

**PRC 5024 MOU  
ANNUAL REPORT**

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

**JULY 1, 2023 – JUNE 30, 2024**



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

SEPTEMBER 2024

## 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, 2023, through June 30, 2024, in accordance with PRC 5024 MOU Stipulation XIX.E.

During the current reporting period, Caltrans handled 2,108 projects that involved state-owned cultural resources and were, therefore, subject to compliance with California Public Resources Code (PRC) 5024. Of these, 1,517 were state-only projects and 591 were Federal-aid highway projects. Pursuant to PRC 5024 MOU Stipulation III, the federal projects used documentation prepared under the January 1, 2014, First Amended Section 106 PA (Section 106 PA)<sup>1</sup> or the Section 106 Code of Federal Regulations 36 (CFR) Part 800 to fulfill Caltrans’ PRC 5024 responsibilities.

Of the 2,108 projects, 1,724, qualified as “screened” under the terms of the PRC 5024 MOU or the Section 106 PA. The remaining 384 projects were reviewed internally by Caltrans in accordance with the PRC 5024 MOU or required consultation with the State Historic Preservation Officer (SHPO) for determinations of eligibility or findings of effect. A summary of results of the actions completed under the PRC 5024 MOU begins on page 2.

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

Quality assurance measures for this reporting period included ongoing PQS review of Caltrans District reports by CSO staff, delivery of a 4-day Section 106

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

PA/PRC 5024 MOU training session for PQS held in person in Sacramento January 23-26, 2024. Quality assurance measures are presented on page 14.

During this reporting period, Caltrans continued consultation with the SHPO to amend and renew the PRC 5024 MOU, in accordance with Stipulation XIX.G.

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

**PRC 5024 MOU ANNUAL REPORT**

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## INTRODUCTION

The PRC 5025 MOU went into effect on January 1, 2015, streamlining PRC 5024 and Governor's Executive Order W-26-92 by delegating much of the SHPO's responsibility for carrying out routine aspects of the PRC 5024 process to Caltrans. In October 2019, Caltrans and the SHPO signed an addendum that extended the duration of the PRC 5024 MOU to December 31, 2023. On November 2, 2023, the SHPO and Caltrans executed an extension of the PRC 5024 MOU, extending its duration to December 31, 2024 or until the renewed PRC 5024 MOU is executed.

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.E, 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, 2023, and June 30, 2024.

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

### **Summary of PRC 5024 MOU Actions**

According to data provided by the 12 Caltrans Districts, enumerated in Table 1, Caltrans processed a total of 2,108 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, 1,517 were state-only projects and 591 were Federal-aid highway projects. Pursuant to PRC 5024 MOU Stipulation III, the federal projects used documentation prepared under the Section 106 PA or 36 CFR Part 800 to fulfill Caltrans' PRC 5024 responsibilities. A majority of the projects, 1,724 (82 percent), were exempted from further review after appropriate assessment, or "screening," by Caltrans PQS.<sup>2</sup>

Of the 384 projects that did not qualify as screened projects, 227 (11 percent of the total) resulted in a finding of No State-Owned Historical Resources Affected, or No Historic Properties Affected for federal projects, which does not require SHPO concurrence under the PRC 5024 MOU or the Section 106 PA.

There were 73 projects (3 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 76 projects resulted in a Finding of No Adverse Effect (FNAE). Of these, 3 were reviewed and approved by CSO

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

under PRC 5024 MOU Stipulation X.B.2.(a) as they involved state-owned historical resources not on the Master List of Historical Resources (Master List) and 4 required consultation with SHPO because they involved a state-owned property on the Master List.<sup>3</sup>

The remaining 69 FNAE projects were processed under the Section 106 PA, which requires SHPO consultation for No Adverse Effect findings regardless of a state-owned resource’s Master List status.

There were 8 projects (less than 1 percent) resulted in a Finding of Adverse Effect (FAE). One project was processed under the PRC 5024 MOU Stipulation X.C.1, Finding of Adverse Effect and Mitigation through Standard Mitigation Measures, and was therefore reviewed and approved by CSO. The remaining 7 projects were processed under the Section 106 PA, for which consultation with SHPO is required and the adverse effect was resolved through execution of a Memorandum of Agreement (MOA).

