

## **PART 401 – Cultural Resources (Archeological and Historic Properties)**

### **Subpart C – Policy**

#### **NM 401.21 Considering Cultural Resources in NRCS Programs and Activities**

##### **D. CULTURAL RESOURCE CLEARANCES FOR INTERSTATE STREAM COMMISSION (ISC) ACEQUIA PROJECTS**

Acequia and ditch associations often come to NRCS for assistance in solving engineering problems associated with the continued use of the ditch/acequia. Design solutions to engineering problems with acequias/ditches can include replacement of headgates and/or diversions, concrete lining, piping, etc. There are three main ways these types of acequia projects are funded and implemented. Acequia projects may be funded through the Corps of Engineers (COE), through the Interstate Stream Commission (ISC), or through NRCS with EQIP funding. For projects that are funded through the COE, the COE has responsibility for the cultural resource clearances and consultation. For projects funded with EQIP, NRCS has responsibility for cultural resource clearance and consultation. For projects funded through ISC the NRCS does not provide cultural resource clearances and/or State Historic Preservation Office (SHPO) consultation on those acequia projects.

NRCS will continue to follow the normal acequia planning process in the design of acequia projects for ISC. However, the NRCS CPA 52 Environmental Evaluation Section J Special Environmental Concerns for cultural resources will document that cultural resource clearances and/or consultation have not been completed for the specific project.

When the final designs are completed and provided to the acequia group the design cover letter will clearly state that cultural resource clearances have not been completed for the project and it is the responsibility of the acequia group and or/the ISC to assure that all cultural resource clearances and consultations are completed according to all applicable state laws. In addition a statement on the design will note that “Cultural Resource Clearances and/or SHPO Consultation Have Not Been completed by NRCS.” A copy of the NRCS CPA 52 documenting this will also be attached to the cover letter. A copy of the project letter and NRCS CPA 52 will also be sent to the ISC.