

Chapter 4

Cultural Resources Identification and Evaluation

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Chapter 4

Cultural Resources Identification and Evaluation

4.1 Introduction

This chapter discusses the general steps in the process of identifying and evaluating cultural resources for purposes of Section 106 of the National Historic Preservation Act (NHPA), the California Environmental Quality Act (CEQA) and California Public Resources Code (PRC) 5024. Caltrans has a Section 106 Programmatic Agreement¹ (106 PA) and a PRC 5024 Memorandum of Understanding² (5024 MOU) that implement alternate procedures for compliance with Section 106 and PRC 5024. In accordance with Stipulation III of the 5024 MOU, Section 106 projects that include Caltrans-owned resources may use Section 106 procedures for concurrent compliance with PRC 5024. The attachments to the 106 PA and 5024 MOU provide general guidance that Caltrans follows to comply with CEQA.

4.1.1 Professional Qualifications Standards

It is Caltrans policy that all persons carrying out cultural resources studies, whether Caltrans staff or consultants, must meet the appropriate federal and state professional qualifications standards, as established by the Secretary of the Interior, the State Personnel Board, and Caltrans (see Chapter 1 Section 1.3.4).

In addition, work performed under the 106 PA, the 5024 MOU or CEQA must be carried out by or under the supervision of Caltrans staff who meet the Professionally Qualifications Standards in the appropriate discipline. Attachment 1 the 106 PA and 5024 MOU outlines the minimum qualifications needed for cultural resources staff conducting various tasks. Caltrans staff who meet the qualifications are certified as Professionally Qualified Staff (PQS).

While only Caltrans staff may be certified as PQS, appropriately qualified consultants may conduct cultural resources surveys, exempt properties in accordance with 106 PA/5024

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, effective January 1, 2014.

² 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, addended 2019.

MOU Attachment 4, and prepare documents, as long as PQS oversee their activities. All work under the 106 PA, whether by PQS or by consultants, must be reviewed and approved by PQS, in addition to any other approvals, before it is considered final. See Exhibit 1.6 for the expertise level required to perform specific tasks and review or approve documents under the 106 PA/5024 MOU.

4.1.2 Cultural Resource Types

For Caltrans purposes, the term “cultural resources” is used to refer to any tangible or observable evidence of past human activity, regardless of significance, found in direct association with a geographic location, including tangible properties possessing intangible traditional cultural values, such as artifacts, archaeological sites, buildings, bridges and other structures. Under Section 106, the term “historic properties” means any cultural resources, including archaeological properties, which have been listed on or determined eligible for listing in the National Register of Historic Places (NRHP). CEQA identifies “historical resources” as properties that meet the criteria for listing in the NRHP or the California Register of Historical Resources (CRHR), as well as properties that are designated as historic under local ordinances and properties that have been identified as significant in a local survey that meets the state Office of Historic Preservation (OHP) standards. Under PRC 5024, “historical resources” refers to state-owned resources that are listed on or eligible for the NRHP and/or are listed as or eligible for nomination as California Historical Landmarks. Tribal Cultural Resources (TCRs) under CEQA are a separate and distinct category of resource separate from historical resources. Caltrans use the inclusive term “historical resource” to include TCRs. For purposes of this chapter, “properties” and “resources” are used interchangeably.

Cultural resources may be divided into broad categories:

- Prehistoric archaeological resources
- Historical archaeological resources
- Built environment resources
- Traditional Cultural Properties
- Tribal Cultural Resources

Prehistoric Archaeological Resources

Prehistoric archaeological resources are typically sites, activity areas, and ruins either predating or immediately postdating non-Native American entry into the region,

characterized by material residues of substantially Native American origin. They may be in the form of deposits of cultural material or features found in ground or on its surface, or they may be districts composed of groups of prehistoric archaeological sites. Prehistoric archaeological sites are typically distinguished from isolated finds by criteria such as the density of cultural materials present. Sites generally have concentrations of material that can be distinguished from isolates and extensive very low density scatters common in some parts of the state such as the Modoc Plateau and Long Valley. Some sites may have traditional cultural values or other values ascribed to them by Native Americans. Some sites with traditional cultural values may meet the definition of a Traditional Cultural Property, or tribal cultural resource. The value that Native Americans may ascribe to a site because of burials or skeletal remains transcends the NRHP criteria. Consultation with Native Americans on the appropriate treatment of the burials or remains and associated objects must occur.

Historical Archaeological Resources

Historical archaeological resources are sites, activity areas, cultural landscapes, and ruins of buildings and structures, where the location itself possesses archaeological value, regardless of the significance of any existing standing building or structure³. Such resources possess some kind of cultural deposits or complex of features, whether subsurface or buried, whose primary value is in archaeological research.

Built Environment Resources

Built environment resources are intact buildings, structures, objects, and associated features; non-archaeological sites, and districts composed of these resources.

