

PART 401 – CULTURAL RESOURCES (ARCHEOLOGICAL AND HISTORIC PROPERTIES)

SUBPART C Policy

401.34 State Supplements

This section is reserved for State Conservationists to add any required state or tribal laws or regulations which may affect how cultural resources are considered during the planning of agency undertakings. Below is the list of undertakings subject to consultation in the state of New Mexico. Field Offices should adhere to this list when developing their conservation plans.

Appendix A

Undertakings Subject to Consultation

For the purposes of this Agreement, the signatories agree that the following practices shall be considered undertakings subject to standard consultation under the listed conditions. Exemptions to standard consultation include all undertakings that normally have the potential to affect, but under the conditions specified below, the effects are foreseeable, likely to be minimal, and not to be adverse. These are exempted from standard consultation. For example, conditions that includes undertakings that will not go beyond the depth or extent of previous disturbance, or will not involve replacement of structures older than 50 years. Routine maintenance of existing structures will be considered an exemption for the purpose of this agreement. All exemptions listed in the National Agreement shall be applicable in this agreement. Any additional exemptions may be added by mutual agreement with the signatories.

Practice	Exemptions	Undertaking Subject to Standard Consultation
431 Above Ground, Multi-Outlet Pipeline	All conditions	
472 Access Control	Work conducted on foot with hand held tools	Work completed with heavy equipment: bobcat, trencher, etc.
560 Access Roads		All conditions

Practice	Exemptions	Undertaking Subject to Standard Consultation
311 Alley Cropping	Areas that have been previously disturbed such that the tillage will not exceed the disturbed depth	Areas that have not been disturbed or exceeds the depth or extent of previous disturbance
316 Animal Mortality Facility	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
575 Animal Trails and Walkways		Contact Cultural Resource Specialist
450 Anionic Polyacrylamide (PAM) Erosion Control	All conditions	
370 Atmospheric Quality Management	All conditions	
310 Bedding	All conditions	
314 Brush Management	Chemical, hand cutting, work conducted on foot with hand held tools	Work completed with heavy equipment; bobcat, excavator, etc.
322 Channel Bank Vegetation	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
584 Channel Stabilization	When work is conducted in the stream	When streambank is affected or manipulated
326 Clearing and Snagging	Contact Cultural Resource Specialist	Contact Cultural Resource Specialist
360 Closure of Waste Impoundments	All conditions	
317 Compost Facility	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
327 Conservation Cover	All conditions	
328 Conservation Crop Rotation	All conditions	

(420-GM, NM Amend. 20, May 2009)

Practice	Exemptions	Undertaking Subject to Standard Consultation
656 Constructed Wetland	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
332 Contour Buffer Strips	All conditions	
330 Contour Farming	All conditions	
331 Contour Orchard	All conditions	
340 Cover Crop	All conditions	
342 Critical Area Planning	Work conducted on foot with hand held tools	Work completed with heavy equipment; bobcat, trencher, etc.
589A Cross Wind Ridges	Not applicable	
589B Cross Wind Stripcropping	Not applicable	
589C Cross Wind Traps	Not applicable	
348 Dam	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
402 Dam Diversion	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
324 Deep Tillage	Areas that have been previously disturbed such that the tillage will not exceed the disturbed depth	Areas that have not been disturbed or exceeds the depth or extent of previous disturbance
356 Dike	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
362 Diversions	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance

Practice	Exemptions	Undertaking Subject to Standard Consultation
554 Drainage Water Management	Not applicable	
432 Dry Hydrant	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
647 Early Successional Habitat Development/Mgt	Not applicable	
592 Feed Management	Not applicable	
382 Fence	Fence work conducted on foot with hand held tools (without mechanical clearance or construction)	Fence work completed with heavy equipment; bobcat, trencher, etc (with mechanical clearance or construction)
386 Field Border	All conditions	
393 Filter Strip	All conditions	
394 Firebreak	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
	Work conducted on foot with hand held tools	Work completed with heavy equipment, bobcat, dozer, etc.
396 Fish Passage	When work is conducted in the stream	When streambank is affected or manipulated
398 Fish Raceway or Tank	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
399 Fishpond Management	Not applicable	
511 Forage Harvest Management	Not applicable	
384 Forest Slash Treatment	Work conducted on foot with hand held tools	Work completed with heavy equipment; bobcat, dozer, burning, etc.

