Exhibit 2.14: Environmentally Sensitive Area Action Plan Format and Content Guide

Table of Contents

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Introduction

Within the context of cultural resources studies, Environmentally Sensitive Areas (ESAs) are locations within an Area of Potential Effect (APE) or Project Area Limits (PAL) where archaeological sites or other historic properties have been identified that need protection from potential direct effects during implementation of a project. Development of an ESA Action Plan in accordance with Appendix 5 of the 106 PA[1] or the 5024 MOU[2] is required to ensure that provisions for protection are carried out.

When archaeological properties within an undertaking's APE/PAL will be protected from any potential effects by establishment of an ESA in accordance with Appendix 5, Caltrans may consider such properties to be eligible for purposes of the undertaking without subsurface excavation and/or surface collection pursuant to 106 PA/5024 MOU Stipulation VIII.C.3 or, with CSO approval, Stipulation VIII.C.4; CSO approval under Stipulation VIII.C.4 also applies to Vegetation Management ESAs (VMESAs). Built-environment properties must be evaluated regardless of ESA protection, unless consideration of eligibility is approved by CSO in accordance with Stipulation VIII.C.4.

An ESA Action Plan prepared in accordance with 106 PA/5024 MOU Appendix 5 is used to support a Finding of No Adverse Effect with Standard Conditions- ESA under 106 PA/5024 MOU Stipulation X.B.1.a or A Finding of No Adverse Effect with Standard Conditions- VMESA under Stipulation X.B.1.b, as applicable. An ESA may

[1] Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, the United States Army Corps of Engineers' Sacramento District, San Francisco District, and Los Angeles District, 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 (2024)

[2] 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 (2024)

also be proposed as a non-standard condition to reach a Finding of No Adverse Effect under 106 PA/5024 MOU Stipulation X.B.2.a, or to minimize an adverse effect. See Chapter 2 Section 2.3.9.2 and Chapter 5 for additional information on ESAs and Exhibit 2.11 for guidelines on preparing a Finding of No Adverse Effect report.

ESAs are typically established to prevent construction activities from occurring within the boundary of an archaeological site. If construction activities will occur within a site boundary, an Archaeological Monitoring Plan is the appropriate document to address methods to protect archaeological sites during construction. An ESA Action Plan is also required if ESAs will be established for portions of sites that are not subject to construction impacts. These documents may be integrated; see Monitors section below. A VMESA, which may only be used when a project is limited to vegetation management for fire prevention, allows limited activity to take place within the ESA, as long as PQS have determined that those activities will not result in adverse effects.

An ESA Action Plan that delineates the archaeological sites or other historic properties to be protected, documents the specific protective measures required, identifies responsible parties and their appropriate tasks, and outlines an anticipated schedule and process is prepared under the following circumstances:

1) To support a finding of No Adverse Effect with Standard Conditions-ESA, in accordance with Stipulation X.B.1.a and Appendix 5 of the 106 PA/5024 MOU.
2) As a non-standard condition to make a finding of No Adverse Effect in accordance with Stipulation X.B.2 of the 106 PA/5024 MOU when a finding of No Adverse Effect with Standard Conditions-ESA is not applicable.
3) As a measure for resolution of adverse effects under a Memorandum of Agreement (MOA) for Section 106 undertakings or as a mitigation measure for PRC 5024 projects.
4) To support a finding of No Substantial Adverse Change to historical resources under CEQA, demonstrating that impacts to historical resources have been mitigated below the level of significance.
5) For long term protection of archaeological sites or other historic properties during maintenance or other activities.

ESA Action Plan Format

- Title Page
- Summary of Action Plan
- Project Description
- Methods
- Responsible Parties
- ESA Violation
- Attachments

Title Page

- Brief descriptive title with type of study (ESA Action Plan) and the name and general location of project (e.g., "Curve Correction on Route 989 between Forestview Drive and Limekiln Road").
- County, route and postmile or local street or road name.
- EA/E-FIS[3] project number and phase (For Local Assistance projects, use the Federal-Aid project number).
- Project contract number (if prepared by consultants).
- 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 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.

[3] Enterprise Resource Planning Financial Infrastructure, a 10-digit number, followed by a phase number of one or more digits.

