

1 **SECOND AMENDED**

2 **PROGRAMMATIC AGREEMENT AMONG THE FEDERAL HIGHWAY ADMINISTRATION,**
3 **THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CALIFORNIA STATE HISTORIC**
4 **PRESERVATION OFFICER, THE UNITED STATES ARMY CORPS OF ENGINEERS, AND THE**
5 **CALIFORNIA DEPARTMENT OF TRANSPORTATION REGARDING COMPLIANCE WITH SECTION**
6 **106 OF THE NATIONAL HISTORIC PRESERVATION ACT, AS IT PERTAINS TO THE**
7 **ADMINISTRATION OF THE FEDERAL-AID HIGHWAY PROGRAM IN CALIFORNIA**

8 **WHEREAS**, the Federal Highway Administration (FHWA), under the authority of 23 USC § 101,
9 implements the Federal-aid Highway Program (Program) in the state of California by funding
10 approved state and locally-sponsored transportation projects (Local Assistance) that are
11 administered by the California Department of Transportation (Caltrans); and

12 **WHEREAS**, Title 23 United States Code Section 327 (23 USC § 327) allows the United States
13 Department of Transportation (USDOT) Secretary, acting through FHWA, to assign
14 responsibilities for compliance with the National Environmental Policy Act of 1969 (NEPA) and
15 other federal environmental laws to a State Department of Transportation through a
16 memorandum of understanding; and

17 **WHEREAS**, Title 23 United States Code Section 326 (23 USC § 326) allows the USDOT Secretary,
18 acting through FHWA, to assign responsibilities for Categorical Exclusion (CE) determinations to
19 a State Department of Transportation through a memorandum of understanding; and

20 **WHEREAS**, Caltrans and FHWA, entered into a NEPA Assignment Memorandum of
21 Understanding and a CE Assignment Memorandum of Understanding (collectively MOUs)
22 concerning the State of California’s participation in the Program in which FHWA assigned and
23 Caltrans assumed FHWA’s responsibilities under NEPA and Section 106 of the National Historic
24 Preservation Act of 1966, as amended (NHPA) and associated implementing regulations at 36
25 CFR Part 800; and

26 **WHEREAS**, pursuant to the MOUs, Caltrans is deemed to be a federal agency for all Federal-aid
27 Highway projects it has assumed, and in that capacity, Caltrans assigned the role of “agency
28 official” to the Caltrans Division of Environmental Analysis (DEA) Chief for the purpose of
29 compliance with 36 CFR Part 800, and to provide for effective compliance, the DEA Chief
30 delegated day-to-day responsibilities to the Cultural Studies Office (CSO) Chief; and

31 **WHEREAS**, FHWA California Division Administrator retains responsibility for environmental
32 review, consultation and decision-making for specific undertakings identified in the MOUs and
33 therefore shall be the “agency official” for those specific undertakings; and

34 **WHEREAS**, the United States Army Corps of Engineers’ (Corps) Sacramento, San Francisco, and
35 Los Angeles Districts (collectively Corps Districts) may also have Section 106 of the NHPA
36 responsibilities since it administers a permit program under the authority of Sections 10 and 14
37 of the Rivers and Harbors Act of 1899, as amended (33 USC § 403; 33 USC § 408, respectively),
38 and Section 404 of the Clean Water Act of 1972 as amended (33 USC § 1344) (DA Permits) to
39 which Federal-aid Highway projects in California may be subject and therefore has participated

40 in this consultation and is an invited signatory to this Programmatic Agreement (Agreement);
41 and

42 **WHEREAS**, FHWA and the Corps, as federal agencies, have a unique legal relationship with
43 Indian tribes as set forth in the Constitution of the United States, treaties, statutes, executive
44 orders, and court decisions, and while an Indian tribe may agree to work directly with Caltrans
45 as part of the 36 CFR Part 800 compliance process, the FHWA and the Corps Districts remain
46 legally responsible for government-to-government consultation with Indian tribes; and

47 **WHEREAS**, Caltrans, FHWA, and the Corps Districts have determined that implementation of
48 the Program in California, including issuance of DA Permits for a Program undertaking, may
49 have an effect upon properties included in or eligible for inclusion in the National Register of
50 Historic Places (NRHP), hereafter referred to as historic properties, and have consulted with the
51 California State Historic Preservation Officer (SHPO), and the Advisory Council on Historic
52 Preservation (ACHP) pursuant to 36 CFR § 800.14(b); and

53 **WHEREAS**, pursuant to the consultation conducted under 36 CFR § 800.14(b), the signatories
54 (defined below) developed this Agreement in order to establish an efficient and effective
55 program alternative for taking into account the effects of the Program on historic properties in
56 California and for affording the ACHP a reasonable opportunity to comment on undertakings
57 covered by this Agreement; and

58 **WHEREAS**, FHWA and Caltrans notified 109 federally recognized Indian tribes with ancestral
59 lands in California through mail and email about this proposed amended Agreement, requested
60 their comments, and took any comments received into account; and

61 **WHEREAS**, Caltrans also notified 70 non-federally recognized tribes, groups and individuals,
62 requested their comments, and took any comments received into account; and

63 **WHEREAS**, Caltrans also notified 219 Local Governments, nine historic preservation
64 organizations, Federal agencies with jurisdiction over lands in California, and members of the
65 California State Association of Counties, and invited their comments on the proposed amended
66 Agreement and took any comments received into account; and

67 **WHEREAS**, the First Amended Programmatic Agreement among the Federal Highway
68 Administration, the Advisory Council on Historic Preservation, the California State Historic
69 Preservation Officer, and California Department of Transportation regarding compliance with
70 Section 106 of the National Historic Preservation Act as it pertains to the administration of the
71 Federal-aid Highway Program in California (2014) is superseded by this Agreement; and

72 **WHEREAS**, the *Programmatic Agreement regarding the Seismic Retrofit of Bridge Structures in*
73 *California* among the FHWA, ACHP, SHPO and Caltrans executed in 1995 is superseded by this
74 Agreement;

75 **NOW, THEREFORE**, FHWA, the SHPO, the ACHP, the Corps and Caltrans (collectively signatories)
76 agree that the Program shall be carried out in accordance with the following stipulations in
77 order to take into account the effects of the Program on historic properties in California and
78 that these stipulations shall govern compliance of the Program with Section 106 of the NHPA
79 until this Agreement expires or is terminated.

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STIPULATIONS

Caltrans, either as assigned by FHWA under the MOUs or under FHWA’s authority through this Agreement, shall ensure that the following stipulations are carried out. Where FHWA’s responsibilities have not been assigned to and assumed by Caltrans, FHWA, in coordination with Caltrans, shall ensure that the following stipulations are carried out.

I. APPLICABILITY

A. This Agreement shall apply to all federal undertakings administered under the Program in California for which FHWA or Caltrans is the lead federal agency, including Federal-aid emergency relief projects, defined in 23 CFR Part 668 subpart A, and any DA Permits associated with such Program undertakings.

B. The Agreement shall not apply to undertakings that occur on or affect tribal lands as defined in 36 CFR § 800.16(x) and FHWA and Caltrans shall follow the procedures in 36 CFR Part 800 unless an Indian tribe elects to become a party to this Agreement in accordance with Stipulation I.E.

C. Except as specified in the recitals above, this Agreement does not negate or supersede any agreements between FHWA or Caltrans and Indian tribes in effect at the time the Agreement is executed, nor does it negate or supersede any agreement documents executed between or among FHWA, the SHPO, the ACHP, the Corps Districts, or Caltrans pursuant to 36 CFR Part 800.

D. Other federal agencies may issue permits and otherwise provide assistance for undertakings covered by this Agreement, including those involving federal land, and in such circumstances, Caltrans, or FHWA as appropriate, as lead federal agency may request that such agencies fulfill their NHPA Section 106 responsibilities in coordination with Caltrans or FHWA by using applicable provisions of this Agreement. Such federal agencies may designate Caltrans, or FHWA as appropriate, as lead federal agency pursuant to 36 CFR § 800.2(a)(2) to fulfill their responsibilities. Other federal agencies and Indian tribes participating in Caltrans undertakings that have not designated Caltrans or FHWA as the lead federal agency may use studies and background documentation developed by Caltrans to support their own findings and determinations under 36 CFR Part 800.

E. Should other federal agencies or Indian tribes not already party to this Agreement request in writing to participate, Caltrans will notify the signatories and invited signatories and consider the request to participate. Should the signatories agree to the request, the Agreement shall be amended following the procedures in stipulation XXIII.

F. For any Program undertaking in California that involves the need for a DA Permit(s), the Corps Districts programmatically designate FHWA as lead federal agency for compliance with Section 106 of the NHPA. This designation does not apply to Program undertakings on Federal land managed by the Corps. Pursuant to its authority under 23 USC § 326 and 23 USC § 327, Caltrans is deemed to be the federal agency and, by this Agreement, the lead agency for Federal-aid Highway projects. Caltrans will provide documentation of compliance with this Agreement to the Corps District when applying for a DA Permit or Permission. If, for any

119 undertaking, the Corps District should become the lead federal agency under Section 106 of the
120 NHPA in accordance with Stipulation XIV, the Corps District shall be responsible for compliance
121 with Section 106 of the NHPA for the permit and/or permission area within their scope of
122 analysis. To the extent that the Corps District deems applicable, the Corps District may use
123 studies, findings, and determinations previously completed by Caltrans to document its own
124 findings.