(420-GM, NM Amend. 20, May 2009)

Practice	Exemptions	Undertaking Subject to Standard Consultation
666 Forest Stand Improvement	Work conducted on foot with hand held tools	Work completed with heavy equipment; bobcat, trencher, etc.
655 Forest Trails and Landings	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
383 Fuel Break	Work conducted on foot with hand held tools	Work completed with heavy equipment; bobcat, dozer, burning, etc.
410 Grade Stabilization Structure	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
412 Grassed Waterway	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
548 Grazing Land Mechanical Treatment		All conditions
561 Heavy Use Area Protections	Work conducted on foot with hand held tools	Work completed with heavy equipment; bobcat, dozer, etc.
422 Hedgerow Planting	Hedgerow planting does not exceed the depth or extent of previously disturbed area	Hedgerow planting on previously undisturbed land or exceeds depth or extent of previous disturbance (on previously undisturbed land)
603 Herbaceous Wind Barrier	All conditions	
423 Hillside Ditch	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance

Practice	Exemptions	Undertaking Subject to Standard Consultation
320 Irrigation Canal/Lateral	<ol style="list-style-type: none"> 1. Replacing existing structures, gates, flumes and diversions less than 50 years old 2. Adding new gates, gated pipe, or surge valves on ditch/acequia under 50 years 	<ol style="list-style-type: none"> 1. Constructing a new ditch/acequia or relocating an existing ditch/acequia in previously undisturbed area 2. Replacing existing structures, gates, flumes, and diversions if 50 years old or older 3. Piping ditch/acequia that is 50 years or older
388 Irrigation Field Ditch	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
464 Irrigation Land Leveling	Maintenance/repair or new construction that does not exceed previous disturbance	New construction, field grade changes or repairs where work exceeds previous disturbance
552 (A&B) Irrigation or Regulating Reservoir	Maintenance/repair that does not exceed previous disturbance	New construction, maintenance or repair where work exceeds previous disturbance
436 Irrigation Storage Reservoir	Maintenance/repair or new construction that does not exceed previous disturbance	New construction where work exceeds previous disturbance
441 Irrigation System, Microirrigation	Maintenance/repair or new construction that does not exceed previous disturbance	New construction where work exceeds previous disturbance
442 Irrigation System Sprinkler	Maintenance/repair or new construction that does not exceed previous disturbance	New construction where work exceeds previous disturbance
443 Irrigation System, Surface & Subsurface	Maintenance/repair or new construction that does not exceed previous disturbance	New construction where work exceeds previous disturbance
447 Irrigation System, Tail Water Recovery	Maintenance/repair or new construction that does not exceed previous disturbance	New construction where work exceeds previous disturbance
428 (A-C) Irrigation Water Conveyance, Ditch and Canal Lining	<ol style="list-style-type: none"> 1. New concrete lining placed on a ditch under 50 years old 	<ol style="list-style-type: none"> 1. Ditch and canal lining on ditches 50 years and older

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Practice	Exemptions	Undertaking Subject to Standard Consultation
430 (AA-HH) Irrigation Water Conveyance, Pipeline	Maintenance/repair or new construction that does not exceed previous disturbance Pipeline (surface)	New construction where work exceeds previous disturbance, pipeline (subsurface)
449 Irrigation Water Management	Not applicable	
460 Land Clearing	Contact Cultural Resource Specialist	Contact Cultural Resource Specialist
466 Land Smoothing	Maintenance/repair or new construction that does not exceed previous disturbance	Field grade changes or repairs where work exceeds previous disturbance
634 Manure Transfer	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
353 Monitoring Well	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
484 Mulching	All conditions	
590 Nutrient Management	Not applicable	
500 Obstruction Removal	Contact Cultural Resource Specialist	Contact Cultural Resource Specialist
582 Open Channel	Maintenance/repair that does not exceed previous disturbance	New construction, maintenance or repair where work exceeds previous disturbance
512 Pasture & Hay Planting	All conditions	
595 Pest Management	Not Applicable	
516 Pipeline	Maintenance/repair that does not exceed previous disturbance	New construction, maintenance or repair where work exceeds previous disturbance
378 Pond	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance

