

## **INSTRUCTIONS FOR MAINE'S CULTURAL RESOURCES REVIEW WORKSHEET (ME-CR-1)**

The purpose of this document is to provide guidance for NRCS employees who are completing the NRCS Cultural Resources Review Worksheet (ME-CR-1, available in Section II/Cultural Resources Information/Cultural Resources Reviews of FOTG). As noted in our State Level Agreement with the Maine Historic Preservation Commission (directed by the State Historic Preservation Officer [SHPO]) and in our Consultation Protocols with the Passamaquoddy Tribe and the Penobscot Indian Nation, only NRCS personnel who have completed the NRCS Cultural Resources Training Series and subsequent training and updates may conduct limited cultural resources reviews using the Worksheet. Furthermore, when the authority for resource planning is not at the Field Office level or when an undertaking is on lands owned or controlled by more than two persons or public entities, the NRCS Cultural Resources Coordinator/Specialist (CRC/S) will prepare the Worksheets in consultation with field personnel.

Completion of the Worksheets is one of the initial steps in ensuring that NRCS complies with historic preservation laws, especially Section 106 of the National Historic Preservation Act. Section 106 requires NRCS and all Federal agencies to consider the effects of their undertakings on historic properties (significant prehistoric and historic cultural resources) and to afford the Advisory Council on Historic Preservation an opportunity to comment on such undertakings. The Council has defined "undertaking" as "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval" (36 CFR 800.16).

In general, any conservation practice or other project for which NRCS provides funding or controlling technical assistance (e.g., designing or laying out where a project "should" be located) is an undertaking. These practices and projects often entail some form of alteration of the soil or the landscape and may affect historic properties. Other NRCS projects, programs, or activities are less likely to impact historic properties. These latter kinds of undertakings are exempted from cultural resources reviews and are listed in Attachment III of the aforementioned State Level Agreement and Consultation Protocols (see Section II/Cultural Resources Information/Cultural Resources Reviews of FOTG).

Careful completion of the Worksheets will help to provide the CRC/S, the SHPO, and the Tribal Historic Preservation Officers (THPOs) with enough information to determine if professional investigations are warranted to identify, evaluate, or treat cultural resources in project areas. Proper and timely completion of the Worksheets also will allow NRCS to provide its customers with quicker delivery of conservation assistance. Most CRC/S reviews of Worksheets will take less than a week. However, when consultation is needed with the SHPO and THPOs, reviews may take 30 days or longer, depending on necessary studies. Field Offices should inform their customers of these timeframes (noted on the NRCS Maine fact sheet "Cultural Resources and your Conservation Project") and the status of their historic preservation reviews.

To help speed these reviews, NRCS employees need to copy FOTG's version of the Worksheet to their computers' hard drives. Then the computerized copy can serve as an electronic template for filling in the blanks.

Introduction to the Worksheet. The Worksheet is to be used to record information on all undertakings for which NRCS provides funds or controlling technical assistance. The

landowner/client's mailing address and location of the undertaking are separated, since they can be different. Be sure to record the county of the undertaking.

If the project is occurring on lands of a Federally-recognized Indian Tribe, check the box "Tribal?" by "Location of Undertaking." This situation would pertain to reservation, trust, or fee land of the Aroostook Band of Micmacs, Houlton Band of Maliseet Indians, Passamaquoddy Tribe, or Penobscot Indian Nation. In those cases, the CRC/S will need to consult with the appropriate tribe according to stipulations of the Consultation Protocols and regulations of the Advisory Council on Historic Preservation.

Sensitivity Analysis. A sensitivity analysis is a cultural resources review of a larger project area where the proposed locations of particular undertakings are not yet known or may change. If you have flexibility in locating your projects, requesting this analysis may help you avoid culturally sensitive areas. Also, if you plan to work with a customer for a number of years on the same large tract with multiple undertakings (some of which you may learn of only in the future), this analysis can provide you with upfront information on areas to avoid or to use without later delays. Before deciding on a sensitivity analysis, you should be aware that it generally will take at least 30 days for a SHPO review; and CRC/S field visits and photography may be necessary. Also, project maps must clearly indicate the land desired for analysis.

