

VIA Advanced Rapid Transit North/South Corridor Project Construction Monitoring and Inadvertent Discovery Plan

Construction Monitoring

The Federal Transit Administration (FTA), in coordination with VIA Metropolitan Transit (VIA), proposes the following construction monitoring and plan for archeological discoveries for the Advanced Rapid Transit North/South Corridor Project (the Project). Additional information regarding the Project's construction can be found in *VIA North/South Advanced Rapid Transit Project Construction Scope Memo* and supporting figures.

1. VIA, on behalf of FTA, will conduct construction monitoring for archeological resources under a valid Texas Antiquities Permit.
2. VIA will ensure that all construction monitoring is carried out by, or under the direct supervision of, persons meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).
3. Initial excavations required for construction (e.g., small diameter shaft drilling for traffic signals and light poles, structural soil for trees in medians, etc.) outside of downtown San Antonio, approximately Augusta Street to Nueva Street, will be monitored. Once the ground has been disturbed in a given area, no additional monitoring of construction activities (e.g., installation of poles, pouring of slab) will be required.
4. VIA will monitor construction in a phased manner corresponding to the high, medium, and low probability locations shown in attached Figure 3., Proposed Monitoring Locations. High probability areas (red areas) are those within the project area that have a high chance of containing NRHP-eligible archeological deposits based on factors including, but not limited to, archeological deposits being previously found within the vicinity, located in high-probability areas as identified by locations where artifacts were previously recorded, locations with multiple overlapping features (e.g., historic districts, previous archeological projects, NRHP-listed districts and sites, etc.), areas known to have been occupied or developed during the Spanish colonial era, and portions of the project area that are very likely to incur construction impacts beyond the extent of modern development/disturbance. Medium probability areas (yellow areas) were identified by their approximate location to high probability areas and where there are one or two archeological features (e.g., historic districts, previous archeological project, NRHP districts and sites, etc.), and portions of the project area that could potentially incur construction impacts beyond the extent of modern development/disturbance. Low probability areas (green areas) are those within the project area with low potential of containing deposits as defined by lack of findings from previous surveys, locations where there has been extensive previous roadway and utility disturbance, and portions of the project area that will not incur construction impacts that extend beyond surficial improvements (such as roadway re-stripping or re-surfacing).
 - High: Each initial construction-phase monitoring location identified as high archeological probability will be continuously monitored by at least one qualified professional archeologist. The frequency of monitoring visits in highly disturbed

- areas can be reduced (e.g., from every day to every other day) through consultation between FTA, the Texas SHPO, and/or COSA OHP.
- Medium: Each construction-phase monitoring location identified as medium archeological probability will be observed regularly by at least one qualified professional archeologist. The frequency of monitoring visits in highly disturbed areas can be reduced (e.g., from every other day to once per week) through consultation between FTA, the Texas SHPO, and/or COSA OHP.
 - Low: While these locations are expected to have low to no potential of containing deposits, at least one qualified archeologist will be available within the project corridor to provide spot monitoring during initial construction phase excavation.
5. If potentially diagnostic archeological materials, deposits, features, or sites (e.g., buried organic layers, *in situ* bricks or masonry, infilled pit outlines, identifiable/dateable ceramics, glass, lithics, coins) are observed in any monitoring location, excavation and construction activities near the finds will cease immediately while the finds are examined. Project archeological personnel may clean or stabilize exposures and/or excavate small, controlled test units (e.g., 50-by-50-centimeter or 1-by-1-meter blocks) to more fully characterize the finds. If the observed resource appears to be potentially significant, FTA, Texas SHPO, and COSA OHP will be notified within 24 hours, and construction will not resume in the area of the potential archeological find until authorized by FTA, Texas SHPO, and COSA OHP.
 6. For all archeological sites observed and documented during the monitoring, FTA and VIA will apply NRHP criteria in accordance with 36 CFR 800.4 and 36 CFR 60.4, considering applicable prehistoric and historic contexts, management plans, and previous projects in the area. If FTA and VIA determine that any of the NRHP criteria are met for a given site, and the Texas SHPO agrees, the site will be considered eligible for the NRHP.
 7. If FTA and VIA determine that the NRHP criteria are not met, and the Texas SHPO agrees, the site will not be considered eligible for the NRHP.
 8. Since the Project will be implemented over an extended period of time, VIA will prepare reports on a quarterly basis describing work done to date and monitoring results within segments of the Project, with the size of the segments to be determined based on field observations and in consultation with the Texas SHPO. Quarterly reports will be distributed to all consulting parties and made public on VIA's project website. Reports will ensure that shared data, including data concerning the precise location and nature of historic properties and properties of religious and cultural significance, are protected from public disclosure to the greatest extent permitted by law.
 9. Within one year of completing all monitoring and associated archeological investigations conducted under the same Texas Antiquities Permit, VIA will prepare a draft report for submittal to FTA and COSA OHP, and then to the Texas SHPO for review. The review period will be 30 days from receipt of the document. FTA and VIA will fully consider Texas SHPO comments before finalizing the report. Distribution of the final report will be similar

to the quarterly reports.

Assessment of Effects, Treatment, and Mitigation

1. If any unanticipated archeological materials or deposits are found at any stage of construction, work will cease, and VIA will contact appropriate COSA OHP and Texas SHPO personnel within 24 hours. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the archeological resource. At its discretion, pursuant to 36 CFR 800.13(c), FTA may assume any unanticipated potential archeological resources uncovered during construction activities would be treated as potentially eligible for the NRHP or as a SAL until further research can be undertaken.
2. If one or more archeological resources uncovered during construction-phase excavations are determined to be eligible for the NRHP, and may be affected by the Project, VIA, in consultation with FTA, Texas SHPO, and/or COSA OHP, will make a reasonable effort to avoid effects through design modification or through other mitigative means.
3. If effects to one or more archeological resources encountered and evaluated pursuant to these stipulations cannot be avoided, FTA and VIA will apply the criteria of adverse effect in accordance with 36 CFR 800.5.
4. If the Project will have an adverse effect on an archeological resource, FTA, in consultation with VIA, the Texas SHPO, COSA OHP, and consulting parties, will notify the ACHP of the adverse effect and develop a treatment plan to resolve/mitigate the adverse effect. The plan will be submitted to the Texas SHPO and other consulting parties, including Native American Tribes, for review and comment, and will also be made available to the public for comment. The treatment plan may include controlled archeological excavations of stratified deposits, precision drawings of acequias or other features, educational signage and/or exhibits, and/or other mitigative measures to be determined in consultation with the Texas SHPO and other consulting parties.

Inadvertent Discovery Plan for Burial/Funerary Objects

1. If evidence of burials or human remains are discovered during the Project, construction within 50 feet of the discovery will immediately cease and VIA will immediately notify FTA and consulting parties. All work will be undertaken with dignity and respect for the individual and will follow the Texas Health and Safety Code (Chapter 711) and Chapter 49 of the Texas Code of Criminal Procedure.
2. If the remains appear to be of Native American origin, VIA will immediately notify FTA so FTA can consult with the appropriate federally recognized Tribe(s) to determine the appropriate response, including cessation of construction activities, protection of burial/funerary objects, notification of appropriate parties, consultation, and implementation of agreed upon action. The remains and associated items will be treated in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA).
3. VIA will be responsible to either preserve in place or repatriate human remains and/or objects, depending on the agreed upon determination of the Tribe(s).