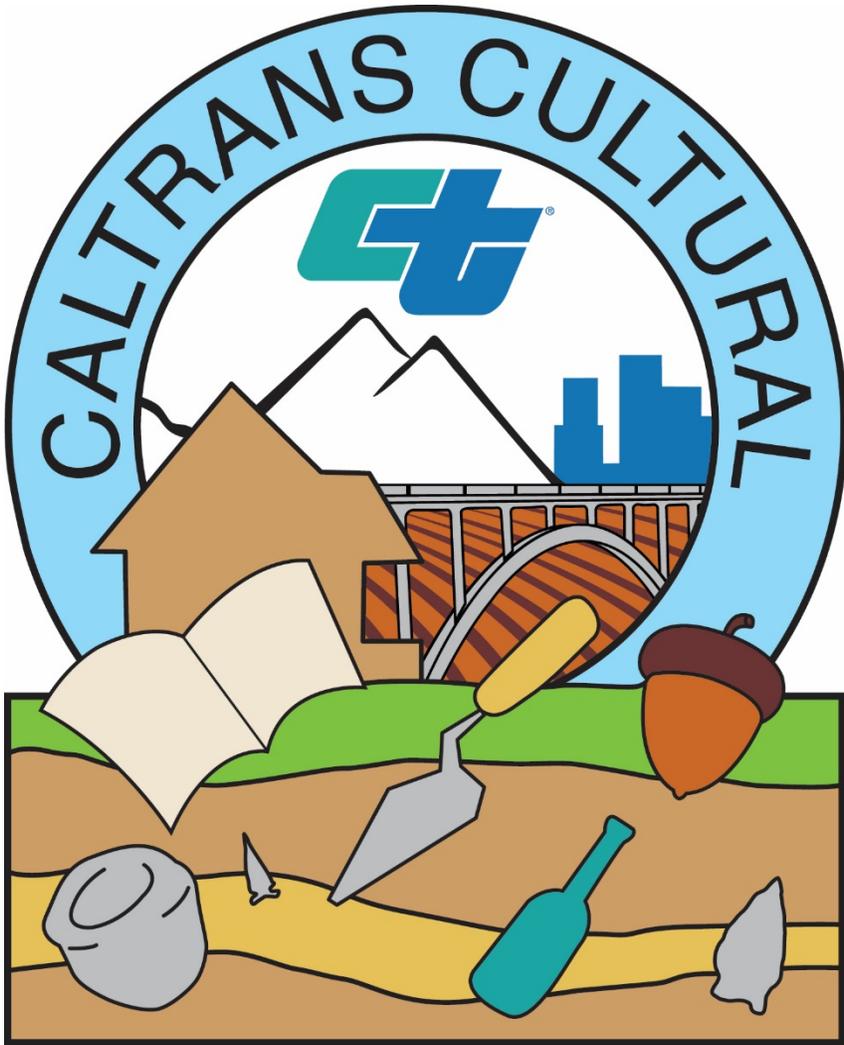


**SECTION 106 PA
ANNUAL REPORT**

JULY 1, 2014 - JUNE 30, 2015



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

September 2015

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 as it Pertains to the Administration of the Federal Aid Highway Program In California* (2014 PA). The reporting period is from July 1, 2014, through June 30, 2015, and is provided in accordance with stipulation XX.G.2 and XX.G.4 of the 2014 PA. 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 January 1 2004. Caltrans' original PA expired in December 31, 2013. The 2014 PA will expire on December 31, 2023.

The 2014 PA incorporates Caltrans' role as National Environmental Policy Act (NEPA) Lead Agency. The Federal Highway Administration (FHWA) first delegated 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 its participation in the program. Caltrans was the first state to participate in this program. Through the Project Delivery Program Memorandum of Understanding (MOU), Caltrans maintains its assignment of FHWA's 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 is currently renewing the MOU with FHWA, 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. The Caltrans Division of Environmental Analysis and Cultural Studies Office, (CSO), continues to perform FHWA's role and take on its responsibilities for compliance with the steps of the Section 106 process that were not previously delegated to Caltrans under the 2004 PA.

The results of this Annual Report reveal that Caltrans processed 1213 Federal-Aid Highway projects during the reporting period. Of these, 55 projects required external review by the State Historic Preservation Officer (SHPO). Four projects resulted in a finding of adverse effect, and will require a Memorandum of Agreement to address mitigation strategies for effects to historic properties. The remaining projects were treated in accordance with various Stipulations governing identification, evaluation, and assessment of effects and either remained in district files or were reviewed by CSO. A summary of results of the actions completed in accordance with the 2014 PA begins on page 2.

