

Exhibit 7.6: Heritage Documentation for HABS/ HAER / HALS

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Exhibit 7.6: Heritage Documentation for HABS/ HAER / HALS

The Historic American Building Survey (HABS), Historic American Engineering Record (HAER) and Historic American Landscapes Survey (HALS), together, comprise the Heritage Documentation Programs (HDP), a division of the National Park Service (NPS). For this exhibit, the abbreviation HDP is used to refer collectively to the HABS, HAER and HALS documentation standards. The HDP division has developed standards for documenting historic properties, as required by Section 101(a) of the National Historic Preservation Act of 1966, as amended (NHPA). There are standards for [measured drawings](#), [large-format photographs](#) and [written history](#).

When there is an adverse effect, Section 106 and 110(b) of the NHPA require federal agencies to produce mitigation documentation to HDP standards for historic properties that are listed or determined eligible for inclusion in the National Register of Historic Places (NRHP).

In addition to federal undertakings with adverse effects, Caltrans typically uses HDP documentation standards for federal undertakings with a finding of No Adverse Effect with Standard Conditions by use of the Secretary of the Interior's [Standards for the Treatment of Historic Properties](#) (FNAE-SC-SOIS), and for state-only projects with similar effect findings under Public Resources Code 5024 and under CEQA. Documentation, particularly photo-documentation, may be needed to record: 1) existing conditions as a baseline for a rehabilitation or repair project, 2) consistency of completed work with the SOIS, or 3) the appropriate completion of mitigation measures.

National Park Service and Section 106 Mitigation

Adverse Effects

When stipulated in a Memorandum of Agreement (MOA) for a federal undertaking, that the mitigation documentation will be sent to the Library of Congress to be archived and made available to the public, it triggers NPS involvement.

The 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.

National Park Service Role

The NPS Pacific West Regional Office, to whom agencies in California must submit HDP documentation for Section 106 compliance, has directed that the decision whether to deposit the documentation in the Library of Congress or other repositories is the State Historic Preservation Officer's (SHPO) decision as part of its consultation with the federal agency under Section 106. *NPS cannot make that decision because it has no authority to do so.* Likewise, it is the SHPO's decision to send the documentation to other repositories instead of, or in addition to, the Library of Congress.

Once the MOA includes a stipulation reflecting the SHPO's decision to send documentation to the Library of Congress, Caltrans, as assigned by FHWA under NEPA delegation¹, contacts NPS and NPS decides the *type* of documentation. The NPS will accept, review and process any mitigation HDP documentation for a federal undertaking that the SHPO decides should be sent to the Library of Congress. There are occasions when the SHPO terminates consultation and the Advisory Council on Historic Preservation (ACHP) steps in during the resolution of adverse effect and MOA process. When this happens, the ACHP makes the decision instead of the SHPO.

The type of documentation needed is the SHPO's decision when the SHPO decides that the documentation will *not* be sent to the Library of Congress. The NPS is not involved in specifying the type of documentation or reviewing it if the documentation for a federal undertaking is *not* destined for the Library of Congress.

The NPS only reviews mitigation documentation for federal undertakings; it does not review mitigation documentation for state-only projects. If the project is not a federal undertaking, refer to the guidance in the [State-Only Projects](#) section of this exhibit.

HDP Documentation Hierarchy

In 1997 the NPS and the Advisory Council on Historic Preservation (ACHP) provided guidance to FHWA that addresses the hierarchy of documentation to be submitted to the Library of Congress². Highest on the list are National Historic

¹ As of July 2007, Caltrans has assumed all FHWA responsibilities for compliance under the National Environmental Policy Act (NEPA). This includes FHWA's Section 106 responsibilities. For more information on NEPA delegation, please refer to [Chapter 38](#) of the Caltrans Standard Environmental Reference (SER).

² This information was incorporated into the "Overview and Standard Operating Procedures National Park Service-Pacific West Region HABS/HAER/HALS Program, June 4, 2007."

