

APPENDIX 4

Cultural Resource Monitoring and Treatment Plans

Cultural Resources
Monitoring and Treatment Plan
for the
Project Name

With
AGENCY,
NATIVE AMERICAN TRIBE, and
CULTURAL RESOURCES FIRM (on behalf of Applicant)

MONTH YEAR

I. PROJECT

The **APPLICANT** is proposing to **INSERT PROJECT DESCRIPTION**

II. PLAN PURPOSE

The Cultural Resources Monitoring and Treatment Plan (Plan) shall act as a guideline for cultural resource monitoring and the treatment of any cultural resources discovered during Project implementation. **[ENTER JUSTIFICATION]**. As a result, the **LEAD AGENCY** incorporated mitigations measures **[ENTER HERE]** within the Initial Study or ENVIRONMENTAL IMPACT REPORT, which speak to the need for **archaeological and tribal monitoring** of the project area, as well as the need for this Plan. The protocol outlined in this Plan will be enforced by **LEAD AGENCY (Lead Agency)** throughout the life of the project.

III. PLAN CHANGES

The Parties that have participated in development of this Plan include the **Lead Agency (Lead Agency)**, **APPLICANT**, and the **NAME OF TRIBE**. It is noted by all Parties that the cultural resources monitoring and treatment protocols outlined in this document are subject to change as the project moves forward and project implementation protocol is determined. All changes to the process of project implementation, as detailed in section V, must be delivered to all Parties in writing using the contact information in Appendix A, and section V must be amended accordingly. Additionally, should the Plan require an amendment with regards to the cultural resources monitoring and treatment protocols as a result of the section IV change, then the Plan shall be further revised. Should a change to section V occur during project implementation, work shall be halted until the Plan has been revised and approved by all Parties, and all Parties have taken the necessary steps to implement the new protocol outlined within the Plan.

IV. PRE-CONSTRUCTION MEETINGS (project-dependent)

An Action Planning meeting shall be held with the on-site lead/foreman, a Lead Agency staff member, the lead archaeologist, a **NAME OF TRIBE Cultural Resources Department staff member**, and any other key personnel at least 10 business days prior to the start of construction. At least 3 business days prior to the Action Planning meeting, the Lead Agency shall disseminate the most current Monitoring and Treatment Plan, the CR and TCR mitigation measures/conditions of approval, and the most current project plans/blueprints/maps. The Action Planning meeting shall include a Cultural Resources Sensitivity Training (CRST) given by a **NAME OF TRIBE Cultural Resources Department staff member**, during which time the monitoring and treatment guidelines shall be discussed. Additionally, attendees will use the provided documentation to determine the most appropriate process for monitoring during the project and, once decided, this section of the Plan shall be revised and the draft disseminated to all Parties. All Parties must agree to the changes prior to project implementation.

A pre-construction tailgate meeting shall occur on the first day of construction, during which time the most updated Monitoring and Treatment Plan shall be discussed with regards to monitoring process and treatment of cultural resources. Additionally, a CRST session will be given by **the NAME OF TRIBE monitor OR a NAME OF TRIBE Cultural Resources Department staff member** for all on-site personnel.

Should any new personnel be rotated into/added to the construction schedule, they must undergo the CRST prior to their first shift.

V. MONITORING PROTOCOL

There is agreement among all Parties that the project shall require an archaeological monitor with at least 3 years of regional experience in archaeology **and a Tribal monitor representing** NAME OF TRIBE to be present for all ground-disturbing activities that occurs within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological **and Tribal** monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. The Applicant shall provide compensation (hourly wages, mileage, etc.) for all monitors and the services these individuals provide as part of the monitoring effort for the Project.

ENTER MONITORING PROTOCOL HERE AFTER ACTION PLANNING MEETING

VI. PROCESS FOR DISCOVERIES, TREATMENT, AND DISPOSITION

In the event of a discovery, all Parties shall be notified by phone and email within 48 hours of the discovery. A list of the points of contact is part of this Plan in Appendix A. Each Party is responsible for their individual updates if there are any personnel changes.

