

# SECTION 106 PROGRAMMATIC AGREEMENT ANNUAL REPORT

JULY 1, 2023 - JUNE 30, 2024



CULTURAL STUDIES OFFICE  
DIVISION OF ENVIRONMENTAL ANALYSIS  
CALIFORNIA DEPARTMENT OF TRANSPORTATION  
SACRAMENTO, CALIFORNIA

September 2024

## **EXECUTIVE SUMMARY**

This report documents the effectiveness of and summarizes actions carried out under the January 1, 2014, First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation 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 (Section 106 PA). The Section 106 PA was executed on January 1, 2014, and was set to expire on December 31, 2023. However, the 2014 Section 106 PA was extended for one year and is in the final stages of being renewed for another 10-year term. This reporting period is from July 1, 2023, through June 30, 2024, and is provided in accordance with stipulations XX.G.2 and XX.G.4 of the Section 106 PA. The California Department of Transportation (Caltrans) has employed the use of a Programmatic Agreement as an alternative measure to comply with Section 106 of the National Historic Preservation Act of 1966 (NHPA) since 2004.

The Section 106 PA incorporates Caltrans' role as National Environmental Policy Act (NEPA) Lead Agency. The Federal Highway Administration (FHWA) first assigned this responsibility to Caltrans in 2007 as a pilot program under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA-LU) (Public Law 109-59). In July 2012, SAFETEA-LU legislation was replaced with the Moving Ahead for Progress in the 21st Century Act (MAP-21) (P.L. 112-141). Section 1313 of MAP-21 23 amended U.S.C. 327 to establish a permanent Surface Transportation Project Delivery Program, which allows any state to participate and allows states to renew their participation in the program. Caltrans was the first state to participate in this program. Through the Project Delivery Program Memorandum of Understanding (327 MOU), Caltrans maintains its assignment of FHWA's (hereafter NEPA Assignment) responsibilities under NEPA and Section 106 of the National Historic Preservation Act (Section 106). Permanent assignment as NEPA Lead Agency became effective October 1, 2012. Due to its continued success in managing its NEPA responsibilities, Caltrans renewed the 327 MOU with FHWA in 2022, the model for which has been used by many other states contemplating an enhanced role in the federal process in accordance with the provisions of MAP-21 and the successor legislation, the Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94). The Caltrans Division of Environmental Analysis and Cultural Studies

Office (CSO) continue to perform FHWA's role and take on its responsibilities for compliance with the steps of the Section 106 process.

The results of this Annual Report reveal that Caltrans processed 857 federal-aid highway projects under the Section 106 PA during the reporting period. Of these, 792 required no SHPO review and were treated in accordance with various stipulations governing internal review of identification, evaluation, and assessment of effects. A total of 65 completed projects required external review by the State Historic Preservation Officer (SHPO). Twelve (12) of these required only concurrence on determinations of eligibility due to resulting No Historic Properties Affected findings. Forty-three (43) resulted in findings of No Adverse Effect. Two (2) of the No Adverse Effect Finding included Minor Phasing. Six (6) of the 65 SHPO-reviewed projects resulted in a finding of Adverse Effect (FAE). Five (5) FAE projects required or will require preparation of memorandum of agreement (MOA) documents to address mitigation strategies for effects to historic properties and one (1) will require the preparation of a programmatic agreement (PA) to complete identification and evaluation of properties in the Area of Potential Effects (APE). The remaining four (4) SHPO-reviewed projects were conducted under emergency procedures. A summary of results of the actions completed in accordance with the Section 106 PA begins on page 2.

Caltrans districts reported three (3) violations of an established Environmentally Sensitive Area (ESA) or Archaeological Monitoring Area (AMA) and six (6) instances of Post-Review Discoveries during the current reporting period. A discussion of these incidents begins on page 12.

Quality assurance measures for this reporting period included on-going PQS review of Caltrans District reports by CSO staff and delivery of one PA training for statewide PQS in January 2024. Other training presented by CSO and the District PQS was tailored to the needs of the individual districts and regions to improve the knowledge, skills, and abilities of internal Caltrans staff as well as external agency partners, consultants, and Native American Tribes. These and other quality assurance measures are presented on page 21.

During this reporting period, Caltrans also continued consultation with the SHPO and other parties to the PA to amend and renew the Section 106 PA, in accordance with Stipulation XX.G.

Through its mission, vision, and goals, Caltrans strives for innovation, quality, and commitment to its stewardship of important public resources. The Section 106 PA is a valuable tool, and its use is directly related to several of the Department's

goals: Cultivate Excellence; Strengthen stewardship and drive efficiency; and Advance equity and livability in all communities. Caltrans PQS meet these goals by promoting stewardship, partnering, and efficiency to meet the challenges of the current fiscal climate and provide balance with the project delivery process. Working with internal and external partners, Caltrans Section 106 practitioners take their role within Caltrans seriously, and through the Section 106 PA they continue to seek innovative measures to comply with cultural resources laws and regulations while maintaining federal standards and ensuring that effects to cultural resources are taken into account during project planning. It is Caltrans' judgment that the use of the alternative measures to comply with Section 106 provided by the Section 106 PA exceed the standards set by the Caltrans Mission, Vision, and Goals and continues to be an effective program alternative to standard compliance within the NHPA and its implementing regulations.

## TABLE OF CONTENTS

### SECTION 106 PROGRAMMATIC AGREEMENT ANNUAL REPORT

EXECUTIVE SUMMARY .....	ii
INTRODUCTION.....	1
SUMMARY OF SECTION 106 PA ACTIONS.....	3
2023-2024 PROJECT COMPLIANCE ACTIVITIES .....	5
Projects Exempt from SHPO Review .....	5
Projects Requiring SHPO Review .....	5
EFFECTIVENESS OF THE PA .....	8
FHWA Reviews and Approvals .....	8
Estimated Time Savings .....	8
Projects Requiring SHPO Review .....	11
POST-REVIEW DISCOVERIES, UNANTICIPATED EFFECTS, ESA/AMA VIOLATIONS, AND EMERGENCIES.....	12
Emergency Procedures.....	13
Post-Review Discoveries and Inadvertent Effects.....	16
ESA and AMA Violations.....	19
STATUS OF AGREEMENT DOCUMENTS AND ONGOING CONSULTATION .....	21
QUALITY ASSURANCE MEASURES .....	22
CONCLUSION .....	23

### **TABLES**

Table 1: Total Activities Completed - Fiscal Year 2023-2024.....	2
Table 2: Property Evaluation Activities.....	6
Table 3: Effect Findings.....	8
Table 4: Section 106 Review Timeframes.....	9
Table 5: Review Timeframes for Effect Findings .....	11

**FIGURES**

Figure 1: Federal-Aid Highway Projects - Fiscal Year 2023-2024..... 4  
Figure 2: Screened Undertakings - Fiscal Year 2023-2024 ..... 6

**ATTACHMENT 1**

PA ACTIVITIES 2005-2024

## **INTRODUCTION**

The First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as It Pertains to the Administration of the Federal-Aid Highway Program in California (Section 106 PA) was executed on January 1, 2014. The Section 106 PA streamlines compliance with Section 106 of the National Historic Preservation Act by assigning Federal Highway Administration's (FHWA) responsibility for carrying out the routine aspects of the Section 106 process to the California Department of Transportation (Caltrans). The Section 106 PA applies to Federal-Aid Highway projects on or off the State Highway System (SHS), funded all or in part by FHWA. All cultural resource studies completed under the auspices of the Section 106 PA are carried out by or under the direct supervision of individuals who meet the Secretary of the Interior's (SOI) Professional Qualifications Standards for the relevant field of study. Use of the SOI standards ensure program quality and satisfies federal mandates associated with Section 106 compliance. Caltrans meets these standards by certifying its cultural resources staff as Professionally Qualified Staff (PQS). The Chief of the Cultural Studies Office in the Division of Environmental Analysis (DEA) is responsible for certifying the qualifications of all PQS. Caltrans PQS are responsible for ensuring that the effects of Caltrans' undertakings to cultural resources are accounted for.

