# Exhibit 2.7: Environmentally Sensitive Area Action Plan Format and Content Guide

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Exhibit 2.7: Environmentally Sensitive Area Action Plan Format and Content Guide

Introduction

Within the context of cultural resources studies, Environmentally Sensitive Areas (ESAs) are locations where archaeological sites or other historic properties have been identified that need some measure of active protection during the implementation of a project. Caltrans uses ESAs to fulfill various requirements as specified in the Section 106 Programmatic Agreement (Section 106 PA)\(^1\) Stipulations VIII.C.3 and X.B.1, and as outlined in Section 106 PA Attachment 5. That attachment requires the development of an ESA Action Plan to ensure proper implementation of Section 106 PA Stipulation X, and to ensure compliance with CEQA, and for state-owned historical resources, Public Resources Code (PRC) 5024 Memorandum of Agreement\(^2\) (5024 MOU) Stipulations VIII.C.3 and X.B.1, and Attachment 5. See Chapter 2 Section 2.3.8 and Chapter 5 for additional information on ESAs.

The ESA Action Plan delineates the archaeological sites or other historic properties to be protected, documents the protective measures required, identifies responsible parties and their appropriate tasks, and outlines an anticipated schedule and process. An ESA Action Plan always should be prepared when an ESA is established.

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1. 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.

2. Memorandum of Understanding Between the California Department of Transportation and the California Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and Governor’s Executive Order W-26-92, effective January 1, 2015.
ESA Action Plans are prepared under the following circumstances:

1) To support a finding of No Adverse Effect with Standard Conditions-ESA, in accordance with the Section 106 PA, Attachment 5.

2) As a measure for resolution of adverse effects under a Memorandum of Agreement (MOA) or with State Historic Preservation Officer (SHPO) concurrence in a finding of No Adverse Effect without Standard Conditions.

3) To support a finding of No Substantial Adverse Change under CEQA, demonstrating that impacts have been mitigated below the level of significance, and for state-owned historical resources, a Finding of No Adverse Effect under PRC 5024.

4) For long term protection of archaeological sites or other historic properties during maintenance or other activities.

### ESA Action Plan Format

**Title Page**
- Name and type of project
- District, County, route and post-miles
- E-FIS\(^3\) project number and phase (For Local Assistance projects, use the Federal-Aid project number.)

The page also includes:

- Prepared for: Name, title, location and signature of the Caltrans District Branch Chief (DEBC) for whom the plan was prepared. The DEBC’s signature on the title page indicates approval and acceptance of the document
- Prepared by: Name, title, location and signature of the Caltrans Professionally Qualified Staff (PQS) or consultant PQS who prepared the plan
- Reviewed for Approval by: Name, title, location and signature of the Caltrans Professionally Qualified Staff (PQS) who reviewed the plan for approval
- Month and year plan was prepared (appears at bottom of page) If a qualified consultant prepared the plan, the project contract number should appear below the

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\(^3\) E-FIS stands for Enterprise Resource Planning Financial Infrastructure. Beginning in July, 2010, the former project Expenditure Authorization number became an E-FIS project number. This is a 10-digit number, followed by a phase number of one or more digits.
E-FIS project number (or Federal-Aid project number for Local Assistance projects)

**Summary of ESA Action Plan**
This section should contain the information necessary for all parties to understand the intent, methods and location of the ESA. It includes:

- A concise description (abstract) of the proposed project
- List of archaeological sites or other historic properties to be protected by the ESA(s)
- Methods of establishing the ESA
- Measures required during each stage of the project (pre-construction, during construction, post construction)
- Responsible parties for each measure
- Anticipated dates and duration for required measures.

**Project Description**
1) General scope of the proposed work, specifying project components relevant to the ESA action plan
2) Description of the regulatory context for which the plan was prepared (e.g., Section 106 PA Attachment 5, MOA, etc.)
3) List of archaeological sites or other historic properties to be protected within the project area, including a description of their locations relative to project activities
4) Citation of all pertinent maps or figures (Project Location, ESA boundaries, Project Area limits, construction plans, etc.)

