

**PRC 5024 MOU  
ANNUAL REPORT**

**IMPLEMENTATION OF THE  
PUBLIC RESOURCES CODE 5024  
MEMORANDUM OF UNDERSTANDING**

**JULY 1, 2021 – JUNE 30, 2022**



CULTURAL STUDIES OFFICE  
DIVISION OF ENVIRONMENTAL ANALYSIS  
CALIFORNIA DEPARTMENT OF TRANSPORTATION  
SACRAMENTO, CALIFORNIA

SEPTEMBER 2022

## EXECUTIVE SUMMARY

This report documents the effectiveness of and summarizes actions carried out under the January 1, 2015, “Memorandum of Understanding Between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and Governor’s Executive Order W-26-92” (PRC 5024 MOU) during the period from July 1, 2021, through June 30, 2022, in accordance with PRC 5024 MOU Stipulation XIX.E.

During the current reporting period, Caltrans handled 1324 projects that involved state-owned cultural resources and were, therefore, subject to compliance with California Public Resources Code (PRC) 5024. Of these, 760 were state-only projects and 564 were Federal-aid highway projects. Pursuant to PRC 5024 MOU Stipulation III, the federal projects used documentation prepared under the January 1, 2014, First Amended Section 106 PA (Section 106 PA)<sup>1</sup> or the Section 106 Code of Federal Regulations 36 (CFR) Part 800 to fulfill Caltrans’ PRC 5024 responsibilities.

Of the 1324 projects, 1028, qualified as “screened” under the terms of the PRC 5024 MOU or the Section 106 PA. The remaining 296 projects were reviewed internally by Caltrans in accordance with the PRC 5024 MOU or required consultation with the State Historic Preservation Officer (SHPO) for determinations of eligibility or findings of effect. A summary of results of the actions completed under the PRC 5024 MOU begins on page 2.

Separate from these individual projects, Caltrans also began an effort to update the statewide Historic Bridge Inventory to include bridges constructed from 1975 to 1984. Initial scoping for the update identified 23 bridges that appeared to warrant individual survey and evaluation in accordance with the Section 106 PA and the PRC 5024 MOU; of these, 14 are Caltrans-owned structures. The Caltrans Cultural Studies Office (CSO) initiated consultation with the SHPO on December

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<sup>1</sup> *First Amended Programmatic Agreement Among the Federal Highway Administration, The Advisory Council On Historic Preservation, The California State Historic Preservation Officer, And The California Department Of Transportation Regarding Compliance With Section 106 Of The National Historic Preservation Act, As It Pertains To The Administration Of The Federal-Aid Highway Program In California.*

16, 2021, regarding the proposed scope and methodology and received concurrence on February 16, 2022. It is anticipated that the results of the update will be presented to the SHPO for review during the subsequent PRC 5024 MOU annual reporting period.

Post-Review discoveries, inadvertent effects, and emergency situations where Caltrans applied the emergency provisions set forth in Stipulation XV, are described beginning on page 6.

Quality assurance measures for this reporting period included ongoing PQS review of Caltrans District reports by CSO staff, delivery of Section 106 PA/PRC 5024 MOU training for PQS held virtually January 26 through 27 and February 2 through 3, 2022, and held an in-person Functional Workshop training from May 3 through 6, 2022 that was attended by more than 100 cultural resources staff from all 12 Districts and Headquarters. Quality assurance measures are presented on page 14.

During this reporting period, on May 31, 2022, Caltrans initiated consultation with the SHPO to amend and renew the PRC 5024 MOU, in accordance with Stipulation XIX.G.

Through its mission, vision, goals and values, Caltrans strives for innovation, quality and commitment to its stewardship of state-owned cultural resources. It is Caltrans' assessment that the PRC 5024 MOU exceeds these internal standards and continues to be an effective program by ensuring that impacts to state-owned cultural resources are taken into account during project planning while streamlining project review procedures.

**PRC 5024 MOU Annual Report**

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## **INTRODUCTION**

The PRC 5025 MOU went into effect on January 1, 2015, streamlining PRC 5024 and Governor's Executive Order W-26-92 by delegating much of the SHPO's responsibility for carrying out routine aspects of the PRC 5024 process to Caltrans. In October 2019, Caltrans and the SHPO signed an addendum that extended the duration of the PRC 5024 MOU to December 31, 2023.

