

51 NEPA and Section 106 reviews, as appropriate; and

52

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

58

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

63

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

68

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

74

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

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80 **WHEREAS**, the State-based Prototype Agreement does not apply to undertakings occurring on
81 or affecting historic properties on Tribal lands, as defined by Section 54 U.S.C. 306108 of the
82 NHPA, without prior agreement and execution of a State-based Prototype Agreement with the
83 concerned Indian tribe; and

84

85 WHEREAS, the NRCS has consulted with [NAMES(s) Indian tribe(s) and has invited the
86 [NAME] Indian tribe(s), NMSLO and NMAC, to enter into this State-based Prototype
87 Agreement as a [signatory/invited signatory/concurring party]; and

88

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

95

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

99

100 **NOW, THEREFORE**, the NRCS New Mexico State Office and the New Mexico State Historic
101 Preservation Officer agree that undertakings in New Mexico State shall be implemented in
102 accordance with the following stipulations in order to take into account the effect of the
103 undertaking on historic properties.

104 **STIPULATIONS**

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

106 **I. Applicability.**

- 107 a. Once executed by the NRCS and the New Mexico SHPO, this State-based Prototype
108 Agreement sets forth the review process for all NRCS undertakings on private lands,
109 State Trust Lands, and Federal lands, where NRCS has been determined to be the lead
110 Federal agency for purposes of Section 106 in the State of New Mexico.
- 111 b. Execution of this State-based Prototype Agreement does not replace any existing project-
112 specific Section 106 agreements (Memoranda of Agreement or Programmatic
113 Agreements).
- 114 c. This State-based Prototype Agreement applies only when there is a Federal Preservation
115 Officer (FPO) in the NRCS National Headquarters (NHQ) who meets the Secretary of the
116 Interior's Professional Qualification Standards (48 FR 44716).
- 117 d. This State-based Prototype Agreement applies only where there is staffing or access to
118 staffing (through contracted services or agreements with other agencies or Indian tribes)
119 who meet the Secretary of Interior's Professional Qualification Standards in the New
120 Mexico NRCS state office.

121 **II. Roles and Professional Qualifications.**

- 122 a. The NRCS New Mexico State Conservationist is responsible for oversight
123 of its performance under this State-based Prototype Agreement.
- 124 b. NRCS New Mexico shall ensure all NRCS staff or individuals carrying out
125 Section 106 historic preservation compliance work on its behalf, including
126 NRCS New Mexico Cultural Resources Specialists (CRS), are
127 appropriately qualified to coordinate the reviews of resources and historic
128 properties as applicable to the resources and historic properties being
129 addressed (site, building, structure, landscape, resources of significance to
130 Indian tribes, and other concerned communities). Thus, these staff and
131 consultants must meet the Secretary of the Interior's Professional
132 Qualification Standards and have the knowledge to assess the resources
133 within an undertaking's area of potential effects (APE).
- 134 c. The New Mexico State Conservationist is responsible for consultation with
135 the New Mexico SHPO, as well as the government-to-government
136 consultation with Indian tribal leaders and/or their THPO to develop
137 consultation protocols. These responsibilities may not be delegated to any
138 other staff, nor carried out on behalf of NRCS by another federal agency.

- 150 d. The NRCS New Mexico CRS(s) shall provide technical historic property
151 and resource information to the State Conservationist for use in Section
152 106 findings and determinations, after appropriate consultations with the
153 SHPO, Indian tribes, and discussions with the landowner. The CRS shall
154 monitor and oversee the work and reporting of all NRCS field office
155 personnel and professional service consultants. The CRS shall also assist
156 the State Conservationist in determining whether an undertaking has the
157 potential to affect historic properties, triggering Section 106 review,
158 pursuant to 36 CFR Part 800.3(a).
159
- 160 e. NRCS field office personnel involved in implementing this State-based
161 Prototype Agreement, after completion of NRCS' Cultural Resources
162 Training Series Modules 1 through 8, training requirements (defined in
163 Section II.a, b, and c), shall work with the New Mexico NRCS CRS(s), as
164 feasible, in completing historic preservation compliance (Section 106) field
165 records for the agricultural producer's (NRCS' client or voluntary applicant
166 for assistance) files and for use in producing initial historic property
167 identification records (as set forth and outlined in NRCS' operational
168 guidance, the National Cultural Resources Procedures Handbook, Title 190,
169 Part 601) in the following situations:
170
- 171 1. NRCS field office personnel following Appendix A, may determine the potential of
172 planned practices (undertakings) to affect historic properties.
173
 - 174 2. NRCS field office personnel may request NMCRIS literature searches for proposed
175 undertakings, pursuant to the NRCS-ARMS data sharing agreement.
176
 - 177 3. NRCS field office personnel may independently survey project areas on private
178 lands up to 50 acres in size, provided no known archeological resources occur within
179 the project area or within 500 feet of the project area and the project is within an area
180 of low cultural sensitivity, as indicated in NMCRIS. No more than three field office
181 personnel may survey as a crew without the presence of a qualified archeologist.
182
 - 183 i. NRCS field office personnel may document and record isolated occurrences.
184
 - 185 ii. NRCS field office personnel may document and record the following isolated
186 historic structures including: short segments of irrigation ditches (excluding
187 diversions and dams), on-farm field ditches, windmills, watering facilities,
188 corrals, and earthen tanks following the standard documentation guidelines in
189 Appendices B and C. Additional property types must be approved by the
190 NRCS CRS and SHPO.
191
 - 192 4. NRCS field office personnel may complete draft NMCRIS Inventory Abstract Forms
193 (NIAF) and draft HCPI forms for review and approval by NRCS CRS.
194
 - 195 5. When archeological sites, historic structures, or districts (e.g. ranching complexes
196 and homesteads) not included above in II.c.3.ii are identified during inventories
197 directed by NRCS field office personnel, or when the undertaking will have an
198 adverse effect, the NRCS CRS must be notified of the finding. The NRCS CRS or
199 qualified professional will record these resources.

- 200
- 201 f. The CRS in New Mexico shall oversee development of the scopes of work for
- 202 investigation of the APEs for identified undertakings (see 36 CFR Part 800.4). The
- 203 NRCS may use professional service contractors or consultants or trained partners to
- 204 assist with cultural resources compliance studies. NRCS shall ensure these contractors
- 205 and consultants meet the Secretary of Interior’s Professional Qualifications Standards.
- 206 For NRCS undertakings carried out on state land, individuals shall also meet the New
- 207 Mexico professional qualifications standards in Title 4, Chapter 10, Part 8 for surveys
- 208 and Part 11 of the New Mexico Administrative Code (NMAC) for unmarked human
- 209 burial excavations on state or private land.
- 210
- 211 g. NRCS remains responsible for all consultation with the SHPO, Indian tribes and
- 212 THPOs, and all determinations of NRHP eligibility and effect. NRCS may not delegate
- 213 consultation for findings and determinations to professional services consultants or
- 214 producers/applicants for conservation assistance.
- 215
- 216 h. The New Mexico SHPO, if provided sufficient data on a proposed undertaking and APE
- 217 for the proposed undertaking by New Mexico NRCS shall consult and provide a
- 218 response to NRCS within thirty (30) calendar days. The definition of sufficient data is
- 219 provided in 36 CFR Part 800.11.
- 220
- 221 i. The ACHP shall provide technical guidance, participate in dispute resolution, and
- 222 monitor the effectiveness of this agreement, as appropriate.
- 223

224 **III. Training.**

225

- 226 a. New Mexico NRCS shall require field office personnel conducting cultural resources
- 227 identification work to complete at a minimum, the NRCS Cultural Resources Training
- 228 modules 1-8 and at least 20 hours of field investigations under the direct supervision of a
- 229 NRCS CRS or qualified archeologist.
- 230
- 231 b. NRCS shall require CRS and/or other NRCS personnel overseeing cultural resource work
- 232 to take the NRCS Cultural Resources Training Modules (awareness training) and the
- 233 ACHP’s Section 106 *Essentials* course, or a course with similar content, if approved by
- 234 the NRCS FPO. Training must be completed within the first calendar year after
- 235 execution of this State-based Prototype Agreement or within the first year of employment
- 236 for new NRCS New Mexico CRS personnel. NRCS personnel shall review and update
- 237 training completion with their supervisors and include their training in their Individual
- 238 Development Plans.
- 239
- 240 c. New Mexico NRCS field office personnel conducting cultural resources identification
- 241 activities shall supplement training by completion of a Cultural Resources Refresher
- 242 Training every five (5) years as part of the NRCS Planner Recertification process. The
- 243 refresher training shall consist of completing the USDA AgLearn modules 1-6 and 8 hours
- 244 of in-field training with an NRCS CRS or qualified archeologist.
- 245
- 246 d. NRCS personnel who have completed cultural resources training in another state will be
- 247 required to complete the field-based cultural resources training in New Mexico (cultural
- 248 resource training modules 7 and 8) prior to conducting any cultural resource survey and

249 identification work in New Mexico; online training (USDA AgLearn modules 1-6) are
250 applicable at the national level.

