

EXHIBIT 2.12: SAMPLE TRANSMITTAL LETTER— CALTRANS TO SHPO: INITIAL CONSULTATION (ADVERSE EFFECT)

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENVIRONMENTAL ANALYSIS, MS 27
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→ Use agency
letterhead

→ Date is
essential

August 1, 2006

Mr. Milford Wayne Donaldson, FAIA
State Historic Preservation Officer
Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001
Attention: Susan Stratton

← All submittals should be addressed
to the SHPO, but an "Attention" line
can be used if the reviewer has
already been identified

09-INY-999
P.M. 17.3/19.6
EA 09-XXXXXX
Camelrock Four-Lane

→ Subject line
helps identify
the submittal

Re: Historic Property Survey Report for the Camelrock Four-Lane Project, Inyo County,
California; 09-INY-999, PM 17.3/19.6

Dear Mr. Donaldson:

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

The California Department of Transportation (Caltrans), under the authority of the Federal Highway Administration (FHWA), is initiating consultation with the State Historic Preservation Officer (SHPO) regarding the Camelrock Four-Lane Project. Caltrans is initiating this consultation in accordance with the July 2003 *Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation* (Section 106 PA).

→ Paragraph 2:
Identify submitted
materials and
explain their
purpose

Enclosed you will find a Historic Property Survey Report (HPSR) for the proposed undertaking. The HPSR is intended to fulfill three of Caltrans' responsibilities under Section 106 of the National Historic Preservation Act: determination of the Area of Potential Effects (APE); identification of potential historic properties located within the undertaking's APE; and evaluation of potential historic properties for eligibility to the National Register of Historic Places (National Register). Under the Section PA, Caltrans is responsible for ensuring the appropriateness of the APE (Stipulation VIII.A) and the adequacy of historic property identification efforts (Stipulation VIII.B). We are consulting with you at the present time under Section 106 PA Stipulation VIII.C.5, which requires that we seek your concurrence on Caltrans' determinations of eligibility for potential historic properties.

→ Identify specific
nature of the
present consultation

Identify relevant stipulation

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

On behalf of FHWA, Caltrans proposes to widen 2.3 miles of U.S. 999 from the existing two-lane facility to a four-lane divided highway. The proposed undertaking, known as the "Camelrock Four-Lane Project," extends from postmile 17.3 to postmile 19.6 between the towns of Liberty and Big Timbers in central Inyo County, California. Construction activities associated with the proposed undertaking include the trenching, grading, cutting, and filling of existing landforms for utility

relocations, intersection realignments, culvert installations, and the construction of new roadway. These activities will generally be limited to an area extending to 25 meters to the east and 75 meters to the west of the existing roadway. A full project description and depiction of the Area of Potential Effects (APE) can be found on page 3 and in Figure 3 of the HPSR.

Identify where reviewer can find more detail

Paragraphs 4, 5, 6, 7:
summarize results of
studies and
consultation

Consultation and identification efforts for the Camelrock Project (summarized in pages 3-7 of the attached HPSR) resulted in the identification of 14 resources requiring formal evaluation within the APE, including:

List
evaluated
resources
by type

- 9 archaeological sites
- 5 historic-period buildings and structures

Explains why other
recorded resources
(i.e., isolated projectile
points, historic-period
survey markers, and
old fence lines) were
not evaluated.

All other resources identified within the APE (e.g., isolates, etc.) were exempted from formal evaluation pursuant to Section 106 PA Stipulation VIII.C.1 and Attachment 4 ("Properties Exempt from Evaluation"). These exempted resources included assorted isolated artifacts and features, a building (the Dry Creek Rest Stop building), a historic-period refuse scatter (CA-INY-xxxxH), and a historic-period structure (a segment of the Dry Creek Ditch System, recorded as CA-INY-xxxyH).

Identify any
resources
previously evaluated
and identify their
Historical
Resources status

None of the 14 resources requiring formal evaluation were previously determined eligible for inclusion in the National Register. One property, prehistoric archaeological site CA-INY-xxxz, was previously determined not eligible for the National Register by consensus determination (April 16, 1991; OHP File No. BLM430101A). Pursuant to Section 106 PA Stipulation VIII.C.4, the original determination for this site was reviewed, confirming the original determination that the site is not eligible for inclusion in the National Register.

Include date and file number of concurrence
on previous determinations

Caltrans' formal evaluation efforts for the remaining 14 resources resulted in the following determinations pursuant to Stipulation VIII.C:

List formally
evaluated
resources

- 3 archaeological sites are determined eligible for the NRHP under criterion D
- 4 archaeological sites are determined not eligible
- 1 archaeological site that can be protected from project effects is determined eligible for the purposes of the present undertaking, pursuant to Section 106 PA Stipulation VIII.C.3
- 1 archaeological site was not fully evaluated, but portions within the APE are determined not eligible by themselves and non-contributing to any potential eligibility of the larger resources
- 5 historic-period buildings and structures are determined not eligible for inclusion in the National Register

Identify relevant stipulation for each item – in this example the stipulation is identified at the top of the list because all of the requested items fall under the same stipulation

Paragraph 8:
clearly state every
item for which you
are requesting
concurrence; use
numbers or bullets
to enumerate
different requests

Pursuant to Section 106 PA Stipulation VIII.C.5, Caltrans is requesting your concurrence with the following eligibility determinations:

- (1) the following 3 archaeological sites are eligible for inclusion in the National Register under criterion "d" for values associated with their prehistoric deposits: CA-INY-aaaa, INY-bbbb/H, and INY-cccc/H
- (2) the following 4 archaeological sites are not eligible for inclusion in the National Register: CA-INY-eeee, INY-ffff, INY-gggg, and INY-hhhh/H,
- (4) the following site is determined eligible for the purposes of the present undertaking: CA-INY-dddd
- (5) portions of one archaeological site, CA-INY-iiii, lying within the project APE is not eligible for inclusion in the National Register and is a non-contributing feature to any

potential eligibility of the larger resources (pursuant to Section 106 PA Stipulation VIII.C.2);

- (6) the following 5 historic-period buildings and structures are not eligible for inclusion in the National Register: P-14-mmmm (Glassdome Ditch), Farmers Cottage (165 US 999, Big Timbers), House (167 US 999, Big Timbers), Big Timbers Post Office (166 US 999, Big Timbers), and Lou's Pit Stop (85 US 999, Liberty).

Concluding paragraph:

We look forward to receiving your response within 30 days of your receipt of this submittal, in accordance with Section 106 PA Stipulation VIII.C.5.a. If you need any additional information, please do not hesitate to contact Caltrans PQS Archaeologist Regina Appleton at (916) 555-0001 (fax: 555-6126; e-mail: Regina_Appleton@dot.ca.gov). Finally, thank you for your assistance with this undertaking.

Identify length of review period

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

Acknowledge SHPO's assistance

Sincerely,

Glenn Gmoser, Chief
PAST Branch
Cultural and Community Studies Office,
Caltrans Headquarters, Sacramento

Signed by person of appropriate status, including title and location

List all submitted materials

Attachment: Camelrock Four-Lane HPSR

c: Gary N. Hamby, FHWA Division Administrator
Richard Wilder, Chairperson, Fort Independence Community of Paiute
Jessica Bacocho, Chairperson, Big Pine Paiute Band of Owens Valley

Copy other organizations as appropriate (in this example, Section 106 PA Stipulation VIII calls for concurrent submittal to FHWA)

Optional: Business card stapled to submittal letter provides full contact info, and lets reviewer know who they should contact if more information is needed

Place Business Card Here