The PRC 5024 MOU applies to all state-owned cultural resources within Caltrans ownership or jurisdiction. Pursuant to PRC 5024 MOU Stipulation III, Caltrans uses Section 106 procedures under the 106 PA or 36 CFR Part 800, as applicable, to fulfill its PRC 5024 responsibilities when Federal-aid highway projects have state-owned cultural resources within their Area of Potential Effect (APE). All cultural resources studies completed under the PRC 5024 MOU and the Section 106 PA are carried out by or under the direct supervision of individuals who meet the Secretary of the Interior's Professional Qualifications Standards for the relevant field of study. Use of the Secretary's Standards ensures program quality and satisfies state mandates associated with compliance with PRC 5024. Caltrans meets these standards by training and certifying its cultural resources staff as Professionally Qualified Staff (PQS). The CSO Chief in the Division of Environmental Analysis (DEA) at Caltrans is responsible for certifying the qualifications of all PQS. PQS are responsible for ensuring that effects to state-owned historical resources are taken into account and that the PRC 5024 MOU is implemented appropriately during the project delivery process.

Caltrans ensures that documentation for projects that are not subject to SHPO review under the PRC 5024 MOU remains on file at each Caltrans District. PQS also provide copies of documentation to consulting parties and the public in accordance with the PRC 5024 MOU, consistent with applicable confidentiality requirements. By delegating to Caltrans the authority to perform many of the functions of the SHPO for projects with little or no potential to affect state-owned cultural resources, the PRC 5024 MOU enables SHPO staff to concentrate efforts on those few projects that actually do affect state-owned historical resources.

Pursuant to PRC 5024 MOU Stipulation XIX.G, this report documents the effectiveness of, and summarizes activities carried out under, the PRC 5024

MOU. It covers actions for which PRC 5024 consultation concluded between July 1, 2021, and June 30, 2022.

In accordance with PRC 5024 MOU Stipulation XIX.E.3, Caltrans is providing notice to the public that this report is available for inspection and will ensure that potentially interested members of the public are made aware of its availability. Additionally, the public may provide comments on the report to the PRC 5024 MOU signatory parties. This report is being submitted to the SHPO, the Caltrans Director, and Caltrans District Directors and is available upon request.

### **SUMMARY OF PRC 5024 MOU ACTIONS**

According to data provided by the 12 Caltrans Districts, enumerated in Table 1, Caltrans processed a total of 1324 state-only or Federal-aid highway projects that involved state-owned resources during this reporting period and therefore required compliance with the PRC 5024 MOU. Of these, 760 were state-only projects and 564 were Federal-aid highway projects. Pursuant to PRC 5024 MOU Stipulation III, the federal projects used documentation prepared under the Section 106 PA or 36 CFR Part 800 to fulfill Caltrans' PRC 5024 responsibilities. A large percentage of all the projects, 1028 (78 percent), were exempted from further review after appropriate assessment, or "screening," by Caltrans PQS.<sup>2</sup>

Of the 296 projects that did not qualify as screened projects, 182 (14 percent of the total) resulted in a finding of No State-Owned Historical Resources Affected, or No Historic Properties Affected for federal projects, which does not require SHPO concurrence under the PRC 5024 MOU or the Section 106 PA.

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<sup>2</sup> Under Stipulation VII of the PRC 5024 MOU and the Section 106, the classes of activities identified in Attachment 2 of the PRC 5024 MOU and Section 106 as "screened" require no further review under the PRC 5024 MOU or Section 106 when the steps set forth in the attachment are satisfactorily completed. Caltrans PQS are responsible for reviewing individual actions for applicability of this provision. PQS cannot screen projects, activities or federal undertakings with potential to affect state-owned cultural resources if conditions must be imposed to ensure that state-owned historical resources will not be affected.

There were 53 projects (4 percent) for which SHPO consultation was not required because the effect finding was No Adverse Effect with Standard Conditions (FNAE-SC) in accordance with Stipulation X.B.1(a)-(b) and Attachment 5 of the PRC 5024 MOU or the Section 106 PA. Another 57 projects resulted in a Finding of No Adverse Effect (FNAE). Of these, 17 were reviewed and approved by CSO under PRC 5024 MOU Stipulation X.B.2.(a) as they involved state-owned historical resources not on the Master List of Historical Resources (Master List) and 4 required consultation with SHPO because they involved a state-owned property on the Master List.<sup>3</sup> The remaining 36 FNAE projects were processed under the Section 106 PA, which requires SHPO consultation for Adverse Effect findings regardless of a state-owned resource's Master List status.