**Methods**
Depending on whether the resource to be protected is an archaeological or cultural site or a built-environment historic property, protective measures to consider include signage, protective fencing, access restrictions, monitoring by PQS or qualified consultant archaeologists, architectural historians, and Native American monitors, and specific contractual language to ensure that construction contractors comply with the ESA Action Plan. Clearly state or explain the methods of ESA demarcation. Include a description of the type, size and placement of signage and/or fencing, as appropriate. If the ESA is not to be identified on the ground, indicate how the ESA will be recognized by personnel in the field and provide a reference to the ESA delineation on project plans. As appropriate, provide language to be used, in the
construction contract. Reference the Standard Special Provisions (SSP) or the Non-standard Special Provisions (NSSP). Questions regarding SSPs and NSSPs should be directed to the Chief of the Special Projects Archaeology Branch (SPA) in Headquarters Cultural Studies Office (CSO).

**Monitors**
Only a Caltrans PQS at the Co-PI level or above or similarly qualified consultant, or Caltrans staff under the direction of a Caltrans PQS Co-PI or above, serve as archaeological monitors. Similarly, only a Caltrans PQS Principal Architectural Historian, or similarly qualified consultant, or Caltrans staff under the direction of a Caltrans PQS Principal Architectural Historian or above, serve as built-environment monitors. If monitoring is required, a general rationale for the monitoring – as well as specific location, intervals, and duration – needs to be clearly stated. Provide reference to the attached project maps. Indicate if Native American monitors will be accompanying archaeological monitors, and the parameters of their participation, as agreed to through consultation.

**Responsible Parties**
Identify appropriate Caltrans staff, agency staff, consultants or others who are the responsible parties, as well as which aspects of the plan for which they are responsible. A clear chain of command should be established, with specific tasks and contact information identified for each responsible party (e.g., Caltrans PQS archaeologist or architectural historian, Environmental Construction Liaison, Resident Engineer). Identify the parties by Position/Title to ensure continuity of accountability in the event of personnel change on a project. All parties must be aware of and acknowledge their responsibilities. See the sample ESA Action Plan Table at the end of this exhibit.

**Attachments**
Include, as appropriate, the following:

- Project Area map
- The Project Area map must be at a scale to adequately demonstrate the relationship of the resources to project elements. An index map with detail sheets for individual ESAs within a single project may be needed.
- Engineering plans and/or profiles and cross-sections that show the actual limits of project impacts in relation to the ESAs
- Photographs or other useful graphics
Peer Review and Approval

Only Caltrans PQS (certified at the Principal Investigator Prehistoric Archaeology or Historical Archaeology, or Principal Architectural Historian levels, depending on the type of resource) may peer review ESA Action Plans or review them for approval, which the DEBC approves. After appropriate Caltrans PQS PI or Principal Architectural Historian has peer-reviewed the draft Plan and any necessary revisions have been made, the Caltrans PQS or consultant who prepares the ESA Action Plan signs, dates the final plan and includes his/her discipline, PQS level (as applicable) and District/Headquarters or affiliation. The Caltrans PQS reviewing the ESA Action Plan for approval (if different than the preparer) likewise signs, dates, and includes his/her PQS discipline, level and District. The DEBC signs and dates the ESA Action Plan to signify final approval.

Transmittal

If the ESA action plan has been prepared in support of a finding of No Adverse Effect with Standard Conditions-ESA pursuant to the Section 106 PA or the 5024 MOU, the plan is included in the notification documents to Headquarters CSO in its assigned capacity for FHWA, or for State-owned historical resources as delegated by SHPO under the PRC 5024 MOU, and other consulting parties.
### Sample ESA Action Plan Responsible Parties Table: Archaeological Sites