In summary, of the 384 projects that were not screened, 304 were reviewed in-house by Caltrans, either in the Districts or by CSO. The remaining 80 projects required consultation with SHPO.<sup>4</sup> See Table 1, below.

**Table 1: Total Projects Completed - July 1, 2023-June 30, 2024**

Projects Completed	2,108
PRC 5024-only Projects	1,517
Combined Section106/PRC 5024 Projects	591
Number of Projects Screened	1724 (82%)
Number of Projects Not Screened	384 (18%)
Number of projects reviewed by Caltrans (District or CSO)	304 (96%)
Number of Projects to SHPO	80 (4%)

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

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

## EVALUATION OF STATE-OWNED CULTURAL RESOURCES

For the current reporting period, 46 projects involved evaluations of state-owned cultural resources pursuant to PRC 5024 MOU Stipulation VIII.C.6 and/or PA Stipulation VIII.C.2, resulting in Determinations of Eligibility (DOE) submitted by Caltrans Districts to the SHPO for concurrence. For 47 projects, Caltrans considered state-owned resources to be eligible for the National Register of Historic Places (NRHP) and/or as California Historical Landmarks (CHL) for purposes of the project only.

## EFFECT FINDINGS

A summary of effect findings for this reporting period is represented in Table 2 below. Of the 384 projects processed during the reporting period that did not qualify as “screened,” 227 resulted in a finding of “No State-Owned Historical Resources Affected” or “No Historic Properties Affected” because there were either:

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

Another 73 projects resulted in a FNAE-SC. Standard Conditions, described in MOU stipulation X.B.1, which applies when state-owned historical resources will be rehabilitated in accordance with the Secretary of the Interior’s Standards for Treatment of Historic Properties (36 CFR Part 68) or will be protected by designation of an environmentally sensitive area (ESA) as described in Attachment 5 of the PRC 5024 MOU. Of the 73 FNAE-SC submittals, 45 had federal funding and were therefore processed under the Section 106 PA. The remaining 28 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.

A total of 76 projects resulted in a FNAE. Of these, 7 were state-only projects. Three projects involved state-owned resources not on the Master List and were reviewed by CSO in accordance with Stipulation X.B.2.a of the PRC 5024 MOU. CSO provided quarterly reports of actions processed under this stipulation to the SHPO. The four remaining state-only projects involved state-owned resources on the Master List and therefore required consultation with SHPO pursuant to Stipulation X.B.2.c of the PRC 5024 MOU. There were 69 projects that had federal funding and were processed under the Section 106 PA, which requires consultation with SHPO whether or not state-owned resources in the APE are on the Master List.

Eight projects resulting in a FAE involved state-owned historical resources. One project had state-only funding and was processed under the PRC 5024 MOU Stipulation X.C.1, Finding of Adverse Effect and Proposed Mitigation with Standard Mitigation Measures. The other 7 were federally-funded projects and were therefore processed under the Section 106 PA. The adverse effect in each case was resolved through an MOA between Caltrans and the SHPO under the Section 106 PA.

**Table 2: Effect Findings – July 1, 2023-June 30, 2024**

<b>Number of Effect Findings</b>	<b>384</b>
PRC 5024-only Projects	173
Combined Section 106/PRC 5024 Projects	211
<b>No State-Owned Historical Resources Affected/No Historic Properties Affected</b>	<b>227</b>
PRC 5024-only Projects	137
Combined Section 106/PRC 5024 Projects	90
<b>No Adverse Effect with Standard Conditions</b>	<b>73</b>
PRC 5024-only Projects	28
Combined Section 106/PRC 5024 Projects	45
<b>No Adverse Effect</b>	<b>76</b>
PRC 5024-only Projects	7
Combined Section 106/PRC 5024 Projects	69
<b>Adverse Effect</b>	<b>8</b>
PRC 5024-only Projects	1
Combined Section 106/PRC 5024 Projects	7

## **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 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. Discovery without prior planning, Mitigation Project for Tuluwat Island Spartina Eradication, State Route 255, Humboldt County (CATRA\_2023\_0421\_001)**

Pursuant to Stipulation XIV(B) of the PRC 5024 MOU, on July 21, 2023, District 1 notified CSO, the SHPO and the Wiyot tribe of a post-review discovery during monitoring for the Tuluwat Spartina Removal project. The district followed procedures for post-review discoveries as provided for in the project's Cultural Resources Protection Plan, including the assumption that the discovery was a contributing element of a NRHP-listed archaeological site on the island, and creating an ESA buffer around the find. The find was discovered due to natural changing surface visibility since the initial survey, not due to construction activities. The historical resource was not affected by the project, and no effects are anticipated with the incorporation of the ESA. On July 24, 2023, the SHPO responded with no objection to the district's proposed protection measures.