Only 4 projects (less than 1 percent) resulted in a Finding of Adverse Effect (FAE). Two projects were state-funded projects only that involved state-owned archaeological resources not on the Master List and used Standard Mitigation Measures (SMM), which under the terms of PRC 5024 MOU Stipulation X.C.1 do not require SHPO review. The 2 remaining projects involved state-owned built environment resources on the Master List and were processed under the Section 106 PA, for which consultation with SHPO was required and the adverse effect was resolved through execution of a Memorandum of Agreement (MOA).

In total, 254 projects that were not screened were reviewed in-house by Caltrans, either in the Districts or by CSO. The remaining 42 projects required consultation with SHPO.<sup>4</sup> See Table 1, below.

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<sup>3</sup> The Master List includes any state-owned historical resources that are listed in the National Register of Historic Places (NRHP) or registered as a California Historical Landmark (CHL), and state-owned buildings, structures and objects that were determined eligible for the NRHP or eligible for registration as a CHL. The Master List does not include archaeological sites or non-structural resources and sites that were determined eligible for the NRHP or for registration as a CHL, nor does it include resources that are assumed eligible for purposes of a project only.

<sup>4</sup> Note SHPO consultation can occur more than once for the same project depending on whether resources are evaluated as eligible and the level of effect.

**Table 1: Total Projects Completed – July 1, 2021-June 30, 2022**

Projects Completed	1324
PRC 5024-only Projects	760
Combined Section 106/PRC 5024 Projects	564
Number of Projects Screened (78%)	1028
Number of Projects Not Screened (22%)	296
Number of Projects to SHPO (3%)	42

**Evaluation of State-Owned Cultural Resources**

For the current reporting period, 106 state-owned cultural resources were formally evaluated pursuant to PRC 5024 MOU Stipulation VIII.C.6 and/or PA Stipulation VIII.C.2, resulting in a Determination of Eligibility (DOE). DOEs are submitted by Caltrans Districts to the SHPO for concurrence. Of the evaluated state-owned resources, 32 were determined, in consultation with the SHPO, to be eligible for the NRHP and/or as California Historical Landmarks (CHLs) and were added to the Master List. The other 74 evaluated state-owned resources were not added to the Master List, either because the resources did not meet the NRHP and/or CHL criteria for eligibility or were not the types of resources included on the Master List.

**Effect Findings**

A summary of effect findings for this reporting period is represented in Table 2 below. Of the 296 projects processed during the reporting period that did not qualify as “screened,” 182 resulted in a finding of “No State-Owned Historical Resources Affected” or “No Historic Properties Affected” because there were either:

- no state-owned cultural resources present.
- all state-owned resources present qualified as exempt from evaluation in accordance with Attachment 4 of the PRC 5024 MOU and/or the Section 106 PA.
- no state-owned resources listed on or determined eligible for the NRHP and/or for registration as a CHL were present.
- state-owned historical resources listed on or eligible for the NRHP and/or registration as a CHL were present but the project would not affect them.



Another 53 projects resulted in a FNAE-SC. Standard Conditions, described in MOU stipulation X.B.1, which applies when state-owned historical resources will be rehabilitated in accordance with the Secretary of the Interior's Standards for Treatment of Historic Properties (36 CFR Part 68) or will be protected by designation of an environmentally sensitive area (ESA) as described in Attachment 5 of the PRC 5024 MOU. Of the 53 FNAE-SC submittals, 32 had federal funding and were therefore processed under the Section 106 PA. The remaining 21 FNAE-SC submittals either involved state-owned archaeological resources not on the Master List that were protected through designation of an ESA or state-owned built environment resources on the Master List for which the Secretary of the Interior's Standards were applicable. Districts submitted documentation to CSO for review and approval in accordance with Stipulation X.B.1 of the PRC 5024 MOU. CSO provided quarterly reports of actions processed under this stipulation to the SHPO.