During the current reporting period, Caltrans districts reported three Post Review Discoveries, one ESA violation, and two inadvertent effects to historic properties. Caltrans Professionally Qualified Staff, (PQS), took the appropriate actions to halt construction, assess the situation, consult with interested parties to consider effects to the resource, and mitigate any adverse effects. A discussion of these incidents begins on page 8.

Quality assurance measures for this reporting period included ongoing PQS review of Caltrans District reports by CSO staff, delivery of PA training for statewide PQS in January 2014 in

Sacramento. 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 pages 10-11.

It is Caltrans' judgment that the use of the alternative means to comply with Section 106 provided by the 2014 PA continues to be an effective program alternative to the standard Section 106 process by streamlining project review procedures while maintaining federal standards and ensuring that effects to cultural resources are taken into account during project planning. Resource agencies have indicated that Caltrans is handling its assumption of FHWA's responsibilities capably, and in all but a few cases, communication between agencies has improved.

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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* (2014 PA) was executed on January 1, 2014. The 2014 PA streamlines compliance with Section 106 of the National Historic Preservation Act (Section 106) by delegating 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 2014 PA applies to Federal-Aid Highway projects on or off the State Highway System (SHS), funded all or in part by FHWA. All cultural resources studies completed under the auspices of the 2014 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 satisfy federal mandates associated with compliance with Section 106. Caltrans meets these standards by certifying its cultural resources staff as Professionally Qualified Staff (PQS). The Chief of the Cultural Studies Office (CSO) in the Division of Environmental Analysis (DEA) is responsible for certifying the qualifications of all PQS. Caltrans PQS are responsible for ensuring that effects to cultural resources are accounted for and that there is no loss in quality of work or consideration for resources.

In addition to streamlining the Section 106 process for Caltrans, the 2014 PA reduces the workload for the State Historic Preservation Officer (SHPO) in that Caltrans PQS internally review routine projects (Screened Undertakings), or those that do not involve any cultural resources. Less than five percent of projects completed by PQS required SHPO review this reporting period. Caltrans 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 provides documentation to consulting parties and public in accordance and consistent 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 small number of projects that actually 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 Stipulations XX.G.1 and XX.G.2, this report documents the effectiveness of, and summarizes activities carried out under, the 2014 PA. It covers actions for which Section 106 consultation concluded between July 1, 2014 and June 30, 2015. In addition to annual reporting and in accordance with Stipulation XX.G.3, Caltrans is required to provide the SHPO a quarterly report on findings made relevant to Stipulation X.B.1. A summary of those findings are included herein as well.

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 Army Corps of Engineers (Corps), and the Caltrans Director and District Directors and is available upon request.

SUMMARY OF 2014 PA ACTIONS

According to data provided by the District PQS, enumerated in Table 1, Caltrans processed 1213 Federal-Aid Highway projects during the state fiscal year 2014-2015. The majority of these projects, 969 (79.9 percent), were exempted from further Section 106 review after appropriate review, or “screening,” by PQS.¹ An additional 154 projects (13 percent) that did not qualify as screened undertakings were kept on file at Caltrans, as no consultation with the SHPO was required under the terms of the PA.² CSO reviewed 35 Historic Property Survey Reports (HPSR), that included a No Adverse Effect with Standard Conditions, requiring no consultation with SHPO. Caltrans Districts and CSO submitted 55 projects (4.5 percent) of the 1213 projects to SHPO between July 1, 2014 and June 30, 2015. Of the 55 projects submitted for SHPO review, Section 106 consultation was concluded within 30 days from the day they were received on 46 projects that resulted in a Finding of No Adverse Effect or No Historic Properties Affected. The remaining projects required additional consultation to resolve effects or additional consultation to answer questions regarding identification or evaluation efforts. Fiscal year activities are depicted in Table 1 and Figure 1; project-screening activities are represented by Caltrans District in Figure 2.