125 II. DEFINITIONS

126 For purposes of this Agreement, the definitions provided in 36 CFR § 800.16(a) through (y)
127 inclusive shall apply. Additional definitions are provided below.

128 **Cultural Resource:** An umbrella term that encompasses any building, structure, object, site,
129 district, element of a district, or other property that is of potential cultural significance to a
130 consulting party or member of the public.

131 **Direct Effect:** An effect that comes from the undertaking at the same time and place with no
132 intervening cause. Direct effects can be physical, such as ground disturbance, or non-physical,
133 such as the introduction of new visual or audible elements.

134 **Emergency:** Consistent with 36 C.F.R. § 800.12, a sudden or unexpected event after which an
135 immediate undertaking is necessary to (1) protect the life, safety, or health of the public; (2)
136 minimize the extent of damage to the highway system and facilities; (3) protect remaining
137 highway facilities; or (4) restore essential traffic.

138 **Indirect Effect:** Effects caused by the undertaking that are later in time or farther removed in
139 distance but are still reasonably foreseeable.

140 **No Potential to Cause Effect:** Pursuant to 36 CFR§ 800.3(a)(1), those actions that by their
141 nature will not result in effects to historic properties, even if one were present. FHWA defines
142 these actions as non-construction related activities.

143 **Built Environment Resource:** Intact buildings, structures, objects and associated features, non-
144 archaeological sites, and districts composed of these resources.

145 **Site:** The location of a significant event, a prehistoric or historic occupation or activity, or a
146 building or structure, whether standing, ruined, or vanished, where the location itself possesses
147 historic, cultural, or archaeological value regardless of the value of any existing structure.

148 **Archaeological Site:** A site that is primarily composed of surface and/or subsurface
149 archaeological deposits, features, or other material remains.

150 **Cultural Site:** A site with historic or cultural and religious value independent of or in
151 addition to other constituents. A cultural site is not dependent on the presence of
152 archaeological materials or anthropogenic alteration of the landscape.

153 **III. PROFESSIONAL QUALIFICATION STANDARDS**

154 All actions prescribed by this Agreement that involve the identification, evaluation, analysis,
155 recording, treatment, monitoring, or disposition of historic properties, or that involve the
156 reporting or documentation of such actions in the form of reports, forms, or other records, shall
157 be carried out by or subject to the approval of Caltrans staff who meet the Professional
158 Qualifications Standards in the appropriate discipline as set forth in Appendix 1 to this
159 Agreement, which satisfy the Secretary of the Interior's (SOI) Professional Qualifications
160 Standards for the relevant field of study. Hereinafter, such Caltrans staff shall be referred to as
161 Professionally Qualified Staff (PQS). However, nothing in this stipulation may be interpreted to
162 preclude FHWA or Caltrans or any agent or contractor thereof from using the services of
163 persons who do not meet the standards, as long as their activities are overseen by Caltrans PQS
164 in the appropriate discipline.

165 **IV. CONSULTATION WITH INDIAN TRIBES**

166 A. FHWA, Caltrans, the Corps, SHPO, and ACHP recognize the unique knowledge and expertise
167 Indian tribes may possess regarding their ancestral lands and historic properties and will
168 consider that knowledge in making determinations and findings.

169 B. FHWA shall retain responsibility for government-to-government consultation with Indian
170 tribes for Program undertakings. FHWA and the Corps Districts shall retain responsibility for
171 government-to-government consultation with Indian tribes for DA Permit applications for
172 Program undertakings. Caltrans recognizes the government-to-government relationship
173 between the federal government and Indian tribes and shall conduct 36 CFR Part 800
174 consultations in a sensitive manner respectful of tribal sovereignty.

175 C. In accordance with 36 CFR § 800.2(c)(2)(ii)(E), FHWA and Caltrans may enter into
176 agreements with Indian tribes that specify how they will carry out their responsibilities with
177 regard to tribal participation in 36 CFR Part 800 review.

178 D. Notwithstanding any other provision of this stipulation, FHWA, and the Corps Districts shall
179 honor the request of any Indian tribe at any time in the 36 CFR Part 800 process for
180 government-to-government consultation regarding an undertaking covered by this Agreement.
181 If a tribal request for government-to-government consultation with the federal government
182 comes to Caltrans, Caltrans shall immediately inform FHWA, or the Corps District as applicable.
183 If any Indian tribe requests government-to-government consultation with FHWA, or the Corps
184 District, FHWA and the applicable Corps District shall conduct the government-to-government
185 consultation, and, if the Indian tribe agrees, involve Caltrans in that consultation process.
186 Caltrans, however, shall continue to carry out the remainder of responsibilities under this
187 Agreement that are not the subject of government-to-government consultation.

188 E. To provide for an effective and efficient consultation process, when Caltrans is deemed to
189 be a federal agency pursuant to 23 USC § 326 and 23 USC § 327, Caltrans shall conduct 36 CFR
190 Part 800 consultation with Indian tribes for undertakings covered by this Agreement and shall
191 assist FHWA, and the Corps District as applicable, in project specific government-to-government

192 consultation, if an Indian tribe does not object. Each Caltrans District Director, and when
193 Caltrans deems it appropriate, the Caltrans Director, shall be responsible for ensuring that any
194 Caltrans consultation with Indian tribes complies with this stipulation. Caltrans shall consult
195 with Indian tribes in accordance with 36 CFR Part 800 and Appendix 7 to this Agreement.

- 196 1. In accordance with 36 CFR § 800.2(c), Caltrans Districts shall consult with the
197 representatives designated or identified by the tribal government and shall commence
198 consultation early in the project planning process in order to identify and discuss relevant
199 preservation issues, resolve concerns about the confidentiality of information on historic
200 properties, and allow adequate time for consideration of such concerns.
- 201 2. Caltrans Districts have the responsibility to ensure that consultation continues with Indian
202 tribes throughout the 36 CFR Part 800 process prescribed by this Agreement whenever such
203 tribes express a concern about an undertaking or about historic properties that may be
204 affected by an undertaking.
- 205 3. If FHWA determines that any project-specific tribal issues or concerns will not be
206 satisfactorily resolved by Caltrans when Caltrans is deemed to be a federal agency, then
207 FHWA may reassume all or part of the federal responsibilities for environmental review
208 pursuant to the MOUs.
- 209 4. Nothing shall limit the ability of Indian tribes to consult directly with parties to this
210 Agreement when they have a concern about an undertaking or about historic properties
211 that may be affected by an undertaking, including properties to which they might ascribe
212 religious or cultural significance.

213 **V. PARTICIPATION OF OTHER CONSULTING PARTIES AND THE PUBLIC**

214 **A. Consulting Parties**

215 Consulting parties shall be identified pursuant to, and their participation in undertakings
216 covered under this Agreement shall be governed by 36 CFR §§ 800.2(c)(5) and 800.3(f).

217 **B. Public Involvement**

218 Public involvement in planning and implementation of undertakings covered by this Agreement
219 shall be governed by FHWA's and Caltrans' environmental compliance procedures, as set forth
220 in the Caltrans Standard Environmental Reference (SER) Environmental Handbook, Caltrans
221 Project Development Procedures Manual, FHWA's technical advisories, ACHP guidance, and
222 similar and subsequent guidance documents. Public involvement and the release of information
223 shall be consistent with 36 CFR §§ 800.2(d)(1-2), 800.3(e), and 800.11(c)(1 and 3), 5 USC § 552
224 as amended (Freedom of Information Act), section 304 of NHPA (16 USC § 470w-3(a), and
225 California Government Code sections 7927.000 and 7927.0005.

- 226 1. The intention to conduct 36 CFR Part 800 consultation as part of a public meeting, hearing,
227 or other opportunity for public input held for the purposes of compliance with other federal
228 and state laws such as NEPA or the California Environmental Quality Act must be clearly
229 advertised in any public noticing provided for the event.

230 **VI. DELEGATION OF FHWA AND CALTRANS ACTIONS UNDER THIS AGREEMENT**

231 A. Responsibility

232 Consistent with the requirements of 36 CFR §§ 800.2(a) and 800.2(c)(4), Caltrans, when
233 deemed to be a federal agency, is legally responsible for ensuring that the terms of this
234 Agreement are carried out and for all findings and determinations made pursuant to this
235 Agreement. Where Caltrans has not assumed responsibility for environmental review and
236 compliance, FHWA remains legally responsible for ensuring that the terms of this Agreement
237 are carried out and for all findings and determinations made pursuant to this Agreement.

238 B. Actions under 36 CFR §§ 800.3 through 800.5

239 Caltrans Districts shall carry out the following steps with respect to undertakings covered by
240 this Agreement. Each Caltrans District Director, or where Caltrans may deem it appropriate, the
241 Caltrans Director, shall be responsible for ensuring that PQS in the appropriate discipline carry
242 out the following actions:

- 243 1. Determine whether its proposed federal action is an undertaking as defined in 36 CFR §
244 800.16(y).
- 245 2. Determine under 36 CFR § 800.2(a)(2) whether another federal agency is involved in the
246 undertaking and establish lead agency.
- 247 3. Determine under 36 CFR § 800.3(a) whether the undertaking is a type of activity that has
248 the potential to affect historic properties.
- 249 4. Determine under 36 CFR § 800.3(c) and (d) whether the undertaking may occur on or has
250 the potential to affect historic properties on tribal lands as defined in 36 CFR § 800.16(x).
- 251 5. Solicit public comment and involvement, as described in 36 CFR §§ 800.2(d), 800.3(e), and
252 subject to confidentiality requirements of § 800.11(c).
- 253 6. Identify additional consulting parties as described in 36 CFR § 800.3(f), including Indian
254 tribes, and invite them to participate in the process covered by this Agreement.
- 255 7. Request, as appropriate, expedited consultation as described in 36 CFR § 800.3(g).
- 256 8. Determine under 36 CFR § 800.4 the undertaking's Area of Potential Effects (APE), identify
257 and evaluate properties within the APE in order to determine their eligibility for the NRHP,
258 and determine whether historic properties may be affected by the undertaking.
- 259 9. Apply the Criteria of Adverse Effect as described in 36 CFR § 800.5 and propose "No Adverse
260 Effect with Standard Conditions" findings where imposing the standard conditions set forth
261 in Stipulation X.B.1 will avoid adverse effects.

