

**PRC 5024 MOU
Annual Report**

**Implementation of the
Public Resources Code 5024
Memorandum of Understanding**

July 1, 2019 – June 30, 2020



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

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EXECUTIVE SUMMARY

This report documents the effectiveness of and summarizes actions carried out under the January 1, 2015, “Memorandum of Understanding Between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and Governor’s Executive Order W-26-92” (PRC 5024 MOU) during the period from July 1, 2019, through June 30, 2020, in accordance with PRC 5024 MOU Stipulation XIX.E.

The original duration of the PRC 5024 MOU was five years. In October 2019, the California Department of Transportation (Caltrans) and the California State Historic Preservation Officer (SHPO) executed an addendum to the PRC 5024 MOU, extending its duration for four additional years. No changes were made to the terms of the original agreement. The addended PRC 5024 MOU became effective on January 1, 2020.

During the current reporting period, Caltrans handled 878 projects that involved state-owned cultural resources and were, therefore, subject to compliance with California Public Resources Code (PRC) 5024. Of these, 433 were state-only projects and 445 were Federal-aid highway projects. Pursuant to PRC 5024 MOU Stipulation III, the federal projects used documentation prepared under the January 1, 2014, First Amended Section 106 PA (Section 106 PA)¹ or the Section 106 Code of Federal Regulations 36 (CFR) Part 800 to fulfill Caltrans’ PRC 5024 responsibilities.

The majority of the 878 projects, 678, qualified as “screened” under the terms of the PRC 5024 MOU and the Section 106 PA. Of the 200 projects that were not screened, 159 were reviewed internally by Caltrans in accordance with the PRC 5024 MOU while 41 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.

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.*

Two instances of a post-review discovery/ESA violation occurred during the current reporting period and were handled pursuant to Stipulation XIV.B of the PRC 5024 MOU. These incidents, along with emergency situations where Caltrans applied the emergency provisions set forth in Stipulation XV, are described beginning on page 6.

Quality assurance measures for this reporting period included ongoing PQS review of Caltrans District reports by CSO staff and delivery of Section 106 PA/PRC 5024 MOU training for PQS held January 7 through 9, 2020. Quality assurance measures are presented on page 19.

Through its mission, vision, goals and values, Caltrans strives for innovation, quality and commitment to its stewardship of state-owned cultural resources. It is Caltrans' assessment that the PRC 5024 MOU 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 was scheduled to expire on December 31, 2019, unless Caltrans and the SHPO mutually agreed to extend it, with or without amendment. In October 2019, Caltrans and the SHPO signed an addendum, extending the duration of the PRC 5024 MOU for an additional four years, effective January 1, 2020. No other changes were made to the underlying agreement.

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 (APE). All cultural resources studies completed under the PRC 5024 MOU and the Section 106 PA are carried out by or under the direct supervision of individuals who meet the Secretary of the Interior’s Professional Qualifications Standards for the relevant field of study. Use of the Secretary’s Standards ensures program quality and satisfies state mandates associated with compliance with PRC 5024. Caltrans meets these standards by training and certifying its cultural resources staff as Professionally Qualified Staff (PQS). The 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 the small percentage of 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, 2019, and June 30, 2020.

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

The majority of these projects, 678 (77 percent), were exempted from further review after appropriate assessment, or “screening,” by Caltrans PQS.²

Of the 200 projects that did not qualify as screened projects, 109 (12 percent) resulted in a finding of No Historical Resources Affected, or No Historic Properties Affected for federal projects, which does not require SHPO consultation under the PRC 5024 MOU or the Section 106 PA.

There were 42 projects (4.5 percent) for which SHPO consultation was not required because the effect finding was No Adverse Effect with Standard

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.

Conditions (FNAE-SC) in accordance with Stipulation X.B.1(a)-(b) and Attachment 5 of the PRC 5024 MOU or the Section 106 PA.

Another 43 projects (5 percent) resulted in a Finding of No Adverse Effect (FNAE) without standard conditions. Of these, 7 were reviewed and approved by CSO under the PRC 5024 MOU only as they involved state-owned historical resources not on the Master List of Historical Resources (Master List).³ The other 36 FNAE projects were processed under both the PRC 5024 MOU and the Section 106 PA, which requires SHPO consultation regardless of Master List status.