Table 1: Total Activities Completed - Fiscal Year 2014-2015

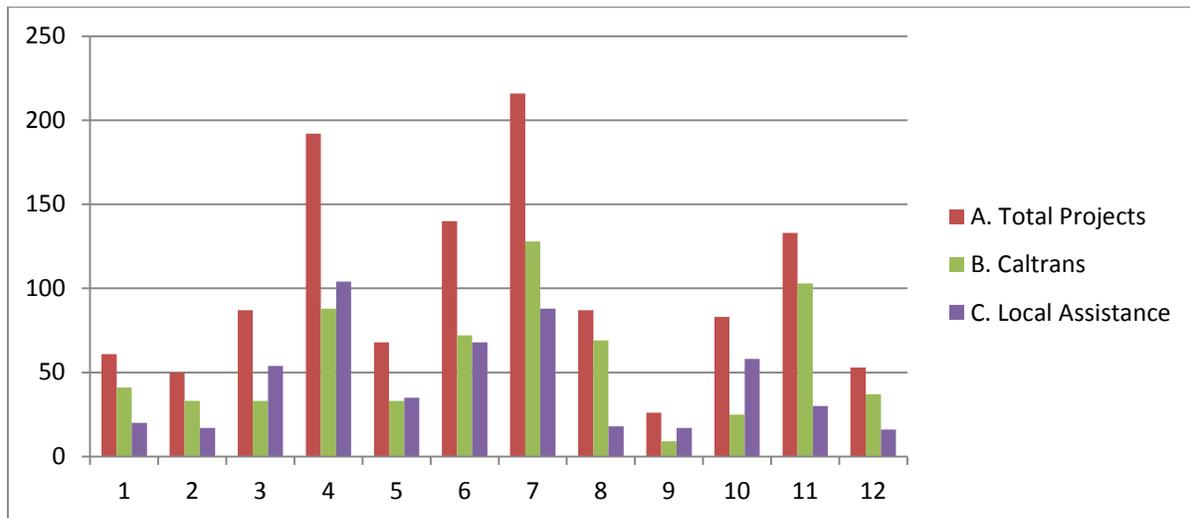
Projects Completed	
State Highway System Projects	696
Local Assistance Projects	517
Number of Projects Screened	
State Highway System Projects	585
Local Assistance Projects	384
Number of Projects to File	
State Highway System Projects	67
Local Assistance Projects	87
HPSRs to CSO	
State Highway System Projects	25
Local Assistance Projects	10
Number of Projects to SHPO	
State Highway System Projects	17
Local Projects	38

¹Under the 2014 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.

²These 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 previously determined eligible but will not be affected are located within the project limits.

Compared to previous reporting periods, District workload for processing Federal-Aid Highway projects remains steady but staff experienced a slight increase compared to the previous fiscal year. Figure 1, below 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 Federal-Aid Highway projects than did their local agency partners; however, SHPO reviewed more Local Assistance projects than State Highway System projects.

Figure 1: Federal-Aid Highway Projects - Fiscal Year 2014-15



PROJECT COMPLIANCE ACTIVITIES

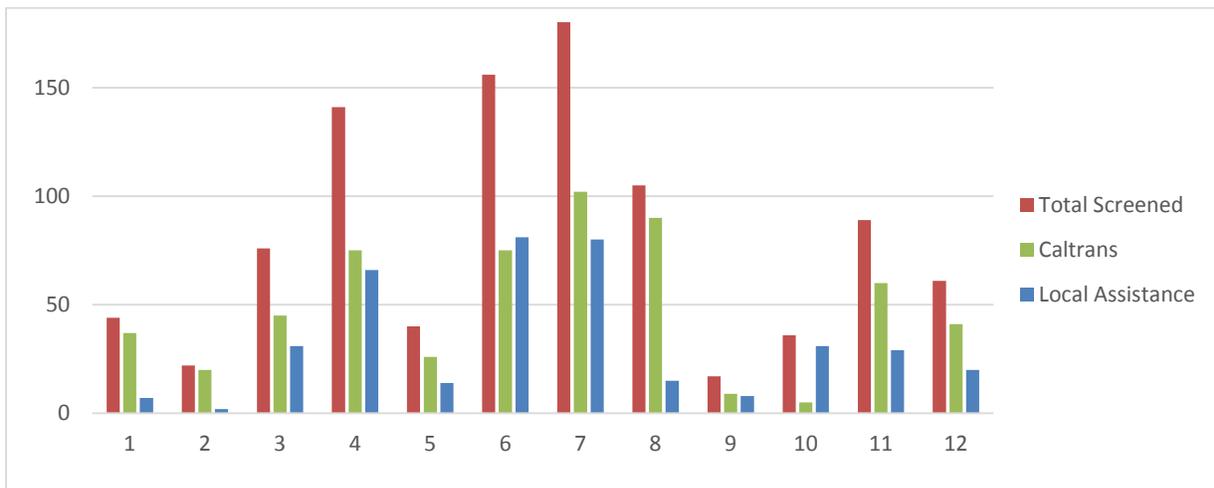
Projects Exempt from SHPO Review

The primary streamlining tool provided by the 2014 PA is the application of Stipulation VII - Screened Undertakings. Screened Undertakings are further defined in Attachment 2 and includes a list of 30 project types that have little or 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 “screen 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 Americans when necessary.

For the reporting period, 969 projects (79.9 percent) qualified as “screened undertakings” and were exempt from further review. The projects that were screened moved through the Section 106 compliance process promptly (in some cases with a one-day turnaround), whereas without the PA there would have been a 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 the previous reporting periods, the majority of Federal-Aid Highway projects qualified as Screened Undertakings.

