

United States Department of Agriculture



Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C. 20013

December 7, 2011

Stephanie Meeks
President and Chief Executive Officer
National Trust for Historic Preservation
1785 Massachusetts Ave., NW
Washington, DC 20036-2117

Dear President Meeks,

The purpose of this letter is to notify you of the United States Department of Agriculture, Natural Resources Conservation Service's (NRCS) intent to develop a new nationwide program alternative for compliance with Section 106¹ of the National Historic Preservation Act. The NRCS is consulting with the National Conference of State Historic Preservation Officers, the Advisory Council on Historic Preservation (ACHP), Indian tribes, and Native Hawaiian organizations regarding this matter, and would like to invite you to participate in this consultation process.

As you may be aware, the NRCS works with landowners through conservation planning and assistance designed to benefit the soil, water, air, plants, and animals that result in productive lands and healthy ecosystems. To tailor its compliance with Section 106, the NRCS is currently operating under a 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'. This nationwide programmatic agreement encourages the development of State Level Agreements with State Historic Preservation Officers (SHPOs) and Consultation Protocols with interested federally recognized Indian tribes and Native Hawaiian organizations, and will expire on May 30, 2012.

In an effort to continue a program of tailored compliance with Section 106, the NRCS plans to develop a nationwide prototype programmatic agreement (prototype agreement). The ACHP can designate an agreement document as a prototype agreement that may be used for the same type of program or undertaking in more than one case or area. Should the ACHP designate a nationwide prototype agreement for the NRCS, individual NRCS state offices would be able to develop state specific agreements with the relevant SHPO, Tribal Historic Preservation Officer (THPO), Indian tribe(s), Native Hawaiian organization(s), and other consulting parties following the direction and principles of the national prototype without need for ACHP participation in consultation or the ACHP's signature.

¹ For more information on the Section 106 process, please visit the ACHP's website, www.achp.gov, and read the ACHP's 'Protecting Historic Properties: A Citizen's Guide to Section 106,' available at <http://www.achp.gov/docs/CitizenGuide.pdf>.

The consultation process to develop the prototype agreement will focus on the consideration of historic properties that would be affected by NRCS assisted undertakings, and we invite your views and suggestions on this topic. We would like to learn more about your experiences working with NRCS under its existing nationwide Section 106 programmatic agreement, and/or any issues you might identify that should be addressed in the new prototype agreement relating to Section 106 compliance and historic preservation.

The NRCS and ACHP are considering the development of a publicly accessible website, through www.achp.gov, which will provide current information on the development of the prototype agreement, draft agreement documents for review and comment, and contact information for the relevant ACHP and NRCS staff. A comment form will be available on this website so that members of the public may provide input and suggestions on this process at any time.

Further, to allow the NRCS' current Section 106 program to continue while a new nationwide program alternative is considered, we are contemplating a proposal to amend the existing nationwide programmatic agreement to extend its duration. We would anticipate this limited extension lasting no longer than six months. We would welcome your thoughts and suggestions on such a proposal.

If you are interested in participating in the consultation process to develop the prototype agreement, please notify me via phone (202) 720-4912 or email sarah.bridges@wdc.usda.gov, and provide your name, contact information, to include email and mailing address, and a brief description of your interest in this effort.

Thank you in advance for your time.

Sincerely,



Sarah Bridges

Federal Preservation Officer and National Cultural Resources Specialist
Ecological Sciences Division

cc. Kelly Fanizzo, NRCS Liaison/Attorney Advisor, ACHP
Elizabeth Merritt, Esq., Office of the General Counsel, NTHP