262 C. Actions under 36 CFR §§ 800.5(b) and 800.6

- 263 1. When a Caltrans District proposes a finding of "No Adverse Effect without conditions" or a
264 finding of "No Adverse Effect with conditions other than the Standard Conditions" set forth
265 in Stipulation X.B.1, Caltrans shall proceed in accordance with Stipulation X.B.2.

- 266 2. When a Caltrans District proposes a finding of “Adverse Effect,” Caltrans shall proceed in
267 accordance with Stipulation X.C.

268 **VII. SCREENED UNDERTAKINGS EXEMPT FROM FURTHER REVIEW**

269 In consultation with the other signatories to this Agreement, FHWA and Caltrans have identified
270 classes of undertakings that will be addressed in accordance with Appendix 2 to this
271 Agreement. The undertakings classified in Appendix 2 as Screened Undertakings will require no
272 further review under this Agreement when the requirements of Appendix 2 have been
273 satisfactorily completed and it is determined that there is no potential to affect historic
274 properties and no feature of the undertaking necessitates further review pursuant to this
275 Agreement.

276 **VIII. IDENTIFICATION AND EVALUATION OF POTENTIAL HISTORIC PROPERTIES**

277 A. APE

278 Caltrans PQS shall determine and document the APE for undertakings covered by this
279 Agreement in accordance with Appendix 3 to this Agreement. Nothing in this paragraph or in
280 Appendix 3 shall preclude Caltrans from consulting with the SHPO, Indian tribes, or the
281 applicable Corps District on determining and documenting an APE. Caltrans may establish a
282 study area for use in conducting identification activities until an APE can formally be delineated.

283 B. Identification

284 Caltrans shall identify historic properties that may be located within an undertaking’s APE in
285 accordance with 36 CFR §§ 800.4(a)(2-4) and 800.4(b). Identification of historic properties
286 should be consistent with the Secretary of the Interior’s Standards and Guidelines for
287 Archeology and Historic Preservation (48 FR page 44716), the guidance in the SER Volume 2,
288 SHPO guidance, FHWA guidance, ACHP guidance, and any other guidance, methodologies,
289 agreements, or protocols that the signatories agree should be used to identify historic
290 properties. Nothing in this paragraph precludes seeking consistency with any other pertinent
291 guidance such as that provided by Indian tribes or other federal agencies. Caltrans Districts shall
292 make a reasonable and good faith effort to identify and consult with any affected Indian tribes
293 to assist in identifying properties to which they may attach religious and cultural significance
294 that may be located within an undertaking’s APE or study area.

295 C. Evaluation

296 1. Properties Exempt from Evaluation: Appendix 4 to this Agreement lists the properties that
297 the signatories agree shall be exempt from evaluation provided the Caltrans PQS in the
298 appropriate discipline determines all terms and conditions in Appendix 4 are satisfactorily
299 met. All other identified properties shall be evaluated in accordance with Stipulation
300 VIII.C.2.

301 2. Evaluating Identified Properties: Caltrans shall evaluate the historic significance of
302 identified properties in accordance with 36 CFR § 800.4(c)(1) following the guidance in the

303 SER Volume 2, SHPO guidance, National Register Bulletins, FHWA guidance, or any other
304 guidance, methodologies, agreements, or protocols that the signatories agree may be used
305 to determine whether identified properties are historic properties. During the evaluation
306 process, Caltrans Districts shall make a reasonable and good faith effort to identify and
307 consult with any Indian tribe or other interested party on the evaluation of any identified
308 property to which they attach religious and cultural significance.

309 3. Special Consideration for Certain Archaeological Properties: If archaeological properties
310 within an undertaking's APE are protected from any potential effects by establishment and
311 effective enforcement of an Environmentally Sensitive Area (ESA), as described in Appendix
312 5 to this Agreement, the signatories agree that Caltrans may consider such properties to be
313 NRHP eligible for the purposes of that undertaking. Caltrans shall consult with Indian tribes
314 that may attach religious or cultural significance to the historic property to determine its
315 significance and potential for effects This consideration of NRHP eligibility without formal
316 evaluation shall not extend to other undertakings whose APE includes the property, unless
317 through consultation Caltrans and the SHPO agree otherwise.

318 4. Consideration of Eligibility: Subject to CSO approval, Caltrans Districts may consider
319 properties NRHP eligible for the purposes of an undertaking when special circumstances
320 preclude their complete evaluation, such as restricted access, large property size, or limited
321 potential for effects. Caltrans shall consult with Indian tribes that may attach religious or
322 cultural significance to the historic property to determine the appropriate criteria for the
323 consideration. This consideration of NRHP eligibility without formal evaluation shall not
324 extend to other undertakings whose APE includes the property, unless through consultation
325 Caltrans and the SHPO agree otherwise.

326 5. Previously Evaluated Properties: When previously evaluated properties are identified within
327 an undertaking's APE, Caltrans PQS shall review those previous evaluations to determine
328 whether the previous evaluations are still valid or re-evaluate as appropriate. Indian tribes
329 shall be consulted during the review and re-evaluation process when properties to which
330 those tribes may attach religious or cultural significance are involved. The passage of time,
331 changing perceptions of significance, eligibility under previously unconsidered NRHP
332 criteria, new information, incomplete or erroneous prior evaluation, and errors of fact
333 warrant such review and may require Caltrans to re-evaluate the properties.

334 6. Consulting the SHPO: The Caltrans District shall submit determinations of NRHP eligibility
335 and supporting documentation to the SHPO for comment in accordance with 36 CFR §
336 800.4(c)(2), with concurrent submittal to CSO. For projects where responsibilities have not
337 been assigned to and assumed by Caltrans, the Caltrans District shall also concurrently
338 submit the determinations and supporting documentation to FHWA.

339 a. If the SHPO has not responded to Caltrans within 30-calendar days after receipt,
340 Caltrans may either extend the review period in consultation with the SHPO or proceed
341 to the next step prescribed by this Agreement, based upon Caltrans' determination of
342 NRHP eligibility. Confirmation of date of receipt as the basis for determining the 30-day
343 review period may be provided through the SHPO database, a mail delivery receipt, or
344 written or documented oral communication from the SHPO. If the 30-day period expires

345 without SHPO comment or agreement to extend the review period, the Caltrans District
346 may move forward upon notification to the SHPO and CSO via e-mail or other written
347 communication.

348 b. Agreements or disagreements regarding the NRHP eligibility of properties shall be
349 governed by 36 CFR § 800.4(c)(2), except that in the event of a disagreement, the
350 Caltrans District shall promptly notify CSO, and FHWA as appropriate, whereupon the
351 Caltrans District, CSO, the SHPO, and any Indian tribe or other consulting party shall
352 consult to resolve the disagreement in accordance with a mutually acceptable time
353 frame. If the disagreement is resolved, Caltrans shall proceed in accordance with those
354 requirements of this Agreement that apply to the resolution. If the disagreement is not
355 resolved or if a mutually acceptable time frame to resolve the disagreement is not
356 reached, CSO shall comply with 36 CFR § 800.4(c)(2). If consultation with the Secretary
357 of the Interior is required, CSO shall ensure that all concerns, including the views of
358 FHWA, the SHPO and any Indian tribe or any other consulting party, and the Corps as
359 appropriate, are included.

360 7. Notifying Indian tribes: When a Caltrans District has been in consultation with an Indian
361 tribe on the NRHP eligibility of a property, the Caltrans District shall notify the tribe of
362 Caltrans' eligibility determination concurrent with submittal to the SHPO and provide
363 documentation to the tribe, unless the tribe has indicated it does not wish to receive such
364 documentation.

365 **IX. FINDING OF EFFECT**

366 A. Finding of No Historic Properties Affected Pursuant to 36 CFR § 800.4(d)(1)

367 1. Where Caltrans has consulted with Indian tribes, or other consulting parties concerning
368 historic properties, Caltrans shall consult with those tribes or other consulting parties on the
369 potential effects of the undertaking. Caltrans shall take their views into account in making
370 its findings.

371 2. If the Caltrans District finds either that no historic properties are present, or that historic
372 properties are present but the undertaking will have no effect on them, the Caltrans District
373 shall document and retain records of that finding in accordance with Stipulation XVIII. The
374 Caltrans District shall notify any consulting parties cited in Stipulation IX.A.1 of the finding
375 and make documentation available to them unless they have indicated that they do not
376 wish to receive such documentation. Following satisfactory completion of these steps, no
377 further review pursuant to this Agreement is required.

378 B. Finding of Historic Properties Affected

379 If the Caltrans District finds there are historic properties that may be affected by the
380 undertaking, the Caltrans District shall apply the Criteria of Adverse Effect in accordance with
381 Stipulation X.

