

Exhibit 2.12: Letters and Memos Format and Content Guide

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Exhibit 2.12: Annotated Letters and Memos

Introduction

The purpose of this exhibit is to provide guidance to Caltrans staff who are responsible for drafting correspondence between: the Caltrans Districts (Districts) and the State Historic Preservation Officer (SHPO), the Districts and the Caltrans Headquarters Cultural Studies Office (CSO) within the Division of Environmental Analysis, and between CSO and the SHPO or the Advisory Council on Historic Preservation (ACHP) regarding compliance with Section 106 of the National Historic Preservation Act, as amended, Public Resources Code (PRC) Section 5024, and pursuant to the 2014 Section 106 Programmatic Agreement (106 PA¹) and the 2015 Public Resources Code (PRC) 5024 Memorandum of Understanding (5024 MOU²). This guidance will ensure that correspondence among these entities is consistent and predictable so that readers can conduct their reviews more efficiently. It will also ensure that the correspondence adheres more closely to Caltrans guidelines and accessibility policies regarding correspondence in general.

While the following guidance specifically addresses correspondence between the Caltrans districts, the Cultural Studies Office and the State Historic Preservation for compliance with Section 106 of the National Historic Preservation Act, as amended, and for state-owned cultural resources California Public Resources Code Section 5024, the same letter format should be used for correspondence with consulting or interested parties, other external recipients. For correspondence internal to Caltrans, use the memo format.

¹ First Amended Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act as it Pertains to the Administration of the Federal-Aid High-way Program in California.

² Memorandum of Understanding Between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code 5024 and Governor's Executive Order W-26-92, effective January 1, 2015.

Letter Headings, Addresses, and References.

Use Caltrans letterhead for all correspondence being sent *outside* of Caltrans.

- Using the Caltrans letterhead serves two purposes: first, it formalizes the submittal, making it clear that the letter is the official communication from Caltrans to the State Historic Preservation Officer (SHPO), Advisory Council on Historic Preservation (ACHP) or other external recipients; and second, it allows the reviewer to know at a glance from which agency the letter came.
- Use Times New Roman font, 12 or 13 points as the default “serif” font. If using a sans serif font, it should be Arial or Helvetica font, 11 or 12 points, or 10 points within tables. For paragraph alignment, use left-aligned, ragged-right margins with 6- to 12-point space below the paragraph. Do not add extra hard returns (pressing “enter” twice). This accomplishes two things: 1) it is easier to read ragged-right paragraphs in a minimum of 12 points for serif fonts and 11 points for sans serif fonts, especially for those with vision or reading difficulties; and 2) not using hard returns saves both page space and reduces the size of the electronic document.

Address Letter to the SHPO.

- The SHPO is the individual identified in the regulations and the agreement document—the 106 PA or the 5024 MOU—as the person with whom agencies must consult. It does not matter that staff actually review the majority of the submittals rather than the SHPO.
- Spell out “State Historic Preservation Officer” in the address; do not use the acronym.

Attention Line

Use an "Attention" line to identify the actual reviewer, if known. Put the attention line in the address block to help ensure the letter and supporting documentation is routed more quickly to the correct reviewer. If that reviewer recently left the office or was reassigned, it is still helpful to use the reviewer’s name, as another staff person has probably "inherited" the project, meaning that the submittal would get routed to his or her replacement.

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

SHPO Tracking Number

Use the SHPO tracking number if one has been assigned. SHPO's clerical staff assign this number to the project when they first encounter it. Using this number alerts staff that the office already has a file on this project, greatly increases the chance that the submittal will make it to the right reviewer, and that it will be matched to previous files for the project. If the tracking number is not used, there is a risk that a new file number will be assigned, which will be more confusing for everyone.

SHPO assigns file numbers as shown in the following example:

FHWA140804A

In the above example, the tracking number indicates that the project was the first FHWA submittal checked in on August 4, 2014.

Similarly, a tracking number of CATRA_2015_0107_001 means that this was the first Caltrans PRC 5024 submittal checked in on January 7, 2015.

Subject Line

Use a "Subject" line. This helps SHPO's clerical and review staff identify the submittal more quickly, and in the case of continuing consultation, to match it up with previous files. It is good to establish a name for the project that includes the route and postmiles. Ideally the project name will include a word which will aid in future keyword searches of SHPO's review database. For instance, in the first example shown below, the "Whiterock" part of the title is useful because it would probably be entered into the database and could serve as an aid in future database searches.

Phrases, such as "Widening Project" or "Four-Lane," by themselves are not useful, because the database contains hundreds of files with these words.

Good example: Re: Historic Property Survey Report for FHWA/Caltrans Whiterock
Four-Lane Project, Inyo County, California;
09-INY-395, PM 77.3/91.6 (OHP# FHWA030804A)

Bad example: Re: Route 395 Widening Project

Body of Letter

Opening Paragraph

Be sure to include the following boilerplate paragraph(s) and indicate whether Caltrans is initiating or continuing consultation. Cite the regulatory context, e.g. consulting under the 106 PA, the 5024 MOU or both. In the fictional examples below, the first is a federal undertaking and the second is a federal undertaking with state-owned cultural resources within the project's Area of Potential Effects (APE), and the third is a state-only project with state-owned cultural resources in the Project Area Limits (PAL):

Federal Undertaking: The California Department of Transportation (Caltrans), as assigned by the Federal Highway Administration (FHWA), is continuing consultation with the State Historic Preservation Officer (SHPO) regarding the State Route 75 Interchange Improvement Project in Sawyer County. This consultation is undertaken in accordance with the January 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (hereafter, the 106 PA).

Federal Undertaking with State-owned cultural resources: The California Department of Transportation (Caltrans), as assigned by the Federal Highway Administration (FHWA), is initiating consultation with the State Historic Preservation Officer (SHPO) regarding the State Route 75 Interchange Improvement Project in Sawyer County. This consultation is undertaken in accordance with the January 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (hereafter, the 106 PA). In addition, there are state-owned cultural resources within the Area of Potential Effects for the project so Caltrans is concurrently initiating consultation with SHPO pursuant to Stipulation III of the January 2015 *Memorandum of Understanding between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and Governor's Executive Order W-26-92* (hereafter, 5024 MOU).

State-owned Historical Resources (PRC 5024):

The California Department of Transportation (Caltrans) is initiating consultation with the State Historic Preservation Officer (SHPO) regarding the proposed Caltrans Sawyerville Equipment Yard Excess Parcel Transfer

Project, Sawyer County, California. This consultation is undertaken in accordance with the January 2015 *Memorandum of Understanding between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and Governor's Executive Order W-26-92* (hereafter, the 5024 MOU).

Second Paragraph

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

Example: Enclosed with this letter are the Historic Property Survey Report (HPSR), Archaeological Survey Report (ASR), and the Historical Resources Evaluation Report (HRER). The HPSR summarizes consulting party and public participation; and identification efforts, including Caltrans' determination of the Area of Potential Effects (APE), and identification of historic properties located within the Undertaking's APE. The ASR and XPI contain more detailed information on the archaeological resources within the APE, and the HRER contains evaluations of the built-environment resources within the APE.

