

## Exhibit 1.3: Definitions of Terms

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Unless specifically indicated otherwise, the following descriptions and definitions of terms apply throughout [Volume 2](#) – Cultural Resources of the *Standard Environmental Reference (SER)*.

**Advisory Council on Historic Preservation (ACHP):** an independent federal agency, which advises the President and Congress on historic preservation issues and administers the provisions of Section 106 of the National Historic Preservation Act.

**Area of Potential Effects (APE):** the area, or areas, within which an undertaking may cause changes in the character or use of historic properties, should any be present.

**Archaeological Monitoring Area (AMA):** Area within or near construction limits where access is allowed, but work is subject to archaeological monitoring.

**California Historical Landmark (CHL):** an official state list of properties of statewide significance designated under provisions of the Public Resources Code by the State Historical Resources Commission; also called State Historic Landmark (SHL).

**California Register of Historical Resources (CRHR):** a state list to be used as an authoritative guide to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change.

**Caltrans Cultural Resources Database (CCRD):** an electronic inventory of architectural and archeological cultural resources that provides a connection to cultural resources along right-of-ways. Because it stores crucial and confidential cultural resources information its use is restricted to use by Caltrans cultural resource staff.

**Cultural resource:** any tangible or observable evidence of past human activity, regardless of significance, found in direct association with a geographic location, including tangible properties possessing intangible traditional cultural values.

**Determination of eligibility (DOE):** a finding that a property meets the eligibility criteria for inclusion in the National Register of Historic Places, although not actually listed, and is afforded the same protection under Section 106 as a listed property; resources determined eligible for listing in the California Register by the State Historical Resources Commission are afforded similar consideration under CEQA.

**Environmentally Sensitive Area (ESA):** For cultural resources compliance purposes, an area that contains a historic property that is listed or eligible for listing in the National Register of Historic Places and is protected from harm during implementation of a project or activity.

**Finding of Adverse Effect (FAE):** a finding in the Section 106 compliance process that a project will directly or indirectly alter the characteristics of a historic property that qualify it for inclusion in the National Register of Historic Places. Examples of adverse effects include physical destruction or damage; alteration not consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*; relocation of a property; change of use or physical features of a property's setting; visual, atmospheric, or audible intrusions; neglect resulting in deterioration; or transfer, lease, or sale of a property out of Federal ownership. This type of finding requires that a Memorandum of Agreement be signed that includes mitigation measures to avoid or reduce harm to the affected historic properties.

**Finding of No Adverse Effect with Standard Conditions - Environmentally Sensitive Area (FNAE-SC: ESA):** a finding under the Section 106 Programmatic Agreement in which a historic property is actively protected from harm during the implementation of a project. By establishing an ESA during the projects' process, Caltrans is legally committing to protect historic properties from any adverse effects, thereby avoiding a "Finding of Adverse Effect." While primarily used for archeological sites, buildings and structures also may be protected by ESAs. This type of finding does not require consultation with the State Historic Preservation Officer or the Advisory Council on Historic Preservation.

**Finding of No Adverse Effect with Standard Conditions - Secretary of the Interior's Standards for the Treatment of Historic Properties (FNAE-SC: SOIS):** [add something here] a finding under the Section 106 Programmatic Agreement in which it is possible on a project to avoid adverse effects to a historic property by ensuring that the project or activity will be completed according to the *Secretary of the Interior's Standards for Treatment of Historic Properties (SOIS)* when an undertak-

ing consists of maintenance, repairs, rehabilitation or alterations. This is used primarily for built environment historic properties such as buildings, bridges, structures and roads. This type of finding does not require consultation with the State Historic Preservation Officer or the Advisory Council on Historic Preservation.

**Finding of No Adverse Effect without Standard Conditions:** a finding under the Section 106 Programmatic Agreement in which adverse effects to historic properties may be avoided by imposing conditions on the project other than the standard conditions described above. This type of finding requires approval by the Caltrans Headquarters Division of Environmental Analysis Cultural Studies Office and the State Historic Preservation Officer must concur with the finding.

**Historic property:** in federal law, a district, site, building, structure, or object significant in American history, architecture, engineering, archaeology, or culture at the national, state, or local level, that has integrity, and that meets the National Register criteria.

**Historic Property Survey Report (HPSR):** a document used for federal undertakings that summarizes the first steps in the Section 106 process, including the project description, establishment of the Area of Potential Effects, the adequacy of identification efforts for potential historic properties, public participation, determinations of eligibility and ineligibility for listing in the National Register, and findings of No Historic Properties affected. The document constitutes the legal findings for these activities under Section 106 projects funded by the Federal Highway Administration in California, and serves as official document by which Caltrans, as assigned by the Federal Highway Association, consults with the California State Historic Preservation Officer, as applicable under the Section 106 Programmatic Agreement.

**Historical resource:** in state law, any object, building, structure, site, area, place, record, or manuscript found to be historically or archaeologically significant, or significant in other specific aspects of California life, and that meets the California Register criteria.

