

## **CULTURAL RESOURCES**

### **Introduction**

Cultural Resources are all the past activities and accomplishments of peoples. They include buildings, natural and man-made objects, locations, structures and non-structural archeological sites that have historic, scientific, and cultural value. Cultural resources, also referred to as historic properties, may be prehistoric and/or historic; they may specific objects or traditional landscapes, and in most instances, they must be at least 50 years old.

Because of the unique value of cultural resources, Congressional laws and Presidential Executive Orders have been issued to protect Cultural Resources from unnecessary destruction (e.g., American Antiquities Act, Historic Sites Act, Reservoir Salvage Act, National historic Preservation Act, Archaeological Resources Protection Act, Indian Sacred Sites). The National Historic Preservation Act (NHPA) declared that it is necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities and established the Advisory Council on Historic Preservation (ACHP). The ACHP is responsible for administering the federal historic preservation program and requires all Federal agencies to consider the possible effects of agency undertakings on significant historic properties (cultural resources).

The Code of Federal Regulations (36 CFR 800) and NRCS policy regarding Cultural Resources (General Manual 420 Part 401) stipulate that when any Federal undertaking assistance is offered, cultural resources must be considered in the planning process. In an effort to streamline the cultural resources review process and incorporate new laws and NHPA amendments, a Programmatic Agreement (PA) was signed between NRCS, the ACHP, and the National Conference of State Historic Preservation Officers (May 2002). In Alabama, a State Agreement with the Alabama Historical Commission and a Memorandum of Agreement with the Poarch Creek Indians further refine the cultural resources review procedures for NRCS.

The National PA, NRCS policy and Section 106 of the NHPA require consultation with the appropriate State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), or the ACHP, as necessary. The basic Section 106 process is:

- 1) determine if the action is an undertaking;
- 2) identify the area of potential effect;
- 3) identify and evaluate historic properties;

- 4) assess the effects based on criteria established in the ACHP regulations; and,
- 5) consult with the SHPO, THPO and ACHP if necessary.

An undertaking is defined as a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including:

- 1) those carried out by or on behalf of the agency;
- 2) those carried out with Federal financial assistance;
- 3) those requiring a federal permit, license, or approval; and,
- 4) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

### **Considering Cultural Resources**

Cultural resources must be considered when NRCS conducts any activity or undertaking which has the potential to affect them. For planning purposes, NRCS considers an undertaking as any practice that disturbs previously undisturbed areas or soils or that removes the existing ground surface. In addition, any activity or practice that will potentially effect a cultural resource is considered an undertaking regardless of its classification as non-ground-disturbing or ground disturbing.

If it is determined that the practice may affect cultural resources or a cultural resource is present in the Area of Potential Effect (APE), then the practice is considered an undertaking and a cultural resources review is required. If it is determined that the practice is not ground disturbing and no cultural resource is present, this decision should be explained in the case file. Although some practices may not be ground disturbing, the implementation of that practice may affect a cultural resource and so may be considered an undertaking that may affect cultural resources (i.e., fish stream improvement, prescribed burn). Management practices generally are not considered undertakings, however, any activity or practice that could result in any effect (no effect, no adverse effect, adverse effect or beneficial effect) to a cultural resource is considered an undertaking regardless of its status relative to the classification.

All Program activities require a cultural resources review and evaluation by the CRS. Any conservation practice that may affect a cultural resource requires a cultural resources review and evaluation by the CRS. Conservation practices determined to be potentially ground disturbing or ground disturbing that do not have any cultural resources in the APE require a cultural resources review (CR Review form to be filed at the Field Office). For practices determined not to be ground disturbing and not having any cultural resources in the APE, a statement that the practice is not ground disturbing and no cultural resources are present should be placed in the case file (GM 420, Part 401.31).

In Alabama, conservation practices have been classified according to their potential to affect cultural resources. These classifications are based on the practice

descriptions found in the National Practice Standards and the Alabama Practice Specifications:

Ground Disturbance (G): Conservation practices that can affect cultural resources when installed according to standard NRCS criteria are undertakings. The effects can be immediate (caused by the installation process) or distant (reasonably expected to occur as a result of installation); they can be direct (disturbs or destroys the resource) or indirect (off-site, or even a visual impact on an historic landscape).

Potential Ground Disturbance (PG): Conservation practices that may affect cultural resources because of the potential ground disturbance during installation require a cultural resources review, however, practices may not be undertakings if no cultural resource is present and if installation will not exceed the depth, extent and type of previous disturbance. Practices are undertakings if they disturb previously undisturbed, or “new” ground or involve a different type of disturbance. Some practices listed as PG have alternative types of construction involved that require specific decisions as to their effect on cultural resources; in such instances the classification would be determined on a case by case basis.

