

**SECTION 106 PA
ANNUAL REPORT**

JULY 1, 2015 - JUNE 30, 2016



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

September 2016

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* (2014 PA). The 2014 PA was executed on January 1, 2014, and will expire on December 31, 2023. The reporting period is from July 1, 2015, through June 30, 2016, 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 2004.

The 2014 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 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 (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 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 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), continues to perform FHWA's role and take on its responsibilities for compliance with the steps of the Section 106 process and has assumed a greater role as previously assigned to Caltrans under NEPA Assignment.

The results of this Annual Report reveal that Caltrans processed 1144 federal-aid highway projects during the reporting period. Of these, 60 projects required external review by the State Historic Preservation Officer (SHPO). Four projects resulted in a finding of adverse effect, and will require preparation of Memorandums 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 no violations of established Environmental Sensitive Areas (ESA). There were no new instances of Inadvertent Effects, and three projects were treated as Emergency Undertakings. Caltrans Professionally Qualified Staff (PQS), took the appropriate actions to assess the situation, consult with interested parties to consider effects to the resources, and mitigate potential 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 and delivery of PA training for statewide PQS in January 2016 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.

Through its mission, vision, and goals defined in the 2015 Strategic Management Plan, Caltrans strives for innovation, quality and commitment to its stewardship of fragile public resources. The 2014 PA is a valuable tool and its use is directly related to the Department's goals of Safety and Health; System Performance; Stewardship and Efficiency; Sustainability, Livability and Economy; and Organizational Excellence. Caltrans Professionally Qualified Staff meet these goals by promoting innovation 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 2014 PA 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 2014 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

INTRODUCTION	1
SUMMARY OF 2014 PA ACTIONS	2
PROJECT COMPLIANCE ACTIVITIES.....	3
EFFECTIVENESS OF THE PA - Estimated Time Savings	5
POST REVIEW DISCOVERIES, UNANTICIPATED EFFECTS, AND ESA VIOLATIONS...	8
STATUS OF AGREEMENT DOCUMENTS AND ONGOING CONSULTATION.....	10
QUALITY ASSURANCE MEASURES.....	11
CONCLUSION.....	13
TABLES	
Table 1: Total Activities Completed - Fiscal Year 2015-2016.....	2
Table 2: Effect Findings.....	5
Table 3: Section 106 Review Timeframes.....	6
Table 4: Review Timeframes for Effect Findings	7
FIGURES	
Figure 1: Federal-Aid Highway Projects - Fiscal Year 2015-16	3
Figure 2: Screened Undertakings - Fiscal Year 2015-2016.....	4

Attachment 1

PA ACTIVITIES 2005-20016

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 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, 2015, and June 30, 2016. 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 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. This includes district processed Screened Undertakings, or those that do not involve any cultural resources, and CSO approved Findings of No Adverse Effects with Standard Conditions. Less than five percent of projects completed by PQS 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 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 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 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 1144 Federal-Aid Highway projects during the state fiscal year 2015-16. The majority of these projects, 858 (75 percent), were exempted from further Section 106 review after appropriate review, or “screening,” by PQS.¹ An additional 163 projects (14 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 2014 PA.² CSO reviewed 43 Historic Property Survey Reports (HPSR), that included a No Adverse Effect with Standard Conditions, requiring no consultation with SHPO. Caltrans Districts and CSO submitted 60 projects (4.6 percent) of the 1144 to SHPO between July 1, 2015, and June 30, 2016. Of the 60 projects submitted to the SHPO, four were determined to have a Finding of Adverse Effect and will require additional consultation to resolve effects. 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 2015-2016

