

Chapter 1

General Information

TABLE OF CONTENTS

1.1	Introduction	1
1.1.1	Use of the Standard Environmental Reference, Volume 2: Cultural Resources	4
1.1.2	Purpose	5
1.1.3	Transportation and Historic Preservation	5
1.2	Historic Preservation Laws and Regulations.....	6
1.2.1	General Policy.....	6
1.2.2	Federal Historic Preservation Laws and Regulations	6
1.2.3	State Historic Preservation Laws and Regulations	8
1.2.4	Caltrans Cultural Resources Policies	11
1.2.5	General Considerations	11
1.2.6	Considerations in Special Circumstances.....	12
1.3	Cultural Resources Organization and Functions	13
1.3.1	District Roles and Responsibilities	13
1.3.2	Headquarters Roles and Responsibilities	18
1.3.3	Cultural Resources Specialists Roles	23
1.3.4	Cultural Resources Staff Professional Qualifications	25
1.3.5	Caltrans Professional Standards and Professionally Qualified Staff	26
1.3.6	Certification Process for Caltrans Professionally Qualified Staff	27
1.3.7	Cultural Resources Consultant Professional Qualifications	28

Chapter 1: General Information

1.1 Introduction

The consideration of cultural resources is a critical part of all phases of project development, construction, permitting, right of way, and maintenance activities. The California Department of Transportation (Caltrans) must comply with federal and state environmental laws and regulations designed to protect cultural resources significant in American archaeology, architecture, history, culture, and engineering.

To meet legal requirements for cultural resources management, Caltrans personnel must follow the guidelines outlined in the Caltrans *Standard Environmental Reference (SER)*, Volume 2: Cultural Resources. The following is a synopsis of this volume.

Cultural resources are physical or observable traces of past human activity, regardless of significance, in direct association with a geographic location, including tangible properties possessing intangible traditional cultural values. The term “cultural resources” typically refers to prehistoric and historical archaeological sites and built environment resources such as buildings, structures or districts.

[Chapter 1](#) – General Information

The first chapter introduces Volume 2. It summarizes federal and state historic preservation laws and provides general background information on cultural resources management. This chapter identifies Caltrans' cultural resources policies and directs all units of Caltrans to follow these policies. Chapter 1 also describes the organization, roles and responsibilities, and staffing requirements that Caltrans uses to manage cultural resources.

[Chapter 2](#) – Cultural Resources Procedures

The chapter discusses in detail the Section 106 Programmatic Agreement that governs Caltrans cultural resources actions on federally-assisted state and local projects: the *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act as it Pertains to the Administration of the Federal-Aid Highway Program in California (106 PA)*. This agreement is included

ed as [Exhibit 1.1](#) of the handbook. All actions taken under the 106 PA must be conducted by or under the supervision of Caltrans Professionally Qualified Staff (PQS).

The chapter also discusses in detail the Public Resources Code 5024 Memorandum of Understanding (PRC 5024 MOU) that governs Caltrans cultural resources actions on state projects and activities that may affect Caltrans-owned cultural resources: the *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 (PRC 5024 MOU)*. This agreement is included as [Exhibit 1.2](#) of the handbook. All actions taken under the PRC 5024 MOU must be conducted by or under the supervision of Caltrans Professionally Qualified Staff (PQS).

Chapter 2 contains instructions for processing cultural resources documents in compliance with federal and state laws. It specifically discusses compliance requirements of Section 106 of the National Historic Preservation Act and its relationship to Section 4(f) of the Department of Transportation Act, and at the state level, the California Environmental Quality Act and the Public Resources Code. Parallel segments for federal projects and for state-only projects describe pertinent legislation and compliance procedures, including identification, evaluation, and mitigation. The chapter discusses the types of reports required to document that cultural resources have been considered in Caltrans project planning.

[Chapter 3](#) – Native American Consultation

Chapter 3 presents Caltrans policy and procedures for coordination with Native Americans regarding cultural resources. It describes pertinent legislation and regulations that address Native American concerns and resources, including the federal and state Native American Graves Protection and Repatriation Act. The chapter sets forth the policy and procedures for obtaining a Native American Monitor, the roles of Monitors and Most Likely Descendants, and the issue of confidentiality relative to Native American cultural resources. It also defines Caltrans' relationship with the California Native American Heritage Commission (NAHC).

[Chapter 4](#) – Cultural Resources Identification

Chapter 4 discusses the process and procedures for identifying cultural resources within the project area. The chapter describes the types of cultural resources that Caltrans is expected to identify and the appropriate sequence of steps to follow for

determining whether recordation and evaluation would be necessary. It covers such topics as defining an Area of Potential Effects, background (or pre-field) research, initial archaeological and reconnaissance surveys. The final section in the chapter offers guidance for requesting the appropriate specialists to evaluate cultural resources that were identified in the initial steps as warranting evaluation.

Chapter 5 – Prehistoric Archaeological Resources: Evaluation and Treatment

Caltrans' methods and procedures for the evaluation and treatment of prehistoric archaeological resources are discussed in Chapter 5. There are sections that summarize Caltrans archaeological policies and describe Caltrans procedures to define and evaluate archaeological sites, conduct data recovery, and prepare the pertinent technical reports. Guidance is offered for field safety, preparing Archaeological Survey Reports (ASR), Excavation Proposals, Extended Phase I reports, Archaeological Evaluation Reports (AER), Phase III proposals and reports, and Data Recovery Plans. The chapter provides information on construction monitoring, environmentally sensitive areas, archaeological permits, and archaeological procedures to follow in the event of post-review discoveries or for activities not related to projects.