Landmarks (NHL) and properties that are individually listed or eligible for inclusion in the NRHP at the *national* level of significance.

Section 106 Documentation that NPS will review

NHLs and Nationally Significant Historic Properties

The NPS Pacific West Regional Office specifies the type of mitigation documentation, once the SHPO makes this decision and the MOA has stipulated that mitigation will include documentation. NPS-specified mitigation documentation may include written and descriptive data, archival photographs and measured drawings. The documentation then is completed to the appropriate HDP standards. When the NPS Pacific West Regional Office has approved the completed documentation NPS staff will forward the documentation to NPS in Washington, DC for final review and submittal to the Library of Congress.

State and Locally Significant Historic Properties

When the SHPO decides that documentation will go to the Library of Congress for historic properties listed or eligible at the state and local levels of significance (refer to the following list), those properties will be documented to HDP standards, as specified by the NPS Pacific West Regional Office. When NPS has approved the completed documentation it will transmit the documentation to NPS in Washington, DC, as described above.

Section 106 Documentation that NPS does not review

The 1997 joint NPS and ACHP guidance, states that NPS does not review or specify types of documentation for certain kinds of state or locally significant NRHP listed or eligible properties, and the documentation is not submitted to the Library of Congress, unless the SHPO decides differently. Instead, the SHPO determines the appropriate type of mitigation documentation and specifies the repositories to which the documentation should be submitted. These property types are:

- 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

SHPO Role

The SHPO may determine that any one of the above-listed types of historic properties will be documented to HDP standards and submitted to the Library of Congress. However, this is done on a case-by-case basis. If the SHPO determines that mitigation documentation will not be sent to the Library of Congress, the SHPO – typically after consultation with Caltrans – will specify the type of HDP documentation or an alternative form of documentation for the above-listed historic property types.

In order to add the appropriate HDP documentation stipulation into the draft MOA, Caltrans first needs to get the SHPO's decision on whether HDP documentation should be sent to the Library of Congress. Normally, the SHPO consults with the NPS Pacific West Regional Office and notifies Caltrans of the outcome of the consultation. However, to streamline the process for obtaining the SHPO's decision, it is advisable that the Caltrans District Environmental Branch Chief (EBC) include a request for this decision in the transmittal letter to the SHPO that accompanies the Finding of Adverse Effect; the request should outline the following:

- 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 on the "Documentation NPS Does not Review" list
- 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

The MOA then should reflect the SHPO's decision in the mitigation documentation stipulation.

Federal Level of Documentation

In federal undertakings, when the project's findings or mitigation measures stipulate documentation to any of the HDP standards the following levels of documentation typically are used. *These levels 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

Currently the NPS does not accept digital photographs as formal mitigation documentation. However, digital photography may be used *informally* on field records, for the purpose of producing documentation and may accept an archivally stable CD or DVD disc in addition to archivally stable prints and negatives.

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)
- Archivally 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 recent – within the past five years – or is complete, the existing documentation *may* be sufficient documentation. The SHPO will determine whether this is sufficient, depending on the historic property’s level of significance.

Photo-documentation and Project Timing

At a minimum, photo-documentation of the affected historic property must be complete prior to the implementation of the project. If NPS has determined the level of documentation, NPS must review and approve the draft documentation prior to implementation of the project. Likewise, if the SHPO has stipulated the level of documentation, at a minimum, the SHPO should have reviewed and commented on

the photo-documentation prior to implementation of the project. Ideally, the project MOA has included these conditions in the mitigation documentation stipulations.

