

**EXHIBIT 2.19**  
**EXCESS PROPERTY TRANSFERS AND**  
**ROUTE RELINQUISHMENTS**

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## EXHIBIT 2.19

# EXCESS PROPERTY TRANSFERS AND ROUTE RELINQUISHMENTS

### INTRODUCTION

*Caltrans must comply with California Public Resources Code (PRC) §5024 whenever it transfers titles to Caltrans-owned parcels<sup>1</sup> out of its ownership or relinquishes a state route. If the property to be transferred or relinquished has resources that are listed or eligible for inclusion in the National Register of Historic Places (National Register) or are registered or eligible for registration as California Historical Landmarks (CHL), Caltrans transfers them with appropriate protections. PRC §5024 compliance must be complete and the HRCR on file before the parcel transfers or route relinquishments can be placed as agenda items for consideration by the California Transportation Commission.*

Caltrans uses the Historical Resources Compliance Report (HRCR) to document compliance with PRC §5024, and when applicable, CEQA, prior to transferring property out of Caltrans ownership.

Most excess parcel transfers are not subject to NEPA, Section 106 or CEQA. See [Chapter 2](#) Section 2-7.10 of this volume for a more detailed discussion of NEPA, Section 106, CEQA, and Public Resources Code (PRC) §5024 as they relate to excess property and route relinquishments.

This exhibit discusses the various ways in which Caltrans identifies and provides protections for historical resources to be transferred or relinquished, in order to comply with PRC §5024, and when applicable, CEQA. The exhibit also discusses how that compliance is documented. The level of effort required for identification, evaluation and protection of historical resources depends on who will be the new owner of the property.

For excess property and route relinquishments with no cultural resources or only resources that are exempt from evaluation, the HRCR itself can be as simple as the Caltrans PQS checking the appropriate boxes on the HRCR short-form, obtaining the appropriate signatures, and filing the HRCR in the district, with a copy to the Headquarters Cultural and Community Studies Office (CCSO) Built Environment Preservation Services (BEPS) Branch Chief. The majority of transfers and relinquishments likely would follow this scenario. The degree of evaluation and consultation when excess property and route relinquishments involve cultural resources that are *not* exempt from evaluation will depend on the type of resource and to whom the resource would be transferred. The general

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<sup>1</sup> Examples of transferring title to real property include excess parcel sale, donation, trade, or relinquishment. See Right-of-Way Manual [Section 16.05.02.00](#)

procedures for compliance under PRC §5024 outlined in [Chapter 2](#) Sections 2-7.8 and 2-7.9.

### **Coordination with Right of Way**

When transferring property out of Caltrans ownership, District Right-of-Way staff follow the guidance described in the [Chapter 16](#) of the Right of Way Manual, which includes completing environmental compliance. Excess Land staff within District Right of Way initiates environmental compliance procedures with District Environmental staff as soon as they know "property may become excess." Environmental compliance needs to be complete before Caltrans can request the California Transportation Commission's approval to transfer the title to real property out of its ownership. Therefore, it is important that District Right of Way and Environmental staff closely coordinate their efforts throughout the process.

### **Future Owner and Future Use**

In order to complete the HRCR, in addition to knowing whether there are National Register eligible/listed or CHL registered/listed resources on the parcel to be transferred or relinquished, one needs to know to whom the property will be transferred and whether there are known future plans for the property because this information directs how the HRCR is prepared and the level of documentation and consultation that is needed to complete cultural resources compliance. District Right-of-Way staff should provide that information as soon as it is known so that it does not delay environmental compliance.

## **CEQA AND EXCESS PROPERTY**

### **CEQA does not apply**

*The HRCR still needs to be completed even when CEQA does not apply because Caltrans always is required to comply with PRC §5024 when state-owned property is transferred or relinquished. Section 7 (CEQA Impact Findings) of the HRCR is where one documents the finding that CEQA does not apply. Check the box that says "N/A" and state that the transfer/relinquishment is not considered a project under CEQA. Complete the rest of the HRCR; see [PRC §5024 and Excess Property](#) below.*

### **CEQA applies**

When CEQA *does* apply (see [Chapter 2](#) Section 2-7.10), Caltrans is required to determine whether there historical resources pursuant to CEQA §15064.5(a)(4) on the property, including, if necessary, evaluation for National Register and California Historic Landmark eligibility, or as a historical resource under CEQA. Follow the state-only procedures outlined in [Chapter 2](#) Sections 2-7.8 and 2-7.9, and in [Exhibit 2.15](#).