Figure 2: Screened Undertakings - Fiscal Year 2014-2015



Projects Requiring SHPO Review

Identification and Evaluation Activities

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 total number of properties for which a determination of eligibility is made is not tracked by CSO for purposes of this report.

Effect Findings - Fiscal Year 2014-2015

Of the 1213 projects, 202 projects resulted in a Finding of No Historic Properties Affected (Table 2). This total includes such a finding made by PQS and kept in District files and those made by SHPO Under the 2014 PA, this finding requires notification to the SHPO when Caltrans has been in consultation regarding determinations of NRHP eligibility. Such documentation is kept in Caltrans District files when the HPSR concluded that no cultural resources requiring evaluation were present; therefore, no consultation with SHPO is required.

New to the 2014 PA is the CSO review and approval of Findings of No Adverse Effect with Standard Conditions, including 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. The SHPO is not required to concur in NAE-SC findings and there is no review or “waiting” period involved. However, CSO “approval” of the NAE-SC is contingent upon any comments received by SHPO in the event a HPSR has been forwarded for their review in accordance with Stipulation VIII.C.6 or in compliance with California Public Resources Code Section 5024. In the current reporting period, CSO approved 35 NAE-SC findings. During the reporting period, CSO objected to two such findings later forwarded to SHPO as Findings of No Adverse Effect *without* Standard Conditions.

Twenty-nine projects resulted in Findings of “No Adverse Effect *without* Standard

Conditions” or “Adverse Effect”, and therefore required that the Districts consult with CSO and, subsequently, that CSO consult with the SHPO. In total, projects that resulted in effect findings requiring consultation with CSO and the SHPO represent less than 2 percent of the 1213 Federal-Aid Highway projects processed during this reporting period. These above findings are represented in Table 2.

Table 2: Effect Findings

Total Effect Findings	FY TOTAL
No Historic Properties Affected*	202
No Adverse Effect with Standard Conditions	35
No Adverse Effect	25
Adverse Effect	4

*Combined total for findings made by District to file and those sent to SHPO.

EFFECTIVENESS OF THE PA

Without an executed PA, all Federal-Aid Highway projects would be subject to Section 106 consultation between the Districts, CSO, FHWA and/or the SHPO. As discussed previously, the 2014 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 a Finding of No Adverse Effect or Adverse Effect were subject to FHWA review in addition to SHPO review. With delegation to CSO provided by the 2014 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 from the NEPA assignment, as well.

Pursuant to the MOU for NEPA Assignment, FHWA and Caltrans may agree that a project may 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 2014 PA remains applicable for projects where FHWA is NEPA Lead Agency.

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

ESTIMATED TIME SAVINGS

Table 3, below, provides comparison of consultation timeframes in accordance with the standard Section 106 process and those under the 2014 PA. These statutory review timelines provide a baseline for the projection of savings Caltrans realizes in the Section 106 program.

Table 3: Section 106 Review Timeframes

Action	36 CFR Part 800 Process	PA Process
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. In addition, the amount of time saved by streamlining the consultation process saves, at a minimum, up to 90 days that it would otherwise take under the traditional process. Some Districts tracked the hours saved by screening projects and provided the information to CSO for this Annual Report. CSO estimates additional time savings per project are based on an average of approximately 43 hours of preparation time for the average Screened Undertaking. This represents a considerable savings of labor hours among Caltrans, FHWA, and SHPO staffs. 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 PA. In addition, the ability to screen projects saves an unknown amount of valuable and 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 2014 PA require a reasonable level of effort to identify and evaluate historic properties. However, the 2014 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 2014 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 2014 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 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 2014 PA advances Caltrans’ environmental stewardship of archaeological sites by providing incentives to avoid rather than excavate them whenever possible; reducing excavations and protecting sites from construction protects the full range of their potential values as scientific data and as cultural heritage. Foregoing archaeological excavations, where possible, has saved time, public funds, and 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 2014 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 HPSR. Properties treated under this stipulation may require consultation regarding the assessment of effects with SHPO at a later date. CSO and SHPO reserve the right to provide feedback to district PQS on the application of this Stipulation.

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 2014 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 1213 Federal-Aid Highway projects Caltrans processed, only 55 were submitted to the SHPO. Of the 55 projects, SHPO provided concurrence on findings presented for 45 projects within the 30-day review period.

Time Savings for Effect Findings

Table 4 below compares the timeframes for review of effect findings under the 2014 PA to those of 36 CFR Part 800.

Table 4: Review Timeframes for Effect Findings

Action	36 CFR Part 800 Process	PA Process
Finding of No Historic Properties Affected	30-day review by SHPO	0
Finding of No Adverse Effect with Standard Conditions (NAE-SC)	NA	15-day review by CSO*
Finding of No Adverse Effect without Standard Conditions	NA	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 2014 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, resulting in a time savings of 30 days per project.

