

**PROTOTYPE PROGRAMMATIC AGREEMENT BETWEEN THE
US DEPARTMENT OF AGRICULTURE,
MISSOURI NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE,
MISSOURI STATE HISTORIC PRESERVATION OFFICER,
REGARDING CONSERVATION ASSISTANCE**

WHEREAS, the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) administers numerous voluntary assistance programs, special initiatives, and grant and emergency response programs for soil, water, and related resource conservation activities available to eligible private producers, States, commonwealths, Federally Recognized Tribal governments, other government entities, and other applicants for conservation assistance, pursuant to the Agricultural Act of 2014 (2014 Farm Bill, Public Law 113-79); Soil Conservation and Domestic Allotment Act of 1935 (Public Law 74-46, 16 U.S.C. 590 a-f, as amended); the Flood Control Act of 1944 (Public Law 78-534, as amended); the Watershed Protection and Flood Prevention Act (Public Law 83-566, as amended, 16 U.S.C. 1001-1012); the Agricultural and Food Act of 1981 (Public Law 97-98, 95 Stat. 1213); the Agricultural Credit Act (Public Law 95-3341, Title IV, Section 403); Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624); the Flood Control Act of 1936 (Public Law 74-738); the Food Security Act of 1985 (Public Law 99-198, as amended); the Federal Agricultural Improvement and Reform Act of 1996 (Public Law 104-127); and executive and secretarial orders, implementing regulations and related authorities; and

WHEREAS, NRCS, through its conservation assistance programs and initiatives, provides assistance for activities with the potential to affect historic properties eligible for or listed in the National Register of Historic Places (NRHP), including National Historic Landmarks (NHLs) and therefore constitute undertakings subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f, and its implementing regulations, 36 CFR Part 800, including the provisions of these regulations addressing NHLs at 36 CFR Part 800.10; and

WHEREAS, NRCS has determined that the requirement to take into account the effects to historic properties of its undertakings may be more effectively and efficiently fulfilled through the use of a Prototype Programmatic Agreement (Prototype Agreement); and

WHEREAS, the NRCS Missouri State Office has consulted with the Missouri State Historic Preservation Officer/SHPO and followed the instructions in the ACHP letter that accompanied the Prototype Agreement, dated November 21, 2014; and

WHEREAS, NRCS also is responsible for fulfilling the requirements of the National Environmental Policy Act (NEPA), including the use of categorical exclusions, and coordinating NEPA and Section 106 reviews, as appropriate; and

WHEREAS, NRCS developed this Prototype Agreement in consultation with the National Conference of State Historic Preservation Officers (NCSHPO) and its members, interested Indian tribes, Native Hawaiian organizations, interested historic preservation organizations, (such as the National Trust for Historic Preservation), and the Advisory Council on Historic Preservation (ACHP); and

WHEREAS, in accordance with 36 CFR Part 800.14(b)(4), the ACHP has designated this agreement as a Prototype Agreement, which allows for the development and execution of subsequent prototype agreements by individual NRCS State office(s) (State-based Prototype Agreements) to evidence compliance with Section 106; and

WHEREAS, this Missouri Prototype Agreement conforms to the NRCS Prototype Agreement as designated by the ACHP on November 21, 2014, and therefore, does not require the participation or signature of the ACHP when the NRCS State Office and the SHPO agree to the terms of the Missouri Prototype Agreement; and

WHEREAS, this Prototype Agreement replaces the 2002 nationwide "Programmatic Agreement among the United States Department of Agriculture Natural Resources Conservation Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers relative to Conservation Assistance," as amended in 2011 and 2012, which expired on November 20, 2014; and

WHEREAS, the NRCS State Conservationist is the responsible federal agency official within the state for all provisions of Section 106, including consultation with the SHPO, NHOs, and government-to-government consultation with Indian tribes to negotiate the Missouri Prototype Agreement; and

WHEREAS, the Missouri Prototype Agreement does not apply to undertakings occurring on or affecting historic properties on Tribal lands, as defined by Section 301(14) of the NHPA, without prior agreement and execution of a Missouri Prototype Agreement with the concerned Indian tribe; and

WHEREAS, the NRCS has consulted with Indian tribe(s) and NHOs; and

WHEREAS, this Prototype Agreement does not modify the NRCS' responsibilities to consult with Indian tribes and NHOs on all undertakings that might affect historic properties and properties of religious and cultural significance to them, regardless of where the undertaking is located, without prior agreement by the concerned Indian tribe or NHO, and recognizes that historic properties of religious and cultural significance to an Indian tribe or NHO may be located on ancestral homelands or on officially ceded lands near or far from current settlements; and

WHEREAS, when NRCS conducts individual Section 106 reviews for undertakings under this Missouri Prototype Agreement, it shall identify and invite other agencies, organizations, and individuals to participate as consulting parties; and