382 **X. ASSESSMENT OF EFFECTS**

383 A. Application of Criteria

384 The Caltrans District shall apply the Criteria of Adverse Effect set forth in 36 CFR § 800.5(a)(1) to
385 findings made pursuant to Stipulation IX.B, taking into account views provided by any Indian
386 tribe and other consulting parties or the public. When any Indian tribe attaches religious or
387 cultural significance to identified historic properties, the Caltrans District shall apply the criteria
388 in consultation with those tribes. Nothing in this stipulation shall override or supersede any
389 federally recognized Indian tribe’s ability to request government-to-government consultation
390 with FHWA or the Corps, as described in Stipulation IV.

391 B. Finding of No Adverse Effect

392 The Caltrans District may make a finding of “No Adverse Effect with Standard Conditions” when
393 standard conditions that will avoid adverse effects to historic properties are imposed in
394 accordance with Appendix 5 to this Agreement. The Caltrans District may propose a finding of
395 “No Adverse Effect” if none of the undertaking’s anticipated effects meet the Criteria of
396 Adverse Effect under 36 CFR § 800.5(a)(1), non-standard conditions are imposed to avoid
397 adverse effects, or when the Caltrans District has developed a plan for managing any post-
398 review discoveries, including decision thresholds and procedures for consultation with the
399 SHPO, that would be implemented in accordance with Stipulation XV.

400 1. Finding of No Adverse Effect with Standard Conditions (NAE-SC)

401 The Caltrans District shall submit its finding and supporting documentation to CSO for review.
402 Where FHWA’s responsibilities for environmental review and compliance have not been
403 assumed by Caltrans, the Caltrans District shall provide concurrent submittal to CSO and FHWA.
404 The Caltrans District shall concurrently provide documented notification of the finding to any
405 consulting parties that have expressed views regarding potential effects to historic properties. If
406 within 15 days of receipt CSO or FHWA does not object to the proposed NAE-SC finding, the
407 undertaking shall not be subject to further review under this Agreement. CSO shall provide
408 summary notification to the SHPO of all NAE-SC findings in accordance with Stipulation XX.G(3).

409 a. Environmentally Sensitive Areas (ESAs): A finding of NAE-SC-ESA is appropriate when an
410 undertaking’s effects to historic properties, or properties considered to be eligible
411 pursuant to Stipulation VIII.C.3 or 4, will be avoided by designation and enforcement of
412 ESAs as described in Appendix 5 to this Agreement. Caltrans will consult with Indian
413 tribes that attach religious or cultural significance to the property or other interested
414 parties, if any, to determine whether an ESA will adequately protect those values
415 without other conditions or mitigation. The results of that consultation will determine
416 whether a NAE-SC-ESA applies.

417 b. Vegetation Management ESA (VMESA): A finding of NAE-SC-VMESA is appropriate when
418 an undertaking is limited to vegetation management for fire prevention and adverse
419 effects to historic properties, or properties considered to be eligible pursuant to
420 Stipulation VIII.C.4, will be avoided by designation and enforcement of VMESAs as
421 described in Appendix 5 to this Agreement. Caltrans will consult with Indian tribes that

422 attach religious or cultural significance to the property or other interested parties, if
423 any, to determine whether a VMESA will adequately protect those values without other
424 conditions or mitigation. The results of that consultation will determine whether a NAE-
425 SC-VMESA applies.

426 c. Secretary of the Interior’s Standards for the Treatment of Historic Properties (SOIS): A
427 finding of NAE-SC-SOIS is appropriate when an undertaking’s work is limited to the
428 rehabilitation, maintenance, repair, stabilization or alteration of the historic
429 property(ies) and is completed in a manner consistent with the SOIS (36 CFR Part 68), as
430 described in Appendix 5 to this Agreement.

431 d. Additional Standard Conditions: CSO may propose the adoption of additional standard
432 conditions that have proven effective in avoiding adverse effects to historic properties.
433 CSO shall provide documentation supporting the proven effectiveness to the SHPO for
434 review. Appendix 5 may be revised to include any new standard condition in accordance
435 with Stipulation XX.D(2).

436 2. Finding of No Adverse Effect

437 a. When Caltrans proposes a No Adverse Effect finding other than a finding of NAE-SC
438 specified in Stipulation X.B.1, the Caltrans District shall submit its proposed finding and
439 supporting documentation to CSO for review. If CSO agrees with the proposed finding,
440 CSO shall consult with the SHPO pursuant to 36 CFR § 800.5(c). Where FHWA’s
441 responsibilities for environmental review and compliance have not been assumed by
442 Caltrans, CSO shall concurrently notify FHWA of the finding. The Caltrans District shall
443 concurrently provide documented notification of the finding to any consulting parties
444 that have expressed views regarding potential effects to historic properties, including a
445 request that any comments be directed to CSO, or FHWA as appropriate, within 30 days
446 of receipt of notification.

447 b. If within 30-calendar days of receipt, neither SHPO nor any consulting party objects to
448 the “No Adverse Effect” finding, the undertaking shall not be subject to further review
449 under this Agreement. CSO, or FHWA where FHWA’s responsibilities for environmental
450 review and compliance have not been assumed by Caltrans, and the SHPO may agree to
451 extend the 30-day time frame for SHPO review specified in 36 CFR § 800.5(c).
452 Confirmation of date of receipt as the basis for determining the 30-day review period
453 may be provided through the SHPO database, a mail delivery receipt, or written or
454 documented oral communication from the SHPO. If the 30-day period expires without
455 SHPO comment or agreement to extend the review period, Caltrans may move forward
456 upon notification to the SHPO via e-mail or other written communication.
457 Disagreements or objections to a finding of “No Adverse Effect” will be addressed in
458 accordance with Stipulation X.D.

459 3. Re-assessment of Effects

460 If the undertaking will not be implemented as proposed in relation to any historic property,
461 Caltrans will re-open consultation under Stipulation X of this Agreement.

462 C. Finding of Adverse Effect

463 1. Where adverse effects cannot be avoided pursuant to Stipulation X.B, or for any other
464 reason, the Caltrans District shall propose to CSO a finding of “Adverse Effect” and shall
465 submit to CSO documentation supporting the proposed finding in accordance with
466 Stipulation XVIII.

467 a. Upon CSO’s agreement with the finding, CSO shall forward the finding of “Adverse
468 Effect” to the SHPO. Where Caltrans has not assumed responsibility for environmental
469 review and compliance, CSO shall concurrently provide FHWA with the finding of
470 “Adverse Effect” and supporting documentation. The Caltrans District shall provide
471 notice of the finding to Indian tribes, and other consulting parties and interested
472 members of the public, as appropriate, and shall assist CSO with the resolution of
473 adverse effects pursuant to Stipulation XI.

474 b. If the SHPO has not responded to Caltrans within 30-calendar days after receipt,
475 Caltrans, or FHWA where FHWA’s responsibilities for environmental review and
476 compliance have not been assumed by Caltrans, may either extend the review period in
477 consultation with the SHPO or proceed to the next step prescribed by this Agreement.
478 Documentation of date of receipt as the basis for determining the 30-day review period
479 may be provided through the SHPO database, a mail delivery receipt, or other
480 documented communication from the SHPO. If the 30-day period expires without SHPO
481 comment or agreement to extend the review period, Caltrans may move forward upon
482 notification to the SHPO via e-mail or other written communication.

483 2. Caltrans CSO shall notify the ACHP of an adverse effect finding and invite its participation in
484 accordance with 36 CFR § 800.6(a) under any of following conditions:

485 a. When the undertaking affects a National Historic Landmark. Under this condition, the
486 CSO shall also notify the Secretary of the Interior through the National Park Service
487 Regional NHL Program, per 36 CFR § 800.10(c).

488 b. When the effects to historic properties are highly controversial or there is substantial
489 public interest in the undertaking’s effects on historic properties.

490 c. When Caltrans, FHWA, as appropriate, and the SHPO are unable to reach agreement on
491 the resolution of adverse effects.

492 d. When the SHPO or another consulting party requests that the ACHP be invited to
493 participate in consultation.

494 3. Caltrans shall file any Memorandum of Agreement (MOA) executed for any undertaking
495 with the ACHP prior to proceeding with the undertaking.

496 D. Resolving Disagreements Regarding Assessment of Effects

497 Disagreements that may arise within the review periods established under the terms of
498 Stipulation X shall be addressed in accordance with the process described below.