Pursuant to 36 CFR 800 a Finding of No Adverse Effect requires a 30-day review by the SHPO.

In accordance with the 2014 PA, there are two levels of No Adverse Effect: those findings with “Standard Conditions³” and those without. Prior to the 2014 PA, Findings No Adverse Effects with Standard Conditions 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. The SHPO does however; reserve its right to comment on any aspect of a consultation if it chooses to do so. These provisions of the PA result in an additional time savings of 30 days per project.

In accordance with the 2014 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 35 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 2014 PA are invaluable to the delivery of the Federal Aid Highway Program in California.

POST-REVIEW DISCOVERIES, UNANTICIPATED EFFECTS, AND ESA VIOLATIONS

The following is a summary of post-review discoveries, unanticipated effects, and ESA violations that occurred during the reporting period. From Caltrans’ perspective, it is important to note that the outcome of the events would likely have been no different without the alternate procedures of the PA. Caltrans has always emphasized thorough identification efforts be employed during the Section 106 process to avoid these kinds of post-review discoveries. Caltrans actively works to avoid such events through ongoing training of PQS and working with our partners in the Section 106 process.

District 1 – Seaside Storm Damage Repair Project

On May 24, 2015, CSO and SHPO were notified of a post-review discovery and inadvertent effect to two archaeological sites that occurred during excavation of highway fill on the eastern side of the US Route 101 near the community of Seaside. A backhoe clipped the edge of a previously unknown midden deposit that was located within the highway prism below existing pavement. The contractor was excavating a vertical cut below the edge of pavement and there was no additional excavation planned after they clipped the edge of the midden. Nearby the same location as vegetation was removed from a culvert structure, archaeological monitors discovered historic-era bottles and other material at the north and south ends of the culvert opening.

The archaeological sites were assumed eligible for the National Register of Historic Places and recorded pursuant to a Data Recovery Plan previously agreed to by Caltrans and the SHPO as a stipulation of a project Memorandum of Agreement executed in 2011. District Staff consulted with the relevant Native Americans and the recording documentation and information about the discovery and effect was provided to SHPO. The contractor then laid down filter fabric over the midden and covered the fabric with a layer of rock. Therefore, the exposed midden was covered

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

with and completely protected from further disturbance. The historic era material was reburied near the location in which it was found. SHPO responded that it had no comments but wanted to be kept apprised of additional events as necessary.

District 2 - Tauhindauli Viewing Platform Project

On September 5, 2014, CSO was notified of an ESA violation at site CA-SIS-2819/H in District 2 near the town of Dunsmuir during construction of the Tauhindauli Viewing Platform Project. A contractor crew broached the ESA boundary in order to turn their vehicle around. Damage to the site included crushed vegetation, which exposed natural soils on the berm of a pedestrian path within the construction area. In accordance with the ESA Action Plan that was in place, project activities were stopped in the immediate vicinity of the violation. During a field review at the site, consultant staff encountered a broken fragment of white improved earthenware with a partial makers mark and a small fragment of aqua glass. The damage was limited to the immediate ground surface and no additional materials were encountered.

The SHPO was notified and was provided the above information. District PQS responded with a summary of the events that took place and a plan to ensure that such a breach would not reoccur. It was concluded that the breach, while avoidable, had occurred after work activities had ended for the day within private property adjacent to the project. Because of this breach, additional safeguards have been put in place by the City of Dunsmuir and the contractor to ensure there would be no additional violations.

District 2 - Bella Biddy Roadway Rehabilitation Project.

On September 12, 2014 District 2 staff was made aware of a potential ESA violation relating to the Bella Biddy Roadway Rehabilitation Project. District staff reported the incident to CSO and SHPO. However, upon further review it was determined that an ESA had been broached but it was an ESA that was established for biological resources. Regardless PQS investigated the project site to ensure no historic properties were affected, which was eventually determined to be the case.

District 5 - Las Vegas and San Pedro Creeks Capacity Improvements Project

On May 22, 2015 CSO was informed by District 5 PQS that a Post-Review Discovery was made during construction of the Las Vegas and San Pedro Creeks Capacity Improvements Project, State Route 101, City of Goleta, Santa Barbara County (EA 05-0G0700). District 5 PQS were notified of the discovery of a cultural deposit during construction. PQS investigated the discovery and determined that it was related to archaeological site CA-SBA-60, which had previously been determined eligible for inclusion in the NRHP. Treatment of the site was completed in accordance within the terms of an existing Memorandum of Agreement for the project. Construction was halted immediately at the location and it was determined that no further construction will take place at that location until further notice.

