

**PRC 5024 MOU
ANNUAL REPORT**

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

JULY 1, 2018 – JUNE 30, 2019



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

SEPTEMBER 2019

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 5024MOU) during the period from July 1, 2018 through June 30, 2019, in accordance with PRC 5024MOU Stipulation XIX.E.

During this reporting period, the California Department of Transportation (Caltrans) handled 985 project that involved state-owned cultural resources and were therefore subject to compliance with California Public Resources Code (PRC) 5024. Of these, 423 were state-only projects and 562 were Federal-aid highway projects. Pursuant to PRC 5024MOU Stipulation III, the federal projects were processed using the January 1, 2014, First Amended Section 106 PA (Section 106 PA) to fulfill Caltrans’ PRC 5024 responsibilities.¹

The majority of the 985 projects, 797, qualified as “screened” under the terms of the PRC 5024 MOU and the Section 106 PA. Of the 188 projects that were not screened, 152 were reviewed internally by Caltrans in accordance with the PRC 5024 MOU while 36 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.

Two instances of a post-review discovery/inadvertent effect to a state-owned cultural resource occurred during the current reporting period and was handled pursuant to Stipulation XIV.B of the PRC 5024 MOU. These incidents and several emergency situations where Caltrans applied the emergency provisions set forth in Stipulation XV are described beginning on page 5.

Quality assurance measures for this reporting period included ongoing PQS review of Caltrans District reports by CSO staff and delivery of Section 106

¹ *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.*

PA/PRC 5024 MOU training for PQS held January 15 through 17, 2019. Quality assurance measures are presented on page 12.

Through its mission, vision, and goals defined in the 2015 Strategic Management Plan, Caltrans strives for innovation, quality and commitment to its stewardship of state-owned cultural resources. It is Caltrans' assessment that the PRC 5024 MOU exceed 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 "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" went into effect on January 1, 2015, streamlining Public Resources Code Section 5024 and Governor's Executive Order W-26-92 by delegating much of the SHPO's responsibility for carrying out the routine aspects of the PRC 5024 process to Caltrans. The PRC 5024 MOU applies to all state-owned cultural resources within Caltrans ownership and jurisdiction. Pursuant to PRC 5024 MOU Stipulation III, Caltrans uses Section 106 PA procedures to fulfill its PRC 5024 responsibilities when Federal-aid highway projects have state-owned cultural resources within their Area of Potential Effect. 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 Chief of the Cultural Studies Office (CSO) 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 in carrying out 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 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, 2018, and June 30, 2019.

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 comment 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 985 state-only or Federal-aid highway projects that involved state-owned resources during this reporting period.

The majority of these projects, 797 (81 percent), were exempted from further review after appropriate assessment, or “screening,” by Caltrans PQS.² Of the 188 projects that did not qualify as screened projects, 125 (13 percent) resulted in a finding of No Historical Resources Affected, or No Historic Properties Affected for federal projects, either because no state-owned cultural resources were present, the only state-owned historical resources present were previously determined not eligible for the National Register of Historic Places (NRHP), or were previously determined eligible but the project would not affect them.

There were 36 projects (3.5 percent) for which SHPO consultation was not required because adverse effects to state-owned historical resources were avoided through use of standard conditions, or because they resulted in a finding of No Adverse Effect (without standard conditions) or Adverse Effect to state-owned historical resources not on the Master List of Historical Resources (Master List).³ Districts submitted these projects to CSO for review and CSO

² 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.

³ 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

provided a summary notification to SHPO on a quarterly basis in accordance with Stipulation XIX.E.2 of the PRC 5024 MOU.

Another 27 projects (2.5 percent) required consultation with the SHPO regarding findings of No Adverse Effect (without standard conditions) or Adverse Effect because they either involved state-owned historical resources on the Master List or were federal undertakings processed under the Section 106 PA that included state-owned resources within the Area of Potential Effect (APE).

Table 1: Total Projects Completed - July 1, 2018-June 30,2019

| MOU Action | PRC 5024- only | Combined Section 106/PRC 5024 | Total | Percent |
|---|---------------------------|--|--------------|----------------|
| Projects Completed | 423 | 562 | 985 | 0 |
| Projects Screened | 376 | 421 | 797 | 81% |
| No Historic Properties Affected Findings | 44 | 81 | 125 | 13% |
| Projects Reviewed by CSO | 15 | 21 | 36 | 3.5% |
| Projects to SHPO | 3 | 24 | 27 | 2.5% |