Chapter 6 – Historical Archaeological Resources: Evaluation and Treatment

Chapter 6 details Caltrans' methods and procedures for evaluating and treating archaeological sites from California's historic period. There are sections that summarize Caltrans archaeological policies and that describe Caltrans procedures to define and evaluate historical archaeological sites, conduct archival research and interviews, evaluate sites without excavation, prepare excavation proposals, conduct data recovery, and prepare pertinent technical reports. Guidance is offered for preparing Historical Resources Evaluation Reports (HRER) that evaluate historical archaeological sites, as well as Excavation Proposals, Extended Phase I and Phase II Reports, Treatment Plans, and Data Recovery Plans. There is also a section on field safety with particular emphasis on hazardous materials that may be encountered in historical archaeological sites.

Chapter 7 – Built-Environment Resources: Evaluation and Treatment

Chapter 7 outlines Caltrans' methods and procedures for recording, evaluating, and treating buildings, bridges, structures, objects, non-archaeological sites, and districts composed of such built features. There are sections that summarize Caltrans history

and architectural history policies and that describe Caltrans procedures to evaluate built cultural resources, the relationship between research and evaluation, and step-by-step procedures for processing HRERs. Chapter 7 offers mitigation options to be considered when historic properties may be affected by proposed transportation projects. Lastly, the chapter also explains Caltrans' legal responsibility for maintaining its historic buildings and structures.

1.1.1 Use of the Standard Environmental Reference, Volume 2: Cultural Resources

District and Headquarters personnel responsible for identifying and evaluating cultural resources, processing cultural resources documents, and implementing all construction, right of way, maintenance- and encroachment permit-related activities shall consult and comply with the standards and procedures defined in this volume. The *SER* Volume 2 also is intended to inform other parties, such as local agencies and consulting cultural resources practitioners, of Caltrans requirements and review procedures.

Situations in cultural resources management not covered in Volume 2 should be handled on a case-by-case basis. Districts are encouraged to take advantage of Cultural Studies Office ([CSO](#)) expertise by consulting with appropriate staff members when unusual situations occur. The CSO is part of the Division of Environmental Analysis (DEA) located in Headquarters in Sacramento.

The *SER*, Volume 2 does not stand alone. It should be used with other project planning and development guides and references including the *Standard Environmental Reference*, [Volume 1](#), and the [Project Development Procedures Manual](#).

Periodic reviews and modifications will occur when necessary to ensure that the procedures comply with current federal and state historic preservation laws and regulations.

1.1.2 Purpose

The purpose of this volume of the *SER* is to promote consistency, uniformity, and effective handling of cultural resources in the project development and implementation process. It is an instruction manual that defines the functions performed by cultural resources staff, both in the Districts and at Headquarters and also provides consultants with Caltrans requirements and review processes. Key areas covered in Volume 2 include:

- Caltrans policies and procedures regarding cultural resources.
- Compliance with federal and state historic preservation laws and regulations.
- Cultural resources management roles and responsibilities.

Definitions of key terms can be found in [Exhibit 1.3](#). Common acronyms and abbreviations are identified in [Exhibit 1.4](#) and in various places within the text of the chapters.

1.1.3 Transportation and Historic Preservation

Caltrans is required to comply with federal and state historic preservation laws and regulations. What follows is a summary of the evolution of historic preservation laws and Caltrans' involvement in managing cultural resources under its jurisdiction.

When Caltrans was created in 1973, succeeding the Division of Highways, its enabling legislation set forth key concepts and principles for Caltrans. The legislation emphasizes consideration of the environment, and requires that "environmental impacts of transportation should be taken into consideration." The Director's Environmental Policy (1992) states "Caltrans protects and enhances the environment..." and "evaluates the environmental benefits and consequences of its activities and implements practices that minimize environmental impacts."

The majority of Caltrans projects uses federal funds or requires federal licenses or permits and is therefore subject to federal environmental laws and regulations. Caltrans projects are also subject to the requirements of state environmental law. Caltrans' environmental process is designed to meet both NEPA and CEQA requirements. When projects have no federal involvement, only state environmental laws and regulations apply. The evaluation and treatment standards are similar for both federal and state-only projects; however, there is no concurrence with federal agencies on state-only projects.

1.2 Historic Preservation Laws and Regulations

1.2.1 General Policy

Both federal and state historic preservation legislation contain the same general policy: to preserve the quality of our historic and cultural environment by ensuring that cultural resources are given adequate consideration throughout the course of an undertaking and by providing significant cultural resources with the best protection possible. Because Caltrans must comply with federal and state laws and regulations regarding cultural resources, the same policy also forms the core of Caltrans general cultural resources policy. This general policy is more fully described in Section 1.2.4.

Understanding key historic preservation legislation can ensure compliance with the law and facilitate timely delivery of projects. Federal and state laws, their implementing regulations, and Caltrans policies direct the consideration of cultural resources in transportation planning, development, construction, permit issuance, right of way, and maintenance activities.

Statutes are laws enacted by Congress or a state legislature. Regulations are rules and procedures that are established by a government commission, board, agency, or department to implement and carry out the intent of statutes. The authority to promulgate regulations is provided in the legislation creating the statute. Regulations have the force of law, but they cannot exceed the scope and intent of the legislation. Policies are statements of broad intention issued by government agencies to direct agency actions and activities.

The following briefly summarizes the primary historic preservation laws and regulations and policies governing Caltrans' treatment of cultural resources.

1.2.2 Federal Historic Preservation Laws and Regulations

National Historic Preservation Act of 1966 [16 USC 470 et seq.]

The [National Historic Preservation Act](#), as amended (NHPA) sets forth national policy for protecting historic properties. Under Section 106 of NHPA, federal agencies are mandated to take into account the effect of federal undertakings on historic properties owned by federal agencies or affected by federally funded or federally approved undertakings. The NHPA also established the National Register of Historic

Places (NRHP), state historic preservation programs administered by a State Historic Preservation Officer (SHPO), and tribal historic preservation programs administered by a Tribal Historic Preservation Officer. It established the Advisory Council on Historic Preservation, an independent agency that is responsible for implementing Section 106.

