

**PRC 5024 MOU
ANNUAL REPORT**

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

JULY 1, 2020 – JUNE 30, 2021



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

SEPTEMBER 2021

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, 2020, through June 30, 2021, 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 to December 31, 2023. No changes were made to the terms of the original agreement.

During the current reporting period, Caltrans handled 1280 projects that involved state-owned cultural resources and were, therefore, subject to compliance with California Public Resources Code (PRC) 5024. Of these, 654 were state-only projects and 626 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 1280 projects, 1104, qualified as “screened” under the terms of the PRC 5024 MOU or the Section 106 PA. The remaining 176 projects were reviewed internally by Caltrans in accordance with the PRC 5024 MOU or required consultation with the 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 virtually February 3 through 4 and February 11 through 12, 2021. Quality assurance measures are presented on page 20.

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

PRC 5024 MOU Annual Report

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INTRODUCTION

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

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

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

Pursuant to PRC 5024 MOU Stipulation XIX.G, this report documents the effectiveness of, and summarizes activities carried out under, the PRC 5024 MOU. It covers actions for which PRC 5024 consultation concluded between July 1, 2020, and June 30, 2021.

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 1280 state-only or Federal-aid highway projects that involved state-owned resources during this reporting period and therefore required compliance with the PRC 5024 MOU. Of these, 654 were state-only projects and 626 were Federal-aid highway projects. Pursuant to PRC 5024 MOU Stipulation III, the federal projects used documentation prepared under the Section 106 PA or 36 CFR Part 800 to fulfill Caltrans' PRC 5024 responsibilities. The majority of these projects, 1104 (86 percent), were exempted from further review after appropriate assessment, or "screening," by Caltrans PQS.²

Of the 176 projects that did not qualify as screened projects, 116 (9 percent) resulted in a finding of No State-Owned Historical Resources Affected, or No Historic Properties Affected for federal projects, which does not require SHPO concurrence under the PRC 5024 MOU or the Section 106 PA.

There were 28 projects (2 percent) for which SHPO consultation was not required because the effect finding was No Adverse Effect with Standard Conditions (FNAE-SC) in accordance with Stipulation X.B.1(a)-(b) and Attachment 5 of the PRC 5024 MOU or the Section 106 PA. Another 29 projects (2 percent) resulted in a Finding of No Adverse Effect (FNAE). Of these, 5 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) and 7 required consultation with SHPO because they involved a state-owned property

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.

on the Master List.³ The remaining 17 FNAE projects were processed under the Section 106 PA, which requires SHPO consultation for Adverse Effect findings regardless of a state-owned resource’s Master List status.

Only 3 projects (1 percent) resulted in a Finding of Adverse Effect (FAE). All 3 projects were processed under the Section 106 PA and consultation with SHPO was required. One of the FAE projects involved a state-owned resource on the Master List; for the other 2 projects, the state-owned resources were not on the Master List.

In total, 149 projects that were not screened were reviewed in-house by Caltrans, either in the Districts or by CSO. The remaining 27 projects required consultation with SHPO.⁴ See Table 1, below.

Table 1: Total Projects Completed – July 1, 2020-June 30, 2021

Projects Completed	1280
PRC 5024-only Projects	654
Combined Section106/PRC 5024 Projects	626
Number of Projects Screened	104 (86%)
Number of Projects Not Screened	176 (14%)
Number of Projects to SHPO	27 (2%)

Evaluation of State-Owned Cultural Resources

For the current reporting period, 38 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, 5 were determined, in consultation with the SHPO, to be eligible for the NRHP and/or as CHLs and were added to the Master List. The other 33 evaluated state-owned resources were not added to the Master List, either

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.

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

because the resources did not meet the NRHP and/or CHL criteria for eligibility or were not the types of resources included on the Master List.

Effect Findings

A summary of effect findings for this reporting period is represented in Table 2 below. Of the 176 projects processed during the reporting period that did not qualify as “screened,” 116 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.