The HRCR documents the presence or absence on the excess property of historical resources under CEQA (Sections 1 through 6 of the HRCR), and the actions Caltrans takes in considering and protecting those historical resources (HRCR Sections 7 and, as appropriate, Section 8-Mitigation Plan). Complete the rest of the HRCR; see [PRC §5024 and Excess Property](#) below.

### **PRC §5024 AND EXCESS PROPERTY**

As described Chapter 2 [Section 2-7.9](#), prior to transferring or relinquishing state-owned historical resources, Caltrans must notify SHPO on the effects of the transfer or relinquishment. Caltrans district PQS follow the process outlined in [Chapter 2](#) Sections 2-7.3 through 2-7.7. For all excess parcel transfers and route relinquishments the process will include:

- Conduct sufficient background research to identify previously evaluated resources, the results of those evaluations and whether they still valid
- Complete new DPR 523 inventory forms or update, as necessary, existing DPR 523 forms for resources not exempt from evaluation
- Describe the results of the research and inventory, including which properties previously were identified as historical resources under CEQA and/or previously were listed or determined eligible for the National Register or CHL
- Make conclusion(s) regarding the presence of state-owned National Register or CHL listed/eligible resources on the Caltrans property and the potential effects of the transfer or relinquishment on state-owned historical resources.

Depending whether there are cultural resources that need evaluation and their National Register of CHL status, more work may be needed, as explained below.

#### **State-owned archaeological and non-structural resources**

Under PRC §5024(f), for National Register listed/eligible or CHL registered/eligible archaeological sites and other non-structural resources, such as landscapes and historic tree rows, Caltrans requests SHPO's comments on the effects of the transfer or relinquishment. SHPO may choose whether or not to comment. Because SHPO recognizes that the cost of evaluating archaeological sites can become very expensive and could exceed what would be a reasonable and good faith effort to evaluate them, whether to conduct test excavations on archaeological sites to determine National Register eligibility needs to be considered on a case-by-case basis and will depend on what is already known about the resource. Similarly, the conditions for transferring archaeological sites may vary on a case-by-case basis, and might include measures to ensure future evaluations to confirm National Register or CHL eligibility.

### **State-owned buildings and structures**

Under PRC §5024.5, Caltrans must request SHPO's concurrence on the effects of transferring or relinquishing National Register listed/eligible or CHL registered/eligible buildings and structures (e.g., bridges, roadways, towers, retaining walls), and Caltrans efforts to ensure their protection. The protective measures to be included in the transfer vary with the type of historic property and whether the historic building or structure is transferred to a state, federal or local agency or to a private owner. Chapter 7 [Section 7-12.7](#) also contains information on protective measures when transferring historic properties.

The SHPO makes the determination under PRC §5024.5 as to whether the transfer or relinquishment would result in an adverse effect, and Caltrans must retain the SHPO's written comments in its files.

### **Completing the HRCR**

Complete Sections 1 through 4 of the HRCR, to the level appropriate for the type(s) of cultural resources that are on the excess parcel(s) or property to be transferred or relinquished.

Under Sections 5 and 6 (Exempted resources/No CEQA historical resources and CEQA historical resources identified), the most commonly checked box would be "N/A" because the majority of parcels likely will not have any cultural resources, or the resources are exempt from evaluation. If CEQA does not apply, Caltrans is not required to *evaluate* the resources pursuant to CEQA §15064.5(a)(4). However, if in the course of doing the required PRC §5024 background research, previously evaluated resources were identified, Caltrans discloses that fact by checking the appropriate box(es) in Section 5 (Exempt from Evaluation/No CEQA Historical Resources Identified), and listing those resources. Similarly, check the appropriate box(es) in Section 6 (CEQA Historical Resources Identified) and list those resources. If, in the course of background research, locally designated resources are identified, these also are reported in Section 6.

If there are state-owned National Register/CHL listed or eligible resources, in Section 8 (Mitigation Plan) briefly describe Caltrans' efforts to protect them, list the measures, and refer to the appropriate attachments.

Under Section 9 (State-owned Historical Resources Findings), check all the applicable findings. Attach the appropriate documentation and obtain the appropriate signatures (Sections 10 and 11).

### **Processing the HRCR for SHPO comments**

[Chapter 2](#) Section 2-7.9 "SHPO Review and Comment– State-owned Resources" and [Exhibit 2.15](#) contain guidance for when and how to submit the HRCR to SHPO.

