

Exhibit 6.6: Heritage Documentation for HABS/ HAER / HALS

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Exhibit 6.6: Heritage Documentation for HABS/ HAER / HALS

Introduction

The Historic American Building Survey (HABS), Historic American Engineering Record (HAER) and Historic American Landscapes Survey (HALS) jointly make up the Heritage Documentation Programs (HDP) division of the National Park Service (NPS). The HDP division developed standards for documenting historic properties as required by Section 101(a) of the National Historic Preservation Act of 1966, as amended (NHPA). For purposes of this exhibit, “HDP” is used to refer collectively to the HABS, HAER and HALS documentation standards.

Caltrans prepares HDP or HDP-equivalent documentation as a mitigation measure for adverse effect findings under the Section 106 PA (106 PA¹) or PRC 5024 MOU (5024 MOU²). HDP documentation standards may also be used for No Adverse Effect findings to record existing conditions as a baseline for rehabilitation or repair projects, or as evidence that completed work is consistent with the Secretary of the Interior’s Standards (SOIS).

Section 106 Undertakings

NPS regional offices oversee the HDP documentation program for their respective regions and submit the documentation to NPS in Washington, DC for final review and inclusion in the Library of Congress collections. For California, the NPS Pacific West Regional Office has directed that the decision whether to deposit the documentation in the Library of Congress shall be made by the State Historic

¹ Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, the United States Army Corps of Engineers, 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 (2024)

² 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 (2024)

Preservation Officer's (SHPO) as part of its consultation with the federal agency under Section 106.

Therefore, when SHPO and Caltrans, as assigned by FHWA,³ through consultation to resolve an adverse effect for a Section 106 undertaking, determine that HDP documentation should be included as a treatment measure in a Memorandum of Agreement (MOA), the SHPO decides whether the documentation should be sent to the Library of Congress, or to other repositories, or both.⁴

When Caltrans anticipates that HDP documentation may be proposed as mitigation, it is advisable to provide the following information to SHPO in the transmittal letter initiating consultation on the finding of adverse effect:

- Request that SHPO decide if the HDP documentation should go to the Library of Congress
- Describe the affected historic property's NRHP level of significance (national, state, local), or whether the property is listed, with documentation already on file at the SHPO or NPS
- State whether the historic property is the type of property that, per NPS and Council 1997 guidance to FHWA, does not typically warrant submission to the Library of Congress (see below)
- Describe the how the historic property will be affected (e.g., entire property will be demolished, building addition will be reconstructed, contributing fence pillars will be relocated)

Request that the SHPO respond in writing (letter or email response) whether the mitigation documentation needs to go to the Library of Congress

Properties that typically warrant submittal to the Library of Congress are National Historic Landmarks (NHL) and properties that are individually listed or eligible for inclusion in the NRHP at the national level of significance.

³ For more information on NEPA assignment, please refer to Chapter 38 of the Caltrans Standard Environmental Reference (SER).

⁴ Should the SHPO terminate consultation during the resolution of adverse effect and MOA process, Caltrans would continue consultation with the Advisory Council on Historic Preservation (Council) and the Council makes the decision instead of the SHPO.

In accordance with joint NPS and Council Guidance provided to FHWA in 1997⁵, the following property types typically do not warrant submission to the Library of Congress, unless SHPO decides otherwise:

- Contributing properties in a historic district (unless unique in some way, or individually eligible)
- Properties for which a current and complete NRHP nomination is on file in the SHPO office and at the National Register Program in Washington, DC
- Structures to be moved, reconstructed or altered
- Property types determined by the NPS and SHPO already to have been comprehensively documented in its collections (e.g. Pratt truss bridges)
- Portions of linear resources, such as canals, ditches, railroads or roads of which other portions remain intact
- Minor elements of a complex (e.g. sheds and garages in a Forest Service administrative area), unless architecturally distinctive
- Ruins, collapsed structures or shells of structures that may be eligible for the NRHP because of their historical importance or associations, but that have little structure/architectural interest and/or integrity

Sites with few above-ground resources that might more appropriately be recorded on an archaeological site form

Type and Level of Documentation

Type of Documentation

The possible types of HDP documentation for mitigation are:

- written and descriptive data
- archival photographs⁶
- measured drawings

When SHPO decides that HDP documentation should be sent to the Library of Congress, the Cultural Studies Office (CSO) in Headquarters, with assistance from the District, contacts the NPS Pacific West Regional Office requesting NPS to specify the type of documentation. The request should include:

- Project name, county, route and postmiles

⁵ See the "Overview and Standard Operating Procedures National Park Service-Pacific West Region HABS/HAER/HALS Program, June 4, 2007."

