

# Exhibit 2.18: Letters and Memos Format and Content Guide

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## Table of Contents

<b>EXHIBIT 2.18: LETTERS AND MEMOS FORMAT AND CONTENT GUIDE.....</b>	<b>1</b>
<b>Introduction .....</b>	<b>1</b>
<b>Letter Headings, Addresses, and References.....</b>	<b>1</b>
ADDRESS LETTER TO THE SHPO .....	1
ATTENTION LINE .....	1
SHPO TRACKING NUMBER.....	2
SUBJECT LINE .....	2
<b>Body of Letter .....</b>	<b>2</b>
OPENING PARAGRAPH.....	2
SECOND PARAGRAPH.....	3
THIRD PARAGRAPH .....	4
FOURTH PARAGRAPH .....	4
SUBSEQUENT PARAGRAPHS .....	4
DETERMINATIONS OF ELIGIBILITY .....	4
EFFECT FINDING .....	5
CONTACT PERSON.....	6
ACKNOWLEDGE ASSISTANCE.....	6
<b>Signatures, Attachments, and Copies .....</b>	<b>6</b>
SIGNATORY, TITLE, AFFILIATION AND LOCATION .....	6
ENCLOSURES.....	6
COPIES AND BLIND COPIES .....	7
<b>Memorandum Headings, Addresses, and References.....</b>	<b>7</b>
ADDRESS MEMO TO THE CSO OFFICE CHIEF .....	7
SENDER.....	7
"ATTENTION" LINE .....	8
PROJECT IDENTIFIER .....	8
SHPO TRACKING NUMBER.....	8

SUBJECT LINE .....8  
BODY OF MEMO.....8  
**Signatures, Attachments, and (Carbon) Copies .....8**  
SIGNATORY, TITLE, AFFILIATION AND LOCATION .....8  
ATTACHMENTS .....9  
COPIES AND BLIND COPIES .....9

# Exhibit 2.18: Letters and Memos Format and Content Guide

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## Introduction

The purpose of this exhibit is to provide guidance to Caltrans staff who are responsible for drafting correspondence between the Caltrans Districts (Districts) and the State Historic Preservation Officer (SHPO) and between Districts and the Caltrans Headquarters Cultural Studies Office (CSO) regarding compliance with the Section 106 PA (106 PA<sup>1</sup>) and the PRC 5024 MOU (5024 MOU<sup>2</sup>). The same format may be used for corresponding with other consulting or interested parties.

## Letter Headings, Addresses, and References

Use Caltrans letterhead for all correspondence to external parties. The letterhead formalizes the submittal, making it clear that the letter is the official communication from Caltrans and also allows the recipient to see at a glance which agency the letter is from.

Use Century Gothic 12-point font. For paragraph alignment, use left-aligned, ragged-right margins with 6- to 12-point space below the paragraph.

### Address Letter to the SHPO

The SHPO is the individual with whom Caltrans officially consults. Spell out “State Historic Preservation Officer” in the address; do not use the acronym.

### Attention Line

Use an "Attention" line in the address block to identify the project reviewer, if known, as this helps ensure that the submittal is routed to the appropriate person.

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<sup>1</sup> 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.

<sup>2</sup> 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.

**Example:**

Ms./Mr./Dr. Firstname SHPOlastname  
State Historic Preservation Officer  
Office of Historic Preservation  
P.O. Box 942896  
Sacramento, CA 94296-0001  
Attention: Reviewer Name

**SHPO Tracking Number**

Use the SHPO tracking number if one has been assigned. SHPO staff assigns a tracking number when consultation for a project is initiated. Including it with any subsequent submittals helps ensure that document is routed to the appropriate person.

Caltrans federal-aid highway project submittals are assigned tracking numbers as shown in the following example (indicating that the project was the first Caltrans federal-aid highway submittal logged in on August 4, 2019):

FHWA190804A

Caltrans PRC 5024 submittals are assigned tracking numbers as shown in the following example (indicating that this was the first Caltrans PRC 5024 submittal logged in on January 7, 2019):

CATRA\_2019\_0107\_001

**Subject Line**

Use a “Subject” line to help SHPO staff identify the name of the project, the type of submittal (HPSR, FOE, etc.) and, for continuing consultation, route it to the appropriate person.

