

# Exhibit 4.1: Cultural Resources Process Checklist

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Beginning on the next page is a checklist that can be used to identify the required steps in the federal and state cultural resources compliance process. The checklist is supplemental and complementary to the guidance found in other chapters and exhibits of the Caltrans [Standard Environmental Reference Volume 2](#)-Cultural Resources. For some, it may help to print a copy of the checklist to ensure all the steps have been completed or to use when working with project development teams, consultants or local agencies.

Note that under the 5024 MOU<sup>1</sup>, federal undertakings that involve Caltrans-owned historical resources may use the Section 106 compliance process (whether the 106 PA or 36 CFR Part 800 when the 106 PA<sup>2</sup> does not apply) to concurrently comply with PRC 5024. For state-only projects that involve Caltrans-owned resources, Caltrans must comply with PRC 5024 regardless of whether the project is exempt from CEQA.

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<sup>1</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.

<sup>2</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, effective January 1, 2014.

### PROJECT / UNDERTAKING CHECKLIST

This checklist is designed to assist Caltrans staff in following appropriate procedures for Section 106, PRC 5024 and CEQA compliance. This checklist is meant to be a guide and its use is optional.

1. Does this project qualify as a screened undertaking under Attachment 2 of the Section 106 PA or the PRC 5024 MOU, as applicable?

**YES.** Caltrans PQS prepares a Screened Undertaking/Screened Project memo to the project manager and files. **Section 106 is complete. If applicable, PRC 5024 is complete. CEQA cultural resources compliance is complete.**

**NO.** Go to 2.

2. **Prepare the Area of Potential Effects (APE) or Project Area Limits (PAL) map** and obtain Caltrans PQS signatures as appropriate. Go to 3.

3. Review literature/records to determine potential for involvement of cultural resources.

Consult the:

National Register of Historic Places and Updates

Negative  Positive

California Register of Historical Resources:

Negative  Positive

California Historical Landmarks (State of California 1990):

Negative  Positive

California Inventory of Historical Resources (State of California 1976):

Negative  Positive

Caltrans Cultural Resources Database (CCRD):

Negative  Positive

Also consult district records, maps, as-builts, databases, local historic resource inventories, and “collective corporate memory” for information about cultural sensitivity and extent of modern development and ground disturbance in the project area. In general, any project that will disturb ground previously undisturbed by road construction may require a field review to determine if surveys are necessary.

If the records review indicates the presence of cultural resources or if there is too little information to make a decision as to the type of studies needed, perform a field review and further assess the need for studies. To examine the potential for archaeological sites, go to 4. To examine the potential for architectural properties and other built environment resources, go to 7.

4. **ARCHAEOLOGY:** Examine the project area for terrain already subjected to massive modern disturbance (e.g., cuts, fill, pavement, built environment). Projects that disturb natural soil may affect archaeological deposits, artifacts, or other prehistoric or historic materials. Note that the integrity of archaeological materials is not the issue, just their potential presence. If the project:

will not affect native soils, or the areas to be disturbed are sufficiently altered to preclude any suggestion of archaeological materials being present (e.g., project takes place entirely on fill or in a cut below natural soil horizons), an archaeological survey is not warranted. State the explicit reasons why a survey is unnecessary. Go to 7.

will affect native soils, or archaeological materials may be present; an archaeological survey is warranted. Go to 5.

5. **Prepare maps and request a records search** at the appropriate [CHRIS](#) Information Center. If the record search indicates that the APE/PAL:

has been surveyed, examine the survey report(s). If the report does not meet Caltrans standards, go to 6. If it does meet Caltrans standards and there are no archaeological properties in the APE, go to 7; if there are archaeological properties in the APE, go to 6.

has not been surveyed. Go to 6.

6. Conduct an archaeological survey.

**Prepare an ASR** discussing survey results, including “Properties Exempt from Evaluation” pursuant to Attachment 4 of the Section 106 PA or 5024 MOU as applicable, and go to 7.

7. **BUILT ENVIRONMENT-BUILDINGS AND STRUCTURES:** Examine the project area for buildings and structures that may be directly or indirectly affected by the project. Note: If there is any

question as to whether a building or structure may be directly or indirectly affected, contact a PQS Architectural Historian(s) or a CSO branch chief. If the:

- APE/PAL does not contain buildings, structures or objects that could be directly or indirectly affected, an architectural evaluation is not warranted; go to 8.
- All buildings, structures or objects qualify for treatment under Section 106 PA or PRC 5024 MOU Attachment 4, "Properties Exempt from Evaluation," document it in the HPSR by checking the appropriate box with the name and PQS certification level of the person making this determination; go to 8.
- The only buildings, structures or objects in the APE/PAL is/are Category 5 bridge(s) that has/have not turned 50 years old since last inventory update or do not/does not otherwise warrant reevaluation, print the appropriate page of the latest updated bridge inventory; go to 8.
- All buildings, structures or objects in the APE/PAL were previously evaluated and do not warrant reevaluation, including Category 1-2 bridges; go to 8.
- APE/PAL contains buildings, structures or objects not previously evaluated or that were previously evaluated and warrant reevaluation, including Category 3-4 bridges, architectural evaluation required; go to 8.

8. Examine the results of the field reviews/surveys. If cultural resources surveys resulted in:

- A statement justifying why an archaeological survey was unnecessary, an ASR that resulted in no sites identified, all properties qualified for treatment under Section 106 PA or PRC 5024 MOU Attachment 4, no architectural properties require evaluation, or the only built environment property was a Category 5 bridge that did not warrant reevaluation; go to 10.
- An ASR that identified sites, architectural properties requiring evaluation, Category 1-4 bridges, Category 5 bridges that have turned 50 years old since last inventory update or otherwise warrant reevaluation, or any previously unidentified resources determined potentially significant; go to 9.