Third Paragraph

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

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

Subsequent Paragraphs

Subsequent paragraphs summarize the results of the studies or findings:

- List the resource(s) by type and summarize their eligibility. For eligible properties, include the eligibility criteria, level, and period of significance, and date of listing or determination if previously evaluated.
- Clearly state every item for which Caltrans is requesting SHPO concurrence and identify the relevant federal and/or PRC 5024 stipulation(s) for each item.

Example:

Consultation and identification efforts for the proposed undertaking (summarized on pages 15-18 in the attached HPSR) resulted in the identification of two historic properties within the APE, as follows:

- Public Market Building, Sawyerville; listed on 12/1/1998 on the National Register of Historic Places (NRHP) at the local level of significance under Criterion A for its association with the community's agricultural development, and Criterion C for its Art Moderne architectural style. Its period of significance is 1932-1945.
- Warren Ranch, Sawyerville, determined eligible for inclusion in the NRHP at the local level of significance under Criterion C as a rare surviving example of a German-Russian farmstead. Its period of significance is 1895-1929.

No archaeological sites were identified within the APE.

Pursuant to **Stipulation VIII.C.6 of both the Section 106 PA and the PRC MOU**, Caltrans requests your concurrence with the following eligibility determination and requests that you place the property on the Master List of Historical Resources:

Warren Ranch, Sawyerville, determined eligible **for inclusion in the NRHP at the local level of significance** under Criterion C **as a rare surviving example of a German-Russian farmstead**. Its period of significance is 1895-1929. This is a state-owned property.

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

In accordance with **Stipulation IX.B of both the Section 106 PA and the PRC 5024 MOU**, Caltrans has determined that **there are historic properties within the APE that may be affected by the undertaking**. Consequently, Caltrans will apply the Criteria of Adverse Effect, and, as assigned by FHWA, **will continue consultation** with the SHPO pursuant to Section 106 PA Stipulation X. In addition, Caltrans will continue consultation pursuant to PRC 5024 MOU Stipulation X.

Contact Person

Identify the contact person for the project. It is convention to identify the actual writer of a letter (as opposed to the signatory) in the last paragraph or sentence of a letter. This is the specialist who will actually be able to answer detailed questions about the project, rather than his or her supervisor or the agency official signing the submittal letter.

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

Make sure to include the contact person's phone number, email address, and fax number so that the reviewer can quickly reach him or her if more information is needed. If the mailing address is different than the signatory's, include that information as well. Some people staple a business card to the submittal letter, which provides full contact info and signals to reviewers who they are supposed to contact for more information.

Acknowledge Assistance.

Acknowledge the SHPO's assistance. It is a matter of professional courtesy to thank the people with whom one is communicating (in this case SHPO). Keep it short and simple, unless a reviewer has really gone out of his or her way to help keep the project on schedule.

Signatures, Attachments, and Copies

Signatory, Title, Affiliation and Location

A Senior Environmental Branch Chief or higher-level of management should sign the letter. Again, this is a convention; it does not matter whether he or she actually wrote the letter. It is understood that the actual writer is identified elsewhere in the letter.

Identify title, affiliation, and location of signatory. This can help the reviewer know the utility of contacting the signatory versus other staff identified in the letter.

Enclosures

List appropriate enclosures.

- Use the word “enclosure(s)” for letters that are going outside of Caltrans.
- The submittal should include any and all documentation needed to support the findings as well as the items for which SHPO’s concurrence is being requested. There are no rules here as to the type of enclosures to include. The submittal might include maps, technical studies, photographs, copies of correspondence, a videotape of previous disturbances to a site, copies of telephone logs—whatever is needed to make support the findings, as required by 36 CFR 800.11, 106 PA Stipulation XVIII and 5024 MOU Stipulation XVII.
- Insufficient documentation is the most common cause of delays in the review process. On the other hand, the submittal should not be cluttered with unnecessary attachments that might confuse the reviewer. Also, it is important to remember that SHPO has limited storage space, and discards older materials or sends them

to a storage warehouse where they are extremely difficult to access. This means that the SHPO reviewer may no longer have access to the HPSR, as an example, that was sent to SHPO two years ago during a previous round of consultation on the project.

- As a rule of thumb, if something was sent in more than a year ago, assume it is not accessible to the reviewer, and enclose a new copy with the submittal.

Copies

Copy individuals as appropriate.

- Make sure to study the 106 PA or the 5024 MOU to identify to whom copies need to be provided and list these individuals and organizations.
- The Caltrans CSO Section 106 Branch and Programmatic Agreement Chief (Section 106 Branch Chief) and, when state-owned cultural resources are involved the CSO Built Environment Preservation Services Branch Chief (BEPS Branch Chief) are copied because the people in these positions have been assigned or delegated FHWA and SHPO responsibilities and are acting in those roles, as opposed to other Caltrans staff.
- Caltrans uses “c:” instead of cc for its correspondence.

Blind Copies

- Send blind copies (bc) to in-house staff, such as to your supervisor or the project manager. Others within Caltrans are always sent blind copies and their names are listed on a separate page. The Division of Environmental Analysis Environmental Coordinator should be copied, in addition to the appropriate Headquarters Cultural Studies Office staff (when not acting in an official FHWA or SHPO capacity).
- The “bc” page is not sent to SHPO or to the others listed under “c.”

Memorandum Headings, Addresses, and References.

Use Caltrans Memorandum (memo) format for correspondence internal to Caltrans.

- Using the Caltrans memo format serves two purposes: first, it formalizes the submittal, making it clear that the letter is the official communication from the Caltrans District to the Cultural Studies Office (CSO), in its assignment as lead the lead federal agency under the 106 PA for certain delegated actions, and as the

delegated authority for certain responsibilities under the 5024 MOU. Second, it allows the reviewer to know at a glance from which district the memo came.

- Use Times New Roman font, 12 or 13 points as the default “serif” font. If using a sans serif font, it should be Arial or Helvetica font, 11 or 12 points, or 10 points within tables. For paragraph alignment, use left-aligned, ragged-right margins with 6- to 12-point space below the paragraph. Do not add extra hard returns. This accomplishes two things: 1) it is easier to read ragged-right paragraphs in a minimum of 12 points for serif fonts and 11 points for sans serif fonts, especially for those with vision or reading difficulties; and 2) not using hard returns saves both page space and reduces the size of the electronic document.

Address memo to the CSO Office Chief.

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

Memo is from the Senior Environmental Branch Chief or Higher

Identify the sender’s name (in all capital letters), title, division, district, and mail stop (e.g. M.S 27).

"Attention" Line

Put the attention line in the address block to help ensure the letter and supporting documentation is routed more quickly to the Section 106 Branch Chief for actions under the 106 PA, or to the BEPS Branch Chief for actions under the 5024 MOU. If that reviewer recently left the office or was reassigned, it is still helpful to use that person's name, as another staff person has probably "inherited" the project, meaning that the submittal would get routed to his or her replacement.

