

**NMDOT Guidelines for
Cultural Resource Investigations
2018**



Federal-aid Highway Program marker along old US 85 in Sierra County, NM (photo by J. Murphey 2002)

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Introduction

The New Mexico Department of Transportation (NMDOT), along with the Federal Highway Administration (FHWA), plans, constructs, and maintains transportation projects to ensure that New Mexico's roads, bridges, and tunnels are safe and continue to support economic growth and environmental sustainability. The U.S. Secretary of Transportation delegated responsibility to the Administrator of the FHWA for the Federal-Aid Highway Program (FAP) under Title 23 of the United States Code, and associated laws. The FHWA and the NMDOT have worked together to deliver the program in accordance with Federal requirements including the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and Section 4(f) of the U.S. Department of Transportation Act of 1966. In addition, NMDOT certifies compliance with the New Mexico Cultural Properties Act, New Mexico Cultural Properties Protection Act, and the New Mexico Prehistoric and Historic Sites Preservation Act.

These guidelines address issues specific to cultural resource inventories conducted for NMDOT projects, or under NMDOT jurisdiction, to ensure conformance with the aforementioned laws and regulations, and produce consistent documentation to consult on cultural resource eligibility and project effects, and manage historic properties. They are supplemental to the New Mexico Administrative Code (NMAC) 4.10.15 *Standards for Survey and Inventory* issued by the New Mexico Cultural Properties Review Committee, and the New Mexico Cultural Resource Inventory System (NMCRIS) User's Guide. Consultants performing cultural resource inventories for FHWA, NMDOT, or for clients needing NMDOT access or utility certifications must hold a current state permit, be familiar with all federal and state cultural resource regulations, NMDOT Guidelines, and all other requirements and guidance from agencies that own, control, fund, or permit projects.

NMDOT Cultural Resource Project Considerations

For all proposed projects, consultants must consider the funding source(s), land ownership, and all permitting agencies involved, which will determine the regulatory framework, identification protocol, and in some cases the level of effort (see Appendix A). Individually or collectively, these factors may affect the review process and project timeline. If other land managing or permitting agencies are involved, cultural resource

(CR) consultants will need to plan for review by other agencies and make the adequate number of copies of the report for those agencies, as well as for the NMDOT.

Given the breadth of coverage by NMDOT and NMDOT-related projects across the state, not all eventualities are covered by this document. Therefore, NMDOT CR staff are available to provide general and project specific direction regarding NMDOT actions and undertakings. Please contact the NMDOT CR staff if the regulations and guidance do not address a particular situation and/or if you have any questions.

Safety Considerations

Before conducting any field work, ensure that you and your team are prepared for potential hazards and are able to deal with emergency situations as outlined in OSHA 3151-12R 2004. Fieldworkers should be aware of their surroundings and that nearby traffic is an extreme hazard. Maintain awareness of the location of all field team members and consider working in pairs, especially in remote locations.

At a minimum, all field personnel are required to wear fluorescent orange or green safety vests while working in the NMDOT ROW. Old, faded, or exceptionally dirty safety vests are not acceptable – crew members always need to be highly visible. It is recommended that field staff wear appropriate footwear, long pants, long-sleeve shirt, a hat, and eye protection. Clothing with inappropriate or inflammatory messages or slogans is not acceptable.

Vehicles will be parked as distant from drive lanes as possible and not pose a distraction or impediment to the traveling public. Vehicles should be well-maintained and equipped with a first aid kit and other emergency supplies as specific conditions dictate.

Tribal Consultation

FHWA has authorized NMDOT to consult with American Indian Tribes under Section 106 of the National Historic Preservation Act, and NMDOT assists FHWA in all aspects of tribal consultation on FAP projects in NM. FHWA remains responsible for all decisions made. NMDOT also consults with pueblos, tribes, and nations on many state-funded projects under the State Tribal Collaboration Act. These responsibilities cannot be delegated to project sponsors, including local governments, permit applicants, or NMDOT consultants. Consultants shall not contact tribal representatives except with prior explicit authorization of FHWA/NMDOT staff. Contact the NMDOT Environmental Bureau Tribal Coordinator for any questions regarding tribal entities and the consultation process.

Land Ownership

NMDOT owns Rights-of-Way (ROW) adjacent to private land and has acquired ROW easements across federal, tribal, and state lands, although there are exceptions. Consultants need to identify who owns the land being surveyed prior to fieldwork to gain appropriate permits for right of entry, and to comply with the land managing agency's permit requirements for cultural resource survey and site recording. Use current BLM, New Mexico State Land Office (State Trust), and county tax assessor's land status information to determine land ownership. For survey outside of the ROW, all permits and written permission to access other lands must be obtained before fieldwork. Do not conduct pedestrian survey outside the ROW without written permission from the land owner and the appropriate permit. Acreage calculations to be included in CR documentation must be itemized for each land managing agency: State Trust, NM Game and Fish, NMDOT adjacent to private, BLM, US Forest Service, tribal lands, etc.

Area of Potential Effects (APE)

The APE is defined based on the project footprint and the activities proposed, also known as the undertaking. The APE should include potential direct, indirect, and cumulative effects from the undertaking. As described in 36 CFR 800.16: "...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." In general, the APE for NMDOT projects and undertakings includes surveys from edge of pavement to the ROW fence (Direct Effect APE), with a visual survey of the built environment (Indirect Effect APE). Several standard APEs for different project types have been developed in consultation with NMSHPO. These definitions are elaborated upon below.

