

VI. CONSULTATION

A. State Historic Preservation Officer (SHPO) - State Level Agreement (SLA)

- The State Level Agreement is between the South Dakota State Historic Preservation Officer (SHPO) and the Natural Resources Conservation Service (NRCS) for lands where the SHPO has consultation responsibility. Exhibit 1 of the SLA applies only to areas where the SHPO has geographic applicability and where a Tribal Historic Preservation Office (THPO) does not exist.
- The State Level Agreement identifies those projects that the SHPO wants to be consulted on through either annual reporting or individual survey reports of undertakings. Cultural Resource Specialists (CRSs) will conduct appropriate consultation with the SHPO.

B. Tribal Historic Preservation Officer (THPO)

- NRCS will consult with the Tribal Historic Preservation Officer on those reservations where Indian tribes have assumed the responsibilities of the SHPO on all undertakings. As of 2/2002, there are two THPOs in South Dakota. These are Standing Rock Indian Reservation and Cheyenne River Indian Reservation. Cultural resource activities will be conducted on these two reservations in accordance with protocols requested by each THPO.
- The State Conservationist, working with the State Cultural Resources Specialist, Tribal Liaisons and the District Conservationists, will notify each THPO of individual undertakings which will happen within their reservation. For tribes in which NRCS has specific *consultation protocols*, those protocols will outline consultation procedures.

- A. On reservations where the tribe has not assumed the SHPO responsibilities, NRCS will consult with both a representative designated by the Indian tribe and with the South Dakota SHPO (pursuant to the SLA).

D. Tribal Ancestral Lands (Off Reservation Boundaries)

- NRCS will consult with both resident and non-resident Tribes with ancestral land interests in areas of proposed NRCS undertakings. For tribes in which NRCS has specific *consultation protocols*, those protocols will outline consultation procedures [including those *protocols* neighboring NRCS State Offices have with their resident tribes]. Where protocols have not been developed, the NRCS State Office will send out a general program consultation letter (i.e., identifying the county areas that NRCS will be working in the program year) to potentially interested Tribes (i.e., those identifying themselves as interested parties, those identified on the map titled: "Indian Land Areas Judicially Established 1978," or those within the National Park Service's "Native American Consultation Database" for the respective counties).

Interested Tribes will be encouraged to respond to identify general areas in which they will want more project specific information/consultation as projects are developed. Tribal Liaisons may be asked by the State Cultural Resource Specialist to also assist in this process through face-to-face consultation.

- Individual undertakings with the potential to effect cultural resources, in areas identified on maps supplied by Tribal interests, will require follow-up consultation for each project. The State Conservationist, State Cultural Resources Specialist, District Conservationist, and relevant NRCS Tribal Liaisons will coordinate consultation.

South Dakota NRCS will continue to initiate consultation with Tribal Historic Preservation Officers, Federally recognized tribes with land within the state and non-resident tribes with interest in ancestral lands within the state boundaries to establish mutually acceptable Section 106 consultation protocols or agreements. This consultation will follow the guidelines set up in the National Programmatic Agreement [once implemented].

E. County governments, historical societies, and/or other interested public [Non Tribal Land]

- NRCS will seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, the confidentiality concerns of private individuals, and the relationship of the Federal involvement to the undertaking.
- The majority of NRCS activities happen on property outside of municipal boundaries. Therefore, in the early planning phase of programs (prior to project selection), NRCS (State Office) will send out an initial consultation letter to each county and to local historical societies [where applicable]. This letter will request these potentially interested parties to identify general areas of local concern by submitting a map and other individuals or groups which may have concerns. The State Office will provide applicable responses to relevant District Conservationists (DC). All individuals or groups consulted with through mailings or in person should be documented on each SSC-1 & 2 form.
- Individual undertakings with the potential to effect cultural resources, in areas identified on maps supplied by local interested parties, will require follow-up consultation for each project by a CRS, in consultation with the DC.