Twenty-eight 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 PRC 5024 MOU. Fifteen FNAE-SC submittals had federal funding and were therefore processed under the Section 106 PA. The remaining 13 FNAE-SC submittals either involved state-owned archaeological resources not on the Master List that were protected through designation of an ESA or state-owned built environment resources on the Master List for which the Secretary of the Interior’s Standards were applicable. Districts submitted documentation to CSO for review and approval in accordance with Stipulation X.B.1 of the PRC 5024 MOU. CSO provided quarterly reports of actions processed under this stipulation to the SHPO.

Twenty-nine projects resulted in a FNAE. Of these, 12 were state-only projects. Five of the 12 projects involved state-owned resources not on the Master List and were reviewed by CSO in accordance with Stipulation X.B.2.a of the PRC 5024

MOU. CSO provided quarterly reports of actions processed under this stipulation to the SHPO. Seven state-only projects involved state-owned resources on the Master List and therefore required consultation with SHPO pursuant to Stipulation X.B.2.c of the PRC 5024 MOU. The remaining 17 projects had federal funding and were processed under the Section 106 PA, which requires consultation with SHPO whether or not the state-owned resource is on the Master List.

Three projects resulting in a FAE involved state-owned historical resources. All were federally-funded projects and therefore processed under the Section 106 PA. Two involved state-owned resources not on the Master List. Adverse effects to 1 state-owned resource on the Master List were resolved through a Memorandum of Agreement (MOA) between Caltrans and the SHPO under the Section 106 PA.

Table 2: Effect Findings – July 1, 2020-June 30, 2021

Number of Effect Findings	176
PRC 5024-only Projects	65
Combined Section 106/PRC 5024 Projects	111
No State-Owned Historical Resources Affected/No Historic Properties Affected	116
PRC 5024-only Projects	40
Combined Section 106/PRC 5024 Projects	76
No Adverse Effect with Standard Conditions	28
PRC 5024-only Projects	13
Combined Section 106/PRC 5024 Projects	15
No Adverse Effect	29
PRC 5024-only Projects	12
Combined Section 106/PRC 5024 Projects	17
Adverse Effect	3
PRC 5024-only Projects	0
Combined Section 106/PRC 5024 Projects	3

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 2020-2021 reporting period included numerous wildfires, extreme heat, and weather events. The emergency procedures outlined in PRC 5024 MOU Stipulation XV allow Caltrans PQS to respond quickly during emergency incidents and efficiently assess potential effects to state-owned historical resources while prioritizing safety and recovery of life and property. Note that some emergency situations arose during the current reporting period but consultation remains ongoing; such projects will be reported in the next Annual Report following conclusion of consultation.

Post Review Discoveries and Inadvertent Effects

District 1. Unanticipated Effects to Two Arch Sites (CATRA 2021 0505 001)

On April 21, 2021, a field assessment conducted by Caltrans District 1 discovered unanticipated effects to two archaeological sites resulted from a state-funded winter storm damage project to reopen a 30-mile section of U.S. Highway 101 in Mendocino County. Both sites had previously been impacted by past construction activity in this location. District 1 cultural resources staff notified the Sherwood Valley Band of Pomo, Round Valley Indian Tribes, and the Cahto Tribe of the Laytonville Rancheria of the discovery and did not receive any responses. Caltrans notified the SHPO on May 5, 2021. Within 72 hours of receiving the notification, the SHPO commented that the notification did not occur within 48 hours of the discovery, as required under the PRC 5024 MOU. Responding on May 14, 2021, Caltrans assured the SHPO every effort would be made to ensure that prompt notification and documentation requirements are met.