- 251
- 252 e. New Mexico NRCS may invite the New Mexico SHPO, Native American Tribal staff,
253 and Tribal Historic Preservation Officers (THPO) to participate in cultural resources
254 training presentations at agency classroom settings or field trainings.
- 255
- 256 f. New Mexico NRCS shall encourage all personnel conducting or overseeing cultural
257 resources work to take additional appropriate specialized training as provided by the New
258 Mexico SHPO, Indian tribes, the ACHP, National Park Service, General Services
259 Agency, the Archaeological Society of New Mexico or other agencies and organizations,
260 as feasible.
- 261
- 262

263 **IV. Lead Federal agency.**

- 264
- 265 a. For any undertaking for which the NRCS is the lead federal agency for Section 106
266 purposes per 36 CFR Part 800.2(a)(2), NRCS staff shall follow the terms of this State-
267 based Prototype Agreement. NRCS shall notify the SHPO of its involvement in the
268 undertaking and the involvement of the other federal agencies.
- 269
- 270 b. For any undertaking for which the NRCS is not the lead federal agency for Section 106
271 purposes, including those undertakings for which the NRCS provides technical assistance
272 to other USDA or other federal agencies, the terms of this State-based Prototype
273 Agreement shall not apply to that undertaking. If the lead federal agency agrees, NRCS
274 may follow the approved alternative procedures in place for that agency.
- 275
- 276

277 **V. Review Procedures.**

- 278
- 279 a. In consultation with the New Mexico SHPO, NRCS shall identify those undertakings with
280 little to no potential to affect historic properties and list those undertakings in Appendix
281 A. Upon the determination by the CRS that a proposed undertaking is included in
282 Appendix A and listed as “exempt” in all conditions or exempt under limited conditions,
283 the NRCS is not required to consult further with the New Mexico SHPO for that
284 undertaking. Practices in Appendix A not meeting the limited conditions for exemption
285 or listed as “Subject to Standard Consultation Protocols for all conditions,” require
286 consultation with the New Mexico SHPO.
- 287
- 288 b. The list of undertakings provided in Appendix A may be modified through consultation
289 and written agreement between the NRCS State Conservationist and the New Mexico
290 SHPO [and other signatories] without requiring an amendment to this
291 State-based Prototype Agreement. The NRCS State Office will maintain the master list
292 and will provide an updated list to all consulting parties with an explanation of the
293 rationale (metadata) for classifying the practices accordingly.
- 294
- 295 c. Undertakings not identified in Appendix A shall require further review as outlined in
296 stipulation V.c.1 through V.c.8 below. For these undertakings, the NRCS shall consult
297 with the New Mexico SHPO to define the undertaking’s APE, identify and evaluate

298 historic properties that may be affected by the undertaking, assess potential effects, and
299 identify strategies for resolving adverse effects prior to installation of the practice or
300 implementation of the action.

- 301
- 302 1. The New Mexico NRCS may provide its proposed APE, identification of historic
303 properties and/or scope of identification efforts and assessment of effects in a single
304 transmittal to the New Mexico SHPO, provided this documentation meets the
305 substantive standards in 36 CFR Part 800.4-5 and 800.11 and is consistent with the
306 following:
- 307
- 308 i. The New Mexico NRCS will ensure that cultural resource investigations are
309 registered in NMCRIS and that all identified sites, buildings, structures, objects and
310 districts are documented online using the appropriate NMCRIS forms, including but
311 not limited to the NIAF, the Laboratory of Anthropology (LA) site record, the
312 appropriate Historic Cultural Property Inventory Form (HCPI), and other
313 specialized statewide forms. NRCS shall digitize cultural resource survey
314 boundaries and the boundaries for cultural resources documented on LA site records
315 or HCPI forms in the GIS layer in NMCRIS.
- 316
- 317 a) New Mexico NRCS field office personnel may complete draft NIAF and draft
318 HCPI forms under restrictions detailed in Section II(e) and subject to review and
319 approval by the NRCS CRS.
- 320
- 321 b) New Mexico NRCS CRS personnel shall review draft forms completed by
322 NRCS field office personnel and/or complete a NIAF and associated NMCRIS
323 forms (e.g., LA and HCPI forms) for all positive and negative cultural resource
324 surveys. A cultural resources report may be necessary when the NIAF and
325 NMCRIS forms do not provide enough information to assess project effects or
326 evaluate the eligibility of the identified cultural resources.
- 327
- 328 c) Cultural resource contractors shall prepare a cultural resource report for all
329 positive cultural resource surveys in addition to the NIAF and NMCRIS forms.
330 The content and length of the report shall be appropriate to the complexity and
331 scale of the project and findings. In situations where common historic cultural
332 properties are recorded (e.g., windmills, single user field irrigation ditches) the
333 cultural resource contractor may, at the discretion of the NRCS CRS, prepare
334 only NIAF and HCPI documentation.
- 335
- 336 d) New Mexico NRCS and New Mexico SHPO shall complete the NRHP
337 eligibility blocks in NMCRIS.
- 338
- 339 2. The NRCS shall attempt to avoid adverse effects to historic properties whenever
340 possible; where historic properties are located in the APE, NRCS shall describe how it
341 proposes to modify, buffer, or move the undertaking to avoid adverse effects to historic
342 properties.
- 343
- 344 3. When the New Mexico NRCS CRS or qualified professional consultants conduct
345 cultural resources identification and evaluation and no cultural resources are present or
346 all cultural resources within the project area are avoided , NRCS will consider the effect
347 of the proposed undertaking to result in a “no historic properties affected”

348 determination. Information regarding the project and survey shall be provided to the
349 New Mexico SHPO and the NRCS may authorize the undertaking prior to SHPO
350 review. Reports and associated forms and records may be submitted monthly to the
351 New Mexico SHPO.

- 352
- 353 4. When the New Mexico NRCS uses NRCS Field office personnel to conduct
354 cultural surveys and New Mexico NRCS proposes a finding of “no historic
355 properties affected” or “no adverse effect” to historic properties, the New Mexico
356 SHPO shall have 30 calendar days from receipt of the documented description and
357 information to review and provide comments. New Mexico SHPO shall provide
358 concurrence or comment through mailed letters, written comments on the New
359 Mexico NRCS consultation letter, or signature on the New Mexico NRCS
360 consultation letter. If the New Mexico SHPO does not respond within 30 days, the
361 NRCS shall make a good faith effort to contact SHPO before closing the
362 consultation period and proceeding with implementation of the proposed
363 undertaking. The New Mexico NRCS shall take into account all timely comments.
364
- 365 5. If the SHPO, or another consulting party, disagrees with NRCS’ findings and/or
366 determination, it shall notify the NRCS within the 30 calendar day time period.
367 The NRCS shall consult with the SHPO or other consulting party to attempt to
368 resolve the disagreement. If the disagreement cannot be resolved through this
369 consultation, NRCS shall follow the dispute resolution process in Stipulation VIII
370 below.
371
- 372 6. If the SHPO does not respond to the NRCS within the 30 calendar day period
373 and/or the NRCS receives no objections from other consulting parties, or if the
374 SHPO concurs with the NRCS’ determination and proposed actions to avoid
375 adverse effects, the NRCS shall document the concurrence/lack of response within
376 the review time noted above, and may move forward with the undertaking.
377
- 378 7. Where a proposed undertaking may adversely effect NRHP eligible Irrigation
379 Structures or Farm and Ranch Structures and there are no other consulting parties,
380 the New Mexico NRCS may follow follow the procedures in Appendices B and
381 C in lieu of the standard resolution of adverse effects described in 36 CFR Part
382 800.6.
383
- 384 8. Where a proposed undertaking may adversely affect historic properties other than
385 Irrigation Structures or Farm and Ranch Structures as outlined in Appendices B
386 and C, NRCS shall describe proposed measures to minimize or mitigate the
387 adverse effects, and follow the process in 36 CFR Part 800.6, including
388 consultation with other consulting parties and notification to the ACHP, to
389 develop a Memorandum of Agreement to resolve the adverse effects.
390
- 391 9. Where the proposed undertaking has the potential to adversely affect a National
392 Historic Landmark, the NRCS shall, to the maximum extent possible, undertake
393 such planning and actions as may be necessary to minimize harm to the NHL in
394 accordance with Section 110(f) of the NHPA and 36 CFR Part 800.6 and 800.10,
395 including consultation with the ACHP and the National Park Service, NHL
396 Program Manager of the Intermountain Regional Office in addition to the SHPO
397 and other consulting parties, to develop a Memorandum of Agreement.

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

- a. NRCS shall notify the SHPO immediately or within 48 hours of the emergency determination, following the NRCS' Emergency Watershed Program (EWP) final rule (see Section 216, P.L. 81-516 Final Rule, 7 CFR Part 624 (April 2005).
- b. The NRCS State office shall prepare procedures for exigency (following the rules for NRCS' (EWP) regarding immediate threat to life and property requiring, response within 5 days) in consultation with the SHPO. These procedures are appended to this document (Appendix D).
- c. If the NRCS State office has not developed specific procedures for responding to exigencies, the NRCS shall follow the recently approved guidelines for Unified Federal Review issued by the Department of Homeland Security, Federal Emergency Management Service (DHS, FEMA), the Council on Environmental Quality (CEQ), and the ACHP in July 2014, or the procedures in 36 CFR Part 800.12(b).