⁶ See NPS HDP documentation photography guidelines:
<https://www.nps.gov/hdp/standards/PhotoGuidelines.pdf>

- Location of the historic property
- Brief description of the historic property and why it is listed or eligible

Description of the project effects to the historic property

A statement that the SHPO has determined that the Library of Congress is to receive a copy of the mitigation documentation

NPS staff will respond with the type of documentation required. Qualified Caltrans staff or consultants, as outlined in Professionally Qualified Staff, below, complete the NPS-specified documentation.

If SHPO determines that mitigation documentation will not be sent to the Library of Congress, SHPO, in consultation with Caltrans, decides the type of HDP documentation or HDP-equivalent documentation to be prepared.

When the MOA stipulates documentation as a mitigation measure, it would specify the type and level of documentation required as well as for the timing of documentation and NPS/SHPO review.

Level of Documentation

The level of documentation will vary by project, depending on the significance of the historic property, the historic property type, the type of project, and the degree to which proposed changes, repairs, or alterations impact the historic property. As outlined in the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation, there are three levels of documentation:

Level I Documentation:

1. Drawings: a full set of measured drawings depicting existing or historic conditions
2. Photographs: photographs with large-format negatives of exterior and interior views; photocopies with large-format negatives of select, existing drawings or historic views that are produced in accordance with the U.S. Copyright Act, as amended
3. Written data: history and description

Level II Documentation:

1. Drawings: select existing drawings, where available, may be photographed with large-format negatives or photographically reproduced on Mylar in accordance with the U.S. Copyright Act, as amended
2. Photographs: photographs with large-format negatives of exterior and interior views, or historic views where available and produced in accordance with the U.S. Copyright Act, as amended
3. Written data: history and description

Level III Documentation:

1. Drawings: sketch plan
2. Photographs: photographs with large-format negatives of exterior and interior views
3. Written data: short form for historical reports

The Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation states in part, "The kind and amount of documentation should be appropriate to the nature and significance of the subject. For example, Level I would be inappropriate for a building that is a minor element of an historic district, notable only for context and scale. A full set of measured drawings for such a minor building would be expensive and would likely add little new insight into the growth and development of the built environment at either the local, regional, or national level. Large-format photography (Level III) would be the more appropriate choice for documenting this type of building."

Depending on the significance of the resource and the type of impact, Level I or II documentation may include:

- Measured drawings
- Large-format photographs
- Additional research if the existing research is sparse or outdated (e.g. older NRHP nomination forms)
- Archival safe copies of original plans
- Vintage photographs

If the existing documentation of a historic property's significance (NRHP nomination, HRER and DPR 523 inventory forms, etc.) or prior HDP documentation for another

project affecting the same property is less than five years old or is complete, the existing documentation may be sufficient documentation.

Repositories

At a minimum, repositories are the Caltrans District files and the Caltrans Library and History Center in Headquarters (for Caltrans projects), the local government files (for local assistance projects) and the California Office of Historic Preservation (OHP). The Library of Congress would be a repository as determined by the SHPO. Copies may be offered to other repositories as warranted, such as the California State Library in Sacramento, the Bancroft Library at the University of California, Berkeley or the Library at the University of Southern California, Los Angeles (for properties of national or state level of significance), other university libraries, local libraries, or historical groups. When the MOA stipulates HDP documentation as a mitigation measure, it would identify the known or anticipated repositories for the documentation.

Required Copies

- The Caltrans District (or local government for local assistance projects) retains one copy
- OHP receives a minimum of one copy (SHPO may request additional copies)
- The Caltrans Library and History Center in Headquarters (for Caltrans projects) receives one copy
- If the Library of Congress is specified as a repository, the Library of Congress receives one copy
- If the Library of Congress is specified as a repository, NPS receives two copies

As stipulated in the MOA, other repositories receive one copy each

The copy sent to the Library of Congress must be archivally safe in accordance with HDP specifications. While the file copy that Caltrans or the local agency maintains should be archivally safe, other copies of the documentation do not need to be produced on archivally safe materials unless the intended repository requests it. To reduce the expense and storage needs of paper copies, check with the repositories to determine whether electronic or non-archival versions of the documentation are acceptable.

