

Linear Overlay Projects-Archaeological Guidance

March 2021

In response to a number of linear overlay projects currently going through the environmental process, we are providing updated guidance that we believe will strike an improved balance between our Section 106 obligation to make a good faith effort to identify historic properties, our responsibilities concerning archaeological resources located on INDOT property, and individual project needs. This updated guidance also provides new definitions for key terms. The INDOT Cultural Resources Manual will be updated to reflect and expound upon this guidance in the near future.

Key Terms

First, we'd like to provide some clarification regarding the definitions of key terms. Our goal is to establish a set of definitions to promote a shared understanding of how and when to use these terms.

Archaeological APE: The area in which a project would have the potential to impact eligible or potentially eligible sites, if any were present. In areas with proposed ground disturbance or right-of-way acquisition, the archaeological APE consists of all apparent/existing and proposed right-of-way (the project footprint). In areas with no proposed or anticipated ground disturbance, the archaeological APE may be considered to consist of the limits of the existing roadway (shoulder to shoulder). Though synonymous with the term "survey area", use of the term "Archaeological APE" should be reserved for Section 106 800.11/Finding documentation when defining an undertaking's aboveground and archaeological APE.

Construction Limits: The farthest limits of construction as measured perpendicular to a base line (e.g., toe of slope, top of ditch backslope). The construction limits are usually the farthest extent of ground disturbance at a project site. Do not use a project's construction limits as your archaeological survey area because you will not cover all of the archaeological APE. The archaeological reconnaissance must extend to at least the existing or proposed right-of-way limits in which project impacts will occur.

Project: The state or federally funded or administered INDOT project for which archaeological evaluation is being conducted (does not refer to the archaeological investigation).

Project Area: The area involved in a highway improvement that will be directly impacted by the project. This area can either be within existing right-of-way or include new right-of-way.

Survey Area: The area subjected to archaeological evaluation. This evaluation may range from a determination that no field inspection is necessary because no ground-disturbing activities will take place, to visual inspection of disturbed areas, to archaeological survey of undisturbed existing and proposed right-of-way in areas where ground disturbance is proposed or anticipated. The survey area must encompass the entire archaeological APE and any additional areas examined or evaluated. Survey area is the preferred term to use whenever referring to the archaeological evaluation of an INDOT reviewed project.

Updated Guidance Regarding Archaeological Evaluation of Existing Right-of-Way and Site Delineation

The level of archaeological evaluation required for a project is dependent upon the varying extent of the Archaeological APE, which in turn depends upon the scope of the proposed work. For linear projects where no new right-of-way is being proposed, if all work is either entirely confined to the existing roadway or is minor in nature (e.g., HMA overlay or other minor activities described in Category A of the Minor Projects Programmatic Agreement), then those portions of the survey area should be evaluated as lacking the potential to affect significant cultural resources. Such areas need to be included in the records check but no field investigation is needed in these areas. However, each must be noted, mapped, and justified in the archaeological report.

If a previously recorded site in such an area has not been evaluated for NRHP eligibility and there is insufficient information to determine its eligibility, then a commitment should be recommended that the site be avoided during construction. Consultation with INDOT-CRO is recommended prior to conducting fieldwork to verify that investigation of the site is not required.

If an eligible or potentially eligible site has been previously recorded within existing right-of-way and an archaeological field investigation is required for any portion of the project, then the field investigation must include efforts to locate the site, define its boundaries within the right-of-way, and evaluate the site's NRHP eligibility. If such sites are relocated and determined potentially eligible or eligible but in a segment of a survey area in which no impacts are expected to occur, then a commitment should be recommended that the site be avoided during construction.

Ineligible sites that have been recently (within the last five years) recorded and evaluated according to current standards may not require reinvestigation.

In all areas where new right-of-way or ground-disturbing activities are proposed, the archaeological APE shall include all current and proposed permanent and temporary right-of-way. If undisturbed soils are likely to be present within the current or proposed right-of-way then an archaeological survey will be required.

The potential impacts of the project upon newly recorded and previously documented potentially eligible archaeological sites located within the survey area must be evaluated. In areas where there will be ground-disturbing activities or where new permanent or temporary right-of-way is being proposed, an attempt should be made during field investigations to locate and evaluate previously recorded sites within the right-of-way.

When an archaeological site is newly recorded or resurveyed in an area where new permanent or temporary right-of-way is being proposed (i.e., a Notice of Entry has been sent to the landowner) and the site extends to or beyond the proposed right-of-way limits, archaeological investigation (shovel probing or pedestrian survey) of the site should extend 5 meters beyond the proposed right-of-way limit. The motivation behind this "best practice" stems from DHPA's regular condition that sites outside of project areas be labeled on plans and marked in the field for avoidance. By extending the survey area past the proposed right-of-way required for a project, one can definitively state that the site within the in the project area is not eligible and no further work is recommended.

Sites in areas where no new right-of-way is proposed should not be investigated beyond the existing right-of-way limits.

