

- For NRCS Practices -
Simplified Cultural Resource Procedures for FO's:

NRCS, and all federal agencies, are required through section 106 of the National Historic Preservation Act of 1966 to consider cultural resources early in the planning process of all activities. The NRCS national agreement with the Advisory Council on Historic Preservation, with State and Tribal Historic Preservation Offices, section 110 of the National Historic Preservation Act, and our General Manual parts 420 and 601 map out the details of our responsibilities for considering cultural resources. The following is a very basic and simplified list of procedures that field offices can follow to help insure compliance with our many cultural resources laws and regulations.

Step 1. The Cultural Resources (CR) Review Form: If the proposed assistance is an undertaking (a practice listed on the first page of the “Undertakings List” or has the potential to disturb CR’s [see “Undertakings List”]), fill out and send the “Request for Cultural Resources Site Review” form ASAP. Field offices should wait until this form is returned, and all recommendations are completed, before allowing any ground disturbing activities to take place in the planned practice area.

Step 2. Conducting A CR Survey: The CR Review form will be returned to the field office with recommendations on how to proceed. If the comment section on the CR Review Form states “Contact CR Specialist”, the individual(s) responsible for implementing the practice/project must contact the CR Specialist in advance of any undertakings associated with the practice installation. If the CR Specialist is not required to conduct the CR survey for a planned practice, the field office is responsible for conducting the CR survey of all areas of the land that will be affected by the NRCS assisted activities. A CR survey can only be conducted by personnel who have received the appropriate training to do so. The field office personnel are ultimately responsible for cultural resources reviews and surveys being properly completed.

If at any time during NRCS assistance evidence of cultural resources are found in the area of potential effect of any NRCS assisted activities (all activities that could affect the CR) should be halted and the CR Specialist should be contacted ASAP.

How we deal with CR's in the practice area: If a CR is found in the planned practice area our first intent should be to relocate the practice in order to avoid impact to the CR.

If the CR cannot be avoided a CR Specialist may have to conduct additional fieldwork and/or research. NRCS in conjunction with the SHPO, and possibly THPO's, and other interested parties must then determine if the cultural resource is Eligible for the National Register of Historic Places.

Bottom Line_____

In order to avoid potential litigation and/or other legal challenges NRCS personnel should not assist in impacting a known cultural resource before an agreement has been reached with all interested parties, State and/or Tribal Historic Preservation Offices, and/or the State Conservationist, as required. In situations where NRCS is not the lead agency, our general manual states that, before we proceed, we must acquire copies of the documentation providing us clearance to conduct the undertaking, from the lead agency.

Step 3. Document your CR activities. Keep records of CR activities (i.e. copy of completed CR Review, who conducted the CR field survey, when it was conducted, how and where it was conducted, and what was found). All cultural resources documentation should be kept in a secure location. Remember, all cultural resources information is Freedom of Information Exempt.