Good example:	Re: Historic Property Survey Report for the Whiterock Four-Lane Project, Inyo County, California; 09-INY-395, PM 77.3/91.6 (OHP# FHWA030804A)
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Bad example:	Re: Route 395 Widening Project
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**Body of Letter**

**Opening Paragraph**

Use the following boilerplate paragraph(s) and indicate whether Caltrans is initiating or continuing consultation. Cite the applicable regulatory context (e.g. consulting under the 106 PA, the 5024 MOU, or both). In the examples below, the first is a federal undertaking with ongoing consultation; the second is initiating consultation for a federal undertaking

with Caltrans-owned cultural resources within the project's Area of Potential Effects (APE); and the third is initiating consultation for a state-only project with Caltrans-owned cultural resources in the Project Area Limits (PAL):

**Federal Undertaking:** The California Department of Transportation (Caltrans), as assigned by the Federal Highway Administration (FHWA), is continuing consultation with the State Historic Preservation Officer (SHPO) regarding the State Route 75 Interchange Improvement Project in Sawyer County. This consultation is undertaken in accordance with the January 2014 *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* (106 PA).

**Federal Undertaking with State-owned cultural resources:** The California Department of Transportation (Caltrans), as assigned by the Federal Highway Administration (FHWA), is initiating consultation with the State Historic Preservation Officer (SHPO) regarding the State Route 75 Interchange Improvement Project in Sawyer County. This consultation is undertaken in accordance with the January 2014 *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* (106 PA). Caltrans is concurrently complying with Stipulation III of the January 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* (5024 MOU), and per that stipulation, requests that you use the Section 106 documentation in your review.

**State-owned Historical Resources (PRC 5024):** The California Department of Transportation (Caltrans) is initiating consultation with the State Historic Preservation Officer (SHPO) regarding the proposed Caltrans Sawyerville Equipment Yard Excess Parcel Transfer Project, Sawyer County, California. This consultation is undertaken in accordance with the January 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* (5024 MOU).

## Second Paragraph

Identify the materials enclosed with the letter and explain their purpose.

**Example:** Enclosed for your review please find a Historic Property Survey Report (HPSR), Archaeological Survey Report (ASR), and Historical Resources Evaluation

Report (HRER). Under the 106 PA, Caltrans is responsible for ensuring the appropriateness of the APE ((Stipulation VIII.A), the adequacy of historic property identification efforts (Stipulation VIII.B), and evaluation of properties for eligibility for listing in the National Register of Historic Places (NRHP). The HRER and ASR more fully describe cultural resource identification and evaluation efforts for the proposed undertaking.

### Third Paragraph

State the reason for the consultation, citing the applicable regulatory provision (e.g., 106 PA stipulation, 5024 MOU stipulation, 36 CFR Part 800 section).

**Example:** We are consulting under Stipulation VIII.C.6 of the 106 PA, which requires we submit determinations of NRHP eligibility to the SHPO for comment.

### Fourth Paragraph

- Summarize the scope and scale of the project.
- Identify where the reviewer can find more detail (e.g., “See attachment 3 of the HPSR.”).

**Example:** In conjunction with Caltrans, the County of Sawyer is proposing to replace the current signalized intersection of SR 75 and Sawyer Road by constructing a grade-separated partial cloverleaf interchange. This interchange project will consist of a bridge structure over SR 75 and associated ramps. The complete project description is on page 2 of the HPSR. The APE consists of current right of way and is located in Attachment 3 of the HPSR.

### Subsequent Paragraphs

- Summarize the findings and/or conclusions.
- State that Caltrans is requesting SHPO concurrence and cite the relevant Section 106 or PRC 5024 stipulation(s).