Traditional Cultural Properties

Traditional Cultural Properties (TCPs) are associated with the traditional cultural practices or beliefs of a living community. They may consist of buildings, structures, objects, sites, or districts that are rooted in a traditional community's history and are important in maintaining the continuing cultural identity of that community. TCPs may also be the locations of important events that contain no physical remains, such as a location

³ Examples of ruins include a building without a roof and with two or more collapsed or missing walls, an abandoned ditch system that can no longer convey water, and the foundations of a gold mining and milling operation.

associated with the traditional beliefs of a Native American group about its origins, cultural history, or the nature of the world.

Tribal Cultural Resources

Tribal Cultural Resources (TCRs) are “sites, features, places, cultural landscapes or objects that have cultural value to a California Native American tribe and are either listed in or eligible for the CRHR or are included on a local register.”⁴

4.2 Establish Project

The Project Development Team (PDT) formally initiates environmental studies, including cultural resources studies (all research, consultation, and survey work for the full range of cultural resources) and determines whether a project has a federal nexus and is therefore subject to Section 106, CEQA and/or PRC 5024. Projects with no federal nexus may still be subject to state laws and regulations. A project that involves Caltrans-owned resources would require compliance with PRC 5024 even if otherwise exempt from CEQA.

Section 106 uses the term “undertaking,” defined in 36 CFR 800.16(y) as any project, program, or activity with federal funding or under the direct or indirect jurisdiction of a federal agency, including federal license, permit, or approval, or administered pursuant to federal agency delegation or approval. State laws use the terms “project” or “activity.” For purposes of this chapter, “project” refers to both projects and activities as well as undertakings.

Projects can have a federal nexus other than or in addition to the FHWA Federal-Aid Highway Program. For example, a permit required from the Forest Service or Bureau of Land Management would also trigger Section 106. When CSO, as assigned by FHWA, is the lead agency, other agencies may fulfill their Section 106 responsibilities for the project by using applicable provisions of the 106 PA, at CSO’s discretion.

PQS determine whether a project has the potential to affect historic properties and recommend the appropriate level of cultural resource studies necessary to document compliance with Section 106, CEQA and PRC 5024, as applicable.

⁴ PRC Section 21074(a)(1) and (2)

The Cultural Resources Process Checklist in Exhibit 4.1 may be useful in identifying the required steps in the federal and state cultural resources compliance process.

4.2.1 Screened Projects

Not all projects have potential to affect cultural resources. Under the 106 PA and the 5024 MOU, PQS may screen specific types of projects that by their nature have limited potential for effect, and if appropriate, determine them exempt from further review under Section 106 and/or PRC 5024. Attachment 2 of the 106 PA/5024 MOU lists 30 classes of projects that may be exempted following screening by appropriately qualified PQS.

The following conditions apply to screened projects:

- Only PQS may conduct the screening process.
- The screening process must be done in accordance with the terms of 106 PA/5024 MOU Attachment 2.
- Only the listed projects, or a combination thereof, may be screened.
- If a project includes any elements other than those listed, it will not qualify for screening.
- All features of the project must be identified prior to screening.
- Projects must be screened as a whole; certain “activities” or “areas” of a project cannot be screened.
- If conditions must be imposed on a project to ensure that potential historic properties would not be affected (e.g., fencing to protect an archaeological site), it does not qualify as a screened project.
- At the screening stage, PQS look for potential to affect, not whether there will be an effect.
- Subsequent changes to the project may require that it be re-screened to determine if it still meets the requirements of Attachment 2.

Exhibit 7.3 lists routine maintenance-type activities specific to historic bridges and tunnels that meet the classes of screened projects in Attachment 2 of the 106 PA/5024 MOU, but that Caltrans considers have no potential to affect the character defining features or historic fabric of historic bridges or tunnels. The activities listed in Exhibit 7.3, therefore, do not require environmental review under Section 106, PRC 5024 or CEQA.

PQS begin by examining a project's features to determine if it meets one or more of the classes of screened projects.

The screening process may involve background research, reconnaissance or field surveys, consultation with Native Americans or other knowledgeable persons, as described in Section 4.6 below. The extent of the effort should be in proportion to the complexity, scale, and location of the project and the potential for historic properties to be affected.

PQS exercise their professional judgment in conducting the screening process and must not allow either external or internal pressures to influence their decisions. The outcome must be objective and defensible, as conclusions will be included in the 106 PA's or the 5024 MOU's Annual Report and are subject to audit. Failure to comply with the standards set in Attachment 2 could jeopardize Caltrans' or a specific District's continued use of the 106 PA and/or the 5024 MOU.

If the project meets the requirements of 106 PA/5024 MOU Attachment 2, and PQS determine after appropriate screening that there is no potential for historic properties to be affected, the project may be exempted from further review. A screening memo constitutes the only documentation necessary for screened projects and completes the Section 106/PRC 5024 process. See Exhibit 2.5 for guidance on preparing the memo.

If the project does not meet the requirements of the 106 PA/5024 MOU Attachment 2 or if PQS determine that there is potential for historic properties to be affected, the project is subject to further review and may require cultural resources studies.

4.2.2 Projects Requiring Studies

When PQS determine that a project may require cultural resources studies, the relevant information is forwarded to the District Environmental Branch Chief (DEBC). PQS then proceed, beginning with defining an Area of Potential Effect (APE) or the Project Area Limits (PAL).