499 1. CSO, or FHWA where Caltrans has not assumed responsibility for environmental review and
500 compliance, shall consult with the SHPO and/or any Indian tribe or other consulting party

501 for no more than 30-calendar days to resolve the disagreement. If at any time during this
502 consultation period, CSO, or FHWA as appropriate, determines that the disagreement
503 cannot be resolved through such consultation, CSO, or FHWA as appropriate, shall request
504 the ACHP to review the disagreement and CSO's, or FHWA's as appropriate, proposed
505 resolution. In addition, an Indian tribe that attaches religious or cultural significance to an
506 identified historic property may specify the reason for its disagreement within the 30-day
507 consultation period and directly request the ACHP to review the disagreement. Within 30-
508 calendar days following receipt of CSO's, or FHWA's as appropriate, or an Indian tribe's
509 request and receipt of supporting documentation, the ACHP will exercise one of the
510 following options:

- 511 a. Advise CSO, or FHWA as appropriate, that the ACHP concurs in the proposed response
512 to the disagreement whereupon CSO, or FHWA as appropriate, may proceed
513 accordingly; or
 - 514 b. Provide CSO, or FHWA as appropriate, with recommendations, that will be taken into
515 account in reaching a final decision regarding its response to the disagreement; or
 - 516 c. Notify CSO, or FHWA as appropriate, that the disagreement will be referred for
517 comment pursuant to 36 CFR § 800.7(c)(4) and proceed to refer the disagreement for
518 comment. In this event, the Caltrans Director, or FHWA where Caltrans has not assumed
519 responsibility for environmental review and compliance, shall take the resulting
520 comment into account in accordance with 36 CFR § 800.7(c)(4) and Section 110(1) of the
521 NHPA. Responsibilities under this Agreement that are not the subject of the
522 disagreement shall remain unchanged.
- 523 2. Should the ACHP not exercise one of the foregoing options within 30-calendar days after
524 receipt of all pertinent documentation, the agency official's responsibilities under Section
525 106 of the NHPA are fulfilled upon implementation of the proposed response to the
526 disagreement.
 - 527 3. CSO, or FHWA as appropriate, shall take into account any ACHP recommendation or
528 comment and any comments from the SHPO or any consulting party in reaching a final
529 decision regarding the disagreement.
 - 530 4. CSO, or FHWA as appropriate, shall provide the SHPO, ACHP, and any consulting parties
531 with a written copy of its final decision regarding resolution of any disagreement addressed
532 hereunder. Thereafter, CSO, or FHWA as appropriate, may proceed in accordance with the
533 terms of its resolution.
 - 534 5. CSO's, or FHWA's as appropriate, resolution of any disagreement addressed hereunder shall
535 be conclusive.

536 **XI. RESOLUTION OF ADVERSE EFFECTS**

- 537 A. CSO, or FHWA where Caltrans has not assumed responsibility for environmental review and
538 compliance, with the cooperation and assistance of the Caltrans District, shall consult pursuant
539 to 36 CFR §§ 800.6(a) and 800.6(b)(1) to resolve adverse effects that may result from

540 undertakings covered by this Agreement. The Caltrans District shall consult with the Indian
541 tribes that ascribe religious or cultural significance to affected historic properties and other
542 consulting parties in determining appropriate measures to resolve adverse effects. Caltrans, or
543 FHWA as appropriate, shall also include the ACHP as part of the consultation when the ACHP
544 has notified the agency official that it will participate in the consultation.

545 B. Nothing in this Agreement shall override or supersede an Indian tribe's ability to request
546 government-to-government consultation with FHWA or the Corps District related to possible
547 issuance of a DA Permit for a Program undertaking as described in Stipulation IV.

548 C. Where FHWA's responsibilities for environmental review and compliance have not been
549 assumed by Caltrans, FHWA retains the right to reverse at any time for reasonable cause any
550 decision allowing Caltrans certain actions prescribed in 36 CFR § 800.6.

551 D. If DEA, FHWA where Caltrans has not assumed responsibilities for environmental review
552 and compliance, the SHPO, and the Caltrans District are unable to agree on measures to resolve
553 the adverse effects of an undertaking pursuant to this stipulation, they shall invite the ACHP to
554 participate in the resolution process pursuant to 36 CFR § 800.6(b)(1)(v). If the involved parties
555 agree to a resolution, they shall execute an MOA. If the involved parties fail to agree to
556 measures to resolve the adverse effects, DEA, the SHPO, FHWA as appropriate, or the ACHP
557 may terminate consultation pursuant to 36 CFR § 800.7(a). Upon termination, the signatories
558 shall comply with the remaining requirements of 36 CFR § 800.7.

559 **XII. PHASED APPROACH TO IDENTIFICATION, EVALUATION, AND FINDINGS OF EFFECT**

560 A. Consistent with 36 CFR §§ 800.4(b)(2) and 800.5(a)(3), and subject to CSO approval, the
561 Caltrans District may approve the phasing of identification, evaluation, and application of the
562 Criteria of Adverse Effect for undertakings covered by this Agreement. As specific aspects or
563 locations of an alternative are refined or access gained, the Caltrans District shall proceed with
564 the identification and evaluation of historic properties and with application of the Criteria of
565 Adverse Effect in accordance with applicable provisions of this Agreement.

566 B. CSO may approve phasing when minor access restrictions preclude completion of
567 identification efforts, evaluation of a potential historic property, and/or effects determination
568 until after a NEPA decision document is signed but prior to implementation of the undertaking.
569 The Caltrans District shall establish that a "No Historic Properties Affected" or "No Adverse
570 Effect" finding is likely based on documentation of identification and evaluation efforts within
571 the accessible portion(s) of the APE and background research on the inaccessible portion(s). In
572 addition to the above documentation, the Caltrans District shall submit a plan for completion of
573 identification and evaluation that includes a schedule and provisions for notification or

574 consultation with CSO and SHPO. Consultation with SHPO on the finding shall follow the
575 process established in Stipulation X.B.2.

576 **XIII. NATIVE AMERICAN HUMAN REMAINS AND RELATED CULTURAL ITEMS**

577 A. Treatment on Federal Lands

578 On federal land where the federal land managing agency has designated Caltrans lead pursuant
579 to 36 CFR § 800.2(a)(2), if human remains and/or cultural items as defined by the Native
580 American Graves Protection and Repatriation Act of 1979 (NAGPRA) are anticipated to be found
581 during identification, evaluation, or construction, the Caltrans District shall assist the federal
582 land managing agency, in consultation with the appropriate Indian tribes to develop, in
583 accordance with NAGPRA regulations 43 CFR § 10.3, the NAGPRA Plan of Action (NAGPRA POA).
584 The NAGPRA POA outlines the consultation process and the treatment of any human remains
585 and cultural items upon discovery.

586 B. Treatment on Non-Federal Lands

587 If human remains or associated items are encountered during identification, evaluation or
588 during construction activities, Caltrans shall follow California Health and Safety Code section
589 7050.5 and California Public Resources Code section 5097.98. The Caltrans District shall consult
590 with the most likely descendant(s), as identified by the California Native American Heritage
591 Commission (NAHC), on the sensitive and dignified treatment and disposition of Native
592 American human remains and associated items.

593 **XIV. CURATION**

594 A. Collections from Federal Lands

595 Where the federal land managing agency has designated Caltrans lead pursuant to 36 CFR §
596 800.2(a)(2), Caltrans shall comply with the federal land-managing agency's curation policies, the
597 regulations at 36 CFR Part 79 (Curation of Federally-owned and Administered Archaeological
598 Collections), or as may be stipulated in any license, permit, or agreement document pertaining
599 to an undertaking covered by this Agreement.

- 600 1. Prior to applying for a federal license or permit from a Federal Land Manager for work on a
601 cultural site that may result in the generation of a new collection, Caltrans shall consult with
602 any Indian tribe that may ascribe cultural or religious significance to that property regarding
603 appropriate curation protocols and the ultimate disposition of the collection. Caltrans shall
604 communicate the results of this consultation to the Federal Land Manager for consideration
605 in the issuance of the license or permit.
- 606 2. The Caltrans District shall ensure that CSO is notified of the curation agreement or any other
607 agreement regarding the final disposition of the collection.
- 608 3. Native American human remains and cultural items determined in consultation with Indian
609 tribes to be associated funerary objects, sacred objects and objects of cultural patrimony, as

610 defined by NAGPRA, shall be prepared for disposition pursuant to NAGPRA POA and any
611 other requirements agreed to by the federal land managing agency.

612 B. Collections from Non-Federal Lands

613 Prior to conducting work that may result in the generation of a new collection from a site on
614 non-federal public or privately-owned land, Caltrans shall consult with the landowner and any
615 Indian tribes that may ascribe religious or cultural significance to the site on protocols and the
616 final disposition of the collection. Caltrans shall make a reasonable and good faith effort to
617 reach agreement with interested parties regarding collection protocols and the ultimate
618 disposition of collections.

- 619 1. If the decision has been made to curate, Caltrans shall ensure that cultural materials and
620 records resulting from excavations or surface collections are curated in accordance with the
621 Secretary of the Interior's Standards for Archaeological Documentation and the California
622 Guidelines for the Curation of Archaeological Collections (1993), or as outlined in an
623 agreement document based on consultation pertaining to the undertaking covered by this
624 Agreement.
- 625 2. The Caltrans District shall ensure that CSO is notified of the curation agreement or any other
626 agreement regarding the final disposition of the collection. The Caltrans District shall
627 immediately notify CSO upon transfer of the collection to the recipient.
- 628 3. Native American human remains and associated items shall not be curated but addressed in
629 consultation with the most likely descendent(s) designated by California's NAHC pursuant to
630 California Public Resources Code section 5097.98. Sacred objects and objects of cultural
631 patrimony, as defined by NAGPRA, shall not be curated but addressed in consultation with
632 Indian tribes, consistent with 43 CFR § 10.3.

633 **XV. POST-REVIEW DISCOVERIES**

634 A. Planning for Subsequent Discoveries

635 When Caltrans' identification efforts in accordance with Stipulation VIII.B indicate that historic
636 properties are likely to be discovered during implementation of an undertaking, the Caltrans
637 District shall include in any finding of No Adverse Effect or MOA a plan for treatment of such
638 properties, should they be discovered. The Caltrans District shall consult with any Indian tribe
639 that may attach religious or cultural significance to potentially affected properties, or any other
640 consulting party that may have a demonstrated interest in potentially affected properties, and
641 take their concerns into account in developing, modifying, and implementing the plan. The plan
642 will be implemented as originally proposed, or modified as necessary as a result of the
643 occurrences and the nature and extent of the properties discovered.