In accordance with Stipulations XX.G.1 and XX.G.2, this report documents the effectiveness of, and summarizes activities carried out under, the Section 106 PA. It covers actions for which Section 106 consultation concluded between July 1, 2023, and June 30, 2024. In addition to annual reporting and in accordance with Stipulation XX.G.3, Caltrans is required to provide the SHPO quarterly reports on findings made relevant to Stipulation X.B.1. A summary of those findings is included herein as well.

In addition to streamlining the Section 106 process for Caltrans, the Section 106 PA reduces the workload for the State Historic Preservation Officer through internal PQS review of routine projects. This includes district-processed Screened Undertakings, or those projects that do not involve any cultural resources, and CSO approved Findings of No Adverse Effects with Standard Conditions (NAE-SC), as well as assumptions of eligibility for the purposes of an undertaking when special circumstances preclude their complete evaluation. Approximately 7.6%

of projects done under the Section 106 PA required SHPO review this reporting period. Caltrans staff ensures that all project documentation for undertakings that are not subject to SHPO review remain on file in the appropriate Caltrans District. In addition, when appropriate, Caltrans PQS provide documentation to consulting parties and the public in accordance with applicable confidentiality requirements. Delegation to PQS of the authority to perform many of the functions of the SHPO has enabled SHPO staff to concentrate efforts on the more complex projects that involve the formal evaluation of cultural resources and/or have potential for adverse effects to historic properties, as defined by 36 CFR 800.

In accordance with Stipulation XX.G.4, Caltrans is providing notice to the public that this report is available for inspection and will ensure that potentially interested members of the public are made aware of its availability. Additionally, the public may provide comment to signatory parties on the report. This report is being submitted to the FHWA, SHPO, the Advisory Council on Historic Preservation (ACHP), the U.S. Army Corps of Engineers (Corps), and the Caltrans Director and District Directors. It is posted on the Caltrans website and is available upon request.

**Table 1: Total Activities Completed - Fiscal Year 2023-2024**

<b>Projects Completed</b>	<b>857</b>
State Highway System Projects	567
Local Streets and Roads Projects	290
<b>Number of Projects Screened</b>	<b>630 (73.5%)</b>
State Highway System Projects	381
Local Streets and Roads Projects	249
<b>Number of Findings of NHPA</b>	<b>129 (15.1%)</b>
State Highway System Projects	99
Local Streets and Roads Projects	30
<b>Number of Findings of NAE-SC</b>	<b>45 (5.3%)</b>
State Highway System Projects	43
Local Streets and Roads Projects	2
<b>Number of Completed Projects to SHPO</b>	<b>65 (7.6%)</b>
State Highway System Projects	47
Local Streets and Roads Projects	18
<b>Number of Completed Determinations of Eligibility</b>	<b>44</b>
State Highway System Projects	24
Local Streets and Roads Projects	20



## **SUMMARY OF SECTION 106 PA ACTIONS**

According to data provided by the District PQS, enumerated in Table 1, Caltrans processed 857 Federal-Aid Highway projects during the state fiscal year 2023-24. Of those, 630 (73.5 percent), were exempted from further Section 106 review after appropriate review, or “screened,” by PQS.<sup>1</sup> An additional 117 projects (13.7 percent) that did not qualify as screened undertakings were completed with no outside review as findings of No Historic Properties Affected, since no consultation with the SHPO or CSO was required under the terms of the Section 106 PA.<sup>2</sup> The Cultural Studies Office reviewed 45 projects that included an NAE-SC finding (5.3 percent), requiring no consultation with SHPO.

Caltrans Districts and CSO completed 65 projects (7.6 percent) that required SHPO consultation between July 1, 2023, and June 30, 2024. Twelve (12) of the SHPO submittals were for concurrence with determinations of eligibility (DOE) only (accompanied by a notification of No Historic Properties Affected). Forty-nine (49) submittals (5.7 percent) were for concurrence on Findings of Effect (either with or without accompanying determinations of eligibility). Of the 49 effect findings submitted to the SHPO, six (6) were determined to have a Finding of Adverse Effect (AE) and required or will require additional consultation to resolve effects. One of the projects with an AE finding will require the development of a PA to complete Section 106 identification and evaluation responsibilities for the Undertaking. Finally, Caltrans districts completed consultation with the SHPO on four (4) emergency projects during the current reporting period. Fiscal year activities are depicted in Table 1 above and Figure 1 below; project-screening activities are delineated by Caltrans District in Figure 2.

Compared to previous reporting periods, the total number of Federal-Aid Highway projects completed under the Section 106 PA decreased. Caltrans

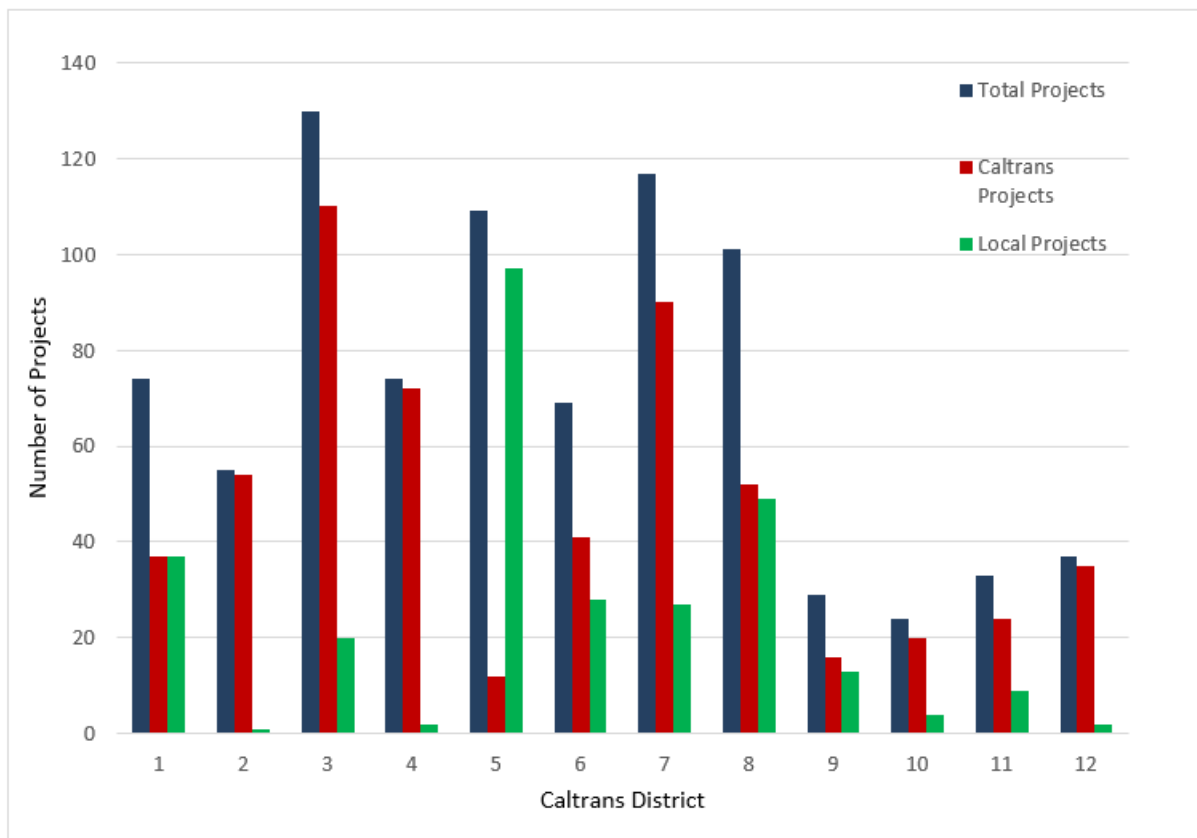
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<sup>1</sup>Under the Section 106 PA, Stipulation VII specifies classes of undertakings identified in PA Attachment 2 as “screened undertakings” that will require no further review under the PA when the steps set forth in Attachment 2 are satisfactorily completed. Caltrans PQS are responsible for “screening” individual actions that are included within the classes of screened undertakings to determine whether the undertakings require further consideration or may be exempt from further review.