NON-FUNERARY CULTURAL MATERIALS

If a **pre-contact and/or post-contact** cultural resource is discovered during project implementation, ground disturbing activities shall be suspended 60 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. Representatives from the NAME OF TRIBE Cultural Resources Department (TRIBAL ACRONYM), the Archaeological Monitor/applicant, and the Lead Agency shall confer regarding treatment of the discovered resource. Following, a research design shall be developed by the archaeologist that will include a plan to evaluate the resource for significance under CEQA criteria. The research design shall also acknowledge that, regardless of significance under CEQA, all finds are subject, if feasible, to avoidance/preservation in place as treatment.

It is important to note that TRIBAL ACRONYM monitors do not conduct consultation on behalf of TRIBAL ACRONYM. Consultation will occur with the TRIBAL ACRONYM Cultural Resources Management Department POC, and the implementation of the agreed-upon action will be completed with the assistance of the Native American monitor.

Should any resource(s) not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by TRIBAL ACRONYM. All plans for analysis shall be reviewed and approved by the

applicant and TRIBAL ACRONYM prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of TRIBAL ACRONYM that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by TRIBAL ACRONYM, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and TRIBAL ACRONYM. All reburials are subject to a reburial agreement that shall be developed between the landowner and TRIBAL ACRONYM outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.).

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with TRIBAL ACRONYM to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and TRIBAL ACRONYM for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and TRIBAL ACRONYM.

FUNERARY CULTURAL MATERIAL AND/OR NATIVE AMERICAN HUMAN REMAINS

In the event that any human remains are discovered within the project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately who shall notify TRIBAL ACRONYM, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make

recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code § 5097.98.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

VII. NON-DISCLOSURE OF DISCOVERIES

It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

Appendix A

Points of Contact for each Party:

TRIBAL NAME

Lead Agency

1. NAME

Cultural Resource Monitoring and Treatment Plan
for the
Optimum Basin Management Program Update

With
IEUA Watermaster,
Gabrieleño Band of Mission Indians: Kizh Nation, and
Tribal Cultural Resource Management

March 2020

I. PROJECT

The Tribal Cultural Resource Management (TCRM) for the Gabrieleño Band of Mission Indians: Kizh Nation is proposing to act as the AB52 Tribal observer and if required archaeological monitoring and/or archaeological mitigation in the event an archaeological discovery.

II. PLAN PURPOSE

This Cultural Resource Monitoring and Treatment Plan(Plan) shall act as a guideline for cultural resource monitoring and the treatment of any cultural resources discovered during Project implementation. As a result, the State Historic Preservation Office (SHPO) approved IEUA incorporated mitigation measures within the Initial Study or Environmental Impact Report should be followed. Additionally, the areas requiring archaeological and tribal monitoring of the project area, should follow this Plan. The protocol outlined in this Plan will be enforced by IEUS(Lead Agency) throughout the life of the project.

III. PLAN CHANGES

The Parties that have participated in development of this Plan include the IEUA, APPLICANT, and the Gabrieleño Band of Mission Indians: Kizh Nation (Kizh). It is noted by all Parties that the cultural resources monitoring and treatment protocols outlined in this document are subject to change as the project moves forward and project implementation protocol is determined. All changes to the process of project implementation, as detailed in Section V, must be delivered to all Parties in writing using the contact information in Appendix A, and Section V must be

amended accordingly. Additionally, should the Plan require an amendment with regards to the cultural resources monitoring and treatment protocols as a result of the Section IV change, then the Plan shall be further revised. Should a change to Section V occur during project implementation, work shall be halted until the Plan has been revised and approved by all Parties, and all Parties have taken the necessary steps to implement the new protocol outlined within the Plan.

IV. PRE-CONSTRUCTION MEETINGS (Project-dependent)

An Action Planning meeting shall be held with the on-site lead/foreman, a IEUA staff member, the lead archaeologist(if not TCRM staff), a Kizh Cultural Resources Department staff member, and any other key personnel at least 10 business days prior to the start of construction. At least 3business days prior to the Action Planning meeting, the Lead Agency shall disseminate the most current Monitoring and Treatment Plan, the TCR mitigation measures/conditions of approval, and the most current project plans/blueprints/maps. The Action Planningmeeting shall include a Cultural Resources Sensitivity Training (CRST) given by a Kizh Cultural Resources Department staff member, during which time, the monitoring and treatment guidelines shall be discussed. Additionally, attendees will use the provided documentation to determine the most appropriate processfor monitoring during the project and, once decided, this section of the Plan shall be revised and the draft disseminated to all Parties. All Parties must agree to the changes prior to project implementation.