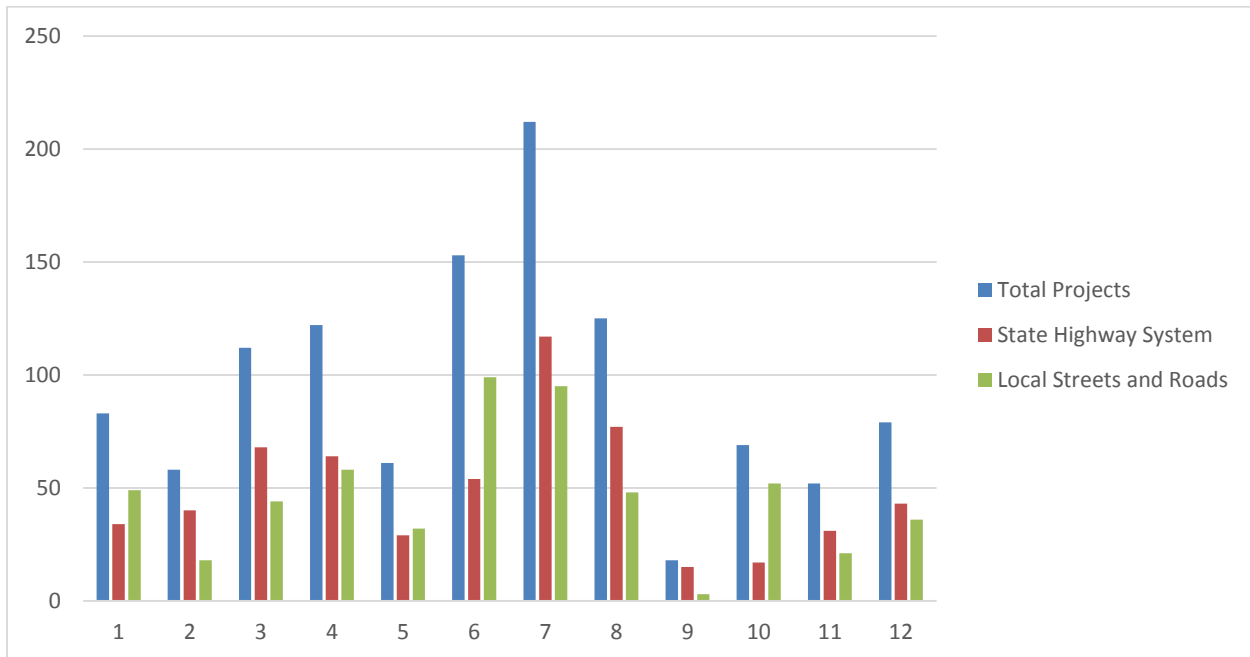
Projects Completed	
State Highway System Projects	589
Local Streets and Roads Projects	555
Number of Projects Screened	
State Highway System Projects	451
Local Streets and Roads Projects	407
Number of Projects to File	
State Highway System Projects	63
Local Streets and Roads Projects	100
HPSRs to CSO	
State Highway System Projects	28
Local Streets and Roads Projects	15
Number of Projects to SHPO	
State Highway System Projects	17
Local Streets and Roads Projects	43

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 decrease 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 2015-16



PROJECT COMPLIANCE ACTIVITIES

Projects Exempt from SHPO Review

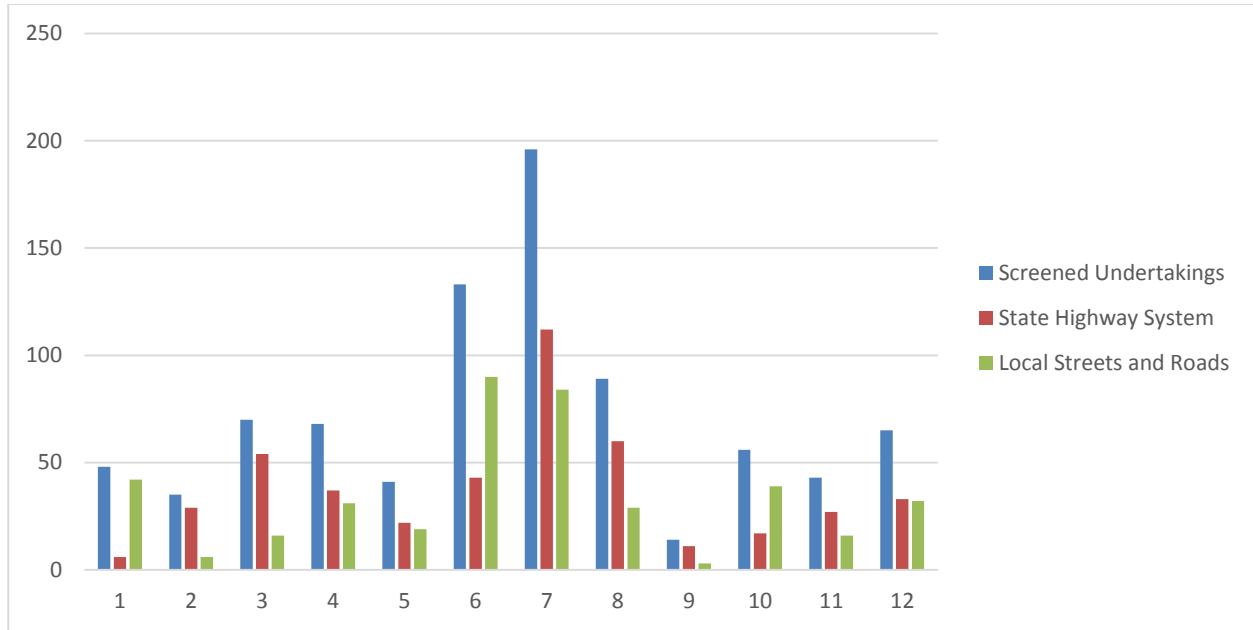
The primary streamlining tool provided by the 2014 PA is the application of Stipulation VII - Screened Undertakings. Screened Undertakings, defined in Attachment 2 of the 2014 PA, are projects that have no potential to affect properties listed on or eligible for inclusion in the National Register of 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, 858 projects (75 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 2014 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 2015-2016