After PRC §5024 compliance is complete and the transfer or relinquishment has been approved, the letter and documents that transfer the excess property to the

new owner(s) must disclose the presence of National Register or CHL listed/eligible resource(es) on the property, and the describe measures to protect the resources that are conditions of the transfer. In addition, the transmittal letter to the new owners(s) must disclose the presence on the property of any other known historical resource(s) under CEQA, such as a locally-designated historical resource. A copy of the HRCR is attached to the transfer letter.

### **TRANSFER TO A FEDERAL AGENCY**

Federal agencies have responsibilities under Sections 106 and 110 of the National Historic Preservation Act (NHPA) to protect and preserve National Register listed and eligible properties. These sections of the NHPA are roughly equivalent to Caltrans' responsibilities under PRC §5024. The level of effort needed to identify and protect these resources is commensurate.

#### **Archaeological resources**

Caltrans PQS follow the standard procedures outlined above under [PRC §5024 and Excess Property](#) and in [Chapter 5](#) and [Chapter 6](#) to *identify* National Register listed/eligible or CHL registered/eligible state-owned archaeological resources. For archaeological sites that were not previously determined eligible or ineligible, Caltrans PQS needs to disclose in the HRCR what is known about any sites on the excess parcel, based on the pre-field research and field review. If possible Caltrans PQS needs to conclude, based on all the available information, whether the site(s) on the excess property potentially meets National Register or CHL criteria, or whether it can be assumed National Register/CHL eligible for purposes of this transfer. At a minimum, the site(s) need to be recorded on a DPR 523 Primary Record.

#### **Built environment resources**

Caltrans PQS follow the standard procedures outlined in [Chapter 2](#) and in [Chapter 7](#) to identify and evaluate state-owned buildings, structures, landscapes, and other non-structural resources, include that information in the HRCR, and consult with SHPO on the eligibility findings, pursuant to PRC §5024.

#### **National Register listed/eligible resources**

Because federal agencies have Section 106 and Section 110 responsibilities, for National Register listed/eligible historic properties, it is not necessary to include additional protective measures in the transfer. Section 8 (Mitigation Plan) of the HRCR and the transmittal letter to SHPO would include a statement that

- "Caltrans has determined that the transfer of the [name of National Register eligible/listed property] to [agency name], a federal agency, would result in no effect under PRC §5024(f) because the resource automatically would be protected under Sections 106 and 110 of the NHPA. Therefore, protective covenants or other conditions are not necessary. A copy of this HRCR will be

included as an attachment to the Caltrans transmittal letter transferring the property."

### **California Historical Landmarks and Historical Resources under CEQA**

Sections 106 and 110 of the NHPA are not explicit about federal agencies' responsibilities to protect CHL registered/eligible resources and historical resources under CEQA. In the interest of full disclosure, however, Caltrans needs to inform the federal agency that these types of resources are present on the excess parcel.

### **TRANSFER TO A STATE AGENCY**

Other state agencies have the same responsibilities under PRC §5024 as Caltrans. According to the SHPO, transfers to other state agencies essentially have no effect because state agencies all have the same responsibilities under PRC §5024. Level of effort needed to identify and evaluate cultural resources on excess property consists of disclosing known information to the other state agency and to SHPO.

The minimum required steps to be documented in the HRCR are outlined above in [PRC §5024 and Excess Property](#). If specific resources were inventoried but not evaluated, include that information in the HRCR and indicate whether there is a potential for eligibility, pending evaluation by the recipient state agency.

### **Archaeological resources**

Caltrans PQS follow the standard procedures in [PRC §5024 and Excess Property](#) and in [Chapter 5](#) and [Chapter 6](#) to *identify* National Register listed/eligible or CHL registered/eligible state-owned archaeological resources. For archaeological sites that were not previously determined eligible or ineligible, Caltrans PQS needs to disclose in the HRCR what is known about any sites on the excess parcel, based on the pre-field research and field review. If possible Caltrans PQS needs to conclude, based on all the available information, whether the site(s) on the excess property potentially meets National Register or CHL criteria or whether National Register/CHL eligibility can be assumed for purposes of this transfer. The site(s) need to be recorded on a DPR 523 Primary Record.