**District 1. Second Post-Review Discovery, Mitigation Project for Tuluwat Island  
Spartina Eradication – State Route 255, Humboldt County  
(CATRA\_2023\_0421\_001)**

Pursuant to Stipulation XIV.B of the PRC 5024 MOU, on April 24, 2024, District 1 provided notice to CSO, the SHPO and the Wiyot tribe of a second post-review discovery during monitoring of the Tuluwat Spartina Removal project. Procedures for post-review discoveries as provided for in the project's Cultural Resources Protection Plan were again followed, consisting of assuming the discovery was a contributing element of the other already NRHP-listed archaeological site on the island, and creating an ESA buffering the find. The find was discovered due to natural changing surface visibility since the initial survey, not due to construction activities. The resource was not affected by the project, and no effects are anticipated with the incorporation of the ESA. The SHPO requested an explanation as to why the district did not notify the SHPO of this and an earlier post-review discovery (July 21, 2023) for this undertaking within 48 hours of the discoveries as required under Stipulation XIV.B of the PRC 5024 MOU. The SHPO also requested information as to how the district will ensure that the SHPO and additional consulting parties will be notified within 48-hours of any future post-review discoveries for this project. Consultation is ongoing and a response is currently being drafted for CSO review.

**District 1. Third Post-Review Discovery, Mitigation Project for Tuluwat Island  
Spartina Eradication – State Route 255, Humboldt County  
(CATRA\_2023\_0421\_001)**

Pursuant to Stipulation XIV.B of the PRC 5024 MOU, on June 12, 2024, the District provided notice to CSO, the SHPO and the Wiyot tribe of a third post-review discovery during monitoring of the Tuluwat Spartina Removal project). Procedures for post-review discoveries as provided for in the project's Cultural Resources Protection Plan were again followed, consisting of assuming it to be a contributing element of the other already NRHP-listed archaeological site on the island, and creating an ESA buffering the find. The find was discovered due to natural changing surface visibility since the initial survey, not due to construction activities. The resource was not affected by the project, and no effects are anticipated with the incorporation of the ESA. On June 14, 2024, the SHPO requested further consultation with Caltrans prior to the proposed removal of any constituents associated with the assumed eligible historical resource along with location maps, photographs and the DPR 523 site record of the assumed

eligible historical resource when available. This consultation will occur once the DPR 523 site record is provided from the consultant archaeologist.

**District 1. Discovery without prior planning, Covelo Multiuse Trail Project, State Route 162, Mendocino County (CATRA\_2023\_0824\_001)**

On August 23, 2023, Caltrans District 1 notified the SHPO and CSO that a discovery without prior planning occurred on the Covelo Multiuse Trail Project, located on State Route 162 between Postmile (PM) 28.18 and 30.67. The discovery consists of a prehistoric site containing chert debitage, bifaces, projectile points, ground stone, and isolated historic period artifacts. Tribal and archaeological monitors were present and identified the site as potentially historical state-owned resource. In consultation with the Round Valley Indian Tribe's Tribal Historic Preservation Officer, work was stopped within 150 feet of any finding. Impacts to the site included the excavation of a 3 foot deep, 2 foot wide, approximately 100 foot long drainage ditch into the site and shallow (6 inches) grading over the site area. In consultation with the Round Valley Indian Tribe, Caltrans proposed to evaluate the site and carry out mitigation, including sampling of the site with controlled excavations for the purpose of recovering data associated with the research questions related to the prehistory of Mendocino County and the North Coast Range. The SHPO acknowledged receipt of the notification on August 24, 2023 and asked to be kept informed. Caltrans followed up with additional information on September 29, 2023 and received the SHPO's response on October 2, 2023. Further follow up occurred on October 24, 2023, and was acknowledged by the SHPO on November 7, 2023.