The Advisory Council's [Section 106 regulations](#) are found at 36 CFR §800-800.16. [National Register Regulations](#) are published in 36 CFR §60, and [Determination of Eligibility Regulations](#) are published in 36 CFR §63.

For most projects, Caltrans uses an alternative process for compliance with Section 106. On January 1, 2004 the *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act as it Pertains to the Administration of the Federal-Aid Highway Program in California (106 PA)* went into effect. It streamlines the Section 106 process for FHWA-assisted state and local projects in California. This agreement is included as [Exhibit 1.1](#) of the handbook. All actions taken under the 106 PA must be conducted by or under the supervision of Caltrans Professionally Qualified Staff. Consultants who conduct studies and prepare Section 106 reports are encouraged to consult with Caltrans Professionally Qualified Staff early in the process.

Section 4(f) of the Department of Transportation Act of 1966 **[\[49 USC 303 Section 4\(f\)\]](#)**

Section 4(f) of the Department of Transportation Act specifically protects public park and recreation lands, wildlife and waterfowl refuges, and historic sites. Under its provisions, a federally assisted highway project cannot adversely take properties of these types unless it can be shown that there is no prudent and feasible alternative to doing so. Section 4(f), as specifically related to cultural resources, applies when there is an actual taking of land from, or constructive use of, a historic property. Section 4(f) evaluation requires documentation of completion of the Section 106 process.

- [Section 4\(f\) Regulations](#) are found at 23 CFR §774. FHWA guidelines for Section 4(f) compliance can be found at:
- [FHWA | Environmental Review Toolkit | Section 4\(f\) | Overview](#)

National Environmental Policy Act of 1969 [42 USC 4321 et seq.]

The [National Environmental Policy Act](#) (NEPA) is the nation's broadest environmental law. NEPA applies to all federal agencies and most of the activities they manage, regulate, or fund that affect the environment.

NEPA includes cultural resources preservation within its general policy for environmental protection. It requires the preservation of important historic, cultural, and natural aspects of our national heritage and maintenance, wherever possible, of an environment that supports diversity and a variety of individual choices. Cultural resources are considered in the preparation of all NEPA documents.

The Council on Environmental Quality established [NEPA regulations](#), which can be found at 40 CFR §1500-1508.28.

Other Federal Laws Affecting Cultural Resources

National Historic Sites Act of 1935	16 USC Part 461 et seq.
Urban Mass Transportation Assistance Act of 1970	49 USC 5301
Archeological and Historic Preservation Act of 1974	16 USC 469-469c-2
American Indian Religious Freedom Act of 1978	42 U.S.C 1996
Archaeological Resources Protection Act of 1979	16 USC 470aa-11
Native American Graves Protection and Repatriation Act of 2000	25 USC 3001-3013

These laws are briefly described in [Exhibit 1.5](#).

1.2.3 State Historic Preservation Laws and Regulations

California Environmental Quality Act of 1970 (CEQA) [PRC §21000 et seq.]

[CEQA](#) is the foundation of environmental law and policy in California. It encourages the protection of all aspects of the environment, including historical resources, by requiring state and local agencies to take into consideration the environmental effects of their actions. CEQA establishes that “it is the policy of the state...to take all action necessary to provide the people of the state with...historic environmental qualities.”

The [CEQA Guidelines](#) are the implementing regulations for CEQA. They are part of the California Code of Regulations (CCR) §1500 et seq. and are issued by the Governor's Office of Planning and Research (OPR) and the Secretary of Resources.

**State Owned Historical Resources (1980 Senate Bill 1652)
[PRC 5024 and 5024.5]**

Public Resources Code [PRC 5024](#) requires each state agency to prepare inventories of state-owned historical resources under its jurisdiction, to "formulate policies to preserve and maintain, when prudent and feasible, all state-owned historical resources under its jurisdiction," and to provide notice and summary documentation to the SHPO regarding any "project having the potential to affect historical resources listed in or potentially eligible for inclusion in the National Register of Historic Places or registered as or eligible for registration as a state historical landmark."

Under [PRC 5024.5](#), state agencies are required to provide notice to, and consult with, the SHPO before altering, transferring, relocating, or demolishing state-owned historical buildings and structures that are listed in or potentially eligible for inclusion in the NRHP or registered as or eligible for registration as a California Historical Landmark (CHL). All prudent and feasible measures must be adopted to avoid or mitigate adverse effects.

The State Historical Resources Commission has not adopted regulations for the implementation of these statutes.

**Emergency Projects (1989 Senate Bill 3x)
[PRC 5028]**

No historical resource that is damaged due to natural disaster and that is listed in the National or California Register of Historical Resources (CRHR) or on a local public register can be demolished or destroyed unless it is an imminent threat to public safety or may damage an adjacent property and unless the State Office of Historic Preservation determines that it may be demolished.

The State Historical Resources Commission has not adopted regulations for this statute.

California Register of Historical Resources (1992 Assembly Bill 2881) **[\[PRC 5024.1\]](#)**

Public Resources Code 5024.1 established the California Register of Historical Resources (CRHR). The register is a listing of resources considered to be significant historic properties, that is, "historical resources," in the state. The CRHR includes all properties listed or determined eligible for listing in the NRHP, including properties evaluated under Section 106. Also, it may include, if nominated to the NRHP and found to be significant by the State Historical Resources Commission, resources listed in local registers of historic resources or in local surveys. The criteria for listing are similar to those of the NRHP. The NRHP statute specifically provides that historical resources listed in, or that meet the criteria for listing in, the NRHP, are historical resources that must be given consideration under CEQA (see above).