**Table 2: Effect Findings – July 1, 2021-June 30, 2022**

<b>Number of Effect Findings</b>	<b>298</b>
PRC 5024-only Projects	108
Combined Section 106/PRC 5024 Projects	188
<b>No State-Owned Historical Resources Affected/No Historic Properties Affected</b>	<b>182</b>
PRC 5024-only Projects	64
Combined Section 106/PRC 5024 Projects	118
<b>No Adverse Effect with Standard Conditions</b>	<b>53</b>
PRC 5024-only Projects	21
Combined Section 106/PRC 5024 Projects	32
<b>No Adverse Effect</b>	<b>57</b>
PRC 5024-only Projects	21
Combined Section 106/PRC 5024 Projects	36
<b>Adverse Effect</b>	<b>4</b>
PRC 5024-only Projects	2
Combined Section 106/PRC 5024 Projects	2

A total of 57 projects resulted in a FNAE. Of these, 21 were state-only projects. Seventeen projects involved state-owned resources not on the Master List and were reviewed by CSO in accordance with Stipulation X.B.2.a of the PRC 5024 MOU. CSO provided quarterly reports of actions processed under this stipulation to the SHPO. The 4 remaining state-only projects involved state-owned resources on the Master List and therefore required consultation with SHPO pursuant to Stipulation X.B.2.c of the PRC 5024 MOU. There were 36 projects that had federal funding and were processed under the Section 106 PA, which requires consultation with SHPO whether or not state-owned resources in the APE are on the Master List.

Four projects resulting in a FAE involved state-owned historical resources. Two had state funding only and two were federally-funded projects and were therefore processed under the Section 106 PA. The state-only projects involved state-owned archaeological resources not on the Master List and were processed under Stipulation X.C.1 of the PRC 5024 MOU. In accordance with the stipulation, CSO reviewed the supporting documentation and did not object to the finding. CSO provided quarterly reports of actions processed under this stipulation to the SHPO.

The 2 remaining projects that resulted in a FAE involved state-owned built environment resources on the Master List and the adverse effect was resolved through an MOA between Caltrans and the SHPO under the Section 106 PA.

## **POST-REVIEW DISCOVERIES, INADVERTENT EFFECTS AND EMERGENCIES**

The following is a summary of post-review discoveries, inadvertent effects and emergencies that occurred during the reporting period. Caltrans PQS strive to avoid post-review discoveries or unanticipated effects by making a good-faith effort to identify state-owned historical resources and potential effects through the regular PRC 5024 MOU process. When unforeseen events occurred, CSO finds that District PQS took the appropriate actions to ensure that adverse effects to state-owned resources were minimized or avoided.

The 2021-2022 reporting period included several wildfires, extreme heat, and weather-related declared emergency events. The emergency procedures outlined in PRC 5024 MOU Stipulation XV allow Caltrans PQS to respond quickly

during emergency incidents and efficiently assess potential effects to state-owned historical resources while prioritizing safety and recovery of life and property. Note that some emergency situations arose during the current reporting period but consultation remains ongoing; such projects will be reported in the next Annual Report following conclusion of consultation.

### **Post Review Discoveries and Inadvertent Effects**

District 1. Unanticipated Effect, Francis B. Matthews Rest Area, Trinity County (CATRA\_2021\_0510\_002)

On July 9, 2021, Caltrans District 1 notified the SHPO of unanticipated effects to a historic-era mining archaeological site resulting from an ESA breach by a member of the public to procure firewood within the site boundary on land leased by Caltrans from the Six Rivers National Forest for the purposes of the roadside Francis B. Matthews Rest Area in Trinity County. District 1 cultural resources staff concluded that the removal of the trees by a member of the public did not appear to have resulted in adverse effects to the state-owned historical resource.

### **Use of Emergency Procedures**

District 1. Monument Fire (CATRA\_2021\_0819\_001)

The Monument Wildfire in Trinity County was started by lightning strikes on July 30, 2021. Originating west of Big Bar, the fire largely burned within the Shasta-Trinity National Forest and private lands. On August 10, 2021, the Governor declared a state of emergency due to this and other active wildfires and ongoing extreme fire conditions. On August 17, 2021, the District notified the SHPO of the intention to use emergency procedures in response to the emergency declaration and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. The Monument wildfire was fully contained by November 1, 2021, after burning approximately 223,124 acres. District 2 initiated an emergency response along the segment of State Route 299 in Trinity County that was affected by the Monument Fire. All work has been completed. On May 13, 2022, District 1 submitted a final report to the SHPO which concluded that no state-owned cultural resources were affected.