Repositories

When the MOA stipulates documentation as a mitigation measure, it also identifies repositories for the documentation. At a minimum, repositories should include the District files and the Caltrans Library and History Center in Headquarters (for Caltrans projects). Repositories also will include the Library of Congress for NHLs, historic properties significant at the national level of significance, or if directed by the SHPO for historic properties significant at state or local levels of significance. Other repositories should include the California State Library, the Bancroft Library at the University of California, Berkeley or the Library at the University of California, Los Angeles (UCLA), and a local library or historical society (for Caltrans or local assistance projects). *However, first check with these institutions to see whether they are willing to accept such documentation prior to including them in the mitigation measure for documentation.*

Required Copies

The required number of copies of the documentation depends on the number of repositories stipulated in the MOA:

- If NPS specifies the type of mitigation documentation and the Library of Congress is specified as a repository, the number can be as few as six copies for a local agency project (local agency, local library or historical group, the SHPO, and three copies for NPS) and seven for a Caltrans project (district, Caltrans Library and History Center in Headquarters, local library or historical group, the SHPO, and three copies for NPS).
- If the SHPO specifies the level of documentation and the Library of Congress is *not* specified as a repository, the number can be as few as three copies for a local agency project (local agency, local library or historical group, and the SHPO) and four for a Caltrans project (district, Caltrans Library in Headquarters, local library or historical group, and the SHPO).
- If the historic property is significant at the national or state level of significance or a higher level of documentation is needed, additional copies may be needed for the California State Library and/or the Bancroft Library or the Library at UCLA, if these institutions are willing to accept the documentation.

The copy sent to the Library of Congress must be archivally safe (to 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

As described above for NHLs, nationally significant historic properties, or other historic properties for which the SHPO has determined the mitigation documentation will go to the Library of Congress, Caltrans uses the following procedure.

The Caltrans District EBC sends a letter to the NPS Pacific West Regional Office requesting the NPS to specify the type of documentation. Upon the EBC's request, the Chief of the Built Environment Preservation Services (BEPS) Branch in the Cultural Studies Office (CSO) in Headquarters can coordinate the documentation requests. The request 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
- 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 [Appropriately Qualified Staff](#), below, complete the NPS-specified documentation. Prior to sending draft and final documentation to NPS, the work must be peer reviewed and approved within Caltrans as described below under "[Peer Review and Approvals](#)."

After internal peer review and approval of the draft documentation, the EBC, or BEPS Chief at the EBC's request, submits the draft reports to NPS for review and comment. When NPS returns the draft and comments to Caltrans, NPS staff also 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 and after internal peer review and approval of the final documentation, the EBC, or BEPS Chief at the EBC's request,

submits the final report to the NPS Pacific West Regional Office, or other NPS office as instructed by the Pacific West Regional Office.

Although it may vary occasionally, the final submittal sent to NPS shall 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
- 3) State Historic Preservation Officer (1 copy; do not send this directly to the SHPO)
 - Archival photocopies of
 - Cover card(s)
 - Photo-index(es)
 - Report(s)
 - Large-format photographs, unmounted (may be placed together in large archival sleeve)

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.

From time to time the final submission needs to be redone because of missing information, a wrong HABS, HAER or HALS number, or some other issue. When this occurs, NPS sends everything back to Caltrans for correction so that all copies of the documentation are the same. After NPS has approved the final mitigation documentation, Caltrans can transmit final copies to the repositories specified in the MOA.

Document Processing: SHPO specifies type of documentation

For federal undertakings, to streamline the process for obtaining the SHPO's decision, it is advisable that the District EBC include in the transmittal letter to the SHPO for the Finding of Adverse Effect a request that the SHPO specify the type of documentation when the documentation does not get sent to the Library of Congress. Upon the EBC's request, the BEPS Chief in CSO can coordinate the mitigation documentation requests. The request 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 mitigation documentation

The SHPO staff will respond with the type of documentation required, which will be included in the MOA as a mitigation measure. Qualified Caltrans staff or consultants, as outlined in [Appropriately Qualified Staff](#), below, complete the SHPO-specified documentation. Prior to sending draft and final documentation to the SHPO, the work must be peer reviewed and approved within Caltrans as described below under [“Peer Review and Approvals.”](#)

After internal peer review and approval of the draft mitigation documentation, the EBC, or BEPS Chief at the EBC's request, submits the draft reports to the SHPO for review and comment. The number of copies that the SHPO requires usually is specified in the mitigation measure; if it is not, contact the SHPO to determine this information.