The State Historical Resources Commission adopted the implementing regulations for the NRHP in 1998 (Title 14 CCR, §4850 et seq.).

Executive Order [W-26-92](#) (Governor Wilson 1992)

This order requires state executive branch agencies to take specific measures to preserve significant state-owned properties, to appoint agency preservation officers, to administer historic properties under their control, regardless of ownership, in a spirit of stewardship, and to report annually to the SHPO on these activities. The Caltrans Preservation Officer is the Chief, Division of Environmental Analysis.

Other State Laws Affecting Historical Resources

PRC 5020.1	Historical Resources Definitions
PRC 5021/ 5031 et seq.	California Historical Landmarks and Points of Historical Interest
PRC 5097.5	Disturbance of Archeological Sites
PRC 5097.9 et seq.	Native American Historical, Cultural, and Sacred Sites
H&SC 8010 et seq.	California Native American Graves Protection and Repatriation Act of 2001

These laws are briefly described in [Exhibit 1.5](#).

1.2.4 Caltrans Cultural Resources Policies

The Director's Environmental Policy (1992)

The Director's Policy states that Caltrans evaluates the environmental benefits and consequences of its activities and implements practices that minimize environmental impacts. The policy intent is to identify, resolve, and include environmental issues when planning transportation projects. It outlines the responsibilities of Caltrans executives and employees for promoting environmental awareness and carrying out Caltrans policy in the course of their duties.

Project Development Procedures Manual (last updated in 1999)

Caltrans' position on the preservation and protection of important cultural resources is defined in the Project Development Procedures Manual. In the project development process, it is Caltrans philosophy to balance transportation needs with other societal values to ensure that economic, social, and environmental effects are fully considered along with technical issues when transportation projects are developed.

Responsibilities to Implement Cultural Resources Policies

Caltrans cultural resources policy is set forth in this volume of the *SER*. All Caltrans activities, from project development and planning through encroachment permit, construction, and maintenance activities, are subject to the policies and procedures outlined in this volume.

District Directors and functional managers shall implement Caltrans' cultural resources policies in encroachment permits, maintenance, construction, and all project planning and development activities. Construction, maintenance, and encroachment permit activities generally have the greatest potential for impact. They can affect historical resources, including historic bridges still on the system, state-owned historic buildings, archaeological sites within existing right of way, and other properties in or adjacent to a project area.

1.2.5 General Considerations

In accordance with Caltrans cultural resources policies, Caltrans personnel must consider the following steps when undertaking an activity:

- Identify cultural resources early in the transportation planning and project development process.

- Coordinate and cooperate with Indian tribes, individuals, and organizations having a professional or cultural interest and with agencies charged with the responsibility of preserving or enhancing these resources.
- Evaluate the significance of cultural resources that may be affected by proposed projects.
- Assess potential effects of proposed transportation projects on significant cultural resources.
- Discuss conclusions in environmental documents regarding the significance of identified cultural resources and the effect of the proposed undertaking or project on them.
- Develop project plans to avoid significant cultural resources whenever possible.
- Develop and implement mitigation measures when avoidance is not practical.

Specific procedures to be followed in identifying and evaluating cultural resources and in developing mitigation plans are provided in the appropriate Chapters 2 through 7 of this volume.

1.2.6 Considerations in Special Circumstances

The considerations listed above apply to normal project planning and implementation. There are two special circumstances that may require different considerations and procedures:

1.2.6.1 Post-Review Discovery

Three chapters of this volume contain provisions for the discovery of previously unidentified cultural resources. Chapter 2 [Section 2.4.4](#) “Post-Review Discoveries,” offers guidance to assist Caltrans personnel in planning for the possibility of unexpected discovery of cultural resources and of unexpected effects on known historic properties. [Chapter 3](#) outlines procedures that shall be followed if human remains are discovered during any Caltrans activity. [Chapter 5](#) outlines procedures that shall be followed if previously unidentified archaeological resources are encountered during construction, maintenance, or encroachment permit work. Caltrans personnel shall follow the appropriate procedures outlined in these sections. In the event of a post-

review discovery for local agency projects with Caltrans involvement, the agency or its consultant should confer directly with Caltrans Professionally Qualified Staff.

1.2.6.2 Emergency Undertakings

Procedures outlined in Chapter 2 [Section 2.4.2](#), "Emergency Undertakings," describe the steps to be taken in the event of an emergency or disaster. Emergency undertakings are essential and immediate responses to officially declared disasters. They must be implemented within *30 days* after the disaster occurred. For federal projects, FHWA may apply the procedures in [36 CFR §800.12](#). For state projects, the applicable emergency procedures are defined in the PRC [5028](#) and in the CEQA Guidelines at PRC [15269](#).

1.3 Cultural Resources Organization and Functions

Caltrans' environmental policies were crafted to encourage coordination among the responsible units. The following section describes the organization and functions of the units responsible for cultural resources management within Caltrans, and identifies the roles and responsibilities of cultural resources staff.

The responsibility for managing cultural resources under Caltrans jurisdiction is placed with the Environmental Branches at the District level and the Cultural Studies Office (CSO) in the Division of Environmental Analysis in Headquarters. This section of the handbook defines roles and responsibilities of cultural resources personnel and describes the appropriate personnel classifications and qualifications.

1.3.1 District Roles and Responsibilities

The District (or Region where applicable) Environmental Branches independently administer and perform all cultural resources functions for the District, with assistance or review by Headquarters on request.

1.3.1.1 District Responsibilities

Districts have the ultimate responsibility for the quality and timeliness of all cultural resources studies, regardless of who prepared the studies. Duties and responsibilities include:

- Schedule and coordinate cultural resources tasks to meet project development milestones.