NOW, THEREFORE, the NRCS Missouri State Office and the Missouri State Historic Preservation Officer agree that undertakings in Missouri shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

NRCS shall ensure that the following stipulations are met and carried out:

I. Applicability.

- a. Once executed by the NRCS and the Missouri SHPO, this Missouri Prototype Agreement sets forth the review process for all NRCS undertakings subject to Section 106 in the State of Missouri.
- b. Execution of this Missouri Prototype Agreement supersedes any existing State Level Agreement with Missouri SHPO, but does not replace any existing project-specific Section 106 agreements (Memoranda of Agreement or Programmatic Agreements).
- c. This Missouri Prototype Agreement applies only when there is a Federal Preservation Officer (FPO) in the NRCS National Headquarters (NHQ) who meets the Secretary of the Interior's Professional Qualification Standards (48 FR 44716).
- d. This Missouri Prototype Agreement applies only where there is staffing or access to staffing (through contracted services or agreements with other agencies or Indian tribes) who meet the Secretary of Interior's Professional Qualification Standards in the Missouri NRCS State Office.

II. Roles and Professional Qualifications.

- a. The NRCS Missouri State Conservationist is responsible for oversight of its performance under this Missouri Prototype Agreement.
- b. NRCS Missouri shall ensure all NRCS staff or individuals carrying out Section 106 historic preservation compliance work on its behalf, including the NRCS Missouri Cultural Resources Specialist (CRS), are appropriately qualified to coordinate the reviews of resources and historic properties as applicable to the resources and historic properties being addressed (site, building, structure, landscape, resources of significance to Indian tribes, and other concerned communities). Thus, these staff and consultants must meet the Secretary of the Interior's Professional Qualification Standards and have the knowledge to assess the resources within an undertaking's area of potential effects (APE).
- c. The Missouri State Conservationist is responsible for consultation with the Missouri SHPO, and government-to-government consultation with Indian tribe leaders and/or their THPO to develop consultation protocols. These responsibilities may not be delegated to any other staff, nor carried out on behalf of NRCS by another federal agency.
- d. The NRCS Missouri Cultural Resources Coordinator (CRC), CRS and/or professional consultants shall provide technical historic property and resource information to the State Conservationist for use in Section 106 findings and determinations, after appropriate consultations with the SHPO, Indian tribes, NHOs, and discussions with the landowner. The CRC in cooperation with the CRS shall monitor and oversee the work and reporting of all NRCS field office personnel and professional service consultants. The CRC in cooperation with the CRS shall also assist the State Conservationist in determining whether an undertaking has the potential to affect historic properties, triggering Section 106 review, pursuant to 36 CFR Part 800.3(a).
- e. NRCS field office personnel involved in implementing this Missouri Prototype Agreement, after completion of NRCS' web, classroom, and field awareness training acquired through USDA's AgLearn training site, shall work with the CRC and CRS, as feasible, in completing historic preservation compliance (Section 106) field records for the agricultural producer's (NRCS' client or voluntary applicant for assistance) files and for use in producing initial historic property

identification records (as set forth and outlined in NRCS' operational guidance, the National Cultural Resources Procedures Handbook, Title 190, Part 601).

f. The CRC and CRS in Missouri shall oversee development of the scopes of work for investigation of the APEs for identified undertakings (see 36 CFR Part 800.4). The NRCS may use professional service contractors or consultants or partners to assist with cultural resources compliance studies. NRCS shall ensure these contractors meet the Secretary of Interior's Professional Qualifications Standards.

g. Missouri NRCS shall designate Area Cultural Resources Coordinators (ACRCs). ACRCs will be monitored by the CRC and work under the CRS's technical supervision for NRCS field visits. Technical supervision of ACRCs by the CRS may be done remotely, however, the CRS will accompany the ACRC and/or field office staff on field visits as assigned by the CRC. ACRCs are meant to support the CRS, not act as a replacement.

h. NRCS remains responsible for all consultation with the SHPO, Indian tribes and THPOs, and all determinations of NRHP eligibility and effect. NRCS may not delegate consultation for findings and determinations to professional services consultants or producers/applicants for conservation assistance.

i. The Missouri SHPO, if provided sufficient data on a proposed undertaking and APE for the proposed undertaking by Missouri NRCS, shall consult and provide a response to NRCS within 14 calendar days. The definition of sufficient data is provided in 36 CFR Part 800.11.

j. The ACHP shall provide technical guidance, participate in dispute resolution, and monitor the effectiveness of this agreement, as appropriate.