### District 1. Winter Storm Damage, State Route (SR) 299 Humboldt and Trinity Counties (CATRA\_2022\_0120\_002)

On December 30, 2021, the Governor declared a State of Emergency for Winter Storm Events that caused catastrophic snow damage to infrastructure across the State of California. On January 20, 2022, CSO notified the SHPO on behalf of the affected Districts that Caltrans intended to use the emergency procedures in the PRC 5024 MOU to respond to the declared emergency. Caltrans District 1 initiated an emergency project to reopen SR 299 from PM 10.00 to 44.00 in Humboldt County and PM 0.0 to 10.0 in Trinity County. Emergency reopening work focused on cutting and removing fallen trees. All work has been completed. On June 20, 2022, District 1 provided a final report to the SHPO which concluded that construction activities did not impact or affect any historic properties or state-owned cultural resources.

### District 3. Caldor Fire (CATRA\_2021\_0930\_005)

The Caldor Fire began on August 14, 2021. The Governor declared a State of Emergency on August 17, 2021. A Director's Order Request – Funds Request for the Caldor Fire Emergency Repairs was approved by the District 3 Director on September 21, 2021, and includes sections of Highway 50 and 89 in El Dorado County listed below:

- Highway 50 postmile 42.0-71.0
- SR 89 postmile 6.0-8.0

District 3 notified the SHPO of the intention to use emergency procedures in response to the emergency declaration on September 30, 2021, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Pacific Legacy, Inc and the United Auburn Indian Community of the Auburn Rancheria, Washoe Tribe of Nevada and California, Colfax-Todds Valley Consolidated Tribe, Wilton Rancheria, and the Lone Band of Miwok Indians were hired by the contractors as cultural resource monitors to prevent and minimize damage to cultural resources during emergency work. Fifty (50) known cultural resources and 15 newly discovered sites were identified within the Project Area Limits (PAL) including multicomponent, historic, and prehistoric sites. All sites identified were flagged for avoidance and monitored during construction

activities. Pacific Legacy coordinated with emergency crews for directional felling of trees, debris lifting, exclusionary fencing, and utilizing strategic staging areas as methods for preventing and minimizing damage to these cultural resources. No cultural resources were adversely impacted during these emergency procedures.

#### District 11. Storm Damage, SR 78, Imperial County

On September 7, 2021, District 11 PQS were notified of storm damage to SR 78 in Imperial County from PM 70.0 to 76.0 that occurred on August 31, 2021. District 11 provided an initial notification to the SHPO of the damage by email on September 8, 2021. District 11 PQS conducted a site visit on September 15, 2021. The District 11 Director signed an emergency repair order on September 20, and on October 4, 2021, District 11 provided a formal notification to the SHPO of the intention to use the PRC 5024 MOU emergency provisions. Caltrans repaired roadway failures at five locations:

1. At PM 70.7, the pavement structural section was reconstructed and new asphalt concrete (AC) was laid down where the roadway washed out.
2. At PM 71.2, erosion on the EB shoulder and damage to the existing was repaired.
3. At PM 72.95, the eroded EB shoulder was repaved with AC.
4. At PM 74.5, a failed 72-inch corrugated steel pipe (CSP) culvert was replaced with a 72-inch reinforced concrete pipe (RCP) culvert measuring 88-feet in length. The collapsed side slope embankment was also reconstructed using imported borrow soils.
5. At PM 75.05, the washed-out cover soil over the existing double RCP culvert was reconstructed using imported borrow soils. In addition, the dislodged rock slope protection (RSP) was repositioned to its original configuration.

District 11 also notified Native American tribes with religious or cultural ties within the project location of the emergency procedures to be undertaken, including a description of damage and proposed repair methods on September 8, 2021, and September 28, 2021, to afford them opportunity for comment. No

comments were received. Caltrans PQS concluded that no state-owned cultural resources were impacted by the project.

#### District 11. Emergency Inlet Repair Project (CATRA\_2021\_0624\_001)

On June 23, 2021, District 11 cultural resources staff were notified of an emergency project, declared by the District 11 Director, to repair 15 severely damaged drainage inlets along various routes in San Diego County. Three inlets were located within the resource boundary of the Cabrillo Freeway Historic District (SR 163), which was determined eligible for the National Register of Historic Places in 1996 and is on the Master List. Drainage inlets were not identified as a contributing element of the Cabrillo Freeway Historic District. District 11 PQS conducted a field review and on June 24, 2021, notified CSO and the SHPO of the District's intention to use the emergency provisions of the PRC 5024 MOU. Construction of the emergency work within the Historic District was completed by the end of July 2021. With implementation of cultural resource avoidance measures, contractor education, and construction monitoring, adverse effects to the Cabrillo Freeway Historic District were avoided.