No Ground Disturbance (NG): These practices are generally management related, do not have any physical effects and do not affect cultural resources.

### **The Cultural Resources Review Procedure**

To determine if an NRCS activity is considered an undertaking, and thus subject to Section 106 review, there are two initial steps:

1. Determine the nature of the assistance (Potential for ground disturbance)
2. Determine the funding source (Program activity with federal funding)

If the activity is not associated with a federally funded program, is not ground disturbing and no cultural resource is present or suspected, this activity is not considered an undertaking by NRCS and the project may proceed as planned. Other than documenting this finding (not an undertaking) in the case file, no further consideration of cultural resources is required unless there is an unanticipated discovery.

If the activity is not associated with a federally funded program, but is ground disturbing, the activity is considered an undertaking and is subject to streamlined Section 106 compliance procedures. The Cultural Resources Review form must be completed by and filed at the Field Office (case file or separate cultural resources review folder). Other than documenting the cultural resources review at the Field Office level, no further consideration of cultural resources is required unless there are cultural resources present or suspected in the APE.

If the activity is associated with a federally funded program, or is ground-disturbing and a cultural resource is present or suspected in the practice area, the activity is considered an undertaking subject to Section 106 compliance procedures. The Cultural Resources Review form should be completed by the Field Office and forwarded to the Cultural Resources Specialist (CRS); a copy of this form should be filed at the Field Office. After reviewing the completed form, the CRS will provide guidance regarding the program activity or cultural resource and subsequent clearance to proceed with the assistance.

The Cultural Resources Review (CR Review) form is intended to be a permanent record of all NRCS ground-disturbing activities (technical and financial assistance), including conservation planning, RC&D activities and all program activities. This CR Review form presents the minimum information necessary for a cultural resources review and serves as the required Section 106 compliance documentation; this form may and should be used in conjunction with other required environmental evaluations. It may be filed at the Field Office with the farm or case file folder or in a separate folder for cultural resources review forms at the discretion of the District Conservationist. (NOTE: The completed CR Review form and all information regarding cultural resources are **exempt** from Freedom of Information Act requests.)

### **Instructions for Completing the Cultural Resources Review Form**

The CR Review form may be printed or completed on-line and forwarded to the CRS. A map of the project or practice area, or APE, must accompany the CR Review. A USGS quadrangle map, aerial photograph (including soil survey sheets), or digital orthoquads may be used (paper copy or electronically filed); the map must highlight or indicate the specific project area or APE.

1. Indicate the County and Farm/Tract (for filing and reference purposes).
2. Anticipated Start Date. (month and year)
3. Program – circle or highlight (**Bold** or Underline)  
AND/OR Practice. Indicate Practice Code(s) associated with the Program(s)
4. Ground Cover – Approximate percentage of ground cover; if more than one ground cover type is present, this should equal 100%:  
Ex.: Trees 45% Pasture 20% Crops 35%
5. Soil Texture and Type (spell out)
6. APE – approximate acreage of specific practice area (indicate feet if linear); not necessarily the Tract or Farm acreage unless the practice comprises the entire area.
7. APE Surface Visibility – This is the approximate percentage of soil or exposed ground visible.
8. APE Inspected – Percentage of APE surface inspected by the FO staff.
9. Are any Cultural Resources known to be in or near the Area of Potential Effect?

The Area of Potential Effect includes on-site effects - the specific practice or project area, as well as associated off-site effects due to construction or use, such as access roads, borrow or fill areas

10. How did you acquire this information? Check all that apply.
- Are there any historic structural remains – old farmsteads, mills, mines, railroad beds, roads, Civil War earthworks, logging camps?
  - Are there any areas where arrowheads or pottery are found or where metal detector enthusiasts like to visit?
  - Are there any areas locals refer to as burial grounds or cemeteries?
  - Do maps and old aerial photographs show houses, barns, outbuildings, roads, Indian mounds, ferry crossings, fishweirs, etc.?
11. USGS Quad, Township, Range and  $\frac{1}{4}$  section. Be sure to indicate cardinal directions: Township 1 **N** and Range 12 **E** **NW**  $\frac{1}{4}$  of Section 12

### **The Recommendation of Effects**

- NO EFFECT – No Cultural Resources Identified in APE
  - There are no known cultural resources in the APE
  - The practice and/or program activity will not disturb new ground

If there is no federal funding associated with the assistance and no cultural resource would be disturbed by the proposed practice, complete this form, sign it, and file as warranted. The proposed practice may proceed as planned. It is not necessary to contact the CRS unless a cultural resource is discovered during or after practice installation.