### Determinations of Eligibility

- List the evaluated resource(s) by name (if it has one), address, community, [OHP Status Code](#) (if known), and APE/PAL map reference number.
- Identify any Caltrans-owned resources as state-owned. If Caltrans-owned buildings or structures are determined eligible, in addition to requesting SHPO’s concurrence with the eligibility determination, request that SHPO add them to the Master List of Historical Resources pursuant to PRC 5024(d).
- Identify properties Caltrans is assuming to be eligible for purposes of the project.

- Identify previously NRHP-listed or evaluated properties that did not require re-evaluation. In accordance with Stipulation VIII.C.5 of the 106 PA/5024 MOU, note whether previous evaluations remain valid.
- If there were no archaeological sites identified in the APE/PAL, note this.

**Example:** Caltrans has determined that the following properties in the APE are **eligible** for inclusion in the NRHP. Pursuant to Stipulation VIII.C.6 of the Section 106 PA and the PRC 5024 MOU, **Caltrans requests your concurrence in this determination.**

Name	Address/Location	Community	OHP Status Code	Map Ref. #
Residence	451 Main St.	Anywhere, CA	2	(MR 1)
Ortega Feed Store	10097 Highway 4	Anywhere (vic.), CA	2	(MR 3)

The residence at 451 Main St. is a state-owned property. Pursuant to PRC 5024(d), **Caltrans also requests that the SHPO add this resource to the Master List of Historical Resources.**

Caltrans has determined that the following property in the APE is not eligible for inclusion in the NRHP. Pursuant to Stipulation VIII.C.6 of the Section 106 PA and the PRC 5024 MOU, **Caltrans requests your concurrence in this determination.**

Name	Address/Location	Community	OHP Status Code	Map Ref. #
Residence	459 Main St.	Anywhere, CA	6	(MR 2)

No archaeological sites were identified within the APE.

- Reference the time-frame for the consultation and cite the relevant Section 106 or PRC 5024 stipulation(s). Note that a copy of the documentation is being provided to CSO.

**Example:** We look forward to your response within 30 days of your receipt of this submittal, in accordance with **Stipulation VIII.C.6.a of the Section 106 PA and the PRC 5024 MOU.** We are providing a concurrent copy of this documentation to the Caltrans Division of Environmental Analysis Cultural Studies Office.

## Effect Finding

- When Caltrans is consulting SHPO regarding determinations of eligibility and the finding for the undertaking is No Historic Properties Affected/No State-Owned Historical Resources Affected, include a paragraph notifying SHPO of this finding, in accordance with Stipulation IX.A.2 of the 106 PA/5024 MOU.

- If there are historic properties present but the project’s effects are not yet known or Caltrans is otherwise not consulting with SHPO on the effect finding concurrently with a determination of eligibility, include a statement indicating Caltrans will be continuing consultation. Reference the 5024 MOU if the project involves Caltrans-owned historical resources.

**Example:** In accordance with **Stipulation IX.B of the Section 106 PA, Caltrans has determined that there are historic properties within the APE that may be affected by the undertaking.** Consequently, Caltrans will apply the Criteria of Adverse Effect, and, as assigned by FHWA, **will continue consultation** with the SHPO pursuant to Section 106 PA Stipulation X.

- For letters transmitting a finding of effect pursuant to 106 PA/5024 MOU Stipulation X, list the historic properties. Include the criteria, level and period of significance. Note whether the property is Caltrans-owned. If previous consultation for the project resulted in properties being determined eligible, note the date of SHPO concurrence.

### Contact Person

Identify the contact person(s) for the project, typically a specialist who will be able to answer detailed questions about the project.

**Example:** If you need any additional information, please contact Rusty Wrangler at phone: 555-555-5555 or by e-mail: Rusty.Wrangler [at] dot.ca.gov.

### Acknowledge Assistance

Include a sentence acknowledging the SHPO's assistance with the undertaking.

## Signatures, Attachments, and Copies

### Signatory, Title, Affiliation and Location

A Senior Environmental Branch Chief or higher-level of management should sign the letter. Identify title, affiliation, and location of signatory.

### Enclosures

List all documents included with the submittal so that the reviewer can easily see if something is missing.

