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 prepared if the potential for discovery of cultural resources during construction is *likely*. It serves to outline the process that Caltrans or the consultant will implement in order to resolve adverse effects to resources which may be encountered during construction activities.

Plans for post-review discoveries are prepared pursuant to Section 106 Programmatic Agreement[1] (Section 106 PA) Stipulation XV.A (for state-owned cultural resources pursuant to Public Resources Code [PRC] 5024 MOU Stipulation XIV.A[2]), or in conjunction with a Memorandum of Agreement (MOA)[3] or No Adverse Effect (without Standard Conditions) finding that has concurrence by the State Historic Preservation Officer (SHPO), or prepared pursuant to 36 CFR Part 800.13 (Post-review Discoveries) for federal undertakings when the Section 106 PA does not apply.

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 only intended for Phased identification when an agreement document, such as an MOA, is in place

Like a Data Recovery Plan (DRP), a discovery plan is intended to describe methods that will be employed to resolve potential adverse effects to archaeological properties. The Discovery Plan typically also includes protocols for archaeological monitoring.

[1] 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

[2] 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.

[3] For adverse effects to state-owned historical archaeological resources that are not on the Master List of Historical Resources (Master List), use a Finding of Adverse Effect with Standard Mitigation Measures. For adverse effects to state-owned archaeological historical resources that are on the Master List, use a Finding of Adverse Effect (FAE) and include the mitigation measures and in the HRCR. See Chapter 2 Section 2.7, 2.8 and 2.9 for additional information.

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Discovery plans are generally prepared under the following circumstances:

1. Caltrans finds that historic properties are *likely* to be discovered after construction is underway, and Caltrans has been unable to complete a thorough identification effort. In this case, Caltrans should enter into an agreement document with the SHPO 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.

2. Historic properties are discovered within the Area of Potential Effects (APE) during identification efforts and Caltrans finds that *additional historic properties are likely to be discovered* during construction. In this case the SHPO will review a Discovery Plan as part of an MOA or Finding of No Adverse Effect (without Standard Conditions).

If a good faith effort to identify historic properties reveals no National Register eligible properties in the APE (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. 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 36 CFR 800.13(a) or Section 106 PA Stipulation XV.A[4]. It may be used to facilitate consultation under 36CFR 800.13(b) or Section 106 PA Stipulation XV.B,[5] Discoveries Without Prior Planning. Chapter 5 Section 5-10 contains additional guidance.

Post-Review and Monitoring Plan Format

The format of the Discovery Plan is very similar to that of the Data Recovery Plan (DRP) because both plans prescribe methods for resolving adverse effects.

However, a Discovery Plan must include protocols for working within the construction environment, such as monitoring schedules, lines of communication for discoveries, 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.

[4] For state-owned cultural resources it is pursuant to 5024 MOU Stipulation XIV.A.
[5] For state-owned cultural resources it is pursuant to 5024 MOU Stipulation XIV.B.

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DRPs prescribe methods to resolve 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

Title Page

- In the title, identify the document as a Discovery Plan, and identify the highway project by name.
- Below the title, identify the highway project by District, county, route, post miles, and E-FIS[6] project number and phase, or for a Local Assistance project, use the Federal-Aid number (e.g. "07-Ven-118, P.M. 17.5018.0, E-FIS 07000004170").
- Provide the name, title, Professionally Qualified Staff (PQS) level, and location of the plan author(s) meeting the Caltrans PQS standards as identified in Section 106 PA Attachment 1, and for state-owned cultural resources 5024 MOU Attachment 1. The senior author is to sign the title page of the plan.
- Provide the name, title, and location of the District Environmental Branch Chief (EBC) for whom the plan was prepared. Approval of the plan is documented by the EBC's signature on the title page.
- Provide the date (month and year) of completion of the report at the bottom of the page.

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
- Attachments

Table of Contents

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

[6] 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.

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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., Section 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. 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

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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. 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
- Chain of Command and Responsible Parties with contact information should be provided
- 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*.

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Attachments

Include, only as appropriate, the following:

- Project Area map: The Project Area map should illustrate the proposed project, upon which the Project Area limits have been delineated. The Project Area map needs to be of sufficient scale and have enough project detail to demonstrate the relationship of historic properties to the proposed project.
- 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. Chapter 2 Section 2-5.5 and Exhibit 2.11 Table C contain additional guidance on peer reviews and reviews for approvals.

Only Caltrans PQS at the Principal Investigator level may review the final Discovery Plan for approval, which the EBC approves. The Caltrans PQS, or consultant, who prepares the plan signs, dates and includes his/her discipline, PQS level (as applicable) and District/Headquarters or affiliation. The Caltrans PQS reviewing the plan for approval likewise signs, dates, and includes his/her PQS discipline, level and District. Finally, the EBC approves the Discovery Plan by signing and dating the document.

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