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

- a. Where construction has not yet begun and a cultural resource is discovered after Section 106 review is complete, the NRCS shall consult to seek avoidance or minimization strategies in consultation with the SHPO, and/or to resolve adverse effects in accordance with 36 CFR Part 800.6.
- b. The NRCS shall ensure that every contract for assistance includes provisions for halting work/construction in the area when potential historic properties are discovered or unanticipated effects to historic properties are found after implementation, installation, or construction has begun. When such a discovery occurs, the producer or entity who is receiving financial assistance, or their contractor, shall cease work and immediately notify the NRCS State Conservationist's Office, CRS, supervisory NRCS personnel for the area, and the landowner/applicant.
 - 1. NRCS CRS personnel shall inspect the discovery within 48 hours, if weather permits, and in consultation with the local NRCS official (field office supervisor or District or Area Conservationist), concerned Indian tribes, the SHPO, the NRCS State engineering or program supervisor, as appropriate, the landowner/producer (whomever NRCS is assisting), the CRS shall establish a protective buffer zone surrounding the discovery. This action may require inspection by tribal cultural resources experts in addition to the NRCS CRS.
 - 2. All NRCS contact with media shall occur only under the direction of the NRCS Public Affairs Officer, as appropriate, and the State Conservationist.
 - 3. Security shall be established to protect the resources/historic properties, workers, and private property. Local law enforcement authorities will be notified in accordance with

447 applicable State law and NRCS policy in order to protect the resources. Construction
448 and/or work may resume outside the buffer only when the State Conservationist
449 determines it is appropriate and safe for the resources and workers.
450

451 4. The NRCS CRS shall notify the SHPO and the ACHP no later than 48 hours after the
452 discovery and describe NRCS' assessment of the National Register eligibility of the
453 property, as feasible, and proposed actions to resolve any adverse effects to historic
454 properties. The eligibility determination may require the assessment and advice of
455 concerned Indian tribes, the SHPO, and technical experts (such as historic landscape
456 architects) not employed by NRCS.
457

458 5. The SHPO and ACHP shall respond within 48 hours from receipt of the notification
459 with any comments on the discovery and proposed actions.
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461 6. NRCS shall take any comments provided into account and carry out appropriate actions
462 to resolve any adverse effects.
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464 7. NRCS shall provide a report to the SHPO and the ACHP of the actions when they are
465 completed.
466

467 c. When human remains are discovered, the NRCS shall follow all applicable federal,
468 tribal, and state burial laws and ordinances, including the Native American Graves
469 Protection and Repatriation Act, and implementing regulations, when on tribal or federal
470 lands, NMSA 1978 § 18-6-11.2 of the Cultural Properties Act and rule 4.10.11 NMAC,
471 when on state or private land, and related human rights and health statutes, where
472 appropriate. NRCS shall also refer to the ACHP's Policy Statement regarding *Treatment*
473 *of Burial Sites, Human Remains and Funerary Objects* and the ACHP's Section 106
474 Archaeology Guidance. NRCS shall also follow USDA and NRCS policy on treatment of
475 human remains and consultation (GM 420 Part 401.33).
476

477 **VIII. Dispute resolution.** 478

479 a. Should any consulting or signatory party to this State-based Prototype Agreement object
480 to any actions proposed or the manner in which the terms of the agreement are
481 implemented, the NRCS State Conservationist and CRS shall consult with such party to
482 resolve the objection. If the State Conservationist determines that such objection
483 cannot be resolved, he or she will:
484

485 1. Forward all documentation relevant to the dispute, including the State
486 Conservationist's proposed resolution, to the NRCS FPO and Senior Policy
487 Official (SPO Deputy Chief for Science and Technology) and the ACHP. The
488 ACHP shall provide the FPO, SPO, and State Conservationist with its advice on
489 the resolution of the objection within thirty (30) days of receiving adequate
490 documentation. Prior to reaching a final decision on the dispute, NRCS shall
491 prepare a written response that takes into account any timely advice or comments
492 regarding the dispute from the ACHP and any signatory or consulting parties, and
493 provide them with a copy of this written response. NRCS will then proceed
494 according to its final decision.
495

496 2. If the ACHP does not provide its advice regarding the dispute within the thirty (30)
497 day time period, NRCS may make a final decision on the dispute and proceed.
498 Prior to reaching such a final decision, NRCS shall prepare a written response that
499 takes into account any timely comments regarding the dispute from the
500 signatories and consulting parties, and provide them and the ACHP with a copy of
501 the written response.

502
503 b. The NRCS New Mexico Office responsibility to carry out all other actions subject to the
504 terms of this agreement that are not the subject of the dispute remains unchanged.

505
506 c. Any consulting party to the State-based Prototype Agreement may request the ACHP
507 provide its advisory opinion regarding the substance of any finding, determination, or
508 decision regarding compliance with its terms.

509
510 d. At any time during the implementation of the State-base Prototype Agreement, a
511 member of the public may submit an objection pertaining to this agreement to the
512 NRCS State Conservationist, in writing. Upon receiving such an objection, the State
513 Conservationist shall notify the NRCS SPO and FPO, the SHPO, take the objection into
514 account, and consult with other consulting parties as appropriate to resolve the
515 objection. The New Mexico NRCS State Conservationist shall notify the SPO, FPO, and
516 SHPO of the outcome of this process.

517 518 **IX. Public Involvement.**

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520 The NRCS State Conservationist will ensure the public is involved in the development
521 of this State-based Prototype Agreement and participates in Section 106 review as set forth
522 above in Section V (reference to other parties). All public involvement concerning NRCS
523 projects will meet the restrictions set forth in Confidentiality Provisions of the Agricultural
524 Act of 2014 [Public Law 113-79, Sec. 2120 (5)] and subsequent reauthorizations of this law.

525 526 **X. Annual reporting and monitoring.**

527 a. Every year following the execution of this agreement, commencing December 1,
528 2015, until it expires or is terminated, the NRCS New Mexico State Conservationist
529 shall provide all consulting parties (including those parties who participate in the
530 consultation but do not sign the agreement) and the FPO a summary report detailing
531 work undertaken pursuant to its terms, including a list of undertakings falling under
532 Appendix A as well as undertakings that required further review; a summary of the
533 nature and content of meetings held with SHPO; and an assessment of the overall
534 effectiveness of the State-based Prototype Agreement. Such report shall include any
535 scheduling changes proposed, any problems encountered, and any disputes and
536 objections received in NRCS' efforts to carry out the terms of this agreement..

537
538 1. The NRCS FPO shall use the state reports to provide, through the NRCS SPO,
539 an annual report to the ACHP.

540
541 2. The State Conservationist shall use the state report to assess the need for
542 annual meetings with the SHPO each fiscal year, taking into consideration,
543 comments provided by the New Mexico SHPO on the effectiveness of the State-
544 based Prototype Agreement and any problems encountered or if the New
545 Mexico SHPO requests a meeting.

- 546
547 b. The State Conservationist will participate in an annual review with the NRCS
548 Regional Conservationist regarding the effectiveness of the prototype agreement
549 and submit a written (email) report following this review to the SPO (Deputy Chief
550 for Science and Technology).
551
552 c. The NRCS State Conservationist, SHPO, or Indian Tribes may request that the
553 ACHP participate in any annual meeting or agreement review.
554

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

556
557 NRCS shall comply with relevant and applicable state law, including permit requirements on
558 state land, and with relevant and applicable tribal law, when on tribal lands.
559

560 **XII. Duration of Prototype Agreement.**

561
562 This State-based Prototype Agreement will be in effect for 10 years from the date of execution
563 unless amended or terminated pursuant to Stipulation XIII below.
564

565 **XIII. Amendment and termination.**

- 566
567 a. This State-based Prototype Agreement may be amended if agreed to in writing by all
568 signatories. The amendment will be effective on the date a copy, signed by all of the
569 signatories, is filed with the NRCS FPO, SPO, and the ACHP.
570
571 b. If any signatory to this State-based Prototype Agreement, or the ACHP, determines that
572 its provisions will not or cannot be carried out, that party shall immediately consult with
573 the other parties to attempt to develop an amendment per Stipulation XIII.A. If within
574 30 calendar days, or other time period agreed upon by the signatories, an amendment
575 cannot be agreed upon, any signatory or the ACHP may terminate the agreement upon
576 written notification to the other signatories.
577
578 c. If this State-based Prototype Agreement is terminated, or expires without being extended
579 via the amendment process described above, and prior to continuing work on any
580 undertaking, NRCS shall comply with 36 CFR Part 800 for all individual undertakings in
581 New Mexico State.
582
583 d. NRCS will consider requests from other USDA agencies to become a signatory to the
584 State-based Prototype Agreement following formal written requests and appropriate
585 discussion with and approval by the NRCS FPO and SPO, and joint USDA Agency -
586 NRCS State Office consultation with the ACHP, NCSHPO, and Indian tribes/THPOs or
587 NHOs, and other consulting parties, as appropriate. Such inclusion of the USDA
588 agency may require amendment to this State-based Prototype Agreement.
589
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591 Execution of this State-based Prototype Agreement by the NRCS and SHPO and implementation
592 of its terms evidence that NRCS has taken into account the effects of its undertakings in New
593 Mexico State on historic properties and afforded the ACHP a reasonable opportunity to
594 comment.
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Signatory Parties

