

CULTURAL RESOURCE PROCEDURES FOR THE CONSERVATION RESERVE PROGRAM (CRP) IN SOUTH DAKOTA

This guidance is how the Natural Resources Conservation Service (NRCS) will assist the Farm Service Agency (FSA) in implementing historic preservation/cultural resources compliance roles and responsibilities for the CRP in South Dakota (SD).

This clarifies the 2009 national Memorandum of Agreement (MOA) Between NRCS, FSA, and Commodity Credit Corporation (CCC) for Implementation of the CRP (Through September 31, 2012). This guidance supersedes the September 2004 South Dakota Natural Resources Conservation Service (NRCS) and Farm Service Agency (FSA) Memorandum of Understanding (MOU) for implementing historic preservation/cultural resource compliance roles and responsibilities for the CRP; the November 2004 amendment to the MOU; the 2004 South Dakota procedures; and the 12/2009 update to FSA List 1.

As the NRCS is not the lead federal agency for the CRP (the FSA has government-to-government consultation responsibilities), and numerous Tribes do not want nonprofessional archeologists or field office personnel (FOP) performing pedestrian surface reviews, there will be a different process for those areas where the State Historic Preservation Office (SHPO) is a primary consultation partner and where Tribal Historic Preservation Offices (THPOs) or Tribal governments are primary consultation partners (within reservation boundaries or on dependent Indian Communities off the reservation (Trust lands)).

The NRCS shall provide the FSA the following information regarding cultural resources as part of the National Environmental Evaluation Worksheet, form NRCS-CPA-52, during the conservation planning process:

- If the CRP conservation activity/practice is not considered an undertaking with the potential to affect cultural resources (also known as historic properties) pursuant to the FSA List 1; it is not subject to consultation with the SHPO/THPOs. The district conservationist (DC) will document this decision on Section K under cultural resources on the NRCS-CPA-52 as “Not Applicable per FSA” [you must add and type in “per FSA” on the national templates dropdown list.] The NRCS staff will give the completed NRCS-CPA-52 to the FSA county executive director (CED). No SD-SSC-1, Cultural Resource Inventory, or SD-SSC-2, Request for Known Cultural Resources Site, cultural resource forms are required.

On projects located on private land outside of Indian reservation boundaries and not located on Trust land:

- If the CRP conservation activity/practice is an undertaking with the potential to affect cultural resources and subject to consultation with the SHPO (or other parties), pursuant to FSA List 1, the DC will document this decision on Section K under cultural resources on the NRCS-CPA-52 as “To be Determined.” Prior to going to the field, the NRCS FOP will check their relevant programmatic county commission and local historical society consultation files, the Archaeological Resources Management System (ARMS), National Register of Historic Places (NRHP), and State Register of Historic Places (SRHP) Internet site databases to determine if known sites are present within the subject section, township, and range encompassing the Area of Potential Effects (APE) for the proposed CRP conservation activity/practice. The local landowner should also be queried about known cultural resources. File reviews, database search results, and general program and landowner consultation should be recorded on the relevant NRCS SD-SSC-1 or SD-SSC-2 cultural resources form. The NRCS staff will give the completed NRCS-CPA-52 to the FSA CED.

- a. SD-SSC-1 Form: This form will be utilized for all undertakings subject to the FSA consultation with the SHPO, pursuant to the FSA List 1, in which database searches for known resources in the APE are negative, the APE is less than 40 acres in size, and where landowner, program, or other consultation does not indicate the potential for cultural resources. A pedestrian field review of the APE will be conducted by a FOP. The SD-SSC-1 form will be filled out completely in the appropriate form database, signed by NRCS/partner FOP who conducted the field review, and sent with the appropriate map attachment(s) to the FSA CED prior to project implementation.
- b. SD-SSC-2 Form: This form will be utilized for all undertakings subject to the FSA consultation with the SHPO, pursuant to the FSA List 1, in which database searches for known resources in the APE are positive, the APE is more than 40 acres in size, or where landowner, program, or other consultation indicates the potential for cultural resources. No pedestrian field review will be conducted. The SD-SSC-2 form will be filled out completely in the appropriate form database, signed by the appropriate field staff, and sent with the appropriate map attachment(s) to the FSA CED prior to project implementation.