District 11- Cabrillo Highway

On October 22, 2014, CSO and SHPO were notified of the Post-Review Discovery made during landscaping operations for a project along State Route 163 in San Diego County. Construction contractors encountered a brick wellhead in the landscaped shoulder area of State Route 163 within the boundaries of the Cabrillo Highway Historic District, (CCHD). The brick wellhead was almost at grade but was below the landscape and thin top soil; therefore, nobody noticed its

presence beforehand. Caltrans PQS visited the site and established an ESA around the well, in accordance with Stipulation XV.B.1 of the Section 106PA.

After discussion with the construction contractor, it was concluded that the construction activities could continue without impact to the wellhead. Because of the limited potential for effect, District 11 PQS assumed the resource eligible for inclusion in the National Register for the undertaking only, and designated an Environmentally Sensitive Area around the resource to protect it in place. PQS completed additional survey to determine the existence of other similar features, of which none were found. After landscaping was completed, District 11 staff planned to back-fill the well. In this way, the well will be preserved in place yet will not be exposed.

District 11- Cabrillo Highway

On November 24, 2014, District 11 PQS notified the CSO and the SHPO about a potential Inadvertent Effect to the Cabrillo Highway Historic District (CCHD) on State Route 163 in San Diego County. During the Retrofit and Rehabilitation of the Cabrillo Bridge, preexisting metal beam guardrail directly beneath the bridge was removed and replaced with concrete barrier, within the boundaries of the CCHD. It was determined by District personnel that an error was made when the guardrail was removed and replaced by concrete barrier. It was ordered by Caltrans that the barrier be removed and the area returned to its preexisting condition. District PQS determined, in consultation with CSO and SHPO, that the effects to the CCHD would not be adverse if the Secretary of Interior Standards were employed. Caltrans consulted with local partners and interested parties who agreed impacts to the property were minor and also agreed to the measures put in place to remove the wall. A thorough review of project plans was conducted to ensure no further incursions would occur.

None of the above ESA violations, post-review discoveries, and inadvertent effects were associated with projects that were Screened Undertakings. There were no other reported post-review discoveries or ESA failures associated with PA actions during the reporting period, nor were there any foreclosures. Caltrans responds to these events appropriately and continues to develop improved processes for establishing and enforcing ESAs and responding to post-review discoveries.

STATUS OF AGREEMENT DOCUMENTS AND ONGOING CONSULTATION

During fiscal year 2014-15, Caltrans and its partners executed or amended the following agreement documents. Unless otherwise noted, consultation between Caltrans, acting as FHWA, and SHPO regarding the development of the agreement documents was without issue.

- District 9 - Programmatic Agreement Among The Federal Highway Administration, The Bureau Of Land Management, The California State Historic Preservation Officer And The Advisory Council On Historic Preservation Regarding The Olancho-Cartago Four-Lane Project, Inyo County, California.

The project was not assigned to Caltrans by FHWA as part of its responsibilities under the 2012 Project Delivery Program Memorandum of Understanding (MOU), with the FHWA and therefore FHWA was the Lead Agency for purposes of Section 106 and the National Environmental Policy Act of 1969. The Advisory Council on Historic Preservation was notified of the finding pursuant to 36 CFR § 800.6(a)(1) and the ACHP has decided to

participate in consultation to develop this Agreement pursuant to 36 CFR § 800.6 (a)(1)(iii);

- District 8 - Memorandum of Agreement Between the California Department Of Transportation and the California State Historic Preservation Officer Regarding Construction of the State Route 138 Realignment Near Hesperia, San Bernardino County, California, August 2014. The Advisory Council on Historic Preservation was notified of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1) but did not participate in the development of the MOA.
- District 8 - Memorandum Of Agreement Between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Mid County Parkway Project Riverside County, California, August 2014.

The project was not assigned to Caltrans by FHWA as part of its responsibilities under the 2012 Project Delivery Program Memorandum of Understanding (MOU), with the FHWA and therefore FHWA was the Lead Agency for purposes of Section 106 and the National Environmental Policy Act of 1969. The Advisory Council on Historic Preservation was notified of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1) but did not participate in the development of the MOA.

- District 10 – Amendment to the Memorandum Of Agreement Between The California Department of Transportation and The California State Historic Preservation Officer Regarding The Replacement of Navy Drive Bridge on Rough and Ready Island, Port of Stockton, In the City of Stockton, San Joaquin County, California. January 2014.

The MOA was amended to allow for relocation of plaques that were to be placed on the bridge to a safer location in the Port’s Administrative Headquarters.

- District 6 - Memorandum of Agreement Between the California Department of Transportation and the California State Historic Preservation Officer Regarding the Centennial Corridor Project, City of Bakersfield, Kern County, California, January 2015.