The remaining 6 projects (0.5 percent) resulted in a Finding of Adverse Effect (FAE). One was reviewed and approved by CSO under the PRC 5024 MOU only as it involved a state-owned resource not on the Master List. The other 5 FAE projects were processed under both the PRC 5024 MOU and the Section 106 PA, which requires consultation with the SHPO regardless of Master List status.

In total, 159 projects that were not screened were reviewed in-house by Caltrans, either in the Districts or by CSO. Forty-one projects required consultation with SHPO.

Table 1: Total Projects Completed – July 1, 2019-June 30, 2020

Projects Completed = 878	
PRC 5024-only Projects	433
Combined Section106/PRC 5024 Projects	445
Number of Projects Screened = 678 (77%)	
Number of Projects Not Screened, Reviewed by Caltrans Districts = 159 (18%)	
Number of Projects to SHPO = 41 (5%)	

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 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.

Evaluation of State-Owned Cultural Resources

For the current reporting period, approximately 16 state-owned cultural resources were formally evaluated pursuant to PRC 5024 MOU Stipulation VIII.C.6 and/or PA Stipulation VIII.C.2, resulting in a Determination of Eligibility (DOE). DOEs are submitted by Caltrans Districts to the SHPO for concurrence. Of the evaluated state-owned resources, 11 were not added to the Master List, either because the resources did not meet the NRHP and/or CHL criteria for eligibility or were not the types of resources included on the Master List. One state-owned historical resource was determined, in consultation with the SHPO, to be eligible for the NRHP and as a CHL and was added to the Master List: The Interstate 105 Century Freeway Transitway Historic District. In addition, 4 state-owned overcrossings were reevaluated and determined to be eligible for the NRHP as contributors to the State Route 163 Cabrillo Freeway Historic District, a state-owned historical resource previously included on the Master List.

Effect Findings

A summary of effect findings for this reporting period is represented in Table 2 below. Of the 200 projects processed during the reporting period that did not qualify as “screened,” 109 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.

Forty-two projects resulted in a 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. Thirty-two FNAE-SC submittals had federal funding and were therefore processed under both the PRC 5024 MOU and the Section 106 PA. The remaining 10 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.

Forty-three projects resulted in a FNAE (without standard conditions). Of these, 36 had federal funding and were therefore processed under both the PRC 5024 MOU and the Section 106 PA, which requires consultation with SHPO regardless of Master List status. Seven submittals were for state-only projects. All 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.

Six projects resulting in a FAE involved state-owned historical resources. Of these, 5 FAE projects were processed under both the PRC 5024 MOU and the Section 106 PA. Two involved state-owned resources not on the Master List. Adverse effects to 3 state-owned resources on the Master List were resolved through a Memorandum of Agreement (MOA) between Caltrans and the SHPO under the Section 106 PA.

One state-only project resulted in a FAE with Standard Mitigation Measures (SMM) because the affected state-owned resource was an archaeological site not on the Master List and standard mitigation measures (data recovery) were appropriate. Pursuant to Stipulation X.C.1 and Attachment 6 of the PRC 5024 MOU, the District submitted a FAE with SMM to CSO for review and comment. CSO provided a summary notification to SHPO on a quarterly basis in accordance with Stipulation XIX.E.2 of the PRC 5024 MOU.

Table 2: Effect Findings – July 1, 2019-June 30, 2020

Number of Effect Findings = 200	
PRC 5024-only Projects	44
Combined Section 106/PRC 5024 Projects	156
No Historical Resources Affected/No Historic Properties Affected = 109	
PRC 5024-only Projects	26
Combined Section 106/PRC 5024 Projects	83
No Adverse Effect with Standard Conditions = 42	
PRC 5024-only Projects	10
Combined Section 106/PRC 5024 Projects	32
No Adverse Effect = 43	
PRC 5024-only Projects	7
Combined Section 106/PRC 5024 Projects	36
Adverse Effect = 6	
PRC 5024-only Projects	1
Combined Section 106/PRC 5024 Projects	5

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 2019-2020 reporting period included numerous wildfires, floods, and related disasters as well as a statewide emergency declaration related to the COVID-19 outbreak. The emergency procedures outlined in PRC 5024 MOU Stipulation XV allows Caltrans PQS to respond quickly during emergency incidents and efficiently assess potential effects to state-owned historical resources while prioritizing safety and recovery of life and property.

