

Attachment 4
Virginia NRCS Cultural Resources Procedures

1. Trained NRCS Field Office personnel will determine whether or not a planned practice requires additional review under this State Level Agreement ("SLA"). This process is detailed in Stipulation 2 of the SLA.

If the planned practice does not require additional review, the Field Office personnel will note in the NRCS project file that the project does not require review by the Virginia Department of Historic Resources ("DHR") and proceed with practice planning and installation.

2. If the practice does require additional review, Field Office personnel will conduct a search of DHR's Archives either in person, through DHR's Archives Search Service, or using the web-based Data Sharing System ("DSS") to determine if any known historic resources are within the undertaking's Area of Potential Effect ("APE"). Definition of the APE must include areas of direct effect (*i.e.* where ground disturbance will occur) and indirect effect (*i.e.* where secondary impacts may occur to an historic property's setting).

The Field Office personnel must also conduct a field inspection of the APE. If the Field Office personnel determine that there is an unrecorded historic resource within the APE or there exists extraordinary potential for historic resources, such as deeply buried archaeological sites, the Field Office personnel will comply with Item 4, below.

3. If no historic resource, either previously recorded or identified through field inspection, or no extraordinary potential for historic resources is identified within the APE, and the cumulative ground disturbance of the planned practice does not exceed one half ($\frac{1}{2}$) acre in extent, then the undertaking may continue without further review. Linear projects, such as fence or pipeline construction, are not subject to the $\frac{1}{2}$ -acre threshold and do not require additional review, regardless of length, unless there is a known historic resource or other extenuating circumstance. Records pertaining to the measures taken to identify historic resources must be maintained within the NRCS project file.
4. If an historic resource is identified during the field inspection the Field Office personnel will complete an NRCS Historic Properties Site Review Form (Attachment 5) and submit it to the Cultural Resources Coordinator ("CRC"). The CRC may then seek the comment of the NRCS Cultural Resources Specialist ("CRS") or other qualified professional on the significance and treatment of the resource. If necessary, the CRS will conduct a site visit. A DHR Archaeological Site Inventory Form will be completed for all new archaeological sites and this information must be entered into the DSS.
5. If DHR's Archives show a known historic resource within the APE or an historic resource is identified during the field inspection, the Field Office personnel will re-evaluate alternatives to the planned undertaking with the landowner. If an alternative, non-sensitive location or non-ground disturbing action can be planned, the Field Office personnel will document alternative(s) and proceed with assistance.
6. If it is found that a planned practice will impact an historic resource or if a practice will result in the cumulative ground disturbance of $\frac{1}{2}$ acre or more in extent, all relevant information on the identification of historic resources will be submitted to the CRS. The CRS will then make a recommendation on the need for further cultural resources investigation. The CRC will complete a DHR Project Review Application Form, and Concurrence and Recommendation Form (Attachment 5) and send these along with the results of the Archives Search, the Historic Properties Site Review Form (as necessary), a location map, description of the undertaking, and recommendation for any further cultural resources investigation to the DHR and the CRS for concurrence.

7. If additional cultural resources evaluation is deemed necessary by the CRS, in consultation with DHR, then the CRC will arrange for the CRS or a qualified professional to conduct the necessary field investigation.
8. If NRCS funding/staff are not available to conduct field investigations, the CRC will discuss with the Field Office personnel the need and feasibility of further investigation. The Field Office personnel will then inform the landowner of NRCS requirements and ask if they are willing to pay for the work.
9. If funding from NRCS or the landowner is available, but the landowner does not wish NRCS to proceed according to policy, then NRCS will withdraw any further assistance related to the planned practice.
10. If after a required field investigation it is determined by the CRS and CRC in consultation with DHR that the resource within the APE may be potentially eligible for inclusion in the National Register of Historic Places ("NRHP"), then the CRS will conduct a formal evaluation of the site through a testing program in accordance with the Federal standards entitled *Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44742, September 29, 1983) and DHR's current state guidelines.
11. If before or after the Phase II (Evaluation) testing is conducted, NRCS determines in consultation with DHR that the historic resource fails to meet the criteria for inclusion in the NRHP, or if DHR fails to respond to such a determination within 30 days, then NRCS has met its Section 106 obligations and the practice may proceed.
12. If the cultural resource is determined eligible for the listing in the NRHP, then NRCS, in consultation with DHR, shall develop a plan to reduce, mitigate or avoid any adverse effects upon the resource. The preferred alternative option is preservation in place by redesigning the planned practice to avoid any disturbance of the historic resource.
13. When avoidance is not possible, NRCS will notify the Advisory Council on Historic Preservation ("Council") and determine Council participation in accordance with 36 CFR 800.6(a)(1). NRCS will develop a data recovery plan in consultation with DHR and other consulting parties, as appropriate. Details and conditions of the data recovery plan will be specified in a Memorandum of Agreement ("MOA") developed by NRCS pursuant to 36 CFR 800.6(b) and signed and agreed to by NRCS, DHR and other consulting parties as may be necessary.
14. No work related to any planned practice may proceed until the process detailed above has been fully satisfied through a valid effect finding between NRCS and DHR and the completion of all conditions stipulated in an MOA, if necessary.