After the SHPO's comments have been addressed and after internal peer review and approval of the final mitigation documentation, the EBC, or BEPS Chief at the EBC's request, submits the final report to the SHPO with the number of copies of reports, photos, indices and negatives that the SHPO has specified. The final report may include an archivally safe copy of the report if the SHPO made this stipulation. When

the SHPO has approved the final mitigation documentation, Caltrans can transmit final copies to the repositories specified in the MOA.

State-only Projects

Level of Documentation

Under CEQA, the lead agency (e.g., Caltrans for its projects and local governments for their projects) determines the type and level of mitigation documentation that would comply with CEQA Guidelines Section 16126.4(b). Project conditions and mitigation measures in state-only projects often will stipulate documentation of historic property/historical resource features prior to any action being taken. For Caltrans, most of the time the documentation will be equivalent to HDP standards.

The type and level of documentation will vary by project and will depend 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. As is the case with federal undertakings, at a minimum the photo-documentation portion of the documentation needs to be completed prior to the implementation of the project. For demolition or complete destruction, this need is obvious, but it also is needed to establish a baseline for the project when there are repairs, alterations, or other impacts to the historical resources. Photo-documentation of the completed project also is needed to document that the project was completed in a manner consistent with the SOIS or that mitigation measures were carried out appropriately.

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

For state-owned historical resources, see “[Documentation Processing Procedures under PRC 5024](#).”

Typically the property types that need documentation would include:

- 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 the National Register in Washington, DC, or a complete NRHP consensus determination of eligibility, California Historical Landmark (CHL) or

California Register of Historical Places is on file in the SHPO 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

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

- HDP level recordation
- Large-format photo-documentation
- Additional research if the existing research is sparse or outdated (e.g. older NRHP nomination forms)
- Copies of original plans
- Vintage photographs

If the documentation (National or California Register nomination or determination of eligibility, DPR 523 inventory forms, etc.) that led to the resource being considered a historical resource under CEQA is recent – within the past five years – or is complete, the existing documentation and current photographs may be sufficient. Lower level documentation may include

- Copies of the eligibility paperwork (National or California Register nomination or determination of eligibility, DPR 523 inventory 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 necessarily required for lower levels of documentation on 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, remember that higher resolution digital files are needed. Refer to the National Park

Service “[National Register Photo Policy Factsheet](#)” Digital Photographs section for specifications on image resolution, appropriate papers and inks.

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, i.e., saved as uncompressed .TIF (Tagged Image File) format files at 8-bit (or larger) color format on CD-R media, and each image needs to be 1600x1200 pixels at 300 ppi (pixels per inch) or larger. Regardless of format, what is essential is 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 in the Mitigation Plan section of the Historical Resources Compliance Report (HRCR), the HRCR also identifies repositories for the documentation. At a minimum, repositories should include the Caltrans Library and History Center in Headquarters (for Caltrans projects), and a local library or historical society. For historical resources at the national or state levels of significance, repositories also should include the California State Library. Check with these institutions to see whether they are willing to accept such documentation prior to including them in the mitigation measure.

Required Copies

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

- If the CSO or SHPO determined the type and level of documentation, as may be required to comply with the Public Resources Code (PRC) 5024 Memorandum of Understanding (5024 MOU³), the number can be as few as four copies for a Caltrans project (district, Caltrans Library and History Center in Headquarters, local library or historical group, and SHPO) or for a local agency project affecting a Caltrans-owned historical resource, five copies (local agency, district, Caltrans Library and History Center in Headquarters, local library or historical group, and SHPO).