### **Built environment resources**

Because other state agencies are required to evaluate resources under PRC §5024, Caltrans does not need to *evaluate* buildings and structures, landscapes, and other non-structural resources on excess property and relinquishments when transferred to another state agency. However, pursuant to PRC §5024(a) and (b) Caltrans must

- Inventory the built environment resources by completing DPR 523A Primary Record(s)

- Disclose any known historical information, such as results from prior record searches, determinations of National Register eligibility and whether the buildings or structures have already been identified as historical resources under CEQA
- Determine that there is no effect, pursuant to PRC §5024(f), because the excess property or route relinquishment will be to another state agency
- Provide notice and summary documentation (the HRCR) to SHPO pursuant to PRC §5024(f)

For their recordkeeping purposes, SHPO staff need to enter the results of the inventory into the database so they have an idea of what cultural resources are owned by the state.

### **National Register and CHL Resources**

Like Caltrans, other state agencies have the same PRC §5024 responsibilities, for state-owned historical resources (archaeological sites, other non-structural sites, and built environment resources). Therefore, it is not necessary to include additional protective measures in the transfer. Section 8 (Mitigation Plan) of the HRCR and the transmittal letter to SHPO would include a statement that

- "Caltrans has determined that the transfer of the [name of National Register eligible/listed CHL registered/eligible property] to [agency name], a state agency, would result in no effect under PRC §5024(f) because the resource automatically would continue to be protected by all applicable sections of this code. Therefore, protective covenants or other conditions are not necessary. A copy of this HRCR will be included as an attachment to the Caltrans letter transferring the property to the recipient state agency."

### **TRANSFER TO A LOCAL AGENCY**

Local agencies do *not* have the responsibilities that are equivalent to state agency responsibilities under PRC §5024. Not all local agency activities that have the potential for adverse effect are considered projects under CEQA. For instance, there are ministerial activities that are statutorily exempt from CEQA, but have the potential to adversely affect historical resources. If a local agency, for example, does not have a preservation ordinance that requires appropriate board review of demolitions, a demolition permit could be ministerial and statutorily exempt from CEQA, but demolition could result in the destruction of a National Register-eligible structure—an adverse effect. In this situation, transferring a state-owned National Register-eligible building to a local agency without protective measures—such as a city resolution to consider the property a historical resource and to consider alternatives that are consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and the *California Historical Building Code*—may result in an adverse effect. By way of contrast, for state agencies, that same proposed demolition must comply with

PRC §5024, the SHPO must be consulted, and prudent and feasible measures to avoid or mitigate the adverse effect must be implemented.

Similarly, a local agency's process for evaluating cultural resources and protecting historical resources is not automatic and is not necessarily equivalent to PRC §5024 standards. Therefore, prior to disposing of excess property through transfer or route relinquishment, Caltrans needs to follow the procedures outlined in [Chapter 2](#) Sections 2-7.8 and 2-7.7, including the development of protective measures if the excess parcel or route relinquishment contains National Register listed/eligible or CHL registered/eligible resources. Caltrans is required to make a reasonable and good faith effort to protect these types of resources. If Caltrans is unable to obtain protective agreements, covenants or conservations easements, then the HRCR, or a supplemental HRCR if the failure occurred after SHPO review, needs to document those efforts and why they failed.

### **Archaeological resources**

Caltrans PQS follow the standard procedures in [PRC §5024 and Excess Property](#) and in [Chapter 5](#) and [Chapter 6](#) to identify National Register listed/eligible or CHL registered/eligible state-owned archaeological resources. For archaeological sites that were not previously determined eligible or ineligible, Caltrans PQS needs to disclose in the HRCR what is known about any sites on the excess parcel, based on the pre-field research and field review. If possible Caltrans PQS needs to conclude, based on all the available information, whether the site(s) potentially meets National Register or CHL criteria, or whether it can be assumed National Register/CHL eligible for purposes of this transfer. At a minimum, the site(s) need to be recorded on a DPR 523 Primary Record.

**CITY A** has an existing preservation ordinance that includes buildings, structures and archaeological sites and requires its Preservation Commission or Preservation staff to review alterations, changes, additions, demolitions in a manner consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, and adopted use of the California Historical Building Code on locally designated buildings and structures.

Protective measures for transferring a state-owned historic building, bridge or archaeological site might include a resolution from the city to add the property to its list of designated landmarks.

**CITY B** does not have any preservation or landmark ordinance. Protective measures for a National Register-eligible archaeological site might include deeding the site into a permanent conservation easement. If a potentially significant site has been identified, the protective measures might include a condition that prior to any ground-disturbing activity, a qualified archaeologist will conduct an appropriate level survey to determine whether the site might be eligible for inclusion in the National Register, as well as appropriate measures to protect the site, depending on the proposed activity.

