

APPENDIX C
EXEMPTED PLANNED PROJECTS

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Exempt Planned Projects are discrete components that have the potential to affect historic properties, should any exist in the area of potential effects (APE), and may be determined exempt from further Section 106 review under this Programmatic Agreement (PA). This Appendix applies only when the Planned Project is limited exclusively to one or more of the components of an exempt Planned Project(s) listed below and is not within an archaeological site or a historic property. The Planned Project cannot be within 100 feet of an archaeological site or historic property. A Corps PQS staff determines if a Planned Project is exempt through the process described below.

Only Corps PQS staff may determine that a Planned Project does not need further review as a result of an exemption. A Planned Project will not qualify as exempt from review if conditions must be imposed to ensure that potential historic properties would not be affected. All features of the Planned Project activity, including the identification of mandatory and/or designated storage, disposal, or borrow areas, depth of proposed ground disturbance, height of any proposed constructed elements, and construction easements, must be identified prior to the exemption process. If additional features are added to an exempted Planned Project, the Planned Project must be reviewed again.

If an exempt Planned Project involves a Cooperating Agency, the Corps shall notify the Cooperating Agency of its decision and provide the Cooperating Agency documentation of the decision.

The Exemption Process

The exemption process should be appropriate to the specific complexity, scale, scope, and location of the activity. The exemption process will start with a review of the following, as appropriate:

- Literature/records review to determine potential for involvement of historic properties.
- Field review of project area.
- Review of detailed project plans.
- Review aerial photographs, historic maps, or as-built records.
- Review right-of-way, assessment parcel, or ownership data.

Based on the outcome of the review, the Corps will coordinate with Federally recognized or non-Federally recognized Tribes and individuals, local historical societies, or other potential consulting parties who may have concerns.

After Consultation, the Corps PQS may determine that the Planned Project is exempt from further review when there is no potential to affect historic properties. The Corps PQS shall document its determination in the PA annual report, pursuant to Stipulation XVII to document completion of the Section 106 process and no further review will be necessary.

Classes of Exempt Components

1. Small geotechnical bore (less than 8-inch diameter) that are reasonably placed.
2. Blading, ground clearing, or excavation that occurs entirely within the limits of documented imported fill.
3. Encroachment thinning using hand methods to lop branches and cut small trees and brush, with no anticipation of root removal, and the brush will hand carried to vehicles and removed via existing roads.
4. Installation, repair, or replacement of air and water quality monitoring equipment where no ground disturbance occurs.; There will be no movement, removal, or alteration of rock; and the activity is not located within the boundaries of an historic property.
5. Installation, repair or replacement of irrigation lines in dust suppression sites within the limits of documented imported fill.
6. Installation, monitoring, repair, or replacement of engineered roughness components where no ground disturbance occurs; there will be no movement, removal, or alteration of rock, such as:
 - a. Placement of grass bales to suppress dust,
 - b. Spraying and maintaining surfactant to suppress dust,
 - c. Placement of gravel to suppress dust,
 - d. Installation and repair of sand fences,
 - e. Development and maintenance of a salt crust.
7. Maintenance or repair of fence lines less than 45 years of age where no ground disturbance occurs, the fence line is on fill, or there will be no movement, removal, or alteration of rock.
8. Treatment of weed infestations that does not:
 - a. Violate the herbicide application chemical label.
 - b. Involve ground disturbance within the boundaries of an historic property, where no cultural resources are present.
 - c. Occur within landscaped or managed areas where native plant communities might be harvested.
9. Adding rock fill or gravel to existing roads where no new ground disturbance will occur.
10. Maintenance and monitoring of dust suppression sites, or replacement of dead vegetation that was planted for restoration and vegetation enhancement with new vegetation within the demonstrated vertical and horizontal limits of previous construction or disturbance.

11. Maintenance or repair of existing trails, walks, paths, sidewalks, and associated signage less than 45 years old and where work is conducted within the demonstrated vertical and horizontal limits of previous construction or disturbance.
12. Maintenance or repair of existing berms and associated infrastructure where work is conducted within the demonstrated vertical and horizontal limits of previous construction or disturbance.
13. Removal of modern materials and trash scatters less than 45 years old. Abandoned vehicles and modern trash dumps are included in this class.
14. Installation of signs or markers on shoulders of existing roads and markers adjacent to existing roads, or placing recreational, special designation or information signs, or visitor registers within documented existing fill or areas of documented previous disturbance.
15. Using water to shallow flood exposed lakebed and wetlands and no ground disturbance will occur.