



CULTURAL RESOURCES REVIEW INSTRUCTIONS

(April 2020)

The following items must be followed by NRCS personnel and their partners to meet the cultural resources requirements for conservation planning and application. These instructions were developed in consultation with the Pennsylvania Historical and Museum Commission – State Historical Preservation Office (SHPO).

1. Eight Module Training - NRCS Field Office personnel and partners who have completed the eight module NRCS Cultural Resources Training are qualified to perform cultural resources reviews and field inspections for undertakings that are limited in scope to being located on private land and for undertakings in which no known complex, dense or deeply buried cultural resources exist (as determined by NRCS) within the proposed areas of potential effect. These requirements shall apply to Conservation District personnel and other partners who are involved with planning and implementation of NRCS assisted conservation practices.
2. Undertakings with the Potential to Effect Cultural Resources – “Classification of Conservation Practices Effects on Cultural Resources” will be used to determine if implementation of a conservation practice may result in changes to the character or use of National Register or eligible resources.

Backhoe test pits and other large excavations that may be conducted as part of soil survey and other similar activities are also considered to be undertakings with the potential to effect cultural resources. Additional guidance is available from the Cultural Resources Coordinator (CRC) or Cultural Resources Specialist (CRS).
3. Area of Potential Effect (APE) is the geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if such properties exist. These effects may be direct or indirect.
4. Public Consultation – NRCS will ensure that consultation is conducted with appropriate individuals and groups, depending on the size and nature of the undertaking. On individual farm practices this will be the landowner, operator (if not the landowner), any partners involved and any other individual or group who expresses interest in any particular undertaking. This does not mean that NRCS should search out other individuals or groups.
5. Artifacts - All artifacts are the property of the landowner. Collection of artifacts will only be at the landowner’s written consent. Persons conducting cultural resource reviews will not collect artifacts while on official duty, except when directed by a CRS and shall use cultural resources information gained on the job only for official purposes or



professional study. A log of those artifacts collected will be maintained. Upon completion of investigations and studies, all artifacts shall be returned to the owner.

It is a violation of state law to collect artifacts from state lands and a violation of federal law to collect artifacts from Federal lands.

6. Avoidance – If a cultural resource is encountered during normal planning for NRCS assistance activities, its boundaries and applicable means of avoidance will be determined by NRCS personnel.
7. Cultural Resources Review Worksheet (CRRW) – Complete a CRRW for all planned conservation practices that are classified as “undertakings with the potential to effect cultural resources”. These include all conservation practices rated E (Effect or Ground (Resource) Disturbing) and some rated PE (Potential Effects/Potentially Ground (Resource) Disturbing) in the “Classification of Conservation Practice Effects on Cultural Resources.” Also, complete CRRW for backhoe test pits and other large excavations.

Complete as per the “Guidance for Completing the PA Cultural Resources Review Worksheet”.

- a. Complete ALL sections of the CRRW, except those designated for the CRC/CRS.
 - b. Under “How did you acquire this information?” be sure to complete all that apply, but the following as a minimum:
 - i. National Register of Historic Places using the Priority Resource Map or CRGIS (<https://gis.penndot.gov/crgis>)
 - ii. Recollections from landowner and/or operator, if practicable
 - iii. Visual clues
 - c. The CRRW must be completed by and signed by someone that has completed the 8 module Cultural Resources training.
 - d. All completed CRRWs must be emailed to the NRCS Cultural Resource email account; NRCS.PA.CRRW@usda.gov.
8. Environmental Evaluation Worksheet (EE Worksheet) – Use the EE Worksheet (CPA-52 substitute form) under Special Environmental Concerns, Cultural Resources to document all cultural resources reviews for conservation practices rated as NE (No Effect/Not Ground (Resource) Disturbing) and those PE (Potential Effects/Potentially Ground (Resource) Disturbing) rated practices that are non-intrusive. Just state that these practices are undertakings that do not have the potential to effect cultural resources. Otherwise reference the CRRW on the EE Worksheet
9. Potential National Register Eligible Cultural Resources Present or the Potential for Deeply Buried Cultural Resources Exist in the APE.

- a. Field personnel will notify the NRCS Cultural Resources Coordinator (CRC). The CRC will review the information and discuss practice alternatives with the Field personnel in lieu of a survey by a Cultural Resources Specialist (CRS).
- b. If the cultural resource site can be avoided or a non-ground disturbing practice can be installed, this action is documented on the CRRW and the field office proceeds with assistance.
- c. If no feasible alternative can be found, the CRC will arrange for CRS to proceed with a Survey (Phase I [for archaeology] or Historic Resource [for historic structures]).

