



Guidance

List of Projects that Do Not Require Review or Coordination for Archeological Compliance

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1.0 Introduction

Under current compliance agreements^{1, 2}, certain projects have minimal potential to cause effects to archeological historic properties and do not require review. Projects with ground disturbance of less than 100 cubic yards of impacts to undisturbed sediments do not require review of their potential project impacts to archeological historic properties. Undisturbed sediments are those portions of the project area that have not been previously moved or mixed by earlier construction and maintenance activities. Undisturbed sediments have a natural soil profile, or a portion of the natural soil profile remains below the depth of previous disturbance.

This guidance document identifies types of projects that may fall under this 100-cubic-yard threshold. The document contains two lists.

- The first list comprises project types that almost certainly fall under the 100-cubic yard threshold.
- The second list comprises project types that may fall under the 100-cubic-yard threshold. District environmental staff may want to consult with project engineers to verify the extent of new impacts caused by particular projects.

These lists derive from projects that met the requirements for an expedited (c)(22) categorical exclusion determination. District environmental staff previously found that these project types had minimal potential to affect archeological historic properties. The lists are not intended to be exhaustive and are merely illustrative of the types of projects that may fall under the threshold. Projects of any type could be designed in such a way to fall under the threshold. Please review both lists and consult with project engineers as necessary to determine whether a project falls under the 100-cubic-yard threshold.

2.0 Project Types That Likely Fall Under The 100-cubic-yard Threshold

Districts have commonly identified the following project types as types that fall under the 100-cubic-yard threshold:

- (A) bridge maintenance,
- (B) hazard elimination & safety,
- (C) install illumination,
- (D) landscape development,
- (E) preventive maintenance,
- (F) resurface roadway,
- (G) seal coat,
- (H) surfacing/roadway restoration, and

¹ These agreements are the Programmatic Agreement among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, Participating Tribes, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings; and the Memorandum of Understanding between the Texas Department of Transportation and the Texas Historical Commission.

² Projects that qualified under previous agreements for “no review” will qualify under the current agreement.

- (I) traffic signal improvements.

3.0 Project Types That May Fall Under The 100-cubic-yard Threshold

Districts have sometimes identified the following project types as types that fall under the 100-cubic-yard threshold. This list distinguishes the project elements and the actions to be performed. The same actions may exceed or fall below the threshold, depending on the project elements with which they are associated. For example, district environmental staff previously identified interchange improvements as a type that may fall under the threshold. Those interchange projects only involve “improvement” of an existing facility and not “construction” of a new facility. In contrast, district environmental staff also identified “construct pedestrian infrastructure” as a project type that can fall under the threshold. “Improvement” of pedestrian infrastructure may also fall under the threshold. Consult with project engineers as necessary to determine whether a project falls under the 100-cubic-yard threshold.

- (A) Advanced traffic management system
 - a. Improve
 - b. Rehabilitate
- (B) Bridge
 - a. Rehabilitate
 - b. Replace
- (C) Bridge rail
 - a. Remove
 - b. Replace
- (D) Drainage - improve
- (E) Dynamic message signs
 - a. Install
 - b. Rehabilitate
 - c. Upgrade
- (F) Embankment - stabilize
- (G) Flashing beacon - install
- (H) Highway, existing - improve
- (I) Infrastructure - improve
- (J) Intelligent highway system (ITS) and infrastructure
 - a. Install
 - b. Rehabilitate
- (K) Interchange - improve
- (L) Intersection - improve
- (M) Maintenance and operations project

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(N) Pedestrian infrastructure

- a. Construct
- b. Improve

(O) Railroad - improve

(P) Railroad crossing - improve

(Q) Ramps - construct

(R) Rest area - construct

(S) Roadway lighting

- a. Install
- b. Upgrade

(T) Roadway, existing

- a. Reconstruct
- b. Rehabilitate
- c. Repair

(U) Signs

- a. Install
- b. Replace

(V) State park – improve

(W) Traffic signal

- a. Improve
- b. Install
- c. Upgrade

Appendix A

The following table shows the revision history for this guidance document.

Revision History	
Effective Date Month, Year	Reason for and Description of Change
March 2024	<p>Version 3 was released.</p> <p>Updated Federal undertaking list to reflect changes made to the list in the new Section 106 programmatic agreement.</p> <p>The “no review” procedures in the Programmatic Agreement among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, Participating Tribes, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings; and the Memorandum of Understanding between the Texas Department of Transportation and the Texas Historic Preservation changed.</p>
December 2015	<p>Version 2 was released.</p> <p>Updated Federal undertaking list to reflect changes made to the list in the new Section 106 programmatic agreement.</p> <p>Added list for cemeteries to create consistency with the new Section 106 programmatic agreement and scope development tool.</p>
June 2014	<p>Version 1 was released.</p>