

Make the following Section a part of the Standard Specifications:

**"SECTION 211 - ARCHAEOLOGICAL MONITORING**

**211.01 Description.** This Section describes the work to be performed by an archaeologist during construction. The State Historic Preservation Division has indicated that human burials and/or cultural materials may be encountered during ground disturbing activities.

The limits of the work described in this Section includes all ground disturbing activities between Baseline Stations 581+00 and 591+00.

**211.02. Materials.** None specified.

**211.03. Archaeological Submittals.** A qualified archaeologist shall submit the following to the State Historic Preservation Division for review and approval:

(A) Plan describing on-site monitoring methods, developing and executing mitigation work;

(B) A burial treatment plan for inadvertent burial discoveries encountered during construction.

The archeologist shall consult with the Kaua'i Burial Council and the Office of Hawaiian Affairs in preparing the burial treatment plan.

Upon completion of the ground disturbing activities, the archaeologist shall submit a report documenting the monitoring work to the State Historic Preservation Division for review and approval. The report shall include: scale drawings of burials and deposits; photographs and sketches of all artifacts; analysis of all perishable and datable remains; scale drawings of stratigraphic profiles; overall scale map showing locations of all burials and deposits; nature and age of the historic sites.

**211.04 Construction Requirements.** The Contractor shall be responsible to obtain a qualified archeologist to perform the archeological work described in Subsection 211.03 - Archaeological Submittals.

Do not begin ground disturbing activities until the archeological submittals described in Subsection 211.03(A) and 211.03(B) are approved by the State Historic Preservation Division.

When the Contractor encounters possible archaeological, historical or burial site findings, the archeologist shall contact the State Historic Preservation Division

and implement the plans described in Subsection 211.03 - Archaeological Submittals. The Contractor shall immediately suspend the operation. and inform the Engineer verbally and follow up with a written letter.

Do not resume operations without the prior written acceptance of the Engineer. Do not count delays resulting from the discovery, investigation, and handling of such findings against the completion date. The Engineer will govern suspensions of work according to Subsection 108.06 -Temporary Suspension of Work. Also, the Contractor shall conform to Chapter Be, HRS.

Failure or refusal to comply with the terms of this Section or Chapter Be, Hawaii Revised Statutes, may subject the Contractor to the penalties described in Section Be-11, Hawaii Revised Statutes:

- (1) a fine of not more than ten thousand (\$10,000) dollars for each separate offense,
- (2) seizure and disposition of equipment, and
- (3) if the Contractor knowingly fails or refuses to comply, a prohibition from participating in the construction of State or County projects for ten (10) years.

Construction work and equipment shall remain within the right-of-way limits of this project.

**211.05 Method of Measurement.** The Engineer will measure archaeological on-site monitoring on a force account basis.

The Engineer will not measure archaeological submittals described in Subsection 211.03.

**211.06 Basis of Payment.** The Engineer will pay for on-site monitoring on a force account basis according to Subsection 109.04 - Extra and Force Account Work. The amount may be more or less than the estimated amount shown in the proposal.

The force account work includes conducting on-site monitoring during ground disturbing activities; implementing the approved mitigation and/or burial treatment plans; and furnishing labor, materials, equipment and other incidentals necessary to complete the work.

The Engineer will pay for the archaeological submittals described in Subsection 211.03 at the contract lump sum price.

The price includes developing an approved monitoring, mitigation, and burial treatment plans; consulting the Kauai Burial Council and the Office of Hawaiian Affairs in preparing the burial treatment plan; and documenting and submitting an approved report to the State Historic Preservation Division upon completion of the ground disturbing activities.

The Engineer will make payment under:

<b>Pay Item</b>	<b>Pay Unit</b>
Archaeological Plan Submittals	Lump Sum
On-Site Archaeological Monitoring	Force Account"