

**PRC 5024 MOU
ANNUAL REPORT**

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

JULY 1, 2024 – JUNE 30, 2025



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

SEPTEMBER 2025

EXECUTIVE SUMMARY

This report documents the effectiveness of and summarizes actions carried out under the 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”/2024 “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, 2024, through June 30, 2025, in accordance with PRC 5024 MOU Stipulation XXIII.A.

During the current reporting period, Caltrans and the California State Historic Preservation Officer (SHPO) continued consultation to amend and renew the PRC 5024 MOU, culminating in an executed an updated PRC 5024 MOU, effective December 6, 2024, which superseded the 2015 PRC 5024 MOU. The transition between the 2015 and 2024 PRC 5024 MOU was seamless and the project numbers reported herein reflect actions completed under both the 2015 and 2024 agreements during the reporting period. Where stipulations differ, this report cites the current PRC 5024 MOU stipulations.

Between July 1, 2024, and June 30, 2025, Caltrans handled 2,167 projects that involved state-owned cultural resources and were, therefore, subject to compliance with California Public Resources Code (PRC) 5024. Of these, 1,232 were state-only projects and 935 were Federal-aid highway projects. Pursuant to PRC 5024 MOU Stipulation II, the federal projects used documentation prepared under the 2014 First Amended Section 106 PA/ 2024 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.

¹ The 2014 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/2024 Programmatic Agreement Among the Federal Highway Administration, the Advisory

Of the 2,167 projects, 1,766, qualified as “screened” under the terms of the PRC 5024 MOU or the Section 106 PA. The remaining 401 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 and XVI, are described beginning on page 6.

Quality assurance measures for this reporting period included ongoing PQS review of Caltrans District reports by CSO staff, 3 deliveries of a Section 106 PA/PRC 5024 MOU renewal training for PQS and supervisory staff, a 4-day Section 106 PA/PRC 5024 MOU training session for prospective PQS held in person in Sacramento February 11-14, 2025, and a workshop for external partners at the Society for California Archaeology Annual Meeting on March 13, 2025. Quality assurance measures are presented on page 23.

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.

Council on Historic Preservation, the California State Historic Preservation Officer, the United States Army Corps of Engineers' Sacramento District, San Francisco District, and Los Angeles District, 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. During this reporting period, Caltrans and the 106 PA signatories executed an updated Section 106 PA, effective December 6, 2024, which superseded the 2014 Section 106 PA.

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INTRODUCTION

The updated PRC 5024 MOU went into effect on December 6, 2024, with a duration of 10 years. It streamlines 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. The original PRC 5024 MOU was effective January 1, 2015, with a duration of 5 years. In October 2019, Caltrans and the SHPO signed an addendum that extended the duration of the 2015 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 was executed.

The PRC 5024 MOU applies to all state-owned cultural resources within Caltrans ownership or jurisdiction. Pursuant to PRC 5024 MOU Stipulation II, 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 do affect state-owned historical resources.

Pursuant to PRC 5024 MOU Stipulation XXIII.A, 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, 2024, and June 30, 2025.

In accordance with PRC 5024 MOU Stipulation XXIII.C, 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 2,167 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, 1,232 were state-only projects and 935 were Federal-aid highway projects. Pursuant to PRC 5024 MOU Stipulation II, 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, 1,766 (81 percent), were exempted from further review after appropriate assessment, or "screening," by Caltrans PQS.²

Of the 401 projects that did not qualify as screened projects, 321 (15 percent of the total FY 24-25 projects) 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 37 projects (2 percent of total FY 24-25 projects) for which SHPO consultation was not required because the effect finding was No Adverse Effect

² Under Stipulation VII of the PRC 5024 MOU and the Section 106, the classes of activities identified in Appendices 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.

with Standard Conditions (FNAE-SC) in accordance with Stipulation X.B.1(a)-(b) and Appendices 5 of the PRC 5024 MOU or the Section 106 PA. Another 33 projects resulted in a Finding of No Adverse Effect (FNAE). Of these, 1 was reviewed and approved by CSO under PRC 5024 MOU Stipulation X.B.2.(a) as it involved state-owned historical resources not on the Master List of Historical Resources (Master List).³ The remaining 32 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 10 projects (less than 1 percent of FY 24-25 projects) that resulted in a Finding of Adverse Effect (FAE). All FAE projects were processed under the Section 106 PA in consultation with the SHPO. Of these projects, 3 had an adverse effect on state-owned historical resources on the Master List. The adverse effect for these projects was resolved through execution of a Memorandum of Agreement (MOA).