³ *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, effective January 1, 2015.*

- If Caltrans PQS determined the type and level of documentation under CEQA only, the number can be as few as three copies for a Caltrans project (district, Caltrans Library and History Center in Headquarters, and local library or historical group).
- If the historical resource is at the national or state level of significance or a higher level of documentation is needed, additional copies would be needed for submittal to the California State Library and/or the Bancroft Library if these institutions are willing to accept the documentation.

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 Procedures under the PRC 5024 MOU

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 of Historical Resources (Master List⁴), the District sends the HRCR containing the mitigation documentation requirements with the notification memorandum to the CSO pursuant to 5024 MOU Stipulation X.B.1, X.B.2.a, and X.C.2.a [PRC 5024(f)].

State-owned Historical Resources on the Master List

Under the PRC 5024 MOU for historical resources that *are* on the Master List⁵, Caltrans is required to consult with SHPO on the effects and *SHPO makes the decision on the appropriate documentation*. The project HRCR should contain suggestions for the appropriate type and level of documentation, and the District sends the HRCR to CSO to review; then CSO sends the HRCR and a transmittal letter to SHPO pursuant to 5024 MOU Stipulations X.B. 2.c, X.C.2.b or X.E (PRC 5024.5).

⁴ 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 NRHP or as a CHL, and all state-owned historical resources that Caltrans has assumed NRHP/CHL eligible for purposes of the project only. See [5024 MOU Stipulation IV.E](#).

⁵The 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, e.g. non-structural archaeological sites, event sites, tree rows, historic natural features.

There may be occasions when the SHPO may determine that 5024 MOU mitigation documentation should go to the Library of Congress – even though the state-only project is not a federal undertaking – because the affected NRHP-listed/eligible or CHL-registered/eligible property is unique or under-represented in the Library of Congress collections. When this happens, 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.

- The EBC sends the HRCR transmittal memorandum to CSO requesting the CSO's concurrence on the findings in the HRCR (e.g., No Adverse Effect, Adverse Effect for state-owned historical resources not on the Master List, and No Adverse Effect with Standard Conditions for state-owned historical resources both on the Master List and not on the Master List), and requesting CSO's decision on the type and level of documentation for the affected resources.
- The EBC sends the HRCR transmittal memorandum to the CSO and upon CSO approval of the Finding of Adverse Effect to state-owned historical resources on the Master List, requesting the SHPO's decision on the type and level of documentation for the affected Caltrans-owned NRHP-listed/eligible or CHL-registered/eligible resources. CSO will forward the HRCR and the transmittal letter to SHPO.
- Upon the EBC's request, the BEPS Chief can coordinate the mitigation documentation requests.
- 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 something different. Qualified Caltrans staff or consultants, as outlined in [Appropriately 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 EBC, or BEPS Chief at the EBC’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. The number of copies required usually is specified in the HRCR; if it is not, contact the CSO or SHPO to determine this information.

After CSO’ or SHPO’s comments have been addressed and after internal peer review and approval of the final documentation, the EBC, or BEPS Chief at the EBC’s request, submits the final report to CSO or SHPO, depending on whether the resource is or is not on the Master List, with the number of copies of reports, photos, indices and negatives that CSO or SHPO has specified. 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 HRCR.

For additional information or assistance, contact the BEPS Chief in Headquarters CSO.

Documentation Processing Procedures under CEQA

For built-environment historical resources, qualified Caltrans PQS who are certified at the Principal Architectural Historian level and have the requisite education and training as described in [Chapter 1](#) Section 1.3.3 will recommend to the EBC the level and type of documentation appropriate to the significance of the resource and the nature of the project’s impacts. The EBC then approves the type and level of documentation. Similarly, for archaeological resources, qualified Caltrans PQS who are certified at the Principal Investigator level will recommend to the EBC the level and type of documentation appropriate to the significance of the resource and the nature of the project’s impacts. The EBC then approves the type and level of documentation.

