

Chapter 6:

Built Environment Cultural Resources Evaluation and Treatment

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Chapter 6:

Built Environment Cultural Resources Evaluation and Treatment

6.1 Introduction

Built environment resources are buildings, structures, objects, districts that postdate Native American contact with Europeans, and Traditional Cultural Properties that are places important to living communities or ethnic groups. This chapter outlines Caltrans policies and procedures under federal and state laws regarding historic built environment resources that may be affected by Caltrans projects.

6.2 Professional Qualifications

For purposes of this chapter, the term “architectural historian” refers to all cultural resources specialists who meet the Caltrans Professional Qualifications Standards in Attachment 1 of the Section 106 Programmatic Agreement¹ (106 PA) and Public Resources Code (PRC) 5024 Memorandum of Agreement² (5024 MOU) as Architectural Historians or Principal Architectural Historians, regardless of civil service classification or job title; the term includes Caltrans staff and other qualified professionals, except as noted. Only Caltrans staff may be certified as Professionally Qualified Staff (PQS) under the 106 PA/5024 MOU; consultants who meet the architectural historian qualifications standards, however, may evaluate and assess effects to built environment properties and prepare built environment technical studies, as long as their work is overseen and approved by Caltrans PQS.

Exhibit 1.6 outlines the level of qualifications needed to conduct particular tasks, prepare studies, and approve documents related to the built environment.

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.

6.2.1 Interdisciplinary Approach

Architectural historians work with archaeologists (historical and/or prehistoric) as a multi-disciplinary team when there are built environment properties that include archaeological components or features.

6.3 Time Needed for Built Environment Studies

6.3.1 Typical Hours and Elapsed Time for Studies

The amount of staff work and scheduled time required to complete built environment studies can range from one month for a survey report to two years for a project requiring mitigation for an adverse effect, depending on the size of the project, the number and complexity of resources involved, changes in project schedules or design, delays in ancillary studies, or conflicting work priorities.

See Exhibit 2.3 for rough estimates of the time and person-hours required to complete particular architectural studies and field work.

6.3.2 Preconstruction Studies

While compliance with Section 106/PRC 5024 should be completed prior to the approval of the expenditure of any project funds or the issuance of any license or permit, it is sometimes necessary to conduct project planning studies, such as hazardous materials testing, soil borings, or percolation tests, prior to completion of Section 106/PRC 5024 consultation. The activities must be nondestructive to potential historic properties and must not restrict consideration of alternatives.

When preconstruction activities that involve ground-disturbing work are proposed, the project team leader must contact the District Environmental Branch Chief (DEBC). PQS review the proposed work and identify any cultural resources that may be affected. If after appropriate screening, PQS determine that there is no potential to affect historic resources, PQS may exempt the preconstruction activities from further Section 106/PRC 5024 review in accordance with Attachment 2 of the 106 PA/5024 MOU.

PQS may work with the project team leader to redesign the preconstruction activity to avoid any effect to potential historic properties. If avoidance is not possible, the activity is subject to further consultation under the 106 PA/5024 MOU.

6.4 Confidentiality of Historic Bridge Information

As a result of heightened security measures, as-built plans for most state bridges, tunnels and highway structures should be treated as confidential documents. Before including copies of as-builts, whether historic or current, in any reports or recordation documents, please consult with the Division of Engineering Services to determine whether the as-builts for a particular highway structure has been classified as confidential. The Bridge Inspection Records Information System (BIRIS), available to Caltrans staff on the Division of Engineering intranet site, is a quick go-to resource for determining whether bridge records are confidential.

6.5 Screened Projects

In accordance with Stipulation VII and Attachment 2 of the 106 PA/5024 MOU, certain classes of activities may be exempt from further review following appropriate screening by PQS. The screening process may involve conducting background research (See Chapter 4, Section 4.5), consulting with local historical societies or other potentially interested parties, conducting field surveys (See Section 6.7.4 below), reviewing the CCRD, reviewing detailed project plans, aerial photographs, Caltrans photologs, or historic maps, reviewing as-built records, right-of-way, assessment parcel or ownership data, and reviewing character-defining features of historic bridges and tunnels. PQS should use an interdisciplinary approach to the screening process when appropriate as the decision regarding whether a project qualifies as exempt from further review applies to the project as a whole. See Chapter 4 Section 4.2.1 for more information about the screening process.

Exhibit 6.3 clarifies routine maintenance-type activities listed in Attachment 2 of the 106 PA/5024 MOU specific to bridges and tunnels that Caltrans considers have no potential to affect the character-defining features or historic fabric of historic bridges and tunnels.

6.6 Setting the Area of Potential Effects/Project Area Limits

In accordance with 106 PA/5024 MOU Stipulation VII.A and Attachment 3, The project Area of Potential Effects (APE)/Project Area Limits (PAL) is established by PQS in consultation with the Project Manager (or District Local Assistance Engineer [DLAE] for Local Assistance projects) and delineates the geographic area where potential historic properties may be directly or indirectly affected by the project.

The project architectural historian may designate a Study Area to begin the identification process if project details are not yet sufficiently known to set an accurate APE/PAL.

The APE/PAL typically includes the existing right-of-way within the project limits, any proposed new right-of-way, proposed temporary or permanent easements, staging areas, construction access roads, and material borrow or disposal sites. Areas where there will be direct, physical impacts are often depicted on the APE/PAL map as the Area of Direct Impact (ADI) to distinguish them from areas where the potential effects are indirect.

The map should be of sufficient scale (at least 1" = 200') 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.

The final APE/PAL must be formally designated by the time cultural resources studies are complete. See Chapter 4 Section 4.3 for more information on defining the APE/PAL.

6.7 Identifying Built Environment Resources

6.7.1 Introduction

Caltrans begins the process of identifying built environment resources in the APE/PAL by conducting background research to determine the kinds of resources likely to be present and the context in which to evaluate their potential historical significance. If potential resources are present, a field survey would follow with recordation using DPR 523 forms, as described in Section 6.7.5 below. The results of the identification effort are summarized, along with any evaluations, in a Historic Resources Evaluation Report (HRER).

6.7.2 Background Research

Background research for built environment resources may include reviewing both primary and secondary sources. Secondary sources³ are usually investigated first and are the main resource for preliminary research. Primary sources⁴ are generally investigated only after an examination of secondary sources and a field survey have narrowed the focus to specific properties and themes that warrant more intensive research.

³ Works that present or interpret historical information such as textbooks, journal articles, local histories, scholarly studies, reference works and survey documents.

⁴ Works that are first-hand accounts of historic events or that are contemporaneous with the historic period, such as letters, diaries, maps, public records, and newspapers.

Repositories for primary and secondary sources include libraries, archives, government agencies, universities, historical societies, and private holdings. See Exhibit 4.2 for more information on standard sources of information.

6.7.3 Consultation

Architectural historians should make a reasonable and good faith effort to contact groups or individuals, such as historical societies, who may have information about historical resources that may be identified in the project area.

6.7.4 Architectural Field Surveys

The purpose of a built environment field survey is to identify all built environment resources with the APE/PAL and record those that architectural historians determine warrant evaluation. In accordance with the Secretary of the Interior's Standards for Identification, the level of effort should be sufficient for later evaluation and treatment decision-making.

6.7.4.1 Reconnaissance Survey

When warranted, such as if a project covers a large area and there are numerous properties that might require evaluation, a quick reconnaissance (or "windshield") survey is advisable prior to a formal field survey. The reconnaissance survey can reveal the quantity, quality, and distribution of resources that may require evaluation, allowing the architectural historian to be better prepared for the full field survey. When an early field visit is not feasible, preliminary information can be gathered through use of the Caltrans Photolog and Digital Highway Inventory Photography Program (accessible only to Caltrans staff), satellite photography such as Google Earth, existing aerial photographs and maps, previous studies, or contact with knowledgeable locals.

6.7.4.2 Intensive Survey

Architectural historians conduct an intensive survey to identify and document built environment properties. Information from the intensive survey is used to evaluate identified resources, if warranted, using the relevant eligibility criteria.

Surveyors must be familiar with Caltrans safety policies and procedures (See Section 6.7.4.3 below). While most built environment surveys can be conducted from the public right of way, if access is necessary, all rights of entry must be obtained in advance. See Chapter 5 Section 5.6 for more information on survey access and permit requirements.

The intensive survey involves a visual inspection of resources within the APE/PAL. PQS architectural historians or qualified consultants assess which resources may be treated in

accordance with 106 PA/5024 MOU Attachment 4 (See Section 6.8.2 below) and those that warrant evaluation. For resources that need to be evaluated, determine the property's primary resource (e.g. the main residence, a commercial building, etc.). Any other associated buildings, structures, objects, sites, or important landscape features are considered secondary resources. Primary and secondary resources are photographed, as described in Section 6.7.5.7 below and described, augmented by a site plan depicting the primary resources and its special relationship to any secondary or adjacent resources. If the resource includes an archaeological component, an interdisciplinary approach should be used (See Section 6.2.1 above).

6.7.4.3 Safety Considerations on Field Surveys

Caltrans PQS architectural historians and consultants conducting field surveys must be familiar with Caltrans safety policies and procedures for field surveys. When surveying properties within the right of way, it is necessary to pay special attention to safety and follow safe field practices when recording properties, such as roads, railroads or bridges, in or near the traveled way.

Be particularly alert to traffic dangers and other safety threats while taking photographs. If photographs of a property cannot be safely obtained, do not pursue the effort or attempt any unsafe behavior. Instead, explain the situation as described in Section 6.7.4.4 below. Permission must be obtained from owners or tenants to safely and legally enter private property when survey work cannot be completed from the public right of way. This includes railroad rights-of-way.

The Caltrans Safety Manual requires that protective clothing always be worn, and it is strongly recommended that one have a "buddy" standing lookout for hazardous conditions. In addition, Caltrans staff must provide this information to others visiting in the field, such as staff from partner agencies, consulting parties, and others who need to visit field survey sites. See Chapter 4 Section 4.6.3.4 for more information on field safety.