1. Undertakings. Note each conservation practice or other undertaking (e.g., a soil characterization pit) on a separate line. One may use the drop-down list (button on the right side of the "name" line) to select and automatically record a practice name and code number. Alternatively, one may type the name of a practice or other undertaking on a blank line. Clicking the "Add Row" button provides extra lines automatically. It is important to note the dimensions and construction details for each conservation practice, since individual practices may be implemented differently. Accurate description can mean the difference between your project needing a cultural resources survey or quickly receiving a no-effect determination. Acreage is necessary because the CRC/S must record this value in the Performance Results System (PRS). Acre values less than one acre may be rounded to tenths. One may select a common scenario for construction/practice method at the bottom of page 1. Currently this lists two methods of constructing seasonal high tunnels. One may add additional common construction/practice scenarios here to a Field Office template and reflect local methods.

As noted, you should check Attachment III of the State Level Agreement with the SHPO or of the Consultation Protocols with the THPOs to see if your undertaking is exempt from further cultural resources review (see hyperlink to Section II/Cultural Resources Information/Cultural Resources Reviews of FOTG). If it is exempt, fill in the Worksheet only through question 1 (Undertakings) so as to list the kind of undertaking and note that it is exempted from review; then retain the Worksheet in the Field Office's project file (*without sending a copy to the CRC/S*). For all other undertakings not exempt from review, fill in the rest of the Worksheet and provide the indicated documentation to the CRC/S.

Dates proposed for contract signing and project implementation help the CRC/S determine which cultural resources surveys have priority for scheduling.

2. Conditions. The description of landuse helps to provide information on the presence of cultural resources or their physical integrity and significance. For example, knowing that heavy use area protection is planned on top of a reclaimed gravel pit would indicate that no intact archaeological deposits would exist in the underlying fill. Also, if the barnyard setting for a new

conservation practice includes numerous modern buildings or utilities, the presence of these structures can affect the integrity of setting for other historical buildings.

Interview the landowner/client on site to see if the area of potential effects (APE) is all on fill or otherwise disturbed below the depth of the proposed undertaking. Areas of previous tillage, animal traffic, or vehicular traffic are not considered disturbance here, since significant archaeological resources may still exist within them.

3. Natural and cultural setting. These questions relate to the archaeological potential of the APE. Part a asks if the project location is near larger natural water sources, since the majority of prehistoric Indian sites in Maine are found adjacent to present or former canoe-navigable waters. However, prehistoric sites also are located by the other listed natural features (springs, bogs, terrace margins, etc.). A brief description of the physical geography of the APE and its vicinity is also requested, since the position of landforms may not be obvious from an examination of maps and aerial photographs. These descriptions of landforms may help to decide if a survey is warranted or not.

Part b asks if the APE has soils conducive to prehistoric Indian settlement, since certain well drained soils with low slope are associated with Native American sites. To determine if your project area's soils are sensitive for prehistoric archaeological sites, refer to the Archaeological Soil Tools for the appropriate county in Section II/Soils Information of FOTG or to the Prehistoric Archaeology Soils layer in ArcGIS. Use observations from a field check and descriptions from the Soil Survey to characterize a soil's stoniness, drainage, slope, inclusions, and map unit symbol/name. For smaller project areas, you should estimate average characteristics like stoniness and slope; for larger areas, you should note if there are considerable differences in these characteristics from one location to another. Be sure to list all soil map unit symbols and their complete names for the archaeological APE.

Part c requests you to inspect the APE for any obvious historical archaeological resource like a stone foundation (without superstructure) or a stone wall (not a linear stone dump). Also note any suspicious mounds, depressions, or even ornamental plants growing in an unlikely location (possible former homestead).

For Part d you need to interview the landowner/client about any artifacts or other cultural resources in the APE.

