL ENVIRONMENTAL SETTING:**

**1. USGS topographic map (s):**

**2. Legal Description:**

1/4 Secs.: \_\_\_\_\_ Sec.#: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_  
1/4 Secs.: \_\_\_\_\_ Sec.#: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_  
1/4 Secs.: \_\_\_\_\_ Sec.#: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

**1. Project Acres:** \_\_\_\_\_

**C. PRE-FIELD RESEARCH**

**1. Sources of information** NRCS sites and project atlas  
checked:

**2. Summary of previous studies in this general area, similar terrain:**

Report No./Title	Distance/Direction	Results

**3. Sites previously recorded in and around the current project area, in similar terrain, keyed to map:**

Smithsonian No.	Type of Site	NR Status

**D. FIELD METHODS**

**1. Areas examined and type of coverage:**

**2. Areas not examined and reasons why:**

**3. Personnel conducting and assisting in this survey:**

**4. Dates (s) of survey:**

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5. Visibility on surface  
(%):

6. Acres Surveyed:

7. Problems encountered:

**F. RESULTS**

1. All cultural resources recorded for this area:  None

NRCS No.	Type of Site	NR Status

Repository (for all original survey records, photos, maps, and artifacts):  
NRCS State Office, 9173 W. Barnes Drive, Boise, Idaho

**G. CONCLUSIONS AND RECOMMENDATIONS:**

**H. ATTACHMENTS**

- Transect and project maps (required)
- Archaeological Survey of Idaho Site Inventory Form?
- Idaho Historic Site Inventory Form?
- Photos?
- Other? \_\_\_\_\_

**I. CERTIFICATION OF RESULTS**

I certify that I conducted the investigation reported here, that my observations and methods are fully documented, and that this report is complete and accurate to the best of my knowledge.

\_\_\_\_\_  
Signature of Reporter

\_\_\_\_\_  
Date

## Attachment 7

# Archaeological Survey of Idaho Site Inventory Form

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ARCHAEOLOGICAL SURVEY OF IDAHO  
SITE INVENTORY FORM  
Part A – Administrative Data

1. State No. \_\_\_\_\_  
2. Agency No. \_\_\_\_\_  
3. Temporary No. \_\_\_\_\_  
4. Site name(s) \_\_\_\_\_ 5. County \_\_\_\_\_

6. Class:  Prehistoric  Historic  Traditional Cultural Property  Undetermined

7. Land owner \_\_\_\_\_ 8. Federal admin. unit \_\_\_\_\_

9. Project \_\_\_\_\_ 10. Report  
No. \_\_\_\_\_

11. Recorder(s) \_\_\_\_\_

12. Organization \_\_\_\_\_ 13. Date \_\_\_\_\_

14. Attachments and associated records:

- |  |  |
|--|--|
| <input type="checkbox"/> Topographic map (required)        | <input type="checkbox"/> Stratigraphic profiles  |
| <input type="checkbox"/> Site map (required)               | <input type="checkbox"/> Rock art attachment     |
| <input type="checkbox"/> Photos with labels/log (required) | <input type="checkbox"/> Historical records      |
| <input type="checkbox"/> Artifact illustrations            | <input type="checkbox"/> Assoc. IHSI forms _____ |
| <input type="checkbox"/> Feature drawings                  | <input type="checkbox"/> Other _____             |

15. Elevation (site datum) \_\_\_\_\_ (ft)

16. Site dimensions: \_\_\_\_\_ m X \_\_\_\_\_ m Area \_\_\_\_\_ m<sup>2</sup>

17. UTM at site datum: Zone \_\_\_\_\_ m Easting \_\_\_\_\_ m Northing using NAD 1927.

18. UTM source:

- Corrected GPS/rectified survey (<5m error)  Uncorrected GPS  Map template  Other explained under comments

19. Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_; \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4  
Additional legals listed on an attachment.

20. USGS 7.5' map reference \_\_\_\_\_  
Additional maps listed on an attachment.

21. Access \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

22. Site description \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**23. Site type:**

- |  |   |                                      |  |
|--|---|--------------------------------------|--|
| <input type="checkbox"/> Historic building*      | <input type="checkbox"/> Rockshelter/cave     | <input type="checkbox"/> Mortuary    | <input type="checkbox"/> Faunal                    |
| <input type="checkbox"/> Historic structure*     | <input type="checkbox"/> Stacked/placed rocks | <input type="checkbox"/> Rock art    | <input type="checkbox"/> Culturally modified trees |
| <input type="checkbox"/> Historic object*        | <input type="checkbox"/> Quarry/lithic source | <input type="checkbox"/> Feature(s)  | <input type="checkbox"/> Other _____               |
| <input type="checkbox"/> Prehistoric residential | <input type="checkbox"/> Linear               | <input type="checkbox"/> Artifact(s) | -  |

\*Following definition for the National Register of Historic Places.

