

## Public Resources Code (PRC) 5024 MOU Renewal Fact Sheet for Tribal Governments

### What is the PRC 5024 MOU?

The California Public Resources Code [5024 Memorandum of Understanding](#)<sup>1</sup> (PRC 5024 MOU) is a program-level agreement between the SHPO and Caltrans that specifies how Caltrans will comply with PRC 5024 and Governor's Executive Order W-26-92 (EO W-26-92), which require state agencies to formulate policies to preserve and maintain, when prudent and feasible, historical resources under its jurisdiction "in a spirit of stewardship and trusteeship for future generations." **For greater consistency, the 5024 MOU mirrors the Section 106 PA process to the extent possible.** For projects on Caltrans-owned property that have federal funding or require federal permits or other approval, Caltrans may use the Section 106 documentation to concurrently satisfy compliance with PRC 5024.

### Why is it important for Tribes to be familiar with the PRC 5024 MOU?

Neither the PRC 5024 statute nor EO W-26-92 contain provisions for consultation with Indian tribes. Under the 5024 MOU, however, consultation with California Native American Tribes is required throughout the PRC 5024 process.

### Why is the PRC 5024 MOU being renewed?

The PRC 5024 MOU went into effect on January 1, 2015, with a duration of 5 years unless otherwise terminated or extended for an additional term, with or without revisions. In 2019, Caltrans and the SHPO amended the PRC 5024 MOU to extend its duration to December 31, 2023, without making any other revisions. Because the 5024 MOU provisions largely mirror those of the Section 106 PA, the PRC 5024 MOU is being revised to be consistent and compatible with revisions to the Section 106 PA.

### What is the schedule for the revisions to the PRC 5024 MOU?

Throughout 2023, Indian tribes with ancestral lands in California, Tribal Historic Preservation Officers, non-federally-recognized tribes, as identified by the NAHC, and others who requested or who Caltrans has identified to be interested parties, are invited to review and comment on the PRC 5024 MOU concurrent with their review of the Section 106 PA. All comments received will be taken into account in the revisions and execution of the final document.

---

<sup>1</sup> Formally titled, the *Memorandum of Understanding between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and Governor's Executive Order W-26-92.*

## How can tribes learn more about the PRC 5024 MOU and provide comments for the revisions?

The Draft First-Amended 5024 MOU is available on [Caltrans' Section 106 PA/5024 MOU Renewal webpage](#). Caltrans will be conducting tribal listening sessions for both the Section 106 PA and the PRC 5024 MOU revisions and is available to meet with tribes, as requested, to discuss the MOU revisions. For inquiries, please contact Caltrans Section 106 Coordinator, David Price, at [david.price@dot.ca.gov](mailto:david.price@dot.ca.gov), or Statewide Native American Coordinator, Sarah Allred, at [sarah.allred@dot.ca.gov](mailto:sarah.allred@dot.ca.gov).

### Key Facts: PRC 5024 MOU

- Compliance with PRC 5024 is *separate* from the California Environmental Quality Act (CEQA) and Assembly Bill 52 (AB 52) and applies to any projects or activities that could potentially affect historical resources owned by Caltrans or under Caltrans' jurisdiction.
- PRC 5024 established a Master List of Historical Resources (Master List) that is maintained by the SHPO. The Master List includes state-owned historical resources that are listed in the National Register of Historic Places (NRHP); are registered as a California Historical Landmark (CHL); and state-owned historical buildings, structures and objects that were officially determined eligible for inclusion in the NRHP pursuant to 36 CFR 800.4(c)(2), 36 CFR 60 or 36 CFR 63; or eligible for registration as a CHL pursuant to PRC 5024(d) or 5020.4(a)(1).
- The Master List *does not* include archaeological sites or non-structural resources and sites that were officially determined eligible for inclusion in the NRHP or for registration as a CHL, nor does the Master List include any state-owned resources that are assumed eligible for the NRHP or as a CHL only for purposes of a project or activity.
- The PRC 5024 MOU does not negate or supersede any agreements between Caltrans and California Native American Tribes in effect at the time the MOU is executed.
- The PRC 5024 MOU largely follows Section 106 PA procedures for consultation with California Native American Tribes.
- The PRC 5024 MOU allows Caltrans to omit formal testing of archaeological sites on Caltrans-owned property that can be protected from all project impacts, thus reducing excavation of sites.