### **EFFECTIVENESS OF THE PRC 5024 MOU**

Prior to the execution of the PRC 5024 MOU, pursuant to PRC 5024, all projects that involved state-owned cultural resources required consultation with the SHPO. Caltrans conducted an inventory and evaluation of the resources using the NRHP and CHL criteria and consulted SHPO on eligibility in accordance with PRC 5024(b) and (d). If state-owned historical resources were identified, Caltrans continued consultation with SHPO on effects to properties on the Master List per PRC 5024.5. PRC 5024(f) required that Caltrans notify the SHPO regarding effects to state-owned historical resources not on the Master List and request SHPO's comment; there is no time frame for this consultation and the process could take several months depending on the circumstances.

The PRC 5024 MOU delegated many steps of the PRC 5024 process to Caltrans. It also established agreed-upon time frames for all steps in the SHPO review process, and delegated some reviews to CSO, which likewise have time frames. Since January 1, 2015, Caltrans has used the alternate provisions of the PRC 5024

MOU instead of the regular PRC 5024 compliance process for state-only projects and activities and for Section 106 PA projects that involved state-owned cultural resources. The result is a time savings of up to 60 days for projects requiring determinations of eligibility and approximately the same for effect findings. Table 3, below, shows a comparison of time frames under the standard PRC 5024 process and those under the PRC 5024 MOU.

**Table 3: PRC 5024 Review Timeframes**

<b>Action</b>	<b>PRC 5024 Process</b>	<b>PRC 5024 MOU Process</b>
Potential to affect state-owned historical resources not on the Master List (if present)	SHPO review time not specified	No SHPO review; only annual reporting
Potential to affect state-owned historical resources on the Master List (if present)	30-day SHPO review	No SHPO review; only annual reporting
Evaluation of cultural resources (if present)	30-day SHPO review	30-day SHPO review

**Projects Exempt from SHPO Review**

PQS may exempt certain projects and activities from further PRC 5024 review if PQS determine that they do not have potential to affect state-owned historical resources. The finding is documented in a memo to file, along with any supporting documentation, such as project plans, records search results, or correspondence with interested parties.

The “screening” process is a major streamlining feature of the PRC 5024 MOU. PQS measure the time saved by this provision by estimating the amount of time that otherwise would have been spent conducting PRC 5024 studies and preparing consultation documents for SHPO. In addition, the amount of time saved by not having to wait for a determination saves, at a minimum, 90 days per project, compared to the non-PRC 5024 MOU process. CSO estimates that the time saved per project averages approximately 45 hours statewide. This represents a considerable savings of labor hours between Caltrans and SHPO as well as an unknown amount of valuable tax dollars.

For this reporting period, PQS concluded that 1028 projects (78 percent) qualified as “screened” and were exempt from further review. Time saved is best viewed as a measure of more efficient project delivery, in that the screening process has allowed Caltrans to complete the compliance process more efficiently than could be accomplished without the PRC 5024 MOU and has saved the SHPO time in not having to review projects with no potential to affect historical resources. Without the PRC 5024 MOU, projects that involved both Federal-aid highway funding and state-owned properties could still be “screened” under the Section 106 PA, but Caltrans would potentially have had to consult separately with the SHPO to comply with PRC 5024. Bringing the two processes into line with each other has saved considerable time and effort.

### **Time Savings for Effect Findings**

Under the PRC 5024 MOU, when Caltrans PQS determine that a project results in a finding of “No State-Owned Historical Resources Affected” either because no state-owned historical resources requiring evaluation are present or no state-owned historical resources will be affected, the finding is documented in Caltrans files and SHPO is notified in the annual report. Time saved using this procedure is 30 days per project.

Prior to the PRC 5024 MOU, when Caltrans determined that a project resulted in a FNAE-SC, using the guidance provided by the Section 106 PA, there were two procedures for compliance, depending on whether the project affected state-owned historical resources on, or not on, the Master List. For a FNAE-SC affecting historical resources not on the Master List, Caltrans notified SHPO and requested comments under PRC 5024(f). There was no time frame for this consultation nor was SHPO required to concur. For a FNAE-SC affecting historical resources on the Master List, Caltrans notified the SHPO and requested comments under PRC 5024.5 within 30 days.