III Training.

a. NRCS shall require personnel conducting cultural resources identification and evaluation work to complete, at a minimum, the NRCS Web-based (in USDA AgLearn) and field Cultural Resources Training in modules and the ACHP's Section 106 *Essentials* course.

b. NRCS shall require the CRC, CRS or other NRCS personnel overseeing cultural resource work to take the NRCS Cultural Resources Training Modules (awareness training) and the ACHP's Section 106 *Essentials* course, or a course with similar content, if approved by the NRCS FPO. Training must be completed within the first calendar year after execution of this Missouri Prototype Agreement. NRCS personnel shall review and update training completion with their supervisors and include their training in their Individual Development Plans.

c. Missouri NRCS may invite the SHPO or staff to participate in presentations at agency classroom or field trainings.

d. NRCS shall encourage all personnel conducting or overseeing cultural resources work to take additional appropriate specialized training as provided by the SHPO, Indian tribes, the ACHP, National Park Service, General Services Agency or other agencies, as feasible.

e. Upon request and within budgetary constraints, the SHPO will supply appropriate staff to assist with the NRCS National Training Program Modules 7 and 8. ACRCs will participate in any combination of at least 20 hours of web, classroom, or field-based advanced training, as a qualification to assist the CRS with field investigations.

IV. Lead Federal Agency.

a. For any undertaking for which the NRCS is the lead federal agency for Section 106 purposes per 36 CFR Part 800.2(a)(2), NRCS staff shall follow the terms of this Missouri Prototype Agreement.

NRCS shall notify the SHPO of its involvement in the undertaking and the involvement of the other federal agencies.

b. For any undertaking for which the NRCS is not the lead federal agency for Section 106 purposes, including those undertakings for which the NRCS provides technical assistance to other USDA or other federal agencies, the terms of this Missouri Prototype Agreement shall not apply to that undertaking. If the lead federal agency agrees, NRCS may follow the approved alternative procedures in place for that agency.

V. Review Procedures.

a. In consultation with the Missouri SHPO, NRCS shall identify those undertakings with little to no potential to affect historic properties as well as undertakings with the potential to affect historic properties. This list of undertakings is provided in Appendix A. Upon the determination by the CRS/Archaeologist that a proposed undertaking is included in Appendix A, the NRCS is not required to consult further with the SHPO for that undertaking.

b. The list of undertakings provided in the Appendix A may be modified through consultation and written agreement between the NRCS State Conservationist and the Missouri SHPO without requiring an amendment to this Missouri Prototype Agreement. The NRCS State office will maintain the master list and will provide an updated list to all consulting parties with an explanation of the rationale (metadata) for classifying the practices accordingly.

c. Undertakings identified in Appendix A as having the potential to affect historic properties shall require further review as outlined in Appendix D.

d. The NRCS shall consult with the Missouri SHPO to define the undertaking's APE, identify and evaluate historic properties that may be affected by the undertaking, assess potential effects, and identify strategies for resolving adverse effects prior to approving the financial assistance for the undertaking.

1. NRCS may provide its proposed APE, identification of historic properties and/or scope of identification efforts, and assessment of effects in a single transmittal to the SHPO, provided this documentation meets the substantive standards in 36 CFR Part 800.4-5 and 800.11.

2. The NRCS shall attempt to avoid adverse effects to historic properties whenever possible; where historic properties are located in the APE, NRCS shall describe how it proposes to modify, buffer, or move the undertaking to avoid adverse effects to historic properties.

3. Where the NRCS proposes a finding of "no historic properties affected" or "no adverse effect" to historic properties, the SHPO who shall have 14 calendar days from receipt of this documented description and information to review it and provide comments. The NRCS shall take into account all timely comments.

- i. If the Missouri SHPO disagrees with NRCS' findings and/or determination, it shall notify the NRCS within the 14 calendar day time period. The NRCS shall consult with the Missouri SHPO attempt to resolve the disagreement. If the disagreement cannot be resolved through this consultation, NRCS shall follow the dispute resolution process in Stipulation VIII below.

- ii. If the Missouri SHPO does not respond to the NRCS within the 14 calendar day period and/or the NRCS receives no objections from other consulting parties, or if the SHPO concurs with the NRCS' determination and proposed actions to avoid adverse effects, the NRCS shall document the concurrence/lack of response within the review time noted above, and may move forward with the undertaking.

4. Where a proposed undertaking may adversely affect historic properties, NRCS shall describe proposed measures to minimize or mitigate the adverse effects, and follow the process in 36 CFR Part 800.6, including consultation with other consulting parties and notification to the ACHP, to develop a Memorandum of Agreement to resolve the adverse effects.