State Conservationist, New Mexico Natural Resources Conservation Service

New Mexico State Historic Preservation Officer

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APPENDIX A
New Mexico NRCS Activities and Practices and Potential to Affect Historic Properties

618 Pursuant to Stipulation V.a. above, in consultation with the New Mexico SHPO, the New Mexico NRCS, through the qualified
619 Cultural Resource Specialist as described in Stipulation II.b., has determined the following practices (undertakings) potential to affect
620 cultural resources. For practices that do not have the potential to affect cultural resources ("exempt") and meet all the required
621 conditions, the New Mexico NRCS is not required to consult further with the New Mexico SHPO under Section 106. Practices
622 determined to be subject to standard consultation protocols shall require further review as outlined in Stipulation V.c of this
623 agreement. Any practices not included on this list, not meeting the required conditions, or listed as "Subject to Standard Consultation
624 Protocol for all conditions," shall require further review as outlined in Stipulation V.c of this agreement.
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Code	Practice	Practice Description	Potential to affect Cultural Resources
n/a	Geotechnical testing	Subsurface testing to determine variations in soil type, structure, and depth.	Exempt when limited to auger testing of sediment fill and earthen fill structures. <i>Use of heavy machinery (i.e., backhoes, tractors, excavators, etc.) to excavate soil pits is subject to Standard Consultation Protocol.</i>
n/a	Soil Survey/NRI	Subsurface testing to determine variations in soil type, structure, and depth.	Exempt when limited to hand-excavated small shovel tests (less than 0.5 cubic meter), auger holes, or soil probes where the cumulative disturbance is less than 1 cubic meter per 1 hectare outside of known cultural resources. <i>Use of heavy machinery (i.e., backhoes, tractors, excavators, etc.) to excavate soil pits is subject to Standard Consultation Protocol.</i>
n/a	Technical Assistance	Providing technical assistance to producers without any financial assistance or control over implementation and approval (decision making)	Exempt- all conditions
310	Bedding	Plowing, blading, or otherwise elevating the surface of flat land into a series of broad, low ridges separated by shallow, parallel channels with positive drainage.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.

311	Alley Cropping	Trees or shrubs planted in a set or series of single or multiple rows with agronomic, horticultural crops or forages cultivated in the alleys between the rows of woody plants.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
313	Waste Storage Facility	A waste storage impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
314	Brush Management	The management or removal of woody (non-herbaceous or succulent) plants including those that are invasive and noxious.	Exempt when occurring on previously tilled ground and depth of previous disturbance is not exceeded, or when the practice involves the application of chemical or biological agents. <i>Use of mechanical methods is subject to Standard Consultation Protocol.</i>
315	Herbaceous Weed Control	Using mechanical, chemical, burning or biological methods either alone or in combination to remove or control of herbaceous weeds.	Exempt when occurring on historically tilled ground and depth of previous disturbance is not exceeded, or when the practice involves the application of chemical or biological agents.
316	Animal Mortality Facility	An on-farm facility for the treatment or disposal of livestock and poultry carcasses for routine and catastrophic mortality events.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
317	Composting Facility	A structure or device to contain and facilitate the controlled aerobic decomposition of manure or other organic material by micro-organisms into a biologically stable organic material that is suitable for use as a soil amendment.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
320	Irrigation Canal or Lateral	A permanent channel constructed to convey irrigation water from the source of supply to one or more irrigated areas.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
324	Deep Tillage	Deep Tillage to mix recent soil deposits from wind or water or to fracture restrictive soil layers.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.

325	High Tunnel System	A seasonal polyethylene covered structure with no electrical, heating, and/or mechanical ventilation systems that is used to cover crops to extend the growing season.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
326	Clearing and Snagging	Removal of vegetation along the bank (clearing) and/or selective removal of snags, drifts, or other obstructions (snagging) from natural or improved channels and streams.	Exempt when occurring within existing streambanks, when conducted on foot and by hand, with no ground disturbance. <i>Use of mechanical methods is subject to Standard Consultation Protocol.</i>
327	Conservation Cover	Establishing and maintaining perennial vegetative cover to protect soil and water resources on land retired from agricultural production.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
328	Conservation Crop Rotation	Growing crops in a recurring sequence on the same field to control erosion, improve soil organic matter, balance nutrients, improve water use efficiency, manage saline seeps, manage pests and/or provide food and cover for wildlife.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
329	Residue and Tillage Management, No-Till/Strip Till/Direct Seed	Any tillage and planting system in which at least 30 percent of the soil surface is covered by plant residue after planting to reduce soil erosion by water or wind.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
338	Prescribed Burning	Controlled fire applied to a predetermined area.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
340	Cover Crop	A crop of growing grasses, forbs, legumes, or small grain grown primarily for seasonal protection and soil improvement.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
342	Critical Area Planting	Planting vegetation, such as trees, shrubs, vines, grasses, or legumes, on highly erodible or critically eroding areas.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
345	Residue and Tillage Management, Mulch Till	Managing the amount, orientation, and distribution of crop and other plant residue on the soil surface through mulching.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.

348	Dam, Diversion	A structure built to divert all or part of the water from a waterway or a stream.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
350	Sediment Basin	A basin constructed with an engineered outlet, formed by an embankment or excavation or a combination of the two.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
351	Water Well Decommissioning	The sealing and permanent closure of a water well no longer in use.	Exempt when implemented on mechanically drilled wells.
353	Monitoring Well	A well designed and installed to obtain representative groundwater quality samples and hydrogeologic information.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
355	Well Water Testing	Testing for physical, biological and chemical characteristics of well water.	Exempt- all conditions
356	Dike	A barrier constructed of earth or manufactured materials.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
359	Waste Treatment Lagoon	A waste treatment impoundment made by constructing an embankment and/or excavating a pit or dugout.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
360	Waste Facility Closure	Closure of treatment lagoons and waste storage ponds that are no longer used for their intended purposes. Removing waste by transferring to land by pumping with irrigation equipment or manure spreaders; or dredging, stockpiling, draining, and spreading.	Exempt when structure (lagoon, ponds, etc.) is less than 50 years in age.
362	Diversion	A channel generally constructed across the slope with a supporting ridge on the lower side.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
366	Anaerobic Digestor	A component of a waste management system that provides biological treatment in the absence of oxygen.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
367	Roofs and Covers (over waste management facilities)	A rigid, semi-rigid, or flexible manufactured membrane, composite material, or roof structure placed over a waste management facility.	Exempt- all conditions.
371	Air Filtration and Scrubbing	A device or system for reducing emissions of air contaminants from a structure via interception and/or collection.	Exempt- all conditions.
372	Combustion System Improvement	Installing, replacing, or retrofitting agricultural combustion systems and/or related components or devices for air quality and energy efficiency improvement.	Exempt- all conditions.

373	Dust Control on Unpaved Roads and Surfaces	Controlling direct particulate matter emissions produced by vehicle and machinery traffic or wind action from unpaved roads and other surfaces by applying a palliative on the surface.	Exempt- all conditions.
374	Farmstead Energy Improvement	Developing and implementing farmstead improvements including replacing or retrofitting agricultural equipment systems (e.g. gas & electric irrigation pumps) and/or related components or devices to increase energy efficiency.	Exempt- all conditions.
375	Dust Control from Animal Activity on Open Lot Surfaces	Reducing or preventing the emissions of particulate matter arising from animal activity on open lot surfaces at animal feeding operations through the frequent removal of manure and the application of water.	Exempt- all conditions.
378	Pond	A water impoundment made by constructing an embankment or by excavating a pit or dugout. In this standard, ponds constructed by the first method are referred to as embankment ponds, and those constructed by the second method are referred to as excavated ponds. Ponds constructed by both the excavation and the embankment methods are classified as embankment ponds if the depth of water impounded against the embankment at the auxiliary spillway elevation is 3 feet or more.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
380	Windbreak/Shelterbelt Establishment	Linear plantings of single or multiple rows of trees or shrubs for environmental purposes.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
381	Silvopasture Establishment	An application establishing a combination of trees or shrubs and compatible forages on the same acreage.	Exempt when applied within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.