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 assumed is not tracked by CSO for purposes of this report.

Effect Findings - Fiscal Year 2015-16

Of the 1144 projects, 160 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 submitted to SHPO in accordance with Stipulation IX of the 2014 PA, which is required when Caltrans has been in consultation regarding determinations of NRHP eligibility and PQS has made such a finding. Documentation of a Finding of No Historic Properties Affected 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.

In accordance with the 2014 PA, CSO reviews and approves Findings of No Adverse Effect with Standard Conditions (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. 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 43 NAE-SC findings. During the reporting period, CSO objected to no Findings of NAE-SC.

Twenty-four projects resulted in Findings of No Adverse Effect *without* Standard Conditions and four projects resulted in an 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 1144 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*	160
No Adverse Effect with Standard Conditions	43
No Adverse Effect	24
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 a greater level of 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 because of NEPA Assignment, as well.

Pursuant to the 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 2014 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 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. 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 2014 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 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 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 2014 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 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 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 in 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 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 1144 federal-aid highway projects Caltrans processed, only 60 were submitted to the SHPO. Of the 60 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, AND EMERGENCIES

The following is a summary of post-review discoveries, unanticipated effects, ESA 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 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 Valley Fire Emergency Response

On September 12, 2015, the Valley Fire began in Lake County, resulting in a Proclamation of a State of Emergency by Governor Brown for Lake and Napa counties. The fire burned thousands of acres and forced the closure of major highways and local roadways. In District 1, extensive damage occurred on State Routes 29 and 175, from PM 0.0- 17.0 and PM 16.0-28 .0, respectively.

Maintenance, Hydraulics, Construction, and Traffic Safety staff assessed the active burn area on September 14, 2015 to identify the extent and scope of repairs needed. Damages include hazardous trees, metal-beam guardrail (MBGR), signs, drainage systems, clogged ditches, unstable and denuded slopes, and other roadway impacts. Timber lagging on a retaining wall on State Route 175 at PM 23.1 was destroyed and will required repair.

³ 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.

Pursuant to Stipulation XVI.B of the PA, Caltrans District 1 contacted the CSO and notified them that historic properties would likely be affected by the Valley Fire and Caltrans' response on September 15, 2015. The same day, Caltrans District 1 began consultations with the Middletown Rancheria and Big Valley Rancheria THPOs. Likewise, the CSO notified the SHPO of the situation and that because the fire was still burning, additional damage may ensue.

Caltrans District 1 PQS determined that portions of archaeological properties P-17-002201 (Hoberg's Resort), CA-LAK-262, CA-LAK-497, CA-LAK-498 and CA-LAK-787 are within the Caltrans prescriptive or actual Right of Way (ROW). Each site has had trees removed for public safety during Caltrans' emergency response. Additional work, including MBGR repair, culvert replacement and debris removal, was anticipated near CA-LAK-497 and CA-LAK-498. Debris removal was required within the boundaries of P-17-002201. No additional work is necessary on or near CA-LAK-262 or CA-LAK-787.

