

Mississippi Cultural Resources Compliance Process Overview

It is NRCS policy to consider cultural resources early in the planning process. This usually means that upon identification of a Review (R) practice the Field Office should;

- 1) Establish the Area of Potential Effect (APE),
- 2) Conduct a cultural resources background review and field inspection,
- 3) Complete the Cultural Resources Review Form (MS-CR-1), and
- 4) Submit the form to their Area Cultural Resources Contact (CRC) for a Mississippi Archaeological Site File Review.

If the information on potential cultural concerns is identified early, the project can be designed to avoid potentially significant resources or areas of cultural resources concern. Completing the survey and evaluation prior to initiating contracts or other commitments can prevent delays and contract modifications.

Review (R): Conservation practices that can affect cultural resources when installed according to standard NRCS criteria. Usually, any ground disturbance, heavy equipment use, land clearing, or new construction will meet the conditions for Review (R) practices.

Area of Potential Effect (APE): The geographic area or areas where NRCS planned activities may cause changes in the character or use of cultural resources. The APE should encompass all lands that would be directly or indirectly affected by the proposed practice. For example, the APE should cover the “footprint” of the actual conservation practice/structure, as well as all access and haul roads, borrow areas, areas where spoil will be deposited, temporary storage areas, and staging areas. In some cases with very large or elevated projects, the APE may include visual effects beyond property lines. Other kinds of indirect effects may also need to be considered on a case-by-case basis.

The compliance process works best when sufficient time is allowed for each step. Most cultural resources compliance reviews are completed upon a determination of negative results for the field inspection and site file review. However, if the site file review or field inspection results in the identification of cultural resources, a cultural resources survey may need to be conducted by a Cultural Resources Specialist (CRS).

The CRS will also evaluate the potential for cultural resources to be present within the APE based on physiographic setting, the extent of previous disturbances, soils and geomorphology, and the distribution of previously recorded resources in the vicinity of the APE. If these factors indicate a high probability for unrecorded cultural resources, a cultural resources survey may be necessary.

Who can conduct cultural resources reviews?

Only those who have completed the **NRCS National Cultural Resources Training Program Modules 1-8** may make decisions on determinations of undertakings, conduct cultural resources field inspections, or monitor construction for cultural resources.

If trained personnel are not available, the Field Office should complete and submit the MS-CR-1 form to the Mississippi Cultural Resources Specialist (CRS).

It is best to schedule archaeological survey during periods when bare ground is visible. At other times, ground preparation (such as disking previously plowed fields) or subsurface testing may be required. This adds time and cost to the undertaking. If cultural resources that can not be avoided are located within the APE, consultation with the Mississippi State Historic Preservation Office (SHPO) and Federally recognized Indian tribes is required. The SHPO has up to 30 days to comment on a finding or determination. If the SHPO objects within the 30 days, NRCS must consult to determine the appropriate course of action. Consultation can be a lengthy process.

The *Mississippi Cultural Resources Procedures Handbook* located in Section II of the e-FOTG in the Cultural Resources Information folder and on the Farm Bill Programs server in the Cultural Resources folder presents the detailed process for cultural resources consideration in Mississippi.