Use of Emergency Procedures

District 4 State Route 1 Emergency Repair in Sonoma County (EA 3Q390)

Beginning on January 5, 2019 and continuing through April of 2019, multiple atmospheric river systems and severe storm events swept across California, significantly impacting numerous counties throughout the State and causing the Governor to declare multiple emergencies. As a result of the winter storms, major slipouts occurred along an approximately 40-foot long segment of the southbound lane of State Route 1 in Sonoma County. The slipouts required emergency repairs to open the road and protect the safety of the travelling public. Caltrans initiated consultation regarding the emergency repairs under the Section 106 PA and the PRC 5024 MOU on May 22, 2019, during the previous reporting period. The SHPO acknowledged Caltrans' notice of intention on May 23, 2019.

One previously recorded prehistoric archaeological site was identified within the APE: CA-SON-347 (P-49-000318), which was previously determined to be eligible for the NRHPs under Criterion D (FHWA120803B). In consultation with the Federated Indians of Graton Rancheria (FIGR) and the Kashia Band of Pomo Indians of Stewarts Point Rancheria (Kashia), Caltrans PQS determined that the project would have an adverse effect to CA-SON-347.

Caltrans conducted emergency archaeological data recovery at CA-SON-347 to resolve adverse effects to the site. Data recovery fieldwork took place from June 10-14, 2019. Representatives from FIGR and the Kashia were present during fieldwork. Construction took place during the current reporting period, from August to December 2019. All ground-disturbing work was monitored by archaeologists and Native American representatives. Shell midden removed during construction was stockpiled and placed back into the roadway within and adjacent to the boundaries of CA-SON-347, per tribal request.

Caltrans submitted an Archaeological Data Recovery Report documenting the results of the emergency fieldwork on September 20, 2019. Caltrans submitted a final narrative report to the SHPO on October 9, 2019, per emergency stipulation requirements. As a result of the observations made during data recovery, it was ultimately determined that the emergency repairs resulting in no adverse effect to the property.

District 7 State Route 1 Woolsey Fire Repair in Los Angeles County, PM 40.7 to 59.9 (EA 1XK30)

The Woolsey Fire Repair Project involved repairs and replacement of fire-related damage to highway facilities on the State Highway System in northwestern Los Angeles County. The repair areas for 1XK30 are located along SR-1 from Topanga Canyon Boulevard (PM 40.7) to Decker Road (PM 59.9).

The overall APE for 1XK30 included approximately 19.2 linear miles. A majority of repair work was completed within the existing right-of-way on or near the shoulders of the roadway along SR-1. Where necessary, work extended outside of the existing ROW; Caltrans coordinated access and environmental law compliance with California Department of Parks and Recreation (California State Parks), the National Park Service, and Los Angeles County Beaches and Harbors in order to complete repairs within these areas.

Archaeological monitoring documented in this report was performed by Rincon Consultants, Inc. (Rincon), with support from Caltrans and ArchaeoPaleo Resource Management, Inc., and was completed intermittently between January 22, 2019 (during the previous PRC 5024 Annual Report reporting period) and November 14, 2019 (during the current reporting period), for a total of 117 days. Repair activities included removal of fire and storm debris and repair of drainage and culvert infrastructure.

No prehistoric or historic-era cultural resources were identified during archaeological monitoring for 1XK30. Department of Parks and Recreation (DPR) 523 series forms were completed for three previously recorded archaeological resources located within the APE where construction activities occurred: CA-LAN-201, CA-LAN-210, and CA-LAN-226. The DPR updates were completed to document negative findings during monitoring that occurred within the recorded site boundaries. Updated forms were not completed for previously recorded cultural resources located outside the construction footprint.