A pre-construction tailgate meeting shall occur on the first day of construction, during which time the most updated Monitoring and Treatment Plan shall be discussed with regards to monitoring process and treatment of cultural resources. Additionally, a CRST session will be given by the Kizh monitor or a Kizh Cultural Resources Department staff member for all on-site personnel. Should any new personnel be rotated into/added to the construction schedule, they must undergo the CRST prior to their first shift.

V. MONITORING PROTOCOL

All Parties agree that the project shall require an outside archaeological monitor (if a TCRM archaeologist is not used) with at least 3 years of regional experience in archaeology and a Tribal monitor representing Kizh to be present for all ground-disturbing activities that occurs within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological and Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. The Applicant shall provide compensation (hourly wages, mileage, etc.) for all monitors and the services these individuals provide as part of the monitoring effort for the Project.

[ENTER MONITORING PROTOCOL HERE, AFTER ACTION PLANNING MEETING]

VI. PROCESS FOR DISCOVERIES, TREATMENT, AND DISPOSITION

In the event of a discovery, all Parties shall be notified by phone (voice or text message) and email within 48 hours of the discovery. A list of the points of contact is part of this Plan in Appendix A. Each Party is responsible for their individual updates if there are any personnel changes.

NON-FUNERARY CULTURAL MATERIALS

If pre-contact and/or historic cultural resources are discovered during project implementation, than ground disturbing activities shall be suspended 60 feet around the resource(s). This region shall be considered an Environmentally Sensitive Area (ESA) and a physical demarcation/barrier will be constructed around it. The ESA shall be avoided until at such time it is considered mitigated or otherwise deemed "not significant" under the criteria outlined by SHPO. Representatives from the Kizh Cultural Resources Department, the Archaeological Monitor (if different than a TRCM archaeologist), and the Lead Agency shall confer regarding treatment of the discovered resource. Following, a research design shall be developed by the archaeologist that will include a plan to evaluate the resource for significance under the California Environmental Quality Act (CEQA) criteria. The research design shall also acknowledge that, regardless of significance under CEQA, all finds are subject, if feasible, to avoidance/preservation in place as treatment.

It is important to note that in most cases, Kizh tribal monitors do not conduct consultation on behalf of Kizh Tribe. Consultation should occur with the Kizh Cultural Resources Management Department Point of Contact (POC), and the implementation of the agreed-upon action will be completed with the assistance of the Native American monitor.

Should any resource(s) cannot be avoidance or preserved in place, and the removal of the resource(s) is necessary, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by Kizh. All plans for analysis shall be reviewed and approved by the applicant and Kizh prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of Kizh that removed cultural material be reburied (curated in place) as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by Kizh tribe, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, California Historical Resources Information System (CHRIS), and Kizh. All reburials are subject to a reburial agreement that shall be developed between the landowner and Kizh outlining the determined reburial process/location, and shall include measures and

provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.).

Under the Archaeological Resources Protection Act (ARPA) and the Native American Graves Protection and Repatriation Act (NAGPRA), if no Federal, State, County, or City funding is used on this project, any nonfunerary-related artifact can remain in the possession of the land owner. However, under these guidelines, should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to these artifacts. Those artifacts shall be kept in an accredited curation facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the archaeologist and the curation facility that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and Kizh for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and Kizh.

FUNERARY CULTURAL MATERIAL AND/OR NATIVE AMERICAN HUMAN REMAINS

In the event that any human remains are discovered within the project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately who shall notify Kizh, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code § 5097.98.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make

the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agency will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

VII. NON-DISCLOSURE OF DISCOVERIES

It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agency, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

Appendix A

Points of Contact for each Party:

Gabrieleño Band of Mission Indians: Kizh Nation, POBOX 393 Covina Ca, 91723 (844)
390-0787

IEUA and Watermaster