**24. Specify themes and time periods:**

- | Themes   |   | Time Periods                                      |   |
|--|---|---|---|
| <input type="checkbox"/> Prehistoric archaeology     | <input type="checkbox"/> Military               | <input type="checkbox"/> Prehistoric-general      | <input type="checkbox"/> Settlement: 1855-1890        |
| <input type="checkbox"/> Agriculture                 | <input type="checkbox"/> Mining industry        | <input type="checkbox"/> Paleoindian              | <input type="checkbox"/> Phase 1 statehood: 1890-1904 |
| <input type="checkbox"/> Architecture                | <input type="checkbox"/> Native Americans       | <input type="checkbox"/> Archaic-general          | <input type="checkbox"/> Phase 2 statehood: 1904-1920 |
| <input type="checkbox"/> Civilian Conservation Corps | <input type="checkbox"/> Politics/government    | <input type="checkbox"/> Early Archaic            | <input type="checkbox"/> Interwar: 1920-1940          |
| <input type="checkbox"/> Commerce                    | <input type="checkbox"/> Public land management | <input type="checkbox"/> Middle Archaic           | <input type="checkbox"/> Premodern: 1940-1958         |
| <input type="checkbox"/> Communication               | <input type="checkbox"/> Recreation/tourism     | <input type="checkbox"/> Late Archaic             | <input type="checkbox"/> Modern: 1958-present         |
| <input type="checkbox"/> Culture and society         | <input type="checkbox"/> Settlement             | <input type="checkbox"/> Late Prehistoric-general | <input type="checkbox"/> Historic/Modern-general      |
| <input type="checkbox"/> Ethnic heritage             | <input type="checkbox"/> Timber industry        | <input type="checkbox"/> Protohistoric/Contact    | <input type="checkbox"/> Unknown                      |
| <input type="checkbox"/> Exploration/fur trapping    | <input type="checkbox"/> Transportation         | <input type="checkbox"/> Historic Native American |   |
| <input type="checkbox"/> Industry                    | <input type="checkbox"/> Other _____            | <input type="checkbox"/> Exploration: 1805-1860   |   |

**25. National Register of Historic Places (NRHP) evaluation: \***

- Individually eligible     Contributing in a district     Not eligible     Insufficient information to evaluate

\*Evaluation subject to review by SHPO.

**26. NRHP criteria used:**

- A: Event     B: Person     C: Design and construction     D: Information potential

**27. Comments on significance** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**28. If not eligible, explain why** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**29. Condition (prehistoric component):**

- Excellent     Good     Fair     Poor

**Condition (historic component):**

- Excellent     Good     Fair     Poor

**30. Impact agents:**

- |  |  |  |   |                                      |
|--|--|--|---|--------------------------------------|
| <input type="checkbox"/> Agricultural use    | <input type="checkbox"/> Development project | <input type="checkbox"/> Mining/quarrying    | <input type="checkbox"/> Road/highway     | <input type="checkbox"/> Vandalism   |
| <input type="checkbox"/> Building alteration | <input type="checkbox"/> Erosion             | <input type="checkbox"/> No information      | <input type="checkbox"/> Rodent damage    | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Deflation           | <input type="checkbox"/> Grazing             | <input type="checkbox"/> Recreation use      | <input type="checkbox"/> Structural decay |                                      |
| <input type="checkbox"/> Demolished          | <input type="checkbox"/> Looting             | <input type="checkbox"/> Research excavation | <input type="checkbox"/> Timber harvest   |                                      |

**Comments on impact agents** \_\_\_\_\_

**31. Surface collection:**

- None     Previously collected     Grab sample     Designed sample     Complete

**32. Sediments:**

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- Absent       0-20 cm       21-100 cm       >100 cm       Suspected but not tested
- 

Explain how this was determined \_\_\_\_\_

33. Excavation status:

- Unexcavated                       Auger/probe                       Test unit                       Backhoe, etc.
- Surface scrape                       Shovel test                       Block excavation

Describe collection/testing/excavation \_\_\_\_\_

34. Excavation volume (indicate liters or cubic meters) \_\_\_\_\_ Screen mesh \_\_\_\_\_

35. Additional comments \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Part B – Environmental Data

36. Distance to permanent water \_\_\_\_\_ m

37. Water source:

- Spring, seep                       River/stream                       Lake                       Other \_\_\_\_\_

38. On-site vegetation (estimate percentage of total vegetation for each class and identify species):

Trees: \_\_\_\_\_%  
Species: \_\_\_\_\_

Shrubs: \_\_\_\_\_%  
Species: \_\_\_\_\_

Forbs: \_\_\_\_\_% Species:-  
\_\_\_\_\_

Grasses: \_\_\_\_\_%  
Species: \_\_\_\_\_

Lichens/mosses: \_\_\_\_\_%  
Species: \_\_\_\_\_

Describe \_\_\_\_\_

39. Visible surface area:  
 0%                       1-25%                       26-50%                       51-75%                       76-100%