In summary, of the 401 projects that were not screened, 359 were reviewed in-house by Caltrans, either in the Districts or by CSO. The remaining 42 projects required consultation with SHPO. See Table 1, below.

³ 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.

Table 1: Total Projects Completed - July 1, 2024-June 30, 2025

Projects Completed	2,167
PRC 5024-only Projects	1,232
Combined Section 106/PRC 5024 Projects	935
Number of Projects Screened	1766 (81%)
Number of Projects Not Screened	401 (19%)
Of the projects not screened:	
Number of projects reviewed by Caltrans (District or CSO)	359
Number of Projects to SHPO	42

EVALUATION OF STATE-OWNED CULTURAL RESOURCES

For the current reporting period, Caltrans made Determinations of Eligibility (DOE) for 4 state-owned resources that were submitted by Caltrans Districts to the SHPO for concurrence under PRC 5024 MOU Stipulation VIII.C6. There were DOEs for another 78 properties where PRC 5024 compliance was completed using the Section 106 PA, but only a portion of the DOES involved state-owned resources. Caltrans considered 13 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 401 projects processed during the reporting period that did not qualify as “screened,” 321 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 Appendix 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 37 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 Appendix 5 of the PRC 5024 MOU. Of the 37 FNAE-SC submittals, 28 had federal funding and were therefore processed under the Section 106 PA. The remaining 9 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.

A total of 33 projects resulted in a FNAE without standard conditions. Of these, 1 was a state-only project. The other 32 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.

Ten projects resulted in a FAE. These were federally-funded projects and processed under the Section 106 PA with concurrent compliance with the PRC 5024 MOU. Three of the 10 projects had an adverse effect on state-owned historical resources on the Master list: the Caldecott Tunnel Bores 1, 2, and 3 Rehabilitation Project in Alameda and Contra Costa Counties, California; the Oakland Alameda Access Project in Oakland and Alameda, California; and the Limekiln Creek Bridge Replacement Project in Monterey County. 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, 2024-June 30, 2025

Number of Effect Findings	401
PRC 5024-only Projects	254
Combined Section 106/PRC 5024 Projects	147
No State-Owned Historical Resources Affected/No Historic Properties Affected	321
PRC 5024-only Projects	244
Combined Section 106/PRC 5024 Projects	77
No Adverse Effect with Standard Conditions	37
PRC 5024-only Projects	9
Combined Section 106/PRC 5024 Projects	28
No Adverse Effect	33
PRC 5024-only Projects	1
Combined Section 106/PRC 5024 Projects	32
Adverse Effect	10
PRC 5024-only Projects	0
Combined Section 106/PRC 5024 Projects	10

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, in accordance with PRC 5024 MOU Stipulation XV, to ensure that adverse effects to state-owned resources were minimized or avoided.

The emergency procedures outlined in PRC 5024 MOU Stipulation XVI 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, PG&E Encroachment Permit Project on State Route 20, Lake County (CATRA_2025_0310_001)

On March 6, 2025, District 1 (D1) Cultural Staff, archaeologist Tona Fulton, notified CSO and SHPO staff of a discovery on March 5, 2025 within the boundaries of a state-owned resource: P-17-0001989 during construction of a PG&E encroachment permit project.