District 1. ESA Breach (CATRA 2021 0510 002)

On May 10 and 17, 2021, Caltrans District 1 notified the SHPO of unanticipated effects to a historic-era mining archaeological site resulting from an ESA breach by California Conservation Corps (CCC) maintenance conducting standard vegetation operations within the site's boundary at the Francis B. Mathews Rest Area in Trinity County. District 1 cultural resources staff who observed the ESA breach during a field visit for an unrelated Caltrans project noted that the

maintenance effort appeared to have been conducted using hand tools (chainsaws) and resulted in very minor ground disturbance that left small gouges and scrapes on the site's surface. Due to the limited ground disturbance noted, Caltrans concluded that the unanticipated effects did not alter the site's potential significance. District 1 initiated an internal review of their ESA database utilized by District 1 maintenance staff to avoid sensitive locations during maintenance activities by ensuring that information regarding the location of sensitive areas is up-to-date, includes updated guidance that adheres to Caltrans' responsibilities set forth in the 5024 MOU, and was made available to District 1 maintenance crews working in designated ESA areas. The SHPO responded on May 20, 2021, that the District's proposed actions to avoid future ESA breaches resulting from maintenance activities was adequate.

Use of Emergency Procedures

District 1. Slater Fire (CATRA 2020_0909_001)

The Slater Fire in Mendocino County was declared an emergency by the President on September 9, 2020 and the Governor on September 10, 2020. The fire required an emergency response in order ensure the safety of the traveling public on SR 199 from postmile 27.5 to 36.4 near the Oregon border. On September 9, 2020, CSO notified the SHPO on behalf of District 1 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Repair activities SR 199 included repair/replacement of guardrail and drainage systems, vegetation barriers, downdrains, overside drains, pavement repair, erosion control, hazard tree removal, sign repair, communications systems repair, and traffic control.

The project post miles included two recorded sections of the old Route 199. One section was entirely unaffected by the fire, while the other is still in use as a roadway and was near to a staging area that was burned over. District 1 cultural resources staff confirmed that no project activities would affect the second recorded section. The nearest recorded prehistoric resource was located more than 1 mile south of the project area. The District 1 project archaeologist sent emergency notification emails to CSO and all the affected Tribes of the area as well as those recommended by the DNAC and followed up with phone calls and letters. None of the contacted tribes expressed concerns.

Field visits were conducted by the project archaeologist in September and December 2020. Though hazard tree removal efforts afforded increased access and heightened ground visibility, the project archaeologist did not locate anything other than modern refuse within the Caltrans ROW. Caltrans concluded that the emergency project did not result in any impacts to state-owned cultural resources.

District 2. August Complex Fire (CATRA 2020 0909 001)

The Governor declared a State of Emergency for the North Complex fire on August 18, 2020. The fire impacted portions of SR 36 in Trinity County from postmile 0 to 25.0. On September 9, 2020, CSO notified the SHPO on behalf of District 3 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Repair activities SR 36 included repair/replacement of guardrail and drainage systems and hazard tree removal. On May 25, 2021, District 3 provided a 6-month narrative report on the emergency work related to the August Complex Fire in Trinity County, as required under the PRC 5024 MOU. To date no state-owned historical resources have been affected as a result of the emergency repair activities; however, construction activities are ongoing and District 3 will continue to provide updates until project work is complete.

District 2. Slater Fire (CATRA 2020 0909 001)

The Slater Fire in Siskiyou County was declared an emergency by the President on September 9, 2020 and the Governor on September 10, 2020. The fire caused damage along SR 96 from postmile 57.0 to 32.0. On September 9, 2020, CSO notified the SHPO on behalf of District 2 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Work on SR 96 included removal of hazard trees and making drainage improvements for eminent winter flooding. Genesis Society (Archaeological Consultant) was contracted by Mitchell Johnson Construction, Inc. (Construction Contractor) as cultural resource monitors to prevent and minimize damage to cultural resources during emergency re-opening activities. Additionally, the Karuk Tribe was contacted by Caltrans for any tribal monitoring

needs. Known resources were flagged for complete avoidance and all construction activity was monitored to prevent and minimize impact to previously unknown cultural resources. On June 25, 2021, District 3 provided a 6-month narrative report on the emergency work related to the Slater Fire in Siskiyou County, as required under the PRC 5024 MOU. All construction and survey work has been completed, and no state-owned historical resources were affected as a result of the emergency opening/repair activities.

