

North Carolina Cultural Resources Policy Summary

Planning Procedures Related to the Protection of Cultural Resources

NC601.22 Procedures for the Consideration of Cultural Resources in NRCS

Undertakings: Identifying, Avoiding, and Determining Impacts to Cultural Resources

(See NC01 Supplement 190-VI-NCRPH601.C to NCRPH dated August 2007 at <http://www.nc.nrcs.usda.gov/intranet/generalmanual.html> for more information.)

North Carolina Planning Procedures for Complying with Cultural Resources Policies

National policy requires planners to identify and protect cultural resources early in the planning and environmental evaluation processes of all assistance activities classified as an undertaking.

Step 1: In addition, all NRCS planned practices will receive a Cultural Resources Survey (note: only the Cultural Resources specialist or individuals who have completed the Cultural Resources Training may make this determination). A survey shall be conducted for all the practices being considered for all fields being planned. Documentation of this Cultural Resources Survey should be located in the case file on the NC Inventory of Planning Area form and NC-CPA-52, or on the optional NC Cultural Resources Survey Documentation form.

Step 2: A NC Cultural Resources Review Form shall be completed for all NRCS planned activities or programs that have the potential to affect cultural resources.

- In almost all cases, a NC Cultural Resources Review form should be submitted when the plan includes practices located on the first page of the Undertakings List.
- Practices listed on the second page of this list are generally considered to have a low potential to impact cultural resources unless the practice is intrusive into previously undisturbed soil.
- It is rare that practices located on the third page of this list will have the potential to impact a cultural resource.

Step 3: The Cultural Resources Specialist completes the Cultural Resources Review, in consultation with the SHPO and/or the THPO. The Cultural Resources Specialist determines if an on-site evaluation by the Cultural Resources Specialist is required. The Cultural Resources Specialist will provide the results of the Cultural Resources Review back to the field office. The planner should expect the Cultural Resources Review to be completed in two to three weeks. The completed Cultural Resources Review should be filed in the case file.

Step 4: Based on the Cultural Resources Review, the planner will ensure that the practices planned and practice designs protect cultural resources in their original location to the fullest extent practicable by avoiding adverse impacts. If the effect of an undertaking is determined to be adverse on historic properties, NRCS, in further consultation with SHPO and/or THPO, participants, and other interested parties as appropriate, will develop appropriate mitigation measures before completing the assistance or beginning the construction phase of implementation.

NC401.11 Lead Agency Responsibilities

(See NC01 Supplement 420.401.B to GM dated August 2007 at <http://www.nc.nrcs.usda.gov/intranet/generalmanual.html> for more information.)

B. CR Requirements When NRCS is Not the Lead Agency

When NRCS provides site-specific planning or technical assistance for programs where NRCS is not considered the lead agency, and the lead agency is not providing the cultural resources review, such as the Conservation Reserve Program (CRP) or the Conservation Reserve Enhancement Program (CREP), NRCS planners should still follow procedures as described in NC Amendment 01 to NCRPH Section C, Part 601.22 (NRCS can not take part in consultation on behalf of the lead agency). These four steps are part of the NRCS conservation technical assistance policy. Generally CRP Practices are vegetative in nature and will only require a CR Survey. Even so, when completing the NC-CPA-52 for CRP or CREP, a copy of the NC-CPA-52 should be provided to the Farm Service Agency (FSA) for their findings and concurrence. Per GM 420 Part 401, the lack of lead agency status does not remove NRCS responsibility to ensure cultural resources are protected when providing technical assistance. CR Surveys should be completed, and review forms submitted to the NRCS CR Specialist as appropriate when the lead agency is not acting in this capacity. In instances where the lead agency is conducting the CR Review, NRCS should acquire all CR compliance documentation from the lead agency for review of compliance and to keep as part of the case file.

Because of a legal limitation preventing NRCS from representing FSA or any other agency, the NRCS CR specialist has a modified role in working with the SHPO or THPOs relative to making recommendation or decisions relative to the treatment of cultural resources. Per GM 420 Part 401, the lead agency's failure to comply with cultural resources compliance requirements may result in NRCS withdrawal from the project.

With growing use of planning and technical assistance from non-NRCS/Partnership sources, programs such as CRP may be implemented on some sites without NRCS planning or technical assistance. In these cases, NRCS field planners shall not provide cultural resources surveys or review assistance.

Additional Guidance for the Emergency Conservation Program

Additional guidance for the Emergency Conservation Program (ECP) is as follows:

1. ECP is administered by FSA, and accordingly, FSA is responsible for compliance with the NHPA. In most cases, FSA provides the technical assistance for ECP practices. In these cases, NRCS field planners shall not provide cultural resources surveys or review assistance.

Because ECP requires compliance with NRCS standards, FSA staff may request copies of specific standards from Section IV of the Field Office Technical Guide. This is not considered NRCS technical assistance.