4.3 Define APE or PAL

The Area of Potential Effect (APE) for purposes of Section 106 is the area within which a project may directly or indirectly cause changes in the character or use of historic properties, should any be present. CEQA and PRC 5024 projects have Project Area Limits (PAL). Establishing the APE or PAL is the first step in determining the scope of identification

efforts, and a prelude to initiating cultural resources surveys. It is a prospective activity; the known or suspected presence or absence of historic properties is irrelevant at this stage. Attachment 3 of the 106 PA/5024 MOU contains further guidance on setting an APE/PAL.

Under the 106 PA and the 5024 MOU, Caltrans has been delegated the authority to set APEs/PALs, and when the guidelines set forth in Attachment 3 are followed, project-specific consultation with the State Historic Preservation Officer (SHPO) regarding the APE/PAL and level of effort is not required.

The PQS and Caltrans Project Manager, or District Local Assistance Engineer (DLAE) for Local Assistance projects, are jointly responsible for establishing the APE/PAL.

An APE/PAL may encompass the right of way or an area either more or less than the right of way, depending on the project's potential for effects. Effects to be considered can be both direct, such as physical damage to or destruction of a property, alterations, or moving a historic property; or indirect, such as isolating a property from its setting; visual, audible, or atmospheric intrusions; shadow effects; vibrations; or change in access or use.

There is no single rule of thumb for establishing an APE/PAL. The guiding principal is that it should be commensurate with, and provide for, an appropriate level of effort to take into account a project's potential for effects on historic properties.

Because the APE/PAL is established before historic properties are identified, as cultural studies progress it may be necessary to revise the map in order to include the whole, or reasonably anticipated, boundaries of historic properties if any part of the property will be potentially affected. While the APE/PAL will generally encompass the entire property, it is rarely necessary to extend the APE/PAL map to include very large resource such as a historic districts or landscapes, large rural parcels, or long linear features if potential effects on the whole will clearly be negligible.

It is sometimes useful to designate a Study Area early in the process when detailed project information is not yet available or project limits may be subject to change. The Study Area should encompass all properties that could potentially end up within the APE/PAL and is revised as project details are developed.

The final APE/PAL must be formally designated by the time cultural resources studies are complete, and the map is included as an attachment. It needs to be of a scale suitable to

depict the boundaries of major project features (e.g., right of way and edge of pavement) relative to the boundaries of any identified cultural resources.

If a project is revised (e.g., design changes, utility relocation, or additional off-site mitigation areas), including during construction, PQS will need to determine whether the changes require modifying the APE/PAL, commensurate with the nature and scope of the changed potential effects.

For particularly complex projects, especially those with potential for extensive indirect effects, consultation with SHPO early in the scoping process may be advisable to ensure that the APE/PAL is adequate for consideration of the project's potential effects. SHPO consultation should be initiated through the Section 106 Coordination Branch (Section 106 Branch) or the PRC 5024 Coordination Branch (PRC 5024 Branch) chief in CSO, as applicable.

4.3.1 Direct APE/PAL

The Direct APE/PAL is the area that potentially would be directly and physically impacted by the project. The Direct APE/PAL is most commonly used in archaeological studies but may also apply to the built environment when there are no indirect effects (see Section 4.3.2 below). Typically, the Direct APE/PAL includes all right of way that will be used for the project, plus any ancillary areas subject to project-related ground-disturbing activities, such as slope and drainage easements, storm water detention basins, off-site biological mitigation sites requiring ground disturbance, mandatory borrow and disposal sites, construction easements, utility relocations, access roads, and equipment storage areas.

If any portion of an archaeological site extends into the project area and is subject to potential effects, the APE/PAL will generally be extended to encompass the entire site. However, testing of such sites must be focused on areas subject to reasonably foreseeable effects of the project and should be guided by a project- or site-specific research design. Areas unlikely to be affected should not be tested unless compelling reasons to conduct such testing are provided in the research design.

The Area of Direct Impact (ADI) is sometimes used to describe known areas of planned direct impact, such as those depicted on engineering plans. It does not, however, have any regulatory standing nor is it necessarily synonymous with the Direct APE/PAL, which encompasses all areas with the potential for direct impact. The Direct APE/PAL, for example, may include not only the ADI, the areas of planned disturbance as shown on project maps, but also the right of way reasonably subject to construction activities, such as

areas where construction vehicles may operate or cause ground disturbance. When delineating an ADI, ensure that it is entirely within the project's APE/PAL.

The full extent of potential direct effects must be considered in establishing the APE/PAL, including the depth of any proposed ground disturbance as well as the horizontal extent of project activities.

4.3.2 Indirect APE/PAL

Indirect effects may extend beyond the project's footprint to encompass visual, audible, or atmospheric intrusions; shadow effects; vibrations from construction activities; or change in access or use. Therefore the Indirect APE/PAL is usually larger than the Direct APE/PAL as it includes additional properties that could be affected indirectly by the project.