6.7.4.4 Limits on Survey Coverage

While each evaluated property must be considered as a whole, evaluation of built environment properties does not necessarily require physical access to, or recordation of, private spaces, restricted areas, or distant elements. Most built environment properties can be adequately surveyed from public sidewalks or other public right of way. When physical access is restricted, unsafe, or infeasible, properties may be evaluated based solely on

information that is available. In such circumstances, the survey document should explain why the coverage was limited.

Survey and evaluation of Caltrans-owned buildings should include consideration of interior spaces as well as the exterior, as Caltrans' responsibility for compliance with the 5024 MOU applies to the building as a whole. Built environment surveys otherwise rarely require consideration of residential interiors, suburban backyards, or similar spaces lacking public access unless the building has accessible interior spaces with demonstrable potential for historical or architectural significance (e.g., an intact classic movie theatre interior, the ornate public lobby of a train station, or an early manufacturing plant with intact original equipment).

While considering large properties, such as ranches, military bases, irrigation systems, or industrial complexes, as a whole, the survey should focus on those elements that are subject to project effects, not on recording distant components that will not be affected. When buildings or other features in the APE/PAL may contribute to a larger potentially historic district, however, the district as a whole may require evaluation, depending on the potential for effect (See Section 6.8.5.9 below).

6.7.4.5 Dates of Construction

A property must typically be at least 50 years old to be considered for historical significance, in order to ensure that sufficient time has passed to gain an adequate historical perspective for its evaluation. Because Caltrans projects often have long lead times from environmental studies to project delivery, it is Caltrans policy to treat as 50 years old all cultural resources that will become 50 years old by the time a project is scheduled to be completed (i.e., if construction will not be completed for five years, all cultural resources that are currently 45 years old should be considered).

On the field survey, visual inspection will generally be adequate to identify properties that may require evaluation based on their age. If visual inspection alone does not clearly indicate a property's age, the following resources may be useful in verifying the construction date:

- Caltrans Right-of-Way database
- Caltrans Cultural Resources Database (CCRD)
- Sanborn Fire Insurance Company maps
- United States Geological Survey (USGS) topographical maps

- Historical maps and photographs
- Reclamation district maps
- Aerial photographs
- Land ownership atlases
- Subdivision plat maps
- Tax assessment and appraiser's records
- Building permit files
- Utility records (date of first water or sewer service)
- City or county directories

6.7.5 Recordation

Caltrans uses DPR 523 forms to record and evaluate built environment resources. At a minimum, the DPR 523 Primary Record form and the DPR 523 BSO form should be used. Other forms may be used as appropriate, including the Continuation Record, Historic District Record, Linear Record (in addition to, not in place of, the BSO), Location Map, and Sketch Map. A District Record form may be used to record historic districts in addition to the Primary Record and BSO forms. The physical description on the Primary Record form should provide an overall perspective on the character of the district and its components. The District Record would include a listing of all contributing and noncontributing elements, for an eligible property, and describe the specific qualities that give the district its significance, based on the historic context described in the cultural resources technical study.

When an evaluation of a postwar housing tract or mobile home park is warranted, it is not necessary to complete individual DPR 523 Primary Records and BSO forms for every property. A single DPR 523 Primary Record, Location Map and District Record for the tract as a whole is sufficient. Representative Primary Records would be completed for buildings with shared characteristics (such as for each model home plan).

In organizing DPR 523 forms for submittal to SHPO, it is helpful to the reviewer if the forms for eligible properties are grouped together and included first, followed by forms for properties that are not eligible. Within these two broad categories, the forms should be organized in order of Map Reference number (See Section 6.7.5.6 below). Information about each evaluated property (name and/or address, Map Reference Number, etc.) should be consistent between the DPR form and any other cultural resource documents (HRER, HPSR, HRCR, etc.).

Electronic copies of all DPR 523 forms can be downloaded in Word format on [OHP's Forms website](#).

6.7.5.1 Description of the Property

In describing an evaluated property, focus on character-defining features (see Section 6.7.5.2 below) or elements that define the resource's important historical, architectural, design, or engineering values, and the integrity of these features.

For large numbers of homogeneous (by style or period) property types, such as residential housing tracts, a single form may be prepared with representative examples, describing those buildings' shared characteristics and any design modifications. Include photographs of typical examples and streetscapes. Each homogenous grouping receives a single Map Reference Number in the document and on the APE/PAL map (See Section 6.7.5.6 below).

6.7.5.2 Character-Defining Features

Character-defining features are distinctive, tangible elements and physical features that convey a property's historic appearance and that are indispensable to conveying its historic significance. They define why a property is significant (the applicable eligibility criteria and area(s) of significance) and when it was significant (period of significance). These character-defining features are critical in assessing integrity and, for eligible properties, determining a project's effects.

Character-defining features can include such elements as materials, craftsmanship, construction details, overall shape and size, spatial relationships, and contributing features, which may have their own character-defining features.

In general, only exterior, publicly accessible features of built environment properties require consideration for Caltrans projects, as they are more likely to be subject to effects. In rare cases where a project has the potential to affect interior features, such as maintenance activities and repairs to a Caltrans-owned historic building, the identification of character-defining features should include the interior.

For purposes of evaluation, the discussion of character-defining features is typically limited to a fairly generalized summary. If an eligible property will be adversely affected, however, or the Secretary of the Interior's Standards for the Treatment of Historic Properties (SOIS) are applied to achieve a finding of No Adverse Effect with Standard Conditions, a more detailed and hierarchical list of specific character-defining features may prove helpful. See

Exhibit 6.1: Ranking Character-Defining Features for more guidance on character-defining features.

6.7.5.3 Historic Property Boundaries

Evaluated properties that are determined eligible for one or more applicable criteria need to have a defined historic property boundary for purposes of later assessing project effects.

According to the [National Register Bulletin](#) “Defining Boundaries for National Register Properties,” the selection of boundaries “is a judgment based on the nature of the property’s significance, integrity, and physical setting.... Select boundaries that define the limits of the eligible resources. Such resources usually include the immediate surroundings and encompass the appropriate setting. However, exclude additional, peripheral areas that do not directly contribute to the property’s significance as buffer or as open space to separate the property from surrounding areas. Areas that have lost integrity because of changes in cultural features or setting should be excluded when they are at the periphery of the eligible resources.”

Current property lines (assessor’s parcels) are often the appropriate boundaries for built environment properties in urban or suburban areas, and sometimes for rural properties. Other kinds of boundaries may also be used, such as the original property lines from the period of significance as depicted on historical ownership maps; landscape features such as tree rows, stone walls, or roads; or adjacent modern intrusions. Whatever boundaries are chosen, it is important that they be described in relation to other features in a manner that clearly distinguishes the eligible property from its surroundings.

The boundaries of a historic property are depicted on the APE/PAL map and on a map that accompanies the DPR 523 Building Structure and Object (BSO) Record or District Record, as appropriate, which also includes a narrative boundary description. The boundary lines on the map should be of appropriate scale and detail. For large properties, the boundaries may be drawn on a USGS quad sheet. If the boundaries are straight lines that form a polygon, Universal Transverse Mercator (UTM) coordinates can be used to designate the vertices of the property. If used, mark and label the UTM references on the map. See the [National Register Bulletin](#) “Using the UTM Grid System to Record Historic Sites.”

In unusual cases where the property is a historic district composed of discontinuous elements⁵, boundaries for each of the separate parcels of land comprising the district should be selected according to the guidelines presented in the [National Register Bulletin](#) “How to Complete the National Register Registration Form.” This situation is limited to evaluations for which:

- Visual continuity is not a factor of historic significance.
- Resources are geographically separate.

Intervening space lacks significance.

Boundaries must be defensible in terms of the intrinsic historical or architectural values they contain. The boundary description needs to provide a clear rationale, based upon historical significance and historic integrity, particularly when the boundary does not correspond to the current legal parcel.

6.7.5.4 Setting

Setting, as defined by National Register guidelines, is “the physical environment of a historic property.” A property’s historic setting can be a character-defining feature or contributing element of the property and is often a factor in assessing a project’s indirect effects.

Open cropland and hills surrounding a farmstead set in a valley may be a visual part of the farmstead’s setting “whose expression extends beyond the boundaries of the property.”

Setting is one component of integrity. As noted in Section 6.8.4, each of the seven aspects of integrity can be less or more important (a sliding scale) depending on why a property is eligible.

Setting that conveys the significance of a historic property is not necessarily confined within the historic boundaries of the property; it can extend beyond them. In this instance, the setting is a contributing element and the researcher must define, as explicitly as possible, how those visual, auditory and atmospheric elements of setting are essential physical features for the historic property, and how the setting conveys significance.

⁵ For example, a canal system in which human-made elements are interconnected by natural components that are excluded from the National Register, or where a portion of a historic district is separated from the rest of the district by intervening development or highway construction and the separated portion has sufficient significance and integrity on its own to meet the National Register criteria.

6.7.5.5 Primary Numbers

Primary numbers from the Regional Information Centers of the California Historical Resources Information System (CHRIS) are not required for built environment resources and this information does not need to be included on DPR 523 forms. After completing review and accepting the survey findings, SHPO staff will send the data to the appropriate CHRIS Information Center. When the Information Center receives documentation, it assigns primary numbers to the DPR 523 forms.

6.7.5.6 Map Reference Numbers

Each evaluated resource is assigned a map reference number, which is depicted on the APE/PAL map and used to cross-reference the property with DPR 523 forms.

If possible, assign numbers in a sequence that is logical for the particular nature of the project. For example, because most Caltrans projects are linear in character, it is most useful to assign the map reference numbers in sequence from one end of the project to the other. Another option is to assign map reference numbers to properties alpha-numerically by street and number for historic districts or large surveys.

If the resources are contained on a large number of map sheets, provide a map page key or indicate the map page depicting the resource on the DPR 523 forms.