382	Fence	A variety of fence types constructed as a barrier to livestock, wildlife, or people.	Exempt when implemented within areas of existing or previously tilled cropland, when installed by hand, when it is temporary, or when installed without use of heavy equipment to clear vegetation and obstructions and won't cause livestock to congregate.
383	Fuel Break	A strip of land on which the vegetation, debris and detritus have been reduced and/or modified to control or diminish the risk of fire crossing the strip or block of land.	Exempt when implemented on foot, by hand, and with no ground disturbance or burning. <i>Use of mechanical methods outside of existing roads to remove vegetation, debris, and detritus is subject to Standard Consultation Protocols.</i>
384	Woody Residue Treatment	Piling, burning, chipping/masticating, lop and scatter, off-site removal, and crushing to reduce woody debris.	Exempt when implemented on foot, by hand, and with no ground disturbance or burning. <i>Use of mechanical methods outside of existing roads to remove debris is subject to Standard Consultation Protocols.</i>
386	Field Border	A strip or perennial vegetation established at the edge of a field by planting or by converting it from trees to herbaceous vegetation or shrubs.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
388	Irrigation Field Ditch	A permanent irrigation ditch constructed in or with earth materials, to convey water from the source of supply to a field or fields in an irrigation system.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
390	Riparian Herbaceous Cover	Establishing Riparian herbaceous cover along water bodies or in areas with saturated soils to improve fish and wildlife habitat, improve water quality and reduce erosion.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
391	Riparian Forest Buffer	Leaving or Establishing an area of trees and/or shrubs adjacent to watercourses or water bodies.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded, or without any new plantings.

393	Filter Strip	A strip or area of vegetation for removing sediment, organic matter, and other pollutants from runoff and wastewater.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
394	Firebreak	A strip of bare land or fire-retarding vegetation.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
395	Stream Habitat Improvement and Management	Maintain, improve or restore physical, chemical and biological functions of a stream, and its associated riparian zone, necessary for meeting the life history requirements of desired aquatic species.	Exempt when work is conducting entirely within existing stream channels.
396	Aquatic Organism Passage	Modification or removal of barriers that restrict or impede movement of aquatic organisms.	Exempt when work is conducting entirely within existing stream channels and any human-made barriers to be modified/removed are less than 50 years in age.
397	Aquaculture Ponds	A water impoundment constructed and managed for farming of freshwater and saltwater organisms including fish, mollusks, crustaceans and aquatic plants.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
398	Fish Raceway or Tank	A channel or tank with a continuous flow of water constructed or used for high-density fish production.	<i>Subject to Standard Consultation Protocol for any new construction.</i>
399	Fishpond Management	Developing or improving impounded water to produce fish for domestic use or recreation.	Exempt for all conditions- if structure is less than 50 years in age.
402	Dam	An artificial barrier that can impound water for one or more beneficial purposes.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
410	Grade Stabilization Structure	A structure used to control the grade and head cutting in natural or artificial channels.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
412	Grassed Waterway	A natural or constructed channel that is shaped or graded to required dimensions and established in suitable vegetation for the stable conveyance of runoff.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.

422	Hedgerow Planting	Establishing a living fence of shrubs or trees in, across, or around a field.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
423	Hillside Ditch	A channel that has a supporting ridge on the lower side, constructed across the slope at defined gradient and horizontal or vertical interval, with or without a vegetative barrier.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
428	Irrigation Ditch Lining	A lining of impervious material or chemical treatment, installed in an irrigation ditch, canal, or lateral.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
430	Irrigation Pipeline	A pipeline and appurtenances installed to convey water for storage or application, as part of an irrigation water system.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
432	Dry Hydrant	A non-pressurized permanent pipe assembly system installed into water source that permits the withdrawal of water by suction.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
436	Irrigation Reservoir	An irrigation water storage structure made by constructing a dam, embankment, pit, or tank.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
441	Irrigation System, Micro-irrigation	An irrigation system for distribution of water directly to the plant root zone by means of surface or subsurface applicators. Pipes, tubing, tape is placed on the surface or just below the surface within the plowzone.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
442	Irrigation System, Sprinkler	A planned irrigation system in which all necessary facilities are installed for efficiently applying water by means of perforated pipes or nozzles operated under pressure.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
443	Irrigation System, Surface and Subsurface	A planned irrigation system in which all necessary water-control structures have been installed for efficient distribution of irrigation water by surface means, such as furrows, borders, contour levees, or contour ditches, or by subsurface means.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
447	Irrigation System, Tailwater Recovery	A planned irrigation system in which all facilities utilized for the collection, storage, and transportation of irrigation tailwater and/or rainfall runoff for reuse have been installed.	<i>Subject to Standard Consultation Protocol for all conditions.</i>

449	Irrigation Water Management	Determining and controlling the rate, amount, and timing of irrigation water in a planned efficient manner.	Exempt- all conditions.
450	Anionic Polyacrylamide (PAM) Application	Application of water-soluble Anionic Polyacrylamide (PAM) to meet a resource concern.	Exempt- all conditions.
460	Land Clearing	Removing trees, stumps, and other vegetation from wooded areas to achieve a conservation objective.	Exempt when occurring on previously tilled ground and depth of previous disturbance is not exceeded, or when the practice involves the application of chemical or biological agents. <i>Use of mechanical methods is subject to Standard Consultation Protocol.</i>
462	Precision Land Forming	Reshaping the surface of land to planned grades.	Exempt when occurring on previously leveled cropland and depth of previous disturbance is not exceeded by both direct and in-direct (new plowzone) and no known cultural resources present.
464	Irrigation Land Leveling	Reshaping the surface of land to be irrigated to planned lines and grades.	Exempt when occurring on previously leveled cropland and depth of previous disturbance is not exceeded by both direct and in-direct (new plowzone) and no known cultural resources present.
466	Land Smoothing	Removing irregularities on the land surface.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded and no known cultural resources present.
472	Access Control	The temporary or permanent exclusion of animals, people, & vehicles from an area.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
484	Mulching	Applying plant residues or other suitable materials not produced on the site to the soil surface.	Exempt- all conditions
490	Tree/Shrub Site Preparation	Treating areas to encourage natural seeding of desirable tree or to permit reforestation by planting or direct seeding.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.

500	Obstruction Removal	Removal and disposal of unwanted, unsightly or hazardous buildings, structures, vegetation, landscape features, trash, and other materials.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
511	Forage Harvest Management	The timely cutting and removal of forages from the field as hay, greenchop, or silage.	Exempt- all conditions
512	Forage and Biomass Planting	Establishing and reestablishing long term stands of adapted species of perennial, biennial, or reseeding forage plants.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
516	Livestock Pipeline	A pipeline and appurtenances installed to convey water for livestock or wildlife.	Exempt when placed on ground surface and vehicle access limited to existing roads, or installed within previous tilled cropland and depth of previous disturbance is not exceeded.
521A	Pond Sealing or Lining, Flexible Membrane	A manufactured hydraulic barrier consisting of a functionally continuous layer of synthetic or partially synthetic, flexible material.	Exempt when applied within the footprint of existing pond.
521B	Pond Sealing or Lining, Soil Dispersant	A liner for a pond or waste storage impoundment consisting of a compacted soil-dispersant mixture.	Exempt- all conditions.
521C	Pond Sealing or Lining, Bentonite Sealant	A liner for a pond or waste impoundment consisting of a compacted soil-bentonite mixture.	Exempt when applied within the footprint of existing pond.
528	Prescribed Grazing	The controlled harvest of vegetation with grazing or browsing animals.	Exempt when intensity will not increase and will not cause livestock congregation or cause new disturbance.
533	Pumping Plant	A facility that delivers water at a designed pressure and flow rate. Includes the required pump(s), associated power unit(s), plumbing, appurtenances, and may include on-site fuel or energy source(s), and protective structures.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
548	Grazing Land Mechanical Treatment	Modifying physical soil and/or plant conditions with mechanical tools by treatments such as pitting, contour furrowing, and chiseling, ripping or subsoiling.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
550	Range Planting	Establishment of adapted perennial vegetation such as grasses, forbs, legumes, shrubs, and trees.	Exempt when implemented within areas of existing or previously tilled lands and depth of previous disturbance is not exceeded.