District 2. Loyalton and Claremont Fires (CATRA 2020_0909_001)

The Governor declared a State of Emergency for the Loyalton and Claremont Fires on August 18, 2020. The Loyalton Fire, which began on August 14, 2020 in Sierra County, damaged areas of I-395 in Lassen County from postmiles 0.1 to 4.3 and SR 70 from postmiles 0.1 to 3.8. The Claremont Fire began on August 17, 2020 in Plumas County and later merged with numerous other fires into what became the Bear/North Fire Complex, burning approximately 1.5 miles of SR 70 between postmiles 49.7 and 51.2. On September 9, 2020, CSO notified the SHPO on behalf of District 2 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions.

Emergency activities included, replacing signs, damaged sections of guardrail, fencing and erosion control. Fencing repair activities included replacing the damaged Right of Way fence with an eight-foot deer fence. The new fence is on the same alignment as the previous Right of Way fence, with deer escape jump-outs spaced approximately every third of a mile. Caltrans consultants conducted a survey of the emergency repair locations prior to the initiation of work in the area and monitored all work near cultural resources.

As part of the initial efforts for each area, Caltrans contacted the local tribes to solicit information of known cultural resources, and comments or concerns with work within or adjacent to the project area. The tribal list consisted of groups and individuals that expressed an interest in the project areas based on past United States Forest Service (USFS) and Caltrans' projects. None of the tribal contacts expressed concerns with the emergency project.

A total of 23 assumed-eligible state-owned historical resources (nine previously-recorded and 14 newly-recorded) were documented within the project area.

Seven were subject to only minor effects from tree and vegetation removal or fence repair activities. The remaining 16 were protected in their entirety through the establishment of ESAs. One of the 23 sites within the project area, CA-PLU-5893/H, was impacted by fire suppression activities, which were not part of Caltrans' emergency repairs. A bulldozer line cut through the large historic and prehistoric scatter, bisecting the site.

On July 1, 2021, District 2 provided a 6-month narrative report on the emergency work related to the Loyalton and Claremont fires, as required under the PRC 5024 MOU. All construction and monitoring for the repair has been completed.

District 3. North Complex Fire (CATRA 2020 0909 001)

The Governor declared a State of Emergency for the North Complex fire on August 18, 2020. The fire, which burned over 314,949 acres of land and destroyed over 2,342 structures, impacted portions of SR 162 in Butte County from postmile 25 to 31.07. On September 9, 2020, CSO notified the SHPO on behalf of District 3 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Repair and reopening work included repairing/replacing guardrail, pavement markers, signs, fences, and culverts. In addition, about 70 acres of burn scar along the route was identified as an erosion risk due to fire damage and denuded landscape. Efforts to avoid adverse effects to historic properties resulting from emergency activities were conducted by Pacific Legacy, Inc. in cooperation with the Mooretown Rancheria, the Berry Creek Rancheria, and the KonKow Valley Band of Maidu. On May 20, 2021, District 3 provided a 6-month narrative report on the emergency work related to the North Complex Fire in Butte County, as required under the PRC 5024 MOU. All construction and survey work has been completed, and no state-owned historical resources were affected as a result of the emergency opening/repair activities.

District 3 LNU Fire (CATRA 2020 0909 001)

The Governor declared a State of Emergency for the LNU Fire on August 18, 2020. The fire impacted portions of SR 16 in Colusa County from postmiles 4.5 to 7.2 and in Yolo County from postmiles 0.0 to 5.5; and SR 128 in Yolo County from postmiles 0.0 to 3.5. On September 9, 2020, CSO notified the SHPO on behalf of

District 3 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Efforts to avoid adverse effects to state-owned historical resources resulting from emergency re-opening activities were conducted by Pacific Legacy, Inc in consultation with the Yocha Dehe Wintun Nation. On May 20, 2021, District 3 provided a 6-month narrative report on the emergency work related to the LNU Fire in Butte County, as required under the PRC 5024 MOU. All construction and survey work has been completed, and all known resources were flagged and avoided. No adverse effects to historic properties resulted from emergency opening/repair activities.