Example:

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

Project Identifier

Under “File,” add the Project identifier information. Include the project or activity name, county, route and postmiles, if applicable, and the project EA.

SHPO Tracking Number

Use the SHPO tracking number in the File name, if one has been assigned. However, if the memo only goes to CSO there may not be a SHPO tracking number.

Subject Line

In the Subject line, include the findings for which Caltrans is seeking CSO concurrence

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

Body of Memo

The text in the body of the memo is essentially the same as for the letter format; see [Opening Paragraph](#), [Second Paragraph](#), [Third Paragraph](#), [Subsequent Paragraphs](#), [Contact Person](#) in the letter format above.

Signatures, Attachments, and (Carbon) Copies

Signatory, Title, Affiliation and Location

A Senior Environmental Branch Chief or higher signs or initials the “from box” at the beginning of the memo.

Attachments.

List appropriate attachments and use the word “attachment(s)” for memoranda sent within Caltrans. Additional guidance is contained above under the letter format [Enclosures](#).

Copies and Blind Copies

See [Copies](#) and [Blind Copies](#) in the letter format above for guidance.

Sample Letters and Memos

Attached are fictional project examples of the letter format for use with external agencies, organizations or people outside of Caltrans, such as the SHPO, FHWA, ACHP or interested parties, and memo format examples for use within Caltrans. They examples include:

- Sample 1: Letter to SHPO - Eligible Historic Properties (Federal undertaking with state-owned resources)
- Sample 2: Memo to CSO - Finding of No Adverse Effect with Standard Conditions (Federal undertaking, no state-owned historic properties)
- Sample 3: Letter to SHPO - Finding of Adverse Effect (Federal undertaking with state-owned historic properties)
- Memo Sample 4: Memo to CSO - Finding of No Adverse Effect with Standard Conditions: CLG (State-only activity to transfer state-owned historical resource)
- Sample 5: Letter to SHPO - Finding of Adverse Effect (State-only activity with state-owned historical resources on the Master List of Historical Resources)
- Sample 6: Memo to CSO - Finding of Adverse Effect (State-only activity with state-owned historical resources not on the Master List of Historical Resources)

EXHIBIT 2.12: SAMPLE TRANSMITTAL LETTERS

Sample 1— Letter to SHPO: Eligible Historic Properties (Fictional Example)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN, JR., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 14, ENVIRONMENTAL

2877 SAWYER HEIGHTS DRIVE

SAWYERVILLE, CA 95556

PHONE (555) 555-0555

FAX (555) 555-0555

TTY (555) 555-4555



Serious Drought!
Help save water!

**Use Caltrans
letterhead, not
memo format.**

Date is essential.

January 29, 2015

**Address all
submittals to SHPO.**

Ms. Firstname SHPOLastname
State Historic Preservation Officer
Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001

**Use an "Attention"
line for the Project
Review Unit Chief.**

Attention: Mr./Ms. Reviewer Name

**Subject line helps
identify the project
as a federal
undertaking with a
state-owned
property.**

Subject: Determination of Eligibility for the proposed State Route 75 Interchange Project,
Sawyer County, California, 14-SAW-75, PM 8.3/9.4 EA 1000000068, pursuant to 36
CFR 800 and California Public Resources Code 5024

Dear Ms. SHPOLastname:

**Paragraph 1:
State whether
consultation is initial
or continuing and,
refer to the regulatory
context of
consultation (i.e., the
Section 106 PA and
PRC 5024 MOU).
NEPA assignment
language is not
required because the
2014 PA covers it.**

The California Department of Transportation (Caltrans) **is initiating consultation** with the State Historic Preservation Officer (SHPO) regarding the State Route 75 Interchange Project in Sawyer County. This consultation is undertaken in accordance with the 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, per that stipulation **requests that you use the Section 106 documentation in your review.**

**Paragraph 2:
Identify submitted
materials and explain
their purpose.**

Enclosed please find the **Historic Property Survey Report (HPSR)**, which **summarizes identification and evaluation efforts** for the project. Under the Section 106 PA, Caltrans is responsible for ensuring the adequacy of the APE (Stipulation VIII.A) and identification efforts (Stipulation VIII.B). Attached to the HPSR are the **Archaeological Survey Report (ASR)** and the **Historical Resources Evaluation Report (HRER)**, **which more fully describe the cultural resources within the APE.**

Caltrans is proposing to **replace the current signalized intersection of SR 75 and Sawyer Road by constructing a grade-separated partial cloverleaf interchange. This interchange project will consist of a bridge structure over SR 75 and associated ramps.**

The complete project description is on **pages 1 and 2 of the HPSR**. The APE consists of current right of way and is located in **Attachment 3 of the HPSR**.

Paragraph 3:
Summarize the scope and scale of the project.

Identify where reviewer can find more detail.

Subsequent paragraphs summarize the results of the studies:
List the resources by type and summarize the eligibility of the resources.

For eligible properties, include the eligibility criteria, level, and period of significance, and date of listing or determination if previously evaluated.

Identify relevant stipulation for each item for which SHPO concurrence and comments are being requested.

In this letter, Caltrans is requesting National Register eligibility concurrence for just one property, both for the federal undertaking and because one of the hypothetical properties is state-owned.

Consultation and identification efforts for the proposed undertaking (summarized on **pages 15-18 of the enclosed HPSR**) resulted in the identification of the following two historic properties within the APE:

- Public Market Building, Sawyerville; **listed on 12/1/1998 on the National Register of Historic Places (NRHP) under Criteria A and C at the local level of significance; period of significance 1932-1945.**
- Warren Ranch, Sawyerville, **determined eligible under Criterion C at the local level of significance. Its period of significance is 1895-1929.**

The entire Sawyerville Rapid Transit system was not evaluated because it does not differ substantially from other existing train systems, and does not have unique engineering design when compared to the Indiana Tunnel.

No archaeological sites were identified within the APE.

Pursuant to **Section 106 PA Stipulation VIII.C.6 and PRC 5024 MOU Stipulation VIII.C.6, Caltrans requests your concurrence with the following eligibility determination and requests that you add the property on the Master List of Historical Resources:**

Warren Ranch, Sawyerville, is **eligible for the NRHP under Criterion C, at the local level of significance. Its period of significance is 1895-1929.** This is a state-owned property.

Identify length of review period

Clearly state every item for which you are requesting concurrence.

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

Under NEPA assignment, the documentation goes CSO.

If applicable, state what other consultation might be required.

Caltrans has determined that there are historic properties and state-owned historical resources within the APE that may be affected by the undertaking, in accordance with **Stipulation IX.B of both the Section 106 PA and the 5024 MOU**. Consequently, **Caltrans will apply the Criteria of Adverse Effect, and will continue consultation with the SHPO** pursuant to **Stipulation X of both the Section 106 PA and the 5024 MOU**.

Identify lead staff person for the project, and provide full contact info.