4. Architectural resources. Check if historical buildings or other architectural/ engineering structures, objects, or landscapes are in the APE. Interview the landowner/client and use your best judgment to determine if the architectural resource is at least 50 years old. Review of the online version of the National Register of Historic Places may identify cultural resources that are not immediately obvious (e.g., a former canal or its towpath; see hyperlink to National Register web page or Section II/Cultural Resources Information/General Information of FOTG). Note that the APE includes the area of direct physical and visual impact from an undertaking *and* the surrounding area in which an undertaking can indirectly impact above-ground cultural resources through alteration of the landscape. *It is necessary to consider here all historic buildings and other architectural resources within the same historic tract as the proposed NRCS undertaking(s) and, as appropriate, on adjacent land.* If you are unsure if given historical buildings are in your APE, photograph them anyway and submit the documentation to the CRC/S. Thereby you may save a later trip to the field.

When historical architectural resources are in your APE, check YES and list each resource and its approximate construction date. *Also include with your Worksheet numbered photographs that are keyed to a map showing the resources.* Photographs preferably should show the opposite corners of each structure, thereby illustrating all four sides. Additional wide-angle photographs of the layout of architectural resources with respect to your undertaking are desirable, since they will convey more information to reviewers. These latter photographs should include any modern structures to illustrate the integrity of the setting.

If no historical architectural resources are present, check NO. You may also choose NO if you can append to the Worksheet correspondence *from the SHPO* indicating that all the historical architectural resources are ineligible for the National Register.

5. Review documentation. When your answers to Questions 2 through 4 indicate both no archaeological sensitivity and no architectural resources (i.e., Question 2 is YES and Question 4 is NO; or Questions 3a-3d and 4 are all NO), then no additional cultural resources assessment is needed. However, the Field Office still needs to provide the CRC/S review documentation for quality assurance, PRS data entry, and issuance of an effect determination. Therefore, send a copy of the Worksheet (with USGS quadrangle delineating the APE and with any correspondence required for Question 4) to the CRC/S within 14 days. Upon receipt of the CRC/S's finding of no historic properties affected, the Field Office is to file the Worksheet and the effect determination in the project file. Only then may the undertaking proceed.

When you are requesting a sensitivity analysis or when Questions 3 or 4 indicate archaeological sensitivity or architectural resources (i.e., at least one of Questions 3a-3d or 4 is YES), send the CRC/S a copy of the Worksheet for review with the listed attachments. The CRC/S will examine these documents for completeness and evidence for archaeological or architectural properties and may conduct a field check to gather supplementary data on cultural resources potential. Then the CRC/S will forward copies of the Worksheet to the SHPO and THPOs, as appropriate, for consultation on the need for cultural resources investigations. Our State Level Agreement and Consultation Protocols allow the SHPO and THPOs at least 30 days for this initial consultation. (This 30-day period is upon their receipt of complete materials.) If investigations are needed to identify, evaluate, or treat historic properties, then an additional 30 days and probably more will be necessary to comply with Section 106.

Final points. You may save the Worksheet at any time by clicking on "File," "Save As," and plain "PDF." It is then possible to reopen the saved file and edit the Worksheet. The last item required on the Worksheet is the signature of the certified conservation planner and the date of the signature. The signature, which can be done digitally, attests that the planner discussed the appropriate questions of the Worksheet with the landowner/client, personally conducted a field inspection, gave the landowner/client a copy of the NRCS cultural resources fact sheet (obtain through hyperlink or FOTG's Section II/Cultural Resources Information/ Cultural Resources Reviews), and answered Worksheet questions to the best of his/her knowledge. To digitally sign the Worksheet, click on the signature box button. There will be a prompt to save the document, even if it has already been saved.

Whenever submitting a Worksheet to the CRC/S, you should record the Field Office mailing date at the top of the first page of the ME-CR-1. Completion of this mailing date will serve as a record for the Field Office that the Worksheet indeed was sent to the CRC/S. Our use of email whenever possible will help to speed the delivery of services to our customers. Early planning also will serve to avoid conflicts between implementing cultural resources studies and conservation practices. Additionally, with your NRCS cultural resources training and your

knowledge of the Worksheet questions, you should try to locate your client's practices in areas that have little or no potential of impacting significant archaeological and architectural properties.

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