<sup>2</sup>These are projects for which the proposed activities do not fall under any of the classes of screened undertakings listed in PA Attachment 2, but for which no cultural resources were identified, or properties determined eligible but will not be affected are located within the project limits.

staff workload is commensurate with previous years. The number and complexity of projects requiring determinations of eligibility, CSO and SHPO consultation, and the preparation of agreement documents has remained relatively consistent. The 2023-2024 fiscal year, however, saw the continued delivery of broadband infrastructure projects from various Districts which have resulted in delays of other project submittals. Finally, Caltrans completed agreement documents for several projects whose findings were reported in the previous fiscal year's reporting. The Section 106 PA will prove to be an invaluable tool for continuing to complete the increasingly complex projects that are planned for the next several years. Figure 1 is a graphical representation of the projects completed by each District and differentiated between Caltrans and Local Assistance projects. As with the preceding fiscal year, the current report findings show that Caltrans' PQS processed more State Highway projects than local agency projects (with the exception of Districts 1 and 5); likewise, SHPO reviewed more State Highway System projects than Local Assistance projects.

**Figure 1: Federal-Aid Highway Projects - Fiscal Year 2023-2024**



## **2023-2024 PROJECT COMPLIANCE ACTIVITIES**

### **Projects Exempt from SHPO Review**

The primary streamlining tool provided by the Section 106 PA is the application of Stipulation VII - Screened Undertakings. Screened Undertakings, defined in Attachment 2 of the Section 106 PA, are projects that have no potential to affect properties listed on or eligible for inclusion in the National Register of Historic Places (NRHP). If PQS make this finding through the “screened undertaking” process, no further review by CSO or SHPO is required. The findings typically are documented in a memo along with any supporting documentation, such as project plans, records search results, or correspondence with consulting parties including Native American governments and representatives when necessary.

For the reporting period, 630 projects (73.5 percent) qualified as “screened undertakings” and were exempt from further review. The projects that were screened moved through the Section 106 compliance process promptly without the need for review by outside staff. Without the Section 106 PA, all the projects would have required review by SHPO and FHWA staff, causing a costly and time-consuming backlog of projects for the same period.

Figure 2, below, is a graphical representation by Caltrans District regarding the compliance of Section 106 completed through use of Stipulation VII - Screened Undertakings. As with previous reporting periods, the majority of federal-aid highway projects qualified as Screened Undertakings.

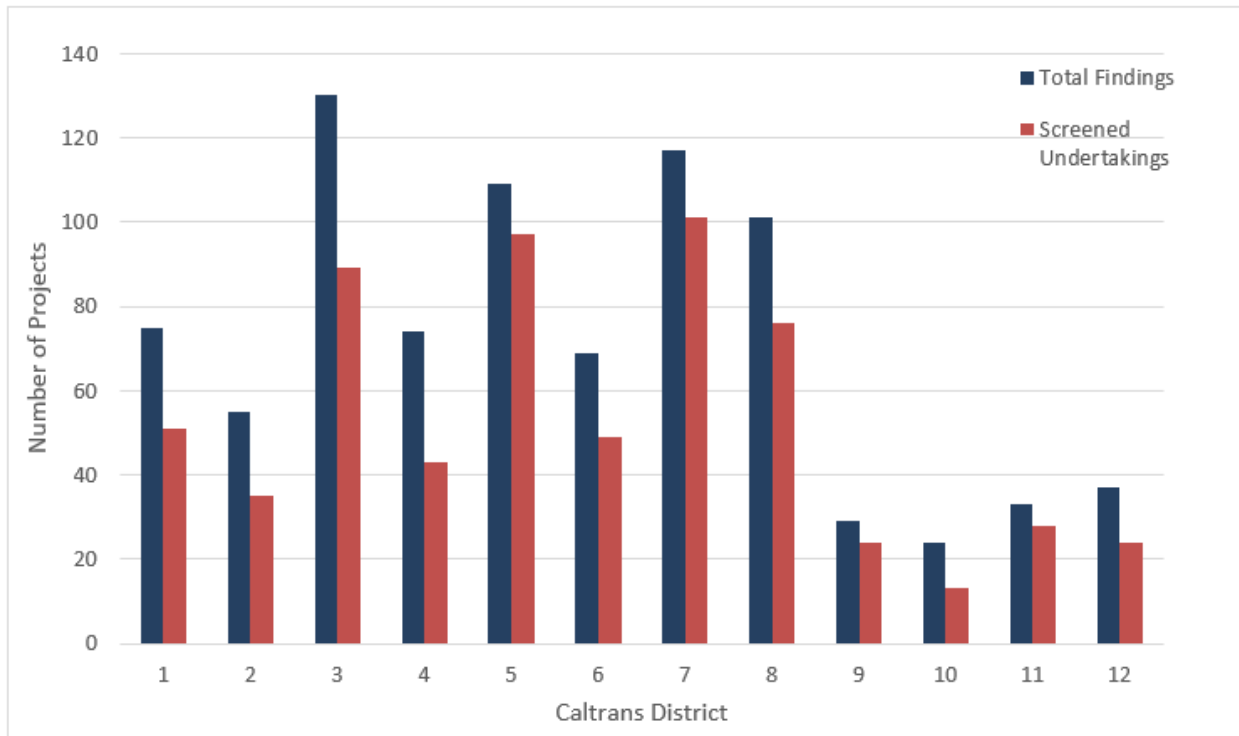
### **Projects Requiring SHPO Review**

#### **Identification and Evaluation Activities – Fiscal Year 2023-2024**

In accordance with Stipulation VIII.C.6, District PQS consult directly with the SHPO when a property is formally evaluated for its potential eligibility for inclusion in the NRHP. The SHPO reviewed a total of 44 DOEs during the current reporting period, which were sent directly to the SHPO by District PQS for concurrence. Twenty-one (21) of the 44 DOEs were for projects that are not yet complete. Of the 857 Federal-Aid Highway projects completed during the state fiscal year 2023-24, 23 (2.7 percent) required eligibility evaluations. Twelve (12) of these projects required only SHPO concurrence with DOEs, which were accompanied by a notification of No Historic Properties Affected. Eleven (11) were

accompanied by a Finding of Effect, either to CSO with standard conditions or to SHPO.

**Figure 2: Screened Undertakings - Fiscal Year 2023-2024**



Stipulation VIII.C.4 allows for the assumption of eligibility, subject to CSO approval, for the purposes of an undertaking when special circumstances preclude their complete evaluation, such as restricted access, large property size, or limited potential to effect. The use of this stipulation allows District PQS to move on to analysis of effects when evaluation is not possible or feasible. Caltrans CSO approved eligibility assumptions for a total of 50 undertakings during the current reporting period. These findings are represented in Table 2.

**Table 2: Property Evaluation Activities**

<b>TYPE OF EVALUATIONS</b>	<b>FY TOTAL*</b>
Total Determinations of Eligibility	44
DOEs with incomplete projects	21
DOEs with Finding of No Historic Properties Affected	12
DOEs with Finding of NAE-SC	3
DOEs with Finding of NAE	7
DOEs with a Finding of AE	1
Assumptions of Eligibility	45

\*Number of projects, not number of individual properties.

### **Effect Findings - Fiscal Year 2023-24**

Of the 857 projects in the reporting period, 223 resulted in findings of effect. A total of 129 of these resulted in a Finding of No Historic Properties Affected. Documentation of a Finding of No Historic Properties Affected does not require SHPO consultation under the Section 106 PA. However, 12 of the 129 projects with a Finding of No Historic Properties Affected required SHPO consultation on DOEs within this fiscal year.