Not all projects have potential for indirect effects, and in such cases, built environment and archaeological properties will have the same APE/PAL.

Indirect effects are more likely when the project involves acquiring new right of way, constructing new facilities, expanding capacity, or changing land use. The first row of properties that would be adjacent to the right of way when the project is completed should be considered for potential for indirect effects and included in the Indirect APE/PAL if warranted. Construction on new alignment, new interchanges, or elevated sections of roadway may have additional potential for indirect effects that could extend well beyond that first row of adjacent parcels.

Built environment properties are more likely than archaeological sites to be subject to indirect effects. However, projects can have potential to cause indirect effects to an archaeological site, such as by creating new public access to the site. Archaeological sites, Traditional Cultural Properties or Tribal Cultural Resources may also have other values beyond information potential, that are potentially subject to indirect effects.

The Indirect APE/PAL must take into account potential audible and visual effects, the proximity and use of adjoining properties, surrounding topography, and aspects of a property's setting.

4.4 Begin Identification

Resource identification should begin as early as possible in the planning process. The goal of this initial phase is to:

- Identify cultural resources that require consideration.
- Determine the kinds of technical studies needed, if any.
- Determine the kinds and levels of expertise needed to conduct any needed technical studies.

Section 106, CEQA and PRC 5024 require a “reasonable and good faith effort” to identify historic properties. Not all cultural resources have potential to be historic properties. The identification effort should concentrate on resources that do have potential to be historic properties. See Section 4.7.2 below for information on resource types that do not normally require further study.

The identification effort takes into account previous research and studies; the scope and nature of the project; the degree of federal or state involvement; the nature and extent of potential effects on historic properties; and the likely nature and location of potential historic properties. A typical effort will include:

- Background research
- Consultation with Native Americans
- Consultation with other knowledgeable individuals
- Field survey

Project areas that have been previously surveyed may require resurveying under certain circumstances, such as when conditions have changed, earlier studies do not appear adequate for the current project, or previously surveyed properties have since turned 50 years old. The passage of time, changing perceptions of significance, past errors of judgment, or reduction in the number of similar resources may be reasons for resurveying.

4.5 Background Research

Background research is conducted prior to reconnaissance or windshield surveys as a means to guide identification efforts within the APE/PAL. It includes reviewing previous survey efforts, existing information on known historic properties, and any data concerning possible historic properties not yet identified. The scope of the background research will depend on:

- The magnitude of the project.
- The extent of potential effects to historic properties.
- The relevance of previous cultural studies in the vicinity.

- The availability of documentary or oral information.
- The number and types of properties that can be reasonably anticipated.

A minimum level of background research must be carried out for all projects where cultural resources identification efforts are required, and more detailed research is conducted as necessary. See Exhibit 4.2 for standard sources of information consulted for this research. The results of the research is documented and used to identify the potential for cultural resources in the APE/PAL and to determine what additional identification measures may be required.

Cultural resources specialists undertake research to develop the appropriate historic context for the types of resources that may be present in the APE/PAL as well as possible areas of significance. Development of the historic context usually extends through the survey stage and is completed prior to any formal evaluation of resources. The context statement should relate directly to site-specific discussions of cultural resources identified in the APE/PAL.

Caltrans has developed a number of broad historic contexts, available on the SER-Other Guidance webpage, that can be used as applicable. Relevant portions of historic contexts from earlier Caltrans-prepared technical reports covering the same geographical area may also be excerpted for current studies. In such cases, the earlier report should be appropriately cited (e.g., “The following discussion is excerpted [verbatim or with minor editing for purposes of the current project] from [cite report]”). Often the previous study established the significant themes for an area; unless those themes have changed, or additional themes must be addressed, additional research is not required. This allows cultural resources specialists to more efficiently use their time researching additional pertinent themes and pursuing site-specific research.

4.6 Consultation

4.6.1 Native American Consultation

Following the procedures described in Chapter 3, the prehistoric archaeologist or District Native American Coordinator (DNAC) initiates contact with potentially interested Native American groups and the Native American Heritage Commission (NAHC). A good faith effort to contact Native American groups may entail telephone, in person, or written contacts, depending on the complexity of a project and the rapport established with particular

groups. The Native American Heritage Commission (NAHC) must be contacted for information about any resources listed in their Sacred Lands files.

4.6.2 Consultation with other knowledgeable individuals

Cultural resources specialists should make a reasonable and good faith effort to contact groups or individuals who may have an interest in properties within the APE/PAL.

4.7 Initial Surveys

4.7.1 Reconnaissance Surveys

Reconnaissance, or windshield, surveys are a visual inspection, typically a first walk-through or drive-through, of a project's APE/PAL. They may be used to verify the presence of resources identified through background research and to identify any additional properties that may require consideration.

Reconnaissance surveys, along with preliminary research, can provide information on the likelihood of cultural resources requiring study within a given corridor for comparison among project alternatives. PQS should convey the results of the reconnaissance survey and any relevant background research to the DEBC in a memo and recommend any additional work that will be required.