644 B. Discoveries Without Prior Planning

- 645 1. If a plan for subsequent discoveries is not in place and an undertaking affects a previously
646 unidentified property or affects a known historic property in an unanticipated manner, the
647 Caltrans District shall promptly stop construction activity in the vicinity of the property and

648 implement all reasonable measures needed to avoid, minimize, or mitigate further harm to
649 the property.

650 2. Within 48 hours of the discovery, the Caltrans District shall assess the discovery and, if
651 determined to be potentially eligible, provide initial notification to CSO, the SHPO, FHWA
652 where responsibility for environmental review has not been assigned, any Indian tribe that
653 might attach religious or cultural significance to the affected property, the federal agency if
654 federal lands are involved and the federal agency has designated Caltrans lead pursuant to
655 36 CFR § 800.2(a)(2), the Corps District if within a DA Permit area, or any other consulting
656 party that may have a demonstrated interest in potentially affected properties. Notification
657 shall include, to the extent such information is available: description of the nature and
658 extent of the property or properties, assessment of NRHP eligibility of any properties, the
659 type and extent of any damage to the property, the proposed action, any prudent and
660 feasible treatment measures that would take any effects into account, and a request for
661 comments. Caltrans may furnish this information through correspondence, hard copy,
662 electronic media, telephone, or meetings, at its discretion taking into account the
663 capabilities of the consulting parties and must document this process for the administrative
664 record. Caltrans may assume eligibility of any potentially affected property and proceed
665 with the provisions of this sub-part.

666 3. Should any of the notified parties respond with comments within 72 hours of the initial
667 notification of the discovery or indicate that they wish to be involved in resolving the
668 situation, the Caltrans District shall take into account their comments or continue
669 consultation with any commenting parties. Caltrans shall provide any remaining information
670 specified in subpart 2, above, as it becomes available. The Caltrans District shall determine
671 the time frame for any further consultation, taking into account the qualities of the
672 property, consequences of construction delays, and interests of consulting parties.
673 Following the conclusion of any further consultation, Caltrans shall take all comments
674 received into account and may carry out actions to resolve any effects. Failure of any
675 notified party to respond within 72 hours of the notification shall not preclude Caltrans
676 from proceeding with their proposed actions.

677 4. If a National Historic Landmark is affected, the Caltrans District shall include the Secretary of
678 the Interior and the ACHP in the notification process.

679 **XVI. EMERGENCY SITUATIONS**

680 A. Pursuant to 36 CFR § 800.12(d), this stipulation applies only to undertakings that will be
681 implemented within 30-calendar days after the disaster or emergency, as defined in Stipulation
682 II, has been formally declared. The President, California Governor, Caltrans Director or District
683 Director may declare an emergency situation exists. Caltrans may request an extension of the
684 period of applicability from the SHPO prior to the 30-days. Caltrans shall follow Stipulations VII

685 through XI for all undertakings to be initiated more than 30-days following declaration of an
686 emergency unless an extension has been approved by SHPO.

687 B. The Caltrans District PQS shall determine whether the emergency undertaking has the
688 potential to affect historic properties. If historic properties are likely to be affected by the
689 emergency undertaking, the Caltrans District shall notify as soon as is feasible CSO, the SHPO,
690 FHWA where responsibilities have not been assumed, and any Indian tribes that might attach
691 religious or cultural significance to the affected property and afford them an opportunity to
692 comment within seven calendar days of the notification. If the emergency undertaking may
693 affect a National Historic Landmark, the Caltrans District PQS shall also notify the Secretary of
694 the Interior through the National Park Service Regional NHL Program. Notification shall include,
695 to the extent such information is available: description of the nature and extent of the property
696 or properties, assessment of NRHP eligibility of any properties, the type and extent of any
697 damage to the property, the proposed action, any prudent and feasible treatment measures
698 that would take any effects into account, and a request for comments. If the Caltrans District
699 determines that circumstances do not permit seven days for comment, the Caltrans District
700 shall notify the parties and invite any comments within the time available.

701 C. **Large-Scale Emergency Procedures.** When a disaster or emergency situation exists across
702 multiple Caltrans Districts, counties, or local agency jurisdictions, CSO may at its discretion
703 provide a blanket emergency procedures notification to the SHPO for work that will begin
704 within 30 days of the formal emergency declaration. The blanket notification will reference the
705 applicable emergency declaration and identify the affected counties and Caltrans Districts. The
706 Cultural Studies Office may request an extension of the period of applicability from the SHPO
707 prior to the 30-days. The Cultural Studies Office, in consultation with the SHPO, may establish
708 alternate methods of SHPO notification for individual emergency undertakings covered under
709 the blanket notification.

710 1. Unless determined otherwise through consultation with the SHPO, the Caltrans District
711 responsible for individual emergency undertakings under the blanket notification shall
712 inform CSO, the SHPO, FHWA where responsibilities have not been assumed, and any Indian
713 tribes that might attach religious or cultural significance to the affected property and afford
714 them an opportunity to comment within seven calendar days of the notification.
715 Notification shall include, to the extent such information is available: description of the
716 nature and extent of the property or properties, assessment of NRHP eligibility of any
717 properties, the type and extent of any damage to the property, the proposed action, any
718 prudent and feasible treatment measures that would take any effects into account, and a
719 request for comments. If the Caltrans District determines that circumstances do not permit
720 seven days for comment, the Caltrans District shall notify the parties and invite any
721 comments within the time available.

722 D. The Caltrans District shall provide the SHPO, CSO, and any additional consulting parties,
723 including the Corps District if a DA Permit is required, a narrative report documenting the

724 actions taken in accordance with this expedited consultation process within six (6) months
725 following the initiation of expedited consultation.

726 **XVII. LOCAL BRIDGE SEISMIC SAFETY RETROFIT PROGRAM**

727 In 1995, FHWA, Caltrans, SHPO and ACHP entered into a Programmatic Agreement to
728 programmatically implement compliance with Section 106 of the NHPA under the California
729 Seismic Retrofit of Bridge Structures Program, which is considered an emergency program.
730 Since the implementation of the Seismic Retrofit Programmatic Agreement, the State-owned
731 bridges and toll bridges have been retrofitted, but the Local Bridge Seismic Safety Retrofit
732 Program is still in effect. In that the federal regulations at 36 CFR Part 800 have changed since
733 1995, the Seismic Retrofit Programmatic Agreement is superseded by this Agreement and the
734 relevant provisions that provide for expedited compliance are updated to comply with the
735 current regulations in 36 CFR Part 800 and incorporated as Appendix 6IVto this Agreement.
736 Caltrans shall follow applicable stipulations in this Agreement to determine the seismic retrofit
737 project's potential to affect historic properties. This stipulation will remain in effect until CSO
738 notifies the SHPO, the ACHP and other consulting parties that all actions under the Local Bridge
739 Seismic Safety Retrofit Program have been completed or this Agreement is terminated.

740 **XVIII. DOCUMENTATION**

741 A. All documentation that supports findings and determinations made under this Agreement
742 shall be consistent with 36 CFR § 800.11 and Appendices to this Agreement, shall be peer-
743 reviewed by Caltrans PQS in the appropriate discipline, and shall be in accordance with the SER
744 Volume 2 and its subsequent revisions or editions.

745 B. Documentation prepared by local agencies or their consultants in support of such findings
746 shall be submitted to the Caltrans District for review and approval by Caltrans PQS in the
747 appropriate discipline. The Caltrans District shall transmit all documentation cited herein to
748 CSO, FHWA, and/or the SHPO as stipulated by this Agreement. The Caltrans District shall not
749 transmit to CSO, FHWA, the SHPO, and/or any consulting party any documentation that has not
750 been reviewed and approved by Caltrans PQS in the appropriate discipline.

751 C. All documentation prepared under this Agreement shall be kept on file at Caltrans District
752 offices and made available to consulting parties and the public as stipulated by this Agreement,
753 consistent with applicable confidentiality requirements.

754 **XIX. TRAINING REQUIREMENTS**

755 CSO shall, with the assistance of FHWA, the ACHP, and the SHPO, provide training for Caltrans
756 personnel relative to implementation of this Agreement and 36 CFR Part 800. Caltrans PQS
757 responsible for making, reviewing, or approving findings and determinations made under this
758 Agreement and 36 CFR Part 800 shall receive such training prior to being certified as PQS in the
759 appropriate discipline and prior to implementing activities under this Agreement, and shall
760 receive periodic refresher training as determined by CSO and SHPO. Caltrans Districts shall work

761 with their consultants and local governments to identify areas where training can improve
762 performance under this Agreement and CSO shall work with the Caltrans Districts to make such
763 training available, subject to funding availability. CSO and Caltrans Districts, in consultation with
764 the SHPO, shall identify needs and provide training to project management responsible for
765 undertakings under this program.

766 **XX. RESOLVING OBJECTIONS**

767 A. Should any signatory object in writing to Caltrans, or FHWA when it is the agency official,
768 regarding the manner in which the terms of this Agreement are carried out, Caltrans or FHWA
769 will immediately notify the other signatories and invited signatories of the objection and
770 proceed to consult with the objecting party to resolve the objection. Caltrans or FHWA will
771 honor the request of any other signatory to participate in the consultation and will take any
772 comments provided by such parties into account. Caltrans or FHWA as appropriate shall
773 establish a reasonable time frame for such consultation.