This cultural site was thought to be a highly disturbed lithic scatter and has been considered eligible on previous projects in the area and is currently being considered eligible. The site is located on both Pacific Gas and Electric Company (PG&E) owned land at their Redbud utility station and within the Caltrans right of way for State Route (SR) 20. The site and project area are situated on the shoulder of SR 20 in the community of Clear Lake Oaks in Lake County between Post Miles 28.4 and 28.7. The site has been tested extensively during past projects in the area, including a Phase III data recovery, which determined the site consisted of a disturbed lithic scatter with little potential to uncover intact deposits.

The discovery was made by both the archaeological and Native American Tribal monitors, who were present for construction work involving the excavation of an undergrounding utility vault, which is used to tie in directionally drilled undergrounded utilities. As the excavator reached a depth of 3 feet, the Elem Indian Colony Tribal Monitor recovered a ground stone bowl, and the archaeological monitor recovered numerous lithic flakes. The PG&E archaeologist halted work in the area of the discovery and established a 100-foot buffer around the discovery. This area was surrounded with ESA fencing until a Caltrans archaeologist could arrive to assess the find. Caitlin Chang contacted the Elem Tribal Historic Preservation Officer (THPO), Clifford Mota, to arrange a field meeting on site with Caltrans, which was held on March 5, 2025.

THPO Mota voiced concern about impacts to undisturbed portions of the site. The PG&E archaeologist and construction foreman determined that the vault was primarily situated on PG&E land. The soil matrix of the entire excavated area appeared to be highly disturbed, redeposited pockets of midden mixed with several horizons of repeatedly graded and compacted, friable soils. The soil matrix contained fragments of road base, lithics, and possible evidence of burn scars from recent wildfires.

When discussing the options for treatment of the inadvertent discovery, THPO Mota agreed to the use of shoring to stabilize the walls of the vault pit, but did not want further excavation that might disturb more of the site. This includes further disturbance caused by the relocation of the vault box to a new location or archaeological data recovery activities.

Caltrans proposed transferring all recovered artifacts to the Elem Tribe for repatriation at a location to be determined by the Elem Tribal Chairperson. In addition to the proposed repatriation of recovered artifacts, PG&E and Caltrans will update the site record for P-17-0001989.

The SHPO responded on March 10, 2025 and did not have any comments on the proposed mitigation for P-17-0001989.

District 1. Inadvertent Discovery. Eel River Bridge Replacement Project, State Route 162, Mendocino County, EA 01-0A131 (FHWA_2024_0712_001)

The post-review discovery occurred during construction on the Eel River Bridge on State Route 162 near the community of Covelo in Mendocino County, California. Caltrans originally made a finding of *No Adverse Effect with Standard Conditions – Environmentally Sensitive Areas (ESAs)* for this undertaking in 2020. The project had federal funding and was therefore processed under the Section 106 PA.

On July 3, 2024, Caltrans D1 PQS archaeologist Stacey Zolnoski, received notification via telephone from the Round Valley Indian Tribe Cultural Monitor that a partial mortar bowl had been observed during construction and that the monitor had not deemed a stop-work appropriate after the find. Ms. Zolnoski performed a site visit to assess the area of the find on July 5, 2024 and observed a single chert flake in disturbed soil context (fill) and made a determination based upon the site visit, the information provided by the monitor, and

conversation via telephone with the Tribal Historic Preservation Officer (THPO) for the Round Valley Indian Tribe, Patricia Rabano, to treat the find as an isolate, exempt from evaluation, in accordance with Appendix 4 of the Section 106 PA.

On July 9, 2024, District 2 Cultural Resources Staff PQS and Management, received an email notification from the THPO Patricia Rabano of the Round Valley Indian Reservation that additional cultural artifacts had been located by the tribal monitor. A request for a temporary stop-work order was also included. D3 staff immediately began post review discovery protocols per Stipulation XV of the Section 106 PA and halted all work at the construction site until the discovery could be accessed.

