Exhibit 2.6: Historic Property Survey Report Format and Content Guide

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Exhibit 2.6: Historic Property Survey Report Format and Content Guide

Introduction

The Historic Property Survey Report (HPSR) is the summary document Caltrans uses as its consultation and decision-making document. Under Section 106 PA, it documents delineation of the Area of Potential Effects (APE), completion of the identification phase, and completion of National Register of Historic Places (NRHP) eligibility evaluation of resources within the APE. It may also be used to document the effect findings that do not require a Finding of Effect document (FOE); that is, when there are no historic properties within the project APE, no historic properties affected, or no adverse effect with standard conditions, as explained below.

Attach the technical study reports to the HPSR as supporting documentation. Use summary sections in the HPSR to refer to the attached supporting documents for full technical details. Provide sufficient information on cultural resource studies in the HPSR summaries so that the reader can clearly understand the reasoning behind Caltrans’ determinations of eligibility and, if applicable, finding of effect. See Exhibit 2.16 for information on what needs to be in these summaries. Without the appropriate sections completed and study reports attached, the HPSR is considered incomplete. The Headquarters Cultural Studies Office (CSO) or State Historic Preservation Officer’s (SHPO) review time starts when complete documentation is received.

HPSR Narrative and Form Templates

Caltrans has developed both an HPSR narrative template and an HPSR form template, either of which may be used in conjunction with using the Section 106 PA. The narrative HPSR is used for undertakings where the Section 106 PA is not applicable, and is also appropriate for Section 106 PA projects that are large or complex.

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1 First Amended Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act as it Pertains to the Administration of the Federal-Aid Highway Program in California. January 2014
or those with a large number of cultural resources. Tabs may be used to guide reviewers to the various sections or attachments.

Use of the HPSR form is always optional. It is typically used only for simple, straightforward projects such as:

- Projects that are not large in scope,
- Projects that do not contain a large number of evaluated resources, or
- Projects for which no cultural resources or properties are located within the APE

The templates appear to be very long because they contain the range of most commonly used statements, with the appropriate language for each finding. **Delete those that do not apply** for the reasons stated above. Sections 3 through 8 contain the most frequently used statements and conclusions. One or more statement in these sections may apply, depending on the project. **Delete statements that do not apply.**

Delete the instructions and irrelevant statements to shorten the HPSR, whether in form or narrative format.

If a section is not applicable, the heading will remain and the “Not Applicable” box may be checked or the narrative statement is retained. Since the form is in a table format in Word, to delete the irrelevant lines:

- Highlight the row(s) of text or space to be deleted
- On the menu, click on Table (or its appropriate icon), then
- Click on “Delete,” and the lines should disappear

**General HPSR Format**

Depending on the size and nature of a project, use either a narrative HPSR or the HPSR form. Both the narrative HPSR and the HPSR form templates are available through CSO and on-line at the Division of Environmental Analysis **Standard Environmental Reference** website.

Whichever format is used, be sure to include the following information as necessary:

**Title Page (Narrative HPSR Only)**

The title page identifies the project by:
• Name and type of investigation in a brief descriptive title (e.g., “Minor Widening on State Route 53 between Fern Creek and Matador Road”), County, route and post-miles.
• For Local Assistance, the E-FIS\(^2\) project number and phase.

The page also includes

• Name, title, location and, signature of the Caltrans Environmental Branch Chief (EBC) for whom the report was prepared. The EBC’s signature on the title page indicates approval and acceptance of the document.
• Name, title, and signature of the Caltrans Professionally Qualified Staff (PQS) or consultant PQS-equivalent who prepares the report, along with the address for the PQS (also state their level of PQS).
• Name, title, and signature of the Caltrans Professionally Qualified Staff (PQS) who reviews the report for approval, along with the address for the PQS (also state their level of PQS).
• Month and year HPSR was prepared (appears at bottom of page). If a consultant PQS-equivalent prepares the HPSR, the project contract number should appear below the project number.

At the bottom of the title page, the NEPA Assignment MOU language needs to be added, as applicable: “The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 U.S.C. 327 and the Memorandum of Understanding dated December 23, 2016, and executed by FHWA and Caltrans.”

(Delete this section if project is being processed as a Categorical Exclusion under 23 USC 326. Confirm with project generalist if unsure.)