774 B. If the objection is resolved through consultation, Caltrans or FHWA may authorize the
775 disputed action to proceed in accordance with the terms of such resolution.

776 C. If after initiating such consultation, Caltrans or FHWA determines that the objection cannot
777 be resolved through consultation, Caltrans, or FHWA shall forward all documentation relevant
778 to the objection to the ACHP, including Caltrans' or FHWA's proposed response to the
779 objection. Within 30-calendar days after receipt of all pertinent documentation, the ACHP shall
780 exercise one of the following options:

- 781 1. Advise Caltrans or FHWA that the ACHP concurs in Caltrans' or FHWA's proposed response
782 to the objection, whereupon Caltrans or FHWA will respond to the objection accordingly; or
- 783 2. Provide Caltrans or FHWA with recommendations, which Caltrans or FHWA shall take into
784 account in reaching a final decision regarding its response to the objection; or
- 785 3. Notify Caltrans or FHWA that the objection will be referred for comment consistent with 36
786 CFR § 800.7(a)(4) and proceed to refer the objection for comment. In this event, Caltrans or
787 FHWA shall take the resulting comments into account consistent with 36 CFR § 800.7(c)(4).
788 Caltrans responsibilities under this Agreement that are not the subject of the disagreement
789 shall remain unchanged.

790 D. Should the ACHP not exercise one of the foregoing options within 30 days after receipt of
791 submitted pertinent documentation, the agency official's responsibilities under Section 106 of
792 the NHPA are fulfilled upon implementation of the proposed response to the objection.

793 E. Caltrans or FHWA shall take into account any ACHP recommendation or comment and any
794 comments from the other signatories and invited signatories to this Agreement in reaching a

795 final decision- regarding the objection. Caltrans' or FHWA's responsibility to carry out all actions
796 under this Agreement that are not the subjects of the objection shall remain unchanged.

797 F. Caltrans or FHWA shall provide all other signatories and invited signatories to this
798 Agreement with a written copy of its final decision regarding any objection addressed pursuant
799 to Stipulation XX.A.

800 G. Caltrans or FHWA may authorize any action subject to objection under items 1-6 of
801 Stipulation XX.A to proceed, provided the objection has been resolved in accordance with the
802 terms of items 1-6 of Stipulation XX.A.

803 **XXI. PUBLIC OBJECTION**

804 At any time during implementation of the terms of this Agreement, should any member of the
805 public raise an objection in writing pertaining to such implementation to any signatory to this
806 Agreement, that party shall immediately notify Caltrans. Caltrans shall immediately notify the
807 other signatory parties in writing of the objection. Any signatory may choose to comment on
808 the objection to Caltrans. Caltrans shall establish a reasonable time frame for this comment
809 period. Caltrans shall consider the objection, and in reaching its decision, Caltrans will take all
810 comments from the other parties into account. Within 15-calendar days following closure of
811 the comment period, Caltrans will render a decision regarding the objection and respond to the
812 objecting party. Caltrans will promptly notify the other parties of its decision in writing,
813 including a copy of the response to the objecting party. Caltrans' decision regarding resolution
814 of the objection will be final. Following issuance of its final decision, Caltrans may authorize the
815 action subject to dispute hereunder to proceed in accordance with the terms of that decision.

816 **XXII. EXCLUSIONARY PROVISION**

817 **A. Probation**

818 1. The DEA Chief may place an individual Caltrans District, Division, Office, or Branch on
819 probation at the request of the CSO Chief in consultation with the Office of Historic
820 Preservation (OHP) Review and Compliance Unit Supervisor. Probation means loss of
821 specific authority delegated under the Agreement, as determined by the CSO Chief in
822 consultation with the OHP Review and Compliance Unit Supervisor. Probation may result
823 from a pattern of compliance deficiencies identified during CSO and OHP project review or
824 an agreement review or annual report, or failing to maintain the PQS necessary to
825 implement the provisions of the Agreement. Examples of deficient compliance actions that
826 may be cause for probation include, but are not limited to, inappropriate APE delineation,
827 inappropriate application of the screening process, insufficient identification efforts
828 resulting in post-review discovery, ESA violations and inadequate consultation efforts.

829 2. The DEA Chief shall provide written notice of probationary action to the administrative unit
830 losing authority and the SHPO. The DEA Chief, in consultation with the CSO Chief, the OHP
831 Review and Compliance Unit Supervisor, and appropriate level Caltrans District
832 representative (Director, Deputy, Office Chief or Branch Chief), will develop and approve a

833 Plan of Corrective Action (POCA) to be implemented by the Caltrans District, Division, Office
834 or Branch. The POCA will describe the deficiencies, provide a corrective plan specific to the
835 identified deficiencies, indicate the duration of probation and provide performance or
836 reporting criteria to document improvement. Upon expiration of the probation, the DEA
837 Chief, in consultation with the above parties, shall determine whether the POCA has been
838 adequately implemented and the deficiencies corrected. CSO and the OHP Review and
839 Compliance Unit may perform program reviews to ensure compliance with the POCA.
840 Failure to correct the deficiencies or identification of additional deficiencies during the term
841 may result in extension of the POCA with or without additional restrictions, suspension, or
842 removal from the Agreement.

843 B. Suspension

844 1. The DEA Chief may suspend an individual Caltrans District, Division, Office, or Branch at the
845 request of the CSO Chief in consultation with the OHP Review and Compliance Unit
846 Supervisor. Suspension may result from failure to successfully correct the deficiencies that
847 resulted in placement on probation or suspension may be immediate if the DEA Chief
848 determines the violations were egregious, such as numerous ESA violations where historic
849 properties were impacted. Suspension means substantial or total loss of authority
850 delegated under the Agreement. CSO review and approval of specified compliance actions
851 under the Agreement will be required.

852 2. The DEA Chief, in consultation with the CSO Chief, the OHP Review and Compliance Unit
853 Supervisor, and appropriate level Caltrans District representative (Director, Deputy, Office
854 Chief, Branch Chief), will approve a POCA to be implemented by the Caltrans District,
855 Division, Office or Branch. The POCA will describe the deficiencies, provide a corrective plan
856 specific to the identified deficiencies, indicate the duration of suspension and provide
857 performance or reporting criteria to document improvement. Upon expiration of the
858 suspension, the DEA Chief, in consultation with the above parties, shall determine whether
859 the POCA has been adequately implemented and the deficiencies corrected. Failure to
860 correct the deficiencies or identification of additional deficiencies during the term may
861 result in extension of the POCA with or without additional restrictions, or removal from the
862 Agreement.

863 C. Removed Status

864 1. At the request of the DEA Chief, in consultation with the SHPO and the Caltrans District
865 Director, the Caltrans Director may remove an individual Caltrans District, Division, Office or
866 Branch from the Agreement based on failure to successfully comply with a POCA or for
867 additional egregious non-compliance actions beyond the scope, but within the term of an
868 existing POCA. Removal from the Agreement will require all Section 106 of the NHPA
869 compliance documents to route through CSO who will consult with the SHPO, as
870 appropriate, under 36 CFR Part 800.

871 2. A POCA, to be developed in conjunction with but not necessarily prior to the removal, will
872 specify the term of removal and a pathway to restoration. The pathway to restoration will
873 likely proceed back through suspension and probation prior to regaining full status.

874 **XXIII. AMENDMENT**

875 Any signatory and/or invited signatory to this Agreement may at any time propose
876 amendments to this Agreement or its appendices, whereupon all signatories and invited
877 signatories shall consult to consider such amendment. This Agreement may be amended only
878 upon written concurrence of all signatories.

879 **XXIV. CORPS DISTRICT WITHDRAWAL FROM THIS AGREEMENT**

880 If at any time a Corps District disagrees with the manner in which the terms of an individual
881 undertaking or the terms of this Agreement are carried out, the Corps District may object in
882 writing to DEA. DEA shall follow Stipulation XX.A in resolving the objection. Caltrans
883 responsibility to carry out all actions under this Agreement not the subject of objection shall
884 remain unchanged. If the Corps District and Caltrans are unable to come to agreement, the
885 Corps District may withdraw from participation in an individual undertaking or from this
886 Agreement entirely upon 30-days written notification to all signatories, leaving the Agreement
887 in full force and effect for Program undertakings.

888 **XXV. TERMINATION**

889 A. Only the signatories may terminate this Agreement. If this Agreement is not amended as
890 provided for in Stipulation XX.D, or if any signatory proposes termination of this Agreement for
891 other reasons, the signatory proposing termination shall notify the other signatories and invited
892 signatories in writing, explain the reasons for proposing termination, and consult with the other
893 parties to seek alternatives to termination.

894 B. Should such consultation result in an agreement on an alternative to termination, the
895 signatories shall proceed in accordance with that agreement.

896 C. Should such consultation fail, the signatory proposing termination may terminate this
897 Agreement by promptly notifying the other signatories, invited signatories, and concurring
898 parties in writing.

899 D. Beginning with the date of termination, Caltrans or FHWA shall ensure that until and unless
900 a new agreement is executed for the actions covered by this Agreement, such undertakings
901 shall be reviewed individually in accordance with 36 CFR §§ 800.4-800.6.