In accordance with the Section 106 PA, CSO reviews and approves Findings of NAE-SC, which may include establishment of Environmentally Sensitive Areas (ESA) or use of the Secretary of Interior Standard for Rehabilitation (SOIS). This finding requires that District PQS provide adequate documentation for CSO review. If CSO does not object to the finding within 15 days, the District may proceed with the undertaking. Caltrans is not required to seek the SHPO's concurrence on an NAE-SC; however, CSO approval of the NAE-SC is contingent upon any comments received by SHPO on project documents reviewed in accordance with Stipulation VIII.C.6 or in compliance with California Public Resources Code Section 5024. CSO approved 45 NAE-SC findings (20 percent) in the current reporting period.

Under the Section 106 PA, Caltrans consults with the SHPO on NAE and AE findings. These findings require that the Districts submit all supporting documentation to CSO for quality control reviews. Caltrans CSO then consults directly with the SHPO on behalf of the Districts. Caltrans CSO consulted on a total of 49 project findings with the SHPO during the current reporting period. Forty-three (43) projects resulted in NAE findings and six (6) resulted in AE findings. Eight (8) of these also required SHPO consultation with Caltrans Districts on DOEs. Table 3 includes a summary of the projects with findings of effect for the 2023-24 reporting period.

Caltrans CSO consulted with the Districts on a total of 94 (11 percent) projects during the current reporting period. Forty-five (45) of these projects included NAE-SC findings, which required no SHPO consultation. The remaining 49 projects included consultation with the SHPO on findings of NAE and AE or on the development of project-specific PAs.

**Table 3: Effect Findings**

<b>TYPE OF EFFECT FINDINGS</b>	<b>FY TOTAL</b>
No Historic Properties Affected	129
No Adverse Effect with Standard Conditions (NAE-SC)	45
No Adverse Effect	43
Adverse Effect	6

**EFFECTIVENESS OF THE PA**

Without an executed Section 106 PA, all Federal-Aid Highway projects would be subject to a greater level of consultation between the Districts, CSO, FHWA and/or the SHPO. As discussed previously, the Section 106 PA delegates many of the steps involved in the Section 106 process directly to Caltrans PQS.

**FHWA Reviews and Approvals**

Prior to Caltrans' NEPA Assignment, documentation of AE and NAE findings were subject to FHWA review in addition to SHPO review. With delegation to CSO provided by the Section 106 PA, Caltrans has realized a savings of up to 60 days per project. In addition, the previous delegation of approval of APE maps and determinations of eligibility from FHWA to Caltrans PQS saves an additional 30 to 90 days. Caltrans continues to realize these time savings on the FHWA projects that are exempt because of NEPA Assignment, as well.

Pursuant to the 327 MOU for NEPA Assignment, FHWA and Caltrans may agree that a project would be retained by FHWA. In these limited cases, FHWA relies on Caltrans staff to continue working on projects on their behalf due to the staffing and limited resources of FHWA. The Section 106 PA remains applicable for projects where FHWA is NEPA Lead Agency.

No new projects were retained by FHWA in this Fiscal Year, and Caltrans returned no projects to FHWA.

**Estimated Time Savings**

Table 4, below, provides comparison of consultation timeframes in accordance with the standard Section 106 process and those under the Section 106 PA. These statutory review timelines provide a baseline for the projection of savings Caltrans realizes in the Section 106 program.

**Table 4: Section 106 Review Timeframes**

<b>Action</b>	<b>36 CFR Part 800 Process</b>	<b>PA Process</b>
Screened Undertaking	N/A	No Review by SHPO
Setting Area of Potential Effects (APE)	30-day review by SHPO	No Review by SHPO
Adequacy of Identification/Survey effort	30-day review by SHPO	No Review by SHPO
Evaluation of cultural resources (if present)	30-day review by SHPO	30-day review by SHPO

**Projects Not Requiring SHPO Review**

CSO and District PQS measure the time saved per project by estimating the amount of time that would otherwise have been spent conducting Section 106 studies and preparing consultation documents for SHPO review. Based on input from District PQS, CSO estimates the time saved per project processed as a Screened Undertaking is approximately 43 hours of staff time for preparation and up to 90 days in external agency reviews. This represents a considerable savings of labor hours among Caltrans, FHWA, and SHPO staff. Time savings are best viewed as a measure of more efficient project delivery, in that the screening process has allowed Caltrans to move projects to completion more quickly than could be accomplished without the Section 106 PA. In addition, the ability to screen projects saves an unknown amount of limited taxpayer resources and provides predictability in the estimation of costs and time related to project scheduling.

**Evaluations Not Requiring SHPO Review**

Stipulation VIII.C.1 and Attachment 4 - Properties Exempt from Evaluation.

Stipulation VIII.C.1 and Attachment 4 of the Section 106 PA require a reasonable level of effort to identify and evaluate historic properties. However, the Section 106 PA recognizes that not all properties possess potential for historical significance. PQS and qualified consultants are entrusted with the responsibility of determining whether cultural resources property types meet the terms of PA Attachment 4 and may, therefore, be exempt from Section 106 evaluation. It is difficult to measure the time savings of this Section 106 PA provision, but by

roughly estimating the amount of time PQS or qualified consultants would have had to spend evaluating the properties, Caltrans saves from 20 to 60 hours per resource. CSO review is not required for exemptions of properties under this stipulation. CSO does provide guidance and review when requested. CSO and SHPO reserve the right to provide feedback to District PQS on the application of this Stipulation.

Stipulation VIII.C.3 - Special Consideration for Certain Archaeological Properties.

Stipulation VIII.C.3 of the Section 106 PA allows archaeological sites to be considered eligible for the NRHP without conducting subsurface test excavations to determine their historic significance when qualified PQS determine that the site can be protected from all project effects by designating it an environmentally sensitive area (ESA). Prior to the original 2004 PA, FHWA and Caltrans required evaluation of *all* sites within an APE for historic significance through testing. The time saved is approximately 3-12 months per site by not having to conduct test excavations.

In addition to the time savings benefit, this provision of the Section 106 PA advances Caltrans' environmental stewardship of archaeological sites by providing PQS the ability to avoid or reduce the need for destructive excavations whenever possible. Foregoing archaeological excavations, where possible, has saved time and needless expenditures of public funds, or unwarranted damage to heritage resources. CSO and SHPO reserve the right to provide feedback to District PQS on the application of this Stipulation.

Stipulation VIII.C.4: Assumption of Eligibility.

Stipulation VIII.C.4 of the Section 106 PA allows PQS to assume properties eligible for inclusion in the NRHP when special circumstances preclude their complete evaluation. Such special circumstances include restricted access, large property size, or limited potential for effects. PQS are required to receive written approval from CSO prior to completing a project Historic Property Survey Report (HPSR). Properties treated under this stipulation may require consultation with the SHPO at a later date regarding the assessment of effects. CSO and SHPO reserve the right to provide feedback to district PQS on the application of this Stipulation. CSO does not track the actual time saved related to this stipulation because of the varied durations required when evaluating an individual property.



**Projects Requiring SHPO Review**

Pursuant to 36 CFR Part 800, a typical undertaking includes separate consultation with the SHPO regarding the establishment of the area of potential effects, identification efforts, and evaluation of cultural resources, which could take up to 90 days. With the alternative streamlining measures provided by the Section 106 PA, this review time has been reduced to 30 days, resulting in a potential time savings of at least 60 days per project. For the reporting period, of the 857 federal-aid highway projects Caltrans processed, only 65 were submitted to the SHPO.

**Time Savings for Effect Findings**

Table 5 compares the timeframes for review of effect findings under the Section 106 PA to those of 36 CFR Part 800.

**Table 5: Review Timeframes for Effect Findings**

<b>Action</b>	<b>36 CFR Part 800 Process</b>	<b>PA Process</b>
Finding of No Historic Properties Affected	30-day review by SHPO	0
Finding of No Adverse Effect with Standard Conditions (NAE-SC)	NA – unique to Section 106 PA	15-day review by CSO*
Finding of No Adverse Effect without Standard Conditions	NA – no time limit	30-day review by SHPO
Adverse Effect	30-day review by SHPO	30-day review by SHPO

\*CSO responsibility and review period per Stipulation X.B.1

Under the Section 106 PA, projects that Caltrans PQS determine result in a Finding of No Historic Properties Affected are documented to Caltrans files (if no historic properties requiring evaluation are present and/or no historic properties will be affected) or are sent to the SHPO for notification purposes only as part of the Determination of Eligibility submittal, resulting in a time savings of 30 days per project.