If you need any additional information, please do not hesitate to contact Caltrans District 14 Archaeologist **Mr. Radcliffe Emerson (phone: 555-555-5555; fax: 555-555-5550; e-mail: Radcliffe.Emerson@dot.ca.gov)**. Thank you for your assistance with this undertaking.

Sincerely,

Signed by person of appropriate status, including title and location.

JACK DRAKE, Chief
East Region Environmental Management, Branch S5

List all submitted materials.

Enclosures: State Route 75 Interchange Project, Sawyer County Historic Property Survey Report, Archaeological Survey Report (ASR), Historical Resources Evaluation Report

Copy other organizations as appropriate.

c: Appropriate Branchchiefname – Office of Historic Preservation
Appropriate Reviewername – Office of Historic Preservation
106Branch Chiefname – Caltrans Division of Environmental Analysis
(in this case CSO is the federal agency)
BEPSbranch Chiefname – Caltrans Division of Environmental Analysis
(when state-owned resources are involved, per the PRC 5024 MOU)
Any Consulting Parties

-----**Insert page break here**-----

Blind Copy other Caltrans staff as appropriate.

bc: Mary M. Albright – D14 HRC
Radcliffe Emerson – D14
Amelia Peabody – Env. Coordinator
Env. Files – SR 75

Although depicted here to illustrate potential recipients, such as other Caltrans staff, blind copy lines always go on separate page.

Do not send the "bc" page to the main addressee(s) or to external parties.

EXHIBIT 2.12: SAMPLE TRANSMITTAL LETTERS

Sample 2 — Memo to CSO: Finding of No Adverse Effect with Standard Conditions (Fictional Example)

Use Caltrans Memorandum, not letterhead.

State of California

California State Transportation Agency

M e m o r a n d u m

*Serious drought
Help Save Water!*

Address memo to Cultural Studies Office Chief, who is legally responsible for approval of FNAE-SE.

To: FIRSTNAME LASTNAME
Chief
Cultural Studies Office
Division of Environmental Analysis
Attention: Branchchief Name

Date: July 31, 2015
File: 2400001256
EA: 14A800
14-SAW-78
PM 20.15 - 20.17

Attention line is to the Section 106 Branch Chief.

Initialed by District Environmental Branch Chief or higher, including title and location.

From: JACK DRAKE
Chief
East Region Environmental Management, Branch S5

Subject: **FINDING OF NO ADVERSE EFFECT WITH STANDARD CONDITIONS - ENVIRONMENTALLY SENSITIVE AREA FOR THE GARGOYLE BRIDGE (BRIDGE #99-0099) REPLACEMENT PROJECT, SAWYER COUNTY, CALIFORNIA.**

Paragraph 1: State whether consultation is initial or continuing and, refer to the regulatory context of consultation (i.e., the Section 106 PA and PRC 5024 MOU).

The California Department of Transportation (Caltrans) **is continuing consultation** with you regarding the State Route 78 Gargoyle Bridge (Br # 99-0099) Replacement Project in Sawyer County. This consultation is undertaken in accordance with the 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)*.

Paragraph 2: Identify submitted materials and explain their purpose.

Enclosed please find the **Supplemental Historic Property Survey Report** (Supp. HPSR), which **summarizes the additional identification and evaluation efforts** for the project. Under the Section 106 PA, Caltrans is responsible for ensuring the adequacy of the APE (Stipulation VIII.A) and identification efforts (Stipulation VIII.B). Attached to the HPSR are the **Archaeological Survey Report** (ASR) and the **Historical Resources Evaluation Report** (HRER), which more fully describe the cultural resources within the APE, and the **Environmentally Sensitive Area Action Plan (ESA Action Plan)** that describes the conditions that will be placed on the project to avoid adverse effects to historic properties within the APE.

Paragraph 3: Summarize the scope and scale of the project.

Caltrans is proposing to **replace the concrete non-historic Gargoyle Bridge on State Route 78 because it is structurally deficient, with significant corrosion of the rebar within the concrete. Caltrans needs a temporary construction easement on an adjacent parcel that contains the entry gate and pillars for ca.1960 Mid-20th Century Modern medical office**

Identify where reviewer can find more detail.

campus. The complete project description is on **pages 1 and 2 of the HPSR**. The APE consists of current right of way and the temporary easement on the adjacent parcel, the description for which is located in **Attachment 3 of the HPSR**.

Subsequent paragraphs summarize the results of the studies: List the resources by type and summarize the eligibility of the resources.

Consultation and identification efforts for the proposed undertaking (summarized on **pages 15-18 of the enclosed HPSR**) resulted in the identification of the following two properties within the APE that Caltrans is assuming are eligible for inclusion in the National Register of Historic Places (NRHP) for purposes of this project only, which was approved by your office on March 11, 2015 pursuant to the 106 PA Stipulations VIII.C.3 and 4:

For listed, eligible and assumed eligible properties, include the eligibility criteria, level, and period of significance, and date of listing or determination and whether the properties previously were evaluated.

- Medical Office Campus, 1150 SR 78, Sawyerville; **assumed eligible for inclusion in the NRHP under Criterion C for its Mid-20th Century Modern architecture** at the **local level** of significance; **period of significance ca.1960**. Contributing elements within the APE **include the concrete and steel entry pillars, the sculptural steel gate and the low wall of shrubbery that defines the edge of the property.**
- CA-XX-XXXX, Sawyerville, **assumed eligible for inclusion in the NRHP under Criterion D** at the **local level** of significance. Its **period of significance is 1895-1929**.

Identify relevant stipulation for each item for which CSO approval and/or comments are being requested.

Pursuant to **Section 106 PA Stipulation X.B.1.a, Caltrans District 14 requests your approval of the Finding of No Adverse Effect with Standard Conditions: Environmentally Sensitive Area (FNAE-SC: ESA)** for the Gargoyle Bridge Replacement Project. The enclosed **Supplemental HPSR** provides supporting documentation for this finding and includes the Environmentally Sensitive Area (ESA) Action Plan. The **ESA Action Plan** provides information on implementing the conditions and protocols in order to protect the Medical Office Campus and CA-XX-XXXX from adverse effects.

In this memo, the Caltrans District is requesting approval of the finding of effect for two properties that are assumed to be eligible for the NRHP for this project only.

Cite the review time frame and relevant stipulation.

District 14 **requests that you review the FNAE-SC: ESA and ESA Action Plan within 15 days of your receipt** of this submittal, in accordance with 106 PA **Stipulation X.B.1**.

Identify lead staff person for the project, and provide full contact info.

If you need any additional information, please do not hesitate to contact Caltrans District 14 Archaeologist **Radcliffe Emerson (phone: 555-555-5555; fax: 555-555-5550; e-mail: Radcliffe.Emerson@dot.ca.gov)**. Thank you for your assistance with this undertaking.

List all submitted materials.