The MOA addressed the resolution of adverse effects to the Rancho Vista Historic District.

- District 10 - Memorandum Of Agreement Between The California State Historic Preservation Officer And The California Department Of Transportation Regarding The Big Tree Creek Storm Water Compliance Project In Calaveras County, California January 2015.

The MOA addressed impacts to archaeological sites in the Area of Potential Effects.

During fiscal year 2014-15, Caltrans terminated the following agreement documents upon satisfactory completion of all mitigation requirements:

- District 5 – 2000 Memorandum of Agreement (MOA) for the State Route 41 Realignment Project, San Luis Obispo County, California. June 2015.
- District 6 – 1991 Memorandum of Agreement (MOA) for the State Route 180 Freeway Extension Project on State Route 180, Fresno County, California. June 2015.

During fiscal year 2014-15, PQS reported several additional projects with existing executed agreement documents in place for projects in various stages of the project development process: in the design phase, construction, or awaiting final reports. Four agreement documents are currently in development, department-wide. Information related to these projects is available

upon request.

QUALITY ASSURANCE MEASURES

Under the 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 but with 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 regularly updates the Caltrans Cultural Resources Manual in Volume II of the Caltrans Standard Environmental Reference (SER). The SER is located on the World Wide Web at <http://www.dot.ca.gov/ser/vol2/vol2.htm>.
- CSO delivered one PA training session for PQS in Sacramento in January 2015. 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.
- CSO provided focused training for Consultants in Districts 1, 4, 8.
- 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 regularly to discuss district submittals and issues that may arise relating to Caltrans compliance with Section 106.
- CSO, Districts, and OHP Project Review staff hold quarterly statewide video teleconferences to discuss policy, procedures, and workload issues.
- CSO periodically issues a Section 106 Bulletin to the districts, which discusses implementation and interpretation of policy and dissemination of information relevant to all of Caltrans staff. CSO released the latest edition in October 2014.
- CSO reviews and approves all No Adverse Effects, "Adverse Effect" reports, Memoranda of Agreements, and MOA attachments prior to transmittal to SHPO.
- CSO staff peer reviews cultural resource studies as requested by the Districts. CSO PQS staff assist districts that lack expertise in Historical Archaeology and Architectural History.
- CSO staff 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.
- CSO staff routinely conducts site visits and reviews district project files to ensure adequacy of District prepared Screened Undertakings and HPSRs, which remain in relevant District files with no further review. In FY 2014-15 CSO staff visited Districts 1, 3, 4, 6, 7, 8, and 12 to perform field reviews, review project files and provide training of Staff.

Stipulation XX.C

Pursuant to the Exclusionary Provision (Stipulation XX.C) of the 2014 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.

There were no instances of the application of this provision during the reporting period.

CONCLUSION

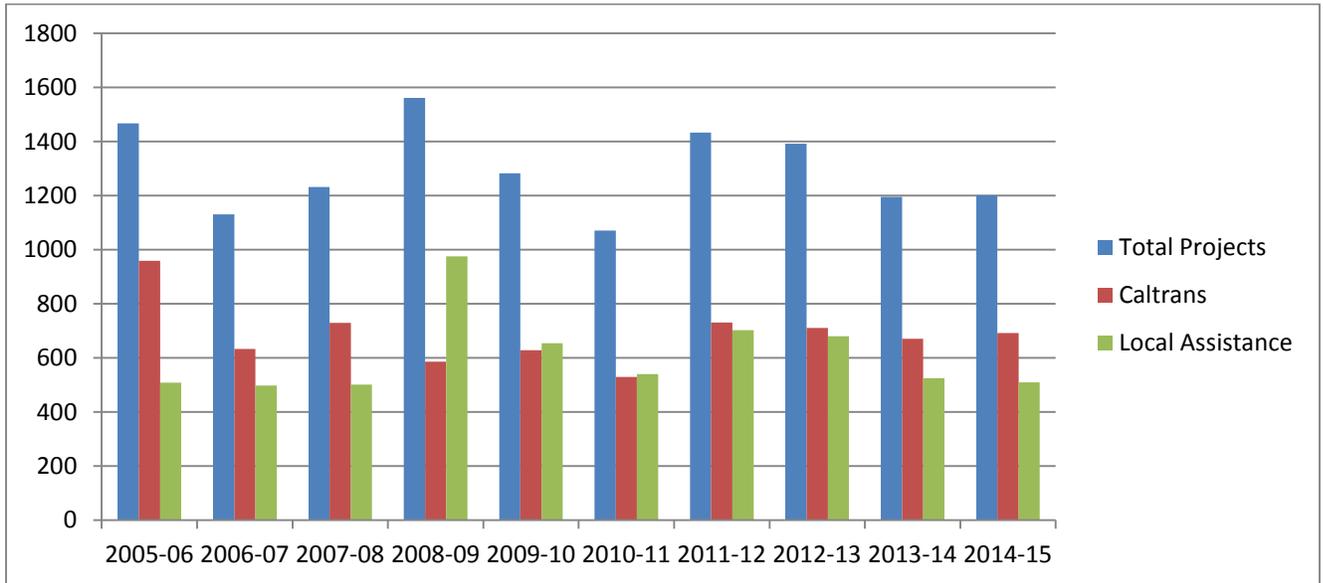
The information contained in this report demonstrates a steady and consistent program of compliance with the terms of the PA. During fiscal year 2014-2015, Caltrans District and CSO PQS processed 1213 Federal-Aid Highway projects. Nine hundred sixty-nine projects qualified as Screened Undertakings and were exempted from further Section 106 review. One Hundred-fifty four projects that did not qualify as screened undertakings were kept on file at Caltrans, as no consultation with the SHPO was required under the terms of the Section 106 PA. Thirty-five projects were reviewed by CSO in accordance with Stipulation X.B.1. Caltrans submitted 55 projects to SHPO for review. Of these projects SHPO concurred with the findings presented on 46 projects within 30 days from the day they were received. The remaining projects required additional consultation to answer questions regarding identification or evaluation efforts or to resolve effects.