Pursuant to 36 CFR 800, an NAE finding requires a 30-day review by the SHPO. In accordance with the Section 106 PA, there are two levels of NAE findings: findings of NAE-SC (those with “Standard Conditions”), and those without.<sup>3</sup>

Prior to the Section 106 PA, NAE-SC findings were provided to the SHPO for notification only with no direct review by CSO. The SHPO did not concur in the finding; thus, there was no “review” period. However, the SHPO does reserve its right to comment on any aspect of a consultation if it chooses to do so. These provisions of the Section 106 PA continue to result in an additional time savings of 30 days per project.

In accordance with the Section 106 PA, CSO reviews for approval all NAE-SC findings. District PQS will notify SHPO regarding Findings of NAE-SC if there is consultation under Stipulation VII.C.6 or for state requirements. The CSO review time is not more than 15 days. If CSO does not respond within 15 days, the district can move forward. During the reporting period, PQS submitted 45 projects with findings of NAE-SC to CSO for review.

While an exact figure regarding times savings cannot be fully ascertained, the signatory parties agree the alternative measures provided by the Section 106 PA are invaluable to the delivery of the federal-aid highway program in California.

## **POST-REVIEW DISCOVERIES, UNANTICIPATED EFFECTS, ESA/AMA VIOLATIONS, AND EMERGENCIES**

The following is a summary of post-review discoveries, unanticipated effects, ESA and AMA violations, and emergencies that occurred during the reporting period. Caltrans has always emphasized thorough identification efforts be employed during the Section 106 process to avoid post-review discoveries to the extent feasible. Caltrans actively works to avoid such events through ongoing training of PQS and working with our partners in the Section 106 process.

The 2023-2024 reporting period included adverse weather events that prompted director's orders in several districts and emergency declarations from the Governor in several counties. The emergency procedures as outlined in PA Stipulation XVI allowed Caltrans staff to respond quickly and efficiently assess potential effects to historic properties while prioritizing safety and recovery of life

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<sup>3</sup> Standard Conditions includes establishment of an Environmentally Sensitive Areas to protect a site in its entirety or the use of the Secretary of Interior Standards for Rehabilitation.

and property. Note that some emergency situations arose during the current reporting period, but consultation remains ongoing; such projects will be reported in the next Annual Report following conclusion of consultation.

### **Emergency Procedures**

#### **District 1. Fernbridge Emergency Repairs (FHWA\_2023\_0104\_001)**

On January 3, 2023, Caltrans District 1 notified the SHPO of the district's intent to use emergency procedures as outlined in PA Stipulation XVI for a project related to the governor declared earthquake emergency proclamation on December 21, 2022. This initial request was made to meet the 30-day notification requirement as outlined in the PA. Additionally, Caltrans requested a six-month extension of the period of applicability of emergency procedures, and the SHPO granted the six-month extension on January 6, 2023. A six-month extension allowed Caltrans and local agency partners an appropriate amount of time to begin vital emergency repairs. Caltrans District 1 provided the SHPO a narrative update on emergency repairs on June 27, 2023. On January 3, 2024, the district provided a final narrative report outlining bridge repair activities that occurred in the previous six months (July 2023 – December 2023). Work completed at the time included emergency repair and stabilization of pier #2. Caltrans encased the existing footing at pier #2 with concrete and ten cast-in-drilled-hole piles. Caltrans replaced all joint seals damaged by the earthquake and completed all repair work on pier #2 on October 30, 2023. Upon completion of physical repairs, Caltrans applied bridge surface stain on replacement concrete spall repairs, steel plates used for tie rods, and bridge and railing patchwork. Remaining work noted in the final report included sealing bridge deck joints at both abutments, implementing a revegetation plan, and installing wireless seismic gates and messaging systems.

#### **District 4. SM-82 Emergency Tree Removal (FHWA\_2023\_0106\_001)**

On October 30, 2023, Caltrans District 4 submitted to the SHPO its final report on the use of the emergency procedures for repairs related to the 2022-2023 winter storm event. Caltrans original notification was approved by the SHPO on January 6, 2023, with extensions granted January 24, May 4, and May 16, 2023.

As a result of damage from storm events in January through March 2023, Caltrans removed five downed trees along SR 82, with an additional thirty-eight trees identified as hazardous to the public and slated for removal due to

damage caused by the storms. Expediting the removal of the downed and hazardous trees was essential for maintaining the continuous operation of the fire-life-safety system, ensuring safe passage for vehicles during emergencies, and protecting the traveling public's safety on the roadway and sidewalk. Work included removing trees and debris, repairing the sidewalk, curb and gutter, pavement, and replacing a utility cabinet. Of the thirty-eight trees removed or targeted for removal, twenty-nine were contributors to the National Register of Historic Places (NRHP) listed Howard Ralston Eucalyptus Tree Rows (Tree Rows).

A Secretary of the Interior Standard's (SOIS) Treatment Plan was developed for the Tree Rows for this project. Three archaeological resources were also identified within the Area of Potential Effects (APE): CA-SMA-6/H (P-41-000011), a prehistoric habitation site consisting of two shell mounds that have been previously damaged by development, but still retain integrity in some areas; CA-SMA-300 (P-41-000302), a prehistoric habitation mound with midden, lithic debitage, and other artifacts that has also been damaged by development; and P-41-000637, the approximate location of a former Chinese fishing village. ESAs were established to protect these sites. Caltrans found that the emergency undertaking had no adverse effect to historic properties due to the use of standard conditions. The SHPO responded to District 4's final report on November 29, 2023 with no further comments.

#### **District 8. Storm Event in San Bernardino County (CATRA\_2023\_1002\_001)**

On September 1 and 2, 2023, a powerful storm made landfall in San Bernardino County and caused locally heavy rains and flooding that damaged State Route 127 between post mile 0.89 and 41.47, north of the community of Baker, California. Due to these storm events, portions of the road were completely washed out and the road was closed to all traffic. Therefore, on September 28, 2023, Caltrans District 8 informed the SHPO of its intent to apply the Emergency Procedures under Stipulation XVI (Section 106 PA) for current emergency opening work for the entirety of State Route 127. Initial emergency and road opening work included roadbed and pavement replacement, armoring eroded embankments, repairing and backfilling shoulder, debris removal, repair and replacement of earthen berms; all work was limited to the Caltrans Right of Way (ROW). Consultation occurred with the Twenty-Nine Palms Band of Mission Indians and no response was received during three rounds of efforts. There was no effect to known cultural resources, and no new resources were identified during emergency work.

PA Annual Report July 1, 2023– June 30, 2024

The SHPO responded on October 25, 2023, acknowledging receipt of the Caltrans notification and requesting to be informed if any additional information became available.

### **District 9. Emergency Repair – Hurricane Hilary (FHWA\_2023\_1108\_002)**

Beginning on August 18, 2023, Hurricane Hilary brought heavy rain, flooding, lightning, and gusty winds to Southern California, necessitating the repositioning of significant resources, including swift water rescue teams and the California National Guard, to protect health and safety and preserve the lives and property of the people of the State of California. Governor Newsom declared a State of Emergency on August 19, 2023, for Fresno, Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Tulare, and Ventura Counties. This declaration and the provisions under it were extended to Siskiyou County on September 12, 2023. On September 14, 2023, Caltrans Cultural Studies Office notified the SHPO of its intent to use emergency procedures for projects resulting from Hurricane Hilary and requested a 90-day extension of the period of applicability.