On July 10, 2024, Lisa Bright (District 3 Cultural Senior), Kristina Crawford (North Region Broadband Archaeologist), and Jacqueline Farrington (D1 Archaeologist) met the project staff and Round Valley Indian Tribe Monitors on site to access the discovery. In addition to the artifacts pictured in the July 9, 2024 email from THPO Rabano additional lithics, pestles, charcoal, and cultural materials were noted in the cut slope and spoils pile from work to create an access road. Dr. Lisa Bright also made the identification of human remains within the disturbed area. Upon identification of the human remains, in following Public Health and Safety Code § 7050.5, the Mendocino Coroner's office was notified of the human remains at 12:19 PM. The Coroner's office called Dr. Bright back within the hour stating that pursuant to code § 5097.98, the Mendocino coroner's office contacted the Native American Heritage Commission (NAHC) to begin the most likely descendent process. The Coroner also noted that they would not be coming to site to collect the remains. This information was shared with the two Round Valley tribal monitors on site. Dr. Bright asked that they contact THPO Rabano to discuss the safe handling and keeping of the human remains. It was determined that Dr. Bright would secure the remains safely off site, pending Most Likely Descendant (MLD) designation. The Round Valley Indian Tribe was ultimately designated the MLD.

The ethnographic village of Sipimul (affiliated with the Huchnom) is reported to exist at the confluence of the South Eel River and Outlet Creek. During the prior environmental and cultural clearance of the project it was determined that the ethnographic village of Sipimul was not in the APE based upon pedestrian survey, archival research, and tribal consultation. It is likely that this buried

resource (located approximately 5-10 feet below ground surface) may be associated with this village.

Based on this ethnographic knowledge, tribal input, the nature of cultural artifacts encountered thus far, and pursuant to Stipulation XV of the Section 106 PA, Caltrans determined that the site may be potentially eligible for listing in the NRHP and is treating it as such for purposes of the project.

Caltrans halted work at the site pending the necessary archaeological investigations to determine the boundary and extent of the deposit. Consultation with Tribes was ongoing through this process.

Caltrans proposed to conduct archaeological testing including but not limited to test units, auguring, and column samples to determine the site boundary. Once the physical boundary of the site can be determined, Caltrans proposed to develop minimization and/or avoidance of further construction impacts to the site.

D3 notified CSO and the SHPO of the discovery on July 11, 2024. The SHPO responded with comments on July 12, 2024, requesting to be kept involved in the resolution of the post-review discovery. The SHPO agreed with Caltrans' proposal to conduct archaeological testing to determine the site boundary before developing minimization and/or avoidance of further impacts to the site. The SHPO also requested location maps, photographs, and the DPR 523 site record of the assumed eligible historic property when available and that Caltrans provide notification in the event additional treatment measures are determined necessary or an objection from the Round Valley Indian Tribe occurs regarding the proposed archaeological testing.

D3 held meetings with the Round Valley Indian Tribe Tribal Council on July 31, 2024 (in-person), September 13, 2024 (in-person), October 15, 2024 (virtual), April 21, 2025 (in-person), and May 8, 2025 (in-person on-site at the bridge). Per consultation with the Round Valley Indian Tribe, Caltrans put protection measures put in place and determined the extent of the site. Construction resumed on July 1, 2025.

District 8. Discovery With Prior Planning for the Construction of 8-foot Shoulders on State Route 79 Project Near Temecula, Riverside County, California (FHWA_2020_0117_001)

The post-review discovery occurred during construction of 8-Foot Shoulders project on State Route 79 near the community of Temecula in Riverside County, California. Caltrans originally made a finding of *No Adverse Effect* for this project in 2020. The project had federal funding and was therefore processed under the Section 106 PA.

On April 29, 2025, construction on the project resulted in the discovery of previously unidentified cultural resources in the APE consisting of one feature, a single milling slick on a boulder. Caltrans District 8 (D8) Cultural Studies stopped work in the immediate area in accordance with the Post Review Discovery Plan for the project and consulted the Pechanga Band of Indians' Cultural Studies office (Tribe). The Tribe expressed their primary objective for the feature was avoidance. However, in coordination with the Contractor, Resident Engineer, and Caltrans Design team, Caltrans concluded on April 30, 2025, that it was not possible to avoid the boulder housing the feature, and that an alternative option was warranted. The Tribe indicated their second preference is to remove the feature from its current location and move to another location within the site. Caltrans endeavored to adhere to the Tribe's requests to the extent possible. D8 cultural resources staff concluded the original finding of no adverse effect for the project remained unchanged.