VI. Emergency and Disaster Management Procedures (Response to Emergencies)

- a. NRCS shall notify the Missouri SHPO immediately or within 48 hours of the emergency determination, following the NRCS' Emergency Watershed Program (EWP) final rule (see Section 216, P.L. 81-516 Final Rule, 7 CFR Part 624 (April 2005).
- b. The NRCS State office shall prepare procedures for exigency (following the rules for NRCS' (EWP) regarding immediate threat to life and property requiring, response within 5 days) in consultation with the SHPO. These procedures are in Appendix B.
- c. If the NRCS State office has not developed specific procedures for responding to exigencies, the NRCS shall follow the recently approved guidelines for Unified Federal Review issued by the Department of Homeland Security, Federal Emergency Management Service (DHS, FEMA), the Council on Environmental Quality (CEQ), and the ACHP in July 2014, or the procedures in 36 CFR Part 800.12(b).

VII. Post-review discoveries of cultural resources or historic properties and unanticipated effects to historic properties.

- a. Where construction has not yet begun and a cultural resource is discovered after Section 106 review is complete, the NRCS shall consult to seek avoidance or minimization strategies in consultation with the SHPO, and/or to resolve adverse effects in accordance with 36 CFR Part 800.6.
- b. The NRCS shall ensure that every contract for assistance includes provisions for halting work/construction in the area when potential historic properties are discovered or unanticipated effects to historic properties are found after implementation, installation, or construction has begun. When such a discovery occurs, the producer who is receiving financial assistance or their contractor shall immediately notify the NRCS State Conservationist's Office, CRS, supervisory NRCS personnel for the area, and the landowner/applicant.
 1. NRCS CRS shall inspect the discovery within 24 hours, if weather permits, and in consultation with the local NRCS official (field office supervisor or District or Area Conservationist), concerned Indian tribes, the SHPO, the NRCS State engineering or program supervisor, as appropriate), the landowner/producer (whomever NRCS is assisting), the CRS shall establish a protective buffer zone surrounding the discovery. This action may require inspection by tribal cultural resources experts in addition to the CRS.
 2. All NRCS contact with media shall occur only under the direction of the NRCS Public Affairs Officer, as appropriate, and the State Conservationist.
 3. Security shall be established to protect the resources/historic properties, workers, and private property. Local law enforcement authorities will be notified in accordance with applicable State law and NRCS policy in order to protect the resources. Construction and/or work may resume outside the buffer only when the State Conservationist determines it is appropriate and safe for the resources and workers.
 4. NRCS CRS shall notify the Missouri SHPO and the ACHP no later than 48 hours after

the discovery and describe NRCS' assessment of the National Register eligibility of the property, as feasible and proposed actions to resolve any adverse effects to historic properties. The eligibility determination may require the assessment and advice of concerned Indian tribes, the Missouri SHPO, and technical experts (such as historic landscape architects) not employed by NRCS.

5. The Missouri SHPO and ACHP shall respond within 48 hours from receipt of the notification with any comments on the discovery and proposed actions.

6. NRCS shall take any comments provided into account and carry out appropriate actions to resolve any adverse effects.

7. NRCS shall provide a report to the Missouri SHPO and the ACHP of the actions when they are completed.

c. When human remains are discovered, the NRCS shall follow all applicable federal, tribal, and state burial laws and ordinances, including the Native American Graves Protection and Repatriation Act, and implementing regulations, when on tribal or federal lands, and related human rights and health statutes, where appropriate, including Missouri Revised Statute Section 194.406.1 to address unmarked human burials. NRCS shall also refer to the ACHP's Policy Statement regarding *Treatment of Burial Sites, Human Remains and Funerary Objects* and the ACHP's Section 106 Archaeology Guidance. NRCS shall also follow USDA and NRCS policy on treatment of human remains and consultation.

VIII. Dispute resolution.

a. Should any consulting or signatory party to this Missouri Prototype Agreement object to any actions proposed or the manner in which the terms of the agreement are implemented, the NRCS State Conservationist and CRS shall consult with such party to resolve the objection. If the State Conservationist determines that such objection cannot be resolved, he or she will:

1. Forward all documentation relevant to the dispute, including the State Conservationist's proposed resolution, to the NRCS FPO and Senior Policy Official (SPO Deputy Chief for Science and Technology) and the ACHP. The ACHP shall provide the FPO, SPO, and State Conservationist with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRCS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and any signatory or consulting parties, and provide them with a copy of this written response. NRCS will then proceed according to its final decision.

2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, NRCS may make a final decision on the dispute and proceed. Prior to reaching such a final decision, NRCS shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties, and provide them and the ACHP with a copy of the written response.

b. The NRCS Missouri Office responsibility to carry out all other actions subject to the terms of this agreement that are not the subject of the dispute remains unchanged.

c. Any consulting party to Missouri Prototype Agreement may request the ACHP provide its advisory opinion regarding the substance of any finding, determination, or decision regarding compliance with its terms.

d. At any time during the implementation of the Missouri Prototype Agreement, a member of the public may submit an objection pertaining to this agreement to the NRCS State Conservationist, in

writing. Upon receiving such an objection, the State Conservationist shall notify the NRCS SPO and FPO, the SHPO, take the objection into account, and consult with other consulting parties as appropriate to resolve the objection. The NRCS State Conservationist shall notify the SPO, FPO, and the Missouri SHPO of the outcome of this process.