Evaluation of State-Owned Cultural Resources

A summary of determinations of eligibility (DOEs) for this reporting period is represented in Table 2 below. There were approximately 13 DOE requests submitted to SHPO during the current reporting period under the MOU and/or the Section 106 PA that involved evaluations pursuant to PRC 5024 MOU Stipulation VIII.C.6 and/or PA Stipulation VIII.C.2. One state-owned historical resource previously determined eligible for the NRHP, the Romero Canyon Creek Bridge (51-0110) on State Route 192 in Santa Barbara County, was determined, in consultation with SHPO, to no longer be NRHP-eligible due to damage sustained in a mudslide. SHPO therefore removed it from the Master List at Caltrans' request, pursuant to PRC 5024(d) and (f). No state-owned cultural resources were determined eligible in consultation with the SHPO or added to the Master List this reporting period. Approximately 9 state-owned resources were assumed, with approval by CSO, to be eligible for purposes of a specific project/activity only, in accordance with PRC 5024 MOU Stipulation VIII.C.4

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.

and/or PA Stipulation VIII.C.4.

Table 2: Determinations of Eligibility – July 1, 2018-June 30, 2019

| | |
|---|----------|
| Number of Determinations of Eligibility requests to SHPO | 3 |
| PRC 5024-only Projects and Activities | 6 |
| Combined Section 106/PRC 5024 Projects | 7 |

Effect Findings

A summary of effect findings for this reporting period is represented in Table 3 below. Of the 188 projects processed during the reporting period that did not qualify as “screened,” 125 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 California Historical Landmark (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.

Thirty-two projects resulted in a finding of “No Adverse Effect with Standard Conditions” (FNAE-SC). Standard Conditions, described in MOU stipulation X.B.1, apply 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 MOU. Twenty-one FNAE-SC submittals had federal funding and were, therefore, processed under the Section 106 PA. The remaining 11 submittals 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.

Twenty-seven projects resulted in a finding of “No Adverse Effect” without standard conditions. Of these, 21 had federal funding and were, therefore, processed under the Section 106 PA. Three submittals 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. Three submittals involved state-owned built environment historical resources on the Master List. Districts submitted documentation supporting the finding to CSO for review, and CSO subsequently consulted with the SHPO in accordance with PRC 5024 MOU Stipulation X.B.2.c.

Three projects resulting in a finding of “Adverse Effect” involved state-owned historical resources; these had federal funding and were, therefore, processed under the Section 106 PA. One project resulted in a finding of “Adverse Effect with Standard Mitigation Measures” because the affected state-owned resource was an archaeological site not on the Master List and standard mitigation measures (data recovery) were applicable in accordance with Stipulation X.C.1 and Attachment 6 of the PRC 5024 MOU. CSO provided a quarterly report of actions processed under this stipulation to the SHPO.

Table 3: Effect Findings – July 1, 2018-June 30, 2019

| Effect Findings | PRC 5024-only | Combined Section 106/PRC 5024 | Total |
|---|----------------------|--------------------------------------|--------------|
| Number of Effect Findings | 62 | 126 | 188 |
| No Historical Resources Affected/No Historic Properties Affected | 44 | 81 | 125 |
| No Adverse Effect with Standard Conditions | 11 | 21 | 32 |
| No Adverse Effect | 6 | 21 | 27 |
| Adverse Effect | 1 | 3 | 4 |

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 2018-2019 reporting period included a record number of wildfires, floods, and related disasters. The emergency procedures outlined in PRC 5024 MOU Stipulation XV allowed Caltrans PQS to respond quickly during these incidents and efficiently assess potential effects to state-owned historical resources while prioritizing safety and recovery of life and property.

District 3 SAC 50 Bridge Repainting – Inadvertent Effect/Post-Review Discovery

On March 20, 2019, District 3 PQS notified CSO and SHPO project review staff of a post-review discovery as the result of a repainting project on the state-owned Pioneer Bridge on State Route 50 in Sacramento. Pioneer Bridge is not on the Master List and the work was classed as a routine maintenance activity that did not go through the typical PRC 5024 MOU process. However, the Sacramento Garbage Crematory, a historic-era resource recently identified by Caltrans as part of a separate federal undertaking, was located within the boundary of the repainting project area. Immediately on discovering that work was occurring within the resource boundary, District 3 PQS notified the construction crew and work halted until a process to avoid significant impacts to the resource could be established. A site assessment by PQS concluded that all work on the repainting project had taken place within previously disturbed areas, and no damage to the resource was noted. Caltrans implemented the following measures to ensure that there would be no significant impacts to the resource during the repainting project:

- Construction crew will only access the area using an existing roadway access. No previously undisturbed areas will be used to access the area.
- Construction cones will delineate areas outside of the existing roadway and construction area to prevent the construction area from encroaching into undisturbed area.
- The construction crew have limited the number of vehicles using the existing road by having workers park their personal vehicles on areas outside of the jobsite and shuttling in crews to the site.
- All rigging materials have been removed from the ground surface and placed on the existing containment system attached to the bridge.
- Once all rigging has been installed from the ground surface, all of the additional rigging will be done from the containment system attached to the underside of the bridge.
- A storage bin that was located outside of the disturbed area has been moved to the disturbed area to further reduced the footprint for that activity.