**District 5. Post-Review Discovery- Wye Segment, State Route 46, San Luis Obispo County (FHWA\_2023\_1027\_001)**

On October 24, 2023, fragments of unidentified bone were identified by a representative from the Salinan Tribe of Monterey and San Luis Obispo Counties during construction monitoring related to biological burrow excavations for tiger salamanders. The fragments were found on the surface, where burrow excavation had started. The tribal monitor requested that the materials be examined to confirm they were not human remains.

The following morning, the District 5 Project Archaeologist, Kaya Wiggins (PQS PI – Prehistoric Archaeology), halted construction within a 60-foot radius and collected the materials, with permission from the tribe. Ms. Wiggins brought the

materials to Lise Mifsud, a Human Osteologist. Ms. Mifsud identified the bones as human. Kaya contacted the San Luis Obispo County Coroner. The coroner contacted Ms. Mifsud, who confirmed they were of Native American descent. The coroner contacted the Native American Heritage Commission (NAHC) to report the find and request a Most-likely Descendant (MLD). The MLD was designated by the NAHC on October 26, 2023.

More bone fragments were identified on the surface, in the vicinity of the original find on October 26 and October 31. In total 14 fragments were recovered and examined by Ms. Mifsud, who identified 3 as possibly human. No cultural resources have been identified near the find.

On October 27, 2023, District 5 notified CSO, the SHPO, and the Salinan Tribe of Monterey and San Luis Obispo Counties along with a plan for treatment of the discovery which included

- conducting hand excavation units in the immediate vicinity of the find to determine if a cultural deposit exists or if the discovery was an isolated burial,
- using a contractor-supplied flat shovel backhoe to carefully remove soil in the project footprint to further identify any other cultural material in the construction zone,
- documenting all excavations in a technical report, and
- consulting with the MLD regarding a safe reburial location for the remains.

The SHPO agreed with the district's proposed plan on October 30, 2023 and requested to be kept informed of any comments or concerns from consulting parties.

Because the project was in construction, with impacts proposed adjacent to where the human remains were identified, it was decided that archaeological exploratory excavation would occur in order to identify any potential additional human remains or burials below the surface. The field strategy was developed in consultation with the Salinan Tribe of Monterey and San Luis Obispo Counties. No human remains were identified during archaeological excavations.

Subsequent construction in the vicinity has occurred, monitored by the Salinan Tribe and Caltrans contracted archaeologists. No additional human remains have been identified during monitoring. Caltrans continues to consult with the Salinan Tribe to identify a location for reburying the human remains.

**District 11. Inadvertent effects, San Diego-Coronado Bridge, San Diego County (CATRA\_2023\_0811\_001)**

In August, 2023, District 11's Maintenance Division, upon a request from the Chicano Park Steering Committee, conducted a minor concrete spall repair work on top of Bend F42 within Chicano Park, a Caltrans-owned historical resource on the Master List and a National Historic Landmark. Bend F42 has a contributing mural, and a portion of the mural had spalled off. The Chicano Park Steering Committee, which is the local stakeholder for Chicano Park, was conducting a mural restoration project at that time, observed the spalling, and reported it to Caltrans Maintenance. Maintenance immediately dispatched crew and conducted a repair. The District 11 Environmental Division was not notified until the repair had been already completed. Because of the on-going Chicano Park mural restoration project, the concrete-patched portion of the mural was painted over by a qualified artist, and the mural restoration was successfully completed, seamlessly covering up the concrete repair. District 11 cultural staff found that there was not an adverse effect to the Chicano Park Murals and on August 11, 2023, notified the SHPO and CSO of the inadvertent effect in accordance with the PRC 5024 MOU. The SHPO acknowledged receipt of the notification on August 14, 2023 and did not have any comments.