Resources treated as exempt from evaluation in accordance with 106 PA/5024 MOU Attachment 4 should not be given a map reference number and are not depicted on the APE/PAL map.

6.7.5.7 Photographs

Photographs of evaluated properties must be at least 3½ by 5 inches in size, in color or black and white. The format can be either prints or high-resolution digital images, so long as the picture is clear and sharp and provides sufficient detail for a reviewer to confirm that the property matches the written description. Scanned images on DPR 523 forms should approximate the 3½-by-5-inch size.

At least one photograph of the principal elevation (main façade) of each evaluated resource is required. Additional images, such as a depiction of secondary elevations (sides and back of a property) may be included as needed to record alterations or distinctive features. When recording districts or complex properties, photograph the largest area possible, such as streetscapes or rows of structures, to document spatial relationships.

In rare circumstances, aerial photographs might be needed to record the spatial patterns of a large district or a complicated historic property. Satellite photographs, photographs taken from elevated vista points, or images from Internet sources may be able to provide the necessary view(s).

See the [National Register Bulletin](#) “How to Improve the Quality of Photographs for National Register Nominations” for additional information.

6.8 Evaluating Built Environment Resources

6.8.1 Introduction

For the built environment, the evaluation effort may immediately follow the identification effort. As potentially significant properties are identified, the background research narrows from an overview of a large geographical area and broad themes to property-specific research.

Under the 106 PA/5024 MOU, certain property types may be exempted from evaluation. In limited circumstances, PQS can assume eligibility of built-environment properties for purposes of a project only.

Caltrans continues consultation initiated during the identification effort, making a good faith effort to consult with interested parties, such as historical societies, regarding evaluation of identified properties.

The results of evaluation effort are documented, along with the identification effort, in a Historic Resources Evaluation Report (HRER) and summarized in the HPSR/HRCR (See Section 6.9 below).

6.8.2 Properties Exempt From Evaluation

Attachment 4 of the 106 PA/5024 MOU identifies certain categories of properties that inherently lack potential for historic significance and following review by appropriately qualified PQS or consultants meeting the same standards, typically do not warrant any further consideration.

Property Types 1, 2, and 3 may be exempted by PQS or consultants who meet the Professional Qualifications Standards for Architectural Historian and above or Lead Archaeological Surveyor and above. Archaeologists assigned to a project who are unsure

about whether a Property Type 1-3 qualifies as exempt from evaluation are encouraged to consult an architectural historian.

Property Types 4, 5, 6 and 7 may only be exempt from evaluation after review by PQS certified as Architectural Historians or Principal Architectural Historians, or consultants who meet the same standards. See Section 6.8.5.10 below for more information about Property Type 7 (Post World-War II builders' houses and housing tracts).

No written documentation or mapping of exempted resources is required except for certain Caltrans-owned resources (see Minimal Recordation for Caltrans-Owned Resources Exempt from Evaluation). It is generally sufficient to state that, "Consistent with Section 106 Programmatic Agreement [PRC 5024 Memorandum of Agreement] Attachment 4, no [other] properties in the APE [PAL] required evaluation." See Exhibit 2.6: Historic Property Survey Report (HPSR) Format and Content Guide or Exhibit 2.7: Historic Resources Compliance Report (HRCR) Format and Content Guide for information on addressing exempted resources in the HPSR or HRCR.

Consultants are not required to document their exempted properties for Caltrans PQS who are reviewing consultant-prepared documents; however, it is within each districts/regions purview whether to require a listing of exempt resources. Caltrans PQS are responsible for ensuring only that the consultants are professionally qualified to exempt properties under 106 PA/5024 MOU Attachment 4.

Interstate Highway Exemption

The Interstate Highway System (Interstate Highway) is exempt from Section 106 except for individual elements that the U.S. Secretary of Transportation determined have national or exceptional historic significance. The exemption embodies the view that the Interstate Highway is historically important, but only certain particularly important elements of that system are considered historic properties for purposes of Section 106 and Section 4(f).

The Interstate Highway exemption applies only to Section 106 undertakings; Caltrans may still have to comply with PRC 5024, CEQA, or other state laws and regulations, as applicable. See Chapter 2 Section 2.3.8.2 for more information on the Interstate Highway exemption.

Rail Rights-of-Way Exemption

In 2018, the Advisory Council on Historic Preservation (Council), in coordination with the U.S. Department of Transportation (USDOT), issued a Section 106 Program Comment to

Exempt Consideration of Effects to Rail Properties Within Rail Rights-of-Way (Program Comment). The Program Comment applies to undertakings that may affect rail properties within rail right-of-way (ROW) and relieves federal agencies from having to conduct reviews in accordance with Section 106 for certain activities affecting rail properties located within railroad and rail transit ROW.

Caltrans is still responsible for Section 106 compliance for the remainder of the project area outside of the rail ROW. The exemption is for federal undertakings only and does not apply to Caltrans' responsibility for compliance with CEQA or other state laws and regulations, as applicable. See Chapter 2 Section 2.3.8.3 for more information on the Program Comment.

Properties Exempt from Evaluation under CEQA

The procedures in Attachment 4 of the 106 PA and SERv2 regarding properties exempt from evaluation may be used as guidance for exempting resources from evaluation under CEQA.

Minimal Recordation for Caltrans-Owned Resources Exempt from Evaluation

Caltrans-owned Resource Types 3 through 7 that are exempt from evaluation require minimal recordation and citation in the project HPSR or HRCR. See Exhibit 4.4: Minimal Recordation for Certain Exempted State-owned Resources for more information on the procedures for documenting these exempted resources.

6.8.3 Assumption of Eligibility

Stipulation VIII.C.4 of the 106 PA/5024 MOU states that when warranted, properties may be assumed eligible for purposes of a project. Such assumptions of eligibility must be approved in advance by CSO.

Built environment properties should in almost all cases be evaluated rather than assumed eligible. Reasons why assuming eligibility might be appropriate include restricted access or very large properties, such as historic districts or linear features where the project has a limited potential to affect the property. Built environment properties that will be protected from all project effects by designation of an Environmentally Sensitive Area (ESA) must be evaluated unless CSO approves assuming the property eligible in accordance with Stipulation VIII.C.4.

Requests should be provided to the Section 106 Branch Chief or the PRC 5024 Branch Chief in CSO, as applicable, along with the reason for proposing to assume eligibility; prospective eligibility information, including the applicable NRHP and/or other evaluation criteria, the

period, level, area of significance, and known or prospective property boundaries are needed, as is any other supporting documentation necessary.

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.

6.8.4 Evaluation Methods

The architectural field survey conducted as part of the identification effort is typically sufficient for completing the evaluation of resources; it is rarely necessary to perform additional field work.

For Section 106 undertakings, built environment resources that require evaluation are examined to determine their potential eligibility for inclusion in the National Register.

For PRC 5024-only projects, the National Register criteria and the California Historical Landmarks (CHL) criteria are used to evaluate Caltrans-owned resources under the 5024 MOU. A Caltrans-owned resource is significant if it meets either the National Register or the CHL criteria.

Under CEQA, Caltrans applies the California Register criteria to determine whether properties are historical resources for the purposes of CEQA. Caltrans applies the National Register and California Register criteria simultaneously when conducting evaluations as this can save time and effort should a state-only project become a federal undertaking. See Exhibit 4.3 for a detailed comparison of the two sets of criteria. Properties listed on or determined eligible for the National Register and CHLs #770 and above are automatically included in the California Register.

In accordance with the [National Register Bulletin](#) “How to Apply the National Register Criteria for Evaluation,” in order to qualify for the National Register, a property “must be significant; that is, it must represent a significant part of the history, architecture, archaeology, engineering, or culture of an area, and it must have the characteristics that make it a good representative of properties associated with that aspect of the past.”

For the built environment, significance is generally viewed within the local historical and architectural context, which is the interpretive and comparative framework, composed of similar resources in an area. This framework provides the basis for assessing the historical or architectural significance of a property. For example, a property determined eligible for

its architectural style in one community might not be considered significant in another community that had a richer stock of similar historic properties.

In addition to meeting one or more of the criteria, a property must retain its historical integrity to be eligible.

The eligibility criteria and period of significance determine which aspects of integrity are most important. For example, if a property is potentially eligible because it exemplifies a particular engineering type (Criterion C), integrity of the property's design, materials, and workmanship would take precedence over other aspects of integrity, such as feeling and association.

The steps necessary to assess integrity are:

- Define which character-defining features must be present.
- Determine if character-defining features are sufficiently intact to convey their significance.
- Determine if the property needs to be compared to similar properties.
- Determine which aspects of integrity are particularly important to the property and if they are present.

The principal test in assessing whether a property retains integrity is: Does it retain the historical identity for which it is significant (i.e., the character-defining features that convey its historical character)? Would it be recognizable to a person from the property's period of significance?

6.8.4.1 Property Specific Research

When resources are identified in the APE/PAL that require evaluation, research should focus on determining whether those properties are eligible using the applicable criteria. Research should be as efficient as possible and restricted to the important area(s) of significance identified during preliminary research. Unrelated areas or extraneous information should not be in the evaluation, however interesting.

6.8.4.2 Historical Themes and Contexts

The National Register defines historic contexts as "those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning (and ultimately its significance) within history or prehistory is made clear" and states that the "significance

of a historic property can be judged and explained only when it is evaluated within its historic context.”

Developing a historical context generally begins with compiling information from secondary sources on relevant historical themes, or areas of significance. The [National Register Bulletin](#) “How to Apply the National Register Criteria for Evaluation” defines a theme as “a means of organizing properties into coherent patterns based on elements such as environment, social/ethnic groups, transportation networks, technology, or political developments that have influenced the development of an area during one or more periods of prehistory or history.” A theme is considered significant if it can be demonstrated, through scholarly research, to be important in American history.

