

## ATTACHMENT III

### NRCS UNDERTAKINGS THAT ARE EXEMPT FROM CULTURAL RESOURCES REVIEWS IN MAINE

#### Conservation Practices

Brush Management (314, using only control methods that do not disturb the soil surface layer)  
Conservation Cover (327)  
Conservation Crop Rotation (328)  
Contour Buffer Strips (332)  
Contour Farming (330, without removal of obstructions or woody vegetation)  
Cover Crop (340)  
Early Successional Habitat Development/Management (647, without controlled burning, new tillage, or removal of obstructions or woody vegetation)  
Fence (382, except when postholes are augered)  
Field Border (386)  
Filter Strip (393)  
Forage and Biomass Planting (512)  
Forage Harvest Management (511)  
Forest Stand Improvement (666)  
Herbaceous Weed Control (315, using only control methods that do not disturb the soil surface layer)  
Integrated Pest Management (595)  
Irrigation System, Microirrigation (441, with all components above ground)  
Irrigation System, Sprinkler (442, with all components above ground)  
Irrigation Water Management (449, without structural components)  
Mulching (484)  
Nutrient Management (590)  
Pond Sealing or Lining – Bentonite Sealant (521C)  
Pond Sealing or Lining – Flexible Membrane (521A)  
Pond Sealing or Lining – Soil Dispersant (521B)  
Prescribed Grazing (528)  
Residue and Tillage Management, Mulch Till (345)  
Residue and Tillage Management, No Till/Strip Till/Direct Seed (329)  
Residue and Tillage Management, Ridge Till (346)  
Residue Management, Seasonal (344)  
Stripcropping (585, without removal of obstructions or woody vegetation)  
Tree/Shrub Pruning (660)  
Upland Wildlife Habitat Management (645)

#### Conservation Practices: Exemptions ONLY for architectural properties (archaeological reviews still required)

Clearing and Snagging (326)

Critical Area Planting (342)  
Deep Tillage (324)  
Irrigation Pipeline (430)  
Irrigation Water Conveyance, Pipeline, Aluminum Tubing (430AA)  
Irrigation Water Conveyance, Pipeline, Asbestos-Cement (430BB)  
Irrigation Water Conveyance, Pipeline, Non-reinforced Concrete (430CC)  
Irrigation Water Conveyance, Pipeline, High-Pressure, Underground Plastic (430DD)  
Irrigation Water Conveyance, Pipeline, Low-Pressure, Underground Plastic (430EE)  
Irrigation Water Conveyance, Pipeline, Steel (430FF)  
Irrigation Water Conveyance, Pipeline, Reinforced Plastic Mortar (430GG)  
Pipeline (516)  
Riparian Forest Buffer (391)  
Streambank and Shoreline Protection (580)  
Tree/Shrub Site Preparation (490)  
Underground Outlet (620)  
Vegetated Treatment Area (635)  
Wetland Enhancement (659)

### **Other exempted activities**

Soil survey mapping with hand shoveling (ca. 10-x-24-inch test pits) or hand augering, except as specified in the notes below on Tribal lands. (Upon the discovery of archaeological resources, soil scientists shall close these test pits, leaving the materials in place and reporting the finds to the Cultural Resources Coordinator/ Specialist. The exemption does not include larger characterization sampling pits or backhoe trenches.)

*Note regarding soil survey on Passamaquoddy Tribal land: All proposed soil survey mapping (including hand shoveling, augering, and characterization with larger sampling pits or backhoe trenches) on Passamaquoddy Tribal land (Reservation, Trust, and Fee land) shall necessitate cultural resource consultation between NRCS and the Passamaquoddy THPO according to stipulations 2 and 6 of the NRCS-Passamaquoddy Tribe Consultation Protocol. However, planning for soil survey mapping on non-Tribal lands will not require consultation between NRCS and the Passamaquoddy THPO. (When archaeological resources are discovered on Passamaquoddy Tribal land during soil survey mapping, soil scientists shall close the test pits with the finds in place and report the finds to the Cultural Resources Coordinator/Specialist for further coordination with the Passamaquoddy THPO. Consultation between NRCS and the Passamaquoddy THPO may require other historic preservation actions on a case-by-case basis.)*

*Note regarding soil survey on Penobscot Indian Nation Tribal land: All proposed soil survey mapping (including hand shoveling, augering, and characterization with larger sampling pits or backhoe trenches) on Penobscot Indian Nation Tribal land (Reservation, Trust, and Fee land) shall necessitate cultural resource consultation between NRCS and the Penobscot THPO according to stipulations 2 and 6 of the NRCS-Penobscot Indian Nation Consultation Protocol. However, planning for soil survey mapping on non-Tribal lands will not require consultation between NRCS and the Penobscot THPO. (When*

archaeological resources are discovered on Penobscot Indian Nation Tribal land during soil survey mapping, soil scientists shall close the test pits with the finds in place and report the finds to the Cultural Resources Coordinator/Specialist for further coordination with the Penobscot THPO. Consultation between NRCS and the Penobscot THPO may require other historic preservation actions on a case-by-case basis.)

### **Nationwide Programmatic Agreement Exemptions**

**Advice or technical assistance, including the development, review, and/or approval of conservation plans (e.g., Conservation Activity Plans like Comprehensive Nutrient Management Plans) or technical designs, when NRCS provides no financial assistance for their implementation or otherwise exercises no control over implementation** (e.g., design advice from the NRCS National Handbook of Conservation Practice Standards for a farm pond that is installed independently by the agricultural producer with his or her own funds and private contractor). When known to the NRCS, the agency will advise the producer when proposed practices that are to be installed without any Federal assistance appear to have the potential to affect historic properties and provide the name(s) of possible contacts (e.g., the SHPO and THPO) who may provide guidance on identifying and protecting historic properties. Additionally, the plan will advise the producer that state or local cultural resources, historic preservation, or state burial laws may apply. The producer may use these data if he/she decides to implement the conservation plan without NRCS financial assistance.

**Technical determinations** based upon empirical or factual findings and determinations of compliance or non-compliance including, but not limited to, wetlands determinations, determinations of highly erodible land, certification of the existence of a wetland or highly erodible land, determination of prime and unique farmland, and the like.

**Analyses of data** from technical determinations or resource inventories, including but not limited to Soil Survey (7 CFR 611), Snow Survey and Water Supply Forecasts (7 CFR 612), Plant Materials for Conservation recommendations (7 CFR 613), and River Basin Studies under Section 6 of P.L. 83-566 (7 CFR 621).

**Development or revision of technical standards and specifications (with review by the Cultural Resources Coordinator/Specialist).**

**Changes or amendments to approved actions when the NRCS State office, in consultation with the SHPO/THPO, finds that such changes have no potential to affect National Register eligible properties.**

**Resource inventory, monitoring, field trials, and other information gathering activities that do not involve subsurface disturbance.**

**Conservation easement purchases** (e.g., through the Farmland Protection Program), the management plans for which do not call for structural modification or removal or ground disturbing activities.

**Programs of study** under the authority of Public Law 83-566, as amended (implemented through 7 CFR 621); specifically: River Basin Studies, Floodplain Management Studies, and Natural Resource Studies.