Under the PRC 5024 MOU, all FNAE-SCs are sent to CSO for a 15-day review. If CSO does not object within that time frame, the District can move forward and the project or activity is not subject to further review. Caltrans notifies SHPO in quarterly reports as well as an overall reporting in the annual report. This streamlining measure of PRC 5024 MOU Stipulation X.B.1 results in review time savings of 15 to 30 days per project for properties on the Master List, and up to



90 days for properties not on the Master List. Table 4 below compares the timeframes for review of effect findings under PRC 5024 to those under the PRC 5024 MOU.

**Table 4: Review Timeframes for Effect Findings**

<b>Action</b>	<b>PRC 5024 Process</b>	<b>PRC 5024 MOU Process</b>
Finding of No State-Owned Historical Resources Affected (including when State-owned Historical Resources on the Master List not affected)	No time frame specified; open-ended or 30-day SHPO review	No SHPO review; annual reporting
Finding of No Adverse Effect with Standard Conditions – Not on Master List	No time frame specified; open-ended	15-day CSO review <sup>5</sup>
Finding of No Adverse Effect with Standard Conditions – On Master List	30-day SHPO review	15-day CSO review
Finding of No Adverse Effect without Standard Conditions – Not on Master List	No time frame specified; open-ended	15-day CSO review
Finding of No Adverse Effect without Standard Conditions – On Master List	30-day SHPO review	30-day SHPO review
Adverse Effect – Not on Master List	No time frame specified; open-ended	15-day CSO review
Adverse Effect – On Master List	30-day SHPO review	30-day SHPO review

**PRC 5024 MOU Stipulation VIII.C.1 and Attachment 4: Resources Exempt from Evaluation**

Stipulation VIII.C.1 and Attachment 4 of the PRC 5024 MOU require a reasonable level of effort to identify and evaluate state-owned historical resources. However, the PRC 5024 MOU recognizes that not all properties possess potential

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<sup>5</sup> CSO responsibility and review period per Stipulation X.B.1

for historical significance. Caltrans PQS and qualified consultants are entrusted with the responsibility of determining whether cultural resources property types meet the terms of PRC 5024 MOU Attachment 4 and, if so, may exempt them from PRC 5024 evaluation. Measuring the time saved under this provision is difficult, but by roughly estimating the amount of time PQS or qualified consultants would have had to spend evaluating the resources, Caltrans saves from 20 to 60 hours per resource. CSO review is not required for exemptions of resources under this stipulation. However, CSO provides guidance and review when requested.

In order to plan for future inventories pursuant to PRC 5024(a) and (b) and to comply with W-26-92, Caltrans PQS are required to complete minimal information on the Office of Historic Preservation's DPR 523A Primary Record Form for PRC 5024 MOU Attachment 4 built-environment resource types 3 through 7. Exhibit 4.4: Minimal Recordation for Certain Exempted State-owned Resources, in Volume 2 of the Caltrans Standard Environmental Reference (SERv2) provides guidance on what to record. While it may take an hour or two to complete the Primary Record and upload it into the Caltrans Cultural Resources Database (CCRD), having information on the location and type of built environment resource will save time for future projects in that during background research PQS will know the resource was previously exempted and can avoid repeating the information.<sup>6</sup> In planning updates to its list of state-owned historical resources, Caltrans can save time by checking the CCRD to see whether the exempted resource continues to qualify as exempt or requires evaluation.

### **PRC 5024 MOU Stipulation VIII.C.3: Special Consideration for Certain Archaeological Properties**

Stipulation VIII.C.3 of the PRC 5024 MOU allows state-owned archaeological sites to be considered eligible for the NRHP or CHL without conducting subsurface test excavations to determine their historic significance when qualified PQS determine that a site can be protected from all project and activity effects

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<sup>6</sup> The CCRD is an electronic inventory of architectural and archeological cultural resources in the state right-of-way.

through designation of an ESA. Prior to the PRC 5024 MOU, Caltrans required evaluation of all sites within a PAL for historic significance through testing. The time saved is approximately 3-12 months per site by not having to conduct test excavations. In addition to the time-saving benefit, this PRC 5024 MOU provision advances Caltrans' environmental stewardship of state-owned archaeological sites, resulting in savings of resources and unnecessary expenditure of taxpayer dollars.