IX. Public Involvement

The NRCS State Conservationist will ensure the public is involved in the development of this Missouri Prototype Agreement and participates in Section 106 review as set forth above in Section V.

X. Annual reporting and monitoring.

a. Every year following the execution of this agreement, commencing December 1, 2015, until it expires or is terminated, the NRCS Missouri State Conservationist shall provide all consulting parties (including those parties who participate in the consultation but do not sign the agreement) and the FPO a summary report detailing work undertaken pursuant to its terms, including a list of undertakings falling under Appendix A as well as undertakings that required further review; a summary of the nature and content of meetings held with SHPO; and an assessment of the overall effectiveness of the Missouri Prototype Agreement. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in NRCS' efforts to carry out the terms of this agreement.

1. The NRCS FPO shall use the state reports to provide, through the NRCS SPO, an annual report to the ACHP.

2. The State Conservationist shall use the state report to assess the need for annual meetings with the SHPO each fiscal year.

b. The State Conservationist will participate in an annual review with the NRCS Regional Conservationist regarding the effectiveness of the prototype agreement and submit a written (email) report following this review to the SPO (Deputy Chief for Science and Technology).

c. The NRCS State Conservationist or SHPO, may request that the ACHP participate in any annual meeting or agreement review.

XI. Compliance with applicable State law and Tribal law (when on Tribal lands).

NRCS shall comply with relevant and applicable state law, including permit requirements on state land, and with relevant and applicable tribal law, when on tribal lands.

XII. Duration of Prototype Agreement.

This Missouri Prototype Agreement will be in effect for 10 years from the date of execution unless amended or terminated pursuant to Stipulation XIII below.

XIII. Amendment and termination.

a. This Missouri Prototype Agreement may be amended if agreed to in writing by all signatories. The amendment will be effective on the date a copy, signed by all of the signatories, is filed with the NRCS FPO, SPO, and the ACHP.

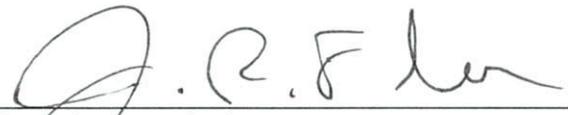
b. If any signatory to this Missouri Prototype Agreement, or the ACHP, determines that its provisions will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XII.A. If within 30 calendar days, or other time period agreed upon by the signatories, an amendment cannot be agreed upon, any signatory or the ACHP may terminate the agreement upon written notification to the other signatories.

c. If this Missouri Prototype Agreement is terminated, or expires without being extended via the amendment process described above, and prior to continuing work on any undertaking, NRCS shall comply with 36 CFR Part 800 for all individual undertakings in Missouri.

d. NRCS will consider requests from other USDA agencies to become a signatory to the Missouri Prototype Agreement following formal written requests and appropriate discussion with and approval by the NRCS FPO and SPO, and joint USDA Agency -NRCS State Office consultation with the ACHP, NCSHPO, and Indian tribes, and other consulting parties, as appropriate. Such inclusion of the USDA agency may require amendment to this Missouri Prototype Agreement.

Execution of this Missouri Prototype Agreement by the NRCS and Missouri SHPO and implementation of its terms evidence that NRCS has taken into account the effects of its undertakings in Missouri on historic properties and afforded the ACHP a reasonable opportunity to comment.

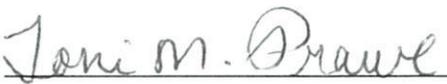
Signatory Parties



State Conservationist
Missouri Natural Resources Conservation Service

11-13-15

Date



Missouri State Historic Preservation Officer
Missouri Department of Natural Resources

11/05/2015

Date

APPENDIX A

**CLASSIFICATION OF INDIVIDUAL CONSERVATION PRACTICES
POTENTIAL TO AFFECT HISTORIC PROPERTIES
MISSOURI NRCS**

Pursuant to Stipulation V.a. above, in consultation with the Missouri SHPO, the NRCS, through the qualified CRS as described in Stipulation II.b., has determined that the following undertakings as either (a) having little or no potential to affect historic properties, (b) having little or no potential to affect historic properties under the stated condition, or (c) requiring further action as described in V.c.. The NRCS is not required to consult further with the SHPO under Section 106 for any undertaking that is classified as “no further action” or meets exclusion conditions stated below.