If the HPSR form is used, a title page is not necessary. The signatures appear at the end of the form.

**Summary of Findings (Narrative HPSR Only)**

State the purpose of the document (e.g., to request SHPO concurrence on Caltrans’ determination(s) of NRHP eligibility or ineligibility for evaluated cultural resources,

\(^2\) E-FIS stands for Enterprise Resource Planning Financial Infrastructure. Beginning in July, 2010, the former project Expenditure Authorization number became an E-FIS project number. This is a 10-digit number, followed by a phase number of one or more digits.
and to document a proposed finding for the undertaking if applicable; and briefly summarize the results of cultural resource studies.

If there are state-owned historical resources within the APE, state that the consultation is also being undertaken pursuant to the Public Resources Code 5024 Memorandum of Understanding\(^3\) (5024 MOU) Stipulation III. Ask SHPO to add any eligible building(s) or structure(s) to the Master List of Historical Resources (Master List), pursuant to California Public Resources Code (PRC) 5024(d).

If the HPSR form is used, the summary of findings is not necessary because the findings are summarized on the form in Sections 5 or 6, as appropriate.

**Project Description and Location**

- Describe the project concisely, including information on the actual physical impacts such as the horizontal and vertical extent of any ground disturbance.
- Refer reader to the full project description, as well as the location and vicinity maps, in the attached documents.
- See Exhibits below for more information about location and vicinity maps.

**Area of Potential Effects**

- Include a description of the APE stating how and why the boundaries were established. Include both vertical and horizontal boundaries.
- Identify the Caltrans PQS who approved the APE, Project Manager or District Local Assistance Engineer (DLAE) who approved the APE, and dates of approval.
- Attach appropriate mapping, including a signed APE map, or refer to the technical study that includes the map (see Exhibits below).

**Consulting Parties and Public Participation**

Summarize coordination efforts and public comments received to date. If the project is simple, limit these to contacts (including form letter notifications) with local historical societies, Native American tribes/representatives, agencies, or other interest groups. Attach a consultation log if applicable. Provide the contact name and date and the nature and date of any responses. For projects involving ND/FONSIs or

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\(^3\) Memorandum of Understanding Between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code 5024 and Governor’s Executive Order W-26-92, effective January 1, 2015.
EIR/EISs, public involvement may include map displays or public hearings. Describe NEPA public involvement events that are expected as well as those that have occurred. Explain comments received and responses. Coordination efforts should include, but are not limited to:

- Local Government (Head of local government, Preservation Office / Planning Department)
- Native American Heritage Commission
- Native American Tribes, Groups and Individuals
- Local Historical Society / Historic Preservation Group (also if applicable, city archives, etc.)
- Public Information Meetings (list locations, dates and attach copies of notices)

**Summary of Identification Efforts**

Include inventories, facilities, and persons consulted. At a minimum, the following should be consulted:

- Caltrans Cultural Resources Database (CCRD). (As the CCRD is for internal Caltrans staff use only, consultants must coordinate with the appropriate Caltrans PQS to ensure it has been consulted).
- Caltrans Historic Bridge Inventory
- National Register of Historic Places and updates
- California Register of Historical Resources and updates
- California Inventory of Historic Resources
- California Historical Landmarks and updates
- California Points of Historical Interest and updates
- The appropriate Information Center of the California Historical Resources Information System.
- Local government landmark and register listings

Note any other sources (human or archival) used, such as county assessor's records, historical society or museum archives, oral histories taken from property owners or informed, interested parties, etc. Briefly describe the results of the research within the APE.
Properties Identified
State whether there are any cultural resources within the APE. If cultural resources were identified within the APE, list them and provide pertinent information for each of them. Refer to the supporting documentation, as warranted.

Be sure to include summary information about NRHP eligibility, identify if the resource is State-owned and on the Master List of Historical Resources.

Under the Section 106 PA, Caltrans districts are authorized to make eligibility determinations. The district transmits the HPSR directly to SHPO and sends a copy to the Section 106 branch (Section 106 Coordinator) in CSO. When Caltrans has consulted with SHPO or any other consulting parties on a determination of eligibility for properties in a project’s APE for which an evaluation was completed, the district, concurrent to sending the HPSR to the Section 106 Coordinator, provides the consulting parties with notification of that finding.

