

## **INSTRUCTIONS FOR MAINE'S CULTURAL RESOURCES REVIEW WORKSHEET (ME-CR-1)**

The purpose of this document is to provide guidance for NRCS employees who are completing the NRCS Cultural Resources Review Worksheet (ME-CR-1, available in Section II C. of eFOTG). As noted in our State Level Agreement with the Maine Historic Preservation Commission (directed by the State Historic Preservation Officer [SHPO]) and in our Consultation Protocols with the Passamaquoddy Tribe and the Penobscot Indian Nation, only NRCS personnel who have completed the NRCS eight-module Cultural Resources Training Series and subsequent training and updates may conduct limited cultural resources reviews using the Worksheet. Furthermore, when the authority for resource planning is not at the Field Office level or when an undertaking is on lands owned or controlled by more than two persons or public entities, the NRCS Cultural Resources Coordinator/Specialist (CRC/S) will prepare the Worksheets in consultation with field personnel.

Completion of the Worksheets is one of the initial steps in ensuring that NRCS complies with historic preservation laws, especially Section 106 of the National Historic Preservation Act. Section 106 requires NRCS and all Federal agencies to consider the effects of their undertakings on historic properties (significant prehistoric and historic cultural resources) and to afford the Advisory Council on Historic Preservation an opportunity to comment on such undertakings. The Council has defined "undertaking" as "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval" (36 CFR 800.16).

In general, any conservation practice or other project for which NRCS provides funding or controlling technical assistance (e.g., designing or laying out where a project "should" be located) is an undertaking. These practices and projects often entail some form of alteration of the soil or the landscape and may affect historic properties. Other NRCS projects, programs, or activities are less likely to impact historic properties. These latter kinds of undertakings are exempted from cultural resources reviews and are listed in Attachment III of the aforementioned State Level Agreement and Consultation Protocols (see Section II C. of eFOTG).

Careful completion of the Worksheets will help to provide the CRC/S, the SHPO, and the Tribal Historic Preservation Officers (THPOs) with enough information to determine if professional investigations are warranted to identify, evaluate, or treat cultural resources in project areas. Proper and timely completion of the Worksheets also will allow NRCS to provide its customers with quicker delivery of conservation assistance. Most CRC/S reviews of Worksheets will take less than a week. However, when consultation is needed with the SHPO and THPOs, reviews may take 30 days or longer, depending on necessary studies. Field Offices should inform their customers of these timeframes (noted on the NRCS Maine fact sheet "Cultural Resources and your Conservation Project") and the status of their historic preservation reviews.

To help speed these reviews, NRCS employees need to copy eFOTG's Word version of the Worksheet to their computers' hard drives. Then the computerized copy can serve as an electronic template for filling in the blanks. *Note that since the Worksheet is a protected fillable form, one must save the document with a new file name each time it is reopened and new data are entered.*

Introduction to the Worksheet. The Worksheet is to be used to record information on all undertakings for which NRCS provides funds or controlling technical assistance. The

landowner/sponsor's mailing address and location of the undertaking are separated, since they can be different. Please record the county of the undertaking.

If the project is occurring on lands of a Federally-recognized Indian Tribe, note in the space by "Location of Undertaking" whether that property is reservation, trust, or fee land of the Aroostook Band of Micmacs, Houlton Band of Maliseet Indians, Passamaquoddy Tribe, or Penobscot Indian Nation. In those cases, the CRC/S will need to consult with the appropriate tribe according to stipulations of the Consultation Protocols and regulations of the Advisory Council on Historic Preservation.

Sensitivity Analysis. A sensitivity analysis is a cultural resources review of a larger project area where the proposed locations of particular undertakings are not yet known. If you have flexibility in locating your projects, requesting this analysis may help you avoid culturally sensitive areas. Also, if you plan to work with a customer for a number of years with multiple undertakings on the same large tract, this analysis can provide you with upfront information on areas to avoid or to use without later delays. Before deciding on a sensitivity analysis, you should be aware that it will take at least 30 days for a SHPO review; and CRC/S field visits and photography may be necessary.

1. Undertakings. It is important to note the dimensions and construction details for each conservation practice, since individual practices may be implemented differently. Accurate description can mean the difference between your project needing a cultural resources survey or quickly receiving a no-effect determination. Acreage is necessary because the CRC/S must record this value in the Performance Results System (PRS).

As noted, you should check Attachment III of the State Level Agreement with the SHPO or of the Consultation Protocols with the THPOs to see if your undertaking is exempt from cultural resources review (see hyperlink to Section II C. of eFOTG). If it is exempt, fill in the Worksheet only through question 1 (Undertakings) so as to list the kind of undertaking and note that it is exempted from review; then retain the Worksheet in the Field Office's project file (*without sending a copy to the CRC/S*). For all other undertakings not exempt from review, fill in the rest of the Worksheet and provide the indicated documentation to the CRC/S.

Dates proposed for contract signing and project implementation help the CRC/S determine which cultural resources surveys have priority for scheduling.