The level of effort spent on historical research should be adequate to identify and develop the appropriate themes and establish the context in which to assess significance of the built environment within the project area. Understanding the connection between historical context and themes and the properties being evaluated is crucial in determining National Register eligibility. Also, it is essential to include the geographic and chronological extent of the context (e.g., citrus growing in Riverside County 1880 to 1900; commercial development in Marysville’s central business district 1860-1890) to provide the context’s limits. It is acceptable to use relevant historical contexts from previously prepared cultural resource reports, so long as the excerpts are appropriately cited.

6.8.5 Complex Property Types

6.8.5.1 Ruins of Buildings and Structures

In accordance with the [National Register Bulletin](#) “How to Apply the National Register Criteria for Evaluation,” a building is usually considered a “ruin” and is categorized as a “site” if it has lost any of its basic structural elements, and a “structure” if it has “lost its historic configuration or pattern of organization through deterioration or demolition.” The architectural historian, in consultation with a historical archaeologist, determines whether a building or structure in the APE/PAL is a “ruin.” If, after consultation with the historical archaeologist, the architectural historian determines that the building or structure does not retain sufficient structural integrity to be classified as a building or structure and there is known historical information on the structure, the resource is considered a historical archaeological site and an interdisciplinary approach to evaluation is used. Not all ruins of buildings and structures require evaluation. 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, or building and structure ruins and foundations less than 50 years old that are not part of any larger, potentially historic property may qualify as exempt from evaluation in accordance with Attachment 4 of the 106 PA/5024 MOU. See Chapter 4 Section 4.4.2 for more information.

6.8.5.2 Linear Resources

Linear resources such as trails, roads, railroads, transmission lines, flumes, and canals that cross or parallel a project area and may extend far beyond it can be challenging to survey, record, and evaluate. The first step is to determine whether such a resource could be potentially affected by the proposed project and therefore included in the APE/PAL.

If inclusion in the APE/PAL is warranted, the architectural historian then considers whether the resource qualifies as exempt under 106 PA/5024 MOU Attachment 4. If the linear resource is a contemporary canal, pipeline, ditch or levee; a converted or contemporary railroad grade; a short segment of bypassed or abandoned road; a city street or sidewalks; a modern transmission line; or a fence and wall, and has no association with a larger, potentially significant resource, it would most likely be exempted under Attachment 4.

If evaluation is warranted, the linear resource as a whole must be considered. Formal recordation and evaluation along the entire length of a linear property, however, is rarely feasible or necessary. The level of effort depends on the nature and scope of the project and its potential to affect the property as a whole. If a project has limited potential to affect a long, linear resource, it may be appropriate to assume the resource to be eligible for purposes of the project, with CSO's approval, as described in Section 6.8.3 above, and address effects (however minor) in a Finding of Effect document.

Linear resources are typically documented as "structures" using DPR 523 building, structure, and object forms (see Section 6.7.5 above).

6.8.5.3 Trails

California contains traces of numerous eighteenth- and nineteenth-century emigrant trails, such as the Old Spanish Trail in southern California, and the California Overland Emigrant Trails in northern California, that have potential for historical significance in local, regional, state, or national history and generally require evaluation when located within an APE/PAL.

Not all early trails will be clearly visible on the ground today. Many have vanished through natural erosion, modern highway construction, and other forms of development. The rarity

of the trails themselves is a factor in assessing their potential significance. Evaluation of trails may require an interdisciplinary approach with historical archaeologists and should involve consultation with trail organizations, such as the Oregon-California Trails Association (OCTA) and any federal agencies such as the Bureau of Land Management (BLM), U.S. Forest Service (USFS) and the National Park Service (NPS), if located on land within their jurisdiction(s).

Caltrans has a “Historic Context and Methodology for Evaluating Trails, Roads, and Highways in California,” that provides guidance for recognizing, classifying, and describing trails, determining appropriate level of documentation, and determining significance and integrity. It can be found on the [SER main webpage](#) under “Other Guidance.”

Note that while some trails have been designated under other federal laws that have their own criteria, such as the [National Historic Trails Systems Act](#), for purposes of Section 106, Caltrans evaluates historic trails in accordance with National Register criteria.

6.8.5.4 Streets and Roads

For the most part, streets and roads and their associated features form an important part of national, state, or local infrastructure and may require evaluation when warranted. City streets, isolated segments of abandoned or bypassed roads, sidewalks, retaining walls, and fragments of bypassed or demolished bridges that do not have potential to contribute to the significance of a larger historic property may qualify as exempt from evaluation under Attachment 4 of the 106 PA/5024 MOU.

Caltrans has “A Historic Context and Methodology for Evaluating Trails, Roads, and Highways in California,” that provides guidance for recognizing, classifying, and describing roads, determining appropriate level of documentation, and determining significance and integrity. It can be found on the [SER main webpage](#) under “Other Guidance.”

6.8.5.5 Highways and Freeways

California has several highways that are listed on or have been determined eligible for the National Register, including the Old Ridge Route in Castaic, Los Angeles County, two sections of Old California Highway One (Redwood Highway) in Del Norte County, the Arroyo Seco Parkway (Pasadena Freeway), the Cabrillo Freeway in San Diego (State Route 163), Route 66 in San Bernardino County, Highway 50 over Echo Summit in El Dorado County, and the Feather River Highway (State Route 70) in Plumas and Butte counties, and the Century Freeway (State Route 105) in Los Angeles County.

See Section 6.8.2 above regarding the federal exemption of the Interstate Highway from Section 106 evaluation.

Note that while state and federal governments have officially recognized the historical significance of several twentieth-century highways, such as [Route 66](#) and the [Lincoln Highway](#), U.S. [Highway 99](#), U.S. Highway [Route 101](#), U.S. Highway [Route 40](#), [alternate U.S. Highway Route 40](#), and U.S. Highway [Route 395](#), legislative recognition is commemorative and does not translate directly into National Register or California Register eligibility. It is important, however, in conducting evaluations under Section 106, CEQA, and/or PRC 5024, to be sensitive to public and legislative interest in certain routes and to include historic highway associations in the consultation process.

6.8.5.6 Railroads

Most railroads in California are over 50 years old and have the potential to possess significance for their role in state history. Therefore, they generally require evaluation when a project has potential to affect them.

However, physical proximity does not necessarily indicate potential for effect. A project on a highway that merely parallels a railroad or that intersects it at an existing grade crossing, or construction of a new over- or undercrossing that does not physically touch the railroad, have limited, if any, potential for effect.

In such cases, the railroad may not warrant inclusion in the APE/PAL. PQS, in accordance with the guidelines in Attachment 3 of the 106 PA/5024 MOU, will have to determine if such potential exists. If not, it is sufficient in such cases to simply state in the technical study that the railroad was not included in the project APE/PAL because the project has no potential to affect it. No further discussion of the railroad is necessary and it would not be mentioned in the HPSR/HRCR.

If it is determined that the project has potential to affect a railroad, it should be included in the APE/PAL and either evaluated or assumed eligible, as appropriate. In either case, it is important to have information about the integrity of its features within the APE/PAL in order to later assess the project's effect on the property.

Loss of original rails, ties, and ballast does not necessarily indicate loss of integrity for a railroad, because those elements are subject to frequent replacement on working lines. Railroads in use for many years are no more likely to retain those original materials than are

houses of the same age, for example, to possess an original roof. If materials are less than 50 years of age, the evaluation should clearly state that fact, and that they post-date the period of significance. Railroads that have lost important associated buildings and structures, such as depots, maintenance sheds, roundhouses, watchman's towers and signal bridges, may not be eligible for inclusion in the National Register because of the loss of integrity of materials and association.

When a railroad is abandoned, rails and ties are typically removed for reuse, thus an abandoned railroad cannot be expected to possess those elements of materials and workmanship. The property would, however, need to have other aspects of integrity, such as its alignment (location) in order to retain sufficient character-defining features to convey its significance.

Railroad grades that have been converted to uses such as roads, levees, or bike paths, have typically lost historic integrity and have little potential for significance under National Register criteria, and may, therefore, qualify as exempt from evaluation under Attachment 4 of the 106 PA/5024 MOU. Also, see Chapter 2 Section 2.3.8.3 regarding the Section 106 Program Comment to Exempt Consideration of Effects to Rail Properties Within Rail Rights-of-Way.

Note that railroads are private property, are extremely dangerous, and should not be entered by field crews without first obtaining permits to enter, as explained in Section 6.7.4.3 above.

6.8.5.7 Water Conveyance Systems (Ditches and Canals)

Not all water conveyance resources will require study. As with railroad properties, if there is no potential to affect the property, despite its proximity to a project area, the PQS may conclude that it can be excluded from the APE/PAL. If included in the APE/PAL, the resource might qualify as exempt from evaluation under Attachment 4 of the 106 PA/5024 MOU.

When evaluation is warranted, Caltrans has a context study, "Water Conveyance Systems in California," that provides guidance for recognizing, classifying, and describing these systems and their individual components, determining appropriate level of documentation, and determining significance and integrity. It can be found on the [SER main webpage](#) under "Other Guidance."

6.8.5.8 Bridges

In the Caltrans Statewide Historic Bridge Inventory, all Caltrans-owned and locally-owned bridges in California constructed prior to 1974 have been evaluated for National Register significance, in consultation with the SHPO. Therefore, most highway and road bridges do not normally require evaluation on a project-by-project basis. It is sufficient to reference the Statewide Historic Bridge Inventory findings in the cultural resources studies and include a print-out showing the bridge's historical rating as an attachment.

Category 1 bridges are listed on the National Register. Category 2 bridges are those that were determined eligible for the National Register.

Bridges listed as Category 3 are those that are owned by a federal or another state agency and appear eligible but their National Register status has not been determined. Category 3 bridges, therefore, would require evaluation.

Category 4 bridges were not evaluated in the Statewide Historic Bridge Inventory but were identified as having the potential to be part of a larger, potentially significant property, such as a historic district or a canal system. Category 4 bridges, therefore, would require evaluation in this broader context.

Category 5 bridges are those that were determined not eligible for the National Register.