Document Processing

NPS specifies type of documentation

Once the documentation has been reviewed and approved in accordance with Caltrans internal policies and the terms of the MOA, CSO submits the draft report to NPS for review and comment. When NPS returns the draft and comments to Caltrans, NPS staff will include the HDP number assigned to the project and submittal instructions; NPS will return any archival materials that were forwarded with the draft report.

When NPS' comments have been addressed, following approval of the final documentation in accordance with the terms of the MOA, CSO submits the final report to the NPS Pacific West Regional Office, or other NPS office as instructed by the Pacific West Regional Office.

The final submittal sent to NPS will typically include:

1. Library of Congress copy (1 original photo-data set)
 - CD with electronic version of cover card and index to photographs
 - Written report(s) on 25% cotton, lignin-free archival paper with a watermark that states this (NPS will not accept the report if the appropriate watermark is missing.)
 - Large-format archival photographs on HABS/HAER archival photo-mount cards
 - Negatives in acid-free negative sleeves
 - Ink-on-mylar measured drawings (when required)

Copyright release form (when required)

2. National Park Service (2 photocopies)
 - Photocopies of photo data set on regular (non-archival) paper, including:
 - Cover card(s)
 - Photo-index(es)
 - Report(s)
 - Mounted photographs

NPS will submit the completed documentation to the appropriate collection at the National Park Service in Washington, DC, who in turn submits it to the Library of

Congress. Caltrans does not send the documentation directly to the Library of Congress.

Should the final submission need revision due to missing information, an incorrect HABS/HAER/HALS number, or other issue, NPS will return the submittal to Caltrans for correction. After NPS has approved the final documentation, Caltrans may transmit copies to the other repositories specified in the MOA.

SHPO specifies type of documentation

Once the documentation has been reviewed and approved in accordance with Caltrans internal policies and the terms of the MOA, Caltrans can transmit final copies to the repositories specified in the MOA.

State-only Projects

CEQA Projects

Under CEQA, the lead agency determines the type and level of mitigation documentation that would comply with CEQA Guidelines Section 16126.4(b). For Caltrans CEQA-only projects, PQS determine the type and level of documentation, which is typically equivalent to HDP standards.

Type and Level of Documentation

The appropriate type and level of documentation depends on the significance of the historical resource, the type of project, and the degree to which proposed changes, repairs, or alterations impact the historical resource.

For built-environment historical resources, qualified PQS certified at the Principal Architectural Historian level will recommend to the District Environmental Branch Chief (DEBC) the level and type of documentation appropriate to the significance of the resource and the nature of the project's impacts. For archaeological resources, qualified PQS certified at the Principal Investigator level will recommend to the DEBC the level and type of documentation. The DEBC then approves the type and level of documentation.

Alternately, the DEBC may request that CSO determine what kind of documentation is needed. The DEBC should forward a memo to the CSO Chief including:

- Project name, county, route and postmiles
- Location of the historic property
- Brief description of the historic property and why it is listed or eligible
- Description of the project effects to the historic property

Suggested type and level of documentation

Upon receipt, the CSO Chief will respond within 30 calendar days with the type of documentation that is required. Qualified Caltrans staff or consultants, as outlined in “Professionally Qualified Staff,” below, complete the agreed-upon documentation.

Resource types that do not usually need documentation include:

- Contributing resources in a historic district (unless unique in some way, or individually eligible)
- Resources for which a current and complete National Register nomination is on file in the SHPO office and the National Register in Washington, DC, or a complete National Register consensus determination of eligibility, California Historical Landmark (CHL) or California Register of Historical Places nomination is on file in the SHPO’s office, or for locally designated resources, a complete nomination package is on file with the local government
- Structures to be moved, reconstructed or altered
- Minor elements of a complex (e.g. sheds in a maintenance station complex), unless architecturally distinctive
- Ruins or shells of structures, including individual structures with vacant interiors and no unusual structural, architectural, or historical interest

Archaeological sites with few above-ground elements

Higher Level Documentation

Historical resources that may require a higher level of documentation include NHLs and resources that are individually listed or eligible for listing in the National Register, listed in the California Register of Historical Resources or are historical resources for the purposes of CEQA at the national or state level of significance.