2. Conditions. The description of landuse helps to provide information on the presence of cultural resources or their physical integrity and significance. For example, knowing that heavy use area protection is planned on top of a reclaimed gravel pit would indicate that no intact archaeological deposits would exist in the underlying fill. Also, if the barnyard setting for a new conservation practice includes numerous modern buildings or utilities, the presence of these structures can affect the integrity of any other historical buildings.

Interview the landowner/sponsor on site to see if the area of potential effects (APE) is all on fill or otherwise disturbed below the depth of the proposed undertaking. Areas of previous tillage, animal traffic, or vehicular traffic are not considered disturbance here, since significant archaeological resources may still exist within them.

3. Natural and cultural setting. These questions relate to the archaeological potential of the APE. Part a asks if the project location is near larger natural water sources, since the majority of prehistoric Indian sites in Maine are found adjacent to present or former canoe-navigable waters.

A brief description of the physical geography of the APE and its vicinity is also requested, since the position of landforms may not be obvious from an examination of maps and aerial photographs. These descriptions of landforms may help to decide if a survey is warranted or not.

Part b asks if the APE has soils conducive to prehistoric Indian settlement, since certain well drained soils with low slope are associated with Native American sites. To determine if your project area's soils are sensitive for prehistoric archaeological sites, refer to the Archaeological Soil Tools for the appropriate county in Section II A. of eFOTG or to the Prehistoric Archaeology Soils layer in ArcGIS. Use observations from a field check and descriptions from the Soil Survey to characterize a soil's stoniness, drainage, slope, inclusions, and map unit symbol/name. For smaller project areas, you should estimate average characteristics like stoniness and slope; for larger areas, you should note if there are considerable differences in these characteristics from one location to another.

Part c requests you to inspect the APE for any obvious historical archaeological resource like a stone foundation (without superstructure) or a stone wall (not a linear stone dump). Also note any suspicious mounds, depressions, or even ornamental plants growing in an unlikely location (possible former homestead).

For Part d you need to interview the landowner/sponsor about any artifacts or other cultural resources in the APE.

4. Architectural resources. Check if historical buildings or other architectural/ engineering structures, objects, or landscapes are in the APE. Interview the landowner/sponsor and use your best judgment to determine if the architectural resource is at least 50 years old. Review of the online version of the National Register of Historic Places (see hyperlink to <http://www.nationalregisterofhistoricplaces.com/me/state.html> or Section II C. of eFOTG) may identify cultural resources that are not immediately obvious (e.g., a former canal or its towpath). Note that the APE includes the area of direct physical impact from an undertaking *and* the surrounding area in which an undertaking may be visible. If you are unsure if given historical buildings are in your APE, photograph them anyway and submit the documentation to the CRC/S. Thereby you may save a later trip to the field.

When historical architectural resources are in your APE, check YES and list each resource and its approximate construction date. Also include with your Worksheet numbered photographs that are keyed to a map showing the resources. Photographs preferably should show the opposite corners of each structure, thereby illustrating all four sides. Additional wide-angle photographs of the layout of architectural resources with respect to your undertaking are desirable, since they will convey more information to reviewers. These latter photographs should include any modern structures to illustrate the integrity of the setting.

If no historical architectural resources are present, check NO. You may also choose NO, if you can append to the Worksheet correspondence from the MHPC indicating that all the historical architectural resources are ineligible for the National Register.

5. Review documentation. When your answer to question 2 is YES and the answer to question 4 is NO, or, when your answers to questions 3a-3d and 4 are all NO, then your undertaking warrants no further cultural resources review and may proceed. Put your Worksheet in the Field Office's project file and within 14 days send the CRC/S—by *email or FAX*—a copy of the Worksheet with attached section of a USGS quadrangle showing your APE and with any correspondence needed

for question 4. Upon receipt, the CRC/S will copy you by email on NRCS's determination of "no historic properties affected" and will record this information in PRS.

When you are requesting a sensitivity analysis or when at least one of your answers to questions 3a-3d or 4 is *YES*, send the CRC/S—*by email or surface mail*—two copies (as appropriate) of the Worksheet for review with the listed attachments. The CRC/S will examine these documents for completeness and evidence for archaeological or architectural properties and then will forward copies to the SHPO and THPOs, as appropriate, for consultation on the need for cultural resources investigations. Our State Level Agreement and Consultation Protocols allow the SHPO and THPOs at least 30 days for this initial consultation. If investigations are needed to identify, evaluate, or treat historic properties, then an additional 30 days and probably more will be necessary to comply with Section 106.

Finally, whenever submitting a Worksheet to the CRC/S, you should record the Field Office mailing date at the top of the first page of the ME-CR-1. Completion of this mailing date (in M/D/YYYY format) will serve as a record for the Field Office that the Worksheet indeed was sent to the CRC/S. Our use of email whenever possible will help to speed the delivery of services to our customers. Early planning also will serve to avoid conflicts between implementing cultural resources studies and conservation practices. Additionally, with your NRCS cultural resources training and your knowledge of the Worksheet questions, you should try to locate your practices in areas that have little or no potential of impacting significant archaeological and architectural properties.