40. Landform (Describe, including lithology, form, and soil, using locally or regionally appropriate terms, eg. arroyo, playa, moraine, etc.) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Part C – Prehistoric Sites

41. Phase/period \_\_\_\_\_

42. How classified \_\_\_\_\_

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43. Maximum artifact density \_\_\_\_\_ m<sup>2</sup>

**44. Individual artifacts:**

Count	Category	Description

**45. Lithic Debitage – Estimated Quantity:**

None     1-9     10-25     25-100     100-500     500+

**Flaking Stages (not present, rare, common, or dominant):**

Decortication \_\_\_\_\_ Secondary \_\_\_\_\_ Tertiary \_\_\_\_\_

Shatter \_\_\_\_\_

46. Material types \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

47. Additional description \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**48. Features:**

Count	Category	Description

49. Additional description \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Part D – Historic Sites**

50. Cultural affiliation \_\_\_\_\_

51. Oldest date \_\_\_\_\_ Recent Date \_\_\_\_\_

52. How determined \_\_\_\_\_

53. Maximum artifact density \_\_\_\_\_ m<sup>2</sup>

**54. Individual artifacts:**

Count	Category	Description

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**55. Additional description** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**56. Features:**

Count	Category	Description

**57. Additional description** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Attachment 8

# Idaho Historic Site Inventory Form

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IDAHO HISTORIC SITES INVENTORY FORM

\* PROPERTY NAME  FIELD#

STREET  RESTRICT

CITY  VICINITY  COUNTY CD  COUNTY NAME

SUBNAME  BLOCK  SUBLLOT  ACRES  LESS THAN

TAX PARCEL  UTMZ  EASTING  NORTHING

TOWNSHIP  N\_S  RANGE  E\_W  SECTION  1/4  1/4

QUADRANGLE  OTHERMAP

SANBORN MAP  SANBORN MAP#  PHOTO#

---

PROPERTY TYPE  CONST/ACT1  ACTDATE1  CIRCA1

CONST/ACT2  ACTDATE2  CIRCA2

ASSOCIATED FEATURES  TOTAL # FEATURES

ORIGINAL USE  WALL MATERIAL

ORIGSUBUSE  FOUND. MATERIAL

CURRENT USE  ROOF MATERIAL

CURSUBUSE  OTHER MATERIAL

ARCHSTYLE  PLAN  CONDITION

---

NR REF #  NPS CERT  ACTIONDATE  FUTURE ELIG DATE

DIST/MPLNAME1  DIST/MPLNAME2

Individually Eligible  Contributing in a potential district  Noncontributing  Future eligibility

Not Eligible  Multiple Property Study  Not evaluated

CRITERIA A  B  C  D  CRITERIA CONSIDERATION A  B  C  D  E  F  G

AREA OF SIGNIF  AREA OF SIGNIF

---

COMMENTS

PROJ/RPT TITLE  SVY DATE  SVY LEVEL

RECORDED BY  PH  ADDRESS

SUBMITTED PHOTOS  NEGS  SLIDES  SKETCH MAP

---

SVY RPT #  \*\*\*\*\* FOR ISHPO USE ONLY \*\*\*\*\* IHSI#

MS RPT #  SITS#

IHPR #  HABS NO. ID-  HAER NO. ID-  REV#

CS #  IHSI# REF  NR REF# 2  REV# REF

SVY RPT# 1  SVY RPT# 2  SVY RPT# 3  MS RPT# 1  MS RPT# 2

ADD'L NOTES

MORE DATA

ATTACH

IHSI#  
SITS#  
REV#

---

# OF PHOTOS  NEGBOX#  # OF SLIDE  SHPO DETER  DETER DATE

INITIALED  ENTRY DATE  REVISE  REVISE  REVISE

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IDAHO HISTORIC SITES INVENTORY FORM - SUPPLEMENT

**PROPERTYNAME**  **IHSI#**   
**OTHER NAME**  **FIELD#**   
**COUNTY NAME**  **COUNTY CD**  **CITY**  **VICINITY**   
**UTM REF2**  **UTM REF3**  **UTM REF4**

---

**OTHER MATERIAL2**  **CULTAFFIL**  **AGENCYCERT**   
**SIGNIFDATE**  **SIGNIFPERIOD**  **SIGNIFPERSON**   
**ARCH/BUILD**  **ARCHPLANS**  **TAXEASE**  **TAXCERT**   
**OWNERSHIP**  **PROPOWN**   
**MORE DATA**  **ATTACH**

---

**DOCSOURCE**

**ADD'L NOTES**

**COMMENTS**

---

**PHOTO LOG**  **IHSI# REF**  **INITIALED**  **DATEENTERED**

---

**SKETCH**

IHSI#	SITS#	REV#

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IDAHO HISTORIC SITES INVENTORY FORM - ATTACHMENT

PROPERTY NAME  IHSI#

FIELD#  COMMENTS: COUNTY NAME

ATTACH

IHSI#	SITS#	REV#