- Use the word “enclosure(s)” for letters that are going outside of Caltrans.

- Pursuant to 106 PA Stipulation XVIII, 5024 MOU Stipulation XVII or 36 CFR 800.11, the submittal should include all documentation that may be needed to support the findings and/or conclusions SHPO is being asked to concur with (e.g., HPSR/HRCR, technical studies, survey reports for previously evaluated properties, FOE, maps, photographs, copies of correspondence, consultation logs).

### **Copies and Blind Copies**

- Include the Section 106 Coordination Branch Chief (106 Coordinator) in CSO as a carbon copy (cc) on all Section 106 submittals to SHPO.
- Include the CSO PRC 5024 Coordination Branch Chief as a “cc” on all PRC 5024-only submittals to SHPO and on Section 106 consultation letters (without enclosures) when there are Caltrans-owned cultural resources involved.
- Send blind copies (bc) to in-house staff.
- The “bc” list is on a separate page and not sent to the SHPO or “cc” recipient(s).

### **Memorandum Headings, Addresses, and References**

Use Caltrans Memorandum (memo) format for correspondence internal to Caltrans. The memo formalizes the submittal, making it clear that the letter is the official communication from the Caltrans District to the Cultural Studies Office (CSO) as the delegated authority for certain actions under the 106 PA or 5024 MOU and also allows the recipient to see at a glance which District the memo is from.

Use Century Gothic 12-point font. For paragraph alignment, use left-aligned, ragged-right margins with 6- to 12-point space below the paragraph.

### **Address memo to the CSO Office Chief**

- The CSO Office Chief is the individual identified in the 106 PA or the 5024 MOU as the person with whom the Caltrans District consult for activities delegated to CSO. The person’s name should be typed in all capital letters.

### **Sender**

Identify the sender’s name (in all capital letters), title, division, district, and mail stop (e.g. M.S 27). The memo typically comes from the Senior Environmental Branch Chief or higher.

## "Attention" Line

Use an "Attention" line in the address block to help ensure that the submittal is routed to the appropriate person in CSO. The 106 Coordinator is the point person for Section 106 undertakings, including those that involve Caltrans-owned resources. The PRC 5024 Branch Chief is the point person for PRC 5024-only submittals. Although the memo is addressed to the CSO Office Chief, the submittal can be mailed directly to the person in the "Attention" line.

### Example:

MR./MS. FIRSTNAME LASTNAME  
Cultural Studies Office Chief  
Division of Environmental Analysis (M.S. 27)  
Attention: Branch Chiefname

## Project Identifier

Under "File," add the Project identifier information. Include the project or activity name, county, route and postmiles, if applicable, and the project EA/E-FIS number.

## SHPO Tracking Number

When applicable, include the SHPO tracking number in the File name, if one has been assigned (Note documents that don't go to SHPO for review under the 106 PA and/or 5024 MOU do not receive a SHPO tracking number).

## Subject Line

Include the findings for which Caltrans is seeking CSO approval

**Example:** Request for Concurrent on the Finding of No Adverse Effect with Standard Conditions-ESA for the State Route 75 Interchange Improvement Project in Sawyer County (99-SAW-75 PM 45.7/45.9, EA 9X999).

## Body of Memo

Follow the letter format guidelines in the Opening Paragraph, Second Paragraph, Third Paragraph, Subsequent Paragraphs, Contact Person sections above.

## Signatures, Attachments, and (Carbon) Copies

### Signatory, Title, Affiliation and Location

The sender signs or initials the "from box" at the beginning of the memo.

## **Attachments**

List all documents included with the submittal so that the recipient can easily see if something is missing.

- Use the word “attachment(s)” for letters that are going outside of Caltrans.
- See the Enclosures section above for more information on attachments.

## **Copies and Blind Copies**

- Include the PRC 5024 Coordination Branch Chief in CSO as a “cc” on the memo (without attachments) for Section 106 submittals when Caltrans-owned cultural resources are involved.
- Send blind copies (bc) to in-house staff.