Depending on the significance of the resource and the type of impact, higher-level documentation may include

- HDP-equivalent recordation
- Large-format photo-documentation

- Additional research if the existing research is sparse or outdated (e.g. older National Register nomination forms)
- Copies of original plans
- Vintage photographs

Lower Level Documentation

If the eligibility documentation (e.g., National Register or California Register nomination or determination of eligibility, DPR 523 forms) is less than five years old and complete, this existing documentation with current photographs may be sufficient. Lower level documentation may include:

- Copies of the eligibility paperwork (National Register or California Register nomination or determination of eligibility, DPR 523 forms, local designation applications or resolutions)
- Pre-project photographs and post-project photographs in either 35 mm or digital format

While large-format photographs printed to HDP specifications are the most archivally safe prints, it can be very expensive and is not always required for lower levels of documentation for resources such as minor elements of a complex, ruins of shells or structures. In these instances, photographs printed on photographic paper from 35 mm or digital formats may be acceptable, but should meet the NPS National Register's 75-year permanence standard. If printing from digital photographs, higher resolution digital files are needed.⁷ If large-format photography is not used, photographs may be in color or black and white, and may be either 35 mm prints or high-resolution color digital images.⁸ Regardless of format, it is essential that the images be as clear and sharp as possible and provide sufficient detail. Prints should be no smaller than 3½ by 5 inches, but for documentation purposes, prints that are 4 by 5 inches or 8 by 10 inches are preferred.

Repositories

When Caltrans stipulates documentation as a mitigation measure for a CEQA-only project, the report also identifies repositories for the documentation. At a minimum, repositories should include the District office and the Caltrans Library and History Center in Headquarters (for Caltrans projects) and a copy should be offered to a

⁷ See NPS HDP documentation photography guidelines section for specifications on image resolution, appropriate papers and inks: <https://www.nps.gov/hdp/standards/PhotoGuidelines.pdf>

⁸ Each image needs to be 1600x1200 pixels at 300 ppi (pixels per inch) or larger.

local library or historical society. For historical resources listed or eligible at the national or state level of significance, or a higher level of documentation was otherwise required, copies should also be offered to the California State Library and/or the Bancroft Library.

Required Copies

The number of required copies of the documentation depends on the number of repositories stipulated in the HRCR.

- The Caltrans District (or local government for local assistance projects) retains one copy
- The Caltrans Library and History Center in Headquarters (for Caltrans projects) receives one copy
- Local library or historical group receives one copy.
- If a higher level of documentation was required, California State Library and/or the Bancroft Library would be offered one copy.

While the file copy that Caltrans maintains should be archivally safe (to HDP specifications), other copies of the documentation do not need to be produced on archivally safe materials unless the intended repository requests it. To reduce the expense and storage needs of paper copies, check with the repositories to determine whether electronic versions of the documentation are acceptable.

Documentation Processing

Prior approving the draft and final documentation, the documentation must be peer reviewed and approved internally as described below under “Peer Review and Approvals.”

After peer reviewers comments have been addressed and after internal peer review and approval of the final documentation, the DEBC, or CSO Chief at the DEBC’s request, approves the documentation. When DEBC or CSO Chief has approved the final mitigation documentation, Caltrans can transmit final copies to the repositories specified in the HRCR.

PRC 5024 Projects

Under the 5024 MOU, when Caltrans proposes HDP-equivalent documentation as mitigation for a Finding of Adverse Effect for a PRC 5024-only project, the District

sends the proposed mitigation and the finding of adverse effect documentation to CSO. In accordance with Stipulation X.C.1, if the state-owned historical resource not on the Master List of Historical Resources (Master List), CSO reviews and approves the Finding of Adverse Effect and Mitigation. In accordance with X.C.2, if the state-owned historical resource is on the Master List, upon CSO's agreement with the finding, CSO forwards the Finding of Adverse Effect and proposed mitigation to the SHPO for review.

Type and Level of Documentation

For resources that are not on the Master List⁹, CSO, in consultation with the District, decides on the appropriate documentation.

For resources that are on the Master List¹⁰, the SHPO, in consultation with Caltrans, decides on the appropriate HDP documentation. Generally, the documentation would follow the same guidelines as Section 106 undertakings described above for HDP documentation that is not sent to the Library of Congress.

Repositories

Repositories for PRC 5024-only projects would follow the same guidelines as Section 106 undertakings described above.