- Conduct cultural resources studies, using appropriately qualified personnel, as described in Section 1.3.3 below.
- Prepare cultural resources reports as documentation for project compliance.
- Provide peer review of cultural resources studies by qualified District cultural resources specialists, or request CSO peer review when District lacks appropriately qualified cultural resources specialists.
- Approve and process Section 106 documents for federally funded projects.
- Approve and process CEQA documents for state-funded projects.
- Coordinate with the Federal Highway Administration (FHWA) and the SHPO, and/or Tribal Historic Preservation Officer (THPO) if applicable, on Section 106 documents processed by the District.
- Prepare Historical Resources Compliance Reports (HRCR) for PRC 5024 and 5024.5 review of projects affecting state-owned resources.
- Conduct data recovery of archaeological historic properties according to appropriate standards and as directed in Section 106 agreement documents, in Districts with appropriately qualified staff.
- Provide copies of all Section 106, CEQA, and PRC 5024 documents, all technical documents, and all correspondence with outside agencies, Indian tribes, and other Native Americans, relative to the Section 106 and CEQA environmental compliance processes, to CSO.
- Arrange and schedule assistance of CSO specialists for archaeological, historical, architectural, and bridge surveys, evaluations, and mitigation.
- Provide copies of Section 106 and CEQA documents when requesting CSO comments.
- Notify CSO of all unusual situations, especially emergencies involving possible effects on cultural resources.
- Contract with California Native American Monitors, as needed.

- Review District Local Assistance reports/projects, and when appropriate, provide comments to improve compliance with existing historic preservation laws.
- For Districts with qualified archaeologists:
 - ◆ Approve District-prepared Extended Phase I and Phase II proposals and District-prepared AERs.
 - ◆ Approve proposals to contract out AERs.
 - ◆ Review and approve AERs.
 - ◆ Prepare archaeological scopes of work.
 - ◆ Approve archaeological scopes of work in archaeological excavation contracts.
- For Districts with qualified architectural historians:
 - ◆ Prepare built-environment scopes of work.
 - ◆ Review proposals to contract out built-environment surveys and evaluations,
 - ◆ Review and approve built-environment Historical Resources Evaluation Reports
 - ◆ Review and approve projects, plans and specifications for consistency with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (SOIS).
 - ◆ Review and approve SOIS action plans.

1.3.1.2 District Roles

This section defines positions in the District Environmental Branches, which deal specifically with the management of cultural resources.

District Environmental Branch Chief

The District Environmental Branch Chief (DEBC) oversees and directs the cultural resources compliance process in the Districts. To assist in this process, the DEBC

shall designate a Heritage Resources Coordinator (HRC) and a District Native American Coordinator (DNAC).

District Heritage Resources Coordinator

Each HRC serves as the designated source of information on the subject of cultural resources policies and procedures. The HRC is the District's communications liaison with CSO and may serve as the District advisor regarding cultural resources. The actual functions assigned to the HRC are at the discretion of the DEBC and vary widely by District.

As directed by the DEBC, the HRC may be charged with some or all of the following responsibilities:

- Track the progress of projects through the Section 106 compliance process.
- Collect information for the District's Annual Report submitted to SHPO documenting actions taken under the Programmatic Agreement.
- Schedule cultural resources studies.
- Prepare cultural resources technical reports.
- Process federal or state cultural resources compliance documents.
- Handle correspondence on cultural resources matters between the District, Headquarters, and FHWA, providing CSO copies of all Section 106, CEQA, and PRC 5024 documents and all correspondence with FHWA, SHPO, Advisory Council on Historic Preservation (Council), and other outside agencies relative to the Section 106 and CEQA environmental compliance processes.
- Provide guidance on District cultural resources issues, including but not limited to:
 - ◆ Maintaining cultural resources information pertinent to conducting cultural resources studies, such as updates of NRHP and CRHR listings and determinations of eligibility, CHLs and Points of Historical Interest, and lists of locally designated historical resources.
 - ◆ Acting as a clearinghouse for cultural resources information, distributing cultural resources-related general information, memos, and guidance, such

as National Register Bulletins and cultural resources management notes, to district cultural resources staff and DEBCs.

District Native American Coordinator

The District Native American Coordinator (DNAC) is the designated source of information regarding the involvement of Native Americans in the District's cultural resources studies. The DNAC ensures that consultation with Native Americans regarding cultural resources occurs early in a project's planning stage, and continuously throughout the life of projects, and ensures that documentation of contacts and consultation for cultural resources is included in compliance and environmental documents.

Under the general direction of the DEBC, the DNAC acts as liaison between the DEB and Native American tribes, groups and individuals, provides specialized technical assistance on Native American consultation to the District's staff, consultants, and contractors, and coordinates with Transportation Planning and Civil Rights Native American Liaisons on issues of mutual concern.

The DNAC perform the following activities, or provides assistance and advice to other staff in conducting them:

- Consults with federally recognized Indian tribes and unrecognized Indian groups and individuals on a project-by-project basis for all phases of cultural resources studies.
- Consults with Native Americans, who are likely to have knowledge of, or concerns with, cultural resources, such as gathering places, within Caltrans right of way.
- Facilitates meetings and discussions between Caltrans staff and Native American representatives.
- Develops agreements with Native American representatives.
- Coordinates with other Caltrans programs including Maintenance, Right of way and Design to address areas of Native American concerns.
- Maintains files of all correspondence and documentation of coordination and consultation for projects.

- Provides a summary, when necessary, of consultation for inclusion in cultural resource reports and environmental documents.
- Provides and maintains guidance on District Native American issues, including but not limited to:
 - ◆ Maintaining a library on laws, regulations, guidance, and other such information pertinent to consultation with Native Americans and ensuring that the library is accessible to District staff.
 - ◆ Disseminates policy, procedures, and information on Native American issues to district cultural resources staff and DEBCs.