District 7 State Route 1 Woolsey Fire Repair in Los Angeles and Ventura Counties, LA-1 PM 59.9 to VEN-1 PM 2.6 and LA-23 PM 0.0 to 8.4 (EA 1XK10)

And

District 7 State Route 1 Winter Storm Repair in Los Angeles and Ventura Counties LA-1 PM 59.4/62.87 and LA-23 PM 8.4 to VEN-1 PM 4.4 (EA 1XK70)

The Woolsey Fire Repair Project (1XK10) and subsequent 2019 Winter Storm Project (1XK70) involved repair and replacement of fire- and storm-related damage to highway facilities on the State Highway System in northwestern Los Angeles County and southeastern Ventura County. The repair areas for 1XK10 are located along SR-1 from Decker Road (PM 59.9) in Los Angeles County to Deer Creek Road (PM 2.6) in Ventura County and along SR-23 from SR-1 (PM 0.0) to Country Ranch Road (PM 8.4) in Los Angeles County. The repair areas for 1XK70 are located along SR-1 from Decker Road (PM 59.9) in Los Angeles County to Sycamore Canyon Road (PM 4.4) in Ventura County and along SR-23 from SR-1 (PM 0.0) to Country Ranch Road (PM 8.4) in Los Angeles County. As the storm damage occurred due to loss of vegetation from the Woolsey Fire, Caltrans emergency response was coordinated between the two events. The overall APE for 1XK10/1XK70 includes approximately 15.7 linear miles. A majority of this repair work was completed within the existing ROW on or near the shoulders of the roadway. Where necessary, work extended outside of the existing ROW; Caltrans coordinated access with the relevant agencies in order to complete repairs within these areas.

As part of the work effort, Caltrans initiated cultural resource monitoring to avoid, minimize, and mitigate potentially adverse effects to historic properties resulting from the construction activities. Archaeological and Native American monitoring was to take place for all ground-disturbing activities conducted within or adjacent to known cultural resources, including enforcement of areas containing cultural resources that were designated as ESAs. Rincon was retained by Caltrans, as a subcontractor to Jacobs Engineering Group, Inc. (Jacobs), formerly CH2M Hill, to provide archaeological monitoring on an as-needed basis.

Archaeological monitoring by Rincon Consultants, Inc. and the Barbareño/Ventureño Band of Mission Indians with support from Caltrans and ArchaeoPaleo Resource Management, Inc., was completed intermittently

between January 11, 2019 (during the previous PRC 5024 Annual Report reporting period) and November 26, 2019 (during the current reporting period), for a total of 58 days. Repair activities included removal of fire and storm debris and repair of drainage and culvert infrastructure.

No prehistoric or historic-era cultural resources were identified during archaeological monitoring for 1XK10/1XK70. DPR 523 series forms were completed for three previously recorded cultural resources located within the construction footprint of the APE: P-19-188055, a section of the historic-era Roosevelt Highway, and prehistoric sites CA-LAN-28 and CA-LAN-52. Specifically, updated DPR 523 series forms were completed to record a newly exposed segment of P-19-188055 and to document negative findings during monitoring that occurred within the site boundaries of CA-LAN-28 and CA-LAN-52. Updated forms were not completed for previously recorded cultural resources located outside the construction footprint. The updated form prepared for CA-LAN-52 includes information regarding construction-related impacts to the resource that occurred on July 17, 2019, prior to the commencement of monitoring in its vicinity. As documented in Rincon's Construction Impacts to Cultural Resources Report for the SR-1 and SR-23 Woolsey Fire Repair Project Report, prepared in August 2019, no direct impacts to intact features at CA-LAN-52 were observed following the incident.

Post Review Discoveries

District 1 State Route 175 Shoulder Widening Project in Lake County (Middletown Shoulders; EA 01-0A040)

This project included roadway widening, construction of retaining walls, asphalt concrete (AC) overlay, utility relocation, replacement of culverts, and realignment of existing roadway along 2.5 miles of State Route 175. One previously recorded prehistoric archaeological site was initially discovered within the project's Area of Direct Impact (ADI). Archaeological and tribal monitoring were determined to be appropriate throughout the project due to archaeological sensitivity in the area.