**ESA And AMA Violations**

**District 4. AMA Breach- Marin-Sonoma Narrows Project, State Route 101, Marin County. (FHWA060328A)**

On Tuesday, August 15, 2023, excavation work occurred within a designated AMA without the presence of an archaeological monitor. The archaeological monitor, an employee of Kleinfelder, Inc., was informed of the unauthorized work on August 18, 2023. At this time, the monitor was informed by the contractor that a different contractor branch, which handles underground facilities such as drainage installation, had installed a box culvert within the AMA for CA-MRN-196/H, an archaeological site not on the Master List, three days before, on Tuesday August 15, 2023. The 6-week construction schedule, which is provided by to Caltrans by the Contractor Project Manager every Wednesday, indicated that the installation of the box culvert was scheduled to begin on August 17. Additionally, the archaeological monitor, who was on-site at a different location within the project area on August 15, confirmed with the contractor foreman that no work would be happening within the AMAs that

day. The monitor proceeded to check in with the foreman on August 16 and 17 and was again informed that no work would be occurring in the AMAs. Neither Caltrans District 4 nor the on-site archaeological monitor was notified of the change in the scheduled culvert installation. The archaeological monitor proceeded to inspect the site of the AMA breach and assess evidence for damage or effects to the archaeological resource. On August 22, 2023, Caltrans District 4 notified CSO and the SHPO of the AMA breach and outlined actions to resolve the situation including consultation with tribal consulting parties, revising communications protocols, and implementing frequent and regular cultural sensitivity trainings. An assessment of the effects of the AMA breach found no evidence of archaeological deposits or individual artifacts within the excavation trench walls associated with the construction and that no adverse effects occurred to historic properties. The SHPO responded on August 23, 2023, and did not have any comments. Caltrans District 4 provided an update on September 6, 2023. The SHPO responded to the update on September 12, 2023 and did not have any comments.

**District 6. ESA Violation- Madera Ranchos Project, State Route 41, Madera County (FHWA\_ 2019\_0604\_001)**

On June 29, 2024, Caltrans District 6 notified CSO and the SHPO of an ESA breach at CA-MAD-1503, an archaeological site not on the Master List. The breach was caused by a construction contractor. The District 6 Branch Chief was notified of the breach on June 27, 2024 after which all construction activities within the ESA were halted. Without the Resident Engineer's knowledge, the construction contractor made an agreement with the private property owner to dump and spread excess soil from construction activities on the private property. No environmental analysis was completed by the contractor prior to the activity nor was Caltrans notified of the activity in advance. The contractor was told to discontinue dumping the excess soil at the location. The contractor was also informed that environmental clearance is required for dumping and that consultation with Caltrans to identify a new location to dispose of the excess soil would be necessary.

Because the project had a federal nexus and previously resolved Section 106 consultation under a Memorandum of Understanding (MOA)c, Caltrans District 6 archaeologist contacted consulting tribes and concurring parties to the MOA to discuss the ESA breach and its potential effects to CA-MAD-1503.

Following a comparison of photographs provided by the Caltrans project biologist with the site boundary of CA-MAD-1503 in the APE, it appeared that approximately a quarter of the property located on the east side of State Route 41 was covered with the deposited soil. The private property owner would not authorize Caltrans to access the property to conduct a field analysis to determine potential effects to CA-MAD-1503 resulting from the ESA breach, so Caltrans scheduled a drone review of the location and invited tribal representatives to participate in the drone review of the breached area.

Caltrans District 6 is continuing consultation on the project and is currently in the process of revising the project APE to encompass the ESA breach, which will be followed by an assessment of effects resulting from the breach. The SHPO responded on July 2, 2024 and did not have any comments.