554	Drainage Water Management	Controlling the removal of surface or subsurface runoff, primarily through the operation of existing water control structures.	Exempt when implemented within areas of existing or previously tilled lands and depth of previous disturbance is not exceeded.
557	Row Arrangement	Establishing a system of crop rows on planned grades and lengths primarily for erosion control and water management.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
558	Roof Runoff Structure	A facility for collecting, controlling, and disposing of runoff water from roofs. The placement of gutters on the roof eaves and the disposal of the water across the land, away from the building or nearby structures.	Exempt when implemented on structures less than 50 years in age.
560	Access Road	A travel-way for equipment and vehicles constructed as part of a conservation plan.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
561	Heavy Use Area Protection	Protecting heavily used areas by establishing vegetative cover, by surfacing with suitable material, or by installing needed structures.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
562	Recreation Area Improvement	Establishing grasses, legumes, vines, shrubs, trees, or other plants or selectively reducing stand density and trimming woody plants to improve an area for recreation.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded, or when applied using chemicals, mowing, or on foot using hand tools.
570	Stormwater Runoff Control	A system for controlling excess runoff caused by construction operations at development sites, changes in land use, or other land disturbances.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
572	Spoil Spreading	Disposal of surplus excavated materials.	Exempt when placed on surface and doesn't result in surface disturbance for the first time, and no known cultural resources present.
574	Spring Development	Collection of water from springs or seeps to provide water for a conservation need.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
575	Animal Trails and Walkways	Established lanes or travel ways that facilitate animal movement.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
578	Stream Crossing	A stabilized area or structure constructed across a stream to provide a travel way for people, livestock, equipment, or vehicles.	<i>Subject to Standard Consultation Protocol for all conditions.</i>

580	Streambank and Shoreline Protection	Treatment(s) used to stabilize and protect banks of streams or constructed channels, and shorelines of lakes, reservoirs, or estuaries.	Exempt when work occurs within existing stream channels or does not exceed previous disturbance. <i>Work, including staging areas, affecting undisturbed lands or streambanks is subject to Standard Consultation Protocol.</i>
582	Open Channel	Constructing or improving a channel either natural or artificial, in which water flows with a free surface.	Exempt when work occurs within existing stream channels or does not exceed previous disturbance. <i>Work, including staging areas, affecting undisturbed lands or streambanks is subject to Standard Consultation Protocol.</i>
584	Channel Bed Stabilization	Measure(s) used to stabilize the bed or bottom of a channel	Exempt when work occurs within existing stream channels or does not exceed previous disturbance. <i>Work, including staging areas, affecting undisturbed lands or streambanks is subject to Standard Consultation Protocol.</i>
587	Structure for Water Control	A structure in a water management system that conveys water, controls the direction or rate of flow, maintains a desired water surface elevation or measures water.	Exempt when limited to repair/replacement of water control structures less than 50 years in age and does not exceed extent of previous disturbance. <i>Subject to Standard Consultation Protocol for all new water control structures and work on structures greater than 50 years in age.</i>
588	Cross Wind Ridges	Ridges formed by tillage, planting, or other operations and aligned perpendicular to prevailing wind directions during critical wind erosion periods.	<i>Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.</i>
589C	Cross Wind Trap Strips	Herbaceous cover established in one or more strips typically perpendicular to the most erosive wind events. Traps of at least 15-25 ft wide of annual or perennial plants, growing or dead, installed in cropland or other land susceptible to wind erosion.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
590	Nutrient Management	Managing the amount, form, placement, and timing of applications of plant nutrients.	Exempt- all conditions
592	Feed Management	Manipulating and controlling the quantity and quality of available nutrients, feedstuffs, or additives fed to livestock and poultry.	Exempt- all conditions

595	Integrated Pest Management	Managing weeds, insects and diseases by hand weeding, spot treatment, biological controls and use of chemicals on cropland to reduce adverse effects on plant growth, production, and natural resources.	Exempt- all conditions
600	Terrace	An earth embankment, or a combination ridge and channel, constructed across the field slope.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
603	Herbaceous Wind Barriers	Herbaceous vegetation established in rows or narrow strips across the prevailing wind direction.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
606	Subsurface Drain	A conduit installed beneath the ground surface to collect and/or convey excess water.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
607	Surface Drain, Main or Lateral	An open drainage ditch constructed to a designed cross section, alignment and grade.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
608	Surface Drain, Field Ditch	A graded ditch for collecting excess water in a field.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
609	Surface Roughening	Performing tillage operations that create random roughness of the soil surface. Creation of disking or ridges on existing cropland, to control wind erosion.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
610	Salinity and Sodic Soil Management	Management of land, water and plants to control and minimize accumulations of salts and/or sodium on the soil surface and in the crop rooting zone.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
612	Tree/Shrub Establishment	Planting or seeding woody plants	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
614	Watering Facility	A device (tank, trough, or other watertight container) for providing animal access to water.	Exempt when installed on existing or previously tilled cropland, when no new ground disturbance is planned, and will not cause new livestock congregations.
620	Underground Outlet	A conduit or system of conduits installed beneath the surface of the ground to convey surface water to a suitable outlet.	<i>Subject to Standard Consultation Protocol for all conditions.</i>

629	Waste Treatment	The use of unique or innovative mechanical, chemical, or biological technologies that change the characteristics of manure and agricultural waste.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
632	Solid/Liquid Waste Separation Facility	A filtration or screening device, settling tank, settling basin, or settling channel used to partition solids and/or nutrients from a waste stream.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
633	Waste Recycling	Using agricultural waste or other waste on land in an environmentally acceptable manner while maintaining or improving soil and plant resources.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
634	Waste Transfer	Using existing structures, conduits, or equipment to convey byproducts (wastes) from agricultural operations to points of usage.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
635	Vegetated Treatment Area	An area of permanent vegetation used for agricultural wastewater treatment.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
636	Water Harvesting Catchment	A facility for collecting and storing runoff from precipitation. Includes the construction of an apron, an overflow pipe or auxiliary spillway, and storage.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
638	Water and Sediment Control Basin	An earth embankment or a combination ridge and channel constructed across the slope of minor watercourses to form a sediment trap and water detention basin with a stable outlet.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
642	Water Well	A hole drilled, dug, driven, bored, jetted or otherwise constructed to an aquifer for water supply.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
643	Restoration and Management of Rare or Declining Habitats	Restoring and managing rare and declining habitats and their associated wildlife species to conserve biodiversity.	Exempt when limited to management plan. <i>Implementation of planned items may be subject to Standard Consultation Protocol.</i>
644	Wetland Wildlife Habitat Management	Retaining, developing, or managing wetland habitat for wildlife.	Exempt when limited to management plan. <i>Implementation of planned items may be subject to Standard Consultation Protocol.</i>

645	Upland Wildlife Habitat Management	Creating, maintaining, or enhancing areas for food and cover for upland wildlife.	Exempt when limited to management plan. <i>Implementation of planned items may be subject to Standard Consultation Protocol.</i>
646	Shallow Water Development and Management	The inundation of lands to provide habitat for fish and/or wildlife where water can be impounded or regulated by diking, excavating, ditching, and/or flooding.	Exempt when limited to management plan. <i>Implementation of planned items may be subject to Standard Consultation Protocol.</i>
647	Early Successional Habitat Development/Management	Manage plant succession to develop and maintain early successional habitat to benefit desired wildlife and/or natural communities. Can include timing hay cutting, harvest, and grazing as well as new plantings.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
649	Structures for Wildlife	Provide alternative cover when natural cover is not readily available. Includes artificial nest boxes or platforms, artificial cover such as brush piles, rock piles, buried concrete pipe, engineered log jams and natural cover manipulation, such as girdling trees to encourage snag development.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
650	Windbreak/Shelterbelt Renovation	Widening, partial replanting, removing and replacing selected trees and shrubs to improve an existing windbreak.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
655	Forest Trails and Landings	A route, travel-way, or cleared area within a forest.	Exempt when implemented within areas of existing or previously tilled cropland and depth of previous disturbance is not exceeded.
656	Constructed Wetland	An artificial ecosystem with hydrophytic vegetation for water treatment.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
657	Wetland Restoration	The return of a wetland and its functions to a close approximation of its original condition as it existed prior to disturbance on a former or degraded wetland site.	Exempt when implemented within previously disturbed lands and depth of previous disturbance is not exceeded and no known cultural resources present. <i>Note- staging areas for equipment and materials are subject to Standard Consultation Protocol.</i>
658	Wetland Creation	The creation of a wetland on a site that was historically non-wetland.	<i>Subject to Standard Consultation Protocol for all conditions.</i>

659	Wetland Enhancement	The augmentation of wetland functions beyond the original natural conditions on a former, degraded, or naturally functioning wetland site; sometimes at the expense of other functions.	<i>Subject to Standard Consultation Protocol for all conditions.</i>
660	Tree/Shrub Pruning	Removing all or selected branches from trees and shrubs.	Exempt when implemented by hand work only.
666	Forest Stand Improvement	Manipulate species of trees by cutting or killing selected trees and understory vegetation.	Exempt when implemented on foot, by hand, and with no ground disturbance or burning. <i>Use of mechanical methods outside of existing roads to remove vegetation, debris, and detritus is subject to Standard Consultation Protocols.</i>
670	Lighting System Improvement	Complete replacement or retrofitting of one or more components of an existing agricultural lighting system.	Exempt when implemented on lighting systems less than 50 years in age.
672	Building Envelope Improvement	Modification or retrofit of the building envelope of an existing agricultural structure.	Exempt when implemented on buildings less than 50 years in age.

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APPENDIX B
STANDARD DOCUMENTATION AND TREATMENTS FOR PROJECTS INVOLVING
HISTORIC DITCHES AND ACEQUIAS

Acequias and irrigation ditches have played an important role in the development of agriculture in many parts of New Mexico through the redistribution of waters to facilitate agricultural development in New Mexico's arid environment. NRCS routinely funds projects throughout New Mexico that rehabilitate, modernize, or convert (e.g., pipe, concrete line, etc.) acequias and ditches. The purpose of this appendix is to streamline the process for documenting, evaluating, and consulting on acequia and ditch structures for Section 106 purposes.