Code	Practice	Potential to Affect Historic Properties
472	Access Control	No further action
560	Access Road	Complete MO-CR-1
309	Agrichemical Mixing Facility	* No further action when ground disturbance is 10 inches deep or less
371	Air Filtration and Scrubbing	* No further action when ground disturbance is 10 inches deep or less
311	Alley Cropping	* No further action when ground disturbance is 10 inches deep or less
366	Anaerobic Digester – Controlled Temperature	* No further action when ground disturbance is 10 inches deep or less
316	Animal Mortality Facility	* No further action when ground disturbance is 10 inches deep or less
450	Anionic Polyacrylamide (PAM) Erosion Control	No further action
370	Atmospheric Resource Quality Management	No further action
314	Brush Management	* No further action when ground disturbance is 10 inches deep or less
672	Building Envelope Improvement	No further action
326	Clearing and Snagging	Complete MO-CR-1
317	Composting Facility	* No further action when ground disturbance is 10 inches deep or less
327	Conservation Cover	No further action
328	Conservation Crop Rotation	No further action
332	Contour Buffer Strips	No further action
330	Contour Farming	No further action
340	Cover Crop	No further action
342	Critical Area Planting	* No further action when ground disturbance is 10 inches deep or less
589A	Cross Wind Ridges	No further action
589C	Cross Wind Trap Strip	No further action
402	Dam	Complete MO-CR-1
356	Dike	Complete MO-CR-1
362	Diversion	Complete MO-CR-1
554	Drainage Water Management	Complete MO-CR-1
432	Dry Hydrant	No further action if replacement
647	Early Successional Habitat Development/Mgmt	No further action
374	Farmstead Energy Improvement	* No further action when ground disturbance is 10 inches deep or less
592	Feed Management	No further action
382	Fence	No further action when electric/high tencil or posts are 2 inches in diameter or less
386	Field Border	No further action
393	Filter Strip	* No further action when ground disturbance is 10 inches deep or less
394	Firebreak	* No further action when ground disturbance is 10 inches deep or less
511	Forage and Biomass Harvest Management	No further action
512	Forage and Biomass Planting	No further action
666	Forest Stand Improvement	No further action
655	Forest Trails and Landings	No further action on existing trails or landings

410	Grade Stabilization Structure	Complete MO-CR-1
412	Grassed Waterway	Complete MO-CR-1
561	Heavy Use Area Protection	* No further action when ground disturbance is 10 inches deep or less
422	Hedgerow Planting	* No further action when ground disturbance is 10 inches deep or less
315	Herbaceous Weed Control	* No further action when ground disturbance is 10 inches deep or less
603	Herbaceous Wind Barriers	No further action
595	Integrated Pest Management	No further action
464	Irrigation Land Leveling	Complete MO-CR-1
430	Irrigation Pipeline	* No further action when ground disturbance is 10 inches deep or less
436	Irrigation Reservoir	Complete MO-CR-1
441	Irrigation System, Microirrigation	No further action
443	Irrigation System, Surface and Subsurface	* No further action when ground disturbance is 10 inches deep or less
447	Irrigation System, Tailwater Recovery	* No further action when ground disturbance is 10 inches deep or less
449	Irrigation Water Management	No further action
670	Lighting System Improvement	No further action
468	Lined Waterway or Outlet	Complete MO-CR-1
516	Livestock Pipeline	* No further action when ground disturbance is 10 inches deep or less
799	Monitoring and Evaluation	* No further action when ground disturbance is 10 inches deep or less
484	Mulching	No further action
379	Multi-Story Cropping	No further action
590	Nutrient Management	No further action
378	Pond	Complete MO-CR-1
521A	Pond Sealing or Lining-Flexible Membrane Lining	No further action
521B	Pond Sealing or Lining-Soil Dispersant	No further action
521C	Pond Sealing or Lining-Bentonite Sealant	No further action
521D	Pond Sealing or Lining-Compacted Clay Treatment	No further action
338	Prescribed Burning	* No further action if buildings, structures, cemeteries, and mounds are avoided and ground disturbance is 10 inches deep or less
528	Prescribed Grazing	No further action
533	Pumping Plant	Complete MO-CR-1
562	Recreation Area Improvement	* No further action when ground disturbance is 10 inches deep or less
568	Recreation Trail and Walkway	Complete MO-CR-1
345	Residue & Tillage Mgmt, Mulch Till	No further action
329	Residue & Tillage Mgmt, No Till/Strip Till/Direct Seed	No further action
346	Residue & Tillage Mgmt, Ridge Till	No further action
643	Restoration & Mgmt of Rare or Declining Habitat	No further action
391	Riparian Forest Buffer	No further action
390	Riparian Herbaceous Cover	* No further action when ground disturbance is 10 inches deep or less
558	Roof Runoff Structure	No further action
367	Roofs and Covers	* No further action when ground disturbance is 10 inches deep or less
798	Seasonal High Tunnel System for Crops	Complete MO-CR-1
350	Sediment Basin	Complete MO-CR-1
646	Shallow Water Development Mgmt for Wildlife	Complete MO-CR-1
381	Silvopasture Establishment	No further action
572	Spoil Spreading	No further action
574	Spring Development	Complete MO-CR-1
442	Sprinkler System	* No further action when ground disturbance is 10 inches deep or less
570	Stormwater Runoff Control	* No further action when ground disturbance is 10 inches deep or less
578	Stream Crossing	Complete MO-CR-1
580	Streambank and Shoreline Protection	Complete MO-CR-1
585	Stripcropping	No further action
587	Structure for Water Control	Complete MO-CR-1
606	Subsurface Drain	Complete MO-CR-1
607	Surface Drainage - Field Ditch	Complete MO-CR-1
608	Surface Drainage, Main or Lateral	Complete MO-CR-1
609	Surface Roughening	No further action