**District 9. ESA Violation- Conway Ranch Shoulder Widening, Mono County (CATRA\_2020\_0528\_001)**

On August 18, 2023, District 9 notified CSO and SHPO of an ESA breach by the construction crew on the Conway Ranch shoulder widening project. The ESA was protecting CA-MNO-439/H, a multi-component archaeological site not on the Master List that includes a large, flaked stone scatter and historic-era water diversion features and sparse debris and is a contributing element to the Conway Ranch Historic District. The site is located within Caltrans right-of-way easement owned by Bureau of Land Management (BLM). In earlier consultation with the SHPO, CA-MNO-439/H was designated as ESA 1 as part of Caltrans' finding of no adverse effect for the project. The contractor was preparing for an upcoming storm, and while performing this work, discovered several rills at approximately STA 489+00 extending through ESA 1. Granite graded an earth windrow to prevent further erosion there. The rills were 2 to 3 feet deep, and the slope was at risk of being undermined. To prevent further erosion in the ESA, the crew placed in BMPs, including straw waddle. Damon Dondero, tribal monitor from the Mono Lake Kootzaduka'a, was able to monitor the ESA during the process. On August 24, 2023, Caltrans District 9 archaeologist Julie Sage performed a field review for the ESA 1 violation with Damon Dondero and Jason Small (tribal Member-At-Large Mono Lake Kootzaduka'a tribe and a road maintenance worker for Mono County). They determined that the breached portion of the ESA was within the buffer zone immediately adjacent to CA-MNO-439/H that is located farther to the north and east of the breached ESA location. No effects occurred to CA-MNO-439/H as a result of the breach of ESA 1.



Caltrans provided updated notification to CSO and the SHPO on August 30, 2023. The SHPO responded on September 1, 2023 and did not have any comments.

### **Use of Emergency Procedures**

#### **District 1. Fernbridge Emergency Repairs, State Route 211, Humboldt County (CATRA\_2023\_0104\_001).**

On December 20, 2022, the California governor declared a state of emergency for Humboldt County as a result on an earthquake. On January 3, 2023, Caltrans District 1 notified CSO and the SHPO that it intended to use emergency procedures as outlined in MOU Stipulation XV for a project to make emergency repairs to Fernbridge, a state-owned historical resource on the Master List. The District requested a six-month extension of the period of applicability of emergency procedures to allow Caltrans and local agency partners an appropriate amount of time to begin vital emergency repairs. The SHPO granted the six-month extension on January 6, 2023. Caltrans District 1 provided the SHPO a narrative update on emergency repairs on June 27, 2023. On January 3, 2024, the district provided a final narrative report outlining bridge repair activities that occurred in the previous six months (July 2023 – December 2023). Work completed at the time included emergency repair and stabilization of pier #2. Caltrans encased the existing footing at pier #2 with concrete and ten cast-in-drilled-hole piles. Caltrans replaced all joint seals damaged by the earthquake and completed all repair work on pier #2 on October 30, 2023. Upon completion of physical repairs, Caltrans applied bridge surface stain on replacement concrete spall repairs, steel plates used for tie rods, and bridge and railing patchwork. Remaining work noted in the final report included sealing bridge deck joints at both abutments, implementing a revegetation plan, and installing wireless seismic gates and messaging systems.

#### **District 3. Omega Slope Failure, State Route 20, Nevada County. (FHWA\_2024\_0514\_002)**

A series of severe storms in winter and spring of 2024 caused major irreparable damage to the slope at PM 30.1 consisting of a large diagonal crack, the undermining of the failed slope and the imminent threat of additional slides due to the now unstable slope. Because the failed slope presented an immediate danger to the traveling public, the Caltrans District 3 Director declared an

emergency on April 23, 2024. On May 6, 2024, Caltrans District 6 notified the SHPO and CSO of the intention to use the emergency provisions of the PRC 5024 to make repairs to SR 20 between PM 30.1 and 30.55.

There are two potential state-owned historical resources located partly within the Caltrans right of way:

- An ~ 40-foot segment of the Blue Tent Company Ditch System (CA-NEV-2159; P-29-000032; FS 05-17-55-00319)
- An ~ 141-foot segment of the Towle Brothers Railroad (CA-NEV-2215H; P-29-001651; FS 05-17-55-00028)

Caltrans also notified the United States Forest Service, Native American partners (Colfax-Todds Valley Consolidated Tribe, Tsim Akim Maidu, United Auburn Indian Community of the Auburn Rancheria, and Washoe Tribe of Nevada and California) and potentially interested local historical societies (Nevada County Historical Society, Nevada County Narrow Gauge Railroad and Transportation Museum, and Placer-Sierra Railroad Heritage Society) of the intended emergency work. The SHPO acknowledged Caltrans' notification on May 15, 2024 and did not have any comments. Emergency work is ongoing and is anticipated to be completed by Fall 2024.