For the Narrative HPSR, include concise but sufficient background and contextual information about the project area so that the reader can understand the significance (or lack of significance) of the evaluated resources.

Include the following statements/information as appropriate:

- No cultural resources are present within the APE.
- Cultural resources are exempt from evaluation per Section 106 PA/5024 MOU Attachment 4 and that an appropriately qualified Caltrans PQS staff or consultant meeting the qualifications in Section 106 PA Attachment 1 at the applicable PQS level has made that determination. Note: State-owned cultural resource types 3 through 7 require minimal recordation and their address need to be listed in the HPSR. See Exhibit 4.4.
- Resources were previously evaluated as not eligible for inclusion in the NRHP with SHPO concurrence, and those determinations are still valid. Attach SHPO or Keeper correspondence.
  - Bridges are listed as Category 5 in the Caltrans Historic Highway Bridge Inventory, and refer to the attached page from the inventory.
- Resources were evaluated as not eligible for inclusion in the NRHP. Request SHPO concurrence with the determination. Refer to relevant attached supporting documentation.
• Archaeological sites are considered eligible for purposes of the project only, in accordance with Section 106 PA Stipulation VII.C.3, because they will be protected through the establishment of ESAs.
• Properties are considered eligible for purposes of the project only in accordance with Section 106 PA Stipulation VII.C.4, because evaluation was not possible. Note: this finding requires CSO approval prior to completion of the HPSR and needs to be attached.
• Historic properties previously were listed or determined eligible for inclusion in the NRHP and those determinations are still valid. Include the date of listing or determination, applicable criteria, level and period of significance, and a copy of the SHPO/Keeper’s concurrence.
• Resources were evaluated as eligible for inclusion in the NRHP. Request SHPO concurrence with the determination. Include the date of listing or determination, applicable criteria, level and period of significance. Refer to relevant attached supporting documentation.

To facilitate SHPO’s ability to maintain the OHP’s comprehensive, computerized inventories of eligible and not eligible resources, the identifying information for each resource needs to follow a specific format that includes the name of a property (if there is one), location information, the community the resource is in (or the nearest community), the Map Reference number that is keyed to the APE map, and OHP’s historical resource status code, if available. For example:

The following properties are eligible for inclusion in NRHP and are historical resources under CEQA:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address/Location</th>
<th>Community</th>
<th>OHP Status Code</th>
<th>Map Ref. #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smith House</td>
<td>451 Main St.</td>
<td>Anywhere, CA</td>
<td>2</td>
<td>(MR #1)</td>
</tr>
<tr>
<td>Ortega Feed Store</td>
<td>10097 Highway 4</td>
<td>Anywhere (vic.), CA</td>
<td>2</td>
<td>(MR #5)</td>
</tr>
</tbody>
</table>

The following state-owned buildings, objects and structures are eligible for inclusion in the NRHP and to be included in the Master List pursuant to PRC 5024(d):

<table>
<thead>
<tr>
<th>Name</th>
<th>Address/Location</th>
<th>Community</th>
<th>OHP Status Code</th>
<th>Map Ref. #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edelberg House</td>
<td>496 Main St.</td>
<td>Anywhere, CA</td>
<td>4</td>
<td>(MR #25)</td>
</tr>
<tr>
<td>Summit Maintenance Stn</td>
<td>10099 Highway 4</td>
<td>Anywhere (vic.), CA</td>
<td>4</td>
<td>(MR #6)</td>
</tr>
</tbody>
</table>

None of the following properties is eligible for inclusion in the NRHP, nor are they historical resources under CEQA:
<table>
<thead>
<tr>
<th>Name</th>
<th>Address/Location</th>
<th>Community</th>
<th>OHP Status Code</th>
<th>Map Ref. #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Able’s Prune Packing Plant</td>
<td>35 E. Canterbury St.</td>
<td>Someplace, CA</td>
<td>6</td>
<td>(MR #1)</td>
</tr>
<tr>
<td>Melville Apts.</td>
<td>8012 S. Oceanview Dr.</td>
<td>Someplace, CA</td>
<td>6</td>
<td>(MR #5)</td>
</tr>
<tr>
<td>Little River RR Viaduct</td>
<td>Next to SR 43, KP 10.7</td>
<td>El Nido, CA</td>
<td>6</td>
<td>(MR #18)</td>
</tr>
</tbody>
</table>