4.7.2 Field Surveys

PQS or qualified consultants conduct field surveys to inventory and record cultural resources in the APE/PAL. In general, all buildings and structures are surveyed regardless of age, integrity, or apparent value, and an archaeological survey is always conducted unless it can be shown that natural or modern processes have destroyed any potential resources, or unless the APE/PAL has been previously surveyed to appropriate standards.

If a field survey is not necessary for a particular project, the reason must be documented in a memo or a summary report.

4.7.2.1 Archaeological Surveys

The purpose of an archaeological survey is to identify and record all resources in the APE/PAL that meet the NRHP definition of an archaeological site. PQS or qualified consultants in the appropriate discipline survey ground-disturbing projects in the field for archaeological resources. Plowed fields and graded areas should be surveyed, because undisturbed portions of sites may still exist within those areas. In some urban areas, where no original ground surface is exposed, background research should be conducted to

determine whether previously recorded sites are known, and to identify the potential for buried sites that may require identification measures other than a pedestrian archaeological reconnaissance survey, e.g., a geo-archaeological survey, remote sensing or historic maps. Prehistoric and historical archaeological survey results are reported in an Archaeological Survey Report (ASR). Historical archaeological resources needing evaluation are typically reported with the evaluation of identified built environment resources in a Historic Resource Evaluation Report (HRER). See Chapters 5 for more information about archaeological survey methods.

4.7.2.2 Built Environment Surveys

The purpose of a built environment survey is to identify, record and evaluate all built environment resources within the APE/PAL that have the potential to meet the relevant federal and/or state eligibility criteria. Evaluation is an integral component of built environment surveys, concurrent with the identification and recordation processes, and the results are reported in an HRER. See Section 4.7 below for more information on evaluating built environment resources and Chapter 6 for further details on built environment survey methods.

4.7.2.3 Survey Access

When it is necessary to enter private property, permission must be first obtained from property owners or tenants. For survey access to certain public lands, permits may be required.

Under Caltrans policy, District Right of Way handles all access requirements involving private lands. The DEBC should designate a single cultural resources staff person for each project to coordinate with Right of Way staff regarding access permission for all advance studies. Staff must carry copies of any permit to enter paperwork into the field.

Not all surveys require access onto the property. Built environment surveys can often be conducted from the public right of way without entering private property or restricted areas, and neither residential back yards nor building interiors need be entered or examined in the normal course of a survey. On occasion, such as when surveying large parcels or complex properties, it may be necessary to enter private property or restricted public property in order to survey the area adequately. At such times, a permit to enter the property must first be obtained by Right of Way.

4.7.2.4 Field Safety

All surveys and other fieldwork must be conducted in keeping with the Caltrans Code of Safe Surveying Practices. Caltrans staff or consultants conducting field surveys need to be familiar with Caltrans safety policies and procedures for field trips, visiting construction and maintenance sites, and field surveys, which can be found in the:

- Caltrans Safety Manual, particularly Chapter 5 Section 5.08 and Section 5.13 and the Code of Safe Practices for Field Trips (Appendix A).
- Caltrans Construction Manual, Chapter 2, sections on Safety and Traffic.
- Caltrans Surveys Manual, Chapter 2 (Safety), and the Caltrans Code of Safe Surveying Practices.

Caltrans office staff visiting projects in the field must be familiar with the Caltrans Safety Manual, Chapter 5 Section 5.08 and Section 5.13 and the Code of Safe Practices for Field Trips (Appendix A). They must provide this information to others visiting in the field, such as staff from partner agencies or consulting parties.

The “buddy system” is strongly encouraged for fieldwork, and staff should always ensure they know how to get help promptly in an emergency. In some areas, it is advisable to check in with the local law enforcement agency before beginning work. The staff supervisor should also be aware of the work location and plans and also have a contact number for the staff.

A first aid kit, cell phone, and drinking water should always be kept on hand, and other safety equipment may be in order if special hazards exist. When working with heavy equipment or along the roadside, all staff must wear OSHA-approved hard hats, sturdy shoes, and safety vests.

The Caltrans Safety and Surveys Manuals cover most potential hazards encountered during surveys, but hazardous materials and other unsafe physical conditions may also be encountered at some built environment properties or historical archaeological sites or along the right of way.

Properties associated with industrial activities may contain chemical contamination or toxic waste, and dangerous substances used in industrial processes may remain at a site or in the soil. The possible presence of such substances is not always revealed in background research, so it is best to consider soils at any industrial processing area as potentially

contaminated and to avoid substances in containers or leaching from the soil. Suspected toxic materials must be reported to the District Hazardous Materials Coordinator. Care must also be taken when working in agricultural areas, as herbicides and pesticides sprayed on farm fields may leave toxic residues for several days after spraying.

Wells, mineshafts, and other depressions can pose considerable risk during surveys. Mineshafts can be hundreds of feet deep and are often obscured by brush or debris. They may contain contaminated air, gases, or unstable structural members or walls. Staff should avoid walking over piled debris or into dense stands of vegetation that may obscure such deep depressions. Entry into dilapidated buildings should also be avoided, as they may contain deteriorated and weakened structural members and unsafe wooden floors or stairs.