District Cultural Resources Specialists

When appropriate, Districts will hire qualified professional archaeologists, historical archaeologists, or architectural historians to conduct surveys and evaluations and prepare reports that will be used to comply with appropriate federal and state historic preservation laws and regulations. Professional qualifications are described below in Section 1.3.3, Cultural Resources Staff Qualifications, and in [106 PA/5024 MOU](#)ⁱ Attachment 1.

1.3.2 Headquarters Roles and Responsibilities

The Cultural Studies Office ([CSO](#)) in Headquarters DEA develops cultural resources policy and procedures, monitors implementation, and provides assistance to the Districts on request. CSO staff also is staff to the Caltrans Preservation Officer.

The office includes four branches:

- Section 106 and Programmatic Agreement Coordination (Section 106) Branch
- Built Environment Preservation Services Branch (BEPS)
- Native American Cultural Studies Branch (NACS)
- Special Projects Archaeology (SPA) Branch

ⁱ Attachment 1 is the same under both the 106 PA and the 5024 MOU.

1.3.2.1 Headquarters Responsibilities

The major responsibility of the CSO is to ensure that the Caltrans' cultural resources programs, policies, and procedures comply with federal and state legislation. In addition, CSO is responsible for ensuring that work performed to assist the Districts meets District requirements and scheduling.

The CSO's functions include:

- Under NEPA assignment, for all Section 106 compliance, CSO is FHWA and undertakes all FHWA responsibilities for Section 106 compliance.
- Upon district request, provide peer review of cultural resources study reports prior to DEBC approval.
- Prepare archaeological scopes of work and excavation research designs and undertake contract administration and monitoring for Districts requesting assistance.
- Develop guidance manuals, training courses, and workshops in consultation with the Districts and assist the DEA training unit.
- Coordinate with federal agencies, SHPO, the Keeper of the National Register if necessary, and the Council on Section 106 issues handled by DEA or at the request of the Districts.
- Conduct consultations, coordinate with SHPO and approve actions as delegated by to CSO by the 5024 MOU.
- Inform the Chief, Division of Environmental Analysis, of all unusual situations, especially emergencies involving possible effects on cultural resources.
- Authorize archaeological excavations through preparation of proposals for Districts without appropriately qualified archaeologists.
- Upon District request, review cultural resources studies (including Historic Resource Evaluation Reports, Archaeological Evaluation Reports, Data Recovery Plans, Treatment Plans, Finding of Effect documents, and Memoranda of Agreement).

- Prepare and process, review, or provide advisory comments on Section 106 and CEQA documents for Districts requesting assistance.
- With district input, compile the Annual Reports that are submitted to SHPO documenting actions taken under the 106 PA and the 5024 MOU.
- Upon request, document historic properties according to appropriate standards, as directed in Section 106 agreement documents or in compliance with CEQA, and for state-owned historic properties, PRC 5024.
- Conduct joint activities, such as strategy meetings, with the Districts.
- Evaluate District cultural resources programs and activities if requested.
- Certify District and CSO cultural resources staff as PQS, including archaeologists, historical archaeologists, and architectural historians.
- Evaluate consultant cultural resources personnel qualifications at District request.
- Review and analyze pertinent historic preservation legislation.
- With district and other division input, and in accordance with Governor's Executive Order W-26-92 develop and institute feasible and prudent Caltrans policies and management plans to preserve and maintain its historical resources and ensure such policies and management plans are carried out.

1.3.2.2 Headquarters Roles

The CSO has on staff cultural resources specialists in the fields of prehistoric and historical archaeology, architectural history, history, Section 106, PRC 5024 processing, and Native American coordination. These specialists provide service to the Districts and other Headquarters units needing assistance. Specific functions are defined below.

Caltrans Preservation Officer

The DEA Chief at Headquarters in Sacramento is the Caltrans Preservation Officer (CPO). As required by the Governor's Executive Order W-26-92, the CPO is responsible for consulting with the SHPO, and, as appropriate, the State Historical Building Safety Board in the development of a management plan that institutes feasible and

prudent policies to preserve and maintain its significant heritage resources. These responsibilities have been delegated to the Cultural Studies Office Chief.

Section 106 and Programmatic Agreement Coordination (Section 106) Branch

The Section 106 and Programmatic Agreement Coordination Branch, as assigned by FHWA, reviews and/or approves various Section 106 findings as described in the 106 PA, assists the Districts on Section 106 procedural questions and interpreting application of the 106 PA, coordinates peer reviews of Section 106 compliance documents, and acts as a liaison between the Districts and the SHPO's office. The Section 106 branch organizes the periodic statewide teleconferences to discuss the 106 PA and other cultural resources matters, and distributes the Caltrans "106 Bulletins" and other pertinent guidance (106 PA Teleconference Notes), and can provide current examples of Memoranda of Agreement. The HACS arm of the branch conducts peer reviews of historic property evaluations, effect findings related to the built environment, including buildings, bridges, structures, objects, complexes, linear features, districts, and landscapes upon District request. The HACS Branch may also help determine whether built environment properties are exempt from Section 106 evaluation in accordance with Attachment 4 of the Section 106 Programmatic Agreement; accompany District staff on field visits; assist with project scoping activities; and aid in developing mitigation measures for built environment resources.

Built Environment Preservation Services (BEPS) Branch

The Built Environment Preservation Services Branch reviews and/or approves various PRC 5024 findings as delegated under the PRC 5024 MOU, assists the Districts on PRC 5024 procedural questions and interpreting application of the PRC 5024 MOU, coordinates peer reviews of PRC 5024 compliance documents, and acts as a liaison between the Districts and the SHPO's office for PRC 5024 and Governor Executive Order W-26-92 activities.. The BEPS Branch Chief serves as Caltrans representative to the State Historical Building Safety Board on issues related to the California Historical Building Code and is the liaison with that board. The Branch also updates guidance this volume of the *SER*.