Do not list properties that meet the criteria for Section 106 PA Attachment 4 (Properties Exempt from Evaluation). Instead include the appropriate paragraph as follows:

[Name of Caltrans architectural historian or qualified consultant architectural historian], who meets the Professionally Qualified Staff Standards in Section 106 PA Attachment 1 as an Architectural Historian or above, has reviewed the project APE and confirmed that the only other properties present within the APE, including state-owned resources, meet the criteria for Section 106 PA Attachment 4 (Properties Exempt from Evaluation).

[Name of Caltrans archaeologist or qualified consultant archaeologist], who meets the Professionally Qualified Staff Standards in Section 106 PA Attachment 1 as a Co-Principal Investigator or above, has reviewed the project APE and confirmed that the only other properties present within the APE meet the criteria for Section 106 PA Attachment 4 (Properties Exempt from Evaluation).

Provide the site trinomial (e.g., CA-TRI-433) for each archaeological site covered in the document. As some Information Centers have a backlog in assigning trinomials, using a primary number is acceptable for those counties. However, every effort should be made to acquire a trinomial for evaluated archaeological sites.

The OHP Historical Resources Status Codes listings and eligibility determinations have extensions for each code. For example “1S” means a historic property individually listed in the NRHP and also listed in the CRHR, while “1CS” means a property individually listed in the CRHR only. As of August 2003 status code “4” applies only to state-owned resources that are included in the Master List through the PRC 5024 compliance process. See the Office of Historic Preservation's (OHP) Historical Resources Status Codes for a full list of the codes.

**Findings for the Undertaking**

Under the Section 106 PA and as assigned by the Federal Highway Administration (FHWA), Caltrans districts are authorized to make eligibility determinations, and
findings of no historic properties affected or no adverse effect with standard conditions.

For state-owned resources, list those that meet the NRHP/CHL criteria, state that Caltrans concurrently requests SHPO’s comments under 5024 MOU Stipulation III, and for NRHP/CHL listed or eligible buildings and structures, request SHPO to add them to the Master List, per PRC 5024(d). When Caltrans is the lead agency under CEQA, state which resources Caltrans PQS staff have determined are historical resources under CEQA and provide the information to the person completing the CEQA documentation.

If using the HPSR form, summarize the finding below only one appropriately checked box and refer the reader to the appropriate attachment for more detailed information. If using a narrative HPSR, provide a brief description and refer the reader to the appropriate attachment for more detailed information. For effect findings, describe the effects to each property as relevant, but make one effect finding for the undertaking as a whole.

The possible findings are:

**Finding of No Historic Properties Affected**

- Caltrans, pursuant to Section 106 PA Stipulation IX.A and as applicable PRC 5024 MOU Stipulation IX.A.2, has determined a **Finding of No Historic Properties Affected** is appropriate for this undertaking because there are no historic properties within the APE / the following historic properties will not be affected. [Choose one or the other of the above statements. If there are previously listed/eligible historic properties within the APE, identify them and explain why they would not be affected. The attached documentation must clearly explain why there is no effect to historic properties.]

**Effects Undetermined**

If effects are not yet determined, indicate that Caltrans will be continuing consultation with CSO and/or the SHPO on the assessment of effects.

- Caltrans, pursuant to Section 106 PA Stipulation IX.B and if applicable PRC 5024 MOU Stipulation IX.B, has determined that there are historic properties within the APE that may be affected by the undertaking. **Effects are still undetermined**, so in accordance with Section 106 PA Stipulation X and if applicable PRC 5024...
MOU Stipulation X, Caltrans will continue consultation with CSO and/or SHPO in the future on the assessment of effects. [This notifies CSO, SHPO and reminds Caltrans that the effect findings require consultation.]

Finding of No Adverse Effect with Standard Conditions (FNAE-SC)
Caltrans, pursuant to Section 106 PA Stipulation X.B.1.a/b and Attachment 5, and as applicable PRC 5024 MOU Stipulation X.B.1.a/b and Attachment 5, Caltrans districts are required to send HPSR findings to CSO when Caltrans proposes a Finding of No Adverse Effect with Standard Conditions by using either ESAs or the SOIS to avoid adverse effects.

