Exhibit 2.1: Section 106 PA and PRC 5024 MOU Flow Charts

Section 106 PA Flow Chart

Caltrans Section 106 Process Per the Amended FHWA Programmatic Agreement

Screened Undertaking, No Potential to affect historic properties

Document Finding to File

Section 106 Complete

1) Contact a PQS, Establish Undertaking, Identify Consulting Parties

Initiate Consultation with Indian Tribes, Continue Throughout Process

Undertaking will occur on or affect Lands held in Trust by Indian Tribes

Follow 36 CFR 800

Indian Tribe requests Government-to-Government consultation (throughout process)

FHWA Consults with Tribe

2) Determine the Study Area or Area of Potential Effect (APE)

Submit Documentation to SHPO for Concurrence

Concurrent Submittal to CSO, Notify Tribes if Applicable

SHPO Objects

Notify CSO, Consult with SHPO

SHPO Concurs

Objection Resolved

Objection Not Resolved

3) Identify Historic Properties within the APE

No Historic Properties Affected

Historic Properties Affected

No Adverse Effect

Adverse Effect

District submits to CSO

CSO submits to SHPO

SHPO Objects

Objection

Object Not Resolved

SHPO Concurs

Objection Resolved

CSO Objects

District notifies Tribes and Consulting Parties

CSO does not object, no Consulting Party objects

SHPO does not object, no Consulting Party objects

SHPO or Consulting Party objects

SHPO or Consulting Party objects

Resolve Disagreements per Stipulation X.D

6) Resolve Adverse Effects

CSO and District Consult SHPO and other Consulting Parties, Prepare Agreement Document(s)

Adverse Effects Not Resolved, FHWA, SHPO or ACHP Terminates Consultation

Follow 36 CFR 800

Concurrent review by FHWA where responsibility is retained.

4) Evaluate Properties for National Register Eligibility

No Historic Properties Affected

Historic Properties Affected

No Adverse Effect with Standard Conditions

District submits to CSO; notifies Tribes and Consulting Parties

CSO objects

CSO does not object, no Consulting Party objects

CSO and District Consult SHPO and other Consulting Parties, Prepare Agreement Document(s)

Adverse Effects Not Resolved, FHWA, SHPO or ACHP Terminates Consultation

Follow 36 CFR 800

Adverse Effect

District submits to CSO

CSO submits to SHPO

SHPO objects

Objection

Objection Not Resolved

CSO Concurs

Objection Resolved

District notifies Tribes and Consulting Parties

CSO does not object, no Consulting Party objects

SHPO does not object, no Consulting Party objects

Resolve Disagreements per Stipulation X.D

No Adverse Effect

5) Apply Criteria of Adverse Effect

Section 106 Complete
Exhibit 2.1: Section 106 PA and PRC 5024 MOU Flow Charts

Section 106 PA Flow Chart

**Caltrans Section 106 Process Per the Amended FHWA Programmatic Agreement**

**Screened Undertaking, No Potential to affect historic properties**
- Document Finding to File

**Section 106 Complete**

1) Contact a PQS, Establish Undertaking, Identify Consulting Parties
- Undertaking will occur on or affect Lands held in Trust by Indian Tribes
- Follow 36 CFR 800

**Historic Properties May Be Affected**

2) Determine the Study Area or Area of Potential Effect (APE)
- Submit Documentation to SHPO for Concurrence
- Concurrent Submittal to CSO, Notify Tribes if Applicable

3) Identify Historic Properties within the APE
- SHPO Objects
- SHPO Concurs
- Objection Resolved
- Objection Not Resolved

4) Evaluate Properties for National Register Eligibility
- No Historic Properties Affected
- Historic Properties Affected

5) Apply Criteria of Adverse Effect
- CSO Consults Keeper
- District submits to CSO; notifies Tribes and Consulting Parties
- CSO submits to SHPO
- CSO does not object, no Consulting Party objects
- Resolve Disagreements per Stipulation X.D
- CSO and District Consult SHPO and other Consulting Parties, Prepare Agreement Document(s)

**No Adverse Effect with Standard Conditions**
- No Adverse Effect
- Adverse Effect

**District submits to CSO**
- SHPO or Consulting Party objects
- Resolve Disagreements per Stipulation X.D
- Adverse Effects Not Resolved, FHWA, SHPO or ACHP Terminates Consultation

**District submits to CSO**
- SHPO or Consulting Party objects
- Resolve Disagreements per Stipulation X.D
- Adverse Effects Not Resolved, FHWA, SHPO or ACHP Terminates Consultation

**CSO submits to SHPO**
- CSO objects
- CSO does not object, no Consulting Party objects
- Resolve Disagreements per Stipulation X.D

**CSO submits to SHPO**
- SHPO does not object, no Consulting Party objects
- SHPO objects
- CSO Consults Keeper

**CSO submits to SHPO**
- SHPO does object, no Consulting Party objects
- SHPO objects
- CSO Consults Keeper

**CSO objects**
- CSO does not object, no Consulting Party objects
- Resolve Disagreements per Stipulation X.D

**CSO does not object, no Consulting Party objects**
- Resolve Disagreements per Stipulation X.D

**SHPO objects**
- CSO does not object, no Consulting Party objects
- Resolve Disagreements per Stipulation X.D

**SHPO does not object, no Consulting Party objects**
- Resolve Disagreements per Stipulation X.D

**Section 106 Complete**

* Concurrent review by FHWA where responsibility is retained.