The BEPS Branch may also help determine whether built environment properties are exempt from Section 106 evaluation in accordance with [106 PA Attachment 4](#), and conducts peer reviews of historic property evaluations, effect findings related to the

built environment, including buildings, bridges, structures, objects, complexes, linear features, districts, and landscapes upon District request.

Upon request, the branch reviews plans and specifications for conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, provides guidance and coordination on the appropriate use of the State Historical Building Code, mitigation measures to avoid or reduce adverse effects to non-archaeological historic properties and historical resources affected by Caltrans projects and activities, identification and ranking of character defining features of historic properties and resources, language for protective covenants, historic property maintenance and rehabilitation standards, and heritage mitigation documentation, such as Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER) and Historical Landscapes Survey (HALS) documentation.

Native American Cultural Studies (NACS) Branch

The Native American Cultural Studies Branch provides guidance, advice, training, and support to the Districts in working with Native American individuals, groups, and tribes on identifying and addressing cultural and environmental concerns. The Branch also works with Native Americans directly, either to establish working relationships with DEA, or as requested by districts, to facilitate project delivery. The NACS Branch Chief serves as the Statewide Native American Coordinator and serves as the DEA's representative on the Department's Native American Advisory Committee. The Branch Chief is the Division's liaison with other Departmental units and Native American Liaisons to assist in developing an integrated and consistent approach to Native American relations and is the liaison with the Native American Heritage Commission, State Historic Preservation Office, Advisory Council on Historic Preservation, Federal Highway Administration, U.S. Bureau of Indian Affairs, and other state and federal agencies regarding Native American spiritual and cultural resource concerns. The Branch Chief monitors and evaluates pertinent state and federal legislation and regulations, disseminates that information to the districts, and seeks to ensure that the Department is in compliance with such laws

Special Projects Archaeology (SPA) Branch

The Special Projects-Archaeology branch provides advice and guidance on issues related to the management and preservation of archaeological resources with special emphasis on review of complex studies and compliance documents in the area of pre-historic archaeology including evaluations, data recovery plans, and contract

management. The branch is responsible for review and comment on cultural mitigations in excess of \$500,000 per DEA policy, acts as the designated “owner” of construction contract specification standards for cultural resources and review of Non-Standard Special Provisions (NSSPs), and coordinates with the Environmental Management Office (EMO) in the design and delivery of training for cultural staff statewide. The branch is also involved in strategic planning, identifying research priorities and funding, organizing statewide task groups on critical cultural issues, and the planning of functional workshops.

1.3.3 Cultural Resources Specialists Roles

The following cultural resources specialists provide professional and technical expertise in the identification, survey, evaluation, and mitigation of effects on cultural resources. The Headquarters CSO has professional staff in the specialized fields listed below. All Districts have archeological staff but vary in their staffing in other fields of expertise. The PQS levels of required expertise to conduct specific types of tasks under the 106 PA and the PRC 5024 MOU are defined in [Exhibit 1.6](#).

Prehistoric Archaeology

Staff prehistoric archaeologists conduct and participate in archaeological surveys and excavations and manage the work of consultants in accordance with their level of qualification. Staff prehistoric archaeologists prepare archaeological documents, review archaeological reports, and evaluate archaeological properties to determine potential eligibility for inclusion in the NRHP or to determine whether archaeological resources are significant historical resources for the purposes of CEQA. They also prepare scopes of work for contracts and administer and monitor archaeological studies performed by consultants. Additional responsibilities include reviewing other cultural resources specialist-prepared reports to ensure that prehistoric archaeological sites are adequately treated. In addition and upon request, prehistoric archaeologists assist in the preparation of Findings of Effect and Memoranda of Agreement.

Historical Archaeology

Staff historical archaeologists conduct and participate in historical archaeological surveys and excavations, and manage the work of consultants in accordance with their level of qualification. They prepare historical archaeological documents, review historical archaeological reports, and evaluate historical archaeological properties to determine potential eligibility for inclusion in the NRHP or to determine whether ar-

chaeological resources are significant historical resources for the purposes of CEQA. Staff historical archaeologists also prepare scopes of work for contracts and administer and monitor historical archaeological studies performed by consultants. In partnership with architectural historians, historical archaeological staff prepare Historical Resources Evaluation Reports (HRER) when cultural resources contain both historical archaeological components and built resources (such as buildings, structures, sites, objects, districts). Staff historical archaeologists also provide advice on any required historical archaeological studies, investigations, and excavations. Additional responsibilities include reviewing other cultural resources specialist-prepared reports to ensure that historical archaeological sites are adequately treated. In addition and upon request, historical archaeologists assist in the preparation of Findings of Effect and Memoranda of Agreement.

Architectural History and History

Caltrans architectural historians and historians perform nearly identical functions and are not separately identified in 106 PA Attachment 1. Throughout the rest of this handbook, the term “architectural historian” is used to refer to both architectural historians and historians.

Architectural historians identify and evaluate built environment cultural resources (buildings, bridges, structures, objects, districts, and sites of events) to determine potential eligibility for inclusion in the NRHP and to determine whether these resources are significant historical resources for the purposes of CEQA. These features may also include historic landscape features, transportation or industrial facilities, and other resources. When cultural resources include historical archaeological sites, staff architectural historians work in partnership with historical archaeologists in background research, site evaluation, and documentation. They prepare Historical Resource Evaluation Reports for built environment resources and designed landscapes. They also review other cultural resources specialist-prepared reports to ensure that local architectural history, architecturally important resources, and regional history or historic sites are adequately treated. In addition and upon request, architectural historians assist in the preparation of Findings of Effect and Memoranda of Agreement.