If a property owner or tenant objects to survey activity, or if a situation appears to present any threat, staff must leave the property immediately.

Safety of employees is the prime consideration while conducting surveys or other fieldwork. Any safety factors or access restrictions that limit a surveyor's ability to conduct a full survey may be explained, and their location documented, in the technical study.

4.7.3 Recordation

Archaeological sites are recorded in detail during the identification process, following the procedures described in Chapter 5. Archaeological properties and features that are exempt under 106 PA/5024 MOU Attachment 4 are not required to be recorded; however, the PQS or qualified consultant conducting the survey may determine that some minimal level of recordation is appropriate, commensurate with the nature of the property.

Recordation of built environment properties, following the procedures described in Chapter 6, is begun during identification but not completed until the evaluation stage as it includes an eligibility component. With the exception of certain Caltrans-owned resources, built environment properties that are exempt under 106 PA/5024 MOU Attachment 4 do not require any level of recordation; however, the PQS or qualified consultant conducting the survey may determine that some minimal level of recordation is appropriate, commensurate with the nature of the property.

Caltrans-owned Resource Types 3 through 7 that are exempted from evaluation under Attachment 4 of the 5024 MOU require minimal recordation. See Section 4.7.2 below.

For all property types where recordation is warranted, the documentation must include careful delineation of boundaries to ensure that they are adequate for consideration of project effects. Generally, boundaries should be drawn to include the entire property. This doesn't mean, however, that the property must always be fully recorded in its entirety. Portions of archaeological sites outside of the proposed right of way that are not subject to direct effects may often be adequately described for the purposes of the project based only on what is known about them from previous surveys or documentary evidence. Similarly, for large properties such as potential historic districts or long linear resources, defining the overall extent, general configuration, and major characteristics of the resource may suffice to describe the property as a whole without recording specific features outside the area subject to direct effects.

Questions about appropriate levels of recordation may be referred to the Section 106 Branch Chief or PRC 5024 Branch Chief, as applicable.

4.8 Evaluation

4.8.1 Introduction

When cultural resources are identified within the APE/PAL, PQS or qualified consultants evaluate them for historic significance using the NRHP criteria (36 CFR 60.4) or exempt from evaluation in accordance with Stipulation VIII.C.1 and Attachment 4 of the 106 PA/5024 MOU. For CEQA compliance, resources requiring evaluation are also assessed using the California Register of Historic Resources (CRHR) criteria. Caltrans-owned resources are evaluated using both the NRHP and California Historic Landmark (CHL) eligibility criteria. In special circumstances, properties may be considered eligible for purposes of a specific project only.

4.8.2 Properties Exempt from Evaluation

Attachment 4 of the 106 PA/5024 MOU identifies certain specific classes of properties as typically not requiring recordation, evaluation, or further review. These are resources that categorically possess little potential to meet the applicable eligibility criteria. Cultural resources laws and regulations do not require expending time and money recording and evaluating such resources, nor is there demonstrable public benefit in doing so. It is reasonable and prudent for PQS or qualified consultants to concentrate efforts on the identified resources that do have potential for eligibility.

4.8.2.1 Exempt Resource Types

The following resource types may be determined exempt from review by appropriately qualified PQS or consultants in accordance with Attachment 4:

Archaeological Property Types and Features:

- Isolated prehistoric finds consisting of fewer than three items per 100 square meters.
- Isolated historic finds consisting of fewer than three artifacts per 100 square meters (e.g., several fragments from a single glass bottle are one artifact).
- Refuse scatters less than 50 years old (scatters containing no material that can be dated with certainty as older than 50 years old).
- Features less than 50 years old (those known to be less than 50 years old through map research, inscribed dates, etc.).
- Isolated refuse dumps and scatters over 50 years old that lack specific associations.
- Isolated mining prospect pits.
- Placer mining features with no associated structural remains or archaeological deposits.
- Foundations and mapped locations of buildings or structures more than 50 years old with few or no associated artifacts or ecofacts, and with no potential for subsurface archaeological deposits.

Architectural and Historical Property Types:

- Type 1: Minor, ubiquitous, or fragmentary infrastructure elements (see Attachment 4 for list).
- Type 2: Buildings, structures, objects, districts, and sites less than 30 years old.
- Type 3: Buildings, structures, objects, districts, and sites so altered as to appear less than 30 years old.
- Type 4: Buildings, structures, objects, districts, and sites 30 to 50 years old.
- Type 5: Buildings, structures, and objects moved within the past 50 years.
- Type 6: Altered buildings, structures, objects, districts, and sites that appear to be over 30 years old.
- Type 7: Post-World War II builders' houses and housing tracts.

Archaeological property types or features may only be exempted by PQS or consultants who meet the PQS qualifications for Co-Principal Investigator and above.

Property types 1, 2, and 3 may be exempted by PQS or consultants who meet the PQS qualifications for Lead Archaeological Surveyor and above, or architectural historian and above are authorized to exempt architectural and historical.

Property types 4, 5, 6, and 7 may be exempted only by PQS or consultants who meet the PQS qualifications for architectural historian and above.