Types of Projects

There are multiple types of projects that fall under NMDOT oversight and review. While there are regulations, laws, and methods that provide an overarching framework, each project and program have slightly different landmarks to navigate which need to be clarified. Project oversight is assigned to staff within the NMDOT Environmental Bureau according to funding source and proponent.

The most common project types include:

1. FHWA is the lead agency for Section 106 compliance on federally funded projects, with NMDOT providing oversight. NMDOT is the lead agency and project proponent for state funded projects. NMDOT requires CR

documentation for NMDOT state actions to meet federal standards for compliance purposes;

2. Tribal/Local Public Agency (T/LPA) projects are those funded by FHWA or NMDOT (the lead agency), but for which local entities are the project proponents;
3. Contractor Located Activities (CLA) are linked to FHWA-NMDOT funded construction projects. FHWA is the lead agency, NMDOT is responsible for oversight, and the Contractor is the proponent. CLA include material pits, borrow pits, equipment and staging yards and other areas used in support of a specific transportation improvement project;
4. NMDOT Permitted projects (utility installation or other use of NMDOT ROW) the entity seeking the permit is the project proponent. Often this is a public utility company, but may also be a municipality or a private citizen.

Given that there are subtle differences in CR scope and level of effort among the projects the following discussion is organized to illustrate those differences and provide a path for navigating each as illustrated in Appendix A.

Federal (FHWA) and State (NMDOT) Lead Projects

Cultural Resource work for FHWA and NMDOT Projects is directed and reviewed by NMDOT CR staff members. Staff will supply information to the consultant on project scope, location, APE, funding source(s), available maps, and plans. For federal projects, FHWA is the lead federal agency for Section 106 consultation and compliance.

The Direct Effect APE generally encompasses portions of the project area where actual ground disturbance will occur: the project footprint, proposed ROW acquisitions, Construction Maintenance Easements (CME), and Temporary Construction Permits (TCP). For purposes of the CR inventory and identification, the Direct Effect APE will include both sides of the road from beginning of the project (BOP) to the end of the project (EOP). Along an interstate or state highway, the Direct Effect APE will also include 1000 feet beyond the BOP and EOP. This additional 1000 feet will accommodate areas of use during the undertaking, or any minor adjustments to the BOP and/or EOP. The Direct Effect APE shall be subjected to an intensive pedestrian cultural resource inventory to identify historic properties. For projects in an urban setting that begin or end at signalized intersections, T-intersections, or are otherwise limited in scope, the amount of coverage for cultural resource inventory should be commensurate with the undertaking. Contact NMDOT CR staff if the Direct Effect APE has not already been defined for these locales.

The Indirect Effect APE is the area considered for visual and possible vibratory effects to historic properties and settings identified through visual inventory. The standard Indirect Effect APE extends a maximum of 100 ft beyond the boundary of the Direct Effect APE contingent upon the nature of the proposed construction. Through consultation, the NMDOT may adjust the Indirect APE based on the project scope and footprint.

A visual inventory of the Indirect Effect APE must be conducted in person; Google Street View or other such remote investigation is not an adequate proxy, but are helpful when conducting pre-field scoping efforts and gauging the integrity of the adjacent built environment. The Indirect Effect APE limits and level of effort need to be established prior to field efforts and will always involve a discussion with the NMDOT CR Section.

Tribal/Local Public Agency (T/LPA) Lead projects

For T/LPA projects, FHWA or NMDOT is the project funder and lead agency; the T/LPA, as proponent, is responsible for ensuring timely project development. The proponent will provide information on proposed scope of work to the Environmental Bureau T/LPA Coordinator who will determine the appropriate level of effort for cultural resource investigations. The consultant should coordinate with their client (the proponent or primary consultant) to obtain the project scope and footprint, necessary for defining level of effort information.

The Direct Effect APE and Indirect Effect APE for a T/LPA project will generally follow the parameters outlined above for FHWA and NMDOT lead projects. Due to the typically smaller scale and nature of T/LPA projects in an urban setting, i.e. within an incorporated municipality or census designated place, the Direct Effect APE shall be extended from the BOP and EOP to the next intersection or 100 feet, whichever is less. These APEs will be established by the T/LPA Coordinator in consultation with HPD staff during determination of the level of effort.

Contractor Located Activities (CLA) Projects

The FHWA is the lead agency for the vast majority of CLA environmental compliance and the Environmental Bureau CLA Coordinator has oversight, review, and submittal responsibilities for projects that require CR documentation efforts. For CLA undertakings, the consultant should coordinate with their client (the project proponent, contractor, or primary consultant) to obtain project scope and footprint information. The consultant or proponent will then provide that information on a CLA Request Form

to the Environmental Bureau CLA coordinator who will determine the appropriate level of effort for cultural resource investigations.

For CLA projects, the Direct Effect APE shall include an additional 50 feet beyond the newly proposed perimeter of the material pit, equipment and staging yards, or other similar locations (Action Area). New or proposed improvements to access roads shall be included in the Direct Effect APE for a given location. A single hard copy of the report and administrative documents is required, though the project proponent should be consulted if they require additional report copies. Indirect Effect APE will be considered on a case by cases basis to consider any nearby Historic Landmarks, Districts, or Landscapes.

NMDOT Permitted Projects

The Environmental Bureau Utility Coordinator is responsible for ensuring that project proponents have the required environmental documentation and certifications for use of NMDOT ROW. For permitted projects, the consultant should coordinate with their client (the project proponent, or primary consultant) to obtain project scope and footprint information. The consultant or proponent will then provide that information to the Environmental Bureau Utility Coordinator who will determine the appropriate level of effort for cultural resource investigations.

