

PRC 5024 MOU APPENDICES

APPENDIX 1 CALTRANS PROFESSIONALLY QUALIFIED STAFF STANDARDS

As outlined in Stipulation V of this Memorandum of Understanding (MOU), all cultural resources studies carried out by Caltrans or its consultants must be conducted 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. The standards are designed to ensure program quality and satisfy state mandates associated with compliance with California Public Resources Code (PRC) 5024 and Executive Order W-26-92.

Caltrans meets these standards by certifying its cultural resources staff as Professionally Qualified Staff (PQS). In order to take full advantage of the provisions of this MOU, Caltrans PQS must meet the standards in the appropriate field. Those not fully qualified as archaeological Principal Investigators (PI) or Principal Architectural Historians (PAH) may accomplish many important tasks with oversight, generally in the form of peer review or under direct supervision by qualified staff. The Chief of the Cultural Studies Office in the Headquarters Division of Environmental Analysis is responsible for certifying the qualifications of all Caltrans PQS. Minimum qualifications are listed below for cultural resources staff conducting various tasks.

ARCHAEOLOGICAL QUALIFICATIONS STANDARDS

Archaeological Crew Member

Qualified to participate in archaeological surveys and excavations under the direction of a qualified Lead Archaeological Surveyor or higher. Minimum qualifications:

- A minimum of six weeks of supervised field training (including at least three weeks each of excavation and field survey) in time blocks of at least one week duration (field school or equivalent)

and

- A minimum of two upper division college courses in archaeology.

Lead Archaeological Surveyor

Qualified to conduct and report archaeological surveys, and to prepare other compliance documents, with peer review provided by a qualified Prehistoric or Historical Archaeology PI to ensure document quality. Minimum qualifications:

- A bachelor's degree in anthropology with emphasis in archaeology or closely related discipline (such as history or earth sciences) and subsequent coursework in archaeology (a minimum of four upper division or graduate courses in archaeology required)

and

- At least six months of professional archaeological experience in California or Great Basin, including at least 12 weeks of California field survey experience

and

- Demonstrated ability to organize and conduct archaeological surveys, complete site record forms, and report on survey findings dealing with both prehistoric and historical archaeological resources.

Co-Principal Investigator—Prehistoric Archaeology

Qualified as a Construction Monitor, PI for Extended Phase I studies, Co-PI for Phase II and III excavations for work involving prehistoric archaeological resources, and to conduct consultant oversight and contract management, under the direction of a Prehistoric Archaeology PI. May author proposals, reports for Extended Phase I studies, and other compliance documents, with peer review from a Prehistoric Archaeology PI to ensure document quality. Minimum qualifications:

- Qualification as a Lead Archaeological Surveyor for Caltrans

and

- At least 12 months of professional experience or specialized training in prehistoric archaeology, including: 1) at least 10 weeks of California or Great Basin excavation experience under the supervision of a Prehistoric Archaeology PI; 2) at least four weeks of supervised laboratory experience on collections from prehistoric California or Great Basin sites; and 3) at least four weeks of excavation experience in a supervisory capacity on prehistoric California or Great Basin sites

and

- Demonstrated ability to carry archaeological research to completion, as evidenced by the timely completion of an excavation report or comparable study involving a prehistoric site or sites

and

- Understanding of the PRC 5024 process and familiarity with cultural resources policies, procedures, and goals, as demonstrated in reports and/or past performance.

Co-Principal Investigator—Historical Archaeology

Qualified as a Construction Monitor and as Co-PI for Extended Phase I, Phase II, and Phase III excavations involving historical archaeological resources, and to conduct consultant oversight and contract management, under the direction of a Historical Archaeology PI. May author reports that evaluate historical archaeological resources where no excavation is required to reach a conclusion about their eligibility and other compliance documents. That work must be

peer reviewed by a Historical Archaeology PI to ensure document quality. Minimum qualifications:

- Qualification as a Lead Archaeological Surveyor for Caltrans

and

- At least 12 months of professional archaeological experience or specialized training dealing with historic-period resources including: 1) at least 10 weeks of excavation experience under the supervision of a Historical Archaeology PI; 2) at least four weeks of supervised laboratory experience on collections from historic sites; and 3) at least four weeks of excavation experience in a supervisory capacity on historic sites

and

- Demonstrated familiarity with California or Western U.S. history, documentary research, and oral history, as evidenced by upper division course work or a major research report or publication based on original research

and

- Demonstrated ability to carry archaeological research to completion, as evidenced by the timely completion of an evaluation or excavation report addressing a historic-period site or sites

and

- Understanding of the PRC 5024 process and familiarity with cultural resources policies, procedures, and goals, as demonstrated in reports and/or past performance.

Principal Investigator—Prehistoric Archaeology

Fully qualified under the Secretary of the Interior's standard for prehistoric archaeology to conduct all types of studies, including Extended Phase I, Phase II, and Phase III excavations, involving prehistoric archaeological resources and traditional cultural properties or cultural landscapes of a prehistoric or ethnographic nature. May author proposals, reports for Extended Phase I, II, and III studies, and other compliance documents, with peer review to ensure document quality. May conduct consultant oversight and contract management. Minimum qualifications:

- Graduate degree in anthropology, archaeology, or cultural resources management with an emphasis in prehistoric archaeology, as evidenced by appropriate coursework

and

- At least 16 months of professional archaeological experience involving prehistoric sites, including a minimum of one year of field experience, as follows: 1) at least 24 weeks of fieldwork under the supervision of a Prehistoric Archaeology PI, of which at least 12 weeks must be excavation work; 2) at least eight weeks of laboratory experience on collections from California or Great Basin sites supervised by a Prehistoric Archaeology

PI; and 3) at least 20 weeks of field work in a supervisory capacity, of which at least eight weeks must be on California or Great Basin sites

and

- Demonstrated ability to carry out archaeological research to completion, as evidenced by the completion of a thesis, dissertation, or other comparable major study focusing on a prehistoric site or sites

and

- Ability to carry out the more complex and difficult aspects of the PRC 5024 process

and

- Understanding of Caltrans cultural resources policies, procedures and goals, as demonstrated in reports and/or past performance

and

- Familiarity with Caltrans cultural resources contracting policies and procedures.

