



November 8, 1999

TEXAS BULLETIN NO. TX420-0-1

**SUBJECT: SSC - CULTURAL RESOURCES CONSIDERATION, RECORDS, AND
REPORTING**

Purpose. This bulletin provides clarification of responsibility for consideration of cultural resources and for record keeping and reporting cultural resources management activities in the field. With this bulletin, TEXAS BULLETIN TX420-8-1 dated August 24, 1998 is rescinded.

Expiration Date. Retain bulletin until further notice.

Since announcement of procedures for cultural resources record keeping and reporting in TEXAS BULLETIN TX-420-8-1, it has become evident that understanding of the procedures by Natural Resources Conservation Service (NRCS) personnel lacked consistency across the state. This has the potential to damage relationships with Soil and Water Conservation Districts (SWCD) and our customers.

NRCS will continue to operate under the state level agreement between NRCS and the Texas State Historic Preservation Officer (SHPO) and guidelines in NRCS General Manual (GM) 420, Part 401, Cultural Resources (Archeological and Historic Properties). The focus of this bulletin is to emphasize early consideration of cultural resources in the planning process, and clarify recording and reporting requirements.

NRCS is unique among federal agencies relative to cultural resource compliance. NRCS and the landowner have the opportunity to modify designs, change locations, or choose alternative practices that will protect cultural resources in their original location. Cultural resources can be protected while protecting the rights of private property owners and maintaining the long-standing trust among NRCS, SWCDs, and those we serve.

Any questions regarding cultural resource compliance should be directed to Calvin Sanders, Cultural Resource Specialist, Temple, at 254-742-9876. Additional training will be provided relative to cultural resources compliance.

The following summarizes NRCS cultural resources compliance at the field level:

(more)

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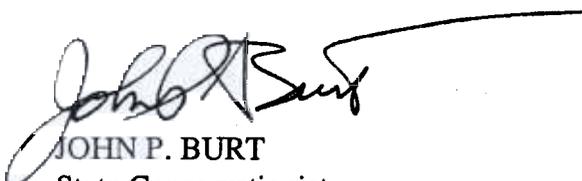
Responsibilities - NRCS assists private landowners with planning and applying conservation practices on their land. Cultural Resources are a physical part of our heritage that provide historic information, concepts and views of past lives. NRCS is mandated by law to ensure that federally assisted conservation activities will not adversely affect cultural resources. NRCS employees are trained in natural resources planning. Through the planning process, NRCS assists private landowners meet their conservation objectives, while also ensuring that cultural resources will not be adversely affected.

Considering Cultural Resources during Planning – The potential impact to cultural resources will be considered during the planning process. Some practices involving ground disturbance may have an adverse affect on cultural resources. If, during planning, cultural resources are found to be present in the area of a prospective practice, and the practice(s) could adversely impact the cultural resource, NRCS will work with the landowner to plan other practices which will not impact the cultural resource or avoid the cultural resource by moving the practice location. By considering cultural resources in the planning process and choosing practices that (1) do not impact cultural resources or (2) have been moved to avoid cultural resources, the objective of protecting cultural resources is met and there is no requirement to record or report the cultural resources.

Field Checks – Initial consideration of cultural resources during the planning process should result in practice choices and locations that will not impact cultural resources. However, NRCS must document formal field checks of cultural resources that could be adversely impacted by practices. These field checks are limited to the areas that could be impacted by such practices. There may be cases where alternate practices or locations are not available and cultural resources cannot be avoided. The landowner may then (1) allow a cultural resource specialist to evaluate the cultural resources that may be affected or (2) refuse further NRCS assistance.

Recording and Reporting Formal Field Checks – If the practice(s) requiring a formal field check are cost-shared, the area of the field check will be recorded in a dedicated soil survey or other suitable map and reported to the State Historic Preservation Officer. If the practice(s) requiring a formal field check are non cost-shared, NRCS will record, in the case file, that no cultural resources were adversely affected. No reporting is required. If the landowner refuses further NRCS assistance, there will be no record or report of the field check.

Construction Discovery – If cultural resources are encountered during construction, but prior to cultural resources disturbance, the landowner may refuse further NRCS assistance with no record or reporting of the cultural resource. If the landowner chooses to continue with the practice, a cultural resource specialist will be contacted to assist with evaluation of the resource.



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State Conservationist