

Minnesota Conservation Reserve Enhancement Program

Historic Properties/Cultural Resources Process

CP-23 and CP-23a Wetland Practices

September 22, 2017

Minnesota Conservation Reserve Enhancement Program (MN CREP) planning and implementation of conservation practices must adhere to standards and processes of both the USDA (Farm Service Agency [FSA] and Natural Resources Conservation Service [NRCS]) for the Conservation Reserve Program (CRP) as well as the State (Board of Water and Soil Resources [BWSR]) for the Reinvest in Minnesota Program (RIM).

One critical part of the USDA FSA CRP process is compliance with the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA). These require federal agencies to take into account the impacts of their actions on cultural resources, including historic properties.

The MN CREP will utilize the existing cultural resource review process that is already used for the CRP. That process will also ensure that the State will address its responsibilities related to cultural resources.

In summary, the process for cultural resource reviews of CP-23 and CP-23a wetland practices is outlined below:

1. Shortly after application funding decisions are made, BWSR's Engineering Design Unit will conduct initial site evaluations and prepare concept plans for wetland restoration construction. These plans will identify proposed restoration strategies including their approximate locations. This information will be forwarded to the local SWCD and NRCS office for input and landowner review.
2. The NRCS local office (with assistance from the SWCD as requested) will complete the MN-CPA-048 form along with all required supporting data (maps, etc.) and upload this information as a single pdf file to the appropriate county folder on the Minnesota NRCS Cultural Resources SharePoint site.

NOTE – the local NRCS office (with assistance from the SWCD as requested) will also complete the NRCS-CPA-52 form, Environmental Evaluation Worksheet (FSA determination is that the CPA-52 can be used in place of the FSA 850 form), during the CRP planning process.

3. The Minnesota NRCS Cultural Resources Specialist (CRS) will review the submitted information and update the MN-CPA-048 form to reflect NRCS recommendations. The CRS will upload the updated MN-CPA-048 form to the appropriate county folder on the Minnesota NRCS Cultural Resources SharePoint site. The CRS's review and reply is intended to identify the presence or absence of previously documented cultural resources within or adjacent to the project area and make recommendations on the need for additional cultural resources investigations (identification, evaluation, and/or mitigation work) based on existing data.

NOTE – In cases where additional information or clarification is necessary, the CRS will contact the local NRCS office point of contact listed on the MN-CPA-048 form.

4. The NRCS local office will forward the reviewed MN-CPA-048 form and all supporting documentation to the FSA local office as well as a courtesy copy to the SWCD, along with the MN-CPA-52 form completed up to and including Section P.
5. The FSA local office will submit a request, including the completed MN-CPA-048 form with the CRS's recommendation, to the SHPO and THPO's (according to FSA policy) for their review and comment.
6. Thirty days after submission to the SHPO and THPO's, one of the next two steps will occur –
 - a. In cases where the SHPO/THPO have failed to reply or have replied with a recommendation of ***no historic properties affected***, the FSA local office will sign and complete the remaining sections as the Responsible Federal Official (Q., R. and S.) of the MN-CPA-52 form and provide a copy to the local NRCS and SWCD offices for their files. Now the CRP plan can be finalized and the CRP-1 can be signed by the COC/CED.
 - b. If concerns are brought forward that cannot be resolved then practice implementation cannot occur and further actions are needed, and may include –
 - i. FSA, NRCS, SWCD and BWSR will attempt to determine if avoidance of the stated cultural resource concerns is possible. If so and agreed to as being necessary and appropriate, BWSR will amend the restoration concept plan and resubmit to the field office - which would require this entire process to start again with Step 1 above. Contact Jason Reichel, CRS, NRCS, St. Paul for questions or concerns.
 - ii. An Archaeologic Investigation – it is uncertain at this time who will pay for this, but it could be paid for by FSA, BWSR or the landowner.