

AMENDMENT 1

MEMORANDUM OF UNDERSTANDING (MOU)  
BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE  
FARM SERVICE AGENCY (FSA) AND  
THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS)  
FOR IMPLEMENTING HISTORIC PRESERVATION/CULTURAL RESOURCES  
COMPLIANCE ROLES AND RESPONSIBILITIES FOR THE  
CONSERVATION RESERVE PROGRAM (CRP) IN SOUTH DAKOTA

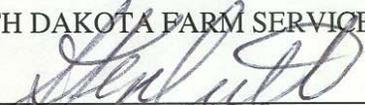
**A. As a clarification for FSA/NRCS roles and procedures for CRP cultural resources on the Lower Brule Sioux Reservation pursuant to MOU Stipulation #4:**

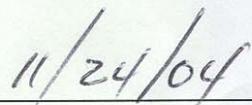
1. NRCS district conservationist (DC) identifies CRP project within the Lower Brule reservation boundaries and supplies the FSA county executive director (CED) with an SD-SSC-2 form so that FSA can conduct initial Tribal consultation [per MOU].
2. FSA submits a written request and consultation project information to Scott Jones [or applicable contact person], Lower Brule Cultural Resources Contact. This written request should be sent certified mail.
3. If Mr. Jones identifies the need for a professional archeological survey for the subject project location, FSA will notify the producer of the need for a survey. If Mr. Jones does not respond to the certified mail request within 30 days, or does not identify the need for a professional survey, FSA shall notify the NRCS DC of the response and NRCS will complete an SD-SSC-1 form (with field check) or SD-SSC-2 (if database checks or consultation identifies concerns).
4. NRCS provides the FSA CED with applicable SD-SSC form and normal statewide procedures are followed [per MOU].

**B. Notification of two new Tribal Historic Preservation Offices (THPO's) pursuant to MOU Stipulation #6.**

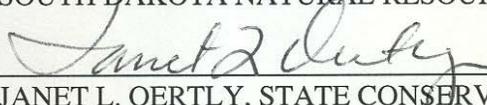
1. On October 27, 2004, the National Park Service (NPS) approved the Rosebud Sioux Tribe Historic Preservation Office (THPO) to assume the state historic preservation office (SHPO) functions of Section 106 review (National Historic Preservation Act) of activities within the exterior boundaries of the Tribe's reservation boundaries (Todd County) and Tribal land in South Dakota. As NRCS's State Level Agreement (SLA) with the SHPO no longer applies to Todd County, NRCS will only provide FSA a SD-SSC-2 form for this area. On trust lands, FSA should also consult with the Bureau of Indian Affairs (BIA) regional archeologist.
2. On October 27, 2004, the NPS approved the Sisseton-Wahpeton Oyate THPO to assume the SHPO functions of Section 106 review (National Historic Preservation Act) of activities on trust land (no formal reservation boundaries) for the Tribe in South Dakota. As NRCS's SLA with the SHPO does not apply to trust lands, NRCS will only provide FSA a SD-SSC-2 form for trust lands. On trust lands, FSA should also consult with the Bureau of Indian Affairs (BIA) regional archeologist.

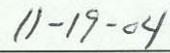
SOUTH DAKOTA FARM SERVICE AGENCY

  
STEVEN K. CUTLER, STATE EXECUTIVE DIRECTOR

  
DATE

SOUTH DAKOTA NATURAL RESOURCES CONSERVATION SERVICE

  
JANET L. OERTLY, STATE CONSERVATIONIST

  
DATE