On October 13, 2023, Caltrans District 9 Director Dermody issued a Director's Order to cover the emergency work needed in Inyo County along SR 190 from PM 68.8 to PM 128.0. Caltrans District 9 notified the SHPO of the project on November 8, 2023. Heavy rain from Tropical storm Hilary caused extensive flooding on State Route (SR) 190 from Olancho at postmile (PM) 9.8 through Death Valley Junction to PM 141 east of Death Valley National Park and SR 127 south to the San Bernardino County line. From PM 68.8-128.0 the flooding caused partial and full pavement washouts, deposition of deep, culverts packed with flooded debris, and damaged earthen flood control dikes.

Caltrans identified one previously determined eligible historic property that may have been partially destroyed by the storm (NPS\_2016\_1027\_002). If it was still intact under debris and soil, project had the potential to affect it. The Furnace Creek Water Conveyance System (P-14-010754 / CA-INY-8215) is eligible for listing in the National Register of Historic Places under Criteria A and C. The historic property is located on lands owned by Death Valley National Park. Caltrans conducted field reviews and consulted with Tribal Historic Preservation Officer Mandi Campbell of the Timbisha Shoshone Tribe and cultural resources staff at Death Valley National Park. Caltrans and Death Valley National Park agreed that the project had no adverse effect on historic properties and are in the process of preparing the documentation.

Caltrans District 9 is currently preparing documentation to submit to the SHPO in support of a Finding of No Adverse Effect and will seek the SHPO's concurrence in the finding pursuant to 36 CFR 800.5(c) and Section 106 PA Stipulation X.B.2.

### **Post-Review Discoveries and Inadvertent Effects**

#### **District 1. Mitigation Project for Tulawat Island Spartina Eradication – Post-Review Discovery (FHWA\_2023\_0421\_001)**

On July 21, 2023, the District provided SHPO and the tribal consulting party notice of a post-review discovery during monitoring of project 01-3660U (Tuluwat Spartina Removal project) pursuant to Stipulation XV(A) of the PA. Procedures for post-review discoveries as provided for in the project's Cultural Resources Protection Plan were followed, including the assumption that the discovery was a contributing element of the other already NRHP-listed archaeological site on the island, and creating an ESA buffer around the find. The find was discovered due to natural changing surface visibility since the initial survey, not due to construction activities. The historic property was not affected by the project, and no effects are anticipated with the incorporation of the ESA. On July 24, 2023, the SHPO responded with no objection to the district's proposed protection measures.

#### **District 1. Mitigation Project for Tulawat Island Spartina Eradication – Second Post-Review Discovery (FHWA\_2023\_0421\_001)**

On April 24, 2024, the District provided notice to the SHPO and tribal consulting party of a post-review discovery during monitoring of project 01-3660U (Tuluwat Spartina Removal project) pursuant to Stip. XV(A) of the PA. Procedures for post-review discoveries as provided for in the project's Cultural Resources Protection Plan were followed, consisting of assuming the discovery was a contributing element of the other already NRHP-listed archaeological site on the island, and creating an ESA buffering the find. The find was discovered due to natural changing surface visibility since the initial survey, not due to construction activities. The resource was not affected by the project, and no effects are anticipated with the incorporation of the ESA. The SHPO requested an explanation as to why the district did not notify the SHPO of this and an earlier post-review discovery (July 21, 2023) for this undertaking within 48 hours of the discoveries as required under Stipulation XV of the Section 106 PA. The SHPO also requested information as to how the district will ensure that the SHPO and additional consulting parties will be notified within 48-hours of any future post-

review discoveries for this undertaking. Consultation is ongoing and a response is currently being drafted for CSO review.

**District 1. Mitigation Project for Tulawat Island Spartina Eradication – Third Post-Review Discovery (FHWA\_2023\_0421\_001)**

On June 12, 2024, the District provided notice to SHPO and the tribal consulting party of a post-review discovery during monitoring of project 01-3660U (Tuluwat Spartina Removal project) pursuant to Stip. XV(A) of the PA. Procedures for post-review discoveries as provided for in the project's Cultural Resources Protection Plan were followed, consisting of assuming it to be a contributing element of the other already NRHP-listed archaeological site on the island, and creating an ESA buffering the find. The find was discovered due to natural changing surface visibility since the initial survey, not due to construction activities. The resource was not affected by the project, and no effects are anticipated with the incorporation of the ESA. In a June 14, 2024, response letter, the SHPO requested further consultation with Caltrans prior to the proposed removal of any constituents associated with the assumed eligible historic property (by the Wiyot Tribe). To help facilitate this consultation, the SHPO requested location maps, photographs and the DPR 523 site record of the assumed eligible historic property when available. This consultation will occur once the DPR 523 site record is provided from the consultant archaeologist.

**District 5. SR 46 Wye Segment Post-Review Discovery (FHWA\_2023\_1027\_001)**

On October 24, 2023, fragments of unidentified bone were identified by a representative from the Salinan Tribe of Monterey and San Luis Obispo Counties, during construction monitoring related to biological burrow excavations for tiger salamanders. The fragments were found on the surface, where burrow excavation had started. The tribal monitor requested that the materials be examined to confirm they were not human remains.

The following morning, the Project Archaeologist, Kaya Wiggins (PQS PI – Prehistoric Archaeology), halted construction within a 60-foot radius and collected the materials, with permission from the tribe. Ms. Wiggins brought the materials to Lise Mifsud, a Human Osteologist. Ms. Mifsud identified the bones as human. Kaya contacted the San Luis Obispo County Coroner. The coroner contacted Ms. Mifsud, who confirmed they were of Native American descent. The coroner contacted the Native American Heritage Commission (NAHC) to

report the find and request a Most-likely Descendant (MLD). The MLD was designated by the NAHC on October 26, 2023.

More bone fragments were identified on the surface, in the vicinity of the original find on October 26 and October 31. In total 14 fragments were recovered and examined by Ms. Mifsud, who identified 3 as possibly human. No cultural resources have been identified near the find.

On October 27, 2023, District 5 notified Caltrans Cultural Studies Office, the Salinan Tribe of Monterey and San Luis Obispo Counties, and the SHPO. The notification included a plan for treatment of the discovery.

On October 30, 2023, the SHPO responded to District 5's notification, agreed with the district's proposed plan, and requested to be kept informed of any comments or concerns from consulting parties.

On October 31, 2023, Caltrans notified the Army Corps of Engineers and the State Historic Preservation Officer (SHPO) of the unanticipated discovery.

Because the project was in construction, with impacts proposed adjacent to where the human remains were identified, it was decided that archaeological exploratory excavation would occur in order to identify any potential additional human remains or burials below the surface. The field strategy was developed in consultation with the Salinan Tribe of Monterey and San Luis Obispo Counties. No human remains were identified during archaeological excavations.

Subsequent construction in the vicinity has occurred, monitored by the Salinan Tribe and Caltrans contracted archaeologists. No additional human remains have been identified during monitoring. Caltrans continues to consult with the Salinan Tribe to identify a location for reburial of the human remains.

### **District 8. Stansfield Cut-Off Post-Review Discovery (FHWA\_2023\_1108\_003)**

In 2021-2022, the San Bernardino County Department of Public Works proposed to construct a roundabout at the intersection of Stanfield Cutoff and State Route 38 (North Shore Drive) in the unincorporated community of Big Bear City, San Bernardino County, within Caltrans District 8.

During preparation for construction, Bear Valley Electric (BVE) was issued a permit to relocate utilities in conjunction with the roundabout design. During the week of July 31, 2023, a crew from BVE or possibly a subcontractor maneuvered work trucks and heavy equipment beyond the APE limits, which coincided with the Caltrans right-of-way at that location, and onto USFS land, crossing into the



PA Annual Report July 1, 2023– June 30, 2024

southern portion of Site 36-060755. A USFS staff archaeologist witnessed the violation and halted further work.

On October 5, 2023, the USFS notified Caltrans District 8 of the unauthorized work outside the APE. On November 7, 2023, District 8 notified the Yuhaaviatam of San Manuel Nation were notified of the incident. On November 8, 2023, District 8 notified the SHPO. The preparation of a Construction Impacts Report (CIR) was determined to be an appropriate response action.