Principal Investigator—Historical Archaeology

Fully qualified under the Secretary of the Interior's standard for historical archaeology to conduct all types of studies, including Extended Phase I, Phase II, and Phase III excavations, involving historical archaeological resources and historic-period traditional cultural properties or cultural landscapes. May author proposals, reports for Extended Phase I, II, and III studies, and other compliance documents, with peer review to ensure document quality. May conduct consultant oversight and contract management. Minimum qualifications:

- Graduate degree in anthropology, archaeology, cultural resources management, or a closely related field with an emphasis in historical archaeology, as evidenced by a minimum of 12 upper division semester units (or equivalent) in history and the theory and methods of historical archaeology, or equivalent knowledge as shown in a thesis or dissertation or major report evaluating historical archaeological properties

and

- At least 16 months of professional archaeological experience involving historical sites, including a minimum of one year of field experience, as follows: 1) at least 12 weeks of fieldwork under the supervision of a Historical Archaeology PI, of which at least 6 weeks must be excavation work; 2) at least 4 weeks of laboratory experience on collections from California sites, supervised by a Historical Archaeology PI; and 3) at least 20 weeks of field work in a supervisory capacity, of which at least eight weeks must be on California sites

and

- Demonstrated familiarity with California or Western U.S. history, documentary research, and oral history techniques, as evidenced by upper division course work or a major research report or publication based on original research
- and*
- Demonstrated ability to carry out archaeological research to completion, as evidenced by the completion of a thesis, dissertation, or other comparable major study focusing on a historic-period site or sites
- and*
- Ability to carry out the more complex and difficult aspects of the PRC 5024 process
- and*
- Understanding of Caltrans cultural resources policies, procedures, and goals, as demonstrated in reports and/or past performance
- and*
- Familiarity with Caltrans cultural resources contracting policies and procedures.

ARCHITECTURAL HISTORIAN QUALIFICATIONS STANDARDS

Architectural Historian

Qualified to evaluate historic properties, other than archaeological resources. May prepare evaluation reports for all types of non-archaeological resources and other compliance documents, and conduct consultant oversight and contract management, with peer review by a Principal Architectural Historian to ensure document quality. Minimum qualifications:

- A graduate degree in architectural history, art history, architecture, or a closely related field, with a concentration in American architecture; or a graduate degree in American history, public history, historic preservation, American studies, or a closely related field; or a bachelor's degree in one of the above disciplines, plus 12 months of full-time related professional experience in research, writing, teaching, interpretation, or other related professional activity
- and*
- Demonstrated ability to apply the practices of architectural history in the identification, evaluation, and documentation of historic properties in California or the United States; or demonstrated familiarity with U.S. history, documentary research, and oral history techniques, as evidenced by upper division course work or a major research report or publication based on original research
- and*
- Demonstrated ability to carry historical research to completion, as evidenced by the timely completion of a major research report or publication based on original research

and

- Understanding of the PRC 5024 process and familiarity with cultural resources policies, procedures, and goals, as demonstrated in reports and/or past performance.

Principal Architectural Historian

Fully qualified under the Secretary of the Interior's standard for architectural historians. Able to conduct all types of studies involving historic-period resources, including traditional cultural properties and cultural landscapes, other than archaeological properties. May author evaluation reports and other compliance documents, with peer review to ensure document quality. May conduct consultant oversight and contract management. May determine applicability of Environmentally Sensitive Areas as described in Appendix 5. Minimum qualifications:

- A graduate degree in architectural history, art history, architecture, or a closely related field, with a concentration in American architecture; or a graduate degree in American history, public history, historic preservation, American studies, or a closely related field, and at least 24 months of full-time related professional experience in research, writing, teaching, interpretation, or other related professional activity; or a bachelor's degree in one of the above disciplines, plus 24 months of full-time related professional experience in research, writing, teaching, interpretation, or other related professional activity

and

- Demonstrated ability to apply the practices of history or architectural history in the identification, evaluation, and documentation of historic properties in California or the United States; or demonstrated familiarity with U.S. history, documentary research, and oral history techniques, as evidenced by upper division course work or a major research report or publication based on original research

and

- Demonstrated ability to carry historical research to completion, as evidenced by the timely completion of a thesis, dissertation, or other comparable major study consisting of the design and execution of a historical study concerning a historic-period property or properties

and

- Ability to carry out the more complex and difficult aspects of the PRC 5024 process

and

- Understanding of Caltrans cultural resources policies, procedures, and goals, as demonstrated in reports and/or past performance

and

- Familiarity with Caltrans cultural resources contracting policies and procedures.

APPENDIX 2 SCREENED PROJECTS AND ACTIVITIES

Screened projects and activities are those that have the potential to affect state-owned historical resources, but following appropriate screening, may be determined exempt from further PRC 5024 review under this MOU. [Caltrans PQS may only determine the undertaking to be exempt if, after screening, they determine that the project has no potential to affect state-owned historical resources.](#)

This Appendix applies only when the project or activity is limited exclusively to one or more of the activities listed below. If the Caltrans PQS determines that the project or activity has potential to affect state-owned historical resources, additional PRC 5024 review will be required following the steps outlined in Stipulation VII of this MOU.

The Caltrans PQS is responsible for screening individual projects or activities that fall into one or more of the types of screened projects or activities listed below to determine whether the individual project or activity requires further consideration, or if whether may be determined exempt from further review under the terms of this MOU, as prescribed by Stipulation VII. Only Caltrans PQS may determine that a project or activity is exempt from further review as a result of screening.

Except for minor maintenance on historic bridges and tunnels, as outlined in the *Caltrans Standard Environmental Reference Volume 2-Cultural Resources* (SER Volume 2) Exhibit 7.3—Historic Bridges and Tunnels: Screened Undertakings and Activities, the project or activity will not qualify as exempt from further review if there may be state-owned historical resources present that could be affected.

A project or activity will not qualify as exempt from review when conditions must be imposed to ensure that potential state-owned historical resources would not be affected.

All features of the project or activity, including the identification of mandatory and/or designated storage, disposal, or borrow areas, depth of disturbance, and construction easements, must be identified prior to the screening process. If additional features are added to a screened project or activity, the project or activity must be rescreened.

THE SCREENING PROCESS

The screening process may include one or more of the following procedures. The process is neither limited to the steps below, nor are all these steps required for all projects and activities. Screening should be appropriate to the specific complexity, scale, scope, and location of the project or activity. Screening may include:

- Literature/records review to determine potential for involvement of historical resources.
- Contacting California Native American Tribes, [as defined in California Public Resources Code § 21073](#), who are traditionally affiliated with the project area and inviting them to consult on the project.

- Field review of project area.
- Reviewing detailed project plans.
- Contacting local historical societies, or other potential consulting parties who may have concerns.
- Reviewing aerial photographs, Caltrans photologs, historic maps, or as-built records.
- Reviewing right-of-way, assessment parcel, or ownership data.
- Reviewing character-defining features of historic bridges and tunnels.

Based on the outcome of the screening process, the Caltrans PQS may determine that individual projects or activities are exempt from further review as there is no potential to affect state-owned historical resources.

The Caltrans PQS prepares a Screening Memo to the project planner for inclusion in the Caltrans District project file to document completion of the PRC 5024 process for applicable types of screened projects or activities and no further review will be necessary.

TYPES OF SCREENED PROJECTS AND ACTIVITIES

1. Pavement reconstruction, resurfacing, shoulder backing, or placement of seal coats.
2. Minor widening of less than one-half-lane width, adding lanes in the median, or adding paved shoulders.
3. Channelization of intersections or addition of auxiliary lanes.
4. Establishment of chain control areas, park-and-ride lots, or maintenance pullouts.
5. Minor modification of interchanges and realignments of on/off ramps.
6. Minor utility installation, maintenance, or relocation.
7. Installation of noise barriers or retaining walls.
8. Addition of bicycle lanes or pedestrian walkways.
9. Storm damage repairs, such as culvert clearing or repair, disposal or stockpile locations, shoulder reconstruction, or slide or debris removal.
10. Repair of the highway and its facilities.
11. Modification of existing features, such as slopes, ditches, curbs, sidewalks, driveways, dikes, or headwalls, within or adjacent to the right of way.
12. Minor operational improvements, such as culvert replacements and median or side-ditch paving.
13. Addition or replacement of devices, such as glare screens, median barriers, fencing, guardrails, safety barriers, energy attenuators, guide posts, markers, safety cables, ladders, lighting, hoists, or signs.