The Direct Effect APE for permitted projects is from edge of pavement to the ROW fence on the side of the road which will be impacted. Survey for the Direct Effect APE will include 100 feet beyond the BOP and EOP. A utility company might choose to shift the line to the other side of the road to avoid an identified cultural resource. This requires additional survey on the newly proposed side of the road. An Indirect Effect APE inventory will extend a minimum of 50 feet beyond the ROW fence on the side of the road where the utility will be installed, though it may extend farther depending on the character and height of the proposed utility. To assess the level of effort necessary to identify historic properties commensurate with the undertaking, the NMDOT Environmental Bureau Utility Coordinator should be contacted prior to fieldwork to assist in making APE determinations.

For permitted projects with both NMDOT and other agency property (BLM for example), the cultural resources documentation must meet the land managing agency's requirements. However, the NMDOT Environmental Bureau will need to be copied on communications and informed of progress so that the Bureau can issue an environmental certification/clearance for the action on NMDOT ROW.

Recording Cultural Resources and Identifying Historic Properties

National Register Bulletin 15 recognizes five property types (buildings, sites, districts, structures, or objects) that are generally fixed in location. While most of these properties are easily recognizable, identifying and recording cultural resources within and adjacent to NMDOT right-of-way can present some unique opportunities and challenges. These are, in part, the result of a complex history of transportation corridor and infrastructure development that transect broad politically-, geographically-, and culturally-diverse landscapes coupled with enhancements in recording protocols.

Initially, cultural resource investigations focused on archaeological site identification (i.e. the Laboratory of Anthropology [LA] system) and excavation (e.g. New Mexico State Highway and Transportation Department Highway Salvage Program) completed as state-level research projects, prior to existing historic preservation laws and reporting standards. These statewide programs were followed by the development of cultural resource management as a profession and the identification and recording the built environment using the Historic Building Inventory (HBI) manual, which over time evolved into the Historic Cultural Properties Inventory (HCPI) manual. Regardless of when or why a property type was documented, the New Mexico Historic Preservation Division and the Archaeological Records Management Section (ARMS) archives, maintains, and protects all records of built-environment and archaeological investigation in the State of New Mexico, respectively. ARMS also administers the New Mexico Cultural Resources Information System (NMCRIS), the largest automated cultural resources database in the United States.

Intrinsic variability in cultural resource investigations and reporting efforts collectively introduce, at times, complex and confusing administrative records that may need to be reconciled. Further, in many cases only portions of archaeological sites are present within the ROW, which can make eligibility recommendations elusive. This elevates the importance of evaluating the integrity of those manifestations in the ROW that may bear upon a site's eligibility. This is particularly important when updating previously recorded sites which have been identified through pre-field research. Given the inherent complexities of NMDOT CR studies, below are some guidelines to help facilitate inventory, identification, and reporting efforts.

Records Search

For all projects requiring CR survey, the consultant must conduct a pre-field records search as stipulated in NMAC 4.10.15.9, and shall obtain the original LA forms

including site maps for previously recorded sites. A simple NMCRIS Site Summary and GIS Map Service view is insufficient since they may lack detailed information such as original site maps and may not show all recorded HBI or HCPI's. Upon request, personnel in the Archaeological Records Management Section (ARMS) will upload scans of the original LA forms from previous recordings (see nmcris.support@state.nm.us). In addition, the consultant shall visit or contact the Historic Preservation Division (HPD) to obtain all available Historic Building Inventory (HBI) and Historic Cultural Property Inventory (HCPI) forms for historic properties that have been previously recorded within the APEs. These documents are essential in providing a baseline for re-recording efforts and to identify any significant changes to the properties since the previous recording.

We strongly encourage the consultant to contact the NMDOT Photogrammetry Unit for historic aerial photos. This can eliminate some ambiguity in dating historic features and properties. Consultants may refer to the NMDOT Interactive Map Portal (see "Useful Links" below) for information on available images and instructions on how to acquire them.

Also, it is important to develop a historic context specific to the project area that is in balance with the scope of work. Historic aerial photographs, websites, Sanborn maps, HBI/HCPI forms, LA forms, and other resources can be accessed remotely and should be used prior to field investigations in order to predict areas where the historic fabric may still be relatively intact. These sources will also allow the consultant to effectively address historic integrity, eligibility, and project effects once the fieldwork is complete.

Photography

In urban environments, obtain a photographic panorama view of the streetscape, sidewalk, building, etc., where the work is proposed. Always take photos of the BOP and the EOP that clearly illustrate the general setting of the subject project and APE.

Photographs of a cultural property, feature or artifact must scaled or exhibit the relationship and distance between the cultural property and the road/APE.

When using historic photographs or other archival material not in the public domain, be sure to obtain permission for use and reproduction. Basic information for a complete citation includes author or creator's name, title of the work, date, collection name, box, folder, and negative number, and repository.

Archaeological Sites

All archaeological sites must be recorded on the appropriate forms (LA site form). Ensure that you use the most current forms available from HPD. When recording and evaluating a property, apply the eligibility criteria, consider integrity, and describe if and how the character-defining features of the property will be affected by the project (see National Register Bulletin No. 15 and Bulletin 36).

