



# Guidance

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## Design Change Review for Archeology

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### **1.0 Introduction**

Under current compliance agreements<sup>1</sup>, TxDOT defines its projects in three dimensions, comprising their horizontal extent and depth of impacts. A design change that expands these dimensions may require additional review and coordination. This guidance document identifies the level of review and additional coordination required under different circumstances.

### **2.0 Design Changes That Require No Additional Review or Coordination**

The design changes would cause less than 100 cubic yards of new impacts. Design changes that would cause less than 100 cubic yards of ground disturbance to undisturbed sediments do not require further review or consultation. 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 100-cubic-yard threshold for design changes applies to any project, regardless of whether the project originally required review. The threshold is cumulative. A project that has a design change with 99 cubic yards of new impacts, for example, would not require review or coordination. Any further design change bringing the total amount of additional new impacts to 100 cubic yards or more would require review and coordination.

The design change would cause at least 100 cubic yards of new impacts, and new activities occur within an area evaluated in an Archeology Background Study or Archeology Survey Report produced for the project. The Archeology Background Study or Archeology Survey Report will often define a buffer zone around a project. This buffer zone is the additional area beyond the proposed project area within which design changes require no further review or consultation. The buffer zone will be described in the Recommendations section under the Results Valid Within heading of the Archeology Background Study or Archeology Survey Report template. The width of the buffer zone around the project area varies by project, and many projects will have no buffer (a zero-foot buffer). Some buffer zones may be depicted on a map because the width of the buffer varies. Check the latest approved report(s) for a project to find the applicable buffer zone. No additional review or coordination is needed for design changes occurring within an area that has been evaluated and requires no further work.

### **3.0 Review and Coordination for Design Changes**

Because design changes typically make only minor changes to the project area, design changes that trigger review and coordination can often be evaluated with a supplementary archeology background study. This supplementary archeology background study will incorporate previous studies by reference and focus on the area(s) added through the design change. Design changes may occasionally require archeology survey to evaluate potential impacts. An archeology survey report for those design changes will also incorporate previous studies by reference and focus on the area(s) added through the design change. Either study will require time to complete the report and coordinate that report.

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<sup>1</sup> 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.

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- A supplementary archeology background study can be completed within three weeks; additional archeology survey may require three months to complete, assuming that right of entry is available for parcels of proposed new right of way.
- Additional coordination for either an archeology background study or an archeology survey requires up to seven weeks following receipt of an approved technical report, to allow time for federally recognized tribes to review and respond.
- These suggested time frames assume that the areas added by the design change are relatively small. Small design changes typically encompass only a few additional acres and/or occur within 50 feet of the previously reviewed project area. The likely time required to complete supplementary studies are therefore shorter than the time required for initial studies, and this guidance supersedes other published guidance on the time required.

## **Appendix A**

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

<b>Revision History</b>	
<b>Effective Date Month, Year</b>	<b>Reason for and Description of Change</b>
March 2024	Version 1 was released: This document provides District staff with guidance for review of design changes for potential impacts to archeological sites and cemeteries. The guidance includes circumstances under which no additional review is necessary and expected time to complete review and coordination.