From:	Soil & Water Conservation Program
To:	DNR.Soil and Water Conservation Districts staff; Soil & Water Conservation Program
Cc:	DNR.MGS SWC Staff
Subject:	Cultural Resource Procedure Change
Date:	Thursday, August 20, 2026 8:41:33 AM
Attachments:	image001.png

Good morning team!

Yesterday, during the commission meeting, the cultural resource process for state cost-share was reviewed. Over the last couple of months, department director's office and program leadership have worked with department legal staff to evaluate if the state cost-share program is a federal undertaking and subject to the Section 106 of the National Historic Preservation Act. During this time, the department also met with NRCS leadership to discuss the process, what is considered a federal undertaking and the support of the partnership.

Through the legal evaluation it has been determined that the state cost-share program is not a federal undertaking. Additionally, per NRCS' Title 190 Nation Instruction Part 314 NRCS Statement on Conservation Technical Assistance (CTA) "Program Activities With No Potential To Cause Effects to Historic Properties states CTA is exclusively technical assistance and NRCS has no further obligation to conduct Section 106 reviews." CTA is NRCS' support of the state cost-share program.

Therefore, the commission approved a motion recognizing that the state cost-share program is not a federal undertaking and practices installed with state funding are not subject to Section 106 reviews. During the discussions with NRCS, it was determined that the CPA52 still needs to be completed for state projects. NRCS will modify the form so that there can be an indication that the project is not a federal undertaking. The commission addressed in the motion the projects that have already been submitted for cultural resources review. Those projects will need an updated CPA52 done for each of those to indicate they are not a federal undertaking. Those projects will then be able to move forward with the planning and implementation process. This decision does not affect any other part of the conservation planning process beyond cultural resource reviews.

Finally, the motion also directed program staff to draft a statement that will be provided to all participants in the cost-share program indicating that a cultural resource evaluation was not conducted.

Program staff needs a little time to work with NRCS on updating the CPA52 and to develop the informational statement before this new process can be implemented. Further information will be provided in the near future. This is another positive move for the program in improving the efficiencies of implementing the cost-share program and having a positive impact on the amount of funds paid to landowners.

Throughout the discussion, the partnership also discussed the need to continue with the cultural resources training as part of the conservation planner training.

Here is the motion the commission approved.

> The commission recognizes that the state cost-share program is not a federal undertaking, therefore does not require state funded conservation practices to go through National Historic Preservation Act Section 106 review. Furthermore, the practices already submitted for a cultural resource review will need an updated CPA52 form completed indicating the practice is not a federal undertaking. The commission also directs staff to develop a cultural resource recognition statement to provide to participants in the state cost-share program.

Thanks.

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