Consultation with the Tribe is ongoing for the life of the project. On May 2, 2024, D8 notified CSO and the SHPO of the discovery. The SHPO responded on June 20, 2025 and did not have any objection. The feature was relocated to another portion of the site on June 26, 2025.

ESA And AMA Violations

District 5. ESA Violation. Salinas to Castroville CAPM Project, State Route 183, Monterey County PM R2.1/R8.8, EA: 05-1K430/05-1800-0207

This ESA violation occurred during construction of the Salinas to Castroville CAPM project on State Route 183 in Monterey County, California between postmiles R2.1 and R8.8.

On October 21, 2024 the project Resident Engineer (RE) contacted the Caltrans PQS project archaeologist, Kaya Wiggins, letting her know that construction would wrap up soon and asked if she wanted to be present during weed whacking in the ESA. Kaya let him know that no weed whacking is permitted in the ESA and no people are allowed to enter the ESA. Kaya asked when construction would finish so she could be present to remove the ESA fencing. On November 4, 2024 the RE texted Kaya that the contractor had taken the fence down on the previous Friday. The following day, Kaya visited the project site where construction had finished. Kaya confirmed that the fence had been removed and a portion of the ESA had been mowed. The RE said that construction was not responsible for the mowing. It did not appear that there had been any subsurface disturbance within the ESA. The incident was reported in a memo and sent to CSO on November 6, 2024.

District 10. Archaeological Monitoring Area Violation for the State Route 140 Merced Seismic Restoration Project, Merced County (FHWA_2018_0716_001)

This Archaeological Monitoring Area violation occurred during construction of the State Route 140 Merced Seismic Restoration Project in Merced County, California. This project had federal funding and was therefore processed under the Section 106 PA.

On Thursday, November 21, 2024, the Caltrans District 10 (D10) Cultural Resources staff, were informed that construction activity for the undertaking at Location 2 was in progress. D10 Cultural staff met with the Project Manager and Resident Engineer, along with construction contractor representatives on November 22, 2024, and determined that construction at this location had been ongoing since April of 2024. Since D10 Cultural staff were not aware of work occurring in the project's Archaeological Monitoring Area (AMA), no tribal or cultural monitors had been present for any of the work at Location 2 as required to comply with the Section 106 commitments in the project's environmental documents.

Caltrans conducted a site visit on November 25, 2024 to assess any effects to the cultural site, CA-MER-0006, at Location 2 and determined that the ESA for Location 2 was intact and there were no adverse effects to the cultural resources at the site.

Caltrans sent notices of the incident to Katherine Perez, Chairperson, and Timothy Perez from Northern Valley Yokuts/Ohlone Tribe and Chairperson Neil Peyron, Chairperson and Kerri Vera of the Tule River Indian Tribe on November 26, 2024 and to Chris Harper and Jeremy Foin from the San Luis National Wildlife Refuge on November 27, 2024.

Caltrans halted all work in the project area; work resumed once archaeological and tribal monitoring within the previously delineated AMA was secured for ground disturbing activities. In response to this event, Caltrans D10 Cultural Resources staff are also implementing communication-process improvements with the Environmental Construction Liaison and Resident Engineer to ensure that all environmental commitments are met and incidents like this do not occur in future projects.

Caltrans notified the SHPO that no post-review discoveries or unanticipated effects have occurred at CA-MER-0006.

Use of Emergency Procedures

District 5. Emergency Project at Regent's Slide in Big Sur, State Route 1, Monterey County (CALTRA_2024_0820_001)

The Regent's Slide is a large landslide that occurred on February 9, 2024, approximately 0.25 miles south of Big Creek Bridge, which covered both lanes and closed the highway. Work on stabilizing Regent's Slide and reopening Highway 1 began in February 2024, at which time there were no historic properties that were in the area of potential effects for the repair project.