District 3. Delta Bridges Emergency Repair Projects (EAs 03-4H6904, 03-4H9504)

On September 1, 2020, Caltrans notified the SHPO that emergency repairs had been made to 5 state-owned historical resources on the Master List, all located in Sacramento County: the Rio Vista, Isleton, Three Mile Slough, Paintersville, and Steamboat Slough bridges, due to the imminent failure of the bridges' lift mechanisms. Caltrans District 3 cultural resources staff concluded that neither the emergency work completed to date nor the proposed future work would result in an adverse effect to any character defining features of the bridges.

District 3 Rock Wall Repair Project (CATRA 2020 1112 001)

On November 12, 2020, Caltrans notified the SHPO of the intention to use emergency procedure to accomplish repair work on SR 70 in Plumas County that involved a state-owned historic property on the Master List, the Feather River Highway Historic District. The required work would affect a character-defining feature of the resource: a stone masonry retaining wall with parapet located at post mile 36.15. A section of rock wall and attached metal beam guard rail was hit by an errant driver sometime between July and September of 2020, resulting in damage to the safety barrier between SR 70 and a steep slope leading to the Feather River below. Caltrans maintenance crews determines that the barrier was no longer an effective safety device and had to be replaced and/or enhanced. The emergency repair work included removing and replacing failed existing metal beam guard railing (MBGR) with new, double thrie-beam railing and installing double thrie-beam railing in front of the adjacent masonry rock wall feature (approximately 140 linear feet), which

required drilling into the rock wall, applying mortar to the face of the wall, and other miscellaneous adjustments required to install the new railing.

District 4. LNU Fire (CATRA 2020 0909 001)

The Governor declared a State of Emergency for the LNU Fire on August 18, 2020. The fire impacted portions of SR 128 in Napa County from postmiles 7.52 to 34.52 and in Solano County from postmiles 0.0 to 0.72; SR 121 in Napa County from postmiles 16.1 to 22.1; and SR 80 from postmiles 20.92 to 25.3. On September 9, 2020, CSO notified the SHPO on behalf of District 4 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Emergency work included repair of culverts, metal beam guardrails and fences; erosion control activities; and hazard tree removal. Post miles 20.0/25.0 are considered part of a culturally sensitive area by the Yocha Dehe Tribe. Effects to state-owned cultural resources were avoided through establishment of ESAs.

District 4. Meyers Fire (CATRA 2020 0909 001)

The Governor declared a State of Emergency for the Meyers Fire on August 18, 2020. The fire impacted portions of SR 1 in Sonoma County from postmiles 27.0 to 31.5. On September 9, 2020, CSO notified the SHPO on behalf of District 4 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Emergency work included repair/replacement of four retaining walls, hazard tree removal, and erosion control activities. Effects to state-owned cultural resources were avoided through establishment of ESAs.

District 4. CZU Fire (CATRA 2020 0909 001)

The Governor declared a State of Emergency for the CZU Fire on August 18, 2020. The fire caused damage on SR 130 in Santa Clara County from postmiles 15.0 to 21.5 and SR 1 in San Mateo County from postmiles 0.0 to 13.54. On September 9, 2020, CSO notified the SHPO on behalf of District 4 of the intention to use emergency procedures in response to State of Emergency Declarations

for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Emergency work included repair of culverts, metal beam guardrails and fences; erosion control activities, and hazard tree removal. Effects to state-owned cultural resources were avoided through establishment of ESAs.

