NMDOT GUIDELINES FOR CULTURAL RESOURCE INVESTIGATIONS

2006


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NMDOT CULTURAL RESOURCE INVESTIGATIONS

The NMDOT Guidelines are intended to serve as a supplement to the Cultural Resources Standards for Survey and Inventory issued by the NM Cultural Properties Review Committee (NMAC 4.10.15). Rather than outline all steps involved in NMDOT surveys, these Guidelines attempt to provide direction for specific situations that are unique to the DOT or have been problematic in the past. Therefore, in order to conduct NMDOT cultural resource investigations the consultant must be familiar with both NMAC 4.10.15 and the NMDOT Guidelines as well as all other guidance from other federal and state agencies that own, control, or permit portions of NMDOT project areas.

Please take the time to read the Guidelines carefully. Adherence to both NMAC 4.10.15 and the NMDOT Guidelines will help ensure streamlined and consistent reviews by NMDOT and other agency staff.

These guidelines deal primarily with Cultural Resource inventories and the location and recording of archaeological sites and historic structures. For mitigation work such as testing, data recovery or detailed historic structure recording it is also essential to include the NMDOT information outlined below such as control numbers, highway numbers, description of project area, existing pavement, fences etc. The general outline for treatment plans in NMAC 4.10.16 should be followed.

It is important to note that these Guidelines are just that. There are many conceivable situations for which procedural deviations may be necessary. If this is the case contact the NMDOT cultural resource staff for assistance.

Consultants should be aware that NMDOT staff will conduct field reviews and report evaluations and that the results of those reviews may be provided to SHPO staff.

NMDOT staff contacts, field and report forms, and other NMDOT cultural resources information are located at:

http://nmshtd.state.nm.us/main.asp?secid=14763

I. Pre-field Activities (See NMAC 4.10.15.9)

A Undertaking Information: NMDOT cultural resource staff will supply information on the scope, location, Area of Potential Effect (APE), and funding source (federal or state) for projects sponsored by the NMDOT/FHWA. NMDOT will supply available maps, plans, and other project information. For permitted projects such as utility installation the
consultant should coordinate with their client (the project proponent) to obtain project information.

B Land Ownership: Determine land ownership and obtain cultural resource investigation permits from land managing agencies and from other property owners prior to initiating field investigations.

C Area of Potential Effect (APE). Several standard APE definitions for NMDOT projects have been developed and are presented below. The definition of Area of Potential Effect (APE) taken from 36CFR800.16 is: “...the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effect is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.” If the APE is not clear please contact the NMDOT cultural resource staff prior to beginning fieldwork.

1. The APE for archaeological resources will typically be limited to the highway right-of-way (existing right-of-way, and right-of-way proposed for acquisition). The APE will be extended beyond the right-of-way when necessary to evaluate the eligibility of the site or potential effects of the undertaking on the site. In cases where a site is important, in part based on its viewsheid (for example, a large pueblo, which receives visitation and/or was developed for visitation), or an archaeological site with values as a traditional cultural property, the APE will be extended beyond the highway right-of-way.

2. Historic Roads- The APE for potential historic roads will typically be contained within 100 ft from the right-of-way edge to include potentially important properties and features associated with the historic road (e.g. motels, gas stations) in documentation. Historic buildings and landscape features outside of 100 ft, but directly associated with features within the APE, must be included.

3. Existing alignments and Built Environment- The APE for road improvement projects where the number of lanes, or vertical change, will not be increased, and are built on existing alignment, will typically consider the built environment within 100 ft of the edge of the right-of-way (100 ft added to both sides of road ROW), unless the undertaking affects character-defining features (changes in setting) of a listed or potentially eligible individual property or historic district. Examples include the removal of a historic sidewalk in a historic district, the introduction of sidewalks into a historic district, or the removal of a fence or landscape feature to a historic property are changes in setting.
4. New Alignments- The minimum APE for major projects that include the development of new alignments, additional traveling lanes, or significant changes in vertical or horizontal alignment are planned, will normally be 500 feet in width, or as agreed to by NMDOT Cultural Resources Section staff and the SHPO.

5. NMDOT Permitted Projects (utilities, driveways, etc.) - The APE for utility projects is generally confined to the proposed utility construction area within the NMDOT right-of-way. In some cases, such as overhead powerlines, the APE may be expanded based on viewshed issues or potential vibratory impacts. The buffer for utilities projects is 100 ft at the BOP and EOP. If there is any doubt, please discuss the situation with the NMDOT Environmental Section utilities coordinator.

II. Cultural Resource Inventory:

A. Additional Inventory Area: Include an additional 305 m (1000 ft) long inventory area at the beginning of the project and at the end of the project. It may be more efficient to include a smaller buffer area for some projects such as on surveys less than 1 mile. Coordinate with NMDOT staff in order to establish a smaller buffer area. Provide an additional 15 m (50 ft) wide inventory area around material pits, equipment yards, and other similar locations. For utility projects, provide an additional 100 ft area at the BOP and EOP.