On February 4, 2024, Governor Newsom declared a State of Emergency in eight counties due to severe winter storms. At this time, this declaration did not include Monterey County; however, the Governor expanded the declared emergency to include eleven other counties on March 22, 2024, including Monterey County, which were part of the same winter storm event.

On August 1, 2024, Caltrans was provided with a revised scope of work for Regent's Slide. Caltrans became aware that this new scope of work had the potential to cause effects to historic properties. However, the deadline to notify SHPO and CSO of the emergency work under the Governor's declared State of Emergency had passed.

Caltrans' District 5 District Director, Scott Eades, declared a state of emergency for Regent's Slide on August 19, 2024, and on the same date, Caltrans notified the SHPO of the Emergency Project to repair and reopen Highway 1 in Big Sur near Big Creek Bridge, in Monterey County because the proposed emergency project had the potential to affect an historic property, archaeological site CA-MNT-479 (P-27-00566). Because this project has federal funding, it was processed under the Section 106 PA.

The SHPO responded to the emergency notification on August 21, 2024, acknowledging receipt of the emergency notification under Stipulation XVI.B of the Section 106 PA and confirming D5 had afforded the SHPO the opportunity to comment within 7 calendar days of this notification.

In late 2024-early 2025, D5 consulted with two California Native American Tribes, conducted data recovery excavations at CA-MNT-479, began the process of developing appropriate mitigation that will address effects to CA-MNT-479, and coordinated with the University of California, Santa Cruz (UCSC) for the possible reburial of cultural materials on their lands (Big Creek Reserve) where the site is located. Below is a summary of the work that Caltrans has completed or is working on:

Tribal Consultation

Caltrans contacted the Esselen Tribe of Monterey County (Esselen) and the Salinan Tribe of Monterey and San Luis Obispo Counties (Salinan). The members of the Esselen and Salinan Tribes were present for the duration of the data recovery excavations and provided their expertise to assure that Caltrans had adequately completed data recovery. After the completion of data recovery work, the focus turned to monitoring construction work in the area where the site was located. Caltrans has been in regular communication with the Tribes during the monitoring phase. Consultation is on-going with the Tribes to develop mitigation that the Tribes have suggested will address adverse effects to CA-MNT-479.

Data Recovery Excavations & Monitoring

Caltrans conducted data recovery excavations at CA-MNT-479 from August 29 through September 26, 2024. The site was located on a terrace above the highway, which needed to be cut into as part of the repair work to stabilize the

hillslope upon which the terrace is located. The preliminary results of the excavations reveal that the site is a single component, late period, shell midden site containing California mussel, chiton and abalone remains, with fishhooks, abalone pendant, jade items, and over a dozen hopper mortars. Initial results of the data recovery excavations, make it clear that CA-MNT-479 meets eligibility requirements as an archaeological property under two criteria:

- Criterion A – as a single component archaeological site, the resource represents a period of California Native American history prior to the permanent settlement of foreigners from other parts of the world.
- Criterion D – as a single component archaeological site, the cultural materials and analytical units can address research questions regarding paleoecologic
- reconstruction and potential human effects on coastal resources, regional chronology, and coastal settlement patterns.

Monitoring of construction work commenced immediately following the conclusion of data recovery excavations and will continue until Caltrans, the Esselen, and the Salinan feel that all soils that may contain cultural materials have been processed while being monitored. To date, no human remains have been encountered.

A Data Recovery and Monitoring Report will be completed in the summer of 2025 and will detail the results of the archaeological study and document the monitoring effort. The Esselen and the Salinan will review and edit the draft version of the report and will be given copies of the final report. The report will also be submitted to the Northwest Information Center (NWIC), part of the California Historical Resources Information System (CHRIS) for Monterey County.

Mitigation

Per Section 106 PA Stipulation XVI.B, Caltrans is considering CA-MNT-479 an historic property. However, based on the preliminary results of the data recovery excavations, the site demonstrates eligibility under Criteria A and D. Caltrans is working with the Esselen and Salinan to address effects to the significance values of the historic property under both Criteria A and D.