**Historical Resources Compliance Report (HRCR):** a document that Caltrans uses to document compliance with state environmental law, such as CEQA, Public Resources Code Section 5024 and Governor's Order W-26-92, for state-only projects and activities. The document includes the project description, establishment of the Project Area Limits, adequacy of identification efforts for potential historical re-

sources under CEQA, public participation, determinations of whether cultural resources within the project area meet the eligibility criteria for the California Register of Historical Resources, impact findings, and if applicable, measures to mitigate below the level of significance or mitigation measures for substantial adverse changes to historical resources. The document constitutes the legal findings for these projects and activities, and serves as the official document by which Caltrans documents compliance with California environmental laws and regulations for cultural resources and consults with the California State Historic Preservation Officer.

**Historical resource under CEQA:** in state law, any cultural resource that is designated as historic under a local ordinance or resolution, any resource that is identified as significant in a local survey that meets the Office of Historic Preservation standards, any resource that is listed in or has been determined eligible for listing in the National Register of Historic Places, any resource that is listed in or has been determined eligible for listing in the California Register by the State Historical Resources Commission, any resource that meets the California Register criteria as outlined in PRC 5024.1.

**Letter Report:** a document that is only used to justify exempting properties from evaluation when the Section 106 Programmatic Agreement does *not* apply, such as when such cultural resources are located on tribal lands or when Caltrans, as assigned by the Federal Highway Administration (FHWA) or FHWA as applicable, is not the lead federal agency.

**Local register of historical resources:** a list of properties officially designated or recognized as historically significant by a local government under a local ordinance or resolution.

**Master List of Historical Resources (Master List):** in state law, a list of state-owned cultural resources that are listed in the National Register/CHL, and state-owned buildings and structures that have been determined eligible for inclusion in the National Register or CHL criteria, maintained by the State Historic Preservation Officer, pursuant to Public Resources Code 5024.

**National Historic Landmark (NHL):** a property formally designated by the Secretary of the Interior as having special importance in the interpretation and appreciation of the nation's history; NHLs receive additional protection under Section 106 (36 CFR 800.10).

**National Register of Historic Places (NRHP):** the national master inventory of known historic properties; the National Park Service administers the National Register. It may include properties significant at the national, state, and local level.

**Office of Historic Preservation (OHP):** the name of California's state historic preservation office.

**Points of Historical Interest (POI):** an official state list of properties of local interest designated under the provisions of the Public Resources code by the State Historic Resources Commission.

**Project:** the whole of a discretionary action that has the potential for resulting in either a direct or foreseeable indirect physical change in the environment

**Project Area Limit:** in state law, the area, or areas, within which a project may cause changes in the character or use of historical resources, should any be present.

**Public Resources Code 5024:** the section of state law that requires state agencies to formulate policies to preserve and maintain state-owned historical resources “in a spirit of stewardship and trusteeship for future generations;” to consult with the State Historic Preservation Officer regarding its inventory of state-owned historical resources; and potential effects to state-owned historical resources in the Master List of Historical Resources; and to notify the State Historic Preservation Officer of potential effects to state-owned non-structural historical resource.

**Public Resources Code (PRC) 5024 Memorandum of Understanding (5024 MOU):** the legal document between Caltrans and the California State Historic Preservation Officer, that allows Caltrans to comply with PRC 5024 by using streamlined measures for many steps in this compliance process for state-owned cultural resources.

**Section 106:** the section of the National Historic Preservation Act which requires that federal agencies take into account the effect of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation an opportunity to comment on such undertakings. Regulations implementing Section 106 are found at 36 Code of Federal Regulations (CFR) Part 800.

**Section 106 Programmatic Agreement (Section 106 PA):** the legal document among the Federal Highway Administration, Advisory Council on Historic Preserva-

tion, California State Historic Preservation Officer, and Caltrans that allows Caltrans to comply with Section 106 of the National Historic Preservation Act by using streamlined measures for many steps in the Section 106 process. The Section 106 PA is for use on Federal-Aid Highway Program in California.

**State Historic Preservation Officer (SHPO):** the appointed official in each state and territory charged with administering the national historic preservation program mandated by the National Historic Preservation Act 1966.

**State-Only Project:** a project or activity that has no federal involvement but is still subject to state laws and regulations.

**Study Area:** until an Area of Potential Effects is designated and approved by the Federal Highway Administration, the temporary name for the area, or areas, within which an undertaking may cause changes in the character or use of historic properties should any be present. The term is also used in CEQA documents.

**Traditional Cultural Property (TCP):** in federal law, a special category of cultural resources that are associated with the traditional cultural practices or beliefs of a living community and that meets the eligibility criteria for inclusion in the National Register of Historic Places. They may consist of buildings, structures, objects, sites, or districts that are rooted in a traditional community's history *and* are important in maintaining the continuing cultural identity of that community.

**Tribal Cultural Resource (TCR):** under CEQA, a category of historical resource that identifies a tribal cultural resource as a site, feature, place, cultural landscape or object that has cultural value to a California Native American tribe and meets the criteria for inclusion in the California Register of Historical Resources or on a local agency register.

**Tribal Historic Preservation Officer (THPO):** the tribal official who has formally assumed the SHPO's responsibilities for the purposes of section 106 compliance on tribal lands.

**Undertaking:** under Section 106, a project, activity, or program that receives federal funds or is under the direct or indirect jurisdiction of a federal agency, including federal licenses and permits.