Alternately, the EBC may request the BEPS Chief in Headquarters CSO to determine what kind of documentation is needed for built-environment resources, and may request CSO the Prehistoric Archeology or Special Technologies Branch Chief or the Historical Archaeology Branch Chief to determine what kind of documentation is needed for prehistoric and historical archeological resources, respectively. If

requesting one of the CSO Branch Chiefs to specify the documentation the EBC should forward a memo to the appropriate 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 Branch Chief will respond within 30 calendar days with the type of documentation that is required. Qualified Caltrans staff or consultants, as outlined in [Appropriately Qualified Staff](#), below, complete the agreed-upon documentation. Prior approving the draft and final documentation, the work 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 EBC, or appropriate CSO Branch Chief at the EBC’s request, approves the documentation. When EBC or CSO Branch Chief has approved the final mitigation documentation, Caltrans can transmit final copies to the repositories specified in the HRCR.

Appropriately Qualified Staff

Appropriately qualified staff or consultants prepare, peer review or review for approval HDP or other 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: As outlined in the Section 106 Programmatic Agreement ([106 PA](#)⁶) Attachment 1, and for state-owned historical resources the PRC 5024 Memorandum of Understanding ([5024 MOU](#)) Attachment 1, Caltrans Professionally Qualified Staff (PQS) certified at the Principal Architectural Historian level, or

⁶ *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.*

Architectural Historian level under the supervision of a Principal Architectural Historian, or qualified consultants who meet these qualifications prepare the documentation for built-environment historic properties. 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 prepare the documentation for archaeological historic properties. 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: Caltrans PQS certified at the Principal Architectural Historian or Principal Investigator level per the 106 PA or 5024 MOU, will peer review the documentation, depending on whether built-environment or archaeological historic properties are the subject of the documentation.

Approval: Caltrans PQS certified at the Principal Architectural Historian or Principal Investigator level, whichever is the appropriate discipline, will review the documentation for EBC approval, as described in [“Peer Review and Approvals.”](#)

Peer Review and Approvals

Peer Reviews

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, which is 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, whichever is appropriate to the historic property or historical resource being documented. Qualified PQS in any district or in CSO can conduct peer reviews. CSO has qualified staff that are available to conduct peer reviews for districts upon receipt by the appropriate CSO Branch Chief of a request from an EBC. (See [Chapter 1](#) Section 1-3.2 for a description of CSO Branch Chiefs’ responsibilities.) CSO will complete such reviews within 15 working days or less of receipt of request. Preferably, the review would be completed in 10 working days or less.

Peer reviews are conducted to ensure that the documentation follows what is stipulated in the MOA, NPS, SHPO, or in the HRCR.

Approvals

Following peer review (whether by district or CSO PQS), and any necessary revisions based on comments received, the report preparer submits the final draft for approval. Final approvals will follow the procedures outlined in this exhibit, depending on whether the documentation was specified for [NPS](#), [SHPO's Section 106](#), [SHPO's PRC 5024](#), or [CEQA's](#) state-only specifications.

[Chapter 2](#), Section 2.5.5, further discusses Caltrans internal review guidelines; the process for resolving any disagreements or differences of opinion is outlined in Chapter 2, Section 2.11.

Confidential Documents

As a result of heightened security measures, as-built plans for many bridges, tunnels and highway structures are confidential documents and need to 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.) for a particular highway structure has been classified as confidential, *before* recommending that copies of historical or current information be included in any mitigation documentation. If it 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 automatic copyright of the materials it creates. The date the material was created, or the photograph was taken, is the date of the copyright. This copyright needs to be on the front of the document (or in a conspicuous location) or directly below a photograph. For example:

Copyright © 2014 California Department of Transportation. All rights reserved.

It is possible a document with reproducible graphics, might have two (or more) copyright dates: one for the publication and others for the date(s) the photos, graphics were created. For instance a HABS report might have a copyright date of 2014, but photos contained therein that might be reproduced separately would have copyright dates of 1935, 2003, and 2005.