Construction began in 2019 with vegetation clearing and PG&E relocating their overhead utilities. As a result of increased visibility due to vegetation clearing and recent wildfires, archaeological and tribal monitoring in August of 2019

found new archaeological materials in two separate locations during the PG&E utility relocation. Both areas included only sparse concentrations of lithic debitage. Caltrans notified SHPO of the Post Review Discovery on August 8, 2019. The SHPO responded the same day, requesting to be involved in the resolution of the situation.

Caltrans conducted a supplemental survey, Extended Phase I, and Phase II archaeological investigations in the areas of the newly discovered concentrations, which resulted in the delineation of five new sparse lithic concentrations within the project's ADI. All five sites likely extend well beyond the ADI or APE, but full boundary definition was not possible due to limited access and limited project boundaries. Caltrans submitted an Extended Phase I and Phase II Investigation Report to the SHPO on May 5, 2020. The Phase II investigation found that the portions of the five new sparse concentrations within in the ADI did not contain significant data or otherwise constitute significant resources, and thus the impacts from the project were not deemed to be adverse.

ESA Violations

District 7 State Route 1 Winter Storm Repair Project in Los Angeles and Ventura Counties, LA-1 PM 59.4/62.87 and LA-23 PM 8.4 to VEN-1 PM 4.4 (EA 1XK70)

The Winter Storm Project involved repair and replacement of fire- and storm-related damage to highway facilities on the State Highway System in northwestern Los Angeles County and southeastern Ventura County. The repair areas for 1XK70 are located along SR-1 from Decker Road (PM 59.9) in Los Angeles County to Sycamore Canyon Road (PM 4.4) in Ventura County and along SR-23 from SR-1 (PM 0.0) to Country Ranch Road (PM 8.4) in Los Angeles County. A majority of this repair work was completed within the existing ROW on or near the shoulders of the roadway. Where necessary, work extended outside of the existing ROW; Caltrans coordinated access with the relevant agencies in order to complete repairs within these areas.

Due to construction personnel reporting the wrong post mile locations for their daily scope of work, the construction contractors began stabilization work without the presence of archaeological monitors on the morning of July 17, 2019, at PM 61.9 in the vicinity of Willow Creek and CA-LAN-52 (P-19-000052), a

large archaeological site located within the Leo Carrillo Beach State Park. As part of the planned repair activities in this location, Caltrans had coordinated with California State Parks to obtain a Right-of-Entry permit to perform repair activities for slope erosion threatening the roadway. The roadway profile at the repair location consists of fill dirt within a large drainage historically constructed to create the elevation and roadway base of the highway. Caltrans had agreed to instate an ESA for CA-LAN-52 as well as archaeological and Native American monitoring for emergency repairs.

As of July 17, 2019, Caltrans had yet to obtain Right-of-Entry to Leo Carrillo State Park and Caltrans Environmental Planning personnel were unaware of project work taking place in this area. As such, no archaeological or Native American monitor was present on site during the stabilization work. Following the discovery of the work at CA-LAN-52, all ground-disturbing work at PM 61.9 ceased. Ground disturbance from the entry consisted of a single bulldozer track from the roadway shoulder to the base of the slope. Later that morning, the Caltrans Environmental Generalist reported the incident to Kimberly Harrison, Caltrans Associate Environmental Planner (Archaeology).

As Ms. Harrison was out of the office, Kelly Ewing-Toledo, Caltrans Environmental Branch Chief, contacted Rincon to request that an archaeologist visit PM 61.9 and conduct a preliminary damage assessment. On the afternoon of July 19, 2019, Rincon Archaeologist Mary Pfeiffer completed the visit and preliminary documented the ground-disturbance that had occurred in the vicinity of CA-LAN-52.

On July 22, 2019, Ms. Harrison contacted Barbara Tejada, District Archaeologist for the California State Parks, to inform her that Caltrans contractors had taken heavy equipment into California State Parks jurisdiction at Willow Creek, and possibly through CA-LAN-52. Ms. Harrison and Ms. Tejada agreed to meet at the site the following day with representatives from their respective agencies and consulting parties.