When evaluating the effect of individual pipeline or concrete lining projects, the NRCS will take into account both previous impacts to the resource as well as foreseeable future actions as a measure of the potential cumulative impact the project may have on the irrigation resource as a whole. Although the effect of individual projects may be minor, subsequent projects over time may collectively change or alter characteristics supporting the eligibility of the resource, thus causing an adverse effect (see 36 CFR 800.5(a)(1)) due to cumulative impacts.

A list of common actions to acequias, the documentation needed, the effect determination and whether or not the action will result in mitigation is listed in Table 1. If NRCS makes effect determinations or recommendations for mitigation different from Table 1, NRCS must consult with SHPO. If any acequia or structure is significant for its engineering or architectural features, NRCS shall consult with SHPO to determine the appropriate treatment, which may include the standard treatments in Table 1 or other treatments (e.g. HAER).

The below Standard Documentation section details the documentation requirements for all ditches and acequias. The Extensive Documentation section details standardized treatments that may be utilized for streamlining the process for resolving adverse effects in lieu of the process in 36 CFR 800.6. If an adverse effect is anticipated, NRCS will consult with New Mexico State Historic Preservation Office to ensure that the standardized treatments as discussed below are appropriate.

Standard Documentation:

In accordance with Stipulation II.c.3 , NRCS field office personnel may document and record short segments of irrigation ditches (excluding diversions and dams) and on-farm field ditches. All historic ditches and acequias will be documented according to the standards below.

1. completed HCPI base form and HCPI Acequia detail form
2. reconnaissance archival research (online sources, oral history from producer, etc.)
3. representative photographs of structure(s) and features (if any)
4. sketch map
5. extent of entire resource depicted on aerial image/topographic map (if possible)
6. segment and entire resource (if possible) depicted on topographic map (1:24k)

675 **Extensive Documentation**

676

677 The following streamlined approach listed below will be considered Standard Treatment for
678 resolving adverse effects to National Register eligible or undetermined ditches and acequias. The
679 following Standard Treatments for resolving adverse effects will be applicable when no Indian
680 Tribes or other consulting parties wish to participate in the resolution of adverse effects as
681 outlined in 36 CFR 800.6. NRCS CRS or qualified consultants will complete the Extensive
682 Documentation listed below.

683

684

1. completed HCPI base form and HCPI Acequia detail form

685

2. extensive archival research (State Engineer Office records, oral history from
landowner, oral history from mayordomo, etc.)

686

687

3. representative High resolution digital photographs of structure(s) and features (if
any) printed on archival paper

688

689

4. sketch map

690

5. scaled sketch drawings

691

6. extent of entire resource depicted on aerial image/topographic map

692

7. segment and entire resource depicted on topographic map (1:24k)

693 **Table 1. Actions and Documentation required assuming that Main/Laterals are considered**
 694 **Eligible for listing to the NRHP and unnamed field laterals (serving single owner) are**
 695 **considered Not Eligible for NRHP.**
 696

Action	Documentation	Project Effect	Mitigation Measures
Convert unnamed single user earthen or concrete lined field ditch system to subsurface pipeline – Pipeline will tie onto existing turnout off of Main or Lateral	Standard documentation of field ditch system.	No Historic Properties Affected	n/a
Convert unnamed single user earthen or concrete lined field ditch system to subsurface pipeline – A new turnout will be installed on Main or Lateral	Standard documentation of field ditch system <i>and</i> standard documentation of ~50m segment in each direction (if accessible) of Main/Lateral.	No Adverse Effect	n/a
Convert unnamed single user earthen or concrete lined field ditch system to subsurface pipeline – with replacement of >50 year old turnout on Main or Lateral	Standard documentation of field ditch system <i>and</i> standard documentation of ~50 m segment in each direction (if accessible) of Main/Lateral.	No Adverse Effect	n/a
Convert unnamed single user earthen or concrete lined field ditch system to subsurface pipeline – with replacement of <50 year old turnout on Main or Lateral	Standard documentation of field ditch system <i>and</i> standard documentation of ~50 m segment in each direction (if accessible) of Main/Lateral.	No Adverse Effect	n/a
Install <i>new</i> ditch structure on Main/Lateral (diversion, flume, overshoot, etc.)	Standard documentation of ~100 m segment in each direction (if accessible) of Main/Lateral	No Adverse Effect	n/a
Replace existing ditch structures (diversion dams, flumes, overshoots, etc.) > 50 years in age with in-kind materials. (Structure is not significant for its engineering/architectural elements)	Standard documentation of ~100 m segment of Main/Lateral. Detailed documentation of structure (photos, sketch drawing, etc.)	No Adverse Effect	n/a
Replace existing ditch structures (diversion dams, flumes, overshoots, etc.) < 50	Standard documentation of ~100 m segment of	No Adverse Effect	n/a

years in age with new materials. (Structure is not significant for its engineering/architectural elements)	Main/Lateral including the structures.		
Convert earthen Main/Lateral to pipeline or concrete lining, less than 10 percent of total length of acequia/lateral. NRCS will take into consideration cumulative effects.	Standard documentation of affected Main/Lateral segment. Reconnaissance documentation of entire extent of Main/Lateral (GIS, water rights information, archival research).	No Adverse Effect	n/a
Convert concrete lined Main/Lateral to pipeline, less than 10 percent of total length of acequia/lateral. NRCS will take into consideration cumulative effects.	Standard documentation of affected Main/Lateral segment. Reconnaissance documentation of entire extent of Main/Lateral (GIS, water rights information, archival research).	No Adverse Effect	n/a
Replace existing concrete lined Main/Lateral with in-kind material	Standard documentation of affected Main/Lateral segment. Reconnaissance documentation of entire extent of Main/Lateral (GIS, water rights information, archival research).	No Adverse Effect	n/a
Replace existing ditch structures (diversion dams, flumes, overshots, etc.) > 50 years in age with new materials. (Structure is not significant for its engineering/architectural elements)	Extensive documentation of ~100 m segment of Main/Lateral.	Adverse Effect	Extensive documentation of acequia/acequia features in project area, plus Reconnaissance documentation of entire extent of Main/Lateral (oral history, GIS, water rights information, etc.). Detailed documentation of structure (photos, sketch drawing, etc.).
Convert earthen Main/Lateral to pipeline or concrete lining, greater than 10 percent of total length of acequia/lateral.	Extensive documentation affected segment of Main/Lateral.	Adverse Effect	Extensive documentation of acequia/acequia features in project area, plus Reconnaissance documentation of entire extent of Main/Lateral (oral history, GIS, water rights information, etc.).

Convert concrete lined Main/Lateral to pipeline, greater than 10 percent of total length of acequia/lateral.	Extensive documentation affected segment of Main/Lateral.	Adverse Effect	Extensive documentation of acequia/acequia features in project area, plus Reconnaissance documentation of entire extent of Main/Lateral (oral history, GIS, water rights information, etc.).
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698 **Definitions:**

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700 Main ditch (Acequia Madre)- The main channel for delivering water to community laterals and
701 field laterals. These ditches begin at water source, usually a stream or river, and ends where the
702 water empties back into the river downstream or at the lower end of the community. Typically
703 considered as eligible for listing to the NRHP following criteria a, c, and d, as appropriate.

704

705 Lateral ditch (Acequia Menores, Linderos)- An irrigation channel that branches off of the Main
706 ditch/Acequia Madre to deliver irrigation waters to localized community of landowners.
707 Operation and maintenance of laterals is usually the responsibility of the group of landowners
708 who utilize the lateral. Lateral ditches normally will be considered to be eligible for listing to the
709 NRHP following criteria a, c, and d, as appropriate.

710

711 Field lateral (Brazos)- Established channels that are used to irrigate individual plots of land.
712 Normally these follow the edges of irrigation fields. Checks or turnouts release water directly
713 onto fields or into field ditches in order to irrigated fields. These ditches are typically the
714 responsibility of the landowner to establish and maintain. Field laterals are typically not eligible
715 for the NRHP as these resources are usually significant only to the fields and ranch where it is
716 located.

717

718 Field ditch (field spreaders/furrows, Surcos)- Ephemeral channels used to distribute irrigation
719 waters within agricultural fields. These are usually re-established on a regular basis. These
720 ditches are typically the responsibility of the landowner to establish and maintain. In general,
721 these ditches do not meet the 50 year old threshold to be considered cultural resources.

722

723 Drains (Desagues)- channel or outlet used to carry excess water away from system or irrigation
724 fields. When located at the base of agricultural fields, these resources will typically be considered
725 not eligible for NRHP as the significance is tied to the individual fields. Drains serving multiple
726 landowners will need to be evaluated for NRHP within the context of the entire irrigation system.