In addition to federal Section 106 responsibilities, under state law Caltrans has stewardship responsibilities towards the historical resources it owns. These

responsibilities often involve the maintenance, repair or rehabilitation of historical buildings and structures.

1.3.4 Cultural Resources Staff Professional Qualifications

1.3.4.1 Civil Service Classifications

Caltrans environmental personnel are classified under the State Personnel Board classification system within the Environmental Planner series. This series provides for generalist and specialist classes. The civil service classifications for specialists in cultural resources at the entry or associate level are Environmental Planner (Archaeology), which includes both prehistoric and historical archaeologists, and Environmental Planner (Architectural History), which includes both architectural historians and historians. All specialists must meet minimum professional qualification standards for whatever duties they are assigned. Generalists, as well as specialists, often coordinate and manage cultural resources document preparation and processing and provide liaison with FHWA.

1.3.4.2 State Standards

The California State Personnel Board established state standards for the archaeology, architectural history, and generalist classes of the Environmental Planner series. People employed by Caltrans must meet the minimum requirements set by these specifications in order to perform duties in the fields of archaeology, architectural history, history, and related cultural resources functions. Caltrans must ensure that cultural resources specialists meet the appropriate minimum requirements when hiring and promoting cultural resources staff.

1.3.4.3 Federal Standards

The [Secretary of the Interior's Professional Qualification Standards](#) (1983) established professional qualifications standards for cultural resources specialists involved in historic preservation activities at all levels of government. Federal standards are generally more stringent than the State Personnel Board standards. In addition to applying the state standards in hiring cultural resources staff, Caltrans uses the federal qualifications as a guide. Using both sets of standards is designed to provide a credible and competent staff, and to ensure that Caltrans staff meet the standards of the federal agencies that review Caltrans' work in cultural resources management. Furthermore, Caltrans, FHWA, and SHPO have agreed that Caltrans staff performing

work under the 106 PA must meet the requirements of Professionally Qualified Staff (PQS) as described in [106 PA Attachment 1](#).

1.3.5 Caltrans Professional Standards and Professionally Qualified Staff

Caltrans employees who perform activities stipulated in the both the 106 PA and the 5024 MOU mentioned above, and those who conduct studies, peer review work and perform activities in compliance with state cultural resource laws and regulations must be certified as PQS by meeting the qualifications in the appropriate discipline(s) outlined in the [106 PA/5024 MOU](#) Attachment 1. The professional standards in Attachment 1 of both the Section 106 PA and the PRC 5024 MOU are identical. Therefore, whenever Section 106 PA Attachment 1 is mentioned, it also refers to the PRC 5024 MOU Attachment 1 for projects and activities that involve state-owned cultural resources. The CSO Chief is responsible for PQS certifications.

Caltrans employees who perform primarily archaeological functions are subject to a third set of qualification criteria. These criteria designate working titles, not civil service classifications. They are based on the federal criteria and on guidelines set forth by the Register of Professional Archaeologists (RPA) and are codified in the 106 PA as distinct PQS levels. Specifically, staff may be qualified as a Crew Member, Lead Archaeological Surveyor, Prehistoric or Historical Archaeological Co-Principal Investigator, or Prehistoric or Historical Archaeological Principal Investigator depending on education and experience. These standards were developed to ensure that Caltrans' archaeological work is considered credible by review agencies, peer groups, and other outside groups that have knowledge and experience in dealing with archaeological resources. See [106 PA Attachment 1](#).

It is in Caltrans' best interest to have qualified staff with specialized training or experience developing or providing oversight on plans and mitigation measures that directly (physically) affect historic buildings, structures, objects and districts. In Caltrans, the appropriate staff is typically the Principal Architectural Historians. Projects and activities that involve the rehabilitation or alteration of historic bridges, structures or buildings, and mitigation measures for which plans, specifications, management plans or historic structure reports would be prepared are typically the kinds of activities that need specialized expertise. Appropriate education and experience would include:

- Specialized training or 2 or more years of professional experience in such areas as architectural preservation, conservation, historic construction technologies, or historic building materials that demonstrates the ability to make professional judgments about the treatment of historic buildings and structures. Training and/or experience may include preparing or reviewing research and detailed investigations of historic structures, such as a Historic Structure Report that assesses the character-defining features and physical conditions of a historic building or bridge; preparing or reviewing recommendations for the treatment of properties in accordance with the [*Secretary's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*](#); documentation that meets HABS/HAER standards for recording historic buildings or structures; mitigation measures for project that physically impact historic buildings or structures and such measures were approved by a SHPO.

Principal Architectural Historians with requisite education and experience ensure the applicability of the California Historical Building Code for state-owned historical resources.

1.3.6 Certification Process for Caltrans Professionally Qualified Staff

Training in the use of the 106 PA must be completed prior to applying for certification. Application forms and instructions are available on the Caltrans DEA-CSO Section 106 Agreement and Guidance Intranet web site (accessible only to in-house Caltrans staff) under "PQS Certification Forms." Complete the application for the appropriate certification level. Both the applicant *and* his or her supervisor sign the

application. Mail or email the completed application to the CSO Chief for review and approval. Upon review, the CSO Chief will send a certification memo to the applicant and his or her supervisor either approving the certification or explaining why the certification was not approved.

1.3.7 Cultural Resources Consultant Professional Qualifications

All consultants performing work under the 106 PA or on state-only Caltrans projects either must: 1) meet the Secretary of the Interior's Professional Qualifications Standards, incorporated into the PQS qualifications outlined in [106 PA Attachment 1](#), or 2) have the work overseen by a consultant who meets the PQS requirements in the relevant discipline(s). Documentation that the consultants or oversight consultants meet the PQS requirements shall be made available to Caltrans for inspection. Caltrans, however, does not certify consultants as PQS.