

Texas FOTG -- Cultural Resources

The NRCS places a high priority on the protection of historic and prehistoric cultural resources. The National Historic Preservation Act of 1966 (NHPA), along with other laws, regulations, and Executive Orders (EOs), provides a framework to guide agencies through the process of identifying, evaluating, and protecting these resources. The obligation of a Federal agency with regard to cultural resources is stated in Section 106 of the NHPA. Following is the text of Section 106.

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation [ACHP] established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking. (54 U.S.C. § 306108)

The ACHP is an independent federal entity charged with overseeing the protection of cultural resources throughout the nation. The Council has promulgated 36 CFR Part 800 to provide detailed guidance in the completion of the Section 106 process. Along with the ACHP, the NHPA also created a system of State Historic Preservation Officers (SHPOs) to advise and assist Federal agencies operating within individual states and other jurisdictions on the requirements of Section 106 and Part 800.

This document provides a copy of an addendum (TX401.21) to the NRCS General Manual guidance on Cultural Resources. This addendum provides specific consideration requirements for NRCS field office compliance efforts in Texas and should guide cultural fieldwork and reporting by staff members. Additional guidance may be found in the NRCS National Cultural Resources Procedures Handbook – and the cultural chapter of the General Manual and in the General Manual cultural resource supplement prepared for Texas – <http://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21621>.

The following links provide additional guidance regarding the protection of cultural resources.

36 CFR Part 800 – These regulations provide specific requirements to accomplish compliance with Section 106. The PA provides alternative procedures to facilitate compliance; however, the PA also references requirements within the Part 800 regulations, such as tribal consultation and reporting requirements. <http://www.achp.gov/regs-rev04.pdf>

Native American Graves and Repatriation Act (NAGPRA) – This law primarily involves the discovery and disposition of human remains and funerary items on Federal lands. As the NRCS does not managed Federal land, this Act would generally apply only in instances where NRCS is working on Federal lands managed by another agency or on lands owned by federally recognized Native American tribes. Link: <https://www.nps.gov/nagpra/MANDATES/INDEX.HTM>

Archaeological Resources Protection Act (ARPA) – As with NAGPRA, this law mostly applies to projects on Federal lands and Indian reservations. Among other elements of this law, ARPA provides for both civil and criminal penalties with regard to the destruction of archaeological sites and unauthorized release of information about the nature and location of archaeological sites. http://www.fs.fed.us/spf/tribalrelations/documents/policy/statutes/ARPA_PL96-95.pdf

Cultural Resources Compliance Process – NRCS Texas