On projects located on land within Indian reservation boundaries or located on Trust land:

- If the CRP conservation activity/practice is an undertaking with the potential to affect cultural resources and subject to consultation with THPOs/Tribal governments, pursuant to the FSA List 1, the DC will document this decision on Section K under cultural resources on the NRCS-CPA-52 as “To be Determined.” The NRCS staff will check their relevant programmatic county commission and local historical society consultation files, the ARMS*, NRHP, and SRHP Internet site databases to determine if known sites are present within the subject section, township, and range encompassing the APE for the proposed CRP conservation activity/practice. The local landowner should also be queried about known cultural resources. The NRCS staff will fill out a SD-SSC-2 form and identify any known cultural resource concerns on the NRCS-CPA-52 and under the “Observations” section of the SD-SSC-2 form. The NRCS staff will give the completed NRCS-CPA-52 and SD-SSC-2 cultural resource forms to the FSA CED. The FSA will utilize this information, BUT NOT THE NRCS SD-SSC-2 form, in their government-to-government consultation with the Tribes.

Information provided by the NRCS on the NRCS SD-SSC-1 and SD-SSC-2 forms is to assist the FSA in their consultation with the SHPO and others. It should be recognized by the FSA that these NRCS forms are not filled out by professional cultural resources personnel and only represent the presence or absence of known cultural resources based upon existing data and in the case of the SD-SSC-1 form, a pedestrian field review. The NRCS cultural resources specialists are NOT providing professional cultural resources opinions, determinations, or oversight for the CRP.

Once the FSA completes consultation and receives concurrent approval from consulting parties (i.e., the SHPO, THPO, etc.), the FSA must supply the NRCS DC with said documentation showing that cultural resources issues are resolved prior to the NRCS participating in practice implementation.

*As part of the project scoping process (background information gathering stage), NRCS cultural resources Modules 1-9 trained FOP and some partners have Internet access to the State of SD’s ARMS to review the locations of known archeological sites. It is important to note that Tribal entities often have their own archeological/sacred sites databases and this may require written project notifications in order for them to provide relevant background information or assistance.

FSA LIST 1**

Conservation Reserve Program (CRP) Conservation Practices	Code	Class
Conservation Cover – previously cultivated land	327	N
Contour Buffer Strips	332	N
Critical Area Planting w/no ground breaking/borrow	342	N
Critical Area Planting w/new ground breaking/borrow	342	U
Cross Wind Trap Strips	589C	N
Dam	402	U
Early Successional Habitat Development/Management	647	N
Fencing	382	N
Filter Strip	393	N
Grassed Waterway	412	U
Herbaceous Wind Barriers	603	N
Integrated Pest Management	595	N
Mulching	484	N
Pipeline	516	U
Pipeline (Temporary practice laid upon the surface with no ground disturbance)	516	N
Prescribed Burning - Previously Cropped (no structures)	338	N
Riparian Forest Buffer	391	U
Riparian Herbaceous Cover w/new ground breaking/borrow	390	U
Riparian Herbaceous Cover w/no ground breaking/borrow	390	N
Soil Salinity Management-Nonirrigated	571	N
Soil Salinity Management-Nonirrigated (subsurface drain installed)	571	U
Tree/Shrub Establishment (bare root) – cultivated ground	612	N
Tree/Shrub Establishment (large root balls), perennial planting	612	U
Upland Wildlife Habitat Management w/new ground breaking/borrow	645	U
Upland Wildlife Habitat Management w/no new ground breaking/borrow	472	N
Watering Facility	614	U
Watering Facility (Tank replacement with ground disturbance confined to previously disturbed areas)	614	N
Wetland Restoration (Ditch Plugs-if borrow is below the plow line)	657	U
Wetland Restoration w/no new breaking	657	N
Wetland Wildlife Habitat Management	644	N
Windbreak/Shelterbelt Establishment (bare roots) - on cultivated land	380	N
Windbreak/Shelterbelt Establishment (large root balls), perennial planting	380	U

**List compiled through correspondence with South Dakota FSA CRP Program Staff.