The Esselen and Salinan Tribes have suggested that Caltrans develop the following mitigation products to address impacts to CA-MNT-479:

- Regional synthesis monograph - A synthesis publication will be written in collaboration with the Esselen and the Salinan for the area in Monterey County where Caltrans has spent recent years working and includes both the Regent's Slide and the Rat Creek emergency project areas. It would provide researchers access to updated history, ethnography, archaeology, and document tribal knowledge and expertise of the area. The Native American occupation of these two project areas represents a large time span (Early to Contact Period, ~6000 years of occupation) and this info would provide updated background on the region. This publication would not be confidential, so that it can be shared widely.

Outreach Current plans are to develop a traveling museum exhibit that can reside at the UCSC Big Creek Reserve's education facility, but can be checked out/loaned to other entities such as schools, libraries, tribes, etc.

Cultural Resources and Monitoring Training for Tribes. Caltrans will develop materials and provide tools (compasses, trowels, safety equipment, etc.) to Tribes. The training will provide concise information on federal and state laws and regulations that pertain to cultural resources studies, as well as training for monitoring on project sites.

Caltrans will continue consultation with the Esselen and Salinan to develop these mitigation products and adjust and revise as requested, in keeping with each tribe's wishes.

Disposition of Collections

Caltrans is in current discussions with UCSC to put an agreement in place to allow Caltrans, along with the Esselen and Salinan Tribes, access for the reburial of cultural materials from CA-MNT-479 on UCSC's Big Creek Reserve. Initial conversations have been very positive about arranging the treatment and disposition of cultural materials on the Reserve. Caltrans met with UCSC on February 6, 2025, to confirm this opportunity for reburial and are proceeding with Memoranda of Understanding for this arrangement.

Big Creek Reserve Cultural Resources Management Plan

In response to UCSC's agreement to allow Caltrans access to their lands on Big Creek Reserve for the reburial of cultural materials, Caltrans will be preparing a

Cultural Resources Management Plan for UCSC' s Big Creek Reserve to assist with the management of its cultural resources.

On February 13, 2025, D5 provided a final narrative letter report to CSO and the SHPO documenting the actions taken. The SHPO responded on May 8, 2025, requesting the opportunity to review and comment on the Data Recovery and Monitoring Report before it is finalized and submitted to the CHRIS, recommend that, as part of the Data Recovery and Monitoring Report, Caltrans evaluate CA-MNT-479 for inclusion in the National Register of Historic Places and seek the SHPO's concurrence on Caltrans' determination. The SHPO also commented that mitigation measures to address and resolve adverse effects to CA-MNT-479 were implemented without affording the SHPO the opportunity to consult on them in that data recovery was performed without the SHPO's review and comment on a data recovery plan. and requested for future emergency projects to be afforded the opportunity to comment on any proposed treatment measures prior to their implementation, which Caltrans will do.

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 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

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 ⁴
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	30-day CSO review
Adverse Effect – On Master List	30-day SHPO review	30-day SHPO review

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

Stipulation VIII.C.1 and Appendix 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

⁴ CSO responsibility and review period per Stipulation X.B.1

meet the terms of PRC 5024 MOU Appendix 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.⁵ 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.

⁵ 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:

- CSO developed training for PQS and supervisory staff for the Section 106 PA/PRC 5024 MOU renewal to familiarize staff with changes and new provisions of the 2024 agreements. Three virtual deliveries of this training were held: October 22, 2024, October 29, 2024, and November 5, 2024.
- 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 February 11 to February 14, 2025.
- CSO staff held a workshop for external partners on use of the Section 106 PA and PRC 5024 MOU at the Society for California Archaeology annual meeting on March 13, 2025.
- 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 2024-2025 reporting period, Caltrans handled 2,167 projects that involved state-owned cultural resources. A large percentage of these, 1,766 (81 percent), qualified as Screened Projects and were exempted from further PCR 5024 review by PQS. The remaining 401 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 II 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.