CSO has 15 days from receipt of complete documentation to object to the district’s finding. CSO’s concurrence in the district’s effect finding is contingent upon SHPO’s concurrence in the District’s determination of eligibility, if applicable.

Concurrent with sending the finding to the Section 106 Coordinator, the District provides notification of the finding to any consulting parties that have expressed views regarding potential effect to historic properties, pursuant to Section 106 PA Stipulation X.B(1).

If ESAs are used to ensure that the project will have no adverse effects on evaluated properties, a “Finding of No Adverse Effect with Standard Conditions” (FNAE-SC-ESA) is appropriate under the Section 106 PA. Describe the ESA and attach an ESA Action Plan. Include all restrictions on activities within the ESA, describe how the restrictions will be enforced (e.g., by placing the restrictions in the Plans, Specifications and Estimates [PS&E], fencing, monitoring construction, etc.), and include the name and appropriate PQS level of the Caltrans PQS who reviewed the ESA plan. Include any other relevant information to support the proposed finding. If using the HPSR form, summarize the finding below the appropriately checked box and refer the reader to the appropriate attachment for more detailed information. See Exhibits 2.7: ESA Action Plan and 2.8: Findings of No Adverse Effect.

If the project uses the SOIS to ensure the project will have no adverse effects on historic properties, a “Finding of No Adverse Effect with Standard Conditions-SOIS” (FNAE-SC-SOIS) is appropriate under the Section 106 PA. Briefly describe how the project complies with the SOIS and attach an SOIS Action Plan. Include the name and appropriate PQS level of the Caltrans PQS who reviewed the work for compliance with the SOIS. If using the HPSR form, summarize the finding below the
appropriately checked box and refer the reader to the appropriate attachment for more detailed information. See Chapter 7 and Exhibits 2.7, 2.8 and Exhibit 7.5: SOIS Action Plan; for additional guidance. For historic bridges, see Exhibit 7.4: Historic Bridges and Tunnels - No Adverse Effects with Standard Conditions for more detailed information.

- Caltrans, pursuant to Section 106 PA Stipulation X.B.1.a/b and Attachment 5 and as applicable PRC 5024 MOU Stipulation X.B.1.a/b and Attachment 5, has determined a Finding of No Adverse Effect with Standard Conditions-[select one or both: ESA and/or SOIS], is appropriate for this undertaking, and is hereby notifying CSO of this finding. [Name], who meets the PQS Standards in Section 106 PA Attachment 1 and as applicable PRC 5024 MOU Attachment 1 as a(n) [Indicate applicable PQS level], has reviewed the attached documentation and determined that it is adequate. (Include ESA and/or SOIS Action Plan as attachment.)

Finding of No Adverse Effect (FNAE)

Caltrans, pursuant to Section 106 PA Stipulation X.B.2.a and as applicable PRC 5024 MOU Stipulation X.B.2., Caltrans districts are required to send findings to CSO when Caltrans proposes a Finding of No Adverse Effect (without Standard Conditions)

If CSO agrees with the district’s finding, CSO consults the SHPO pursuant to 36 CFR 800.5(c) and requests SHPO’s concurrence in this finding.

Concurrent with sending the finding to the Section 106 Coordinator, the District provides notification of the finding to any consulting parties that have expressed views regarding potential effect to historic properties, pursuant to Section 106 PA Stipulation X.B.2.a.

- Caltrans, pursuant to Section 106 PA Stipulation X.B.2 and if applicable PRC 5024 MOU Stipulation X.B.2, has determined a Finding of No Adverse Effect (without Standard Conditions) is appropriate for this undertaking, and requests SHPO’s concurrence in this determination. [Include FOE as attachment.]
Finding of Adverse Effect

Caltrans, pursuant to Section 106 PA Stipulation X.C and as applicable PRC 5024 MOU Stipulation X.C.2.b, Caltrans districts are required to send HPSR findings to CSO when Caltrans proposes a Finding of Adverse Effect.

If CSO agrees with the district’s finding, CSO consults the SHPO and requests SHPO’s concurrence in this finding.

An exception to this is when the only adverse effects are to an archaeological site eligible solely under Criterion D, in which case the District may submit the finding to CSO and the SHPO concurrently, in accordance with Stipulation X.C.2.

