

ATTACHMENT 5
ENVIRONMENTALLY SENSITIVE AREAS

Environmentally Sensitive Areas (ESAs) are locations of identified archaeological sites or other properties within the APE that are to be protected by avoidance or by restrictions on Caltrans activities. ESAs typically use fencing, flagging, signing, or monitoring to protect properties from direct physical damage by project activities.

Because ESAs protect properties from direct rather than indirect effects, they are rarely applied to non-archaeological properties. ESAs may be applied to built environment properties only when deemed appropriate by a Principal Architectural Historian.

Archaeological and cultural sites may have values other than information potential under Criterion D. ESAs may be applied to sites with cultural values that qualify them as eligible under Criteria A, B, or C in addition to, or instead of, Criterion D only where the ESA protects those values from all adverse effects. That determination must be made by a Principal Investigator in the applicable discipline (Prehistoric or Historical Archaeology), and as appropriate, after consultation with Indian tribes or interested parties that may attach religious or cultural values to the property.

Stipulation VIII.C.3 provides that archaeological sites protected by ESAs established and enforced in accordance with this Attachment may, for the purposes of a specific undertaking, be considered eligible without subsurface excavation and/or surface collection.

Stipulation VIII.C.3 does not apply to non-archaeological properties, which must be evaluated for National Register eligibility regardless of ESA protection, unless specifically provided for in a consultation pursuant to Stipulation X.B.1, Finding of No Adverse Effect without Standard Conditions, or in an MOA developed pursuant to Stipulation XI, Resolution of Adverse Effects.

The delineation of an ESA pursuant to Stipulation VIII.C.3 of the Agreement may be used to reach a finding of No Adverse Effect in accordance with Stipulation X.B.2 (a)(ii) and (iii) of the Agreement, provided that all of the following conditions are met:

1. Adequate information is available to accurately delineate the property boundary in relation to the APE and to identify essential features of the property. This information may be obtained from literature review, surface survey, subsurface testing, historical research, or consultation with Indian tribes.
2. The scope and design of the undertaking are sufficiently developed and detailed to ensure that the property will be protected from all adverse effects.
3. All appropriate protection measures are defined (e.g., signing, staking, fencing, monitoring provisions) and the information included in the Final Construction Plans, Contract Special Provisions, and Pending File of the Resident Engineer (RE) assigned to the construction project.
4. An ESA action plan is developed to ensure that provisions for protection are carried out and will be documented in accordance with Stipulation XVI of the Agreement.

Delineation of an ESA may be used as an element of protection for non-archaeological properties when specifically provided for by a condition in a finding of No Adverse Effect without Standard Conditions pursuant to Stipulation X.B.1 or for resolution of adverse effects when specifically provided for in an MOA developed pursuant to Stipulation XI, Resolution of Adverse Effects.

Caltrans PQS will develop and provide appropriate ESA information to Project Development, Construction, and Maintenance personnel to protect properties during project activities through implementation of an ESA action plan. Project Development shall include ESA information in Construction Plans, Contract Special Provisions, and the Pending File of the project's RE. During

construction, the RE shall ensure that contractors comply with ESA guidelines in the Contract Special Provisions. The District Environmental Branch shall monitor construction and maintain contact with the RE on ESA compliance.