600	Terrace	Complete MO-CR-1
612	Tree/Shrub Establishment	* No further action when ground disturbance is 10 inches deep or less
660	Tree/Shrub Pruning	No further action
490	Tree/Shrub Site Preparation	* No further action when ground disturbance is 10 inches deep or less
620	Underground Outlet	Complete MO-CR-1
645	Upland Wildlife Habitat Management	No further action
601	Vegetative Barrier	No further action
630	Vertical Drain	Complete MO-CR-1
360	Waste Facility Closure	Complete MO-CR-1
633	Waste Recycling	No further action
632	Waste Separation Facility	Complete MO-CR-1
313	Waste Storage Facility	Complete MO-CR-1
634	Waste Transfer	Complete MO-CR-1
359	Waste Treatment Lagoon	Complete MO-CR-1
638	Water and Sediment Control Basin	Complete MO-CR-1
642	Water Well	Complete MO-CR-1
351	Water Well Decommissioning	No further action
614	Watering Facility	Complete MO-CR-1
658	Wetland Creation	Complete MO-CR-1
659	Wetland Enhancement	Complete MO-CR-1
657	Wetland Restoration	Complete MO-CR-1
644	Wetland Wildlife Habitat Management	No further action
380	Windbreak/Shelterbelt Establishment	* No further action when ground disturbance is 10 inches deep or less
384	Woody Residue Treatment	No further action

*A MO-CR-1 must be completed when ground disturbance is greater than 10 inches deep.

APPENDIX B

PROCEDURES FOR EMERGENCY RESPONSE

NRCS and the Missouri SHPO will use the following procedures to ensure that the need to protect life and property in an emergency is accomplished while taking cultural resources into account to the maximum extent possible.

- A. Exigency Situations (Emergency Watershed Protection Program).** NRCS shall notify SHPO when historic properties are at risk due to an exigency situation. The notification will include the circumstances creating the exigency situation and the work to be undertaken. NRCS will take into account SHPO comments received before exigency work must begin (within 10 days after the committal of funds) and will document and avoid adverse effects to cultural resources discovered during exigency work to the fullest extent practicable.

- B.** During certain other emergency situations NRCS shall follow the procedures describe in 36 CFR 800.12(b).

APPENDIX C

GLOSSARY OF ACRONYMS USED IN THIS DOCUMENT

USDA	United States Department of Agriculture
NRCS	Natural Resources Conservation Service
ACHP	Advisory Council on Historic Preservation
NHL(s)	National Historic Landmark(s)
NRHP	National Register of Historic Places
SHPO	State Historic Preservation Officer
THPO	Tribal Historic Preservation Officer
NCSHPO	National Conference of State Historic Preservation Officers
NHO	Native Hawaiian Organization
NEPA	National Environmental Policy Act
CEQ	Council on Environmental Quality
DHS	Department of Homeland Security
FEMA	Federal Emergency Management Agency
NHPA	National Historic Preservation Act
FPO	Federal Preservation Officer (Federal Preservation Officer)
SPO	Senior Policy Official (NRCS)
NHQ	National Headquarters (NHQ)
APE	Area of Potential Effect—from ACHP regulations 36 CFR Part 800
CRS	Cultural Resources Specialist (NRCS—meets Secretary of Interior's Professional Qualification Standards, generally an archaeologist or historian)
EWP	Emergency Watershed Program (NRCS program)