- Caltrans, pursuant to Section 106 PA Stipulation X.C and if applicable PRC 5024 MOU Stipulation X.C, has determined a Finding of Adverse Effect is appropriate for this undertaking, and requests SHPO’s concurrence in this determination.

Tribal Lands, THPO Consultation or When FHWA Is Not Lead Agency

The Section 106 PA does not apply to undertakings that occur on or affect tribal lands, or for consultation with Tribal Historic Preservation Officers (THPO). It also does not apply when FHWA is not the lead agency for the federal undertaking. When FHWA is the lead agency and the Section 106 PA covers that undertaking, other federal agencies (issuing permits or otherwise providing assistance) are not obligated to use the Section 106 PA to fulfill their Section 106 responsibilities. See Chapter 2 Section 2.2.1 and Exhibit 1.1: Section 106 PA Stipulation I.

For undertakings where the Section 106 PA does not apply, use the narrative HPSR. The consultation language needs to cite the appropriate sections of 36 CFR 800 and not the stipulations in the Section 106 PA.

For instance, instead of using a summary paragraph to cite properties exempt from evaluation under Section 106 PA Attachment 4, the HPSR needs to refer to the Cultural Resources Letter Report (Letter Report); see Exhibit 6.1. When the Section 106 PA does not apply, the appropriate PQS prepares the Letter Report when there are cultural resources in the APE that clearly lack significance either due to loss of integrity or the absence of historical associations or research values that would
qualify the cultural resource as eligible for inclusion in the National Register or would make them historical resources for purposes of CEQA.

Because findings of No Adverse Effect with Standard Conditions (either ESA or SOIS) are stipulations in the Section 106 PA, they may not be used when a project is on or affect tribal lands, for consultations with THPOs, when FHWA is not the lead federal agency or when other federal agencies, in issuing permits or providing assistance, choose not to use the provisions in the Section 106 PA. For these reasons findings of “No Historic Properties Affected” and “No Adverse Effect with Standard Conditions” are not reported in the HPSR, but are included as a separate Finding of Effect for the project. See Exhibits 2.8 and 2.9.

Follow the guidance elsewhere in this exhibit for all sections of the HPSR except in “Properties Identified” where the Letter Report is used to exempt cultural resources from evaluation instead of Section 106 PA Attachment 4.

**HPSR Findings under Regular Section 106 Process**

Under the regular Section 106 process, when the HPSR includes the one or more of following findings, the district sends a copy to the Section 106 Coordinator in CSO. CSO transmits the HPSR to SHPO/THPO.

- As assigned by FHWA and pursuant to 36 CFR 800.4(a) and (b), Caltrans has determined that the APE and the scope and level of the identification efforts are adequate for this undertaking, and requests SHPO/THPO’s concurrence in this finding.
- There are no cultural resources within the APE.
- The only/only other cultural resources within the APE clearly lack significance either due to loss of integrity or the absence of historical associations or research values that would qualify the cultural resource as eligible for inclusion in the National Register of Historic Places or would make it a historical resource for purposes of CEQA, as described in the attached Letter Report prepared by ___________ (Name and indicate whether person is Caltrans or consultant architectural historian or archaeologist), who is a(n) _____________ (Indicate applicable PQS level and attach the Letter Report.) [Because the Section 106 PA does not apply, a Letter Report needs to be prepared. See Exhibit 6.1.]
- Properties present within the project APE previously were determined not eligible for inclusion in the National Register of Historic Places in consultation with the SHPO/THPO, or were formally determined not eligible by the Keeper of the
National Register are present within the project APE and the prior determinations are still valid. Copy of SHPO/THPO/Keeper correspondence is attached. [This assumes that appropriate Caltrans PQS confirmed the prior determinations of eligibility are still valid.]

- As assigned by FHWA and pursuant to 36 CFR 800.4(c), Caltrans has determined that within the project APE there are properties evaluated as a result of the project that are not eligible for inclusion in the National Register of Historic Places, and requests SHPO/THPO’s concurrence in this determination.

- As assigned by FHWA and pursuant to 36 CFR 800.4(c), Caltrans has determined that within the project APE there are properties evaluated as a result of the project that are eligible for inclusion in the National Register of Historic Places, and requests SHPO/THPO’s concurrence in this determination.