There are qualifications and exceptions to the resources listed in Attachment 4. If PQS or qualified consultants can reasonably determine that a resource has potential to possess significance or if it could potentially contribute to the significance of a larger property such as a historic district or landscape, it is not exempt, nor are cultural resource professionals required to exempt a resource even if it meets the criteria of Attachment 4. Professional judgement must be used.

4.8.2.2 The Exemption Process

The process for determining whether properties qualify as exempt typically involves minimal effort, such as a quick review of existing documentation and/or a reconnaissance survey as discussed in Section 4.6.1 above. However, it may require additional research, detailed investigation, and/or consultation with other cultural resource specialists.

Once PQS or qualified consultants have exempted properties in accordance with 106 PA/5024 MOU Attachment 4, the resources can be dismissed without further review or consideration. The decision does not require explanation, only the professional judgment of appropriately qualified PQS or consultants.

With the exception of certain Caltrans-owned resources, there is no requirement to record or document exempt properties. Checking the appropriate box on the HPSR/HRER form or stating that “consistent with 106 PA/5024 MOU Attachment 4, all properties/all other properties are exempt from evaluation” in a narrative HPSR/HRER is sufficient to address exempted resources.

Because PRC 5024(a) and (b) requires state agencies to inventory cultural resources under their jurisdiction, Caltrans-owned Property Types 3 through 7 that are exempted from evaluation under Attachment 4 need minimal recordation. Recordation may be accomplished using a DPR 523 Primary Record form or by electronic recordation in the

Caltrans Cultural Resources Database (CCRD).⁵ The addresses or locations of exempted Caltrans-owned Property Types 3 through 7 should be noted in the appropriate section of the HPSR or HRCR, and a copy sent to the PRC 5024 Branch Chief. See Exhibit 4.4 for additional guidance.

For all other exempted resources, if PQS or qualified consultants determine that individual recordation of an exempt resource is warranted, the level of documentation should be commensurate with the nature of the property. In some situations, there may be a professional or ethical responsibility to record a resource that is exempt under the 106 PA/5024 MOU, such as when it is required by an Information Center. Documentation may also be appropriate in other instances, such as to avoid the later “discovery” of an exempted archaeological feature during construction. In that case, archaeological site record forms (e.g., DPR 523 Primary Record Form and Location Map), a memo, or inclusion in the CCRD may constitute an adequate record.

Contact the Section 106 Branch Chief or the PRC 5024 Branch Chief with any questions concerning the applicability of Attachment 4 to specific resources.

4.8.2.3 Interstate Highway Exemption

Pursuant to federal law, under 23 USC 103(c)(5)(A)-(C), the Dwight D. Eisenhower National System of Interstate and Defense Highways (Interstate System) is exempt from Section 106, except for individual elements that have been determined by the Secretary of Transportation to have national or exceptional historic significance and are considered historic properties for Section 106 and Section 4(f) purposes. The exemption embodies the view that the Interstate System is “historically important, but only certain particularly important elements of that system... The exemption takes no position on the eligibility of the Interstate System as a whole.”

The exemption releases federal agencies from having to take into account the effects of their undertakings on the Interstate System, except for a limited number of individual elements associated with the system designated by FHWA Headquarters, for the Secretary of Transportation, that still are subject to Section 106 review. Federal agencies must take into account effects of undertakings in other historic properties that are not components of

⁵ This is an electronic database with a GIS component that contains an incomplete inventory of archeological and architectural cultural resources in the Caltrans right of way. Because it stores crucial and confidential cultural resources information its use is restricted to use by Caltrans PQS cultural resource staff.

the Interstate System, such as adjacent historic sites or archaeological sites within the right of way.

This exemption is for federal undertakings only and does not apply to Caltrans' responsibility for compliance with CEQA, PRC 5024 or other state laws and regulations, as applicable. See Chapter 2 Section 2.3.8.2 for more information on the Interstate System exemption or contact the Section 106 Branch Chief for any questions concerning its applicability to federal projects.

4.8.3 Assumption of Eligibility

Properties may be assumed eligible for purposes of a specific project in cases where certain circumstances prevent their complete evaluation, such as access issues, very large properties, and/or there is limited potential for effect. Unlike determinations of eligibility, the SHPO does not concur with assumptions of eligibility. The eligibility assumption does not extend to future undertakings unless Caltrans and the SHPO agree otherwise.

PQS or qualified consultants must provide prospective eligibility information for properties being treated as eligible, including the applicable NRHP and/or other evaluation criteria, level, area and period of significance, and known or prospective property boundaries.

When archaeological sites will be protected from all effects of an undertaking by establishment of an Environmentally Sensitive Area (ESA) in accordance with Attachment 5 and Stipulation VIII.C.3 of the 106 PA/5024 MOU, PQS may consider such sites eligible for the NRHP for the purposes of the project without conducting subsurface testing or surface collection. Built environment properties must be evaluated for the NRHP and any other applicable eligibility criteria regardless of ESA protection, unless approved by CSO.