- NO EFFECT – CRS was contacted and the Practice was moved to Avoid Cultural Resources

If there is no federal funding associated with the assistance and the cultural resource would not be disturbed by the revised proposed practice, complete this form, sign and copy it, and file as warranted. Send a copy of the form to the CRS with a map indicating the old and new APE and the location of the known cultural resource (that was avoided. (NOTE: You do not need to automatically avoid a cultural resource; contact the CRS for guidance. If the cultural resource is ineligible, no revised plans or additional work may be necessary and the proposed practice may proceed as planned.)

- POTENTIAL EFFECT TO CULTURAL RESOURCES
  - A cultural resource is or may be in the APE (CTA or Program)
  - New ground will be disturbed by a practice associated with federal funding

If there is federal funding (Program-related), or cultural resources are or may be disturbed by the proposed practice, complete this form, sign and copy it, and file as warranted. Send the copy and a map indicating the APE to the CRS. If the CRS

does not contact you within 30 days, the proposed practice may proceed as planned.

The comments section is reserved for any notes or additional information from or for the FO staff to the CRS.

Only FO staff who have successfully completed the Cultural Resources Training may conduct Field Inspections and sign the form.

### **Additional Information**

If time does not allow for a thirty-day review period, contact the CRS as soon as possible.

NRCS may elect to withdraw assistance from a participant when the cost or other factors involved with cultural resource compliance jeopardize the feasibility of an undertaking. NRCS shall consider withdrawing assistance if a participant carries out an irreversible action associated with requested technical assistance that adversely impacts a cultural resource prior to completion of NRCS compliance responsibilities, or refuses to implement a recommended mitigation plan. NRCS will not provide assistance to a participant, who, after notification of the existence of an historic property within the APE, has intentionally, significantly, or adversely affected an historic property or allowed such significant adverse effect to occur. All NRCS actions pertaining to the withdrawal of assistance because of cultural resources should be fully documented. (GM 420, Part 401.26)

Cultural Resources Review forms are posted on-line in the Cultural Resources portion of the Ecological Sciences section on the Alabama State Office Section web page ([www.al.nrcs.usda.gov](http://www.al.nrcs.usda.gov)). CR Review forms may be filed electronically at the Field Office and forwarded to the CRS via email (with digitized maps or aerial photographs indicating the APE).

If human remains are discovered during any phase of fieldwork, notify the CRS (334-887-4561 or 800-342-9893, ext. 4561; Radio No. 1018) immediately. If the CRS is out of the office, and the remains are on private land, contact the local sheriff and the Alabama Historical Commission (334-242-3184); if the remains are on the Poarch Creek Indian Reservation (Atmore or Wetumpka), contact Gale Thrower (256-368-9136) or the Tribal Historic Preservation Officer, Bill Day (318-308-5858).

All information regarding cultural resources are **exempt** from Freedom of Information Act requests. For all FOIA requests, contact the CRS for a statement regarding cultural resources compliance.

CULTURAL RESOURCES REVIEW: \_\_\_\_\_ County

1. Farm Tract/No. \_\_\_\_\_ 2. Anticipated Start Date \_\_\_\_\_

3. Program: CRP ECP EQIP EWP FIP RC&D SIP WHIP WRP other \_\_\_\_\_

and / or Practice Codes \_\_\_\_\_

4. Ground Cover: Pasture \_\_\_\_% Crops \_\_\_\_% Overgrown/Fallow \_\_\_\_% Clear-Cut \_\_\_\_%  
Plowed/Exposed/Eroded \_\_\_\_% Trees/Forest \_\_\_\_% Other \_\_\_\_\_ %

5. Soil Texture and Type \_\_\_\_\_

6. APE: \_\_\_\_\_ Acres 7. APE Surface Visibility \_\_\_\_\_ % 8. \_\_\_\_\_ % of APE inspected

9. Are any Cultural Resources known to be in or near the Area of Potential Effect /APE? NO   
(NOTE: The APE includes the specific practice area, access roads, borrow and/or disposal areas & any other off-site or indirect ground-disturbing activity) YES

10. How did you acquire this information? Field Office Inspection of APE  Map Search   
Landowner/User  National Register/National Landmark  Local Historian/ Museum   
Historic Documents  Alabama Forestry Commission Staff  Other \_\_\_\_\_

11. USGS Quad: \_\_\_\_\_ Twnshp: \_\_\_\_\_ Rnge: \_\_\_\_\_ ¼ of Section \_\_\_\_\_  
Recommendation\*:

NO EFFECT - NO CULTURAL RESOURCES IDENTIFIED IN APE  
(CTA only, file this form; w/Program, send this form w/APE marked on aerial photo to the CRS)