CRM TECH inspected the location of Site 36- 060755 and surrounding area in December 2023. An intensive-level ground survey of the site was performed, as were a series of minimally invasive surface scrapes. This was documented in the CIR which was provided to SHPO and the Yuhaaviatam of San Manuel Nation. Both the Tribe and SHPO accepted the report as the conclusion of the incident.

#### **District 10. SR 4 Wagon Trail Realignment Project Post-Review Discovery (FHWA\_2014\_1114\_001)**

On June 07, 2024, District 10 cultural resources staff was informed of a new discovery identified during construction monitoring by Alta Archaeological Consulting. During monitoring, consultant archaeological monitors identified a small lithic scatter consisting of less than one (1) dozen greenstone flakes on an overlook of Nassau Creek. These flakes were identified after the first pass of a backhoe moving through the site and work was stopped immediately to assess the situation. All work was stopped in the area of the discovery while district staff conducted more field investigations of the site to determine next steps. The archaeological firm surveyed the area and flagged and recorded artifacts on the appropriate DPR forms. Once the site's horizontal extent was established, temporary high-visibility ESA fencing was installed around the area of the discovery to create a 60-foot no-work buffer-zone until the site can be further assessed and appropriate treatment measures determined, which will occur in consultation with the Calaveras Band of Mi-Wuk Indians (CMBI). The SHPO was informed of the discovery on June 10, 2024, and responded on June 12, 2024 stating that District 10's proposed actions acceptable.

#### **ESA and AMA Violations**

##### **District 4. Marin-Sonoma Narrows Project AMA Breach (FHWA060328A)**

On Tuesday, August 15, 2023, excavation work occurred within a designated AMA without the presence of an archaeological monitor. The archaeological

monitor, an employee of Kleinfelder, Inc., was informed of the unauthorized work on August 18, 2023. At this time, the monitor was informed by the contractor that a different contractor branch, which handles underground facilities such as drainage installation, had installed a box culvert within the AMA for site CA-MRN-196/H three days before, on Tuesday August 15, 2023. The 6-week construction schedule, which is provided by the Contractor Project Manager every Wednesday to Caltrans, indicated that the installation of the box culvert was scheduled to begin on August 17. Additionally, the archaeological monitor, who was on-site at a different location within the project area on August 15, confirmed with the contractor foreman that no work would be happening within the AMAs that day. The monitor proceeded to check in with the foreman on August 16 and 17 and was again informed that no work would be occurring in the AMAs. Neither Caltrans District 4 nor the on-site archaeological monitor was notified of the change in the scheduled culvert installation. The archaeological monitor proceeded to inspect the site of the AMA breach and assess evidence for damage or effects to the archaeological resource. On August 22, 2023, Caltrans District 4 notified the SHPO of the AMA breach and outlined actions to resolve the situation including consultation with tribal consulting parties, revising communications protocols, and implementing frequent and regular cultural sensitivity trainings. An assessment of the effects of the AMA breach found no evidence of archaeological deposits or individual artifacts within the excavation trench walls associated with the construction and that no adverse effects occurred to historic properties.

**District 6. SR 41 Madera Ranchos Project ESA Violation (FHWA\_ 2019\_0604\_001)**

On June 29, 2024, Caltrans District 6 notified the SHPO of an ESA breach at the historic property, CA-MAD-1503 by a construction contractor. The District 6 Branch Chief was notified of the breach on June 27, 2024 after which all construction activities within the ESA were halted. Without the Resident Engineer's knowledge, the construction contractor made an agreement with the private property owner to dump and spread excess soil from construction activities on the private property. No environmental analysis was completed by the contractor prior to the activity nor was Caltrans notified of the activity in advance. The contractor was told to discontinue dumping the excess soil at the location. The contractor was also informed that environmental clearance is required for dumping and that consultation with Caltrans to identify a new location to dispose of the excess soil would be necessary.

The Caltrans District 6 archaeologist contacted consulting tribes and concurring parties to the MOA to discuss the ESA breach and its potential effects to CA-MAD-1503.

Following a comparison of photographs provided by the Caltrans project biologist with the site boundary of CA-MAD-1503 in the APE, it appeared that approximately a quarter of the property located on the east side of State Route 41 was covered with the deposited soil. The private property owner would not authorize Caltrans to access the property to conduct a field analysis to determine potential effects to CA-MAD-1503 resulting from the ESA breach, so Caltrans scheduled a drone review of the location and invited tribal representatives to participate in the drone review of the breached area.

Caltrans District 6 is continuing consultation on the project and is currently in the process of revising the project APE to encompass the ESA breach, which will be followed by an assessment of effects resulting from the breach.

#### **District 9. Conway Ranch ESA Violation (FHWA 2020\_0528\_001)**

On August 18, 2023, CSO and SHPO were notified of an ESA breach by the construction crew on the Conway Ranch project. The contractor (Granite Construction) was preparing for an upcoming storm, and while performing this work, they discovered several rills at approximately STA 489+00 extending through ESA 1. Granite graded an earth windrow to prevent further erosion there. The rills were 2 to 3 feet deep, and the slope was at risk of being undermined. To prevent further erosion in the ESA, the crew placed in BMPs, including straw waddle. Damon Dondero, tribal monitor from the Mono Lake Kootzaduka'a, was able to monitor the ESA during the process. August 24, 2023, Caltrans District 9 archaeologist Julie Sage performed a field review for the ESA 1 violation with Damon Dondero and Jason Small (tribal Member-At-Large Mono Lake Kootzaduka'a tribe and a road maintenance worker for Mono County). They determined that the breached portion of the ESA was within the buffer zone immediately adjacent to CA-MNO-439/H that is located farther to the north and east of the breached ESA location.

#### **STATUS OF AGREEMENT DOCUMENTS AND ONGOING CONSULTATION**

During fiscal year 2023-24, Caltrans and its partners executed, amended, or terminated the following 12 agreement documents. Consultation between Caltrans, acting as FHWA, and SHPO regarding the development of the

agreement documents was completed in a timely manner averaging 48 days without objection.

D3	PLA-49 Safety Project PA Termination	4/1/2024
D3	I Street Bridge PA Amendment 1	3/12/2024
D3	Acid Flats Bridge Replacement MOA	5/29/2024
D3	Binney Junction Roadway Rehab Revised PA Attachment B	5/14/2024
D3	Kammerer Road PA	7/10/2023
D3	Rumsey Bridge Replacement MOA Amendment 1	5/29/2024
D4	Watmaugh Bridge MOA Amendment 1	6/13/2024
D4	Saratoga Creek Bridge MOA Amendment 1	6/13/2024
D4	Yerba Buena Island Ramps MOA Amendment 2	5/13/2024
D5	San Antonio Bridge Scour MOA Amendment 1	5/9/2024
D8	Chuckawalla Valley Road Bridge MOA	12/11/2023
D8	10 Bridges Replacement Project MOA	10/10/2023

### **QUALITY ASSURANCE MEASURES**

Under the Section 106 PA, Caltrans PQS have taken on much of the responsibility for ensuring that effects to cultural resources are taken into account and that there is no loss in quality of work. CSO’s commitment to ensure that PQS are trained to work within the terms of the PA is embodied in Stipulation XIX. The stipulation was developed to ensure that Caltrans makes training a priority and that Caltrans Districts and PQS work with their partners to identify training needs accordingly. As the results of this report indicate, this responsibility is being handled competently, with the recognition that ongoing communication and training are keys to continued success. To ensure that this level of quality continues, the following quality assurance measures occurred:

- CSO maintains and updates the Caltrans Cultural Resources Manual in Volume II of the Caltrans Standard Environmental Reference (SER), and revised Chapters were posted in 2020 and 2021. The SER is located online at <http://www.dot.ca.gov/ser/vol2/vol2.htm>.
- CSO provides peer reviews of cultural resource studies as requested by the districts. CSO PQS staff assist districts that lack expertise in Historical Archaeology and Architectural History.
- CSO routinely reviews documents submitted directly to SHPO in accordance with Stipulation VIII.C.6. CSO works with OHP, District PQS and managers as needed to correct deficiencies when encountered.