Under 106 PA/5024 MOU Stipulation VIII.C.4, any assumptions of eligibility must be approved in advance by CSO. Requests should be provided to the Section 106 Branch Chief or the PRC 5024 Branch Chief, as applicable, along with the reason for proposing to assume eligibility and any supporting documentation necessary.

While there is no provision for assuming resources eligible under CEQA, the lead agency, at its discretion, may choose to treat a resource as a historical resource even if it is not listed or eligible for listing.

4.8.4 Conducting Evaluations

Resources identified within the APE/PAL that are not exempt or assumed eligible must be evaluated. PQS or qualified consultants apply the NRHP and any other applicable eligibility criteria to each resource and make a conclusion regarding its eligibility. See [How to Apply the National Register Criteria for Evaluation](#).

The CHL [Criteria for Designation](#) is used in addition to the NRHP criteria when Caltrans-owned resources are being evaluated. For CEQA, PQS or qualified consultants determine whether resources are historical for the purposes of CEQA. See the California Code of Regulations Title 14, [Section 4851\(a\)](#), Historical Resources Eligible for Listing in the CRHR and [Section 4852\(a\) through \(e\)](#), Types of Historical Resources and Criteria for Listing in the California Register of Historical Resources.

The evaluation process will typically require property-specific research and fieldwork. Evaluation of archaeological sites will involve developing a site-specific historic context and research design and may include excavation. PQS should make a good faith effort to consult with any Indian tribes or other Native Americans who may attach religious and cultural significance to properties within the APE/PAL. PQS should consult as well with other interested parties such as local historical societies and groups, and consider any comments received when making a conclusions.

When resources have the potential for multiple property types (such as a mining complex with buildings, structures, and archaeological sites), cultural resource specialists from more than one discipline work together as a team to ensure that all pertinent resource values are adequately considered.

The evaluation must contain substantive information for each property, including a physical description, property boundaries, photograph(s), location map, relevant eligibility criteria, and a statement of significance indicating whether and how the property does or does not meet the criteria. The conclusions must be supported (i.e., does not retain integrity of materials, design and workmanship; is not a good example of its architectural type under Criterion C).

For properties that Caltrans finds eligible, the evaluation should indicate the property boundary, the period and level (local, state or national) of significance, and a description of contributing and noncontributing features. See Exhibit 2.15 for guidance in preparing summaries of these essential elements of eligibility determinations.

Eligibility information is documented on DPR 523 forms and in technical reports such as an Archaeological Evaluation Report (AER) for prehistoric archaeological resources and the Historical Resources Evaluation Report (HRER) for historical archaeological resources and/or built environment resources. To better facilitate review by SHPO staff, it's recommended that DPR forms be organized in such a way that eligible properties, if any, are grouped together and come before those that are not eligible.

If previously evaluated properties are identified within the APE/PAL, PQS or qualified consultants assess whether the evaluation remains valid or may reevaluate the property as appropriate. Reevaluation is not always required. The passage of time, changing perceptions of significance, eligibility under previously unconsidered criteria, new information, incomplete or erroneous prior evaluation and errors of fact are some of the reasons a reevaluation may be warranted. Indian tribes should be consulted when properties to which those tribes may attach religious or cultural significance are involved.

See Chapter 5 for more information specific to evaluating archaeological resources and Chapter 6 for built environment resources.

4.9 Phased Identification and Evaluation

A phased approach to identification and evaluation may be necessary when these steps of the Section 106 or PRC 5024 process cannot be concluded in the usual manner due to factors such as the project has a number of alternatives, involves large land areas, or includes areas to which access is restricted. CSO must approve the use of a phased approach.

The process must also allow for other consulting parties and the public to adequately express their views.

As specific aspects or locations of an alternative are refined, or access is gained, identification and evaluation must be completed. The District must prepare a plan for completion of identification and evaluation that includes a schedule and provisions for notification for consultation with CSO and SHPO.

Consultants are strongly encouraged to seek assistance from PQS early when phased identification is being considered. PQS should contact the Section 106 Branch Chief or PRC 5024 Branch Chief, as applicable.

For complicated situations involving federal projects, an agreement document will likely be required to conclude the Section 106 process.

4.10 Combining Cultural Resources Study Documents

When a project APE contains a combination of archaeological sites, prehistoric or historical, and built resources or properties with other values (i.e., multi-component sites), documents should be combined, where appropriate, in order to reduce duplication of effort and to ensure seamless consideration of all values and resource types. Research, overviews, and mapping should be combined, whenever possible, for work that is done by a multi-disciplinary team or compiled in a single effort. Separate documents may be warranted when reports must be prepared at different stages of a project or by different entities or when subjects or formats are incompatible.

An example of combined reporting would be evaluating both historical archaeological sites and built environment properties in a single HRER. Similarly, a combined AER/HRER may be used when evaluating both prehistoric and historical archaeological sites in a project area.

When a combined report is prepared, the document should contain all of the required elements of each report type, with appropriately qualified staff each writing the separate contributions. The reporting requirements for each discipline should be accommodated in a flexible manner, but a uniform citation style should be selected, typically the style appropriate for the dominant or primary resource type.