Attachment: Supplemental Historic Property Survey Report, Archaeological Survey Report (ASR), Historical Resources Evaluation Report and ESA Action Plan

List Staff copied, including Sec. 106 Branch Chief, staff contact named in memo, HRC and Environmental Coordinator.

c: Branch Chiefname – Caltrans Division of Environmental Analysis
Mary M. Albright – D14 HRC
Radcliffe Emerson – D14
Amelia Peabody – Env. Coordinator
Env. Files – SR 78

EXHIBIT 2.12: SAMPLE TRANSMITTAL LETTERS

Sample 3 — Letter to SHPO: Finding of Adverse Effect (Fictional Example)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN, JR., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENVIRONMENTAL ANALYSIS
P.O. BOX 942873, MS-27
SACRAMENTO, CA 94273-0001
PHONE (916) 653-7136
FAX (916) 653-6126
TTY 711
www.dot.ca.gov



Serious Drought!
Help save water!

Date is essential.

July 31, 2015

**Address all
submittals to SHPO.**

Ms. Firstname SHPOlastname
State Historic Preservation Officer
Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001

**Use an "Attention"
line for the Project
Review Unit Chief.**

Attention: Mr./Ms. Reviewer Name

**Subject line helps
identify the project
as a federal
undertaking with a
state-owned
property.**

Subject: Finding of Adverse Effect for the proposed State Route 75 Interchange Project,
Sawyer County, California, 14-SAW-75, PM 8.3/9.4 EA 1000000068, pursuant to 36
CFR 800 and California Public Resources Code 5024

Dear Ms. Lastname:

**Paragraph 1:
State whether
consultation is initial
or continuing and,
refer to the regulatory
context of
consultation (i.e., the
Section 106 PA and
PRC 5024 MOU).
NEPA assignment
language is not
required because the
2014 PA covers it.**

The California Department of Transportation (Caltrans) **is continuing consultation** with the State Historic Preservation Officer (SHPO) regarding the State Route 75 Interchange Project in Sawyer County. This consultation is undertaken in accordance with the 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, per that stipulation **requests that you use the Section 106 documentation in your review.**

**Paragraph 2:
Identify submitted
materials and explain
their purpose.**

Enclosed please find the **Finding of Adverse Effect (FAE)**, which more fully **describes the undertaking, public participation efforts, affected historic properties, application of the criteria of adverse effect, alternatives considered but rejected and proposed mitigation measures.** At the present time **Caltrans District 14 is consulting with you under 106 PA Stipulation X.C.1**, which requires SHPO consultation regarding findings of effect.

In accordance with 106 PA Stipulation III, the document was reviewed and approved by Radcliffe Emerson, who meets the Professionally Qualified Staff (PQS) Standards in 106 PA Attachment 1 as a Principal Investigator - Prehistoric Archaeology, and by Amelia Peabody, who meets the PQS Standards as Principal Architectural Historian.

Project Description

Caltrans is proposing to **replace the current signalized intersection of SR 75 and Sawyer Road by constructing a grade-separated partial cloverleaf interchange. This interchange project will consist of a bridge structure over SR 75 and associated ramps.** The complete project description is on **pages 3 through 5 of the FAE**. The APE consists of current right of way and is located in **Attachment 3 of the FAE**.

Consultation and identification efforts for the proposed undertaking (summarized on **pages 19-20 of the enclosed FAE**) resulted in the identification of the following two historic properties within the APE:

- Public Market Building, Sawyerville; **listed on 12/1/1998 on the National Register of Historic Places (NRHP) under Criteria A and C at the local level of significance; period of significance 1932-1945.**
- Warren Ranch, Sawyerville, **determined eligible by Caltrans under Criterion C at the local level of significance. Its period of significance is 1895-1929. SHPO concurred with this determination on February, 2015 (see attachment 5 of the FAE).** Because this is a Caltrans-owned historical resource, pursuant to PRC 5024(b) it was placed on the Master List of Historical Resources.

Finding of Adverse Effect

Pursuant to 106 PA Stipulation X.A, Caltrans has applied the Criteria of Adverse Effect set forth at 36 CFR 800.5(a)(1) and finds that the undertaking will have no adverse effect on Public Market Building and will an Adverse Effect on the Caltrans-owned Warren Ranch. These **findings are described in pages 30 to 45 of the FAE and in Attachment 4.**

Summary and Conclusion

At the present time, pursuant to **106 PA Stipulation X.C.1**, and concurrently for Warren Ranch **5024 MOU Stipulation X.C.1**, Caltrans is requesting that SHPO concur with Caltrans' Finding of Adverse Effect for the proposed undertaking.

We look forward to **your response within 30 days of your receipt** of this submittal, in accordance with **Stipulation X.C.1.b** of both the Section 106 PA and the 5024 MOU.

Paragraph 3:
Summarize the scope and scale of the project. If it is a Local Assistance Project, and that information as well.

Identify where reviewer can find more detail.

Subsequent paragraphs summarize the results of the studies:
List the resources by type and summarize the eligibility of the resources.

For eligible properties, include the eligibility criteria, level, and period of significance, and date of listing or determination if previously evaluated.

Clearly state findings for which you are requesting concurrence.

Clearly state the items for which you are requesting SHPO comment and concurrence. In this case, concurrence is requested under both the 106 PA and the 5024 MOU for the state-owned property. Even though the 5024 MOU Stipulation III allows Caltrans to use Section 106 PA process, the findings under the 5024 MOU still need to be stated.

Identify lead staff person for the project, and provide full contact info, and thank the SHPO for assistance.

We appreciate your continuing prompt assistance with this undertaking. If you need any additional information, please do not hesitate to contact **Mr. 106Branch Chiefname (phone: 916-555-5555; email: 106Branch Chiefname [at] dot.ca.gov)** or Caltrans District 14 Archaeologist **Mr. Radcliffe Emerson (phone: 555-555-5555; fax: 555-555-5550; e-mail: Radcliffe.Emerson [at] dot.ca.gov).**

Sincerely,

Caltrans Cultural Studies Chief or higher position signs the letter. Include title and location.

FIRSTNAME LASTNAME
Chief
Cultural Studies Office

List all submitted materials.

Enclosures: Finding of Adverse Effect for the State Route 75 Interchange Project in Sawyer County

Copy other organizations as appropriate.

c: Appropriate Branchchiefname – Office of Historic Preservation
Appropriate Reviewername – Office of Historic Preservation
106Branch Chiefname – Caltrans Division of Environmental Analysis
(in this case CSO is the federal agency)
BEPSbranch Chiefname – Caltrans Division of Environmental Analysis
(when state-owned resources are involved, per the PRC 5024 MOU)
Any Consulting Parties

-----**Insert page break here**-----

Blind Copy other Caltrans staff as appropriate.

bc: Mary M. Albright – D14 HRC
Radcliffe Emerson – D14
Amelia Peabody – Env. Coordinator
Env. Files – SR 255

Although depicted here to illustrate potential recipients, such as other Caltrans staff, blind copy lines always go on separate page.

Do not send the "bc" page to the main addressee(s) or to external parties.