Protective measures for a National Register-eligible structure might include a protective covenant to have a qualified nonprofit organization review proposed changes of identified character-defining features consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, and for the city building inspector to apply the *California Historical Building Code*.

If it is determined that the cost of conducting studies to confirm National Register or CHL eligibility are too high and not a wise use of state funds, Caltrans may place conditions on the transfer to ensure that the new owner uses a qualified archaeologist(s) to conduct the studies prior to initiating ground-disturbing activities that have the potential to adversely affect the site(s) on the property. There is a range of measures that could be considered to protect archaeological sites that may be appropriate. Caltrans PQS may contact CCSO for assistance with developing these appropriate measures.

### **Built environment resources**

Caltrans PQS follow the standard procedures outlined in [Chapter 2](#) and in [Chapter 7](#) to identify and evaluate state-owned buildings, structures, landscapes, and other non-structural resources, include that information in the HRCR, and consult with SHPO on the eligibility findings, pursuant to PRC §5024.

### **National Register and CHL Resources**

When Caltrans is transferring National Register listed or eligible resources, or CHL register or eligible resources to local agencies, Caltrans PQS need to determine whether the recipient agency has existing historic preservation plan elements and protective ordinances and coordinate with other Caltrans divisions (e.g., Right of Way and Legal, as appropriate) to develop local agency commitments to protect the historical resources on the site. The level of local agency historic preservation responsibilities can range from none to quite sophisticated, and there is no statewide consistency in what or how local agencies protect historical resources. The transfer of state-owned historical resources to local agencies, under PRC §5024 is considered to have the potential for adverse effect.

Therefore, it is necessary to include protective measures in the transfer. Transfers of state-owned historical resources with conservation easements or protective covenants typically are used to obtain a finding of no adverse effect under PRC §5024(f) for archaeological and non-structural National Register listed/eligible or CHL registered/eligible historical resources, and under PRC §5024.5 for state-owned National Register listed/eligible or CHL registered/eligible buildings and structures. Protective measures are described in Section 8 (Mitigation Plan) of the HRCR and the draft commitments are included in the HRCR as attachments. Chapter 7 [Section 7-12.7](#) also contains information on property transfers to another governmental entity. Caltrans PQS may contact the CCSO BEPS Chief for assistance with developing appropriate measures, and for sample language for resolutions or protective covenants.

### **PRIVATE OWNER TRANSFERS**

Private owners are under no obligation to comply with state or local cultural resources laws and regulations, unless their actions include public funding,

permits, licenses, etc. that would trigger environmental review. There are activities (e.g. ground-disturbing activities, alterations, demolitions) that could adversely affect historical resources. Therefore, when state-owned historical resources are transferred to a private owner(s), under PRC §5024, the transfer has the potential for adverse effect. As with transfers to local agencies, prior to transferring excess property to private owners, Caltrans needs to follow the procedures outlined in [Chapter 2](#) Sections 2-7.8 and 2-7, including the development of protective measures if the excess parcel or route relinquishment contains National Register listed/eligible or CHL registered/eligible resources. Caltrans is required to make a reasonable and good faith effort to protect these types of resources. If Caltrans is unable to obtain protective agreements, covenants or conservations easements, then the HRCR, or a supplemental HRCR if the failure occurred after SHPO review, needs to document those efforts and why they failed.

### **Archaeological resources**

Caltrans PQS follow the standard identification and evaluation procedures outlined above under [Local Agency Transfers](#). There is a range of measures that could be considered to protect archaeological sites that may be appropriate, including measures outlined in CEQA [§21083.2](#).

### **Built environment resources**

Caltrans PQS follow the standard procedures outlined in [Chapter 2](#) and in [Chapter 7](#) to identify and evaluate state-owned buildings, structures, landscapes, and other non-structural resources, include that information in the HRCR, and consult with SHPO on the eligibility findings, pursuant to PRC §5024.

### **National Register and CHL Resources**

When Caltrans is transferring National Register listed or eligible resources, or CHL register or eligible resources to private owners, Caltrans PQS need to develop appropriate protective measures, coordinating with other Caltrans divisions (e.g., Right of Way and Legal, as necessary), and the private owner. Transfers of state-owned historical resources with conservation easements or protective covenants typically are used to obtain a finding of no adverse effect under PRC §5024(f) for archaeological and non-structural National Register listed/eligible or CHL registered/eligible historical resources, and under PRC §5024.5 for state-owned National Register listed/eligible or CHL registered/eligible buildings and structures.