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
- 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

- General scope of the proposed work, specifying project components relevant to the ESA Action Plan
- Description of the regulatory context for which the plan was prepared (e.g., Section 106 PA Appendix 5, 5024 MOU Appendix 5, MOA, etc.)
- 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
- Date of National Register listing; date of Keeper determination of National Register eligibility, stating that it was a Keeper determination; date of SHPO concurrence with the determination of eligibility, stating that is was a consensus determination; statement that an eligibility consensus determination with SHPO is pending; statement of assumption of eligibility under Stipulation VIII.C.3 of the 106 PA/5024 MOU; or date of CSO approval for assumption of eligibility under Stipulation VIII.C.4 of the 106 PA/5024 MOU.
- National Register criteria under which the property is listed or eligible.
- For Caltrans-owned resources, the California Historical Landmark (CHL) criteria under which the property is registered or eligible for registration as a CHL.

- Citation of all pertinent maps or figures (Project Location, ESA boundaries, APE/PAL, 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 of ESA boundaries 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 will not 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 Training and Contracts Branch in CSO. All methods and descriptions included in this section should complement and support the ESA mapping included in the reporting.

Monitors

Only a Caltrans PQS at the Co-PI level or above, a similarly qualified consultant, or Caltrans staff under the direction of a Caltrans PQS Co-PI or above, may serve as archaeological monitors. Similarly, only a Caltrans PQS Principal Architectural Historian, a similarly qualified consultant, or Caltrans staff under the direction of a Caltrans PQS Principal Architectural Historian or above, may serve as built-environment monitors. If monitoring is required, a general rationale for the monitoring – as well as specific location, intervals, and duration – must 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. Be sure to differentiate between monitoring to verify that the ESA fence or other delineation is secure and monitoring construction.

When an Archaeological Monitoring Plan is also prepared, the ESA Action Plan and Archaeological Monitoring Plan may be combined to ensure consistency. The relevant sections from both document must be included in the combined document. See Exhibit 5.11 for Archaeological Monitoring Plan format and content guidelines.

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, CSO and SHPO). 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. This information should also be provided in table format as an attachment to the ESA Action Plan (See sample ESA Action Plan Responsible Parties tables below).

ESA Violations

The ESA Action Plan must identify who will be contacted in the event of an ESA violation. The Action Plan will also outline steps for resolving the violation. PQS must report all ESA violations to CSO within 48 hours in accordance with 106 PA/5024 MOU Appendix 5.

When the ESA violation results in an impact to properties, the Districts reports the ESA violation in accordance with 106 PA/5024 MOU Stipulation XV.B, Discoveries Without Prior Planning and Unanticipated Effects.

If a Post-Review Discovery Plan was developed for the project, its provisions should be followed. If the project is under an MOA, PQS follow the MOA's stipulations covering post-review discoveries.

If no plan is in place, 106 PA/5024 MOU Stipulation XV.B would apply. PQS must assess the discovery within 48 hours. Newly identified properties may be assumed eligible. If known historic properties or properties assumed to be eligible are involved, the District must notify SHPO, CSO, any Indian tribes that attach religious

or cultural significance to potentially affected properties, the federal agency if federal lands are involved and the federal agency has designated Caltrans lead pursuant to 36 CFR 800.2(a)(2), the Army Corps of Engineers Sacramento, San Francisco and Los Angeles districts if a Department of the Army Authorization (DA) permit is required, and any other consulting party that may have a demonstrated interest in potentially affected properties. If a National Historic Landmark is affected, the Secretary of the Interior and the Council would be included in the notification process. See Chapter 5, Section 5.10 and Exhibit 5.12 for more information on procedures to use when a post-review discovery occurs without a plan in place.

Attachments

Include the following:

- Project Area map. Must be at a scale to adequately demonstrate the relationship of the resources to project elements. If necessary, provide index map with detail sheets for individual ESAs within a single project. At a minimum, the mapping needs to show the resource boundary, the ESA boundary, and the location for ESA fencing/delineation, if known. The ESA boundary must be an enclosed shape to ensure the ESA isn't inadvertently breeched.
- Engineering plans and/or profiles and cross-sections that show the actual limits of project impacts in relation to the ESAs
- Responsible Parties table listing those with important rolls for ensuring historic properties will be protected and the specific tasks to be performed at different stages of construction. All information in the table must also be included in the Action Plan. See sample ESA Responsible Parties tables for archaeological sites and the built environment below.
- Photographs or other useful graphics
- Correspondence with the SHPO, Native Americans, and any other consulting parties, or the public, as applicable.

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 or Finding of No Adverse Effect with Standard Conditions- VMESA pursuant to Stipulation X.B.1a or X.B.1.b of the 106 PA/5024 MOU, the plan is included in the documentation[4] submitted to CSO for approval and in the documented notification of the finding sent concurrently to any consulting parties.