B. Identify Historic Properties: Identify and document all historic properties within the study area. Use standard Lab of Anthropology (LA) and HCPI forms. All documentation and forms must be type written.

C. Prepare a detailed site map. The map must show the archaeological resource, boundaries, features, artifact concentrations, and other pertinent information. It must also show the existing roadway, the existing highway right-of-way lines/fencelines, the proposed limits of the undertaking, a milepost description to a tenth of a mile, and other project related information. Do not describe the milepost as “site X is located 0.2 miles from MP 180”, but DO STATE “site X is located at 179.8”. Specific locational information must be presented in report appendices.

D. Describe features and resources that are within the limits of the undertaking and those that are adjacent. Show this information on the map. NOTE: pedestrian surveys are not permitted on private lands adjacent to the right-of-way unless documented permission has been obtained.

E. Mark the location on the highway construction plans, if available.
F. Take photographs that document the sites, and the relationship to the road.

G. Discuss in detail the potential effects to the site or structure: include a measured distance of the project undertaking to the edge of the site or structure, with distinctions made between the existing road and the proposed undertaking. Be very specific: contact NMDOT cultural resources staff for assistance.

H. Projects Located in Urban or Small Town Areas:

1. Provide photographs showing the setting and the relationship between the undertaking and the surrounding properties. Take a photographic panoramic view of a village, town, or city. Include both sides of the road if applicable.

2. Note if buildings and other features in the area are not located within the Area of Potential Effect and/or the construction zone.

3. Take special care to identify historic sidewalks: This is particularly important if they are WPA structures, which typically have stamps with “WPA” and the date of construction. Photograph sidewalks carefully; include images that show the length/extent of segments, and show close-ups of stamped areas. An index of WPA funded projects in New Mexico is provided in *The Historical and Architectural Resources of the New Deal in New Mexico* (Appendix B), by David Kammer, 1994, available at the Historic Preservation Division), and should be consulted and referenced.

I. Historically Important In-use Roads:

1. For small projects (most projects-including projects where road alignment stays the same, such as replacing ROW fencing, adding shoulders, adding turn lanes, and signalization projects): unless the road is already a registered historic property such as Route 66, historic road issues will not be considered. Please note- Abandoned road segments that are 50 years or older are recorded as archaeological features, and given an LA number.

Please consult the procedures to follow as outlined in the *NMDOT Historic Highways in the NMDOT System* guidelines, pgs. 22-26.

J. NMDOT-owned Bridges:
1. Reports completed for utility projects do not require documentation of bridges, unless the proposed project directly impacts a bridge, such as proposing to attach utility lines to bridges.

2. Do not assign a Laboratory of Anthropology number to bridges, even if they are historic. Bridges are “actively in-use” features, akin to in-use acequias or irrigation canals.

3. An updated NMDOT Historic Bridge Survey has been completed Historic Context and National Register Evaluation of New Mexico Department of Transportation Bridges, NMDOT Technical Series 2003-1. Please consult this document for background information. This document should also be used to note the eligible NMDOT bridges from 1953 and older (Appendix K), and the potentially eligible NMDOT bridges (Appendix L), that may become eligible when they become 50 years old. All other NMDOT bridges may be considered not-eligible to the National Register of Historic Places, unless investigations indicate strong local significance (Criterion A).

4. For Bridges Eligible to the National Register of Historic Places:
   a. If no impacts are proposed by the project (such as fence replacement nearby, etc.), please document the bridge eligibility criteria, the build date, and include one photograph of the bridge.
   b. If rehabilitation or replacement is proposed, please include a complete description of the bridge, its historic significance and historic context within the NMDOT system, copies of the NMDOT bridge file, and three photographs (side view, three-quarter view, and view down middle of top deck). Most of the background information can be found in the recent historic bridge survey (NMDOT Technical Series 2003-1).

   Please contact the NMDOT cultural resource staff for copies of the bridge files. These are only available from a secured electronic file, accessed only by NMDOT personnel (no hard copy files are available).

K. Historic Markers:

1. All historic markers located within or adjacent to a project APE must be photographed and described. Include a milepost description to the tenth of a mile and mark the location on the vicinity map showing all cultural resources identified in the project area.

2. Do not describe historic markers as “isolated occurrences”. Treat them as a unique resource type.
3. Do not assign an LA number to historic markers.

L. Traditional Cultural Properties: The NMDOT/FHWA deals directly with Native American groups in an attempt to determine whether TCPs exist in project areas. Consultants should not conduct tribal TCP consultations for NMDOT projects.

III. REPORT STANDARDS (NMAC 4.10.15.19 and 4.10.15.20)

Reports describing cultural resource investigations conducted for a transportation or transportation related undertaking proposed by the NMDOT, for a construction area located by the highway contractor, or for an applicant needing a highway right-of-way permit shall meet the standards of the NMDOT, the New Mexico Cultural Properties Review Committee (the “CPRC Guidelines”), the New Mexico State Historic Preservation Officer, the Advisory Council on Historic Preservation, and other agencies with jurisdiction over land within the limits of the proposed activity. NMDOT cultural resource staff shall review documentation to ensure that the standards are met, and an Evaluation Form completed during review. Documentation that does not meet the standards shall be returned to the primary environmental contractor so that revisions can be completed. These standards also apply to “negative reports” (no resources found).