Protective measures are described in Section 8 (Mitigation Plan) of the HRCR and the draft commitments are included in the HRCR as attachments. [Chapter 7 Section 7-12.7](#) also contains information on property transfers to private owners. Caltrans PQS may contact the CCSO BEPS Chief for assistance with developing these appropriate measures, and for sample language for protective covenants.

After SHPO has concurred under PRC §5024(f) or 5024.5, Caltrans District PQS need to follow up with District Right of Way to ensure that the conservation easement and/or protective covenant has been executed and recorded.

### **PROPERTY TRANSFER DOCUMENTS AND TRANSMITTAL LETTER**

After environmental compliance is complete, Caltrans prepares a transfer transmittal letter to the new owner. The letter and protection documents (e.g., conservation easements, protective covenants, city resolutions, or cooperative agreements) identify by name(s) of any National Register listed/eligible resources on the property. Likewise, in the interest of full disclosure, Caltrans identifies in the letter whether the property contains any historical resources under CEQA, such as locally designated, California Register listed/eligible resources, CHL registered/eligible resources, or potentially National Register-eligible archaeological sites. The letter also summarizes the protections that are conditions of the transfer and that are explained more fully in the transfer documents themselves; these will vary depending on who will be the new owner(s). A copy of the HRCR is attached to the transfer transmittal letter. District PQS should coordinate with District Right-of-Way staff to ensure that any the documents and transmittal letters contain the appropriate language to address the historic nature of the resources on the property. As with any legal document, staff should seek Caltrans legal counsel on the wording and legality of the transfer documents.

#### **Federal Agencies**

In addition to identifying the resources on the property, the transfer transmittal letter to the federal agency also states that because the resources on the property are National Register listed or eligible, any actions or projects affecting them are subject to Section 106 and Section 110 of the National Historic Preservation Act and that for this reason, no other protections are necessary.

#### **State Agencies**

In addition to identifying the resources on the property, the transfer transmittal letter to the state agency also states that because the resources on the property are National Register listed or eligible or are CHL-register or eligible, any actions or projects affecting them continue to be subject to California Public Resources Code §5024, and as applicable, CEQA, and that for this reason, no other protections are necessary.

#### **Local Agencies**

In addition to identifying the resources on the property, the transfer transmittal letter to the local agency also includes a summary of the protective measures that are conditions of the transfer. Depending on the type of transfer and whether the local agency has a preservation ordinance with protections similar to PRC §5024 (e.g., use of the Secretary of the Interior's Standards for the Treatment of Historic Properties, application of the California Historical Building Code), the summary

would identify provisions in a city or county resolution, in a cooperative agreement between Caltrans and the agency, official adoption in the local ordinance, conservation easement, or protective covenant.

### **Private Owners**

In addition to identifying the resources on the property, the transfer transmittal letter to the private owner – with a copy to the local jurisdiction and the local historical society or historic preservation organization, if there is one– also summarizes the provisions of the protective covenant, conservation easement, or other measures that are conditions of the transfer.

### **POST TRANSFER—COMPLETING PRC §5024 COMPLIANCE**

The Caltrans Environmental Handbook, [Chapter 2](#) Section 2-7.10 "Post Transfer-Completing PRC §5024 Compliance " contains guidance for follow-up notification to SHPO when Caltrans has completed the transfer of ownership for National Register listed or eligible or CHL registered or eligible resources.

### **NATIONAL REGISTER LISTED STATE-OWNED RESOURCES**

Under PRC §5027, legislative approval is required when state agencies transfer National Register-listed buildings or structures to another public agency when the transfer would result in demolition, destruction or significant alteration (except for restoration to preserve or enhance its historical values) of the National Register-listed building or structure. This entails amending PRC §5027. Chapter 2 of this volume contains a discussion of this section of the code.

Very few Caltrans-owned buildings or structures are actually listed in the National Register, but should this situation arise, under PRC §5024.5, Caltrans must consult with the SHPO *early* in the planning process; consultation needs to occur before the legislation is passed. Ideally, Caltrans should be consulting with SHPO before the legislation is introduced. This allows time during the compliance process to determine whether there is an alternative to demolition, destruction or alteration, as well as to identify mitigation measures, should avoidance be imprudent or unfeasible. As outlined in PRC §5024.5, Caltrans must consult with SHPO as soon as possible so that PRC §5024 compliance is complete and any mitigation measures are in place, or included in the proposed legislation.