EXHIBIT 2.12: SAMPLE TRANSMITTAL LETTERS

Sample 4 — Memo to CSO: Finding of No Adverse Effect with Standard Conditions: Certified Local Government (Fictional Example for Property Transfer)

Use Caltrans Memorandum, not letterhead.

State of California

California State Transportation Agency

M e m o r a n d u m

*Serious drought
Help Save Water!*

Address memo to Cultural Studies Office Chief, who is legally responsible for approval of FNAE-SE.

To: FIRSTNAME LASTNAME
Chief
Cultural Studies Office
Division of Environmental Analysis
Attention: BEPSBranch Chief Name

Date: July 31, 2015
File: 2400001256
EA: 14A850
14-SAW
Hannibal Equipment Shop

Attention line is to the Built Environment Preservation Services Branch Chief.

Initialed by District Environmental Branch Chief or higher, including title and location.

From: JACK DRAKE
Chief
East Region Environmental Management, Branch S5

Subject: FINDING OF NO ADVERSE EFFECT WITH STANDARD CONDITIONS – CERTIFIED LOCAL GOVERNMENT FOR THE TRANSFER OF THE HANNIBAL EQUIPMENT SHOP, HANNIBAL, SAWYER COUNTY, CALIFORNIA.

Paragraph 1: State whether consultation is initial or continuing and, refer to the regulatory context of consultation (i.e., PRC 5024 MOU).

The California Department of Transportation (Caltrans) **is continuing consultation** with you regarding the transfer to private ownership of the Hannibal Equipment Shop, 4563 Thatcher way, in Hannibal, Sawyer County. This consultation is undertaken in accordance with the January 1, 2015 *Memorandum of Understanding between the California Department of Transportation and the California State Historic Preservation Officer regarding Compliance with Public Resources Code Section 5024 and Governor's Executive Order W-26-92 (5024 MOU)*.

Paragraph 2: Identify submitted materials and explain their purpose.

Enclosed please find the **Supplemental Historical Resources Compliance Report** (Supp. HRCR), which **summarizes identifies the Project Are Limits, past identification and evaluation efforts, why the property is being transferred the effect of the transfer on the property**. Attached to the Supp. HRCR is 2003 City of Hannibal Historic Preservation Ordinance HAN-2003-10-23 (Hannibal Ordinance) under which the Hannibal Equipment Shop has been designated a local historic landmark.

Paragraph 3: Summarize the scope and scale of the project.

Identify where reviewer can find more detail.

Caltrans **equipment shop operations have been consolidated into its Sawyerville equipment yard and the Hannibal Equipment Shop is not longer needed for use by the state. Therefore, the property was declared excess and will be offered for sale to the general public.** The complete project description is on **page 3 of the Supp. HRCR**. The Project Area Limits (PAL) consists of current assessor's parcel boundaries for the property, the description for which is located in **Attachment 3 of the Supp. HRCR**.

Subsequent paragraphs summarize the results of the studies: List the resources by type and summarize the eligibility of the resources.

For listed, eligible and assumed eligible historical resources, include the eligibility criteria, level, and period of significance, and date of listing or determination and whether the resources previously were evaluated.

For State-owned resources, be sure to include whether they meet California Historical Landmark criteria. SHPO reviewers look to make sure both NRHP and CHL statements are in PRC 5024 documents.

Prior identification efforts for the proposed transfer (summarized on **pages 5 of the Supp. HRCR**) resulted in the identification one historical resource within the PAL that Caltrans determined is eligible for inclusion in the National Register of Historic Places (NRHP), and the State Historic Preservation Officer concurred in this eligibility on December 16, 2014 pursuant to PRC 5024(b), and added the historical resource to the Master List of Historical Resources:

- Hannibal Equipment Shop, 4563 Thatcher way, in Hannibal, Sawyer County; **determined eligible for inclusion in the NRHP and for registration as a California Historical Landmark (CHL) at the local (for the NRHP) and statewide level of significance (for the NRHP and as a CHL), under Criterion A for its association with a pivotal period in the development of the state’s highway system. It is also eligible under Criterion C for is classically inspired light-industrial brick-masonry design of the Administration and Shop Building (Shop A), and the functional characteristics of the two Repair and Paint Shop buildings. Its period of significance is from 1922 to 1961 and the property boundary is the entire parcel (refer to **Figure 4: Historical Resource Boundary Map in the enclosed Supp. HRCR**). In February 2005, the City of Hannibal designated the property to its local register as a local historic landmark (refer to the **enclosed Hannibal Ordinance**).**

Pursuant to **5024 MOU Stipulation X.B.1.c and Attachment 5, Caltrans District 14 requests your approval of the Finding of No Adverse Effect with Standard Conditions: Certified Local Government (FNAE-SC: CLG)** for the transfer of the Hannibal Equipment Shop. The **Supp. HRCR** provides supporting documentation for this finding. The **City of Hannibal became a CLG in 2003, the year it established its ordinance.**

In accordance with **5024 MOU Stipulation V and Attachment 5.C, the Supp. HRCR and the Hannibal Ordinance were reviewed and approved by Mary M. Albright** who meets the Professionally Qualified Staff (PQS) Standards in 106 PA Attachment 1 as a Principal Architectural Historian. Mr. Albright concluded that the protective measures in Section 14-5 (use of the *Secretary of the Interior’s Standards for the Treatment of Historic Properties*, and use of the California Historical Building Code) and Section 14-8 (Hannibal Historic Preservation Commission must review proposed modifications, alterations, additions and demolitions of listed local landmarks) are equivalent to the protection provided by PRC 5024 for state-owned historical resources. In addition, District 14 will provide its historical documentation and the Character-Defining Features Summary Form for the Hannibal Equipment Shop to the City of Hannibal and to the new property owner.

District 14 **requests that you review the FNAE-SC: CLG and Hannibal Ordinance within 15 days of your receipt** of this submittal, in accordance with 5024 MOU **Stipulation X.B.1.**

Cite the review time frame and relevant stipulation.

Identify lead staff person for the project, and provide full contact info.

If you need any additional information, please do not hesitate to contact Caltrans District 14 Archaeologist **Radcliffe Emerson (phone: 555-555-5555; fax: 555-555-5550; e-mail: Radcliffe.Emerson@dot.ca.gov)**. Thank you for your assistance with this undertaking.

List all submitted materials.

Attachment: Supplemental Historical Resources Report for the Transfer of the Hannibal Equipment Shop, City of Hannibal Historic Preservation Ordinance, and City of Hannibal 2005 Resolution for the Designation of Hannibal Equipment Shop as a Historic Landmark.

List Staff copied, including BEPS Branch Chief, staff contact named in memo, HRC and Environmental Coordinator.

c: BEPS Branch Chiefname – Caltrans Division of Environmental Analysis
Mary M. Albright – D14 HRC
Radcliffe Emerson – D14
Amelia Peabody – Env. Coordinator
Env. Files – Hannibal Equipment Shop

EXHIBIT 2.12: SAMPLE TRANSMITTAL LETTERS

Sample 5 — Letter to SHPO: Finding of Adverse Effect State-only Emergency / State-owned Historical Resource On Master List (Fictional Example)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
DIVISION OF ENVIRONMENTAL ANALYSIS
P.O. BOX 942873, MS-27
SACRAMENTO, CA 94273-0001
PHONE (916) 653-7136
FAX (916) 653-6126
TTY 711
www.dot.ca.gov

EDMUND G. BROWN, JR., Governor



Serious Drought!
Help save water!