NO EFFECT-CRS contacted; PRACTICE MOVED TO AVOID CULTURAL RESOURCE  
(File this form & send copy w/APE & the CR marked on aerial photo to the CRS)

POTENTIAL EFFECT TO CULTURAL RESOURCE (Send form w/aerial photo of APE & CR to the CRS)

\*Only staff who have had Cultural Resources Training may conduct CR field inspections and complete this form.  
**IF ANY CULTURAL RESOURCE IS LOCATED IN OR NEAR THE PROPOSED "APE",**  
CONTACT the CRS, COPY this form for your files & send ORIGINAL to CRS w/ copy of an AERIAL PHOTO  
indicating the *specific* LOCATION of the APE & CULTURAL RESOURCE(S) ASAP

Comments: \_\_\_\_\_

CR Review\*Completed by: \_\_\_\_\_ Date \_\_\_\_\_

To be completed by the CRS:  
CRS Contacted / Form Rec'd \_\_\_\_\_ Site File Check \_\_\_\_\_ Site(s): NO

YES: \_\_\_\_\_ ADVERSE EFFECT  NO EFFECT

CRS Comments: \_\_\_\_\_

Report Title & Date: \_\_\_\_\_

CRS/Archeologist \_\_\_\_\_ Date \_\_\_\_\_ Copied to FO \_\_\_\_\_

## Classification of Conservation Practice Effects on Cultural Resources

The following list of practices indicates the potential for effects as they relate to cultural resources in Alabama. For planning purposes, an undertaking is any practice that disturbs previously undisturbed areas or soils or that removes the existing ground surface. In addition, any activity or practice that will result in a potential effect to a cultural resource is considered an undertaking regardless of its classification as non-ground-disturbing, potentially ground disturbing, or ground disturbing.

G - Conservation practices that can affect cultural resources

PG - Conservation practices that may affect cultural resources

NG - Conservation practices that are generally management related, do not have any physical effects and do not affect cultural resources

<u>Code</u>	<u>Rating</u>	<u>Practice Name</u>
560	G	Access Road
701	G	Agricultural Fuel Containment Facility
702	G	Agricultural Handling Facility
575	G	Animal Trails and Walkways
450	NG	Anionic Polyacrylamide (PAM) Erosion Control
310	G	Bedding
324	G	Chiseling and Subsoiling
326	PG	Clearing and Snagging
360	PG	Closure of Waste Impoundments
397	G	Commercial Fish Ponds
317	PG	Composting Facility
656	G	Constructed Wetlands
327	PG	Conservation Cover
328	NG	Conservation Crop Rotation
332	PG	Contour Buffer Strips
330	PG	Contour Farming
331	NG	Contouring Orchard and Other Fruit Area
340	NG	Cover and Green Manure Crop
342	PG	Critical Area Planting
203	PG	Cross-Slope Farming
348	G	Diversion Dam
402	G	Floodwater Retarding Dam
349	G	Multi-Purpose Dam
324	G	Deep Tillage
356	G	Dike
362	G	Diversion
462	G	Drainage Land Grading
432	G	Dry Hydrant
647	PG	Early Successional Habitat Development/Management
382	PG	Fence

<u>Code</u>	<u>Rating</u>	<u>Practice Name</u>
386	PG	Field Border
393	PG	Filter Strip
394	G	Firebreak
398	PG	Fish Raceways or Tank
399	NG	Fishpond Management
400	G	Floodwater Diversion
404	G	Floodway
511	NG	Forage Harvest Management
655	G	Forest Harvest Trails and Landings
490	PG	Forest Site Preparation
666	PG	Forest Stand Improvement
410	G	Grade Stabilization Structure
412	G	Grassed Waterway or Outlet
561	PG	Heavy Use Area Protection
422	PG	Hedgerow Planting
769	PG	Incinerator
320	PG	Irrigation Canal or Lateral
388	PG	Irrigation Field Ditch
464	G	Irrigation Land Leveling
522-A	G	Irrigation - Pit
522-B	G	Irrigation - Regulating Reservoir
436	G	Irrigation Storage Reservoir
441	PG	Irrigation System – Micro-irrigation
442	PG	Irrigation System - Sprinkler
443	PG	Irrigation - Surface and Subsurface
428-A	G	Irrigation - Water Conveyance: Non-Reinforced Concrete Ditch and Canal Lining
428-B	PG	Irrigation - Water Conveyance: Flexible Membrane Ditch and Canal Lining
428-C	PG	Irrigation - Water Conveyance: Galvanized Steel Ditch and Canal Lining
430-AA	PG	Irrigation - Water Conveyance: Pipeline (Aluminum Tubing, Plastic Coated)
430-BB	PG	Irrigation - Water Conveyance (Asbestos Cement Pipeline)
430-CC	PG	Irrigation - Water Conveyance (Non-reinforced Concrete Pipeline)
430-DD	PG	Irrigation - Water Conveyance: Pipeline (High Pressure Underground Plastic)
430-EE	PG	Irrigation - Water Conveyance: Pipeline (Low Pressure Underground Plastic)
430-FF	PG	Irrigation - Water Conveyance: Pipeline (Steel)
430-GG	PG	Irrigation - Water Conveyance: Reinforced Plastic Mortar Pipeline
430-HH	PG	Irrigation - Water Conveyance: Rigid Gated Pipeline
449	NG	Irrigation Water Management