<table>
<thead>
<tr>
<th>STAGE</th>
<th>RESPONSIBLE PARTIES</th>
<th>TASK</th>
<th>DATE TASK COMPLETED</th>
</tr>
</thead>
</table>
| Pre-construction | Caltrans Archaeologist  
Caltrans Architectural Historian*  
Project Manager  
Project Engineer | Caltrans archaeologist will ensure that ESA for site CA-SFR-148 and the adjacent Archaeological Monitoring Area (AMA) is clearly described and illustrated in the plans, specifications and estimates (PS&E).  
Caltrans architectural historian will ensure that ESA for Bloomfield Farm entry and pillars is clearly described and illustrated in the plans, specifications and estimates (PS&E). |                      |
|            | Caltrans Archaeologist  
Caltrans  
Project Manager  
Project Engineer | All responsible parties, including the Caltrans Archaeologist, will review the PS&E package.  
Ensure that SSP’s for ESA and AMA are included in PS&E package. |                      |
|            | Environmental Branch Chief  
Caltrans Archaeologist  
Project Manager  
Project Engineer | Caltrans archaeologist will ensure the ESA Action Plan is included in Environmental Commitment Record (ECR) and the RE Pending File. |                      |
|            | Caltrans Archaeologist  
Environmental Construction-Liaison*  
Resident Engineer  
Contractor | All responsible parties will ensure that ESAs are discussed during the pre-construction meeting.  
The importance of ESAs will be discussed with construction personnel and it will be stressed that no construction activity (including storage or staging of equipment or materials) should occur within the ESAs and that workers must remain outside of the ESAs at all times.  
Additionally, personnel will be informed of historic preservation laws that protect archaeological sites against any disturbance or removal of artifacts. |                      |
<table>
<thead>
<tr>
<th>STAGE</th>
<th>RESPONSIBLE PARTIES</th>
<th>TASK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Caltrans Archaeologist  Environmental Branch Chief  Environmental Construction-Liaison  Resident Engineer *  Contractor</td>
<td>The Resident Engineer will notify Caltrans Archaeologist and Environmental Branch Chief at least three weeks in advance of construction to ensure that a Caltrans archaeologist will be available to monitor fence installation and allow for field review of ESA locations.</td>
</tr>
<tr>
<td></td>
<td>Caltrans Archaeologist *  Environmental Construction-Liaison  Resident Engineer *  Contractor *</td>
<td>All responsible parties perform field review of ESA and AMA locations at least one calendar week prior to construction activities.</td>
</tr>
<tr>
<td>During Construction</td>
<td>Caltrans Archaeologist *  Environmental Construction-Liaison  Resident Engineer  Contractor</td>
<td>Contractor will install temporary plastic fencing around site CA-SFR-148. The fencing will be installed at least one calendar week prior to initiating any work in those areas (see attached map). The Caltrans Archaeologist will coordinate this activity with the Environmental Construction Liaison and Resident Engineer, and be present to supervise and monitor fence installation.</td>
</tr>
<tr>
<td></td>
<td>Caltrans Archaeologist *  Environmental Construction-Liaison  Resident Engineer</td>
<td>Caltrans Archaeologist will be present to monitor all construction activities within the AMA. The Environmental Construction Liaison will conduct a weekly inspection to ensure the integrity of ESAs.</td>
</tr>
<tr>
<td>Post Construction</td>
<td>Caltrans Archaeologist  Environmental Construction-Liaison</td>
<td>The Environmental Construction Liaison will inform the Caltrans Archaeologist when construction is complete.</td>
</tr>
<tr>
<td></td>
<td>Caltrans Archaeologist  Environmental Construction-Liaison  Contractor</td>
<td>The Contractor, under supervision of the Environmental Construction Liaison and/or Caltrans Archaeologist, will remove temporary fencing at the conclusion of construction.</td>
</tr>
<tr>
<td>Responsible parties as of 10-01-12</td>
<td>Caltrans Archaeologist  Environmental Branch Chief  Environmental Construction-Liaison  Resident Engineer  Contractor</td>
<td>Sam Digs  <a href="mailto:sdigs@dot.ca.gov">sdigs@dot.ca.gov</a>  415-555-1234  Cory Lately  <a href="mailto:clately@dot.ca.gov">clately@dot.ca.gov</a>  415-555-1235  Leslie Morley  <a href="mailto:lmorley@dot.ca.gov">lmorley@dot.ca.gov</a>  415-555-1236  Nico Radi  <a href="mailto:nradi@dot.ca.gov">nradi@dot.ca.gov</a>  415-555-1237  To be determined</td>
</tr>
</tbody>
</table>
# Sample ESA Action Plan Responsible Parties Table: Built-Environment Historic Property