If the ESA Action Plan has been prepared in support of a finding of No Adverse Effect pursuant to Stipulation X.B.2 of the Section 106 PA/5024 MOU, the plan will be attached to the Finding of Effect document.

[4] Documentation may be a Historic Property Survey Report (HPSR), Supplemental HPSR, Historic Resources Compliance Report (HRCR), Supplemental HRCR, or a separate finding of effect document.

Table 1: Sample ESA Action Plan Responsible Parties Table: Archaeological Sites

Stage	Responsible Parties*	Task
Pre-construction	Caltrans PQS Archaeologist*, Caltrans PQS Architectural Historian*, Project Manager, Project Engineer	Caltrans archaeologist will ensure that the 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 PQS 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 PQS 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 PQS 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.
	Caltrans PQS Archaeologist, Environmental Branch Chief, Environmental Construction-Liaison, Resident Engineer, Contractor	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.
	Caltrans PQS Archaeologist*, Environmental Construction-Liaison*, Resident Engineer*, Contractor*, Native American Monitor	All responsible parties perform field review of ESA and AMA locations at least one calendar week prior to construction activities.
	Caltrans PQS Archaeologist*, Environmental Construction-Liaison, Resident Engineer Contractor, Native American Monitor	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.

During Construction	Caltrans PQS Archaeologist*, Environmental Construction-Liaison*, Resident Engineer	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.
	Caltrans PQS Archaeologist*, Environmental Construction-Liaison*, Resident Engineer	If the ESA is violated, the RE must stop work in the vicinity of the ESA breach. [Identify who will notify the PQS of the violation] The PQS will notify the Tribe, CSO, and SHPO of the violation within 48 hours of the breach and consult immediately to determine how the breach will be addressed. Work will not resume until…
	Caltrans PQS Archaeologist*, Environmental Construction-Liaison*, Resident Engineer	If an unanticipated find or post review discovery is identified during construction, stop work within a 60-foot radius. [Identify who will notify the PQS of the discovery] The PQS will notify the Tribe, CSO, and SHPO of the unanticipated discovery within 48 hours. SHPO has 72 hours to respond.
	Caltrans Archaeologist, Environmental Construction-Liaison	The Environmental Construction Liaison will inform the Caltrans Archaeologist when construction is complete.
Post Construction	Caltrans Archaeologist, Environmental Construction-Liaison, Contractor	The Contractor, under supervision of the Environmental Construction Liaison and/or Caltrans Archaeologist, will remove temporary fencing at the conclusion of construction.

* denotes primary responsibility

Responsible Parties Contact Information Table, as of XX-XX-20XX.

Title	Contact	Email	Phone Number
Caltrans PQS			
CT Environmental Branch Chief			
Consultant Archaeologist			
Native American Tribe			
Native American Monitor			
Construction Liaison			
Resident Engineer			
Contractor	TBD		
Land Owner			
County Contact			

Table 2: Sample ESA Action Plan Responsible Parties Table: Built-Environment Historic Property

Stage	Responsible Parties*	Task
Pre-construction	Caltrans Architectural Historian*, Project Manager, Project Engineer	Caltrans Architectural Historian will ensure that ESA for the Lucas McCain Barn is clearly described and illustrated in the plans, specifications and estimates (PS&E).
	Caltrans Architectural Historian, Project Manager, Project Engineer	All responsible parties, including the Caltrans Architectural Historian, will review the PS&E package. Ensure that SSP's for ESA are included in PS&E package.
	Environmental Branch Chief, Caltrans Architectural Historian, Project Manager, Project Engineer	Caltrans Architectural Historian will ensure the ESA Action Plan is included in Environmental Commitment Record (ECR) and the RE Pending File.
	Caltrans Architectural Historian, 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 historic properties against any disturbance or removal of artifacts.
	Caltrans Architectural Historian, Environmental Branch Chief, Environmental Construction-Liaison, Resident Engineer*, Contractor	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
	Caltrans Architectural Historian*, Environmental Construction-Liaison*, Resident Engineer*, Contractor *	All responsible parties perform field review of ESA locations at least one calendar week prior to construction activities.
	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.

During 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.
Post Construction	Caltrans Architectural Historian, Environmental Construction-Liaison	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 Contact Information Table, as of XX-XX-20XX.

Title	Contact	Email	Phone Number
Caltrans PQS			
CT Environmental Branch Chief			
Construction Liaison			
Resident Engineer			
Contractor	TBD		
Land Owner			
County Contact			