#### **District 4. Emergency Tree Removal, State Route 82, San Mateo County (FHWA\_2023\_0106\_001)**

On October 30, 2023, Caltrans District 4 submitted its final report on the use of the emergency procedures for repairs related to the 2022-2023 winter storm event to the SHPO. Caltrans original notification was approved by the SHPO on January 6, 2023, with extensions granted January 24, May 4, and May 16, 2023.

As a result of damage from storm events in January through March 2023, Caltrans removed 5 downed trees along SR 82, with an additional 38 trees identified as hazardous to the public and slated for removal due to damage caused by the storms. Expediting the removal of the downed and hazardous trees was essential for maintaining the continuous operation of the fire-life-safety system, ensuring safe passage for vehicles during emergencies, and protecting the traveling public's safety on the roadway and sidewalk. Work included removing trees and debris, repairing the sidewalk, curb and gutter, pavement, and replacing a utility cabinet. Of the 38 trees removed or targeted for removal, 29 were contributors to the Howard Ralston Eucalyptus Tree Rows (Tree Rows), a

state-owned historical resource on the Master List. Caltrans developed an SOIS Treatment Plan for the Tree Rows for this project. Three archaeological resources not on the Master List were also identified within the project area limits: CA-SMA-6/H (P-41-000011), a prehistoric habitation site consisting of two shell mounds that have been previously damaged by development, but still retain integrity in some areas; CA-SMA-300 (P-41-000302), a prehistoric habitation mound with midden, lithic debitage, and other artifacts that has also been damaged by development; and P-41-000637, the approximate location of a former Chinese fishing village, and established ESAs to protect the sites. Caltrans found that the conditions imposed adequately protected state-owned historical resources, during implementation of the emergency project, resulting in no adverse effect. The SHPO responded to District 4's final report on November 29, 2023 with no further comments.

#### **District 8. Emergency Repairs to State Route 127, San Bernardino County (CATRA\_2023\_1002\_001)**

On September 1 and 2, 2023, a powerful storm made landfall in San Bernardino County and caused locally heavy rains and flooding that damaged State Route 127 between PM 0.89 and 41.47, north of the community of Baker, California. Due to these storm events, portions of the road were completely washed out and the road was closed to all traffic. Therefore, on September 28, 2023, Caltrans District 8 notified CSO and the SHPO of its intent to apply the Emergency Procedures under Stipulation XV of the PRC 5024 MOU for emergency opening work for the entirety of State Route 127. Initial emergency and road opening work included roadbed and pavement replacement, armoring eroded embankments, repairing and backfilling shoulder, debris removal, repair and replacement of earthen berms; all work was limited to the Caltrans Right of Way. Caltrans consulted with the Twenty-Nine Palms Band of Mission Indians and did not receive a response. It was Caltrans' finding that there was no effect to known state-owned cultural resources, and no new resources were identified during emergency work.

The SHPO responded on October 25, 2023, acknowledging receipt of the Caltrans notification and requesting to be informed if any additional information became available.

**District 9. Emergency Repairs to State Route 190, Inyo County and State Route 127, San Bernardino County (FHWA\_2023\_1108\_002)**

Beginning on August 18, 2023, Hurricane Hilary brought heavy rain, flooding, lightning, and gusty winds to Southern California, necessitating the repositioning of significant resources, including swift water rescue teams and the California National Guard, to protect health and safety and preserve the lives and property of the people of the State of California. On August 19, 2023, Governor Newsom declared a State of Emergency for Fresno, Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Tulare, and Ventura Counties.- the declaration was extended to Siskiyou County on September 12, 2023. On September 14, 2023, CSO notified the SHPO of its intent to use emergency procedures for projects resulting from Hurricane Hilary and requested a 90-day extension of the period of applicability.

On October 13, 2023, Caltrans District 9 Director Dermody issued a Director's Order to cover the emergency work needed in Inyo County along SR 190 from PM 68.8 to PM 128.0. Caltrans District 9 notified the SHPO of the project on November 8, 2023. Heavy rain from Tropical storm Hilary caused extensive flooding on State Route 190 from Olancho at PM 9.8 through Death Valley Junction to PM 141 east of Death Valley National Park and SR 127 south to the San Bernardino County line. From PM 68.8-128.0, the flooding caused partial and full pavement washouts, deposition of deep, culverts packed with flooded debris, and damaged earthen flood control dikes. No state-owned historical resources were identified during the emergency work.