## PA Annual Report July 1, 2023– June 30, 2024

- CSO reviews and approves request for Assumption of Eligibility pursuant to Stipulation VIII.C.4
- CSO, pursuant to Stipulation X, reviews and approves all No Adverse Effects, Adverse Effect reports, Memoranda of Agreements, and MOA attachments prior to transmittal to SHPO.
- CSO maintains the Caltrans Cultural Resources Database, which includes storage of cultural compliance documents to assist District staff in recordation and recordkeeping.
- CSO and OHP Project Review staff meet monthly to discuss district submittals and issues that may arise relating to Caltrans compliance with Section 106.
- CSO and OHP Project Review staff hold quarterly statewide video teleconferences to discuss policy, procedures, and workload issues with District Staff.
- CSO maintains the bi-monthly Cultural Call Bulletin, which discusses implementation and interpretation of policy and dissemination of information relevant to all of Caltrans staff.
- Staff from the Advisory Council on Historic Preservation and the Office of Historic Preservation are invited to attend District site visits when appropriate, and other meetings to provide early coordination regarding issues that occur during survey and document preparation.
- CSO delivered one in-person PA training session for PQS in January of 2024. This is an annual presentation primarily aimed at new staff; other Caltrans PQS often attend this class as a refresher course. The course is also open to staff from the Federal Highway Administration and the Office of Historic Preservation. In addition, the class is offered to non-PQS Caltrans staff from various divisions as space allows.

Pursuant to the Stipulation XX.C (Exclusionary Provision) of the Section 106 PA on the advice of and in consultation with CSO Chief and the OHP Review and Compliance Unit Supervisor, the Caltrans Division of Environmental Analysis Chief can place individual Caltrans Districts, Divisions, Offices, or Branches on Probation, Suspension, or Removal. Each level of exclusion includes a process to return to full status under the terms of the PA. All districts are currently in good standing.

## **CONCLUSION**

The information contained in this report demonstrates a steady and consistent program of compliance with the terms of the PA. During fiscal year 2023-2024,

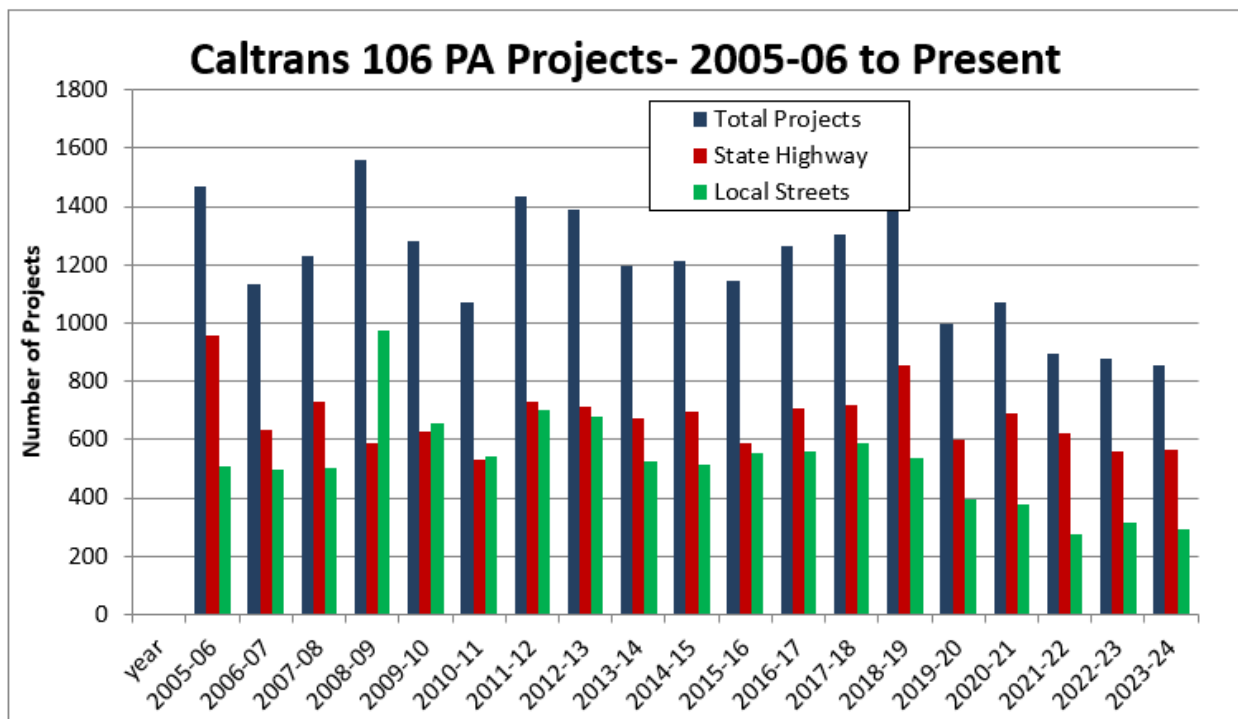
Caltrans processed 857 Federal-Aid Highway projects. A total of 23 required SHPO concurrence on DOEs, 12 of which led to findings of No Historic Properties Affected. The remaining 11 DOEs were related to findings of AE, NAE, and NAE-SC. Of the 857 total projects, 630 qualified as Screened Undertakings and were exempted from further Section 106 review. There were 129 projects that resulted in findings of No Historic Properties Affected. CSO approved 45 projects with findings of NAE-SC in accordance with Stipulation X.B.1, which needed no review by the SHPO. A total of 65 projects were submitted to SHPO for concurrence on findings of effect, emergency procedures, or development of project-specific PAs. Forty-three (43) projects required consultation on NAE findings. Six (6) projects resulted in AE findings, which require additional consultation to resolve effects. Caltrans consulted on a total of four (4) emergency projects during the current reporting period.

CSO, with its many internal and external partners, continues to work cooperatively to develop policy procedures that adequately address concerns that occur during project development.

Caltrans' mission is to "Provide a safe and reliable transportation network that serves all people and respects the environment." The Caltrans Mission, Vision, and Goals are defined in the 2020-2024 Caltrans Strategic Plan. The Section 106 PA meets or exceeds the standards provided in the Strategic Plan by providing timesaving and streamlining measures, while at the same time meeting state and federal laws and regulations regarding cultural resources. Since 2004, Caltrans' use of alternative measures to comply with Section 106 through a programmatic approach has been widely recognized as a model for other agencies nationwide. Through its innovative features, the Section 106 PA continues to save Caltrans and its partners limited valuable taxpayer resources. Caltrans believes the Section 106 PA keeps pace with the changing perceptions of resource values and maintains consultation standards, while streamlining processes for undertakings with little or no potential for affecting historic properties. Caltrans is committed to maintaining its high standards of compliance, resource consideration, and stewardship through retention and continued training of highly qualified staff, clear communication with our partners, quality documentation of compliance with the terms of the Section 106 PA, and the best practices in the field of historic preservation.

## ATTACHMENT 1 – PA ACTIVITIES FISCAL YEARS 2005-06 TO 2024-24

Since fiscal year 2005-2006, the first year that statistics for Caltrans use of a Section 106 PA were fully tabulated, Caltrans Professionally Qualified Staff have processed 22,788 projects. Of those, 12,788 projects were on the State Highway System (Caltrans), and the remaining 10,000 projects were on local streets and roads (Local Assistance) throughout the state.



The majority of projects, 18,480 of 22,788 (81 percent), completed between fiscal years 2005-06 and 2023-2024 were classed as Screened Undertakings. Only 1,363 of the projects (6 percent) were submitted to SHPO for review. The remaining 3,163 projects were kept in Caltrans files because they were projects not classed as Screened Undertakings but found to have no effect on historic properties. The use of the Screened Undertaking process continues to be a primary and important time saving tool. The table below illustrates these totals.

PA Annual Report July 1, 2023– June 30, 2024