See Exhibit 6.2: Bridge Numbering and Historic Status Codes for more information on the "historical significance" categories assigned to bridges in the inventory.

Caltrans projects may also involve railroad bridges, privately owned bridges, or other bridges that were not included in the Historic Bridge Inventory and therefore would require evaluation if warranted.

An architectural historian may determine that re-evaluation of a previously evaluated bridge is warranted. New information, subsequent alterations, passage of time, changing perceptions of significance or loss of similar properties are possible reasons for reconsideration.

Culverts not assigned Caltrans bridge numbers are identified in Attachment 4 of the 106 PA/5024 MOU as a property type typically exempt from evaluation.

6.8.5.9 Historic Districts

A district is a property that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Typically historic districts that are found eligible qualify under Criterion C because the components display distinctive characteristics of a type, period, or method of construction or they represent a significant and distinguishable entity whose components may lack individual distinction. A district could also be found eligible under Criterion A if it possesses important historical associations with significant events. Criterion D might be applicable when there is a historical archaeological component. Otherwise, Criteria B and D rarely apply to districts.

While a district may contain buildings, structures, objects and features that are not individually eligible, the resources that make up the historic character of the district must form a significant and distinguishable entity and have sufficient historic integrity to convey a sense of time and place from the period of significance. There must also be substantially more contributing elements than noncontributing elements. Some features are more important to the character of the district than others. An eligible district should appear much the same as it did during its period of significance. This can be done only if the preponderance of resources, or their effect, within the district boundaries, clearly reflects the physical appearance of the area during the period of significance.

Evaluation of a large historic district may not be warranted, depending on the nature and scope of the project and its potential to affect the property as a whole. If a project has the potential to affect only a small component of a large district, the Caltrans District, subject to CSO approval, may assume eligibility; see section 6.8.3 above. Basic information about the potential eligibility (e.g., applicable National Register criteria, approximate boundaries, period of significance) would be required. PQS and qualified consultants should consider district potential when identifying properties within the APE/PAL; if there is none, it is sufficient to state in the cultural resources studies that the potential for a district was considered.

6.8.5.10 Post-World War II Builders' Houses and Housing Tracts

Post-World War II builders' houses and tracts that are not unique, architect-designed houses may typically be exempted from evaluation in accordance with 106 PA/5024 MOU Attachment 4, when an architectural historian has determined that:

- 1) The tract as a whole has no demonstrable potential to meet any of the National Register criteria as a historic district, and
- 2) No portion of the tract has demonstrable potential to meet any of the National Register criteria as a historic district, and
- 3) The individual houses have no demonstrable potential to meet any of the National Register criteria.

California's postwar housing tracts include a number of mid-century modern houses that would not qualify as exempt under Attachment 4. Some have been listed on the National Register, such as the Fairglen Additions neighborhood of Joseph Eichler residences in Santa Clara County, or are otherwise recognized in city surveys or local preservation and design ordinances. In some cases, the modern homes are grouped together, but they can also form a potential discontinuous district with potential for National Register eligibility within a tract of otherwise unremarkable postwar residential buildings.

When evaluation is warranted, Caltrans has guidance in "Tract Housing in California, 1945-1973: A Context for National Register Evaluation" for considering the potential for significance. It can be found on the [SER main webpage](#) under "Other Guidance."

6.8.5.11 Mobile Home Parks and Trailer Parks

Mobile home parks and trailer parks more than 50 years old may require evaluation as a single property similar to postwar housing tracts, regardless of the (theoretical in most cases) impermanent nature of individual trailers or manufactured homes within its boundaries. Distinctive features that would need to retain integrity from the period of significance include the street design, plot layout (e.g., homes that are perpendicular, parallel to street or slanted along the street), main entrance portal, carports or parking pads, landscaping, offices and other permanent buildings such as permanent "auto camp" cabins, and playgrounds.

It would rarely be necessary to document or evaluate mobile homes or trailers as separate properties and examples of trailer parks as a whole that have been found significant are few. Examples of historic trailer parks in California include Blue Skies Village in Rancho Mirage, Riverside County, determined eligible for the National Register under Criterion C for its contribution to the development of the mobile home community property type; and Monterey Trailer Park in Highland Park, Los Angeles County, designated a Los Angeles Historical Cultural Monument as an example of an early 20th century recreation and housing resource in the booming post World War I Los Angeles area. Isolated mobile homes

not within a mobile home park may be exempted from evaluation in accordance with 106 PA/5024 MOU Attachment 4.

6.8.5.12 Historic Landscapes

Historic landscapes are generally categorized as either sites or districts, and specifically defined as vernacular or designed landscapes.

Vernacular landscapes, or cultural landscapes, are the result of past human activities, land uses, and choices. They may display a particular arrangement of resources reflecting a significant land use, rather than a conscious design. These landscapes often are rural. An example could be an important dairy-farming region in which the farms display a consistent pattern and style from an earlier time.

Designed landscapes are conscious works in a recognized style or tradition. They may be associated with significant developments, persons, or events in landscape architecture. Aesthetic values often play an important role. An example could be a park or the grounds of a college campus designed by a significant landscape architect.

Generally, historic landscapes that are categorized as sites are recorded and evaluated in the same manner as other sites, while historic landscape districts are treated in accordance with the same basic principles as other historic districts.

As with historic districts, evaluation of a large landscape district may not be warranted, depending on the nature and scope of the project and its potential to affect the property as a whole. If a project has the potential to affect only a small component of a large landscape district, the Caltrans District, subject to CSO approval, may assume eligibility; see Section 6.8.3. Basic information about the potential eligibility (e.g., applicable National Register criteria, approximate boundaries, period of significance) would be required.

[National Register bulletin](#) dedicated to landscapes include: How to Evaluate and Nominate Designed Historic Landscapes and Guidelines for Evaluating Rural Historic Landscapes, Guidelines for Evaluating and Registering Cemeteries and Burial Places, and Guidelines for Identifying, Evaluating and Registering Historic Mining Properties.

Caltrans has a context study, “General Guidelines for Identifying and Evaluating Historic Landscapes,” which includes information on recognition, classification, and description of landscapes; determination of the appropriate levels of documentation; and determinations

of significance and integrity. It can be found on the [SER main webpage](#) under “Other Guidance.”

6.8.5.13 Traditional Cultural Properties

While more typically associated with Native American values, in rare cases built environment resources may qualify as Traditional Cultural Properties (TCPs). National Register guidelines define a TCPs as a property that is eligible for inclusion in the National Register because of its “association with cultural practices or beliefs of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community.” Such associations must be traditional, important, and ongoing, playing the same role in the community today as in the past. As with any other property type, to be eligible, a TCP must meet one or more National Register criteria and possess integrity.

In some cases, built environment properties that appears to have potential TCP values could be more appropriately recognized as other National Register property types, such as buildings, structures, objects, or historic districts, under the “area of significance” categories outlined in the applicable National Register bulletins.

In pursuing eligibility of a built environment TCP, note that the resource or traditional activities associated with the resource must have continuing use that dates back at least 50 years. Eligibility conclusions need to be supported by scholarly research to the extent that there is documentary evidence, and well as through consultation with knowledgeable members of the associated community. The full range of its members’ opinions should be taken into account, including opposing viewpoints.

See [National Register Bulletin](#) “Guidelines for Evaluating and Documenting Traditional Cultural Properties” for more information on evaluating potential TCPs.

6.8.6 Eligibility Conclusion

The eligibility conclusion is a clear, concise analysis of the applicable criteria for eligibility that states whether the evaluated property does or does not meet the applicable criteria and why.

For properties that Caltrans determines to be eligible and/or are historical resources for purposes of CEQA, the conclusion would also include the following information:

- Historic property boundaries

- Period of significance. More than one period can apply when a property has different phases of significance. A property significant for its architecture will generally have the date of construction as its period of significance, although the period can be extended to include the date of later alterations that have also acquired significance
- Level of significance (national, state, or local)
- Contributing and noncontributing elements. Any substantial components that add to or detract from the property's significance, such as buildings, fences, or vegetation

For borderline properties where the eligibility is not clear, it may be helpful for the architectural historian to consult peers for guidance or draft arguments both for and against to see which is the stronger. For purposes of consultation with SHPO, however, Caltrans must make a determination of either eligible or not eligible.

Information in the eligibility conclusion should be consistent with the Statement of Significance section of the DPR 523 form.

6.9 Documenting Survey Results

6.9.1 Historic Resources Evaluation Report (HRER)

The Historic Resources Evaluation Report (HRER) is the cultural resources technical study used to document the identification and evaluation efforts for built environment resources and summarizes information contained in the DPR 523 form(s). It is also used to evaluate historical archaeological resources (see Chapter 5).

The HRER also includes the appropriate context in which properties within the APE/PAL were evaluated, descriptions of the evaluated properties and their eligibility status. The author should ensure that details about each evaluated property (name and/or address, Map Reference Number, eligibility criteria, etc.) are consistent between the DPR 523 form(s) and the HRER. See Exhibit 6.5 for HRER format and content guidelines.

If the APE/PAL contains built environment and historical archaeological resources, ideally a team of qualified cultural resources specialists should jointly prepare the HRER. However, if studies are conducted at different times or by different entities, separate HRERs can be prepared.

For combined work, the citation and reference style is determined by the principal author and the preponderance of resources; e.g., if resources are primarily built environment resources and, therefore, the architectural historian is the principal author, the historical

archaeologist's portion of a combined document should conform to the Chicago Manual of Style, as revised. If historical archaeologists and historians or architectural historians separately prepare two HRERs, the HRERs do not need to conform to the same citation and reference style.

6.9.2 Supplemental and Updated HRERs

A supplemental HRER is required when changes to a project require alteration of the APE/PAL that results in evaluation of resources not included in the original HRER. In accordance with the 106 PA/5024 MOU, Caltrans PQS and the Project Manager jointly determine when project changes require modifying an APE/PAL, and the PQS then makes the determination as to whether a supplemental study is necessary.