Required Copies

The number of required copies of the documentation depends on the number of repositories identified through consultation between the District and CSO for resources not on the Master List, or between the SHPO and Caltrans for resources on the Master List. Generally, the number of copies would follow the same guidelines as Section 106 undertakings described above for HDP documentation that is not sent to the Library of Congress.

⁹ The Master List does not include state-owned archaeological sites, tree rows, historic vegetation other non-structural resource that has been determined eligible for the National Register or as a California Historical Landmark, and all state-owned historical resources that Caltrans has considered NRHP/CHL eligible for purposes of the project only. See 5024 MOU Stipulation III.

¹⁰ The Master List includes state-owned buildings, structures, objects, bridges, roadways, built landscape features that have been determined eligible for National Register or as a California Historical Landmark, and all state-owned historical resources that are listed in the National Register or registered as a California Historical Landmark regardless of resource type.

Document processing

State-owned Archaeological and non-structural historical resources not on the Master List

Under the PRC 5024 MOU, for historical resources that are not on the Master List, the District sends the Finding of Adverse Effect and proposed mitigation measures to CSO for review and approval.

The DEBC transmits the finding and supporting documentation to CSO and requests CSO's decision on the type and level of documentation for the affected resources.

State-owned Historical Resources on the Master List

Under the PRC 5024 MOU, for historical resources that are on the Master List, the District sends the Finding of Adverse Effect and proposed mitigation measures to CSO for review. The documentation should contain suggestions for the appropriate type and level of HDP-equivalent documentation.

The DEBC transmits the finding and supporting documentation to CSO and upon CSO's approval of the Finding of Adverse Effect, CSO then consults the SHPO and requests the SHPO's decision on the type and level of documentation for the affected Caltrans-owned affected resources.

The HRCR and request to CSO and SHPO should include:

- Project name, county, route and postmiles
- Location of the historic property
- Brief description of the historic property and why it is listed or eligible
- Description of the project effects to the historic property

Suggested type and level of documentation

The SHPO staff will respond either concurring with Caltrans or recommending a different type and level of documentation. Qualified Caltrans staff or consultants, as outlined in Professionally Qualified Staff, below, complete the agreed-upon documentation. Prior to sending draft and final documentation to CSO or SHPO, the work must be peer reviewed and approved internally as described below under "Peer Review and Approvals."

After internal peer review and approval of the draft documentation, the DEBC, or PRC 5024 Branch Chief at the DEBC's request, submits the draft reports to the CSO or SHPO for review and comment, depending on whether the resource is or is not on the Master List.

After CSO's or SHPO's comments have been addressed and after internal peer review and approval of the final documentation, the District submits the final report to CSO for resources on the Master List, or to SHPO for resources on the Master List, with the number of copies of reports, photos, indices and negatives specified by CSO or SHPO. The final report may include an archivally safe copy of the report that stipulation was made. When CSO or SHPO has approved the final mitigation documentation, Caltrans can transmit final copies to the repositories specified in the mitigation documentation.

In rare circumstances, the SHPO may determine that mitigation documentation for a state-only project under the 5024 MOU should go to the Library of Congress, such as when the affected property is unique or under-represented in the Library of Congress collections. If so, the documentation is considered a donation and the NPS Pacific West Region office does not review it. Rather, at the SHPO's direction, Caltrans would work directly with the NPS HABS/HAER/HALS staff in Washington, DC.

For additional information or assistance, contact the PRC 5024 Branch Chief in Headquarters CSO.

Professionally Qualified Staff

Appropriately qualified Caltrans staff or consultants prepare, peer review or review for approval HDP or HDP-equivalent documentation as outlined below:

Photography: For HDP photographs, Caltrans photographers or consultants with experience or familiarity with these standards and guidelines conduct the large-format photography.

Document Preparation: In accordance with Appendix 1 of the 106 PA and the 5024 MOU, documentation for built environment historic properties must be prepared by Caltrans Professionally Qualified Staff (PQS) certified at the Principal Architectural

Historian level or Architectural Historian level under the supervision of a Principal Architectural Historian, or qualified consultants who meet these qualifications. Documentation for archaeological historic properties is prepared by Caltrans PQS certified at the Principal Investigator level or Lead Surveyor or Co-Principal Investigator level under the supervision of a Principal Investigator, or qualified consultants who meet these qualifications. For historic properties with both built environment and archaeological components, an interdisciplinary team of appropriately qualified staff or consultants under the supervision of a Principal Architectural Historian and/or Principal Investigator prepares the documentation.

