

# **Exhibit 5.11: Post-Review Discovery and Monitoring Plan Format and Content Guide**

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# **Exhibit 5.11: Post-Review Discovery and Monitoring Plan Format and Content Guide**

## **Introduction**

A Discovery Plan is appropriate if the potential for discovery of cultural resources during construction is *likely* and outlines the process that Caltrans will implement to address potential adverse effect in the event that such resources are encountered. The Discovery Plan is prepared in accordance with Stipulation XV.A of the Section 106 PA (106 PA<sup>1</sup>), Stipulation XIV.A of the PRC 5024 MOU (5024 MOU<sup>2</sup>), or 36 CFR Part 800.13 (Post-review Discoveries) for federal undertakings when the 106 PA does not apply. Some important tips:

- Discovery Plans are not intended for situations where previously unrecorded archaeological resources are *possible*; they are intended for use when such resources are *likely*.
- Discovery Plans are not a substitute for adequate identification efforts.

Discovery plans are generally prepared under the following circumstances:

1. Caltrans finds that historic properties are likely to be discovered during implementation of a project and Caltrans has been unable to complete a thorough identification effort. If the phased approach is minor, pursuant to Stipulation XII of the 106 PA or Stipulation XI of the 5024 MOU, and the finding of effect for the project is likely to be No Adverse Effect (without Standard Conditions), Caltrans would include the Discovery Plan in the Finding of No Adverse Effect document. If the effects are unknown, Caltrans should enter into an agreement document with the SHPO (for federal projects) to phase identification, evaluation, and assessment of effects. The Discovery Plan would

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<sup>1</sup> First Amended Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act as it Pertains to the Administration of the Federal-Aid Highway Program in California, effective January 1, 2014.

<sup>2</sup> 2015 Memorandum of Understanding between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and Governor's Executive Order W-26-92, addended 2019.

function as, or be a component of, a treatment plan included in the agreement document. For state-only projects, Caltrans would include the Discovery Plan as part of a Finding of Adverse Effect and Mitigation Through Use of Standard Mitigation Measures, pursuant to 5024 MOU Stipulation X.C.1

2. Historic properties are identified within the Area of Potential Effects (APE) or Project Area Limits (PAL) during identification efforts and Caltrans finds that *monitoring of construction impacts to historic properties is necessary or additional historic properties are likely to be discovered* during construction. If the finding of effect for the project is likely to be No Adverse Effect (without Standard Conditions), Caltrans would include the Discovery Plan in the Finding of No Adverse Effect document. If the effects are unknown, Caltrans should enter into an agreement document with the SHPO (for federal projects) to phase identification, evaluation, and assessment of effects. The Discovery Plan would function as, or be a component of, a treatment plan included in the agreement document. For state-only projects, Caltrans would include the Discovery Plan as part of a Finding of Adverse Effect and Mitigation Through Use of Standard Mitigation Measures, pursuant to 5024 MOU Stipulation X.C.1

If a good faith effort to identify historic properties reveals no National Register eligible properties in the APE/PAL (or no properties are present at all), and Caltrans finds that historic properties are *not likely* to be discovered after construction is underway, the appropriate finding for the project is No Historic Properties Affected/No State-Owned Resources Affected. Caltrans may opt to prepare a plan for post-review discoveries to keep on file, but it is not reviewed by the SHPO and is not a formal Discovery Plan pursuant to 106 PA Stipulation XV.A or PRC 5024 MOU 5024 MOU XIV.A. It may be used to facilitate consultation under 106 PA Stipulation XV.B, Discoveries Without Prior Planning or 5024 MOU Stipulation XIV.B. (See Exhibit 5.12). Chapter 5 Section 5.10 contains additional guidance.

## Post-Review and Monitoring Plan Format

The format of the Discovery Plan is similar to that of the Data Recovery Plan (DRP) because both plans prescribe methods for addressing adverse effects. If the project also has an Environmentally Sensitive] Area (ESA), it is appropriate to combine the Monitoring Plan with the ESA Action Plan to create one document. See Exhibit 2.11 for ESA Action Plan format and content guidelines.

A Discovery Plan must include protocols for working within the construction environment, such as monitoring schedules, lines of communication for discoveries, consultation requirements, methods to evaluate finds and reporting and notifications. Discovery Plans, as their title implies, should contain a process by which resources may be identified (such as monitoring protocols) and also must provide a rationale for the expectation that resources are likely to be identified during project implementation.

DRPs prescribe methods to address adverse effects to known resources, which typically were subject to previous study or were previously recorded and described by a professional archaeologist. This usually enables the DRP to have more refined methods specifically developed for a particular site or site type. Discovery Plans, however, need to consider a wider range of potential outcomes based on less information. Therefore, Discovery Plans tend to provide methods that could be utilized to resolve adverse effects under a wider range of variables, including potential for a range of site types, material conditions, or temporal components.

### **Post-Review Discovery and Monitoring Plan Format**

- Title page
- Table of Contents
- Introduction
- Project Description
- Archaeological Sensitivity
- Archaeological Context
- Methods
- Monitoring
- Results and Conclusions
- Consulting Parties
- References Cited
- Preparer’s Qualifications
- Attachment

#### **Title Page**

The title page contains the following information:

- Brief descriptive title with type of study (Data Recovery Plan), and the name and general location of project (e.g., “Curve Correction on Route 989 between Forestview Drive and Limekiln Road”).
- Project contract number (if prepared by consultants).
- County, route, and postmile or local street or road name.
- EA/E-FIS project number and phase (For Local Assistance projects, use the Federal-Aid project number). [Note: Enterprise Resource Planning Financial

- Infrastructure, a 10-digit number, followed by a phase number of one or more digits.]
- Name, title, and signature of the Caltrans Professionally Qualified Staff (PQS) or consultant PQS-equivalent who prepares the report. Also state the preparer's PQS or PQS-equivalent level and address or location. If the report has multiple authors, all should be listed by name, but only the senior author's name, title, location, and signature are needed.
  - Name, title and signature (if required) of the PQS who reviewed the report for approval, along with the reviewer's location/address and PQS level (if different than preparer).
  - Name, title, location and signature of the Caltrans District Environmental Branch Chief (DEBC) for whom the document was prepared. The DEBC's signature on the title page indicates approval and acceptance of the document.
  - Date (month/year) Discovery Plan was prepared (appears at bottom of page).