Supplemental HRERs may be stand-alone documents incorporating relevant data from the original study or present the new material supported by the original HRER as an attachment. If the latter, the supplemental HRER should still briefly summarize information from the original document and reference the attachment for more details. The submittal to SHPO should include all necessary material, including dates of any previous findings and copies of relevant correspondence.

Additional background research may be necessary if a new APE/PAL contains resources with a different historical use or development. New information should be of the same nature and thoroughness as the original document and should follow the same format, if appropriate.

An updated HRER is a new version of the original study, a redo rather than an addition. If five or more years have elapsed since the preparation of the original HRER, it should be examined to determine whether the findings are still valid. The study is likely to require updating if resources in the APE/PAL have since reached 50 years of age, or when resource characteristics have changed (e.g., loss of integrity or restoration of original fabric). Changing perceptions of significance, reduction in the stock of comparable properties, new information, changes in cultural resources laws and regulations, or incomplete or erroneous prior evaluations may also indicate that an updated study is warranted.

6.9.3 Report Distribution

Once documents have been peer reviewed and approved as described in Section 6.13 below, the PQS is responsible for ensuring that the HRER is attached to the HPSR/HRCR and that the correct number of copies is sent to CSO and other parties, as appropriate. See

Exhibit 2.11 Table B for more information on the required number of copies and Chapter 2 for specific guidance on transmitting documents to CSO and SHPO.

6.10 Effects

6.10.1 Assessment of Effects

If eligible properties are identified in the APE/PAL, the project's effect on these properties will need to be assessed. See Chapter 2 for guidance on assessing effects and preparing the appropriate documentation.

There are three possible outcomes:

- 1) No Historic Properties Affected/No State-Owned Historical Resources Affected (either there are no historic properties present/no state-owned historical resources present, or historic properties/state-owned historical resources are present but the project will not affect them)
- 2) No Adverse Effect (with or without standard conditions)
- 3) Adverse Effect

Because of their training and experience, architectural historians take the lead in assessing effects to built environment historic properties and preparing the sections of any findings of effect document that specifically addresses built environment historic properties.

In order to determine whether there are adverse effects, it is necessary to review the:

- Criteria under which the historic property was listed or determined eligible
- Level and period of significance
- Character-defining features
- Historic property boundaries
- Aspects of integrity that would be affected

6.10.2 No Historic Properties Affected

When there are eligible properties within the project's APE/PAL but the project will not affect them, the appropriate finding is No Historic Properties Affected for 106 PA projects and No State-Owned Historical Resources Affected under the 5024 MOU. Factors to consider in determining whether there is an effect include the reason why the historic property is significant, its period of significance, its essential physical features, and the historic property boundaries. See Chapter 2 Section 2.3.7 for guidance on what constitutes an effect.

6.10.3 No Adverse Effect with Standard Conditions

In accordance with 106 PA/5024 MOU Stipulation X.B.1 and Attachment 5, there are standard conditions to avoid an adverse effect and reach a finding of No Adverse Effect with Standard Conditions (FNAE-SC).

Standard Conditions are:

- When a historic property can be protected through the establishment of an Environmentally Sensitive Area (ESA). For examples, ESA fencing around entry pillars or retaining walls, or monitoring noise and vibration. Note that built environment properties must be evaluated regardless of ESA protection, and ESAs are only used to protect properties from direct effects. See Exhibit 2.11: Environmentally Sensitive Area Action Plan (ESA) Format and Content Guide for more guidance.
- When the undertaking itself or the undertaking's effects or activities include but are not limited to stabilization, maintenance, repairs, rehabilitation, or alterations to historic properties in accordance with the Secretary of the Interior's Standards (SOIS) for the Treatment of Historic Properties. Plans and specifications must be reviewed by PQS who meets the Caltrans Professional Qualifications Standards as Principal Architectural Historian as outlined in 106 PA/5024 MOU Attachment 1 and has the training and experience to ensure that the standards are met. See Exhibit 6.4: Historic Bridges and Tunnels No Adverse Effects with Standard Conditions for additional guidance specific to repairs and maintenance activities on historic bridges and tunnels, and Exhibit 2.12: SOIS Action Plan Format and Content Guide.

Specifically for transfers or relinquishment of Caltrans-owned properties out of state-ownership, designation of the resource by a Certified Local Government (CLG) under a preservation ordinance that provides protection of the resource's character-defining features. The designation must be completed prior to Caltrans transferring or relinquishing the resource. See Exhibit 2.17: Excess Property Transfers and Route Relinquishments for additional guidance.

When a FNAE-SC is appropriate, Caltrans documents the finding in a HPSR/HRCR. The finding must be supported by an ESA Action Plan or SOIS Action Plan, or the CLG designation.

6.10.3.1 Use of the SOIS

While use of the SOIS treatment may be appropriate to avoid an adverse effect to a historic property for projects that involve work other than stabilization, maintenance, alteration, repair, rehabilitation or alteration of the historic property (i.e., regular construction projects that include maintenance work, repair, etc., in addition to other project activities), it would not be a “standard” condition under the provisions of Stipulation X.B.1.b and Attachment 5 of the 106 PA/5024 MOU.

The SOIS are intended to avoid adverse effects to character-defining features of a historic property. SOIS treatments do not apply to non-contributing elements of a historic property. If the project work will only affect non-contributing elements of a historic property, use of the SOIS should not be proposed as either a standard or a non-standard condition. The appropriate effect finding would be No Adverse Effect.

6.10.4 No Adverse Effect

A Finding of No Adverse Effect without Standard Conditions (FNAE) is appropriate when Standard Conditions do not apply but effects to built environment properties will not be adverse or an adverse effect can be avoided by imposing certain conditions.

Caltrans prepares a finding of effect document for the FNAE. The justification for the finding should include a description of how the historic property’s character-defining features and integrity would be impacted and how proposed conditions (if any) will ensure the qualities that make the property eligible will not be diminished. See Exhibit 2.8: Finding of No Adverse Effect Format and Content Guide.

The CEQA equivalent of a FNAE is a “no substantial adverse change” determination.

6.10.5 Adverse Effect

A project is considered to have an adverse effect when any aspect of the project meets one or more of the Criteria of Adverse Effect for federal undertakings, or is on the List of Adverse Effects in Stipulation IV.D of the 5024 MOU for state-only projects that involve Caltrans-owned historical resources. Adverse effects on the built environment can be either direct (e.g., demolition, alteration, take of land) or indirect (e.g., visual, audible, atmospheric).

Examples of adverse effects to built environment properties include:

- Physical destruction of or damage to all or part of the property, such as demolishing a historic apartment complex that is center-line on a new alignment, or removal of stone entry pillars and elms that line the drive leading to a historic farm on a curve correction project.
- Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the SOIS for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines, such as removing and replacing or raising original railings on a historic bridge, or removing a wooden sidewalk and balcony support posts to install a wheelchair accessible ramp and concrete sidewalk at the entry of an architecturally significant commercial building.
- Removal of the property from its historic location, such as relocating the home and studio of a historically important artisan to a new location because it is center-line on a new highway.
- Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance, such as installing an elevated freeway immediately adjacent to a retreat significant as a meditation site or converting an architecturally significant theater into multi-level offices.
- Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features, such as installing sound walls that block views of the ocean from an architecturally significant hotel, when the hotel was consciously designed and sited to take advantage of the ocean views; or widening a highway to within 20 feet of the entrance to a historically significant rural church, and thus increasing noise in a meditative or spiritual setting.
- Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization, such as “deferred” or no maintenance of an architecturally significant building.
- Transfer, lease, or sale of a Caltrans-owned resource out of state ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

The discussion of adverse effects should state specifically how the project will affect character-defining features of the historic property. For more guidance see Exhibit 2.9: Finding of Adverse Effect Format and Content Guide.

Under CEQA, Caltrans uses the federal Criteria of Adverse Effect as a guide for determining whether there is a substantial adverse change to historical resources under CEQA.

6.11 Mitigation Measures

6.11.1 Introduction

When adverse effects to historic properties cannot be avoided, measures are implemented to mitigate the effect. Mitigation measures are developed in consultation with the SHPO and other consulting parties or interested persons and must be commensurate to the scope of the project, the project's effect on the historic property, and the type and significance of the historic property being affected. Development and review of mitigation measures for buildings and other built environment historic properties should be done by, or under the supervision of, architectural historians who meet the PQS standards for Principal Architectural Historian.

For Section 106 undertakings, mitigation measures are incorporated into a Memorandum of Agreement (MOA) or other agreement document. See Chapter 2 Section 2.3.10, Resolution of Adverse Effects. For PRC 5024-only projects, under the 5024 MOU, Caltrans proposes mitigation measures along with the finding of adverse effect; an agreement document is not required. When a federal undertaking involves Caltrans-owned properties, in accordance with the 5024 MOU, Caltrans uses the 106 process to concurrently comply with PRC 5024; mitigation implemented in a Section 106 MOA would also satisfy Caltrans' PRC 5024 mitigation responsibility. See Chapter 2 Section 2.8.10, Mitigation Measures Under the 5024 MOU.

As lead agency under CEQA, Caltrans is required to find "potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures." Caltrans mitigation measures typically parallel those for Section 106 and/or and PRC 5024. See Chapter 2 Section 2.7.10, Determination of Appropriate Mitigation Measures.

Section 6.11.3 below gives examples of measures that have been used to mitigate adverse effects for built environment properties. Section 6.11.3.6 discusses measures that are

specific to historic bridges. Caltrans is not limited to these measures; Council and the SHPO encourage the development of creative and innovative mitigation, particularly measures that have a public benefit component.

6.11.2 Headquarters Review of Mitigation Measures Over \$500,000

Proposed mitigation measures that identify costs of \$500,000 and above for the undertaking as a whole must be reviewed by the CSO Chief, under delegation by the DEA Chief. See Chapter 2 Section 2.3.10.1 for more information.