On July 23, 2019, Ms. Harrison and Ms. Tejada met at PM 61.9 with Caltrans Generalist Peter Champion, Caltrans Environmental Liaison Mohammed Azimie, California State Parks Environmental Scientist Danielle LeFer, Jacobs Construction Inspector Dan Duarte, Barbareno/Ventureno Band of Mission Indians Native American Monitor Patrick Tumamait, and Rincon Archaeologists

Ms. Pfeiffer and Tiffany Clark. The damaged area of the site was examined. Caltrans confirmed that no further work would take place in the area until measures to correct the present impacts to the area had been identified and agreed upon and the Right-of-Entry permit had been obtained by Caltrans from California State Parks.

Later that day, Ms. Ewing-Toledo notified the SHPO's office by phone and email of the unauthorized entry at CA-LAN-52. Ms. Ewing-Toledo also provided SHPO with a summary of the communications and actions that had taken place since the incident. On July 24, 2019, Caltrans received a letter notification from SHPO of receipt of Caltrans' notification of unauthorized entry.

Right-of-Entry was obtained and repairs to the roadway shoulder and slope at 07-LA-1 PM 61.8-61.92 were performed on November 5 through November 22, 2019. Archaeological and Native American monitors were present for all activities. Fill dirt was compacted over the bulldozer track from the previous unauthorized entry and within eroded areas of the slope face, and the Right-of-Way fence was reconstructed following repairs.

PRC 5024 MOU SUCCESS STORIES

District 3 Knight's Landing Slope Restoration Project

For this 5024-only project, District PQS, with CSO's approval, were able to assume eligibility for a prehistoric archaeological mound site. Working with Design and Landscape, we were able to design a curb and rock slope protection that will not impact the site and will protect it from further erosion and damage caused by people illegally parking within the right-of-way. The project included successful consultation and project input with both the Yocha Dehe and United Auburn Indian Community, including a co-Most Likely Descendent (MLD) designation following the identification of human remains on the surface of the cut bank. The project has gone to Ready to List (RTL) and will be constructed next spring. The project required a Historic Resources Compliance Report (HRCR), Archaeological Survey Report (ASR)/Extended Phase 1 (XPI) Report, and ESA Action Plan among others. Multiple District 3 and District 1 archaeological staff worked on the report writing and XPI.

EFFECTIVENESS OF THE PRC 5024 MOU

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

The PRC 5024 MOU delegated many steps of the PRC 5024 process to Caltrans. It also established agreed-upon time frames for all steps in the SHPO review process, and delegated some reviews to CSO, which likewise have time frames. Since January 1, 2015, Caltrans has used the alternate provisions of the PRC 5024 MOU instead of the regular PRC 5024 compliance process for state-only projects and activities and for Section 106 PA projects that involved state-owned cultural resources.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 3, below, shows a comparison of time frames under the standard PRC 5024 process and those under the PRC 5024 MOU.

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.

Table 3: 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 “screening” process is a major streamlining feature of the PRC 5024 MOU. PQS measure the time saved by this provision by estimating the amount of time that otherwise would have been spent conducting PRC 5024 studies and preparing consultation documents for SHPO. In addition, the amount of time saved by not having to wait for a determination saves, at a minimum, 90 days per project, compared to the non-PRC 5024 MOU process. CSO estimates that the time saved per project averages approximately 45 hours statewide. This represents a considerable savings of labor hours between Caltrans and SHPO as well as an unknown amount of valuable tax dollars.

For this reporting period, PQS concluded that 678 projects (77 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 4 below compares the timeframes for review of effect findings under PRC 5024 to those under the PRC 5024 MOU.

Table 4: Review Timeframes for Effect Findings

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

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

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

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 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

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

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 7 through 9, 2020.
- CSO produced 7 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 878 projects that involved state-owned cultural resources. The majority of these, 678 (77 percent), qualified as Screened Projects and were exempted from further PCR 5024 review by PQS. Of the 200 projects or activities that did not qualify for treatment under the screening provision, 159 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 41 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 therefore used documentation prepared under the Section 106 PA or 36 CFR Part 800 to comply with PRC 5024, in accordance with Stipulation III of the PRC 5024 MOU.

During this reporting period, Caltrans and the SHPO also agreed to extend the duration of the PRC 5024 MOU for an additional period of 4 years, effective January 1, 2020. No changes were made to any other terms 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.