Any sites found within NMDOT ROW on State Trust land or BLM land will need to be recorded in their entirety. This is required by both agencies, so the consultant will need to be prepared to cross over the right of way fence. When surveying lands administered by other federal or state agencies, ensure compliance with the relevant agency's requirements with respect to site recording. Do not cross the ROW fence onto private land unless NMDOT is acquiring the ROW and you have prior written permission from the current landowner.

In describing archaeological sites, discuss site formation processes, site condition, and any natural- or human-caused effects to the site resulting in its current condition. For example, if a site is on the top of a hill that has since been cut by the road, and artifacts are being washed downslope and are not in-situ in the right of way, then make this clear.

For previously recorded sites, have the previous LA forms in the field as a baseline for the current recording and discuss any changes from the previous to the current recording. Clearly state whether the observations are current or are from the previous recording. Evaluate and discuss the entire site, but if only a portion of the site is in the APE, explicitly evaluate and discuss the portion of the site in the APE.

When a site extends outside the ROW and access to the entire site is not an option, give a best estimate of the portion of the site in the ROW in terms of percentage of the overall site. This can be based on remote access such as aerial imagery, experience, and expertise, and should be explicitly stated as such in the site description. Apply eligibility criteria supported by the seven aspects of integrity for the entire site, and discuss the relevance of the portion of the site within the APE to the site's overall eligibility.

All maps, and in particular site maps, must show the nearest road and, if on the highway system, must include a milepost to a tenth of a mile (written as MP 3.5, for example). Incorporate the site shape files into the construction plan set to illustrate the proximity and nature of project activities and, if a site can be avoided, the information

can be conveyed to the contractor by station number and mile marker. Measure the distance between the project activities and the site boundary. Discuss in detail the effects the project could have on the site, or the portion of the site within the APE.

Historic Architecture

All buildings and structures which are recorded must be documented on the appropriate forms (HCPI form). Ensure that you use the most current forms available from HPD. When recording and evaluating a property, apply the eligibility criteria, consider integrity, and describe if and how the character-defining features of the property will be affected by the project (see National Register Bulletin No. 15).

When documenting Buildings and Structures, consult the latest version of HPD's *Architectural Classification: Style and Type* (to be used with the HCPI form) and *Roadside Architecture and Objects in New Mexico* (NMDOT Technical Series 2010-1) both available online (see below), for the common architectural styles found in New Mexico. The latter document also provides background information on a variety of historic period resources that are commonly identified during NMDOT projects, including road-related features like gas stations, ports-of-entry, special signage, etc. that are not commonly found away from roads or highways.

Defining the geographical boundaries of historic districts and rural/cultural landscapes is generally beyond the scope of most NMDOT projects that traverse urban or rural communities. Although identification of these property types is not required, inventory and identification efforts need to consider the historic fabric within the APE and consider the potential for such districts. Based on pre-field research including historic maps, photographs, and previously recorded properties in addition to resources such as Google Earth images and a brief "street view" remote reconnaissance of neighborhoods immediately adjacent to the APE, it may be possible to identify intact historic elements and by extension predict potential for a larger historic district. As such, provide a brief discussion on the integrity of those property types and the potential for the presence of districts. Keep in mind that although an individual building or structure might lack integrity or significance to be eligible to the NRHP, it can still be considered as a contributing element of a larger district.

An example narrative might read: *The current project APE encompassed the right of way along NM 999 which serves as the main street for Little Town, NM. The inventory identified three buildings that are recommended eligible and six that are recommended not eligible to the NRHP. Based on the pre-field research and inventory results these resources are consistent with other intact historic elements adjacent to the APE, which indicates the possible presence of a larger residential/commercial historic district. Additional inventory and identification of*

adjacent properties is necessary to determine the period of significance and the geographic limits of the district, if present.

Historic Roads

Road and highway evaluations shall follow the procedures outlined in *Historic Highways in the NMDOT System* (NMDOT Technical Series 2004-1, pgs. 20-26). In summary, the document divides NMDOT projects into minor and major undertakings. Minor projects leave road alignments unchanged and include, but are not limited to, right-of-way fence replacement, adding shoulders or turn lanes, signalization improvements, etc. Description of roads for minor undertakings can be accomplished via the report narrative.

Major undertakings are rare and include new road alignments, significant changes to existing road alignments, or other large-scale changes to a highway, to name a few. For a major project, record historic in-use road alignments using HCPI forms. The consultant should make use of historic aerial photos and other documents such as GLO records to evaluate the road and any roadside features such as bridges, culverts, and architecture. For major projects, substantial background research is required to identify and evaluate the integrity of the historic road prism and to compile evidence to support the recommendation for eligibility to the NRHP and the potential for a larger historic districts or cultural landscapes. Appendix C of NMDOT Technical Series 2004-1 provides a step-by-step guideline on how to research historic roads in the NMDOT system for a major undertaking.

Abandoned road segments may be encountered on either minor or major undertakings. Given that these properties are no longer in use, they should be recorded as linear resources and documented on HCPI forms. Similar to other cultural resources that may extend beyond the APE compile evidence to support eligibility recommendations to the NRHP.

Historic Bridges

Guidelines for evaluation of bridges are detailed in *Historic Bridges in New Mexico: An Updated Guide for Evaluation* (NMDOT Technical Series 2014-1, available online). In addition, the National Register Bulletin *How to Apply the National Register Criteria for Evaluation* (National Register Bulletin No. 15) should be reviewed when considering National Register eligibility for all identified properties. Do not assign LA numbers to bridges but do record historic bridges on HCPI forms. When discussing a bridge, do not confuse structural integrity (as found on a bridge inspection report) with the seven aspects of historic integrity.