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 the Federal Highway Administration, 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 a c. 1915 livery stable, 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 the Federal Highway Administration, 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, 2001 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-Tar-23
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 (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, 2001 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.

Page 2

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

Sample SHPO PRC 5024 Mitigation Documentation Letter

FICTIONAL STATE-ONLY PROJECT – SHPO DETERMINES DOCUMENTATION

[date]

14-SAW-984B1

P.M. 14.0, E-FIS. 1400000000-0

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

Attention Jay Correia

Subject: District 1 Deep Forest Maintenance Station Improvements Project – Public Resources Code 5024.5 Compliance

Dear Ms. Polanco:

Pursuant to your April 1, 2008 determination that the Deep Forest Maintenance Station Improvements Project will have an Finding of Adverse Effect on the historic Deep Forest Maintenance Station Complex, 4798 State Route 984B, Big Trees in Sawyer County, the Department of Transportation (Caltrans) is continuing consultation under Stipulation X.C.2.b 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 (5024 MOU)* and requesting the State Historic Preservation Officer (SHPO) to determine the appropriate type and level of mitigation documentation for the state-owned Deep Forest Maintenance Station Complex, a property that is eligible for inclusion in the National Register of Historic Places and is on the Master List of Historical Resources.

On October 31, 2007, SHPO concurred that the Deep Forest Maintenance Station Complex meets the eligibility criteria for the National Register of Historic Places and included the property in the Master List of Historical Resources. The property is eligible the local level of significance under Criterion A for its association with road building resulting from the "Emergency Relief and Construction Act of 1932" New Deal and CCC construction and under Criterion C, for its Rustic architecture, designed to blend into its forest-like setting. The period of significance is 1937-1945. The four-acre complex on State Route 984B at Postmile 14, consists of the five operations buildings, three residential units, main garage, two wash racks, and fuel tanks, as well as several trailers and miscellaneous storage sheds and dispensers. Of the 5 operations buildings, 4 were constructed between 1937 and 1945 and all the residential units were built between 1937 and 1940. All are contributing structures, with the exception of the trailers, fuel tanks and three of the miscellaneous sheds.

The proposed project will result in an adverse effect to this historic property because it will require the demolition two of the residential units, both wash racks, alterations to the main garage and the construction of three wash racks and a large new garage.

Page 2

FICTIONAL STATE-ONLY PROJECT

Caltrans is suggesting that that the appropriate type of documentation should be digital photographs of the contributing elements to be removed and altered, and digital photographs of the original 1937 to 1945 plans of the complex. These will be prepared in accordance with current National Park Service digital photographic reproduction standards, as outlined in the "National Register of Historic Places and National Historic Landmarks Survey Photo Policy Expansion, March 2005." Photographs will include:

- Contextual views of the overall property depicting it in relation to its setting;
- Views of the various impacted contributing elements depicting their interrelationships;
- Views of structures to be removed or altered, including elevations, obliques, any appropriate exterior architectural details, and
- Any appropriate interior views that would depict significant structural systems, forms, or functions.

Mr. Max Photobrite, Caltrans Senior Photographer, will make photographs under the field direction of Bob Smith, Caltrans Principal Architectural Historian.

In addition, Caltrans suggests that the 2007 evaluation documentation (Historical Resources Report and accompanying DPR 523 Primary Records and Building Structure and Object forms) is sufficient written documentation and provides a complete historical context for the historic complex. This written documentation will accompany the photographs.

In addition to sending the documentation to you and including it in the Caltrans Headquarters Transportation Library and the Caltrans District 14 Office collections, suggested repositories include the Sawyer County Historical Society, the Northwest Information Center and the California State Library.

Should you have any questions or comments, please call Bob Smith at (916) 555-7674, or provide them in writing to this office. In the event we have not heard from you in 30 calendar days, we will assume your concurrence with this proposal. Thank you for your time and attention.

Sincerely,

PHILIP MARLOWE, Chief
District 14 Environmental Planning Branch ZZ