727

728 **APPENDIX C**
729 **STANDARD DOCUMENTATION AND TREATMENT PROTOCOL FOR A SPECIAL**
730 **CLASS OF PROPERTIES: FARMING, RANCHING AND HOMESTEADING**
731 **FEATURES**
732

733 Farming and ranching are an important facet of New Mexico's past, present, and future economy.
734 Historic era farming and ranching buildings, structures, and homesteads built prior, during, and
735 after the Land Grant period and the Homestead Act in 1862 reflect how lands in New Mexico
736 have been used to propagate its agricultural base. The NRCS assists today's farmers and ranchers
737 to implement improvements to their operations. Oftentimes, the original materials or design of
738 common farming and ranching structures and buildings are now obsolete, non-functioning, and/or
739 too costly to maintain. In their place, modern materials and designs are desired that repair or
740 replace the original structures in order to prolong functionality, increase life-span, and/or ease
741 labor maintenance costs for the rancher. Given the nature of the NRCS work with agricultural
742 producers, listed below are common resources NRCS encounters during its work. These
743 resources are often ubiquitous on the landscape and in general represent agricultural development
744 and settlement of the West in the broadest sense. The purpose of this appendix is to streamline
745 the process for documenting, evaluating, and treating historic farming and ranching structures for
746 Section 106 purposes.
747

748 There are a significant number of potential features that can be found within historic farming,
749 ranching, and homesteading complexes; these can be part of a discrete complex or isolated
750 buildings or structures within a larger ranching landscape (e.g. structures, wells, windmills,
751 corrals, pens, fences, roads, etc.). These should first be identified as either an isolated building or
752 structure and evaluated for NRHP eligibility on its own, or as a building or structure within a
753 complex where the complex as a whole is evaluated for NRHP eligibility and individual buildings
754 and/or structures are evaluated for their contribution to the resource as a whole (i.e., contributing
755 or non-contributing). Avoidance is always first priority; however, if historic property is
756 unavoidable, evaluate the effect of the project implementation to the property as a whole.
757

758 If the resource is evaluated for NRHP as "undetermined" or eligible and the proposed
759 conservation practice will adversely affect the resource, Extensive Documentation methods will
760 be employed. If an adverse effect is anticipated, NRCS will consult with New Mexico State
761 Historic Preservation Office to ensure that the standardized treatments as discussed below are
762 appropriate.
763

764 The below Standard Documentation section details the documentation requirements for all
765 historic farm, ranching, and homesteading structures. The Extensive Documentation section
766 details standardized treatments that may be utilized for streamlining the process for resolving
767 adverse effects.
768

769 **Standard Documentation:**
770

771 In accordance with Stipulation II.c.3 , NRCS field office personnel may document and record
772 isolated windmills, watering facilities, corrals and earthen tanks following the standards below.
773

- 774 1. draft HCPI base and detail forms

- 775 2. reconnaissance archival research (online sources, oral history from producer, etc.)
776 3. representative photographs of structure(s) and features (if any)
777 4. sketch map
778 5. resource depicted on aerial image (if possible)
779 6. resource depicted on topographic map (1:24k)
780

781 **Extensive Documentation**

782
783 The following streamlined approach for the resolution of potential adverse effects to historic
784 farming, ranching, and homesteading properties without establishing an MOA will be applicable
785 when no Indian Tribes or other consulting parties wish to participate in the resolution of adverse
786 effects as outlined in 36 CFR 800.6. Provided that NRCS and SHPO are in agreement that the
787 below standardized treatments are appropriate, extensive documentation mitigating potential
788 adverse effects may be provided to SHPO concurrently with APE determination, survey results,
789 and project effect consultations. The NRCS CRS or qualified consultants will complete the
790 Extensive Documentation following the standards listed below.
791

- 792 1. completed LA site form and HCPI base and detail forms (as applicable)
793 2. extensive archival research, as available (e.g., State Engineer Office records, BLM
794 GLO records, oral history from landowner/community, census data, etc.)
795 3. representative high resolution digital photographs of structure(s) and features (if
796 any) printed on archival paper
797 4. representative photographs of site, structure(s), and features
798 5. sketch map
799 6. scaled sketch drawings
800 7. extent of site and features depicted on aerial image
801 8. extent of site and features depicted on topographic map (1:24k)
802
803

804 **Definitions of Resource Types:**

805
806 Complete the LA site form and/or HCPI form as applicable, taking into consideration the
807 integrity of the resource and following guidance in the National Register Bulletins.
808

809 Homesteads or Ranching Headquarters: traditionally defined as a domestication habitation
810 property associated with a a building or structure or a complex of buildings or district that are
811 associated with agricultural traditions. These properties can include a wide variety of buildings
812 and structures.
813

814 Houses and/or Domestic Structures: habitation structure.
815

816 House Foundation: remains of habitation structure, including collapsed buildings. Includes
817 footings of various materials, formal house cellars, cement slabs, fireplaces or chimney remnants,
818 builders' trenches, and crawl spaces.
819

820 Log Cabin: structure built of logs. Footing types and roofs vary. Use for standing/extant or
821 partially deteriorated/dismantled structures.

822

823 Dugout: structure formed by excavation into the ground and then roofed over. May be dug into
824 the side of a hill, or have a stair access. Used as a residence and/or storage.

825

826 Wells: deep shaft or hole drilled to obtain water or other resources.

827

828 Corrals: enclosure for confining livestock. May be constructed of any materials and incorporate
829 natural features or vegetation as part of the enclosure.

830

831 Lambing Pen: small, sheltered enclosure used to protect young lambs.

832

833 Outhouses: small structure housing an outdoor toilet, or the remains of such a structure.

834

835 Windmills: wheel of adjustable blades or shafts rotated by the wind to provide energy to draw
836 water from a well.

837

838 Tank: a capture and/or holding area for liquids. Includes stock impoundments, metal tank stock
839 waters, wildlife waterers, waste water/sewage impoundments, oil tanks, LP tanks, etc.

840

841 Reservoir: natural or artificial lake in which water can be stored for future use.

842

843 Water Catchment Device: small structure for the collection of water. Includes cisterns and
844 retention dams.

845

846 Barns: large farm or ranch building used to house/store livestock, machinery, feed, and
847 equipment. Includes stables.

848

849 Outbuildings and Sheds: structures separated from, but related to, the principal structure on a
850 residential site. Includes: chicken coops, storage buildings, well houses, etc.

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**APPENDIX D
PROCEDURES FOR EMERGENCY RESPONSE**

Following these procedures for emergency response, the NRCS shall take into account the effects of their undertakings on historic properties, while insuring that the main agency priority is the protection of life and property.

a. If the President declares an area to be a major disaster area, the NRCS will provide assistance which will be coordinated with the Federal Emergency Management Agency (FEMA). FEMA is the lead federal agency for Presidentially-declared natural disasters. As outlined in Stipulation VI, the terms of this State-based Prototype Agreement shall not apply to that undertaking. With the written concurrence of the FEMA, the New Mexico SHPO, and the New Mexico Department of Homeland Security and Emergency Management, NRCS may follow the approved alternative procedures as outlined in Appendix A to the programmatic agreement for FEMA programs in the State of New Mexico to satisfy responsibilities under Section 106 and Section 110 of NHPA.

b. When the New Mexico NRCS State Conservationist determines that a watershed impairment exists, but the President does not declare an area to be a major disaster area, FEMA does not coordinate assistance and NRCS will assume the role of lead federal agency for all undertakings that occur on private and State of New Mexico lands. Following the NRCS's Emergency Watershed Program (EWP) final rule (see Section 216, P.L. 81-516 Final Rule, 7 CFR Part 624 (April 2005) and 36 CFR 800.12, the NRCS shall consult with the New Mexico SHPO as outlined below.

1. NRCS shall notify the New Mexico SHPO immediately or within 48 hours of the emergency determination.
2. New Mexico SHPO shall respond to this notification within seven days providing comments. If circumstances do not permit seven days for comment, the NRCS shall notify the New Mexico SHPO and appropriate Indian tribes to invite comments within the time available.
3. For an emergency where there is a future, but not immediate, threat to life and property, the NRCS shall follow the review procedures outlined in Stipulation V. of this agreement with the exception that the New Mexico SHPO shall respond within 15 days, or within the time available, to the NRCS's findings and/or determinations.

For an exigency where there is an immediate threat to life and property, the NRCS shall follow the procedures outlined in Stipulation V. as circumstances allow. The New Mexico SHPO shall respond to the NRCS's findings and/or determinations within seven days or within the available time period as determined by the State Conservationist. Under extraordinary circumstances and pursuant to 36 CFR 800.12 (d) and 36 CFR 78.3, the State Conservationist retains the right to waive the provisions of Section 106 and 110 of NHPA and proceed with providing emergency assistance to eliminate an imminent threat to human life or property

899 without New Mexico SHPO concurrence. If the State Conservationist makes use of their
900 waiver authority, the NRCS shall notify the New Mexico SHPO, Indian tribes, and the
901 Secretary of Interior in writing pursuant to 36 CFR 78.4.

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**APPENDIX E
GLOSSARY OF ACRONYMS USED IN THIS DOCUMENT**

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

947 **HCPI** **Historic Cultural Properties Inventory**
948
949 **ARMS** **Archeological Records Management Section (NM Department of Cultural Affairs)**
950
951 **LA** **Laboratory of Anthropology**
952

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