14. Installation, removal or replacement of roadway markings, such as painted stripes, raised pavement markers, thermoplastic tape, or raised bars, or installation of sensors in existing pavements.
15. Abandonment, removal, reconstruction, or alteration of railroad grade crossings or separations or grade crossing protection.
16. Minor alteration or widening of existing grade separations where the primary function and utility remain unaltered.
17. Additions or alterations to existing buildings, such as work on or in office or equipment buildings, maintenance stations, warehouses, roadside rests, vista points, minor transit facilities, weigh and inspection stations, toll facilities, or state-owned rentals.
18. Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety.
19. Any work on Category 5 bridges, including rehabilitation or reconstruction. Does not include bridge replacement.
20. Modification of traffic control systems or devices utilizing existing infrastructure, including installation, removal, or modification of regulatory, warning, or informational signs or signals.
21. Installation of freeway surveillance or ramp metering equipment.
22. Replacement of existing highway signs.
23. Removal or control of outdoor advertising.
24. Projects that eliminate non-fixed hazards, such as removal of objects on roadway, traffic accident cleanup, hazardous waste removal, or fire control.
25. Establishment, replacement, or removal of landscaping, vegetation, or irrigation systems on state or local public property, including highway and local roads rights of way and building sites.
26. Construction or repair of fish screens or ladders, springs, waterholes, or stream channels (e.g., clearing of debris from streams, ditches, or culverts).
27. Right-of-way activities such as sliver takes, perfection, hardship acquisition or acquisition of scenic or conservation easements.
28. Joint or multiple use permits with other agencies or encroachment permits.
29. Preliminary engineering tests, such as seismic, geologic, or hazardous materials testing that involve buildings or structures or require trenching or ground boring.
30. Minor maintenance on historic bridges and tunnels.

APPENDIX 3 PROJECT AREA LIMITS DELINEATION

In accordance with the Stipulations VI.C.3 and VIII.A of this (MOU), Caltrans will establish the Project Area Limits (PAL) for projects and activities covered by this MOU. The Caltrans PQS and project manager are jointly responsible for describing and establishing a PAL and will sign any maps or plans that define or redefine a PAL.

When the guidelines below are followed, specific consultation with the SHPO regarding PALs and level of effort typically will not be necessary. Consultation with the SHPO may be needed for large and complex projects or activities when there are issues of access for inventory and evaluation, when there is potential for visual or indirect effects, when there are concerns over delineating whole state-owned cultural resources, or when there is public controversy such as potential for litigation, concerns expressed by outside parties, or issues related to Native American consultation. Caltrans shall consider the results of consultation with Indian tribes regarding identification of state-owned cultural resources when delineating the PAL.

PAL DEFINITION

A PAL is the geographic area or areas within which a project or activity may directly or indirectly cause alterations in the character or use of state-owned historical resources, if any such resources exist. The PAL is influenced by the scale and nature of a project or activity and may be different for different kinds of effects caused by the project or activity.¹ A PAL therefore depends on a project or activity's potential for effects. Effects to be considered may include, but are not limited to, physical damage or destruction of all or part of a resource; physical alterations; moving or realigning a state-owned historical resource; isolating a state-owned cultural resource from its setting; visual, audible, or atmospheric intrusions; shadow effects; vibrations; and change in access or use.

PAL BOUNDARIES

A PAL delineates the boundaries within which it can be reasonably expected that a proposed project or activity has the potential to affect state-owned historical resources, should any be present. It may be the right of way itself or an area either more or less than the right of way, depending on the scope and design of the project or activity.

A PAL should include the entirety of current or future right of way that will be accessible and available for use during the implementation of the any project activities; however, a PAL may extend well beyond the right of way. It must include all construction easements, such as slope and drainage easements, stormwater detention basins, off-site biological mitigation sites requiring ground disturbance, and mandatory or designated borrow and disposal sites. It may include project-related activity areas such as utility relocations, access roads, equipment

¹ Based on the definition found in 36 Code of Federal Regulations 800.16(d)

storage or staging areas, or conservation or scenic easements. Consideration should be given for other jurisdictional areas, such as the U.S. Army Corps of Engineers (Corps) permit area. The Corps permit area consists of those areas comprising the waters of the United States that will be affected by the proposed work and structures and uplands directly affected as a result of authorizing the work or structure.

EFFECT TYPES

Direct effects can be physical, such as ground disturbance or vibration from construction activities, or non-physical, such as the introduction of new visual or audible elements. Non-physical effects may extend beyond the right of way to encompass visual, audible, or atmospheric intrusions. These must be considered carefully when delineating a PAL boundary, particularly for potential audible and visual effects, taking into account proximity and use of adjoining properties, the surrounding topography, and other aspects of a property's setting.

Noise: When considering potential noise effects, there must be a reasonable basis for predicting an effect based on an increase over existing noise level. Noise effects should be considered when a project would result in a new through lane or a substantial change in vertical or horizontal alignment. Temporary noise effects from construction activity or traffic diversions should also be considered as a potential effect.

Visual: Highways on new alignments, multi-level structures, elevated roadways, or new vertical elements are considered to have potential for visual effects if they could be out of character with or intrude upon a historic property or isolate it from its setting. Projects for improvement or expansion of existing transportation facilities that will not substantially deviate from existing alignment or profile are not expected to involve visual impacts.

Indirect effects are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable. Examples of indirect effects may include erosion within an archaeological site resulting from changes in drainage patterns due to an undertaking, potential looting resulting from increased access, or destruction of a building due to changes in ownership or neglect. These types of effects must also be considered carefully when delineating an APE, taking into account reasonably foreseeable future changes in land use or access to properties near the undertaking.

PROJECT CHANGES AND PAL REVISIONS

Whenever a project or activity is revised (e.g., design changes, utility relocation, or additional off-site mitigation areas), including revisions during construction, Caltrans PQS will determine whether the changes require modifying the PAL. If a PAL needs to be modified, either increased or decreased in scope, Caltrans is responsible for informing any consulting parties and completing additional studies or effects assessments as appropriate, consistent with the Stipulations of this MOU. The PAL shall be revised commensurate with the nature and scope of the changed potential effects.

APPENDIX 4

STATE-OWNED CULTURAL RESOURCES EXEMPT FROM EVALUATION

Under PRC 5024(b), Caltrans is required to “inventory all state-owned structures over 50 years of age under its jurisdiction listed in or which may be eligible for inclusion in the National Register of Historic Places or registered or which may be eligible for registration as a state historical landmark. State-owned structures in freeway rights-of-way shall be inventoried before approval of any undertaking which would alter their original or significant features or fabric, or transfer, relocate or demolish those structures.” In addition, under PRC 5024(e), Caltrans is required to submit annual inventory updates to the State Historic Preservation Officer (SHPO).