Peer Review and Approvals

Chapter 2 Section 2.12 further discusses Caltrans internal review guidelines and the process for resolving any disagreements or differences of opinion. Peer reviewers should follow the guidelines in Exhibit 2.16: Peer Review Guidelines. Peer reviewers' names should be kept on record and comments retained in the project files. Exhibit 2.14 Table C contains additional guidance on reviews for approvals.

Peer Reviews

In accordance with Appendix 1 of the 106 PA and the 5024 MOU, Caltrans PQS certified at the Principal Architectural Historian or Principal Investigator level peer review the documentation, depending on whether the affected properties are built environment or archaeological resources are the subject of the documentation.

Peer review of draft documentation, which is advisory, is considered to be part of the report preparation process. This is separate from PQS approval of completed documents prior to submittal, as required under the 106 PA and the 5024 MOU.

Draft HDP reports, or other similar documentation, must be peer reviewed by a Principal Architectural Historian or Principal Investigator, as appropriate. Peer reviews are conducted to ensure that the documentation follows what is stipulated in the MOA, or directed by NPS, SHPO, or CSO.

Approvals

Caltrans PQS certified at the Principal Architectural Historian or Principal Investigator level, as appropriate, review the documentation for DEBC approval.

Following peer review and any necessary revisions based on comments received, the preparer submits the final draft for approval.

For historical archaeological resources, Caltrans PQS certified at the Principal Investigator level for historical archaeological resource must peer review the draft HRER. For built environment resources, Caltrans PQS certified at the Principal Architectural Historian must peer review the draft HRER. Only Caltrans PQS certified at the Principal Investigator Historical Archaeology or Principal Architectural Historian level may review final documents for approval by the DEBC. The Caltrans PQS or consultant who prepares the documentation signs, dates and notes discipline, PQS level (as applicable) and District/Headquarters or affiliation. The Caltrans PQS reviewing the HRER for approval likewise signs, dates, and notes PQS discipline, level and District. Finally, the DEBC approves the HRER by signing and dating the document.

Confidential Documents

As a result of heightened security measures, as-built plans for many bridges, tunnels and highway structures are confidential documents and must be treated as such.

Consult with the Division of Engineering Services to determine whether the as-builts or other information (e.g. sensitive photographic views, bridge reports, etc.) has been classified as confidential before recommending that copies of historical or current information be included in any mitigation documentation.

If the information has been classified as confidential and an existing MOA or NPS previously stipulated that as-builts would be included in the mitigation documentation, the transmittal letter to NPS and/or SHPO should state that due to heightened security measures this information remains classified as confidential and Caltrans cannot include it in the mitigation documentation.

Copyright

Caltrans has automatic copyright of the materials it creates. Typically, the Caltrans copyright is placed on the front of the report (or in a conspicuous location). If it is anticipated that photographs, maps or other graphics may be reproduced separately from the mitigation or other documentation, they also will need the copyright

signifying the date(s) they were created. It is possible that a document containing reproducible graphics might have two (or more) copyright dates.

Transfer/Release of Copyright: U.S. Department of the Interior

For mitigation documentation prepared for the Library of Congress, the NPS will request a transfer/release of copyright for documentation and will provide a Copyright Release Form for Caltrans and/or other holders of copyrighted material to sign.

For Caltrans materials, the Caltrans Director ultimately has responsibility for signing contracts, and other legally binding commitments, such as releases of copyright, but can delegate that authority. The Director picks personnel to whom this authority is delegated by sending them a “rights of delegation” form. Depending on the District, division and office, it could be the District Director, plus a division chief, an office chief, or someone at a lower management level. Whoever holds the “rights of delegation” form from the Director, at the appropriate district level, is authorized to sign the Copyright Release Form.

Once Caltrans transfers, assigns and releases its copyright ownership to the U.S. Department of Interior through the NPS, it essentially gives up that right. Therefore, copies of the HDP mitigation documentation that go to other agencies or repositories need to include a statement in the document to that effect:

The California Department of Transportation has transferred,
and assigned the copyright of this document *[or photograph,
graphic, etc.]* to the United States Department of the Interior.

If the HDP documentation contains copyrighted materials from other sources, Caltrans is responsible for obtaining those releases of copyrights as well.

Caltrans Copyright Retention

For all other documentation that is not sent to the Library of Congress, Caltrans retains its copyright of the materials it creates. The date the material was created, or the photograph was taken, is the date of the copyright. The copyright is included on the front of the document or directly below a photograph. For example:

Copyright © 2024 California Department of Transportation. All rights reserved.