### **Table of Contents**

List the major proposal sections, subheadings, appendices, tables, and figures, with page numbers.

### **Introduction**

Concisely describe or discuss the

- Proposed highway project or Local Assistance project
- Nature of the archaeological sensitivity
- Purpose for a discovery and or monitoring plan
- Other information as necessary to introduce the report

### **Project Description**

Include in this section, as applicable, a discussion of the nature and scope of the project:

- General scope of the proposed work, specifying relevant project components that may impact anticipated archaeological resources (e.g., roadway grading, utility and drainage excavations, soundwall trenching, borrow area, etc.)
- Nature and purpose of the plan relative to federal or state regulations (e.g., 106 PA Stipulation XV.A or 5024 MOU Stipulation XIV.A for state-owned cultural resources, the Project MOA etc.)

- Citation of all pertinent maps or figures (Project Location, historic property/cultural resource boundaries, Project Area limits, construction plans, etc.)

### **Archaeological Sensitivity and Rationale for Discovery Plan**

Discuss previous archaeological studies as they pertain to the Project Area.

Archaeological sensitivity of an area should also take into account the input from California Indian tribes and/or other consulting parties, as appropriate. Depending on the sensitivity and scope of the project, this section may be brief or extensive. The plan should bring together the information regarding potential project impacts and archaeological sensitivity to focus any monitoring efforts.

### **Archaeological Context and Research Design**

This section should include as appropriate:

- Archaeological Context
- Historical Context
- Ethnographic Background
- Environmental Context
- Geoarchaeological Studies
- Expected Resource Types
- Expected Feature Types
- Research Themes and Questions
- Thresholds for determining eligibility of any finds

### **Methods**

Clearly state or explain what methods will be employed for evaluating or performing data recovery on any resource that may be discovered during the implementation of an undertaking and what consultation may be needed with California Indian tribes or stakeholders. The plan needs to be specific enough to document that an appropriate level of field work will be conducted in response to a discovery, but at the same time the plan needs to be flexible enough to be applicable to varying conditions that arise in the field.

### **Monitoring**

The purpose and need for monitoring should be clearly stated. Specifics about monitoring procedures (e.g., methods, what activities will be monitored) also should

be included. This may be general for small projects, or extensive and detailed for more complex projects.

If Native American monitoring is to be included, the parameters of their participation, as agreed through consultation (e.g., who will monitor, location of monitoring, length of time), should be clearly defined. In addition, any planned environmental sensitivity training (such as for construction personnel) should be described.

The following monitoring specifics should be discussed as necessary:

- Procedures for Discoveries during Construction
- Identify who will monitor (consultant, in-house etc.) and required expertise
- Chain of Command and Responsible Parties with contact information
- Special Procedures for Human Remains
- Laboratory Analysis and Curation
- Format and Content of Monitoring Report, including timeframes and responsibilities or
- Format and Content of Comprehensive Technical Report

### **Consulting Parties**

If applicable, summarize coordination efforts and consulting parties' comments received to date.

### **References Cited**

- List all references cited in the proposal text.
- Bibliographic format should follow the most recent style guide for *American Antiquity* or *Historical Archaeology*, as appropriate.

### **Preparers Qualifications**

Briefly summarize the professional qualifications of each person who contributed to the report. For Caltrans PQS it is sufficient to list their names, PQS level and that their qualifications are on file in the Caltrans Division of Environmental Analysis Cultural Studies Office. For consultants, include name, classification or job title, qualifying degree(s) and major(s) and a one or two sentence description of qualifying experience. Exhibit 2.15 contains guidance for documenting preparer(s)' qualifications.



## **Attachments**

Include, as appropriate, the following:

- Project Area map: The Project Area map should illustrate the proposed project, upon which the APE/PAL and ADI limits have been delineated. The base for this map may be a topographic or planimetric map, or an aerial photograph. Most importantly, however, the map must be at a scale that is sufficient to allow for clearly depicting the spatial relationship between the transportation project, proposed monitoring areas and known or possible historic properties.
- Engineering plans
- DPR 523 forms (if appropriate)
- Profiles and cross-sections that show the actual limits of project impacts in relation to the expected cultural resource
- Photographs or other useful graphics
- Copies of correspondence

## **Peer Review and Approval**

Caltrans PQS certified at the Principal Investigator level in Pre-historic Archaeology and/or Historical Archaeology, as appropriate, must peer review the draft Discovery Plan following the guidelines in Exhibit 2.13: Guidelines for Peer Review of Cultural Resources Reports. Peer reviewers' names should be kept on record and comments retained in the project files.

Only Caltrans PQS at the Principal Investigator level may review the final Discovery Plan for approval, which the DEBC approves. The Caltrans PQS, or consultant, who prepares the plan signs, dates and includes their discipline, PQS level (as applicable) and District/Headquarters or affiliation. The Caltrans PQS reviewing the plan for approval likewise signs, dates, and includes their PQS discipline, level and District. Finally, the DEBC approves the Discovery Plan by signing and dating the document. See Chapter 2 Section 2.12 and Exhibit 2.14 Table C for additional guidance on peer reviews and reviews for approvals.