The procedures in this appendix enable Caltrans PQS to concentrate their efforts on state-owned cultural resources that have the potential to be state-owned historical resources by identifying categories of cultural resources that have no potential to be a state-owned historical resource. Thus, all state-owned cultural resources, with few exceptions noted below, at a minimum must be recorded.

State-owned cultural resources should be evaluated only if Caltrans PQS or appropriately-qualified consultants reasonably determine that the resource has potential for historic significance under the National Register of Historic Places (National Register) eligibility criteria or under the California Historical Landmark (CHL) registration criteria. Evidence of such potential consists of associations with significant historic events or individuals (Criterion A or B and CHL Criteria 1 or 2); engineering, artistic, design, or aesthetic values (Criterion C and CHL Criterion 3); information value (Criterion D; there is no counterpart for the CHL); the presence of tribal or community concerns; or inclusion as a potential contributing element within a larger state-owned cultural resource requiring evaluation, such as a historic district.

This appendix defines categories of cultural resources that do not warrant evaluation pursuant to Stipulation VIII. C.1 of this MOU. If documentation is warranted, exempted state-owned cultural resources may be recorded at a level commensurate with the nature of the resource, for example, recordation in the Historical Resources Compliance Report (HRCR) or Historic Property Survey Report (HPSR), and/or on a DPR 523 Primary Record form included in or created by the Caltrans Cultural Resources Database (CCRD).

ARCHAEOLOGICAL RESOURCES (PREHISTORIC AND HISTORICAL)

Only Caltrans PQS or consultants who meet the Caltrans Archaeological Qualification Standards (Appendix 1) for Co-Principal Investigator and above are authorized to determine whether the archaeological resource types or features listed below may be exempted from evaluation. Professional judgment should be used as to the level of identification and recordation. This exemption process does not include archaeological sites or other cultural remains or features that may qualify as contributing elements of districts. Additional documentary research may be

needed to determine whether the property meets the exemption criteria, particularly when looking for a specific association.

Exempted state-owned archaeological resources are documented at a level commensurate with the nature of the property [e.g., on a DPR 523 Primary Record form included in or created by the CCRD].

Archaeological Resource Types and Features Exempt from Recordation and Evaluation:

- Isolated prehistoric finds consisting of fewer than three items per 100 square meters
- Isolated historic finds consisting of fewer than three artifacts per 100 square meters (e.g., several fragments from a single glass bottle are one artifact)
- Refuse scatters less than 50 years old (scatters containing no material that can be dated with certainty as older than 50 years old)
- Features less than 50 years old (those known to be less than 50 years old through map research, inscribed dates, etc.)
- Isolated refuse dumps and scatters over 50 years old that lack specific associations
- Isolated mining prospect pits
- Placer mining features with no associated structural remains or archaeological deposits
- Foundations and mapped locations of buildings or structures more than 50 years old with few or no associated artifacts or ecofacts, and with no potential for subsurface archaeological deposits

BUILT-ENVIRONMENT RESOURCES

Because the Caltrans Historic Bridge Inventory is regularly updated, Category 5² state-owned bridges and culverts with bridge numbers are already included in the CCRD and do not need to be recorded on a DPR 523 Primary Record. However, they need to be listed in “Section 9: Findings for State-owned Properties” of the Historic Property Survey Report (HPSR) or “Section 9: State-owned Historical Resources Findings” of the Historical Resources Compliance Report (HRCR).

Built-Environment Resource Types Exempt from Evaluation:

Built-Environment Resource Types 1 and 2 will not require evaluation or recordation, except as noted below. Only Caltrans PQS or consultants who meet the Caltrans Professional Qualifications Standards (Appendix 1) for Architectural Historian and above or Lead Archaeological Surveyor and above are authorized to determine which state-owned built-

² In the California Historic Bridge Inventory, Category 5 means that a bridge, culvert or tunnel has been determined ineligible for inclusion in the National Register of Historic Places.

environment resources fall under Resource Types 1, 2, or 3 and are therefore exempt from evaluation.

Resource Type 1: State-owned Minor, ubiquitous, or fragmentary infrastructure elements exempt from recordation and evaluation

Resource Type 1 built environment cultural resources are exempted from recordation and evaluation and their addresses or locations do not need to be included in the CCRD and listed in “Section 9: Findings for State-owned Properties” of the Historic Property Survey Report (HPSR) or “Section 9: State-owned Historical Resources Findings” of the Historical Resources Compliance Report (HRCR), but the HRER and HRCR should mention that there are Type 1 built environment resources in the Project Area Limits.

The following list does not apply to state-owned cultural resources that are 50 years old or older *and* could be potentially important, nor does it apply to state-owned cultural resources that may contribute to the significance of larger historical resources such as districts or cultural landscapes.

State-Owned Water Conveyance and Control Features:

- natural bodies of water providing a water source, conveyance, or drainage
- modified natural waterways
- concrete-lined canals less than 50 years old and fragments of abandoned canals.
- roadside drainage ditches and secondary agricultural ditches
- small drainage tunnels
- flood storage basins
- reservoirs and artificial ponds
- levees and weirs
- gates, valves, pumps, and other flow control devices
- pipelines and associated control devices
- water supply and waste disposal systems

Recent State-Owned Transportation or Pedestrian Facilities:

- railroad grades converted to other uses, such as roads, levees, or bike paths
- light rail systems, including shelters, benches, and platforms
- bus shelters and benches
- airstrips and helicopter landing pads
- vista points and rest stops
- toll booths

- truck scales and inspection stations
- city streets, alleys, and park strips
- sidewalks, curbs, berms, and gutters
- bike paths, off-road vehicle trails, equestrian trails, and hiking trails
- parking lots and driveways

State-Owned Highway and Roadside Features:

- isolated segments of bypassed or abandoned roads
- retaining walls
- curbs, gutters, and walkways
- highway fencing, soundwalls, guard rails, and barriers
- drains and culverts, excluding culverts assigned a Caltrans bridge number
- cattle crossing guards
- roadside, median, and interchange landscaping and associated irrigation systems
- street furniture and decorations
- signs and reflectors
- parking meters
- street lighting and controls
- traffic lights and controls
- highway operation control, maintenance, and monitoring equipment
- telecommunications services, including towers, poles, dishes, antennas, boxes, lines, cables, transformers, and transmission facilities
- utility services, including towers, poles, boxes, pipes, lines, cables, and transformers
- oil and gas pipelines and associated control devices

Adjacent State-Owned Features:

- fences, walls, gates, and gateposts
- isolated rock walls and stone fences
- telephone booths, call boxes, mailboxes, and newspaper receptacles
- fire hydrants and alarms
- markers, monuments, signs, and billboards
- fragments of bypassed or demolished bridges

- temporary roadside structures, such as seasonal vendors' stands
- pastures, fields, crops, and orchards
- corrals, animal pens, and dog runs
- open space, including parks and recreational facilities
- building and structure ruins and foundations

Movable or Minor Objects:

- movable vehicles
- stationary vehicles less than 50 years old or moved within the last 50 years
- agricultural, industrial and commercial equipment and machinery
- sculpture, statuary, and decorative elements less than 50 years old or moved within the last 50 years.
- isolated mobile homes not within a mobile home park.