**District 11. Tree emergency removal, State Route 163, San Diego County. (CATRA\_2023\_0928\_001)**

On September 19, 2028, Caltrans District 11 issued an emergency contract for a Director's Order to remove 362 dead trees at various locations within Imperial and San Diego counties that posed an imminent threat to the traveling public. Of these, 2 trees were located within the Cabrillo Freeway Historic District (CFHD) on State Route 163 in San Diego County. The CFHD is a Caltrans-owned historical resource determined eligible for the National Register of Historic Places in 1996 and on the Master List. The two locations were:

- SR-163, PM 1.914
- SR-163, PM 2.192

The general landscaping is a contributing element of the CFHD0. The 2 trees proposed for removal made up a very small percentage of the existing trees, amongst the overall landscaping in the CFHD, which is also made up of ground cover, bushes, and several other trees. The 2 trees proposed for removal were not tagged, nor were they included in the official tree inventory for the CFHD. District 11 cultural staff found that the visual impact resulting from the removal of these 2 trees that are posing potential hazards would be nominal and would not have an adverse effect on the CFHD. Other contributing elements of the CFHD will be avoided during construction. District 11 notified the SHPO and CSO of the emergency project on September 28, 2023. The SHPO acknowledged receipt of the notification on October 3, 2023 and did not have any comments. The trees were removed. District 11 followed up with a post-construction memo on December 1, 2023.

**District 11. Dead tree removal and tree trimming, State Route 67, Ramona, San Diego County. (CATRA\_2024\_0129\_001)**

Due to a recent heavy storm event, a dead eucalyptus tree within the Ramona Main Street Tree Colonnade, a state-owned historical resource listed on the NRHP and on the Master List, was determined to be a fall hazard. District 11 cultural staff found that the emergency work would not have an adverse effect on the Ramona Main Street Tree Colonnade. District 11 notified the SHPO and CSO on January 29, 2024. The dead tree was removed, and adjacent hazardous branches were trimmed under the emergency maintenance contract. District 11 sent a post-construction report to the SHPO and CSO on March 27, 2024.

**EFFECTIVENESS OF THE PRC 5024 MOU**

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

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

**Table 3: PRC 5024 Review Timeframes**

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

**Projects Exempt from SHPO Review**

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

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

For this reporting period, PQS concluded that 1724 projects (82 percent) qualified as “screened” and were exempt from further review. Time saved is best viewed as a measure of more efficient project delivery, in that the screening process has allowed Caltrans to complete the compliance process more efficiently than could be accomplished without the PRC 5024 MOU and has saved the SHPO time in not having to review projects with no potential to affect historical resources. Without the PRC 5024 MOU, projects that involved both Federal-aid highway funding and state-owned properties could still be “screened” under the Section 106 PA, but Caltrans would potentially have had to consult separately with the SHPO to comply with PRC 5024. Bringing the two processes into line with each other has saved considerable time and effort.

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

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

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

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

timeframes for review of effect findings under PRC 5024 to those under the PRC 5024 MOU.

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

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

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

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

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



from PRC 5024 evaluation. Measuring the time saved under this provision is difficult, but by roughly estimating the amount of time PQS or qualified consultants would have had to spend evaluating the resources, Caltrans saves from 20 to 60 hours per resource. CSO review is not required for exemptions of resources under this stipulation. However, CSO provides guidance and review when requested.

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

#### **PRC 5024 MOU Stipulation VIII.C.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.

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

## 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 an in-person 4-day training in Sacramento from January 23 to January 26, 2024.
- 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, Districts, and Office of Historic Preservation (OHP) Project Review staff held quarterly statewide virtual meetings to discuss policy, procedures, and workload issues, including "mini-training" sessions.
- The Section 106 Branch and PRC 5024 Coordinator in CSO hold monthly "office hours" during which District staff can ask questions about specific projects or implementation of the PRC 5024 MOU and Section 106 PA.
- 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 the 2023-2024 reporting period, Caltrans handled 2,108 projects that involved state-owned cultural resources. A large percentage of these, 1,724 (82 percent), qualified as Screened Projects and were exempted from further PRC 5024 review by PQS. The remaining 384 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. 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.