The SHPO agreed that these measures were sufficient to avoid significant impacts to the resource.

District 8 SBD-15 Valley Wells SRRA – Inadvertent Effect

In February 2018, Caltrans proposed to install a new well at the Valley Wells Safety Roadside Rest Area (SRRA) on State Route 15 in San Bernardino County. As it was a federal undertaking, cultural resources studies were processed under the Section 106 PA. The area of potential effect included archaeological site CA-SBR-4054/H, a state-owned resource assumed eligible for the NRHP under Criterion D. An ESA and Archaeological Monitoring Area (AMA) Monitoring and Discovery Plan prepared for the undertaking required that ESA limits be established along the existing right-of-way fence line. AMAs were established in the areas accessible to the general public where ground-disturbing activities were planned for new utility lines. Tribal monitoring was authorized, and archaeological monitoring was required in the work areas during all ground-disturbing activities in the AMAs.

On August 9, 2018, Caltrans District 8 PQS learned that construction had commenced at Valley Wells SRRA without notification to the Environmental Division and without the completion of an Environmental Commitments document to inform the Resident Engineer (RE) of the cultural sensitivity of the project location, nor had a Task Order been issued to enable archaeological and tribal monitors to deploy to the site. The District 8 Cultural Studies Environmental Branch Chief (DEBC) immediately requested that the RE issue a “Halt-Work” order to the construction crew, and work at the site stopped. Unfortunately, however, the order was apparently not delivered to the night shift, who re-commenced construction, excavating a catch basin for excess runoff water through the original ground surface, and surrounding it with a berm of fill dirt. This was discovered when the DEBC and District 8 PQS arrived at the site on August 10th. The RE promptly re-issued the “Halt Work” order and PQS inspected the damaged area. No evidence of cultural deposits such as artifacts or features were observed. District 8 subsequently notified CSO and SHPO staff. SHPO staff acknowledged receipt of the notice on August 15th and asked to be kept informed. District 8 also notified the Twenty-Nine Palms Band of Mission Indians (Tribe) and the Bureau of Land Management (BLM) on August 14th and provided updated details regarding corrections to be implemented. Both parties asked to be kept informed and requested copies of pertinent documentation as soon as they become available for review. The final Construction Impact Report, completed June 28, 2019, concluded that no damage to CA-SBR-4054/H had occurred. A copy was provided to the interested parties.

District 1 LAK MEN Mendocino Complex Wildfires – Emergency procedures

The Mendocino Complex Wildfires began on July 27, 2018, in Lake and Mendocino counties. This complex fire was declared a state emergency by the California Governor on July 28, 2018.

Damage from the Mendocino Complex Fire included blocked roadways due to burned vegetation, as well as crushed or burned highway, traffic safety infrastructure that was burned/melted, and loosened/eroded material. Caltrans initiated consultation with the SHPO on August 23, 2018, per Stipulation XV of the PRC 5024 MOU. As the emergency repair work had federal funding, however, compliance with PRC 5024 was ultimately processed under the Section 106 PA and details are included in the Section 106 PA Annual Report.

District 2 SHA/SIS-5 AND SHA-89 Delta Fire – Emergency procedures

The Delta Fire began on September 5, 2018, in Shasta County along Interstate 5 (I-5), merging with the Hirz Fire on September 10, 2018. The Delta Fire was declared an emergency by the Caltrans District 2 Director on September 19, 2018. The California Governor subsequently declared a state of emergency for the Delta Fire on November 30, 2018.

Caltrans facilities were severely damaged, and I-5 was closed for approximately five (5) days to prevent further damage to life and property. Caltrans initiated consultation with the SHPO on October 2, 2018, per Stipulation XV of the PRC 5024 MOU. As the emergency repair work had federal funding, however, compliance with PRC 5024 was ultimately processed under the Section 106 PA and details are included in the Section 106 PA Annual Report.

District 2 SIS-5 Klamathon Fire – Emergency procedures

The Klamathon Fire began on July 5, 2018 in Siskiyou County along I-5. It was declared an emergency by the California Governor the same day.

