State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

Memorandum

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To: DISTRICT DEPUTY DIRECTORS - ENVIRONMENTAL
HQ CONSTRUCTION COORDINATORS
HQ ENVIRONMENTAL COORDINATORS

Date: November 4, 2003

File: CCSO

From: GARY R. WINTERS
Chief
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Subject: Native American Monitors

This memorandum is to clarify the current policy, practice and expectations for Native American monitors on projects developed by the California Department of Transportation (Department).

During the project development process, Native Americans are consulted in the identification of significant cultural resources and the identification of measures to avoid or mitigate impacts to such resources. During this consultation, the details concerning monitoring of archaeological excavations and construction projects are developed. Monitoring is a means for Native Americans to ensure that cultural resources are treated in a respectful manner. In turn, the monitor relays information related to the excavation and/or construction activities to the Native American community.

The Department's policy and practice is to have Native American monitoring in three circumstances: (1) during archaeological excavations, (2) during construction and construction-related activities adjacent to known Native American archaeological or cultural sites, or such sites identified as Environmentally Sensitive Areas (ESAs), and (3) during construction or related activities in areas where there is a high probability that there may be a buried deposit based on the geomorphology of the area. Monitoring adds an extra measure of protection, and provides for immediate identification of discoveries or unanticipated impacts. If buried cultural materials are discovered, or there is an unanticipated impact, further consultation with Native Americans must occur in compliance with the law.

The policy for employing Native American monitors includes these expectations:

- Monitors are present on a project to observe the archaeological excavation or construction in the area of an archaeological or traditional cultural site. The number of monitors employed for any one project depends on factors such as the type and number of sites involved, the activity occurring near each site, and the ease to which the monitor can safely traverse the project area to observe activities.
- If the project is in an area that overlaps shared traditional territories, a monitor from each group may participate.
- The affected Native American community (i.e., the Tribal Government, non-federally recognized tribe, and interested parties) determines the qualifications of the monitor(s).

If you have any questions on this memo, or would like to discuss our current policies on Native American monitors, please contact Tina Biorn at 916-653-0013/8-453-0013.

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