Utility projects are required to fully document a bridge if the proposed utility project directly impacts that bridge, e.g. by attaching utility lines to the structure. For utility projects that have only indirect impacts, please include a brief summary of the bridge which is available in *Historic Bridges in New Mexico* (NMDOT Technical Series 2014-1).

Historic Sidewalks

For sidewalks and streetscapes, known to be historic such as Works Progress Administration sidewalks for example, a context must be developed through pre-field research, particularly through the use of historic aerial imagery and street-level photographs to establish dates of construction and evaluate integrity and significance. On the HCPI form, provide current photographs of such sidewalks, including images that show the length and extent of segments, and close-up photos of any stamps.

Roadside Markers

This includes official Historic and Scenic Markers (a program started by the NMDOT in 1935, and located along older highways), as well as FAP markers (triangular concrete posts or obelisks; see cover). *Roadside Architecture and Objects in New Mexico* (NMDOT Technical Series 2010-1, pp. 114-115) provides more for more details on the history and background of these objects.

These properties are not archaeological sites, nor are they isolated occurrences; do not record them on HCPI forms. FAP markers should be documented as contributing elements to historic in-use roads, or constituent objects if related to segments of abandoned roads, which may contribute to a historic district. Note the milepost to the tenth of a mile and mark the location on the vicinity map.

All official historic markers located within or adjacent to a project APE must be photographed and described. NMDOT has regulatory responsibilities with regard to these objects, so provide thorough documentation and description if the proposed project will damage, alter, or move an historic marker. A list of official Historic Markers can be found on the Historic Preservation web site listed below.

Roadside Memorials

Roadside memorials, commonly known as *descansos*, are a resource ubiquitous to the New Mexico roadside landscape. As established by NMSA 1978 Section 30-15-7 and detailed in *Roadside Architecture and Objects in New Mexico* (NMDOT Technical Series 2010-1, pp. 116), NMDOT affords these resources respectful treatment though they are not historic properties under the purview of the NHPA. Do not record roadside

memorials as isolated occurrences or archaeological sites. Record each *descanso* with a brief description, locational information, and photographs.

Report Standards

For positive inventories, before drafting the report, contact the NMDOT Cultural Resources Supervisor or T/LPA Coordinator with a summary of preliminary results and property location(s). Since in some cases, eligible properties or portion of properties may not simply be “avoided” by the proposed project, early notification offers NMDOT the opportunity to develop alternatives through agency coordination and consultation.

All reports must be thoroughly edited by the consultant for content and clarity prior to submittal to NMDOT. This includes proofreading for correct spelling, grammar, and punctuation. Ensure that technical aspects are correct, and that all applicable regulatory standards have been met. NMDOT conducts CR investigations to meet federal standards and in some cases submits documentation under state statute for concurrence. Therefore, it is important to consistently assert the appropriate statutes and associated language throughout report and administrative documentation.

The culture history should be specific to the project area, town, or immediate surroundings in order to provide a proper historic context for the identified properties. It is expected that consistent and responsible citations will be included in the report, and especially in every paragraph of the Environmental Setting and Culture History sections. References will be cited to the page number for any quotations, recounting of specific ideas or information, and for all other directly attributable information. When quoting long passages make clear it is a direct quotation by prefacing it with a statement acknowledging the cited source and refer to a style guide for formatting layout.

In addition to the report standards established by NMAC 4.10.15.20, the cover and title page for each report must include the same title stating the road number (or road name if off the NMDOT system), the mileposts for the BOP and EOP (or termini road names if off the NMDOT system), the NMDOT control number, and the consultant’s report number.

NMCRIS Investigation Abstract Form

For FHWA or NMDOT projects, the consultant shall review the NMCRIS User’s Guide, register the activity, and submit all records in conformance with 4.10.19 NMAC. Both

the NMCRIS Investigation Abstract Form (NIAF) and the report introduction will note the lead (sponsoring) agency as either the FHWA or NMDOT, as dictated by the funding source(s).

In Box 7: “Description of the Undertaking,” describe what the construction project will entail – NOT what the CR survey entailed. Describe your survey activities in Box 17: “Survey Data.” Also, be sure to indicate the project proponent (i.e., NMDOT, City of Albuquerque, etc.) here as well as in the report introduction.

In Box 13: “Client/Customer (project proponent),” make very clear who is getting the funding for the project. For example, if the City of Jal is using FHWA money to rehabilitate sidewalks and the CR professional is hired by the engineering consultant, the City of Jal is listed in Box 13 as the project proponent.

In Box 15: “Land Ownership Status” acreage calculations must be made separately for each land managing agency: State Trust, NM Game and Fish, NMDOT adjacent to private, BLM, US Forest Service, tribal lands, local municipality, etc.

The project map will include the BOP and EOP, mileposts of both, the undertaking’s Direct Effect APE including CMEs and TCPs, survey coverage, and land ownership. The map key will include an absolute scale ratio, and English and metric scales.

Property Eligibility and Project Effects Recommendations

The consultant is expected to exercise the full range of information available, along with professional judgment based on permit qualifications and relevant experience, to make defensible recommendations for the eligibility of each cultural resource for listing in the NRHP. Be decisive and support recommendations for or against a resource’s eligibility (see National Register Bulletin No. 15 and 36).