#### **PRC 5024 MOU Stipulation VIII.C.4: Considering a State-Owned Cultural Resource Eligible**

Stipulation VIII.C.4 of the PRC 5024 MOU allows Caltrans PQS to consider state-owned cultural resources as eligible for inclusion in the NRHP or eligible for registration as a CHL for the purposes of a project when special circumstances preclude their complete evaluation. Such circumstances include restricted access, large property size, or limited potential for effects. PQS are required to receive written approval from CSO for such assumptions of eligibility. Cultural resources treated under this stipulation may require consultation with SHPO at a later date.

#### **QUALITY ASSURANCE MEASURES**

Under the PRC 5024 MOU, Caltrans PQS have taken on much of the responsibility for ensuring that effects to state-owned historical resources are taken into account and that there is no loss in quality of work. CSO's commitment to ensure that PQS are trained to work within the terms of the PRC 5024 MOU is embodied in PRC 5024 MOU Stipulation XVIII. Caltrans and SHPO determine the type of training that is appropriate under this stipulation, which was developed to ensure that Caltrans makes training a priority. As the results of this report indicate, this responsibility is being handled competently but with recognition that ongoing communication and training are keys to continued success. To ensure that this level of quality continues, the following quality assurance measures were implemented during this reporting period:

- Annual training in use of the Section 106 PA and PRC 5024 MOU (required for new cultural staff before certification as PQS) delivered virtually January 26-27 and February 2-3, 2022.

- An in-person Functional Workshop training held May 3-6, 2022. for cultural resources staff statewide. The Workshop included a brainstorming session on the PRC 5024 MOU and Section 106 PA which served as an opportunity for the Districts to suggest prospective amendments and identify areas that may need additional guidance or clarification.
- CSO produced 6 editions of The Cultural Call CSO bulletin, a newsletter to discuss implementation and interpretation of policy and disseminate the information to PQS and other Caltrans staff statewide.
- CSO completed a multi-year effort to update the main body of guidance for cultural resources procedures, the SERv2.
- CSO, Districts, and Office of Historic Preservation (OHP) Project Review staff held quarterly statewide virtual meetings to discuss policy, procedures, and workload issues, including “mini-training” sessions.
- CSO staff peer reviews cultural resource studies as requested by the Districts.
- CSO reviews evaluation documents submitted directly to SHPO in accordance with Stipulation VIII.C.6 of the PRC 5024 MOU. CSO works with OHP, District PQS and managers as needed to correct deficiencies when encountered.
- CSO reviews and approves all No Adverse Effects and Adverse Effect reports for state-owned historical resources on and not on the Master List. Those that involved state-owned built environment resources on the Master List are reviewed by CSO prior to transmittal to SHPO.



Caltrans Cultural Resources staff at Folsom Powerhouse during the Cultural Functional Workshop, May 2022

### **PRC 5024 MOU Stipulation XIX.B**

Pursuant to Stipulation XIX.B of the PRC 5024 MOU, in consultation with the CSO Chief and the OHP Review and Compliance Unit Supervisor, the DEA Chief may place individual Caltrans Districts, Divisions, Offices, or Branches on probation, suspension, or removal from use of the PRC 5024 MOU. Consistent with previous reporting periods, there was no application of this stipulation during the current reporting period.

### **CONCLUSION**

The results of this report reveal that during this reporting period, Caltrans handled 1324 projects that involved state-owned cultural resources. A large percentage of these, 1028 (78 percent), qualified as Screened Projects and were exempted from further PCR 5024 review by PQS. The remaining 296 projects or activities that did not qualify for treatment under the screening provision were processed

by Caltrans Districts and/or CSO under the terms of the PRC 5024 MOU or required consultation with the SHPO for determination of eligibility or findings of effect. Caltrans submitted 42 projects involving state-owned cultural resources to the SHPO for review of a finding of effect. This figure includes projects that had federal funding and therefore used documentation prepared under the Section 106 PA or 36 CFR Part 800 to comply with PRC 5024, in accordance with Stipulation III of the PRC 5024 MOU.

It is Caltrans' finding that the PRC 5024 MOU continues to save significant time by streamlining the process for projects and activities with little or no potential to affect state-owned historical resources while maintaining Caltrans' standards of stewardship for important resources under its jurisdiction.