If a CRS or NRCS funding is not available for the Survey, then:

- i. Field personnel will work with the landowner to determine if they are willing to fund the Survey.
 - ii. The landowner will have the Survey completed by a CRS and the landowner's CRS will provide the results and recommendations for future work to the NRCS and State Historic Preservation Office.
 - iii. NRCS assistance cannot proceed until the Survey is completed.
- d. If the Phase I archaeological survey uncovers sufficient evidence that a National Register Eligible Site may exist and the practice cannot be modified or moved to avoid impacts, then a Phase II survey will be needed to proceed.

NRCS may provide this service if a CRS is available or if funding is available to contract for the services. If the landowner does not wish NRCS to proceed according to policy, then NRCS will withdraw assistance related to the undertaking.

If a CRS or NRCS funding is not available for the Phase II survey, then:

- i. Field personnel will work with the landowner to determine if they are willing to fund the survey.
 - ii. The landowner will have the survey completed by a CRS and the landowner's CRS will provide the results and recommendations for future work to the NRCS and State Historic Preservation Office.
 - iii. NRCS assistance cannot proceed until the survey is completed.
- e. If the cultural resource is determined eligible for the NRHP (either through the Historic Resource Survey or the Phase II Survey) and cannot be avoided, then the NRCS, in consultation with the SHPO, shall develop a plan to mitigate any adverse effects upon the resource. Details and conditions of the mitigation plan will be specified in a Memorandum of Agreement (MOA) developed by the NRCS and signed by the NRCS, the SHPO, the American Council on Historic Preservation (ACHP), and any other interested parties.

The preferred mitigation option is to avoid any disturbance of the cultural resource by relocating or redesigning the practice.

- f. After the MOA is signed, the assistance can proceed.
10. Human Remains – If human remains are discovered in the APE during planning or implementation of a conservation practice, all activities deemed likely to damage the remains will cease and the following steps will be taken:
- a. Pennsylvania State Police will be contacted immediately by NRCS personnel to determine whether the remains are part of an ongoing investigation.
 - b. The landowner, NRCS Cultural Resources Specialist (CRS) or Cultural Resources Coordinator (CRC), and the SHPO will be notified in writing (e-mail, fax) and by telephone of the discovery and will participate in all subsequent discussions.
 - c. NRCS field personnel and the client will take appropriate measures, such as erecting fencing or barriers with a 50-foot buffer around the remains, to protect the remains until the treatment plan is developed.
 - d. If the law enforcement agency determines that the remains do not reflect a crime scene and/or if they otherwise relinquish their jurisdiction over the remains, the CRC will consult appropriate parties (e.g., federally recognized Indian tribes and/or the property owners) regarding additional steps to be followed.
 - i. If it is determined that the remains are not Native American, a reasonable effort will be made to determine the identity or next of kin of the deceased. If the construction activities cannot be moved, the CRC will direct the property owner to find another location for the remains and to seek a court order to have the remains removed to that location.
 - ii. If it is determined that the remains are Native American, the CRC shall contact federally recognized tribes to consult on the disposition of the remains and funerary objects, if applicable.
 - e. The NRCS Pennsylvania shall follow all applicable federal, tribal, and state burial laws and ordinances, including the Native American Graves Protection and Repatriation Act and implementing regulations if on tribal or federal lands, and related human rights and health statutes, where appropriate. 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 Pennsylvania shall also follow USDA and NRCS policy on treatment of human remains and consultation.
 - f. Planning and construction activities at the site may commence only after NRCS and the SHPO agree that the treatment has been completed in accordance with the specific plan.

11. Unanticipated Discoveries – If previously unidentified cultural resources (other than human remains and grave goods) are encountered during implementation of a practice, the following procedure will be followed:

- a. Upon discovery, NRCS will immediately cease technical assistance and request that the contractors who are under the control of the cooperator cease working in the immediate vicinity of the discovery. If contractor does not cease operations upon request, all NRCS technical and financial assistance will be terminated.
- b. NRCS field personnel shall notify either the CRC or CRS as soon as practicable.
- c. NRCS Pennsylvania CRC/CRS shall notify the PA SHPO and the ACHP no later than 48 hours after the discovery and describe NRCS Pennsylvania's assessment of the National Register eligibility of the property, as feasible and proposed actions to resolve any adverse effects to historic properties.
- d. The CRC/CRS shall arrange for a field assessment of the discovery (to take place as soon as practicable) by a NRCS CRC/CRS and in consultation representative of the SHPO. A representative of the field office will be part of the field assessment whenever possible.
- e. The CRS will make a recommendation to the SHPO and CRC on the National Register eligibility. The CRC shall keep the field personnel informed about the findings and decisions.

NOTE:

ALL CULTURAL RESOURCES SITE DATA ARE SECURED FILES AND EXEMPT FROM FREEDOM OF INFORMATION ACT - file in a secured file separate from other planning data.

CRRWs and other planning data that show no cultural resources exist do not have to be secured since they contain no cultural resources site information.