A document with reproducible graphics may have two (or more) copyright dates: one for the publication and others for the date(s) the photos or other graphics were created. For example a HABS report might have a copyright date of 2024, but photos contained therein that might be reproduced separately could have copyright dates of 1935, 2003, and 2010.

Sample NPS consultation letter – National Significance

FICTIONAL FEDERAL UNDERTAKING

[date]

15-Tar-118

P.M. 15.3/18.7 E-FIS. 1500000000-0

Elaine Jackson-Retondo, Ph.D.
Division of National Register Programs
National Park Service
Pacific West Regional Office
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

Dear Dr. Jackson-Retondo:

Pursuant to an executed Memorandum of Agreement (MOA) for the State Route 118 Realignment project (copy attached), the California State Historic Preservation Officer has determined that mitigation documentation for the Spin & Marty Ranch needs to be included in the Library of Congress collections. The Department of Transportation (Caltrans), as assigned by FHWA, is requesting that your office specify the appropriate type and level of HABS documentation for this historic property for submittal to the Library of Congress.

On October 31, 1982, the Keeper of the National Register of Historic Places determined that the Spin & Marty Ranch is eligible for inclusion in the National Register at the national level of significance under Criteria A and C, because of the significant role it played in the development and expansion of the American entertainment industry, and as a rare survivor of early 20th century motion picture lots. The period of significance is 1910-1957.

The Spin & Marty Ranch is a five-acre property in an unincorporated section of Tara County consisting of the ranch house and associated acreage, including twelve other contributing structures, three non-contributing structures, a contributing reservoir, and a contributing tree-lined entry drive. In the early 1900s, the ACME Moving Pictures Company acquired 500 acres within the county's Tarzan Valley that included a 1890s ranch house. The other contributing movie-set structures were erected shortly after 1900. During its period of significance, the Spin & Marty Ranch was used for hundreds motion pictures and television series, particularly westerns, and was the first "on location" film location in the nation. Over the years it pioneered the use of pyrotechnics on large sets, including the Burning of Atlanta scene from "They Marched with Honor."

The proposed project will have an adverse effect on the historic property because it will require the removal of three contributing elements: the tree-lined drive, a c.1920s "Old West" saloon and relocation of the stagecoach rest to another site on the parcel.

Should you have any questions or comments, please call Bob Smith at (916) 555-7674, or provide them in writing to this office. Thank you for your time and attention.

Sincerely,

IMA BOUTORETIRE, Chief
District 15 Environmental Planning Branch Z

Sample NPS consultation letter – State Significance

FICTIONAL FEDERAL UNDERTAKING

[date]
15-TAR-23
P.M. 0.0/7.9, E-FIS. 1500000000-0

Elaine Jackson-Retondo, Ph.D.
Division of National Register Programs
National Park Service
Pacific West Regional Office
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

Dear Dr. Jackson-Retondo:

Pursuant to an executed Memorandum of Agreement for the State Route 23 Widening project (copy attached), the California State Historic Preservation Officer has determined that mitigation documentation for the Babylon Circus Winter Campground needs to be included in the Library of Congress collections. The Department of Transportation (Caltrans), as assigned by FHWA, is requesting your office to specify the appropriate type and level of HABS documentation for this historic property.

The Babylon Circus Winter Compound was determined eligible through consensus determination on April 1, 2011 at the state level of significance under Criterion A, for its association with Southern California's entertainment industry, and for its association with both the state's motion picture and television industry and the Tara County Community College District's exotic animal training curriculum. The period of significance is 1935-1955.

The Babylon Circus Compound is a 25-acre property in the City of Fifty Oaks that consists of six bungalows (living quarters for circus performers), three barns (animal living quarters), two training buildings, three training rings, twelve exotic animal cages, 1.5 acres of fenced pasture, a pool, a main social hall/visitor center, and an oval entertainment arena with bleachers.

In 1932, the Babylon Circus acquired property within Tara County's Wuthering Heights Valley. The compound was constructed between 1935 and 1950. During its period of significance, the compound was used as living quarters for circus personnel, livestock, and exotic animals when they were on hiatus from their Spring through Fall traveling season. While on hiatus, the circus developed new acts and previewed them in the entertainment arena. Eventually, the training program evolved into the state's first wild and exotic animal training compound for the motion picture and television industry.