- Properties previously determined eligible for the National Register of Historic Places in consultation with the SHPO/THPO, or formally determined eligible by the Keeper of the National Register of Historic Places are present within the project APE, and the prior determinations remain valid. [This assumes that appropriate Caltrans PQS confirmed the prior determinations of eligibility are still valid.]

- As assigned by FHWA and pursuant to 36 CFR 800.4(d)(1), Caltrans has determined a Finding of No Historic Properties Affected is appropriate for this undertaking, and is hereby notifying the SHPO/THPO of this finding.

**Concurrent State Compliance**

For federal undertakings, the HPSR serves as simultaneous documentation for Caltrans considerations under CEQA and, for state-owned resources, compliance with PRC 5024 pursuant to 5024 MOU **Stipulation III**. However, when the Caltrans project is not a federal undertaking (e.g., state-only projects), use the Historical Resources Compliance Report to document considerations under CEQA and determinations under PRC 5024; see Chapter 2 and Exhibit 2.14: Historical Resources Compliance Report.

**Findings for State-Owned Properties**

When there are state-owned cultural resources in the APE, Caltrans needs to document compliance with PRC 5024, even when the project is a federal undertaking. To avoid redundancy, the HPSR also is used to document PRC 5024 compliance for a federal undertaking with state-owned properties.
Caltrans needs to submit the HPSR to SHPO for determinations of eligibility, pursuant to 5024 MOU Stipulation VIII, even when the finding is “No Historic Properties Affected” or “No Adverse Effect with Standard Conditions” under Section 106.

When the district sends the HPSR to SHPO under Section 106, it also notifies SHPO and requests SHPO’s comments pursuant to PRC5024 MOU Stipulations III and VIII.C.6, both in the HPSR itself and in the transmittal letter. Send the HPSR and transmittal letter to the Section 106 Coordinator in CSO for Section 106 compliance; the Section 106 Coordinator will provide a copy of the transmittal letter to the Built Environment Preservation Services (BEPS) Branch Chief for concurrent PRC 5024 compliance documentation.

See the Caltrans Standard Environmental Reference Volume 2-Cultural Resources (SERv2) Chapter 2 Sections 2.7.9 and 2.8.3.2 and Exhibit 2.14 for the more information on what to include. The HPSR form and narrative templates also contain the range of most common findings that might apply.

The 5024 MOU provides for Findings of No State-owned Historical Resources Affected to be included only in the District file (see Chapter 2 Sections 2.8.4 and 2.9.2.1) and for Findings of No Adverse Effect with Standard Conditions to be sent to CSO for approval (see Chapter 2 Sections 2.8.6.1 and 2.9.2.3).

Do not include findings of adverse effects to state-owned historic properties in the HPSR; they are included in the federal “Finding of Adverse Effect” under a separate section of that document; see Chapter 2 Section 2.8.7 and Exhibit 2.9.

**CEQA Considerations**

In order to minimize redundancy for Caltrans and to document compliance, CEQA considerations regarding cultural resources may be included in the HPSR as Section 7. Consultation with SHPO is not required under CEQA. See the Caltrans SERv2 Chapter 2 Section 2.7 and Exhibit 2.14 for the more information on what to include. The HPSR form and narrative templates also contain the range of considerations that might apply.

Considerations of substantial adverse change are not included in the HPSR, but would be included in the Finding of Adverse Effect to ensure concurrent compliance, see Exhibit 2.9.
Exhibits

Include the following exhibits as applicable.

**Location Map, Project Vicinity Map and APE Map**

Include, at minimum, a map showing project location and vicinity, and a project APE map illustrating the proposed project, upon which the APE limits have been delineated. All project maps must be in color. If no cultural resources are present the project APE map must be of sufficient scale to document the APE. A Caltrans PQS must sign the APE map indicating his or her approval as well as the project’s Project Manager or the DLAE.

If cultural resources are present, the project APE map must be of sufficient scale (200' scale is preferred) and have enough project detail to demonstrate the relationship of historic properties to the proposed project, especially important if the HPSR serves to document a Finding of No Historic Properties Affected or a Finding of No Adverse Effect with Standard Conditions. Clearly show the APE, the location of all discussed properties, the boundaries of any eligible or listed historic properties, and the boundaries of any ESAs used. Include a scale and north arrow.