6.11.3 Examples of Mitigation Measures for the Built environment

6.11.3.1 Recordation

For mitigation purposes, recordation is intended to document the existing condition of a historic property, to establish for posterity a record of the historic property prior to its alteration, relocation, or demolition. The level of mitigation documentation, which can range from minimal photo documentation to a formal and extremely detailed process, will be determined as part of the consultation process.

When the affected properties are National Historic Landmarks, properties listed or determined eligible for the National Register at the national level of significance, and some specifically identified individual properties, the National Park Service (NPS) Pacific Great Basin Support Office in the NPS Western Regional Office will determine the level of documentation for mitigation.

The highest level of recordation will be in accordance with Historic American Building Survey (HABS), Historic American Engineering Record (HAER) and Historic American Landscapes Survey (HALS) standards. See Exhibit 6.6 for information on format and content guidelines for HABS/HAER/HALS documentation and procedures for reviewing, approving, and transmitting it to the appropriate agencies and repositories. Note that Section 110(f) of the National Historic Preservation Act requires HABS/HAER documentation of National Historic Landmarks prior to alteration or demolition.

For most properties, the level of documentation standards are determined during the consultation process. Typically when recordation is proposed as mitigation, Caltrans uses NPS HABS/HAER photographic specifications and prepared written documentation in accordance with HABS/HAER Guidelines for Preparing Written Historical and Descriptive Data. Copies of the final report are retained by the District and the Caltrans Transportation

History Library and History Center in Sacramento, and offered to local repositories, as determined through consultation.

6.11.3.2 Rehabilitation

When a historic property will be adversely affected due to unavoidable alterations that are not consistent with the SOIS for the Treatment of Historic Properties and applicable guidelines, mitigation might include rehabilitation that is in keeping with the SOIS for other parts of the property where work that is not compliant can be avoided. For example, rehabilitation of original light fixtures.

6.11.3.3 Landscaping and Screening

When a project may have an indirect adverse effect on historic properties, compatible visual screens or other features can be proposed as mitigation to reduce visual, audible, or atmospheric impacts. For example, landscaping can help screen a visual intrusion or compensate for removal of existing vegetation, while sound barriers may provide noise abatement. While the addition of sound barriers or other screening features can be a mitigation measure, their installation also may create potential adverse effects, such as a visual intrusion, that should be taken into account.

6.11.3.4 Signage

When the adverse effect includes reducing access to, or visibility of, a historic property that is dependent on attracting travelers, such as a roadside business, the effect may be wholly or partially mitigated by installing new signs identifying the facility or redirecting the traveling public to it. The introduction of signage would need to be coordinated with the Division of Traffic Operations Office of Traffic Operations [Traffic Control Devices Branch](#).

6.11.3.5 Public Interpretation and Education

Public interpretation and education can be appropriate mitigation when it will be of benefit to the public, it is reasonable and cost effective, and it relates to the actual effects of the project on historic properties.

It is important that:

- The subject of the interpretation is closely tied to the resource's values and the project's effect
- The information to be conveyed is not otherwise easily discernible or apparent to the public

- There is likely public interest in receiving that information

Options for interpretation include use of electronic audio-visual media, “virtual” experience, local surveys of a particular architect’s extant works or a specific architectural style; brochures, booklets, museum exhibits, traveling exhibits, interpretive panels, roadside signs, audio-visual presentations, audio recordings, radio or television programs, live performances, and school programs. Other methods should be explored in consultation as appropriate. Creativity is especially valuable in identifying and producing products related to public interpretation.

6.11.3.6 Mitigation Measures Specific to Historic Bridges

Because historic bridges are rated for functional adequacy by the same standards as new bridges, historic bridges are often found deficient and therefore subject to replacement. The Transportation Research Board (TRB) and FHWA have developed programmatic mitigation measures and procedures that apply specifically to historic bridges.

In accordance with the TRB’s 1983 publication “National Cooperative Highway Research Program (NCHRP) Synthesis 101: Historic Bridges – Criteria for Decision Making,” and its complimentary publication, the 1999 NCHRP “Synthesis 275: Historic Highway Bridge Preservation Practices,”⁶ mitigation options for bridges include:

- 1) Rehabilitation to bring a bridge up to current standards.
- 2) Continued use for vehicular traffic on its existing site (perhaps as half of a couplet of bridges).
- 3) Continued use for non-vehicular traffic (pedestrian, bicycle, or equestrian use) on its existing site.
- 4) Continued use for vehicular or non-vehicular use on another site, preceded by recordation to HAER standards.
- 5) Retention in place exclusively for environmental mitigation purposes.
- 6) As a last resort, demolition, preceded by recordation to HAER standards.

Options 1-2 could permit the bridge to remain on the State Highway System when brought up to current bridge standard. Options 3-6 require that a new bridge be built to current standards. The historic bridge then would be demolished, retained off-system by Caltrans, or transferred to an appropriate party willing to assume title and liability and to abide by a

⁶ Available to Caltrans staff through the Caltrans Transportation Library and History Center.

preservation contract or historical covenant. A preservation contract is reimbursable with the Federal-aid funds, up to but not to exceed the applicable Federal-aid pro-rata share of demolition costs. However, if the FHWA Federal-aid pro-rata share of demolition costs is used to preserve the historic bridge, other FHWA funds cannot be used to match this money. Likewise, the federal reimbursement cannot be used to set up a trust account for future maintenance of the historic bridge.

Option 5 is a feasible alternative and constitutes a recognized highway purpose. [Article XIX](#) of the State Constitution authorizes Caltrans to expend funds for the mitigation of the environmental effects of its activities. Consequently, the retention of property for mitigation effectively would remove it from qualified disposal requirements.

A historic bridge may be bypassed by a new bridge and retained in place without the historic bridge serving another use, or the historic bridge may be relocated to another compatible site. Removal of certain types of historic bridges could involve match-marking the structural members and dismantling the structure for storage and future use. If Federal Bridge Replacement funds are used to construct a new bridge, the old bridge will be removed from the State Highway System (and its bridge number is changed to reflect this fact). According to the Highway Bridge Replacement and Rehabilitation Act regulations ([23 CFR 650.411\[c\]\[2\]](#)), “Whenever a deficient bridge is replaced or its deficiency alleviated by a new bridge under the bridge program, the deficient bridge shall be dismantled or demolished or its use limited to the type and volume of traffic the structure can safely service over its remaining life.” In addition, the old bridge would not be eligible for Federal Bridge Replacement funds thereafter.

The Programmatic Section 4(f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges allows demolition of a historic bridge only if:

- The bridge is not a National Historic Landmark,
- There is no prudent and feasible way to save the bridge; and
- CSO, the SHPO and Council, if participating, have reached agreement on the project under Section 106.

Program Comment for Common Post-1945 Concrete and Steel Bridges

The Council issued a [Program Comment for Common Post-1945 Concrete and Steel Bridges](#) (Program Comment) at FHWA’s request in 2012 that would “...eliminate individual historic review requirements under Section 106 of the National Historic Preservation Act for

common post-1945 concrete and steel bridges and culverts. The intent of Program Comment is to ensure that more unique historic bridges receive the attention they deserve while the process is substantially streamlined for common, ‘cookie-cutter’ bridges that are unlikely to be significant for preservation in place...” Because Caltrans has already inventoried these bridge and culvert types, including those built between 1946 and 1974, and provisions in the 106 PA already streamline the Section 106 process for these bridge types in a manner similar to the Program Comment, Caltrans, acting on behalf of FHWA under its NEPA assignment, does not use the Program Comment for bridges in California.

6.11.3.6 Relocation

Relocation of a historic property is a “last resort” mitigation measure that can be appropriate when:

- A property would be demolished or otherwise suffer substantial adverse effects if left in place
- When it possesses significance that is not dependent on its location
- When it can be moved to a compatible new site

Individual buildings, structures, or contributing elements can be repositioned, reoriented, or moved back within the existing parcel to accommodate new right-of-way acquisition, or the historic property can be relocated in whole or in part to an entirely new site.

When relocation is determined through consultation to be an appropriate mitigation measure, provisions for the move should include some or all of the following stipulations:

- Acquisition of relocation site (with the site specified if known; site requirements identified if specific site is not yet known)
- Conditions of the sale or transfer of title, if applicable
- Historical covenants
- Stipulations for the moving process
- Recordation of the property prior to the move and details for standards for documentation and distribution of reports

Re-evaluation of the property in its new location

For historic buildings, relocation must be done in accordance with the Secretary of the Interior's publication, "Moving Historic Buildings"⁷ and the applicable treatment options in the SOIS, unless otherwise stipulated. For additional information or assistance, contact the Section 106 or PRC 5024 Branch Chief in CSO.

6.11.4 Construction Monitoring

When monitoring is required to ensure that mitigation measures are carried out as proposed, the monitoring should be performed by an architectural historian who meets the PQS qualifications as a Principal Architectural Historian. Monitoring itself is not a mitigation measure, nor is it a substitute for adequate pre-construction instructions and specifications.

Effective monitoring requires that the Principal Architectural Historian work closely with Caltrans' and the contractor's field personnel. There should be a monitoring plan in place that discusses chain of command and decision thresholds for determining what constitutes damage to built environment historic properties so that all parties clearly understand:

- The nature of the historic built environment concerns at the location
- The responsibilities of the various participants
- Construction schedules and procedures
- The chain of command for dealing with any damaged or destroyed character-defining features

If the monitor sees that the work is not being performed in a manner consistent with agreed-upon mitigation measures, or that damage has occurred to character-defining features, it may be necessary temporarily to divert construction work away from the location, to allow the damage to be properly assessed. The monitor contacts the Caltrans Resident Engineer (RE) and the RE will redirect any work.