Date is essential.

August 6, 2015

**Address all
submittals to SHPO.**

Ms. Firstname SHPOlastname
State Historic Preservation Officer
Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001

**Use an "Attention"
line for the Project
Review Unit Chief.**

Attention: Mr./Ms. Reviewer Name

**Subject line helps
identify the project
as a state-only
emergency project
with a state-owned
historical resource.**

Subject: CATRA_2015_0805_003: Finding of Adverse Effect for the proposed State Route 49 Sweetbriar Emergency Road Repair Project, Sawyer County, California, 14-SAW-49, PM 57.0/57.4 EA 1400000999, pursuant to California Public Resources Code 5024.5

Dear Ms. Lastname:

**Paragraph 1:
State whether
consultation is initial
or continuing and,
refer to the regulatory
context of
consultation (i.e., PRC
5024 MOU).**

The California Department of Transportation (Caltrans) **is continuing consultation** with the State Historic Preservation Officer (SHPO) regarding the State Route (SR) 49 Sweetbriar Emergency Road Repair Project, Sawyer County. This consultation is undertaken in accordance with the January 1, 2015 *Memorandum of Understanding Between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and Governor's Executive Order W-26-92* (5024 MOU).

**Paragraph 2:
Identify submitted
materials and explain
their purpose.**

Enclosed please find the **Historical Resources Compliance Report (HRCR)**, which more fully describes the emergency repairs, affected state-owned historical resource, and emergency mitigation measures. **Caltrans District 14 is consulting with you under 5024 Stipulation XV.A**, which requires expedited SHPO consultation regarding findings of adverse effect in emergency situations.

In accordance with 5024 MOU Stipulation V, the document was reviewed and approved by Radcliffe Emerson, who meets the Professionally Qualified Staff (PQS) Standards in 5024 MOU Attachment 1 as a Principal Investigator - Prehistoric Archaeology.

Project Description

On August 5, 2015 a thunderstorm caused flash flooding to occur on SR 49 in the vicinity of Sweetbriar that caused the west shoulder to slip and washout. In addition, a portion of the Caltrans-owned Blank Page Arrastra was damaged by the flooding. Caltrans acquired the site in the 1920s when the highway was originally built. The highway is temporarily closed while the debris is cleared away and the west shoulder can be rebuilt. Caltrans is proposing to **rebuild the roadway in-kind, but to do so requires truck and machinery to use the adjoining arrastra site, the only level ground upon which to stage operations.** The complete project description is on **page 1 of the enclosed HRCR.** The Project Area Limits consists of current right of way and location can be found in **Attachment 3 of the HRCR.**

Paragraph 3:
Summarize the scope and scale of the project.

Identify where reviewer can find more detail.

Subsequent paragraphs summarize the results of the studies:
List the resources by type and summarize the eligibility of the resources.

For eligible properties, include the eligibility criteria, level, and period of significance, and date of listing or determination if previously evaluated.

There is only one historical resource within the PAL:

- Blank Page Arrastra, Sweetbriar vicinity; **listed in the National Register of Historic Places (NRHP) on December 1, 1976 at the local level of significance under Criterion C as the last known remaining arrastra in the county and under Criterion D for its potential to yield significant information about gold mining in the region; period of significance ca.1860-1904. This historical archaeological site is on the Master List of Historical Resources because it is listed in the NRHP (see attached National Register nomination).**

Initial Consultation and Finding of Adverse Effect

Pursuant to 5024 MOU Stipulation XIV.B, Caltrans District 14 telephoned your office that same day to inform you of the damage to the road and the arrastra and of the temporary shoring that occurred to prevent further slippage and to initiate consultation with your office regarding the effects to the Blank Page Arrastra. District 14 also emailed the Sawyer County Native Sons of the Gold West chapter and the Sawyer County Historical Society about the damage to and temporary protective measures taken to protect this Gold Rush-era site. Pursuant to 5024 MOU Stipulation X.C.2.b, Caltrans finds that the proposed emergency repairs will have an adverse effect on the Blank Page Arrastra. These **findings and mitigation measures to be implemented within the next 30 days are described in Section 8 of the enclosed HRCR and in Attachment 4.**

Under the 5024 MOU Caltrans (and under CEQA) Caltrans may combine the Finding of Adverse Effect with the Mitigation Measures to be implemented. No Memorandum of Agreement is required, but the HRCR attachments must provide evidence of legal commitment to the mitigation measures.

Clearly state findings for which you are requesting concurrence. In this case there is an adverse effect to a NRHP-listed historical archaeological site on the Master List. Clearly state the time frame for response. In this emergency, it is a shortened time frame.

Summary and Conclusion

Pursuant to **5024 MOU Stipulation XV.A**, Caltrans is requesting that SHPO concur with Caltrans' Finding of Adverse Effect for the emergency repairs. We look forward to **your response within 7 days of your receipt** of this submittal, in accordance with **5024 MOU Stipulation XV.A**.

We appreciate your continuing prompt assistance with this undertaking. If you need any additional information, please do not hesitate to contact **Ms. BEPSbranch Chiefname (phone: 916-555-5555; email: BEPSbranch.Chiefname [at] dot.ca.gov)** or Caltrans District 14 Archaeologist **Mr. Radcliffe Emerson (phone: 555-555-5555; fax: 555-555-5550; e-mail: Radcliffe.Emerson [at] dot.ca.gov)**.

Sincerely,

FIRSTNAME LASTNAME
Chief
Cultural Studies Office

Identify lead staff person for the project, and provide full contact info, and thank the SHPO for assistance.

Caltrans Cultural Studies Chief or higher position signs the letter. Include title and location.

List all submitted materials.

Enclosures: Finding of Adverse Effect for the State Route 75 Interchange Project in Sawyer County

c: Appropriate Branchchiefname – Office of Historic Preservation
Appropriate Reviewername – Office of Historic Preservation
BEPSbranch Chiefname– Caltrans Division of Environmental Analysis
(when state-owned resources are involved, per the PRC 5024 MOU)
Any Interested Parties and/or Tribes

-----**Insert page break here**-----

Copy other organizations as appropriate.

Blind Copy other Caltrans staff as appropriate.

bc: Mary M. Albright – D14 HRC
Radcliffe Emerson – D14
Amelia Peabody – Env. Coordinator
Env. Files – SR 49

Although depicted here to illustrate potential recipients, such as other Caltrans staff, blind copy lines always go on separate page.

Do not send the "bc" page to the main addressee(s) or to external parties.