If there are historic properties, the APE map should be drawn to encompass the boundaries of any National Register listed or eligible properties (including previously determined eligible and newly evaluated as eligible properties). It is permissible to indicate an Area of Direct Impact (ADI), but the ADI must be entirely within the APE. It is permissible to remove duplicate sets of maps, but clearly indicate which maps are where in the supporting attached documentation.

**Photographs and Other Exhibits**

Include other appropriate exhibits. Good clear exhibits and graphics are invaluable to demonstrate the arguments and decisions discussed made in the text. Photos and graphics, which illustrate the following, can enhance the HPSR’s effectiveness as a consultation tool:

- Integrity (or lack of it) of cultural resource(s)
- Integrity of setting for cultural resource(s),
- Engineering plans,
- Profiles and cross-sections which show the actual limits of project effects,
SHPO's copy of the HPSR either should contain original photographs or scanned images that are clear when printed out.

**Attachments**

Include, as appropriate:

- Project Vicinity, Location and APE Maps (Note which attachment(s) contain the maps - do not need to attach separately if included within other attachments)
- Caltrans Historic Bridge Inventory Sheet(s)
- Historical Resources Evaluation Report (HRER)
- Archaeological Survey Report (ASR)
- Extended Phase One Report (XPI)
- Archaeological Evaluation Report (AER, PII)
- Environmentally Sensitive Area (ESA) Action Plan
- Secretary of the Interior’s Standards for the Treatment of Historic Properties (SOIS) Action Plan
- CSO Approval of Assumption of Eligibility
- Finding of Effect (FOE)
- Agreement Document (PA, MOA)
- Other (specify), e.g. phone logs documenting consultation; relevant correspondence from historical societies, Native American groups, local governments, other special interest groups, Native American Heritage Commission, or the SHPO not already included with an attached technical study.

**HPSR Preparation and Caltrans Approval**

Under the Section 106 PA the Caltrans PQS or a qualified consultant prepares the HPSR. HPSRs need at least three reviews:

- Peer review of the draft HPSR by District or CSO PQS at the appropriate level for the contents of the HPSR
- Review of the final HPSR for EBC approval by District or CSO PQS at the appropriate level
- Review and approval of the final HPSR by the EBC

The HPSR’s primary function is to document the Section 106 process through the identification and evaluation phase, including whether there are historic properties that would be affected by the undertaking [36 CFR 800.4(d) and 106 PA Stipulation IX.B], as well as FNAE-SCs as delegated to CSO. Because of these different
functions, depending on what stage of the Section 106 process is being documented, the Caltrans PQS certification level needed to conduct the peer review and review for approval will change. Chapter 2 Section 2.5.5 explains the reasons why certain HPSRs require a higher level of Caltrans PQS peer review, while Exhibit 2.11: Required Copies and Required Reviews of Cultural Resources Documents Table C contains a chart with the various HPSRs findings and who is certified to conduct peer review and review for approval. However, Caltrans PQS at the level appropriate to the type of cultural resources in the APE must peer review and review for approval all attached documentation supporting Section 106 findings (e.g., ASRs, AERs, HRERs, etc.).

After the draft HPSR has been peer reviewed and any necessary revisions are made, the Caltrans PQS or consultant who prepares the HPSR signs, dates the final HPSR and includes his or her discipline, PQS level (as applicable) and District/Headquarters or affiliation. The Caltrans PQS reviewing the HPSR for approval likewise signs, dates, and includes his/her PQS discipline, level and District. If the Caltrans PQS document preparer is certified at the appropriate level to conduct reviews for approval⁴, his or her signature on the final document also signifies review for EBC approval. The EBC signs and dates the HPSR to signify approval.

NEPA Assignment

Under the authority of 23 USC 326 and 23 USC 327, FHWA assigned all FHWA responsibilities for compliance under the National Environmental Policy Act (NEPA), including FHWA’s Section 106 responsibilities. The Section 106 PA further clarifies roles and responsibilities under NEPA Assignment. For more information on NEPA assignment, please refer to Chapter 38 of the Caltrans SER.

⁴ At a minimum Lead Archaeological Surveyor or Architectural Historian level or above; see Exhibit 2.11 Table C