When damage occurs, the DEBC prepares a Report of Construction Impacts to Cultural Resources. The DEBC certifies this report and includes it in the project files. The DEBC sends copies of this report to Headquarters Division of Construction and to the CSO Chief. Exhibit 5.13: Construction Impacts to Cultural Resources Report Format and Content Guide contains guidance for completing the Report of Construction Impacts. Unanticipated

⁷ John Obed Curtis, 1979. Reprinted in 1988 by the AASLH Press. This publication is available through a number of libraries in California, including the California Historical Society, California State Library, Northern and Southern Regional Library Facilities, and some University of California campuses.

damage to historic properties must be reported to SHPO when they occur; they are also reported in the 106 PA/5024 MOU Annual Report.

Safety Concerns While Monitoring

There are heightened safety concerns in construction situations. The monitor must understand the operating methods of heavy equipment and be aware of hazardous materials potentially present at the site, adjacent traffic conditions, and Caltrans safety policy with respect to general construction practices. See Chapter 4 Section 4.6.3.4 for information on field safety.

6.12 Post-Review Discoveries and Unanticipated Effects

Despite a good faith effort to identify properties and assess all potential effects to historic properties, sometimes actions occur that result in the identification of previously identified properties during construction or an unanticipated effect to known historic properties.

When previously unidentified properties are discovered, Caltrans follows provisions stipulated in a MOA or other agreement document. If the project is not under a MOA, Caltrans proceeds in accordance with Stipulation XV.A or XV.B of the 106 PA or Stipulation XIV.A or XIV.B of the 5024 MOU, as applicable. Unanticipated effects to historic buildings or other built environment properties can be handled using much the same procedures. Effects should be assessed by an architectural historian who meets the PQS qualifications as a Principal Architectural Historian.

6.13 Review, Approval and Distribution of Built Environment Documents

Prior to the distribution of the built environment studies, reports and documents, there are three reviews:

- 1) PQS peer reviews Caltrans staff and consultant-prepared draft documents
- 2) District PQSs review and approve the final document for the DEBC's signature
- 3) DEBC reviews, approve and sign the final document to certify that it is complete for compliance purposes. Only one DEBC approves and signs the final document

See Exhibit 2.14: Required Copies and Required Reviews of Cultural Resources Documents Table C for additional information. Chapter 2 Section 2.12 contains further information on

Caltrans internal review and approval processes and the process for resolving disagreements and differences of opinion.

6.13.1 Peer Review

Peer reviews are part of the report preparation process. Peer reviews of draft HRERs and FOEs are conducted by a PQS who is not the author and is certified at the appropriate PQS level(s) of Principal Investigator for historical archeology or Principal Architectural Historian for the built environment.

Peer reviews are conducted to ensure that the:

- Document follows the applicable format and content guidelines
- Project APE/PAL is depicted appropriately
- Identification efforts are adequate
- Eligibility determinations are logical and well supported
- Effect findings are logical and well supported

Following peer review and any necessary revisions based on comments received, the Caltrans PQS report preparer(s) signs the title page of the final HRER or FOE. Consultants' names must appear on the final HRERs or FOEs they prepare; signing it is optional. See Exhibit 2.13 for more information on Caltrans peer review guidelines.

6.13.2 Approvals

If the final HRER is consultant-prepared or the preparer is a Caltrans PQS not certified as a Principal Architectural Historian or a Historical Archaeologist at the Principal Investigator level, depending on the nature of the resources under evaluation, the responsible Caltrans PQS at the appropriate Principal level indicates review and approval by signing the title page. The DEBC completes a final review and formally approves the document by signing the title page. While more than one DEBC may approve the HRER, only one DEBC approves and signs the cover document (HPSR/HRCR) or Finding of Effect document.

6.14 Additional State Responsibilities for Built Environment Resources

6.14.1 Property Transfers and Relinquishments

Transfers or relinquishments of a Caltrans-owned historical building or structure out of state ownership rarely have a federal nexus but are subject to compliance with PRC 5024 regardless of whether the project is exempt from CEQA. Under the 5024 MOU, PQS or

qualified consultants make a good faith effort to identify, evaluate and assess effects to Caltrans-owned historical resources. The transfer or relinquishment may have no effect, no adverse effect or an adverse effect depending on whether eligible Caltrans-owned buildings or structures are present, who the new owner will be, and any known or reasonably anticipated plans for the property once transferred or relinquished.

If the property is to be transferred or relinquished to another state agency or a federal agency, the effect finding for the project would likely be No State-owned Historical Resources Affected as future actions affecting the property would be still be subject to protections under state or federal laws governing the actions of public agencies.

If the property to be transferred or relinquished will be transferred to a local or private owner and is designated by a Certified Local Government (CLG) under its preservation ordinance, and the ordinance provides protection of the resource's character-defining features, the project would qualify as a No Adverse Effect with Standard Conditions under Stipulation X.B.1.c of the 5024 MOU, as discussed in Section 6.10.3 above. The designation must be completed prior to Caltrans transferring or relinquishing the resource.

Projects that involve historic properties that are to be transferred or relinquished to a public or unknown owner have the potential to be an adverse effect. Transferring or relinquishing the property to a private owner with a historical covenant or conservation easement, or to a public entity with a conservation easement or preservation agreement, can be an appropriate measure to avoid an adverse effect and reach a FNAE.

Conservation easements are defined in California under the [Civil Code 815.1](#) as

“...any limitation in a deed, will, or other instrument in the form of an easement, restriction, covenant, or condition, which is or has been executed by or on behalf of the owner of the land subject to such easement and is binding upon successive owners of such land, and the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition.”

“Conservation easement” can be considered an umbrella term for a number of different documents that legally bind an owner to preserve something, in this case the historical condition of a historical resource. Such documents include but are not limited to historical

covenants, city resolutions, and relinquishment agreements, in addition to a conservation easement as an instrument in and of itself.

Historical covenants, conservation easements, or other historic preservation agreements ensure that a new owner will preserve the property's character-defining features in accordance with the SOIS and allow the easement holder (also called an assignee or covenantee) to review proposed alterations and monitor the covenant. This transfer document also includes a list or description of the historical resource's character-defining features that are to be protected by the new owner. The organization or agency that Caltrans seeks out as a potential covenant or easement holder, therefore, must have a board of directors and staff or consultants with practical knowledge of the approaches in the SOIS, and have the capability, in perpetuity, of carrying out responsibilities under the covenant. Because the holder of the covenant or easement will incur costs to carry out its responsibilities under that document, Caltrans should expect to pay a service fee or endowment, which is subject to negotiation between Caltrans and the candidate organization or agency.

Exhibit 2.17 contains additional information on historical covenants. Contact the PRC 5024 Branch Chief in CSO for examples of historical covenants.

When the property to be transferred or relinquished is on the Master List, Caltrans submits a draft version of the covenant, easement, resolution or transfer agreement to SHPO for review as part of the FNAE consultation. After SHPO concurs with the finding of effect and approves the content of the protective document(s), and the property has been transferred, Caltrans submits a signed and recorded copy of the covenant/Assignment and Assumption Agreement, easement or officially accepted resolution to SHPO and requests that SHPO change the ownership status accordingly. This is a record-keeping measure for SHPO in which the property is removed from the Master List, but retains its underlying National Register, California Register and/or California Historical Landmark listing or eligibility status.

When an adverse effect cannot be avoided (e.g., Caltrans is unable to obtain historical covenants or other protective agreements, or protective measures would not be sufficient to protect the resource due to known or reasonably foreseeable future use of the property), Caltrans makes a finding of Adverse Effect in accordance with Stipulation X.C of the 5024 MOU and proposes measures to mitigate the adverse effect. See Section 6.11 above.

6.14.2 PRC 5027

PRC [5027](#) prohibits the demolition, destruction or significant alteration of any state-owned National Register-listed building or structure that is transferred to another public agency, without prior approval of the Legislature. The Legislature would have to pass an amendment to PRC 5027 in order for the project to proceed. Consultation with SHPO and compliance with PRC 5024 must be completed prior to passage of any such amendment. Caltrans would also have to comply with CEQA.

Note that PRC 5027 only applies to Caltrans buildings or structures actually listed on the National Register; when there will be an adverse effect/substantial adverse change under CEQA through demolition, destruction or significant alteration; and the property is being transferred to another public agency.

The law does not apply to archaeological sites, landscapes or other non-structural property types. This kind of transfer may be either a Negative Declaration or an EIS under CEQA.

6.14.3 California Historical Building Code

The [California State Historical Building Code](#) (CHBC), which is defined in Sections 18950 to 18961 of Division 13, Part 2.7 of the California Health and Safety Code, is an alternative to other prevailing local and state codes “to preserve, encourage conservation and provide a cost-effective approach to preservation of the resource and safety of users and occupants” for historical resources.

[Section 18955](#) of the CHBC defines a "qualified historical building or structure" as “any structure or property, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. This shall include structures on existing or future national, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks. This shall also include places, locations, or sites identified on these historical registers or official inventories and deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction.”

In accordance with Section 18959.5 of the CHBC, state agencies are required to apply the alternative building regulations in permitting repairs, alterations, and additions necessary

for the preservation, restoration, rehabilitation, moving or continued use of a historical building or structure. Caltrans, therefore, must comply with the CHBC in its maintenance programs; in repair, stabilization, and rehabilitation activities; and in projects that involve Caltrans-owned properties that meet the definition as a “qualified historical building or structure.”

Qualified historical buildings are exempt from the California Building energy Efficiency Standards. This exemption includes historic lighting components or replicas of historic lighting components. However, all other light systems in historical buildings must comply with the energy efficiency standards for lighting power allowances. Under the CHBC, all non-historical additions must comply with regular code. New or replacement mechanical, plumbing and electrical equipment and appliances should comply with the Building Energy Efficiency Standards.

The CHBC is overseen by the [State Historical Building Safety Board](#) (SHBSB). The SHBSB is consulted when the use of prevailing codes and standards could result in an adverse effect to a Caltrans-owned historical resource on the Master List. Such consultation should occur early in the planning process to determine whether components of the project can take advantage of the CHBC. The PRC 5024 Branch Chief is Caltrans’ liaison to the SHBSB.