If eligible or undetermined cultural resources are identified, describe the potential project effects and propose measures which will avoid or minimize those effects. If the project cannot be redesigned to avoid effects to the properties, then suggest specific measures such as “temporary protective fencing should be installed around this property,” or “the utility line should be moved to the other side of the road to avoid the property.” Do not simply state “avoidance is recommended.” Work with NMDOT staff and the project engineers to provide viable avoidance solutions that match the scale and nature of the project.

Attachments

When project design is sufficiently developed, all right of way acquisitions (including CMEs and TCPs) have been identified, and the CR report is ready for submission to the NMDOT, include the latest set of construction plans with cultural resources in the APE clearly marked and identified. If plans are not available, please use current roadway maps or aerial imagery to plot resources within the APE.

Report Review and Final Submittal

NMDOT Cultural Resources staff will review all reports and associated forms to ensure that standards are met. In addition, NMDOT staff may conduct field reviews. At the request of the NMSHPO, NMDOT will share with them the results of both field and document reviews.

Draft Report

One copy each of the draft report and all associated forms will be submitted, in electronic format, to NMDOT cultural resources staff for initial review. The electronic copy can be submitted in MSWord or Adobe Acrobat PDF format at the discretion of the NMDOT. If the first submittal lacks sufficient information to consult on property eligibility and project effects, or fails to conform to the standards outlined in federal and state cultural resource regulations and NMDOT Guidelines, the report will be returned to the consultant, via the prime contractor if applicable, for revision and resubmittal.

NMDOT will conduct a single round of review and comments of accepted reports unless the scope of the project changes or additional survey is required; revisions will be requested of the consultant. All first round comments and requested revisions will be addressed by the consultant and the report will be returned to the NMDOT by the agreed-upon deadline.

Concurrent with the draft report submittal, shape files that depict all surveyed space and identified cultural resources will be uploaded by the consultant to the NMCRIS GIS map server. Failure to do so may result in rejection of the report. Draft forms also will be uploaded by the consultant into NMCRIS at this time, and then updated if necessary to address NMDOT's comments.

Final Report

The number of hard copies of the final report is contingent upon the number of agencies and other consulting parties that have requested a hard copy. For FHWA/NMDOT projects the consultant should ask their client (prime contractor or the NMDOT Cultural

Resources Section) to assist in identifying these parties early in the process. For T/LPA or permitted projects, the consultant will need to contact the NMDOT Environmental Bureau Utility or T/LPA Coordinator for guidance.

Provide one electronic copy and the appropriate number of hard copies of the final report as determined by NMDOT, along with all supporting documentation, to the NMDOT. Currently acceptable file formats are MSWord (.docx) and portable document format (.pdf). Should either of these formats be superseded before these guidelines are updated, the industry standards for word processing shall be used.

Note that email attachment size is limited to 20MB, and .zip files and many online file storage systems are not acceptable. Discuss with NMDOT staff whether use of an FTP site is available for file access. If placed on a disk or a jump (flash) drive, please format it so that files can be downloaded off the disk or drive and include only those files pertinent to the project.

Glossary

Abutment: A substructure element supporting each end of a single span or the extreme ends of a multi-span superstructure and, in general, retaining or supporting the approach embankment.

ADA: Americans With Disabilities Act is legislation defining the responsibilities of, and requirements for, transportation providers to make transportation accessible to individuals with disabilities.

Arterial: A class of roads serving major traffic movements (high-speed, high volume) for travel between major points.

BOP: Beginning of Project. A project terminus referenced by milepost, station number, or street name where the project formally begins.

Borrow: Site for obtaining earth materials for roadway embankment construction.

Built Environment: Structures, buildings, or objects that are 50 years or older, or may be eligible for the state or national registers within 5 years of the date of the survey.

Capacity: A transportation facility's ability to accommodate a moving stream of people or vehicles in a given time period.

Collector: In rural areas, routes that serve intra-county rather than statewide travel. In urban areas, streets that provide direct access to neighborhoods and arterials.

CME: Construction Maintenance Easement. A CME provides for construction and maintenance activities outside of the highway ROW when maintenance activities are anticipated to continue for an indefinite period of time. A CME is considered to be permanent in nature and the property owner shall retain the underlying ownership and offered just compensation for each CME on the basis of a perpetual easement.

Corridor Studies: Highway corridor studies typically focus on a segment of a particular travel corridor or travel shed. Land use, access issues, capacity, level of service, geometrics and safety concerns are studied, alternatives are analyzed, and recommendations made. Corridor studies are usually prepared with the participation and cooperation of the affected communities and governmental agencies. Recommendations for improvements are often incorporated into the local comprehensive plans of the participating cities and continue to be used by implementing agencies as improvements to the corridor are made.

Culvert: Any structure not classified as a bridge that provides an opening under the roadway, usually made of concrete or steel, in order to drain water from one side of the road to the other.

Cultural Resource: Includes, but is not limited to, any building, structure, site, district, or object having historic, archaeological, scientific, architectural, economic, agricultural or other cultural significance.

Divided Highway: Roadway where the directional travel lanes are separated from each other by a median.

Descanso: Any roadside memorial that commemorates a site where a person died suddenly and unexpectedly. These memorials are typically created and maintained by family members or friends. Common types of *descansos* include inscribed crosses or plaques decorated with flowers (real or plastic), wreaths, and personal mementos.

EOP: End of Project. A project terminus referenced by milepost, station number, or street name where the project formally ends.