District 4. Glass Fire (CATRA 2020 0909 001)

The Governor declared a State of Emergency for the Glass Fire on August 18, 2020. The fire caused damage to SR 29 in Napa County from postmiles 33.5 to 48.5 and SR 12 in Sonoma County from postmiles 19.3 to 25.8. On September 9, 2020, CSO notified the SHPO on behalf of District 4 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Emergency work included repairing/replacing metal beam guardrails, culverts, signs fences, electrical facilities, and asphalt pavement; erosion control activities; and hazard tree removal. Effects to state-owned cultural resources were avoided through establishment of ESAs.

District 6. SFQ Complex Fire (CATRA 2020 0909 001)

The Governor declared a State of Emergency for the SFQ Fire on August 18, 2020. The fire caused damage to SR 190 in Tulare County from postmiles 49.0 to 51.1. On September 9, 2020, CSO notified the SHPO on behalf of District 6 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Emergency work on SR 190 included removing approximately 2600 hazard trees, slope stabilization and culvert replacement. District 6 cultural resources staff conducted background research and field visits in October 2020 and consulted representatives of the Tule River Indian Tribe, Santa Rosa Indian Community of Santa Rosa Rancheria, Tejon Indian Tribe, Kitanemuk & Yowlumne Tejon Indians, Tübatulabal of Kern Valley, Kern Valley Indian Council and the Wuksache Indian Tribe/Eshom Valley Band about the project. One previously undocumented cultural resource, (prehistoric milling features and biface) and one previously documented site (a

prehistoric lithic scatter) were identified within the area where tree removal would occur. Upon further consultation with the Tule River Indian Tribe, Caltrans concluded that archaeological monitoring was appropriate. Both cultural resources were avoided by the tree cutting crew. On August 17, 2021, District 6 provided a 6-month narrative report on the emergency work related to the SFQ Complex Fire in Tulare County, as required under the PRC 5024 MOU. All operations to date have avoided damaging or otherwise disturbing state-owned historical resources; however, tree cutting activities are ongoing. District 6 will continue to provide updates until project work is complete.

District 6. Creek Fire (CATRA 2020 0909 001)

The Governor declared a State of Emergency for the Creek Fire on August 18, 2020. The fire caused damage to SR 186 in Tulare County from postmiles 33.0 to 65.9. On September 9, 2020, CSO notified the SHPO on behalf of District 6 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Emergency work on SR 186 included repairing/replacing fire-damaged culverts, hazard tree removal, applying erosion control measures, clearing inlets and ditches of debris, repairing spot locations of damaged pavement and embankment for guardrail work. In October through December 2020, and June through July 2021, District 6 cultural resources staff conducted background research and field visits, and consulted representatives of the North Fork Mono Rancheria, the North Fork Mono Tribe, and the Picayune Rancheria. One prehistoric Native American archaeological site consisting of milling stations with bed rock mortars, midden, and lithic scatter were located within the project area. No site features or surface artifacts were found within a 100-foot boundary of work. No soil excavation occurred within the archaeological site boundary. On August 11, 2021, District 6 provided a 6-month narrative report on the emergency work related to the Creek Fire in Tulare County, as required under the PRC 5024 MOU. No state-owned cultural resources were affected.

PRC 5024 MOU Success Stories

District 1. Camp 20 Safety Project (EA 01-0E860)

This project had federal funding and was therefore processed under the 106 PA and the PRC 5024 MOU. The Camp 20 Interpretive Panels, seen below in Figure 1, were installed in April 2021 after a multi-year project to re-align a curve on Highway 20 in-between Willits and Fort Bragg. Project archaeologists Brian James and Jackie Farrington worked in collaborate with the Sherwood Valley Band of Pomo, Far Western Art Director Tammara Norton and Calfire to create and install panels that acknowledge the local history and the importance of cultural resources to the Tribe and community at large. These panels may be viewed by the public at the Camp 20 Recreation Area on Highway 20.