Approximately nine miles of Caltrans facilities along I-5 were damaged during the fire and fire suppression activities, and I-5 was closed for several days to prevent further damage to life and property. Caltrans initiated consultation with the SHPO on August 2, 2018, per Stipulation XV of the PRC 5024 MOU. Because the emergency work could not be completed within 30 days, District 2 requested an extension on September 4, 2018, which was granted by the SHPO on September 6, 2018. As the emergency repair work had federal funding, however, compliance with PRC 5024 was ultimately processed under the

Section 106 PA and details are included in the Section 106 PA Annual Report.

District 8 RIV-74/243 Cranston Fire – Emergency Procedures

The Cranston fire began on July 25, 2018 in Riverside County along State Routes 74 and 243. It was declared an emergency by the California Governor on July 26, 2018.

The fire, which burned over 13,300 acres in Idyllwild, Lake Hemet and surrounding communities, destroyed signs, guardrail, landscaping, and damaged pavement and culverts along SR 74 and 243. Subsequently District 8 split the project into multiple phases to separate the Emergency Opening (EO) work, where emergency procedures would be used, from the Permanent Restoration (PR) work, where Caltrans would follow the regular consultation process outlined in the PRC 5024 MOU and the Section 106 PA. District 8 PQS identified that the fire burned adjacent to the Pines to Palms Highway (SR-74), a state-owned historical resource determined eligible for the National Register of Historic Places (NRHP) and therefore on the Master List. Based on several field visits, District 8 PQS concluded that there appears to have been no damage to contributing features of the Pines to Palms Highway as a result of emergency repairs. Caltrans initiated consultation with the SHPO on August 1, 2018, per Stipulation XV of the Section 106 PA. As the emergency repair work had federal funding, however, compliance with PRC 5024 was ultimately processed under the Section 106 PA and details are included in the Section 106 PA Annual Report.

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 uses 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.⁴ 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 4, below, shows a comparison of time frames under the standard PRC 5024 process and those under the PRC 5024 MOU.

Table 4: PRC 5024 Review Timeframes

| Action | PRC 5024 Process | PRC 5024 MOU Process |
|--|--------------------------------|---------------------------------------|
| 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 “screened projects and activities” 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

⁴ Stipulation III of the PRC 5024 MOU states in part, “Caltrans shall use the Section 106 PA in its entirety and notify the SHPO that there are state-owned historical resources for which Caltrans is concurrently complying with PRC 5024. The SHPO shall use the information and documentation provided for the federal undertaking in its review and comments under PRC 5024.

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 797 projects (81 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. The SHPO does not review or comment on these findings. 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 5 below compares the timeframes for review of effect findings under PRC 5024 to those under the PRC 5024 MOU.

Table 5: Review Timeframes for Effect Findings

| Action | PRC 5024 Process | PRC 5024 MOU Process |
|--|-------------------------------------|----------------------------------|
| Finding of No State-Owned Historical Resources Affected (includes when State-owned Historical Resources Not on Master List are not affected) | No time frame specified; open-ended | No SHPO review; annual reporting |
| Finding of No State-Owned Historical Resources Affected (includes when State-owned Historical Resources On Master List are not affected) | 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 ⁵ |
| 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 |

⁵ CSO responsibility and review period per Stipulation X.B.1

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 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.⁶ 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

⁶ The CCRD is an electronic inventory of architectural and archeological cultural resources in the right-of-way.

test excavations to determine their historic significance when qualified PQS determine that a site can be protected from all project and activity effects through designation of an ESA. Prior to the PRC 5024 MOU, Caltrans required evaluation of all sites within a Project Area Limits (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 in Sacramento January 15 through 17, 2019.

- CSO produced five 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, Districts, and OHP Project Review staff held quarterly statewide video teleconference to discuss policy, procedures, and workload issues, including a “mini-training” session.
- 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.

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 985 projects that involved state-owned cultural resources. Roughly three-quarters (797, or 81 percent) qualified as Screened Projects and were exempted from further PCR 5024 review by PQS. Of the 188 projects or activities that did not qualify for treatment under the screening provision, 152 were processed by Caltrans Districts and/or CSO, as no consultation with the SHPO was required under the terms of the PRC 5024 MOU. Caltrans submitted 36 projects involving state-owned cultural resources to the SHPO for review of a finding of effect. These figures include projects that had federal funding and were therefore processed under the Section 106 PA, in accordance with Stipulation III of the PRC 5024 MOU.

It is Caltrans' finding that that the PRC 5024 MOU continues to save significant time in 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.