EXHIBIT 2.12: SAMPLE TRANSMITTAL LETTERS

Sample 6 — Memo to CSO: Finding of Adverse Effect to State-owned Historical Resource not on Master List (Fictional Example)

Use Caltrans Memorandum, not letterhead.

State of California

California State Transportation Agency

M e m o r a n d u m

*Serious drought
Help Save Water!*

Address memo to Cultural Studies Office Chief, who is legally responsible for approval of FAE for state-owned resources not on the Master List.

To: FIRSTNAME LASTNAME
Chief
Cultural Studies Office
Division of Environmental Analysis
Attention: BEPSBranch Chief Name

Date: August 4, 2015
File:
EA: 2400001966
14-SAW-45
Memorial Elm Trees

Attention line is to the Built Environment

PM 23.0/23.47

Initialed by District Environmental Branch Chief or higher, including title and location.

From: JACK DRAKE
Chief
East Region Environmental Management, Branch S5

Subject: FINDING OF ADVERSE EFFECT FOR REMOVAL OF DISEASED MEMORIAL ELM TREES ON STATE ROUTE 45, SAWYER COUNTY, CALIFORNIA.

Paragraph 1: State whether consultation is initial or continuing and, refer to the regulatory context of consultation (i.e., PRC 5024 MOU).

The California Department of Transportation (Caltrans) District 14 **is initiating consultation** with you regarding the removal of a significant portion of the State Route (SR) 45 Memorial Elms Tree Row near Hartford, Sawyer County between postmiles (PM) 23.0 and 23.47. This consultation is undertaken in accordance with the January 1, 2015 *Memorandum of Understanding between the California Department of Transportation and the California State Historic Preservation Officer regarding Compliance with Public Resources Code Section 5024 and Governor's Executive Order W-26-92 (5024 MOU)*.

Paragraph 2: Identify submitted materials and explain their purpose.

Enclosed please find the **Historical Resources Compliance Report (HRCR)**, which summarizes identifies the Project Are Limits, past identification and evaluation efforts, the effect of the tree remove the state-owned historical resource, and mitigation measures to minimize adverse effects. Attached to the HRCR is the **1998 Determination of Eligibility (1998 DOE)** under Public Resources Code 5024 for the Caltrans-owned tree row and the **Finding of Adverse Effect** for this activity.

Paragraph 3: Summarize the scope and scale of the project.

In July 2015, Caltrans District 14 maintenance crews **discovered that 25 trees (50%) within the SR 45 right of way have been afflicted with Dutch Elm Tree Disease and are dead and dying. These trees need to be removed as quickly as possible due to the likelihood that the disease will quickly spread to other trees as well as the potential public safety hazard caused by the dead or dying trees.** While there is no cure for Dutch Elm Disease, the District 14 has treated the non-infected trees with an insecticide to kill bark beetles (which

spread the disease), and **will continue to monitor the trees over the next two months. If additional trees are found to have contracted the disease, they will likewise require removal.** The complete description of proposed work is on **page 1 of the HRCR.** The Project Area Limits (PAL) consists of the Caltrans right of way along SR 45 between PM 23.0 and 23.5, the description for which is located in **Attachment 3 of the Supp. HRCR.**

Identify where reviewer can find more detail.

Subsequent paragraphs summarize the results of the studies: List the resources by type and summarize the eligibility of the resources.

For listed, eligible and assumed eligible historical resources, include the eligibility criteria, level, and period of significance, and date of listing or determination and whether the resources previously were evaluated.

In July 1998, as part of a project to relinquish portions of SR 45 to Sawyer County, and under PRC 5024(b), Caltrans determined that the **Memorial Elm Trees is eligible for the National Register of Historic Places (NRHP) at the local level of significance under Criterion C, as a significant designed landscape feature and for their aesthetic qualities.** The trees were planted at the height of the California City Beautification movement of the 1920s. The tunnel effect created by the overhang of the elm branches continues to present a visual "gateway" to and from Hartford and the Sacramento River area. **The period of significance is 1926, the year the landscape was designed and planted, and the boundaries are the SR 45 right of way between PM 22.5 and 23.5.** SHPO concurred with this determination in July 1998, but the tree row is not listed in the Master List of Historical Resources because it was not evaluated under Section 106 of the National Historic Preservation Act, neither was it listed in the NRHP (see attached 1998 DOE). **Pursuant to 5024 MOU Stipulation VIII.C.5, Caltrans has concluded that this DOE is still valid.** Because the trees are only significant at the local level, **they do not meet the criteria for registration as a California Historical Landmark.**

Clearly state the items for which you are requesting CSO approval. In this case, concurrence is requested under the 5024 MOU for the state-owned property.

Pursuant to **5024 MOU Stipulation X.C.2.a, Caltrans District 14 requests your approval of the Finding of Adverse Effect (FAE)** for the removal of 25 trees within the boundaries for the Memorial Elm Trees. **The HRCR Section 8 and the Finding of Adverse Effect contain detailed descriptions of the mitigation plan and HRCR Section 9** provides supporting documentation for this finding. Proposed mitigation plans include removal of 25 dead and dying trees, monitoring the remaining trees for two months, replacing the trees on the non-levy side of the highway with more disease resistant trees that are similar will become similar in size, leafing pattern and shade capacity. Caltrans, however, cannot replace the trees on the levy side due to the potential to do structural damage to the levy to avoid adding trees to the clear zone. In part, as mitigation, District 14, in collaboration with a certified arborist, will develop a tree management plan for the remaining healthy trees within the Memorial Elm Trees boundaries following the *Secretary of the Interior's Treatment of Historic Properties*.

In accordance with **5024 MOU Stipulation V and Attachment 5.C, the HRCR and the Finding of Adverse Effect were reviewed and approved by Mary M. Albright** who meets the Professionally Qualified Staff (PQS) Standards in 5024 MOU Attachment 1 as a Principal Architectural Historian, and Radcliffe Emerson who meets the PQS Standards in 5024 MOU Attachment 1 as a Principal Investigator-Prehistoric Archaeology.

Cite the review time frame and relevant stipulation.

Identify lead staff person for the project, and provide full contact info.

District 14 **requests that you review the FAE and proposed mitigation plan within 30 days of your receipt** of this submittal, in accordance with 5024 MOU **Stipulation X.C.2.a.i.**

If you need any additional information, please do not hesitate to contact Caltrans District 14 Archaeologist **Radcliffe Emerson (phone: 555-555-5555; fax: 555-555-5550; e-mail: Radcliffe.Emerson@dot.ca.gov)**. Thank you for your assistance with this undertaking.

List all submitted materials.

Attachment: Historical Resources Report for the Removal of Diseased Memorial Elm Trees, 1998 Determination of Eligibility for the Memorial Elm Trees, Finding of Adverse Effect

List Staff copied, including BEPS Branch Chief, staff contact named in memo, HRC and Environmental Coordinator.

c: BEPSBranch Chiefname – Caltrans Division of Environmental Analysis
Mary M. Albright – D14 HRC
Radcliffe Emerson – D14
Amelia Peabody – Env. Coordinator
Env. Files – SR 45