

EXHIBIT 2.7: ENVIRONMENTALLY SENSITIVE AREA (ESA) ACTION PLAN FORMAT AND CONTENT GUIDE

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INTRODUCTION

Within the context of cultural resources studies, Environmentally Sensitive Areas (ESAs) are locations where cultural resources have been identified that need some measure of active protection during the implementation of a project. Caltrans uses ESAs to fulfill various requirements in [the Section 106 PA](#)¹ as specified in [Stipulations VIII](#) and [X](#), 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 historic properties, Public Resources Code (PRC) §5024. See [Chapter 2](#) Section 2-3.8 and [Chapter 5](#) for additional information on ESAs.

The ESA Action Plan delineates the area 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.

ESA Action Plans are prepared under the following circumstances:

1. To support a finding of No Adverse Effect with Standard Conditions, 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,

ESA TIPS

- ESA protection starts in the planning process, not during project implementation
- Work closely with the Resident Engineer and educate construction personnel with pre-construction field reviews and training
- ESAs must be included in the RE Pending File and clearly marked on project plans and in contract specifications (PS&E)
- To ensure contractor compliance, use appropriate Standard Special Provisions (SSPs), or Non-Standard Special Provisions (NSSPs) when special measures are required

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

and for state-owned historical resources, a Finding of No Adverse Effect under PRC §5024.

4. For long term protection of cultural resources during maintenance or other activities.

ESA ACTION PLAN FORMAT

Title Page

- Name and type of project
- District, County, route and post-miles
- Expenditure Authorization (EA)

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 Expenditure Authorization number

ESA ACTION PLAN FORMAT

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

Summary of 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 cultural resources 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 cultural resources 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

Protective measures to consider include signage, protective fencing, access restrictions, monitoring by PQS or qualified consultant archaeologists 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 CCSO.

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. 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, 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 the draft Plan has been peer reviewed by the appropriate Caltrans PQS PI 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 pursuant to the Section 106 PA, the plan is included in the notification documents to SHPO, FHWA – or Headquarters Cultural & Community Studies Office (CCSO) in their delegated capacity for FHWA – and other consulting parties. When the ESA Action Plan involves state-owned resources that are listed or eligible for inclusion in the National Register of Historic Places or for registration as California Historical Landmarks, a copy of the plan is transmitted to CCSO; however, only one copy needs to be transmitted to CCSO when the project also is a federal undertaking.

SAMPLE ESA ACTION PLAN TABLE

STAGE	RESPONSIBLE PARTIES With Contact Information (name, title and phone#) * denotes primary responsibility	TASK	DATE TASK COMPLETED
Pre-construction	Caltrans Archaeologist * 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 Archaeologist 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.	
	Caltrans 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 Archaeologist * Environmental Construction-Liaison * Resident Engineer * Contractor *	All responsible parties perform field review of ESA and AMA locations at least one calendar week prior to construction activities.	

STAGE	RESPONSIBLE PARTIES With Contact Information (name, title and phone#) * denotes primary responsibility	TASK	DATE TASK COMPLETED
During Construction	Caltrans Archaeologist * Environmental Construction-Liaison Resident Engineer Contractor	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.	
	Caltrans 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.	
Post Construction	Caltrans Archaeologist Environmental Construction-Liaison	The Environmental Construction Liaison will inform the Caltrans Archaeologist when construction is complete.	
	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.	
Responsible parties as of 10-01-08	Caltrans Archaeologist Environmental Branch Chief Environmental Construction-Liaison Resident Engineer Contractor	Sam Digs sdigs@dot.ca.gov Cory Lately clately@dot.ca.gov Leslie Morley lmorley@dot.ca.gov Nico Radi nradi@dot.ca.gov To be determined	(415) 555-1234 (415) 555-1235 (415) 555-1236 (415) 555-1237