Resource Type 2: State-Owned Buildings, structures, objects, districts, and sites less than 30 years old

State-owned built-environment resources less than 30 years old may be exempted from evaluation, but their addresses or locations must be listed in “Section 9: Findings for State-owned Properties” of the Historic Property Survey Report (HPSR) or “Section 9: State-owned Historical Resources Findings” of the Historical Resources Compliance Report (HRCR). If the age of a resource is not readily discernible the date of construction may be confirmed by the district right-of-way files or other sources, such as USGS quadrangle maps or building permits, or by consulting a qualified Architectural Historian.

State-Owned Built-Environment Resource Types 3 through 7 Require Recordation

As stated above under the heading “Built Environment Resources,” Category 5 bridges and culverts with bridge numbers do not need to be recorded on a DPR 523 Primary Record. For PRC 5024 inventory purposes, other state-owned built-environment resources types 3 through 7 must be recorded on DPR 523 Primary Record forms that are included in or created by the CCRD, and their addresses or locations noted in “Section 9: Findings for State-owned Properties of the HPSR or “Section 9: State-owned Historical Resources Findings” of the HRCR. No other DPR 523 form types are to be used. When the project or activity is the transfer of state-owned property out of Caltrans ownership, the location/address for Resource Types 3 through 6 need only be listed in the HRCR as noted above.

Resource Type 3: State-Owned Buildings, structures, objects, districts, and sites so altered as to appear less than 30 years old

Substantially altered state-owned resources that appear to be less than 30 years old (i.e. contemporary structures) may be exempted from evaluation, A qualified Architectural Historian shall review altered resources if they are listed in a local survey of historical properties, or if the extent of alterations or the age of a property is not readily discernible.

State-Owned Built-Environment Resource Types Exempt from Evaluation after Review by Qualified Architectural Historians:

State-Owned built-environment resource Types 4, 5, 6, and 7, described below, may be exempted from evaluation after review by one of the following qualified professionals: Caltrans Architectural Historians or Principal Architectural Historians, or Caltrans consultants who have been certified as meeting Caltrans architectural historian professional standards.

Resource Type 4: State-Owned Buildings, structures, objects, districts, and sites 30 to 50 years old

State-owned resources between 30 and 50 years old may be exempted from further evaluation. Consideration will be given to state-owned resources that may have achieved exceptional significance within the last 50 years, in accordance with National Register Bulletin 22.

Resource Type 5: State-Owned Buildings, structures, and objects moved within the past 50 years

State-owned resources that have been moved are not usually eligible for the National Register, with the exceptions noted in “Criteria Consideration B: Moved Properties” of National Register Bulletin 15. Therefore properties that were moved within the past 50 years may be exempted from evaluation. Resources moved more than 50 years ago shall be formally evaluated, unless they also qualify as resource types exempted from evaluation (e.g., a building moved before its period of significance but has since lost integrity through alterations) but the resources must be recorded on DPR 523 Primary Record forms that are included in or created by the CCRD, and their addresses or locations noted in the “Section 9: Findings for State-owned Properties of the HPSR or “Section 9: State-owned Historical Resources Findings” of the HRCR. Caltrans qualified Architectural Historians have discretion to identify and evaluate properties moved less than 50 years ago when there is demonstrable evidence to indicate that such identification and evaluation are warranted.

Resource Type 6: Altered State-Owned buildings, structures, objects, districts, and sites whose alterations appear to be more than 30 years old

State-owned resources that are more than 30 years old and have been substantially altered may be exempted from evaluation. Such resources may include roads and highways with

associated features other than bridges, and railroads with associated features other than buildings or bridges. However, altered state-owned resources should be evaluated if they are listed in a local survey of historical properties or if eligibility conclusions might be controversial.

Resource Type 7: Post-World War II builders' houses and housing tracts

State-owned builders' houses or tract houses (not including unique, architect-designed houses) within housing tracts constructed after World War II may be exempted from evaluation when sufficient historical research and reconnaissance survey have been conducted to determine that:

1. The tract as a whole has no demonstrable potential to meet any of the National Register criteria as a historic district, and
2. No portion of the tract has demonstrable potential to meet any of the National Register criteria as a historic district, and
3. The individual houses have no demonstrable potential to meet any of the National Register criteria.

Consideration of potential significance shall be based on *Tract Housing in California, 1945-1973: A Context for National Register Evaluation* (Caltrans 2011).

APPENDIX 5 FINDINGS OF NO ADVERSE EFFECT WITH STANDARD CONDITIONS

This appendix identifies three standard conditions that can be used to make a finding of “No Adverse Effect with Standard Conditions” in accordance with Stipulation X.B.1.a-c. Caltrans may propose that additional standard conditions be included by revision of this appendix in accordance with Stipulation X.B.1.d.

ENVIRONMENTALLY SENSITIVE AREAS AS A STANDARD CONDITION

Environmentally Sensitive Areas (ESAs) are locations of state-owned archaeological sites, cultural sites or built-environment resources within the Project Area Limit (PAL) that are to be protected through avoidance of activities. ESAs typically use fencing, flagging, signing, or monitoring to protect cultural resources from direct physical damage by project activities.

Vegetation Management ESAs (VMESA) are locations of certain sites within the PAL that are protected from adverse effects by restrictions on vegetation management actions, but do not require complete avoidance as with standard ESAs. Vegetation Management ESAs may only be used when a project’s activities are limited to vegetation management in support of fire prevention. Assumptions of eligibility in conjunction with VMESAs require CSO approval, pursuant to Stipulation VIII.C.4. Vegetation Management ESAs cannot be used to protect state-owned archaeological sites with delicate or easily breakable surface artifacts, such as historic-era can deposits. Activity within a VMESA must be limited to foot traffic and hand clearing of vegetation above ground level. Activities that may cause ground disturbance, such as tree dragging, root removal, or vehicle/equipment access, are not permitted within a VMESA.

Caltrans PQS in the appropriate discipline (or local agency with Caltrans PQS oversight) will develop and provide ESA and/or VMESA information to Project Development, Construction, and Maintenance Division personnel to protect state-owned cultural resources during project activities through implementation of an ESA Action Plan. Project Development shall include ESA information in construction plans, contract provisions, the Environmental Commitment Record (ECR) and the Pending File of the project’s Resident Engineer (RE). During construction, the project RE shall ensure that contractors comply with the ESA requirements in the contract provisions. The Caltrans District Environmental Branch shall monitor construction and maintain contact with the RE on ESA compliance. For Local Assistance projects that affect state-owned cultural resources, Caltrans PQS shall ensure the local agency monitor their construction contractor to ensure compliance with all ESA requirements.