APPENDIX D

Review Procedures

- A. Roles and responsibilities
 - 1. The CRC is responsible for implementation of cultural resources policies and procedures as outlined in the NRCS GM 420, Part 401 and National Cultural Resources Handbook Part 601. The CRC manages cultural resources work flow between field office requests, the CRS, and ACRCs.
 - 2. The CRS for NRCS shall meet the Secretary of Interior's Professional Qualification Standards (48 FR 44738-9) (PQS). This person shall act as Principal Investigator for archaeological investigations or monitoring conducted by an ACRC. The CRS shall conduct field investigations and determine eligibility in those cases where the NRCS and SHPO agree that the need for survey is at a higher level than can be provided by the ACRC.
 - 3. ACRCs may provide assistance to NRCS field office personnel when cultural resources have been identified or could potentially be present in an area of potential effect. If cultural resources are determined to be present the ACRC will complete cultural resource inventory reports for review by the NRCS' CRS. The reports will be completed in accordance with procedures and format agreed to by the SHPO and NRCS.
 - 4. NRCS field office personnel will be responsible for making determinations:
 - a. Are conservation practices considered undertakings as per the Appendix A?
 - b. Is a MO-CR-1 completed for plans that include undertakings? At a minimum, field personnel conducting the field inspection and placing signature on MO-CR-1 shall have completed all phases of NRCS Cultural Resources Training Modules 1-8. Any personnel may make cultural resources inquiries.
 - c. If cultural resources are identified during field inspections, or if reported sites are in the area of potential effect for the practice, field personnel may request assistance from an ACRC. Previously unrecorded sites will be documented at minimum on the cultural resources county map or GIS layer. A Missouri State Historic Preservation Office Archaeological site form may be completed with landowner consent.
- B. MO-CR-1 Details
 - 1. Check the National Register of Historic Places
 - 2. Check the county map for previously recorded sites. Each NRCS field office will have access to cultural resources maps (hardcopy and/or digital). Previously recorded archaeological sites will be designated by Public Land Survey System (PLSS) sections.
 - 3. Check for the presence of possible historic buildings or structures.
 - 4. Check with the landowner/operator about their knowledge of cultural resources with the assistance area.
 - 5. Conduct a field survey of the Area of Potential Effect (APE) of the assistance activity.
- C. Actions involving known sites
 - 1. If a conservation assistance activity will involve undertakings and the location of the assistance is in a section designating a previously recorded site, the NRCS field office staff will request assistance from the CRC. The CRC will review the area for known or previously recorded sites. If review by the CRC indicates that a previously recorded or known site is in the assistance area, the field office (or CRC) may request an inspection by

an ACRC. The ACRC will inspect the area to locate the recorded site, establish site boundaries and review options with field office staff. The CRC may opt for the CRS to inspect the area if deemed to be a complex or sensitive project. The CRS will review reports written by ACRCs and use information gathered by ACRCs to supplement reports sent to SHPO. The CRS will oversee all final field determinations.

2. If the assistance will or can be modified to avoid impacts on the site, this action will be documented and sent to the CRC and CRS for review. Avoidance should include a fifty (50) foot buffer zone around all cultural resource boundaries.
3. If the assistance cannot be modified to avoid impacts, the ACRC shall request field review and a determination of eligibility by the CRS. If the CRS determines the site not to be eligible, the CRS will notify the SHPO of these findings. SHPO will have 14 calendar days, from the date of receipt to comment. No response from the SHPO will be considered concurrence. The proposed project may proceed if both the NRCS and SHPO agree that the cultural resources are not eligible for listing on the NRHP. If the site is found to be significant and cannot be avoided, regular Section 106 procedures shall be initiated by the CRC.

D. Actions involving unrecorded sites

1. If a previously unrecorded site is located during the field office inspection, field personnel will request assistance from an ACRC, the CRC or the CRS, whoever is most available. The ACRC will document the site and contact the CRC and CRS with recommendations for either survey by the CRS, or reasons why the CRS does not need to survey the site. The CRS shall review all newly located sites if the sites are in the APE. The ACRC and/or CRS shall review options with the field office staff.
2. If the assistance can be modified to avoid impacts to the cultural resource, this action will be documented and sent to the CRC and CRS for review. Avoidance should include a fifty (50) foot buffer zone around all cultural resource boundaries.
3. If the assistance cannot be modified to avoid impacts, the ACRC shall request field review and a determination of eligibility by the CRS. If the CRS determines the site not to be eligible, the CRS will notify the SHPO of these findings.

E. Site recording

1. Missouri DNR Archaeological Site Recordation form shall be completed for all previously unrecorded sites located during NRCS assistance activities. The field office staff will request permission from the landowner that the completed site form is forwarded by the CRC to the SHPO for recording in the state database.
2. If the landowner does not give permission, but either an undertaking is not involved or the site can be avoided, the form will not be sent to the SHPO, but will be placed in the field office archaeological site recordation forms, 420-5 (protected) file. A note will be made in the conservation assistance notes to check the 420-5 file prior to assistance activities. Correspondence with the SHPO will indicate that the landowner did not give permission for recording in the SHPO database.
3. If the landowner gives permission, the site form will be sent to the SHPO.
4. If an undertaking is involved and the site cannot be avoided, the landowner will be informed that continued assistance for this undertaking requires consultation with the SHPO and recording of the site. If the landowner still does not give permission for

recording of the site, the NRCS will follow the procedures for withdrawal of assistance in GM 420, Part 401 and the National Cultural Resources Handbook, Part 601.