9. Conduct all necessary archaeological and/or built-environment studies.

- Properties in the APE/PAL were determined not eligible. **Consult SHPO** requesting concurrence on determination(s) of eligibility. If SHPO concurs, go to 10.
- Properties in the APE/PAL were determined eligible. **Consult SHPO** requesting concurrence on determination(s) of eligibility. If SHPO concurs, go to 11.
- Archeological sites in the APE/PAL assumed eligible because they can be protected from all protect effects with an Environmentally Sensitive Area (ESA). Go to 12.
- Properties in the APE/PAL assumed eligible for purposes of the project only because special circumstances preclude their complete evaluation and CSO approved. Go to 12.

10. **Historic properties will not be affected because:**

- There are no properties present in the APE/PAL, the only properties present qualified as "Properties Exempt from Evaluation," under the Section 106 PA or PRC 5024 MOU Attachment 4 or the only properties present were Category 5 bridges or properties previously evaluated as not eligible that did not warrant reevaluation. Document No Historic Properties Affected or No State-Owned Historic Properties Affected in HPSR/HRCR, as applicable. **Section 106 is complete. If applicable, PRC 5024 is complete. CEQA cultural resources compliance is complete.**
- All properties in the APE/PAL were determined not eligible for the current project and SHPO concurred. Document No Historic Properties Affected or No State-Owned Historic Properties Affected in HPSR/HRCR, as applicable. **Section 106 is complete. If applicable, PRC 5024 is complete. CEQA cultural resources compliance is complete.**
- Properties listed or previously determined eligible and did not warrant reevaluation are present in the APE/PAL but the project will not affect them.

11 Will an eligible or assumed eligible properties be affected by the project?

**NO.** Document No Historic Properties Affected or No State-Owned Historic Properties Affected in HPSR/HRCR, as applicable. **Section 106 is complete. If applicable, PRC 5024 is complete. CEQA cultural resources compliance is complete.**

**YES.** Go to 12.

12. Assessment of effects.

**Finding of No Adverse Effect with Standard Conditions (FNAE-SC).**

Send documentation of FNAE-SC with District Environmental Branch Chief's signature to CSO and notify consulting parties. If CSO does not object, **Section 106 is complete. If applicable, PRC 5024 is complete. CEQA cultural resources compliance is complete.**

State-only projects with no Caltrans-owned historical resources.

No change or no substantial adverse change to historical resources under CEQA. The District Environmental Branch Chief's signature on the HRCR indicates that CEQA cultural resources requirements have been met. **CEQA cultural resources compliance is complete.**

**Substantial adverse change to historical resources under CEQA.** The project likely does not qualify as a CEQA C.E. When Caltrans is the lead agency, coordinate with the project manager so the **appropriate CEQA documentation can be prepared.**

**Finding of No Adverse Effect without Standard Conditions (FNAE-No SC).**

Federal undertakings with or without Caltrans-owned properties. District prepares FNAE-No SC documentation and sends it to CSO Section 106 Branch Chief for review and forwarding to SHPO; concurrently notifies consulting parties. If CSO and SHPO do not object, **Section 106 is complete. If applicable, PRC 5024 is complete. CEQA cultural resources compliance is complete.**

State-only projects with Caltrans-owned historical resources.

**Caltrans-owned resources Not On the Master List.**

District prepares the FNAE-No SC documentation and sends it to CSO PRC 5024 Branch Chief for review; concurrently notifies consulting parties. If CSO does not object, **PRC 5024 is complete. CEQA cultural resources compliance is complete.**

**Caltrans-owned resources On the Master List.**

District prepares FNAE-No SC documentation and sends it to CSO PRC 5024 Branch Chief for review and forwarding to SHPO; concurrently notifies consulting parties. If CSO and SHPO do not object, **PRC 5024 is complete. CEQA cultural resources compliance is complete.**

Adverse Effect.

Federal undertakings with or without Caltrans-owned properties. District prepares Finding of Adverse Effect (FAE) documentation and sends it to CSO Section 106 Branch Chief for review and forwarding to SHPO; notifies consulting parties. **Go to 14.**

State-only projects with Caltrans-owned historical resources:

**Caltrans-owned archeological resources Not On the Master List.**

District prepares finding of Adverse Effect with Standard Mitigation Measure (FAE-SMM) documentation and sends it to CSO PRC 5024 Branch Chief for review; notifies consulting parties. If CSO does not object, **PRC 5024 is complete. CEQA cultural resources compliance is complete.**

**Caltrans-owned resources Not On the Master List.**

District prepares FAE documentation with proposed mitigation measures and sends it to CSO PRC 5024 Branch Chief for review; notifies consulting parties. If CSO does not object, **PRC 5024 is complete. CEQA cultural resources compliance is complete.**

**Caltrans-owned resources On the Master List.**

District prepares FAE documentation and proposed mitigation measures and sends it to CSO PRC 5024 Branch Chief for review and forwarding to SHPO; notifies consulting

parties; notifies consulting parties. If CSO and SHPO do not object and approve proposed mitigation measures, **PRC 5024 is complete. CEQA cultural resources compliance is complete.**

14. Mitigation.

Federal undertakings. District works with CSO and SHPO to draft a Memorandum of Agreement and notifies consulting parties. **When the MOA is signed and filed with the Advisory Council on Historic Preservation, Section 106 compliance is complete.**