<u>Code</u>	<u>Rating</u>	<u>Practice Name</u>
460	G	Land Clearing
453	G	Land Reclamation, Abandoned Mined Areas Landslide Treatment
451	PG	Land Reclamation, Fire Control
452	PG	Land Reclamation, Shaft and Adit Closing
454	G	Land Reclamation, Subsidence Treatment
455	PG	Land Reclamation, Toxic Discharge Control
456	PG	Land Reclamation, Highwall Treatment
543	PG	Land Reconstruction, Abandoned Mined Land
544	PG	Land Reconstruction, Currently Mined Land
466	PG	Land Smoothing
468	PG	Lined Waterway or Outlet
472	PG	Livestock Exclusion
717	PG	Livestock Shade Structure
634	PG	Manure Transfer
484	NG	Mulching
590	NG	Nutrient Management
500	PG	Obstruction Removal
582	G	Open Channel
512	PG	Pasture and Hayland Planting
595	NG	Pest Management
516	G	Pipeline
378	G	Pond
521-A	NG	Pond Sealing or Lining (Flexible Membrane)
521-B	NG	Pond Sealing or Lining (Soil Dispersant)
521-C	NG	Pond Sealing or Lining (Bentonite)
521-D	NG	Pond Sealing or Lining (Cationic Emulsion – Waterborne Sealant)
521-E	NG	Pond Sealing or Lining (Asphalt Sealed Fabric Liner)
703	NG	Portable Agrichemical Mixing Station
462	G	Precision Land Forming
338	G	Prescribed Burning
528	NG	Prescribed Grazing
533	G	Pumping Plant for Water Control
562	PG	Recreation Area Improvement
566	G	Recreation Land Grading and Shaping
568	PG	Recreation Trail and Walkway
554	NG	Regulating Water in Drainage Systems
329-A	NG	Residue Management: No Till, Strip Till,
329-B	NG	Residue Management: Mulch Till
329-C	NG	Residue Management: Ridge Till
344	NG	Residue Management: Seasonal
643	PG	Restoration and Management of Declining Habitats
391	PG	Riparian Forest Buffer
555	PG	Rock Barrier

Code	Rating	Practice Name
570	PG	Roof Runoff Management
557	G	Row Arrangement
570	NG	Runoff Management System
350	G	Sediment Basin
646	PG	Shallow Water Management for Wildlife
572	PG	Spoilbank Spreading
574	G	Spring Development
584	PG	Stream Channel Stabilization
728	G	Stream Crossing
580	PG	Streambank and Shoreline Protection
585	PG	Stripcropping, Contour
586	PG	Stripcropping, Field
587	PG	Structure for Water Control
606	G	Subsurface Drain
607	G	Surface Drainage, Field Ditch
608	G	Surface Drainage, Mains and Laterals
600	G	Terraces
612	PG	Tree/Shrub Establishment
660	NG	Tree/Shrub Pruning
620	G	Underground Outlet
472	NG	Use Exclusion
749	PG	Waste Field Storage
312	NG	Waste Management System
313	G	Waste Storage Facility
359	G	Waste Treatment Lagoon
633	NG	Waste Utilization
638	G	Water and Sediment Control Basin
614	PG	Watering Facility
641	G	Water Table Control
642	G	Water Well
351	PG	Well Decommissioning
658	PG	Wetland Creation
659	PG	Wetland Enhancement
657	PG	Wetland Restoration
645	PG	Wildlife Upland Habitat Management
648	PG	Wildlife Watering Facility
644	PG	Wildlife Wetland Habitat Management
652	G	Woodland Direct Seeding
654	PG	Woodland Improved Harvesting