FAP: Federal-aid Highway Program. The Federal-Aid Road Act (July 11, 1916) established the basis for the Federal-Aid Highway Act (November 9, 1921) that divided highways into two primary (interstate) and secondary (intercounty) and provided federal aid to a system of highways to be designated by each state each state, responsible for maintaining the highways constructed with federal funds.. This federal-state partnership supported by a multi-year authorization bill and annual appropriations are essential to a continuous Federal-aid Highway Program that has endured to this day.

FHWA: the Federal Highway Administration, which is a branch of the US Department of Transportation that administers the Federal-aid Highway Program providing financial assistance to states and to subdivisions of a state, in order to construct and improve highways, urban and rural roads, bridges, trails, and other transportation-related infrastructure.

Frontage road: An arterial type roadway that parallels a major transportation facility, such as a freeway, and collects and distributes traffic along a major facility without impeding flow along the freeway. Frontage roads are also referred to as access, feeder, and service roads.

GIS: Geographic Information System. Computerized data management system designed to capture, store, retrieve, analyze, and display geographically referenced information.

GLO: General Land Office. The GLO maintains federal land conveyance records for the Public Land states issued between 1788 and the present. These consist of images of survey plats and field notes, land status records, and control document index records.

Grade crossing: The point at which a roadway intersects a rail line.

Grade separation: A crossing of two highways, or a highway and a railroad track, at different elevations or levels such as an underpass or overpass. A bridge that spans a highway or a railroad track is considered a grade-separation structure.

Historic Marker: A roadside sign which has been erected pursuant to NMAC 4.10.6.

HPD: Historic Preservation Division. The office and staff which assist the SHPO, see below.

Horizontal alignment: The linear (tangent) character or specific degree of curvature describing the geometry of a defined section of highway in plain view.

Indian Tribe: Means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

Interchange: A system of interconnecting roadways in conjunction with one or more grade separations that provides for the movement of traffic between two or more roadways or highways on different levels with ramps.

Intersection: Used to describe the point where two or more roads cross or meet.

Interstate: A limited access, divided facility of at least four lanes designated by the Federal Highway Administration as part of the Interstate System.

Local Street: A local street or road carries no through traffic movement and is used to provide access to adjacent land. This type of street accounts for the highest percentage of all roadways in terms of mileage.

Median: An island in the center of a street or intersection to protect pedestrians and/or to provide landscaping. Medians can prevent passing and left turns, separate opposing travel lanes, and provide visual enhancement.

Median barriers: A longitudinal system of physical barriers used to prevent an errant vehicle from crossing the portion of the divided highway separating traffic moving in opposite directions.

MPO: Metropolitan Planning Organization. This body contributes to project selection within a given geographic region.

MP: Mile post. A green, paddle-shaped sign alongside roads and highways indicating the total mileage from a certain control point, which usually increases from south to north and from west to east.

Minor Arterial: Used for trips of moderate length, and offer connectivity to Principal Arterials. These roads may carry local bus routes and offer less mobility than Principal Arterials, but more accessibility to local roads.

Minor Collector: are characterized by lower speed limits, are located in clustered residential areas, and have more connecting driveways as compared to Major Collectors.

Mitigation measures: Specific commitments made during the environmental process that serve to moderate or lessen impacts deriving from the proposed action. These measures may include planning and development commitments, construction commitments, environmental measures, ROW improvements, and agreements with resource or other agencies to effect construction or post-construction action.

Multimodal: The availability of transportation options within a system or corridor.

NEPA: The National Environmental Policy Act of 1969 established a national environmental policy requiring that any project using federal funding or requiring federal approval, including transportation projects, examine the effects of proposed and alternative choices on the environment before a federal decision is made.

NHT: National Historic Trail. An historic or prehistoric route of travel, which is significant to the entire nation. It must meet three criteria listed in Section 5(b) (11) of the National Trails System Act, and be established by Act of Congress. 16 U.S.C. 1241-51.

NSBP: National Scenic Byways Program. Roads that have outstanding scenic, historic, cultural, natural, recreational, or archaeological qualities may qualify as an All-American Road or National Scenic Byway, and is eligible for federal aid.

NTS: The National Trails System is the network of primarily non-motorized scenic, historic, or recreational trails created by the National Trails System Act of 1968. These trails provide for outdoor recreation needs, promote the enjoyment, appreciation, and preservation of open-air, outdoor areas and historic resources, and encourage public access and citizen involvement.

NMAC: New Mexico Administrative Code. NMAC is the official collection of current rules (regulations) written and filed by state agencies to clarify and interpret laws passed by the New Mexico Legislature.

Park: A public place or area set aside by a municipality, state, or federal entity for recreation or preservation of a cultural or natural resource.

Pedestrian walkway: A continuous path designated for pedestrians and separated from motor vehicles by a space or barrier.

Public involvement: The active and meaningful participation of the public in the development of transportation plans and programs.

RTP: Recreational Trails Program. Provides funds to the states to develop and maintain recreational trails and trail-related facilities for motorized and non-motorized recreational trail uses.

ROW: Right of Way. Land acquired by purchase, gift, or eminent domain for, or devoted to, highway transportation purposes.

Roadside rest area: A designated area along state highways with amenities such as drinking water, toilets, tables and benches, telephones, information, and other facilities for travelers.

Roadway prism: The roadway construction limits from toe of slope on the left to toe of slope on the right.

RTPO: Regional Transportation Planning Organization. This body contributes to project selection within a given geographic region.

Stakeholders: Individuals and organizations involved in or affected by the transportation planning process, which may include federal/state/local officials, MPOs, transit operators, freight companies, shippers, and the general public.