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

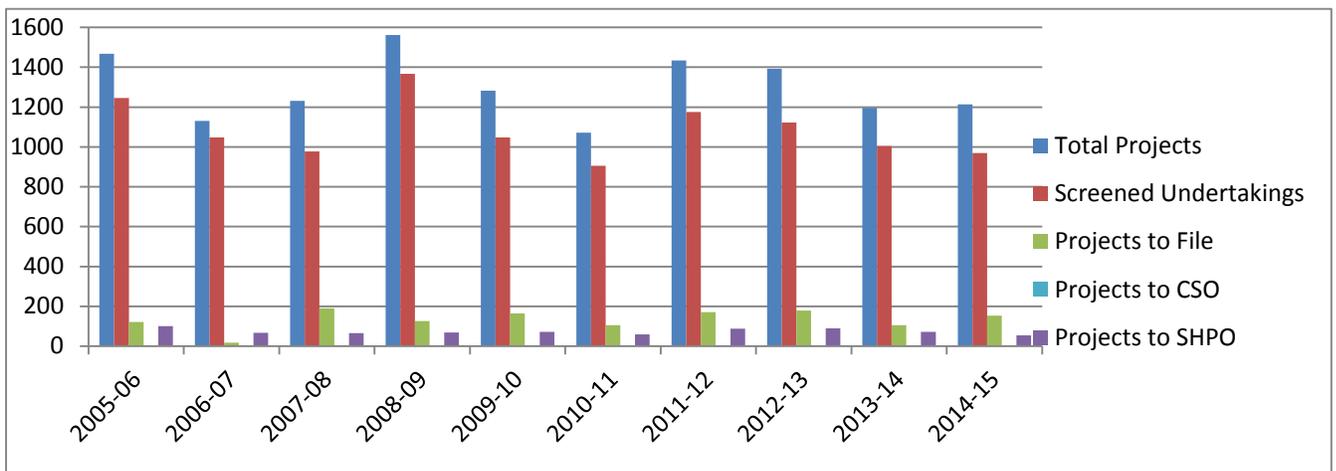
Since 2004, Caltrans' use of alternative measures to comply with Section 106 through a programmatic approach has been widely recognized as a model for other agencies. Through its innovative features, the 2014 PA continues to save Caltrans and its partners' limited valuable taxpayers resources. Caltrans believes the 2014 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 PA, and the best practices in the field of historic preservation.

Attachment 1 – PA ACTIVITIES Fiscal Years 2005-06 to 2015

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 12, 971 projects. Of the 12,971 projects, 6180 projects were on the State Highway System, (Caltrans) and the remaining 5590 projects were on local streets and roads (Local Assistance) throughout the state.



The majority of the projects, 10,862, completed between fiscal years 2005-06 to 2014-2015 were classed as Screened Undertakings and only 736 of the projects (5.66%) were submitted to SHPO for review. The remaining 1384 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 percentage of Screened Undertakings averages 84%, but it has fluctuated from a low of 78% in 2012-13 to a high of 93% in 2006-07. The use of the Screen Undertaking process continues to be a primary and important time saving tool. These totals are represented below.



Projects Submitted to SHPO – Fiscal Years 2005-06 to 2014-15

Of the 740 projects submitted to the SHPO between fiscal years 2005-06 to 2014-15, 394 projects were completed for Caltrans projects and 346 Local Assistance projects were submitted to SHPO on behalf of local agencies.