Please Note:

- One draft copy of a report must be sent to the NMDOT Environmental Section for review for each project. Revisions and/or additional final copies will be requested as needed.

- All measurements, quantities, and area calculations must be shown in metric units followed by imperial unit equivalents in parentheses [Ex: 5m (16.4 ft)].

A. CULTURAL RESOURCE INVENTORY REPORTS

Follow the format provided in NMAC 4.10.15.19 and 4.10.15.20. The following information relating to NMDOT projects shall be included in all reports.

1. Cover

   The cover shall include the name of the consultant, the title of the investigation (see below), the NMDOT project and control number, and consultant report number.

2. Title Page

   The title must include:

   a. the highway number
b. the NMDOT project number and control number ("CN").

c. Consultant Task Number, if applicable. Usually used as an identifier for small state funded projects.

3. Abstract and Introduction

a. Include NMDOT project number and control number ("CN__"), or refer to the Consultant Task Number.

b. Land Ownership Summary: Describe land ownership and obtain cultural resource investigation permits from land managing agencies and from other property owners prior to initiating field investigations. NOTE: right-of-way is not always owned by the NMDOT. Typically, the NMDOT only owns right of way that passes through privately owned land (referred to as “NMDOT land acquired from private sources”); almost all other land ownership is either federal agencies (BLM, Forest, Tribal) or other state agencies (State Land Office/State Trust Land, State Parks, etc.). The NMDOT maintains easements on this property. When conducting work on state land, specify the state agency: the generic term “state land” does not indicate which state agency.

c. Funding statement: Note whether federal or state funds will be used for the project. Ask for assistance from NMDOT cultural resource staff if needed.

4. Project Description

a. Describe Project Scope and NMDOT project number: note if project is reconstruction, pavement overlay, shoulder construction, fence construction, bridge rehabilitation, bridge replacement, new road construction on a new alignment, construction of new driving lanes, a materials pit, a utility, or other. Obtain project scope from the NMDOT Environmental Section for NMDOT projects.

b. Describe Right-of-Way or Project Location: provide detailed descriptions of the existing highway right-of-way width and the new highway right-of-way requirements for highway construction projects. Also describe the location and dimensions of Temporary Construction Permits (TCP), Construction Maintenance Easements (CME), Work Permits (WP), and any other project locations including the project BOP and EOP. Include legal property descriptions, the UTM coordinates, and the highway right-of-way survey station numbers for each of the highway right-of-way locations. This can be presented in a table. Provide an equally detailed description of
contractor located construction areas or construction areas needed by other users of highway right-of-way.

c. Provide Detailed Description of Land Ownership for the Entire Project: this must include ownership information for existing highway right-of-way, new highway right-of-way, TCP locations, CME locations, WP locations, material pits, and any other project locations.

Edit Documentation: Edit documentation and ensure that spelling, grammar, names, references, and other technical aspects are correct. Also ensure materials meet applicable regulatory standards.

Submit Documentation: Submit one review draft of the report, historic property documentation forms, project activity records, and GPS data to the NMDOT Environmental Section.

NMDOT Comments: Address all NMDOT comments and then provide the final report (the number of copies will depend on the number of agencies involved- three (3) copies will be submitted at a minimum), historic property documentation forms, project activity records, and GPS data to the NMDOT Environmental Section. Additional copies may be requested if multiple agency coordination is required.

B. Reports for Contractor Initiated Pits, Yard Sites, etc.:

1. If sites are found, describe how they will be avoided by the project, such as “the contractor will build protective fencing around this site”, or “this portion of the project area will not be used and therefore the site will be avoided”. Make sure the avoidance measures have been verified by the contractor.

2. The construction contractor's name and address should be given, either on the title page or in the abstract

3. If federal land managing agencies are involved, the cultural resource consultant must submit copies of the report to the federal agency as well as to the NMDOT. Federal agencies will conduct Section 106 consultation as the lead agency.

C. Reports for Utility Projects (phone, water, gas electric, etc):

The funding source(s), land status, and all permitting agencies must be included in the Abstract and Introduction of the report; funding determines how consultation proceeds with the Historic Preservation Division. Be as specific as possible- note whether there are federal funds from Rural Utilities
Services (RUS), a Community Development Block Grant (CDBG) through the US Department of Housing and Rural Development, or some other federal funding source, or if the project is funded through a private company (Qwest, PNM, etc.).

In addition to the NMDOT guidelines and NMAC 4.10.15.19 and 4.10.15.20-the following applies:

If sites are found, describe how they will be avoided by the project, such as “the contractor will build protective fencing around this site”, or “the line will be moved to the other side of the road to avoid the site”.

The utility contractor’s name, address, and phone number shall be listed either on the title page or in the abstract.

One copy of the report and all associated forms should be submitted to the NMDOT Utilities Coordinator for review. The utilities coordinator will indicate the final number of copies needed for agency consultation.