State-owned archaeological sites that can be protected from any effects by ESAs may be considered eligible for the purposes of the project or activity without subsurface excavation and/or surface collection in accordance with Stipulation VIII.C.3. Cultural sites that can be protected by ESAs, as well as archaeological and cultural sites that can be protected from adverse effects by VMESAs, may be considered eligible for the purposes of the project or activity in accordance with Stipulation VIII.C.4-

ESAs as a standard condition may be applied to sites with cultural values that may be associated with non-material components (e.g. cultural site with significance under Criterion A) only where the ESA or VMESA protects those values from all adverse effects. That determination must be made by a Principal Investigator in the applicable discipline (Prehistoric or Historical Archaeology), and as appropriate, after consultation with Indian tribes that may attach religious or cultural values to the resource or other consulting parties.

State-owned built-environment resources, regardless of ESA protection, must be evaluated for National Register and CHL eligibility unless approved in consultation with CSO pursuant to Stipulation VIII.C.4. As ESAs are designed to protect resources from direct physical effects, they may only be applied to built-environment resources when a PQS Principal Architectural Historian determines that the project or activity will not cause non-physical effects to the built-environment resource. If that potential exists, the Caltrans District shall proceed in accordance with Stipulation X.B.2.

The delineation of an ESA or VMESA may be used to determine a finding of “No Adverse Effect with Standard Conditions” in accordance with Stipulation X.B.1.a or X.B.1.b, provided that all of the following conditions are met and have been approved by the appropriate Caltrans PQS:

- A. Adequate information is available to accurately delineate the resource boundary in relation to the anticipated project impacts and to identify contributing features of the resource. This information may be obtained from literature review, surface survey, subsurface testing, historical research, and/or consultation with Indian tribes.
- B. The scope and design of the project or activity are sufficiently developed and detailed to ensure that the resource will be protected from all adverse effects.
- C. All protection measures are defined (e.g., signing, staking, fencing, monitoring provisions) and included in the final construction plans, contract provisions, Environmental Commitment Record (ECR) and RE’s Pending File. For Local Assistance projects that affect state-owned cultural resources, Caltrans PQS shall ensure the local agency complies with all ESA requirements.
- D. A clear chain of command is established identifying specific tasks, responsibilities and contact information for each Caltrans or local agency staff, consultant or other party in the chain.
- E. An ESA Action Plan is developed to ensure that provisions for protection are carried out and will be documented in accordance with Stipulation XVII. This ESA Action Plan shall be attached to the “No Adverse Effect with Standard Conditions- ESA” finding.

Delineation of an ESA or VMESA may also be used as an element of protection for a state-owned historical resource when specifically provided for by a condition in a finding of “No Adverse Effect” pursuant to Stipulation X.B.2, or as part of mitigation of adverse effects when specifically provided for in the mitigation section of the Historical Resources Compliance Report and Environmental Commitment Record developed pursuant to Stipulation X.C.

Caltrans District PQS shall report all ESA/VMESA violations to CSO within 48 hours. Caltrans Districts shall report violations where state-owned cultural resources are impacted in accordance with Stipulation XIV.B.

**SECRETARY OF THE INTERIOR’S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES
AS A STANDARD CONDITION**

Use of the Secretary of the Interior’s Standards for the Treatment of Historic Properties (SOIS) to avoid adverse effects may be considered a standard condition when an project or activity’s activities are limited to the stabilization, maintenance, repairs, rehabilitation, or alteration of state-owned historical resources and these activities are completed in a manner consistent with the SOIS, the applicable SOIS guidelines, National Park Service Preservation Briefs, and applicable Caltrans guidance.

Because the SOIS are used mainly to avoid adverse effects to historic state-owned built-environment resources, they must be reviewed and approved by a Caltrans Principal Architectural Historian. Although rarely used for state-owned archaeological and cultural sites that are listed on or eligible for listing on the National Register of Historic Places (NRHP) or registration as a California Historical Landmark (CHL), use of the SOIS may be applied only when deemed appropriate by a Principal Investigator in Prehistoric or Historical Archaeology.

Application of the SOIS may be used to determine a finding of “No Adverse Effect with Standard Conditions” in accordance with Stipulation X.B.1.c, provided that all of the following conditions are met and have been approved by the Caltrans PQS Principal Architectural Historian:

- A. Adequate information is available to identify the character-defining features of the state-owned historical resource and accurately determine the scope of construction activities and their impacts on the resource. Information on the state-owned historical resource’s character defining or essential physical features may be obtained from the NRHP or CHL nomination form for a listed resource, the NRHP or CHL determination of eligibility documentation, including the resource’s DPR 523 form(s), or character defining features summary form, if one has been prepared.
- B. The scope and design of the project or activity are sufficiently developed and detailed to ensure that the proposed work can meet the SOIS, and an analysis of the proposed work and how it meets the specific SOIS is reviewed and approved by a Caltrans PQS Principal Architectural Historian.
- C. For code-related issues when use of prevailing codes and standards could result in an adverse effect or damage to the character-defining features of a state-owned historical resource, consultation with the Executive Director of the State Historical Building Safety Board has been completed and documented, and alternative provisions of the California Historical Building Code have been incorporated into the project or activity design and plans to avoid adverse effect to a state-owned historical resource.
- D. All appropriate protection and avoidance measures are defined, including whether any materials testing is necessary, in sufficient detail in the plans and specifications provided, or to be provided for PQS review, and this information included in the final

construction plans, contract provisions, Environmental Commitment Record and RE's Pending File. For Local Assistance projects that affect state-owned historical resources, Caltrans PQS shall ensure the local agency complies with all ESA requirements.

- E. A clear chain of command is established identifying specific tasks, responsibilities and contact information for each Caltrans or local agency staff, consultant or other party in the chain.
- F. A SOIS Action Plan is developed to ensure that provisions for protection are carried out and will be documented in accordance with Stipulation XVII. This SOIS Action Plan shall be attached to the "No Adverse Effect with Standard Conditions– SOIS" finding.

During construction, the project RE shall ensure that contractors comply with the SOIS Action Plan guidelines in the contract provisions. The Caltrans District Environmental Branch shall monitor construction and maintain contact with the RE on the SOIS Action Plan compliance. For Local Assistance projects that affect state-owned historical resources, Caltrans PQS shall ensure the local agency complies with all SOIS Action Plan requirements.

3. TRANSFERS OF LOCALLY-DESIGNATED STATE-OWNED HISTORICAL RESOURCES (CLG DESIGNATION)

Under California law, local agency historic preservation ordinances are commonly used tools that cities and counties may use to protect from demolition, destruction or incompatible alterations those resources within their jurisdictions that are valued by their constituents as significant historical resources. Common components of these ordinances include the establishment of a commission to develop local eligibility criteria and a process by which to designate resources, review guidelines for proposed demolitions and alterations, professional qualifications standards for those who review designations and proposed work, a public participation process, and enforceable penalties for noncompliance. Certified Local Governments (CLG)³ and their historic preservation ordinances meet National Park Service standards and requirements.

A CLG designation may be used to determine a "No Adverse Effect with Standard Conditions" in accordance with Stipulation X.B.1.c for state-owned historical resources that will be transferred or relinquished to a local agency or private owner when the state-owned resource has been designated by a CLG under its ordinance⁴ and the designation is completed prior to the transfer or relinquishment of the resource.