<table>
<thead>
<tr>
<th>STAGE</th>
<th>RESPONSIBLE PARTIES</th>
<th>TASK</th>
<th>DATE TASK COMPLETED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-construction</td>
<td>Caltrans Architectural Historian*&lt;br&gt;Project Manager&lt;br&gt;Project Engineer</td>
<td>Caltrans Architectural Historian will ensure that ESA for the Lucas McCain Barn is clearly described and illustrated in the plans, specifications and estimates (PS&amp;E).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Caltrans Architectural Historian*&lt;br&gt;Project Manager&lt;br&gt;Project Engineer</td>
<td>All responsible parties, including the Caltrans Architectural Historian, will review the PS&amp;E package. Ensure that SSP's for ESA are included in PS&amp;E package.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Environmental Branch Chief&lt;br&gt;Caltrans Architectural Historian *&lt;br&gt;Project Manager&lt;br&gt;Project Engineer</td>
<td>Caltrans Architectural Historian will ensure the ESA Action Plan is included in Environmental Commitment Record (ECR) and the RE Pending File.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Caltrans Architectural Historian Environmental Construction-Liaison&lt;br&gt;Resident Engineer&lt;br&gt;Contractor</td>
<td>All responsible parties will ensure that ESAs are discussed during the pre-construction meeting. The importance of ESAs will be discussed with construction personnel and it will be stressed that no construction activity (including storage or staging of equipment or materials) should occur within the ESAs and that workers must remain outside of the ESAs at all times. Additionally, personnel will be informed of historic preservation laws that protect historic properties against any disturbance or removal of artifacts.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Caltrans Architectural Historian Environmental Branch Chief&lt;br&gt;Environmental Construction-Liaison&lt;br&gt;Resident Engineer *&lt;br&gt;Contractor</td>
<td>The Resident Engineer will notify Caltrans Architectural Historian and Environmental Branch Chief at least three weeks in advance of construction to ensure that a Caltrans Architectural Historian will be available to monitor fence installation and allow for field review of ESA locations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Caltrans Architectural Historian *&lt;br&gt;Environmental Construction-Liaison&lt;br&gt;Resident Engineer *&lt;br&gt;Contractor *</td>
<td>All responsible parties perform field review of ESA locations at least one calendar week prior to construction activities.</td>
<td></td>
</tr>
<tr>
<td>STAGE</td>
<td>RESPONSIBLE PARTIES</td>
<td>TASK</td>
<td>DATE TASK COMPLETED</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>---------------------</td>
</tr>
</tbody>
</table>
| During Construction | Caltrans Architectural Historian *  
Environmental Construction-Liaison  
Resident Engineer  
Contractor | Contractor will install temporary plastic fencing around site the Lucas McCain Barn. The fencing will be installed at least one calendar week prior to initiating any work in those areas (see attached map). The Caltrans Architectural Historian will coordinate this activity with the Environmental Construction Liaison and Resident Engineer, and be present to supervise and monitor fence installation. |                     |
| Post Construction | Caltrans Architectural Historian *  
Environmental Construction-Liaison  
Resident Engineer | Caltrans Architectural Historian will be present to monitor all construction activities adjacent to the ESA. The Environmental Construction Liaison will conduct a weekly inspection to ensure the integrity of ESAs. |                     |
|                | Caltrans Architectural Historian  
Environmental Construction-Liaison  
Contractor | The Environmental Construction Liaison will inform the Caltrans Architectural Historian when construction is complete. |                     |
|                | Caltrans Architectural Historian  
Environmental Construction-Liaison  
Contractor | The Contractor, under supervision of the Environmental Construction Liaison and/or Caltrans Architectural Historian, will remove temporary fencing at the conclusion of construction. |                     |
| Responsible parties as of 10-22-12 | Caltrans Architectural Historian  
Environmental Branch Chief  
Construction-Liaison  
Resident Engineer  
Contractor | Iona Bevel  
sribeiro@dot.ca.gov  
213-555-1234  
213-555-1235  
213-555-1236  
213-555-1237 |