The proposed project will result in an adverse effect to this historic property because it will require the destruction of five acres of pasture, removal of two bungalows (both of which are owned by Caltrans) and a realigned entryway, which is in the Caltrans-right-of-way.

Should you have any questions or comments, please call Bob Smith at (916) 555-7674, or provide them in writing to this office. Thank you for your time and attention.

Sincerely,

IMA BOUTORETIRE, Chief
District 15 Environmental Planning Branch Z

Sample SHPO Documentation Determination Letter – State Significance

*FICTIONAL FEDERAL UNDERTAKING: STATE-OWNED HISTORIC PROPERTY
– DOCUMENTATION TO LIBRARY OF CONGRESS*

[date]
15-Mar-23
P.M. 0.0/7.9
E-FIS. 0700000000-0

Ms. Julianne Polanco
State Historic Preservation Officer
Department of Parks & Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

Dear Ms. Polanco:

The California Department of Transportation (Caltrans) **is continuing consultation** with the State Historic Preservation Officer (SHPO) regarding the State Route 723 Tara Expressway Widening Project in Tara County. This consultation is undertaken in accordance with January 1, 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* (Section 106 PA). Caltrans is **concurrently complying with PRC 5024** pursuant to Stipulation III of the *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 requesting that you accept the enclosed Finding of Adverse Effect (FAE) documentation and Memorandum of Agreement (MOA) stipulations as mitigation documentation for the portion of the historic property that is state-owned. Pursuant to a Finding of Adverse Effect and in accordance with the National Park Service-Pacific West Region HABS/HAER/HALS Program Overview and Standard Operating Procedures of June 4, 2007, Caltrans, as assigned by the Federal Highway Administration, is requesting your written determination whether mitigation documentation for the Babylon Circus Winter Compound will be submitted to the Library of Congress.

The Babylon Circus Winter Compound was determined eligible through consensus determination on April 1, 2011 at the state level of significance under Criterion A, for its association with Southern California's entertainment industry, and for its association with both the state's motion picture and television industry and the Tara County Community College District's exotic animal training curriculum. The period of significance is 1935-1955.

The Babylon Circus Compound is a 25-acre property in the City of Fifty Oaks that consists of six bungalows (living quarters for circus performers), three barns (animal living quarters), two training buildings, three training rings, twelve exotic animal cages, 1.5 acres of fenced pasture, a pool, a main social hall/visitor center, and an oval entertainment arena with bleachers.

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FICTIONAL UNDERTAKING

In 1932, the Babylon Circus acquired property within Tara County's Wuthering Heights Valley. The compound was constructed between 1935 and 1950. During its period of significance, the compound was used as living quarters for circus personnel, livestock, and exotic animals when they were on hiatus from their Spring through Fall traveling season. While on hiatus, the circus developed new acts and previewed them in the entertainment arena. Eventually, the training program evolved into the state's first wild and exotic animal training compound for the motion picture and television industry.

The proposed project will result in an adverse effect to this historic property because it will require the destruction of five acres of pasture, removal of two bungalows (both of which are owned by Caltrans) and a realigned entryway, which is in the Caltrans-right-of-way. Should SHPO determine that the mitigation documentation should be submitted to the Library of Congress, Caltrans will add a stipulation to the Memorandum of Agreement (MOA) requiring that Caltrans, as assigned by FHWA will request the National Park Service to determine the type and level of mitigation documentation, and a copy of your determination letter will be attached to the NPS request letter. Should SHPO determine that it is not necessary to submit the documentation to the Library of Congress, Caltrans will continue consulting with SHPO on the appropriate level and type of documentation to include in the MOA.

Should you have any questions or comments, please call Bob Smith at (916) 555-7674, or provide them in writing to this office. Thank you for your time and attention.

Sincerely,

IMA BOUTORETIRE, Chief
District 15 Environmental Planning Branch Z

STATE HISTORIC PRESERVATION OFFICER (SHPO) DOCUMENTATION DETERMINATION

_____ Submit mitigation documentation for the Babylon Circus Winter Compound to the Library of Congress and request the National Park Service Pacific West Region Office to specify the type and level of documentation.

_____ Do not submit mitigation documentation to the Library of Congress. Continue consultation with SHPO on the type and level of mitigation documentation for the Babylon Circus Winter Compound.

Julianne Polanco – SHPO

Date