³ A CLG is general purpose political subdivision with land-use authority, such as a city or county, that has a historic preservation ordinance and commission, a system for identifying historic properties, enforceable legislation to designate and protect historic properties, and a public participation process that has been certified by the National Park Service as meeting its CLG requirements, and that is overseen by the SHPO as continuing to meet these requirements.

⁴ This may be either an individual designation, or designation as a contributing element of a district under by CLG under its ordinance.

Because proposals to transfer or relinquish state-owned historical resources designated by a CLG are used mainly to avoid adverse effects to historic state-owned built-environment resources, these proposals must be reviewed and approved by a Caltrans PQS Principal Architectural Historian. Although state-owned archaeological historical resources are rarely designated by a CLG, in those cases when archaeological historical resources so designated, the proposed transfers may be used only when reviewed and approved by a Principal Investigator in Prehistoric or Historical Archaeology.

The Caltrans District may initiate nomination of a state-owned historical resource under a preservation ordinance enacted by a CLG. The nomination may be initiated at any time prior to the transfer, but the nominated historical resource must be successfully designated by the CLG prior to the transfer or relinquishment and the designation recorded by the County Recorder. Should the CLG deny the designation, then this standard condition may not be used.

4. TRANSFERS TO CALIFORNIA NATIVE AMERICAN TRIBES

The Governor's Statement of Administration Policy on Tribal Ancestral Lands, states that "it is the policy of this administration to encourage every State agency, department, board and commission (collectively, "entities") subject to my executive control to seek opportunities to support California tribes' co-management of and access to natural lands that are within a California tribe's ancestral land and under the ownership or control of the State of California, and to work cooperatively with California tribes that are interested in acquiring natural lands in excess of State needs."

In recognition of their ancestral stewardship of lands now under the jurisdiction of Caltrans, proposal to transfer or relinquish state-owned archaeological historical resources to California Native American Tribes may be determined a "No Adverse Effect with Standard Conditions" in accordance with Stipulation X.B.1.e. when the protection of the state-owned historical resource is provided for in a conservation easement held by an accredited land trust or when the resource is part of a property to be transferred or relinquished will be held in trust by the federal government. A draft conservation agreement or fee-to-trust application submitted to the Bureau of Indian Affairs must be completed prior to Caltrans transferring or relinquishing the resource.

APPENDIX 6 NATIVE AMERICAN CONSULTATION

Caltrans and the SHPO recognize that Native American tribes have a unique relationship to archaeological properties, sacred/ceremonial areas, and traditional cultural places and landscapes. Further, tribes possess unique expertise regarding the nature, significance, and potential for effects to these properties. Incorporating this information into the PRC 5024 process is vital to successful project outcomes. This appendix provides guidance on meeting the Native American consultation requirements under this MOU during project delivery; however, it is strongly recommended to conduct early coordination and regular engagement with tribal governments during planning phases outside of the project delivery process to facilitate effective and meaningful PRC 5024 consultation during projects.

Caltrans policy is to conduct consultation with all **California Native American Tribes**. California Native American Tribes are defined as provided in California Public Resources Code § 21073. The term includes all federally recognized Indian tribes and all non-federally recognized tribes and groups recognized by the Native American Heritage Commission. Caltrans will not differentiate between federally and non-federally recognized California Native American Tribes for the purposes of PRC 5024.

Caltrans' consultation efforts must provide California Native American Tribes a reasonable opportunity to identify their concerns about important state-owned resources, advise on the identification and evaluation of state-owned cultural resources (including those of traditional religious and cultural importance), articulate their views on a project's effects to such state-owned resources, and participate in the mitigation of adverse effects. Caltrans' policy is to act in a manner that facilitates effective and timely consultation with tribes.

The consultation requirements set forth in this MOU are triggered when a project is programmed and funded. Within Caltrans this milestone is termed *Begin Environmental* and marks the point at which cultural resource investigations are authorized to begin for the specific project. As it is Caltrans' policy to conduct early and effective Native American consultation, Caltrans PQS are expected to initiate project-specific outreach to tribal governments and their cultural or environmental leaders regarding their potential concerns pursuant to this MOU as soon as the need is identified after the Begin Environmental milestone. For locally sponsored projects, Local agencies should initiate outreach and consultation, in coordination with Caltrans, upon identifying PRC 5024 requirements for the project.

PROJECT SCREENING

Native American consultation is not required under this MOU when a project has been screened in accordance with Stipulation VII and Appendix 2 and determined to be exempt from further review. However, Caltrans PQS *may* choose to conduct consultation with California Native American Tribes as part of the screening process.

BASIC STEPS OF CONSULTATION

Caltrans PQS are responsible for seeking, discussing, and considering the views of California Native American Tribes, and seeking agreement with them on how state-owned historical resources should be identified, considered, and managed. Consultation is built upon the exchange of ideas, not simply providing notification or information [36 CFR 800. 16(f)]. Caltrans' consultation efforts should clearly identify the purpose of the communication and the requested information and provide a clear timeframe for responses. Caltrans PQS should be prepared to use the information and address the concerns received during consultation, and document how Caltrans' decision-making process incorporated that information. Recognizing the time and resource limitations that many tribes and tribal organizations experience, project-level communications should enable tribes to quickly identify pertinent cultural resource concerns or other topics relevant to the discussion.

IDENTIFY POTENTIAL TRIBAL CONSULTING PARTIES

Caltrans conducts PRC 5024 consultation with all California Native American Tribes, regardless of their federal recognition status. Caltrans relies on the list of California Native American Tribes, maintained by the California Native American Heritage Commission (NAHC), to identify federally- and non-federally recognized, culturally affiliated tribal governments with whom Caltrans must consult concerning potential effects to tribal heritage resources.

Upon the initiation of the Begin Environmental milestone, submit a Native American contact list and Sacred Lands File (SLF) search request to the NAHC to obtain current tribal government contact information. This step may also be necessary for renewed tribal consultation efforts on existing projects due to the passage of time. In the event of delayed NAHC responses or other extenuating circumstances, Caltrans PQS may utilize a recent NAHC contact list obtained for a previous project in the vicinity of the current project; however, the PQS should still submit a new NAHC request in the interest of maintaining current information, and to ensure that all Native American contacts are included in the consultation efforts. [Caltrans will not refuse consultation due to an error or omission of a California Native American Tribe from the NAHC contact list on an undertaking in their ancestral territory.](#)

Tribal organizations or persons who are *not* on the NAHC's tribal contact list may participate in the environmental review process as members of the public and may provide input and comments as part of the public review and comment periods associated with the project. Certain individuals and organizations with a demonstrated interest in the project may also participate as consulting parties due to the nature of their legal or economic relation to the project or affected properties, or their concern with the project's effects on state-owned historical resources. In such cases, in consultation with the SHPO, Caltrans may identify other consulting parties, not listed on the NAHC's tribal contact list if they have a demonstrated interest in a project or a cultural resource.

