Amendment to
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

WHEREAS, the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), the National Conference of State Historic Preservation Officers (NCSHPO), and the Advisory Council on Historic Preservation (ACHP) executed this nationwide Programmatic Agreement (PA) on May 31, 2002;

WHEREAS, stipulation 8, "Expiration," of the nationwide PA states that the agreement will expire 10 years from the date of execution, i.e., May 31, 2012;

WHEREAS, in June 2010, NRCS began surveying and working with the ACHP staff, State Historic Preservation Officers, federally recognized Indian Tribes, and Native Hawaiian Organizations (NHOs) regarding the effectiveness of the nationwide PA and exploring options to develop a simplified and more nationally consistent program alternative;

WHEREAS, NRCS formally initiated consultation with NCSHPO, ACHP, federally recognized Indian Tribes, and NHOs in July-December 2011 to consider a program alternative to replace the nationwide PA;

WHEREAS, NRCS is continuing consultation with NCSHPO, ACHP, interested Indian Tribes, and NHOs and has conducted outreach to intertribal organizations, including the National Association of Tribal Historic Preservation Officers and the National Congress of American Indians, and other preservation partners, including the National Trust for Historic Preservation, to consider the development of a nationwide prototype programmatic agreement;

WHEREAS, this consultation process to develop a subsequent program alternative is ongoing;

WHEREAS, NRCS intends to conclude the consultation process to develop a subsequent program alternative by May 31, 2013, and should a prototype programmatic agreement be designated by the ACHP, implement the prototype programmatic agreement through the development of agreements with NRCS State offices following the prototype;

WHEREAS, through this amendment, the NRCS proposes to extend the duration of the nationwide PA for a limited time period while the consultation on the subsequent program alternative is ongoing to provide continuity in its Section 106 program and compliance;

WHEREAS, those NRCS State offices that have not developed State-Level Agreements with State Historic Preservation Officers or Consultation Protocols with Indian Tribes pursuant to the nationwide PA, or have terminated such agreements or protocols, will comply with the Section 106 process set forth in 36 CFR part 800;

WHEREAS, it is anticipated that once the subsequent program alternative is developed and implemented, it would replace the nationwide PA;

NOW THEREFORE, pursuant to stipulation 6 of the nationwide PA, NRCS, NCSHPO, and ACHP agree to amend the nationwide PA as follows:

AMENDED STIPULATIONS

The following is added as stipulation 9 to the nationwide PA:

CONSULTATION WITH FEDERALLY RECOGNIZED INDIAN TRIBES AND NHOS

> The NRCS will consult with any federally recognized Indian Tribe or NHO that attaches religious and cultural significance to historic properties that may be affected by an NRCS undertaking in accordance with 36 CFR § 800.2(c)(2). This requirement applies regardless of the location of the historic property on or off Tribal lands.

Stipulation 8 of the nationwide PA is revised to read as follows:

EXPIRATION

This amended agreement will expire eighteen (18) months from the date of its execution.

All other terms of the nationwide PA are to remain unchanged.

Signatories:

Dave White
Chief
Natural Resources Conservation Service

April 23, 2012
Date

John M. Fowler
Executive Director
Advisory Council on Historic Preservation

5/2/12
Date

Ruth A Pierpont
President
National Conference of State Historic Preservation Officers

4/25/12
Date