902 **XXVI. REVIEW AND REPORTING**

903 A. DEA, FHWA, SHPO, the Corps Districts, and ACHP may review activities carried out pursuant
904 to this Agreement. Caltrans Districts shall facilitate this review by compiling specific categories
905 of information to document the effectiveness of the Agreement and by making this information
906 available to DEA, FHWA, SHPO, Corps Districts, and ACHP in the form of a written report.
907 Categories of information shall include, but are not limited to, a summary of actions taken
908 under the Agreement, including all findings and determinations, accomplishments, public
909 objections, any corrective actions implemented under Stipulation XX.C, ESA violations,

910 inadvertent effects, or foreclosures. The range and type of information included by Caltrans
911 Districts in the written report and the manner in which this information is organized and
912 presented must be such that it facilitates the ability of the reviewing parties to assess
913 accurately the degree to which this Agreement and its manner of implementation constitute an
914 efficient and effective program alternative under 36 CFR § 800.14, and to determine whether
915 this Agreement should remain in effect, and if so, whether and how it should be improved
916 through appropriate amendment.

917 B. CSO shall prepare an annual written report of activities performed under this Agreement for
918 its duration, unless the signatories agree to amend the reporting schedule. The initial report
919 shall be prepared following completion of the first full State fiscal year under this Agreement.
920 CSO shall submit the annual reports to the SHPO, FHWA, Corps Districts, and the ACHP no later
921 than three (3) months following the end of the State fiscal year.

922 C. In accordance with Stipulation X.B.1, CSO shall provide a quarterly report to the SHPO
923 summarizing findings of No Adverse Effect with Standard Conditions, and include FHWA for
924 undertakings where FHWA has retained responsibility for environmental review and
925 compliance. After the first year of this Agreement, the SHPO and CSO shall consult to determine
926 if the reporting period should be modified and determine a new schedule. The reporting period
927 may be modified without requiring amendment of the Agreement.

928 D. CSO shall provide notice to the public that the annual report is available for public
929 inspection and ensure that potentially interested members of the public are made aware of its
930 availability and that the public may comment to the signatories on the report.

931 E. At the request of any other signatory to this Agreement, CSO shall ensure that one or more
932 meetings are held to facilitate review of, and comment on, the report to address questions,
933 issues, or adverse comments.

934 F. In conjunction with the review of the reports prepared by Caltrans pursuant to this
935 stipulation, the signatories and invited signatories may consult to review the overall
936 effectiveness and benefits of the Agreement, determine if its requirements are being met,
937 decide if amendments to the Agreement are warranted, review the reporting format and
938 categories for adequacy, and identify any other actions that may be needed in order to take
939 into account the effects of the Program on historic properties in California.

940 **XXVII. CONFIDENTIALITY**

941 All parties to this Agreement acknowledge that information about historic properties,
942 prospective historic properties, or properties considered historic for purposes of this
943 Agreement are or may be subject to the provisions of NHPA section 304, 36 CFR § 800.11(c),
944 and California Government Code section 7927.000 and 7927.005 (California Public Records
945 Act), relating to the disclosure of sensitive information, and having so acknowledged, will
946 ensure that all actions and documentation prescribed by this Agreement are, where necessary,
947 consistent with the requirements of NHPA section 304, 36 CFR § 800.11(c), 5 USC § 552 as
948 amended (Freedom of Information Act), and California Government Code section 7927.000 and
949 7927.005.

950 **XXVIII. DURATION OF THIS AGREEMENT**

951 This Agreement shall remain in effect for a period of ten (10) years after the date it takes effect
952 and shall automatically expire and have no further force or effect at the end of this ten-year
953 period unless it is terminated prior to that time. No later than 18 months prior to the expiration
954 date of the Agreement, Caltrans shall initiate consultation to determine if the Agreement
955 should be allowed to expire automatically or whether it should be extended for an additional
956 term, with or without amendments, as the signatories may determine. Unless the signatories
957 unanimously agree through such consultation on an alternative to automatic expiration of this
958 Agreement, this Agreement shall automatically expire and have no further force or effect in
959 accordance with the timetable stipulated herein.

960 **XXIX. EFFECTIVE DATE OF THIS AGREEMENT AND OF ADDITIONAL APPENDICES AND**
961 **AMENDMENTS**

962 This Agreement shall take effect January 1, 2024, following execution by FHWA, the SHPO, the
963 ACHP, and Caltrans. Additional Appendices or amendments to this Agreement shall take effect
964 on the dates they are fully executed by FHWA, the SHPO, the ACHP, and Caltrans.

965 Execution and implementation of this Agreement evidence that FHWA, Caltrans, when it is
966 deemed to be a federal agency, and the Corps have afforded the ACHP a reasonable
967 opportunity to comment on the Program and its individual undertakings in California, that
968 FHWA, Caltrans and the Corps have taken into account the effects of the Program and its
969 individual undertakings on historic properties, and that FHWA, Caltrans and the Corps have
970 complied with Section 106 of the NHPA and 36 CFR Part 800 for the Program and its individual
971 undertakings.

972

973 **SECOND AMENDED**
974 **PROGRAMMATIC AGREEMENT AMONG THE FEDERAL HIGHWAY ADMINISTRATION, THE**
975 **ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CALIFORNIA STATE HISTORIC**
976 **PRESERVATION OFFICER, THE UNITED STATES ARMY CORPS OF ENGINEERS, AND THE**
977 **CALIFORNIA DEPARTMENT OF TRANSPORTATION REGARDING COMPLIANCE WITH SECTION**
978 **106 OF THE NATIONAL HISTORIC PRESERVATION ACT, AS IT PERTAINS TO THE**
979 **ADMINISTRATION OF THE FEDERAL-AID HIGHWAY PROGRAM IN CALIFORNIA**

980 **SIGNATORY PARTIES**

981 Federal Highway Administration

982 By: _____ Date: _____

983 Vincent Mammano, California Division Administrator

984 California State Historic Preservation Officer

985 By: _____ Date: _____

986 Julianne Polanco, State Historic Preservation Officer

987 Advisory Council on Historic Preservation

988 By: _____ Date: _____

989 Reid Nelson, Acting Executive Director

990 California Department of Transportation

991 By: _____ Date: _____

992 Tony Tavares, Director

993 **SECOND AMENDED**
994 **PROGRAMMATIC AGREEMENT AMONG THE FEDERAL HIGHWAY ADMINISTRATION, THE**
995 **ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CALIFORNIA STATE HISTORIC**
996 **PRESERVATION OFFICER, THE UNITED STATES ARMY CORPS OF ENGINEERS, AND THE**
997 **CALIFORNIA DEPARTMENT OF TRANSPORTATION REGARDING COMPLIANCE WITH SECTION**
998 **106 OF THE NATIONAL HISTORIC PRESERVATION ACT, AS IT PERTAINS TO THE**
999 **ADMINISTRATION OF THE FEDERAL-AID HIGHWAY PROGRAM IN CALIFORNIA**

1000 **INVITED SIGNATORY PARTIES:**

1001 **United States Army Corps of Engineers**

1002 United States Army Corps of Engineers, Sacramento District

1003 By: _____ Date: _____

1004 Michael J. Farrell, P.E.

1005 Colonel, US Army

1006 Commander / District Engineer

1007 United States Army Corps of Engineers, Los Angeles District

1008 By: _____ Date: _____

1009 Kimberly M. Colloton, PMP

1010 Colonel, US Army

1011 Commander and District Engineer

1012 United States Army Corps of Engineers, San Francisco District

1013 By: _____ Date: _____

1014 John K. Baker, P.E.

1015 Lieutenant Colonel, US Army

1016 Commander / District Engineer

SECOND AMENDED

**PROGRAMMATIC AGREEMENT AMONG THE FEDERAL HIGHWAY ADMINISTRATION, THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CALIFORNIA STATE HISTORIC
PRESERVATION OFFICER, THE UNITED STATES ARMY CORPS OF ENGINEERS, 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**

CONCURRING PARTIES:

1026 By: _____ Date: _____
1027 Chief, Division of Environmental Analysis

1028 By: _____ Date: _____
1029 Chief, Cultural Studies Office

1030 By: _____ Date: _____
1031 District 1 District Director

1032 By: _____ Date: _____
1033 District 2 District Director

1034 By: _____ Date: _____
1035 District 3 District Director

1036 By: _____ Date: _____
1037 District 4 District Director

1038 By: _____ Date: _____
1039 District 5 District Director

1040 By: _____ Date: _____
1041 District 6 District Director

1042

1043

1044

SECOND AMENDED

1045

PROGRAMMATIC AGREEMENT AMONG THE FEDERAL HIGHWAY ADMINISTRATION, THE

1046

ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE CALIFORNIA STATE HISTORIC

1047

PRESERVATION OFFICER, THE UNITED STATES ARMY CORPS OF ENGINEERS, AND THE

1048

CALIFORNIA DEPARTMENT OF TRANSPORTATION REGARDING COMPLIANCE WITH SECTION

1049

106 OF THE NATIONAL HISTORIC PRESERVATION ACT, AS IT PERTAINS TO THE

1050

ADMINISTRATION OF THE FEDERAL-AID HIGHWAY PROGRAM IN CALIFORNIA

1051

1052

CONCURRING PARTIES:

1053

1054

By: _____ Date: _____

1055

District 7 District Director

1056

By: _____ Date: _____

1057

District 8 District Director

1058

By: _____ Date: _____

1059

District 9 District Director

1060

By: _____ Date: _____

1061

District 10 District Director

1062

By: _____ Date: _____

1063

District 11 District Director

1064

By: _____ Date: _____

1065

District 12 District Director

APPENDICES