INITIATE CONSULTATION

Send initial outreach letters to the contacts provided by the NAHC. These letters constitute the official initiation of PRC 5024 consultation under this MOU. The letters may be transmitted in digital form via email or sent physically through certified mail. As part of developing relationships with local tribal governments, District PQS are encouraged to maintain a working knowledge of tribal representatives' preferred methods of contact.

Qualified consultants may physically send or email consultation correspondence and conduct project level coordination; however, **the initial outreach letters, as well as all subsequent official consultation letters, must be on Caltrans or a local agency project proponent's letterhead and signed by a Caltrans or local agency representative.** The initial outreach letter must also include the following:

- A statement indicating that the requirements for PRC 5024 review for the project are being done in accordance with Caltrans' PRC 5024 Memorandum of Agreement;
- A statement identifying Caltrans as the agency with responsibility for compliance with PRC 5024 for the project;
 - If the project is not a Caltrans project, the statement should also identify the project proponent.
- A brief project scope and description;
- A description of known cultural resources and/or areas of sensitivity in the Study Area or Project Area Limits (PAL) that may be of interest to the tribe, including the results of a SLF search when being sent to the culturally affiliated tribes provided by the NAHC;
- A request for comments and concerns and a response period (usually 30 days); and
- A project vicinity and Study Area or PAL map.

At a minimum, District PQS must make at least one attempt to follow-up on the initial outreach if no response is received from the tribal contact. It is preferable that the follow-up be done via a different medium than the initial outreach, such as a phone call or email. Depending on the nature of the project, its potential to affect state-owned historical resources, and known interest or concerns of tribes in the vicinity of the project, additional follow-up attempts may be necessary.

CONDUCT ONGOING CONSULTATION

Caltrans PQS have the responsibility to continue consultation with tribes throughout the life of a project whenever they express interest in or concern about a project or about cultural properties that may be affected by a project.

Minimally, consultation should occur in the following circumstances:

- When identifying potential state-owned historical resources or making any assumption of eligibility, evaluation, or finding of effect that involves state-owned historical resources to which a tribe may ascribe religious or cultural significance;

- When developing conditions on a finding of effect, avoidance, minimization, or mitigation measures that involves state-owned historical resources to which a tribe may ascribe religious or cultural significance;
- Changes to a project's PAL that may result in effects to new state-owned cultural resources or new effects to resources within the original PAL;
- Event of post-review discovery, ESA breach, or unanticipated effect to state-owned cultural resources or sensitive areas within or adjacent to the PAL that may be of significance to the tribe;
- When a project has been cancelled, completed, shelved, or unshelved from the project delivery process.
- Topics of consultation may include but are not limited to, the following:
 - Tribally preferred methods of communication and notification protocols for effective consultation;
 - Tribal monitoring;
 - Appropriate methods for identification and evaluation of state-owned historical resources of significance to tribes, including the integration of tribal traditional knowledge or other forms of tribal expertise into the documentation;
 - Tribal assessments of effects on state-owned historical resources;
 - Tribally preferred methods and measures to avoid, minimize, and mitigate adverse effects to state-owned historical resources;
 - Appropriate methods and formats documenting the results of consultation. This may include consultation on the types of information tribes feel is appropriate for inclusion in PRC 5024 documentation or the development of tribally recommended technical documents;
 - Appropriate methods of handling and storing state-owned cultural resources and final disposition of collections;
 - Site security.

This consultation should be initiated in writing in the same manner as the initial outreach letters. The letters should indicate any relevant changes and new occurrences since your last consultation and clearly indicate the purpose of the consultation. Any documents associated with the consultation should be provided either physically, through email, or through easily accessible links.

NON-CALTRANS PROJECTS

Caltrans is ultimately responsible for ensuring compliance with PRC 5024 for all projects, activities and permits that affect state-owned cultural resources within Caltrans' jurisdiction. This includes ensuring adequate and good faith consultation between Caltrans, the project proponent, and any interested California Native American Tribes.

As the entity primarily responsible for project design and implementation, the project proponent is best suited for conducting project-specific consultation with tribes, especially when consulting on avoidance and minimization measures or other conditions that may lessen a project's impact on state-owned historical resources. However, as Caltrans is ultimately responsible for compliance with PRC 5024, the Caltrans PQS assigned to the project must agree to allowing the project proponent to conduct PRC 5024 consultation on behalf of Caltrans. In such cases Caltrans PQS must be informed of all consultation, may still provide direction and guidance to the project proponent as needed or requested, and may still take part in consultation in a decision-making capacity.

Caltrans PQS may at any time, at their discretion, decide to take responsibility for conducting PRC 5024 consultation on non-Caltrans projects. In such cases, Caltrans' decisions and determinations under this MOU are binding and must be implemented by the project proponent.

Regardless of the responsible parties, all official PRC 5024 consultation for non-Caltrans projects must follow the format and guidelines provided in the *Initiate Consultation* section above.

DOCUMENTATION OF CONSULTATION

Under this MOU, Caltrans is required to ensure that California Native American Tribes have a reasonable opportunity to identify concerns about state-owned historical resources of religious or cultural significance to them, advise on the identification and evaluation of those state-owned historical resources, articulate their views on the project's effects on such properties, and participate in any mitigation of adverse effects. Further, Caltrans is required to take into account and consider these views in its decision-making processes under this MOU. Caltrans must thoroughly document its consultation efforts to demonstrate a good faith attempt at fulfilling these responsibilities.

Upon submittal to the SHPO, report packages documenting and requesting concurrence on determinations of eligibility and findings of effect must include, as a standalone attachment, a detailed chronological log (in table form) of communications with tribal consulting parties that have occurred for the project. A sample consultation log is available as Exhibit 3.5 in the SER Volume 2. Consultation logs should at a minimum capture the names, dates, roles/titles, communication methods, and subjects discussed as part of consultation. The log should be accompanied by copies of all written correspondence among consulting parties, arranged in chronological order to the best extent possible.

In addition to a consultation log, cultural resource technical reports and compliance documents that involve state-owned historical resources of religious or cultural significance to a California Native American Tribe must include a narrative summary of relevant consultation. The narrative must include the following:

- Concise chronological accounting of the consultation process;

- Any tribal concerns raised and comments or information provided in relation to the subject of the report, including information regarding the nature of state-owned historical resources of concern, further identification needs, known tribal significance of a state-owned resource, tribal recommendations on methods for further evaluation or significance determinations, tribal recommendations on conditions for protection and/or avoidance of impacts to state-owned resources, tribal comments on effects of the project on state-owned historical resources, and tribal recommendations for mitigation measures for adverse effects to state-owned historical resources;
- How Caltrans took those comments, information, and concerns into account in its decision-making process;
- Any relevant conclusions resulting from the consultation.

Caltrans PQS are responsible for ensuring the consultation log, copies of correspondence, and narrative consultation discussions are complete and free of discrepancies. It is important to confirm a mutual understanding of comments and concerns with consulting parties to avoid later conflicts. Caltrans PQS must provide a reasonable opportunity for tribal review and comment on project documentation that includes state-owned historical resources of religious or cultural significance to the tribe.