Figure 1

EFFECTIVENESS OF THE PRC 5024 MOU

Prior to the execution of the PRC 5024 MOU, pursuant to PRC 5024, all projects that involved state-owned cultural resources required consultation with the SHPO. Caltrans conducted an inventory and evaluation of the resources using the NRHP and CHL criteria and consulted SHPO on eligibility in accordance with PRC 5024(b) and (d). If state-owned historical resources were identified, Caltrans continued consultation with SHPO on effects to properties on the Master List per

PRC 5024.5. PRC 5024(f) required that Caltrans notify the SHPO regarding effects to state-owned historical resources not on the Master List and request SHPO's comment; there is no time frame for this consultation and the process could take several months depending on the circumstances.

The PRC 5024 MOU delegated many steps of the PRC 5024 process to Caltrans. It also established agreed-upon time frames for all steps in the SHPO review process, and delegated some reviews to CSO, which likewise have time frames. Since January 1, 2015, Caltrans has used the alternate provisions of the PRC 5024 MOU instead of the regular PRC 5024 compliance process for state-only projects and activities and for Section 106 PA projects that involved state-owned cultural resources. The result is a time savings of up to 60 days for projects requiring determinations of eligibility and approximately the same for effect findings. Table 3, below, shows a comparison of time frames under the standard PRC 5024 process and those under the PRC 5024 MOU.

Table 3: PRC 5024 Review Timeframes

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 1104 projects (86 percent) qualified as “screened” and were exempt from further review. Time saved is best viewed as a measure of more efficient project delivery, in that the screening process has allowed Caltrans to complete the compliance process more efficiently than could be accomplished without the PRC 5024 MOU and has saved the SHPO time in not having to review projects with no potential to affect historical resources. Without the PRC 5024 MOU, projects that involved both Federal-aid highway funding and state-owned properties could still be “screened” under the Section 106 PA, but Caltrans would potentially have had to consult separately with the SHPO to comply with PRC 5024. Bringing the two processes into line with each other has saved considerable time and effort.

Time Savings for Effect Findings

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

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

Under the PRC 5024 MOU, all FNAE-SCs are sent to CSO for a 15-day review. If CSO does not object within that time frame, the District can move forward and the project or activity is not subject to further review. Caltrans notifies SHPO in quarterly reports as well as an overall reporting in the annual report. This streamlining measure of PRC 5024 MOU Stipulation X.B.1 results in review time savings of 15 to 30 days per project for properties on the Master List, and up to 90 days for properties not on the Master List. Table 4 below compares the timeframes for review of effect findings under PRC 5024 to those under the PRC 5024 MOU.

Table 4: Review Timeframes for Effect Findings

Action	PRC 5024 Process	PRC 5024 MOU Process
Finding of No State-Owned Historical Resources Affected (including when State-owned Historical Resources on the Master List not affected)	No time frame specified; open-ended or 30-day SHPO review	No SHPO review; annual reporting
Finding of No Adverse Effect with Standard Conditions – Not on Master List	No time frame specified; open-ended	15-day CSO review 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 state 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 virtually February 3-4 and February 11-12, 2021.

- CSO produced 6 editions of The Cultural Call CSO bulletin, a newsletter to discuss implementation and interpretation of policy and disseminate the information to PQS and other Caltrans staff statewide.
- CSO updated the cultural resource guidance in the SERv2, which was last updated in 2015 before the PRC 5024 MOU was in use.
- 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 1280 projects that involved state-owned cultural resources. The majority of these, 1104 (86 percent), qualified as Screened Projects and were exempted from further PCR 5024 review by PQS. The remaining 176 projects or activities that did not qualify for treatment under the screening provision were processed by Caltrans Districts and/or CSO under the terms of the PRC 5024 MOU or required consultation with the SHPO for determination of eligibility or findings of effect. Caltrans submitted 27 projects involving state-owned cultural resources to the

SHPO for review of a finding of effect. This figure includes projects that had federal funding and therefore used documentation prepared under the Section 106 PA or 36 CFR Part 800 to comply with PRC 5024, in accordance with Stipulation III of the PRC 5024 MOU.

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