Practice	Exemptions	Undertaking Subject to Standard Consultation
521 (A-E) Pond Sealing	All conditions	
462 Precision Land Forming	Maintenance/repair or new construction that does not exceed previous disturbance	Field grade changes or repairs where work exceeds previous disturbance
338 Prescribed Burning		All conditions consult with SHPO
409 Prescribed Forestry	Not applicable	
528A Prescribed Grazing	Not applicable	
533 Pumping Plant	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
550 Range Planting	Work does not exceed the depth, kind or extent of previous cultivation	Work does exceed the depth, kind or extent of previous cultivation
562 Recreation Area Improvement	Maintenance/repair that does not exceed previous disturbance	New construction, maintenance or repair where work exceeds previous disturbance
568 Recreation Trail & Walkway	Maintenance/repair that does not exceed previous disturbance	New construction, maintenance or repair where work exceeds previous disturbance
329 Residue and Tillage Management, No Till/Strip Till/Direct Seed	Not applicable	
345 Residue and Tillage Management, Mulch Till	Not applicable	
346 Residue and Tillage Management, Ridge Till	Not applicable	
344 Residue Management, Seasonal	Not applicable	
643 Restoration and Management of Declining Habitat	Not applicable	

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Practice	Exemptions	Undertaking Subject to Standard Consultation
391 Riparian Forest Buffer	Work conducted on foot with hand held tools	Work completed with heavy equipment; bobcat, etc.
390 Riparian Herbaceous Cover	All conditions	
558 Roof Runoff	Contact Cultural Resource Specialist	Contact Cultural Resource Specialist
557 Row Arrangements	Not applicable	
570 Runoff Management System		All conditions
610 Salinity and Sodic Soil Management	Not applicable	
350 Sediment Basin	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
646 Shallow Water Management for Wildlife	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
381 Silvopasture Establishment	Work conducted on foot with hand held tools	Work completed with heavy equipment; bobcat, etc.
632 Solid/Liquid Waste Separation	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
572 Spoil Spreading		Contact Cultural Resource Specialist
574 Spring Development	Maintenance/repair that does not exceed previous disturbance	New construction, maintenance or repair where work exceeds previous disturbance
578 Stream Crossing	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
395 Stream Habitat Improvement and Management	When work is conducted in the stream	When streambank is affected or manipulated
580 Streambank and Shoreline Protection	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance

Practice	Exemptions	Undertaking Subject to Standard Consultation
585 Stripcropping	All conditions	
587 Structure for Water Control	<p>1. Maintenance/repair that does not exceed previous disturbance</p> <p>2. Structure is under 50 years old</p>	<p>1. New construction, maintenance or repair where work exceeds previous disturbance</p> <p>2. Structure is over 50 years old</p>
606 Subsurface Drain	Maintenance/repair that does not exceed previous disturbance	New construction, maintenance or repair where work exceeds previous disturbance
607 Surface Drain, Field Ditch	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
608 Surface Drainage, Main or Lateral	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
609 Surface Roughening	All conditions	
600 Terrace	Maintenance/repair that does not exceed previous disturbance	New construction, maintenance or repair where work exceeds previous disturbance
612 Tree/Shrub Establishment	Work does not exceed previous disturbance	Work in undisturbed areas or does exceed previous disturbance
490 Tree/Shrub Preparation	Work conducted on foot with hand held tools	Work completed with heavy equipment; bobcat, trencher
660 Tree/Shrub Pruning	All conditions	
620 Underground Outlet	Maintenance/repair that does not exceed previous disturbance	New construction, maintenance or repair where work exceeds previous disturbance
645 Upland Wildlife Habitat Management	Not applicable	
601 Vegetative Barrier	All conditions	

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Practice	Exemptions	Undertaking Subject to Standard Consultation
313 Waste Storage Facility	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
359 Waste Treatment Lagoon	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
633 Waste Utilization	Not applicable	
635 Wastewater Treatment Strip	Not applicable	
638 Water and Sediment Control Basin	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
636 Water Harvesting Catchment	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
614 Watering Facility	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
642 Water Well	Maintenance/repair that does not exceed previous disturbance	New construction or where work exceeds previous disturbance
351 Well Decommissioning	All conditions	
355 Well Water Testing	All conditions	
658 Wetland Creation		All conditions
659 Wetland Enhancement		All conditions
657 Wetland Restoration		All conditions
644 Wetland Wildlife Habitat Management	Not applicable	
380 Windbreak/Shelterbelt Establishment	Work does not exceed the depth or extent of previously disturbed area	Where work exceeds previous disturbance, (native sod)
650 Windbreak/Shelterbelt Renovation	All conditions	

1. **Not applicable -**
2. **All conditions –**
3. **Contact Cultural Resource Specialist –**