SHPO: State Historic Preservation Officer. The public office and official designated to be the advocate for historic and prehistoric properties in each state and territory of the

USA. This position was established by the National Historic Preservation Act of 1966. In New Mexico, the SHPO is the director of the Historic Preservation Division, within the New Mexico Department of Cultural Affairs.

SLO: New Mexico State Land Office. State trust lands were granted to New Mexico by Congress under the Ferguson Act of 1898 and the Enabling Act of 1910. The state was granted four square miles - Sections 2, 16, 32, and 36 - in each 36-section township with each acre of land designated to a specific beneficiary. Leasing state trust land supports these beneficiaries such as schools, universities, hospitals and other important public institutions.

STIP: State Transportation Improvement Program. A staged, multi-year, statewide, intermodal program of transportation projects, consistent with the statewide transportation plan and planning processes as well as metropolitan plans, TIPs, and processes.

STP: Surface Transportation Program. Federal-aid highway program that funds a broad range of surface transportation capital needs, including roads, transit, sea and airport access, and vanpool, bike, and pedestrian facilities.

TCP: This is a context sensitive term. In the field of cultural resources, it means Traditional Cultural Property and denotes a location associated with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of that community. In road construction projects, it refers to Temporary Construction Permit. This permit provides for temporary construction and/or maintenance activities outside of the highway ROW for a defined length of time. In the permitted area, no maintenance activities are anticipated by the NMDOT after the construction of the project.

TIP: Transportation Improvement Program. A multi-year regional or metropolitan scale, intermodal program of transportation projects, which is consistent with the regional or metropolitan transportation plan and planning processes. This serves as a building block for the STIP.

T/LPA: Tribal or Local Public Agency. A subdivision of the state, or a tribe, which has a cooperative agreement with the NMDOT for use of funds administered by the NMDOT such as the Local Government Road Fund or Federal Aid Highway funds. A T/LPA has the same responsibilities as the NMDOT and must follow the procedures and regulations laid out in the cooperative agreement, the T/LPA handbook, and all relevant state and/or federal laws and regulations.

Useful links

https://www.fhwa.dot.gov/Planning/glossary/glossary_listing.cfm?TitleStart=A

<https://www.fhwa.dot.gov/byways/states/NM>

http://dot.state.nm.us/content/dam/nmdot/planning/NMDOT_FC_Guide.pdf

http://dot.state.nm.us/content/nmdot/en/environmental_development_Publications.html

<http://www.nmhistoricpreservation.org/documents/arms-documents.html>

<http://164.64.110.239/nmac/>

<https://glorerecords.blm.gov/default.aspx>

<https://www.nps.gov/nts/>

<https://www.nps.gov/nr/publications/>

<http://www.americantrails.org/resources/info/National-Historic-Trails.html>

NMDOT Interactive Map Portal: <http://nmdot.maps.arcgis.com/home/index.html>

<https://www.osha.gov/Publications/osha3151.pdf>

Appendix A

NMDOT Project Cross Reference for Cultural Resource Investigations

PROJECT TYPE								
PROJECT CONDITIONS?	FHWA-funded NMDOT	State- funded NMDOT	FHWA- funded T/LPA	State-funded T/LPA	FHWA- funded CLA	State-funded CLA	UTILITY/ ROW ACCESS	PROJECTS ON OTHER STATE; FEDERAL AGENCY OR TRIBAL LAND
† LEAD	FHWA	NMDOT	FHWA	NMDOT	FHWA	NMDOT	NMDOT (for the state access permit)	FHWA as Funding Agency; landholding agency may take lead in other cases
PROPONENT	NMDOT	NMDOT	T/LPA	T/LPA	Construction contractor	Construction contractor	Utility company or entity requesting clearance	no change
‡ APE requiring pedestrian survey	entire ROW (both sides) along project corridor, plus TCPs and CMEs and 1,000 feet beyond BOP and EOP	entire ROW (both sides) along project corridor, plus TCPs and CMEs and 1,000 feet beyond BOP and EOP	entire ROW (both sides) along project corridor to the next intersection or 100 feet whichever is shorter, plus TCPs and CMEs	entire ROW (both sides) along project corridor to the next intersection or 100 feet whichever is shorter, plus TCPs and CMEs	Construction limit and 50 feet around all pits, and yards. APE must include access roads.	Construction limit and 50 feet around all pits, and yards. APE must include access roads.	Edge of pavement to ROW on the side of road to be impacted and 100 feet beyond BOP and EOP	Check with NMDOT if APE is reduced or expanded
‡ APE requiring visual recording and assessment of built environment	100 feet beyond right of way along pedestrian APE	100 feet beyond right of way along pedestrian APE	100 feet beyond right of way along pedestrian APE	100 feet beyond right of way along pedestrian APE	50 feet beyond the pedestrian survey	50 feet beyond the pedestrian survey	50 feet beyond right of way	Check with NMDOT if APE is reduced or expanded
LEGAL CONTEXT	NHPA	NMSA	NHPA	NMSA	NHPA	NMSA	NMSA	On federal and tribal lands: ARPA, AIRFA, NAGPRA in addition to NHPA
STAFF CONTACT	NMDOT EB CR Supervisor	NMDOT EB CR Supervisor	T/LPA Coordinator	T/LPA Coordinator	CLA Coordinator	CLA Coordinator	Utility Coordinator	NMDOT EB CR Supervisor

† Tribal consultation: Contact NMDOT Environmental Bureau Tribal Coordinator

‡ NMSHPO and other land managing agencies require permits and pre-field notification to conduct inventories. These may include access permits.