Caltrans District 1 has established Environmentally Sensitive Areas where sites are known in the vicinity. Further, Restricted Work Areas have been established in an effort to protect sites particularly vulnerable to the current emergency response efforts. Please see attached maps.

District 1 - Willits Bypass Project Late Discovery

First reported in the 2012-13 Annual Report, Caltrans has maintained ongoing consultation with the SHPO, the ACHP, the FHWA and several Tribal Government Representatives regarding the Willits Bypass Project. Despite a protracted consultation effort and due to major disagreement, Caltrans and the consulting parties failed to reach agreement on a Project Level Programmatic Agreement reported in the previous Annual Report. Because of the ongoing nature and rapid change, up-to-date project details are available upon request.

District 4 - Gleason Beach Emergency Slide Repair

On May 18, 2016, District 4 Office of Maintenance notified CSO that a Director's Order had been issued to correct storm damage on State Route 1 (SR1) near Gleason Beach. A portion of the highway is failing due to undercutting caused by a slip out. The remainder of the roadway at postmile 15.5 was also considered at risk of failure if work was not completed prior to this coming storm season. Currently, only the northbound lane of traffic is operational.

The Director's Order was consistent with the issuance of a Governor's Proclamation dated April 19, 2016. The project is funded through State, Federal, and Emergency funds. Because of a lapse of time between the Governor's Proclamation, the Director's Order and project design, emergency work could not be completed within the 30-day limitation set by 36 CFR 800 and has continued to proceed within the standard Section 106 PA process rather than Emergency Stipulation XVI.

Project features are available upon request.

District 10 - Butte Fire Response

On September 9, 2015, the Butte Fire began in Amador and Calaveras counties resulting in a

Proclamation of a State of Emergency by Governor Brown for both counties.

Consultation and identification efforts for the proposed undertaking resulted in the identification four historic properties within the APE considered to be eligible for the purposes of this project only pursuant to Stipulation VIII.C.3 of the PA:

- CA-CAL-247 prehistoric habitation site
- CA-CAL-842/H ethnographic village site
- CA-CAL-843 prehistoric and/or ethnographic habitation site
- CA-CAL-1336H an historic mining site

All project effects to the above listed historic properties were avoided by the implementation of an ESA Action Plan (included as Attachment D of the enclosed HPSR). The finding for this undertaking was determined to be “No Adverse Effect with Standard Conditions-ESA” pursuant to Stipulation X.B.1.a and Attachment 5 of the PA. As fire suppression activities were still underway, Caltrans PQS worked with the Caltrans Maintenance crews, the United States Forest Service, CALFire, the Pacific Gas and Electric Company and Native American Tribes among others to ensure that the impacted state highways remained open and provided safe operation for emergency vehicles and residents. The SHPO was consulted on this emergency and had no comments.

During the reporting period, there were no other reported post-review discoveries or ESA failures associated with PA, nor were there any foreclosures. Caltrans continues to respond to these events appropriately and continues to develop improved processes for establishing and enforcing ESAs and responding to post-review discoveries. It is important to note that the outcome of the events would likely have been no different without the alternate procedures of the 2014 PA.

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 completed in a timely manner averaging ninety days without objection.

- Smartsville Road Curve Correction, 1/6/2016
- Clear Lake Oaks SRTS, 1/6/2016
- Collier SRRA, 3/2/2016
- SR 79 Realignment, 3/25/2016
- High Desert Corridor, 3/30/2016
- Wagon Trail Realignment, 3/30/2016

The above listed agreement documents are available upon request. During fiscal year 2015-16, Caltrans terminated no agreement documents from previous years. However, PQS reported eighteen additional projects with existing executed agreement documents were 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 2014 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 in cooperation with the Caltrans Professional Development Project Delivery (PDPD) program and University of California, Davis Extension, CSO developed a one-day Section 106 course for Local Assistance staff and consultants. Two sessions of the course were delivered, one delivery of the class was for Caltrans staff and the other was for external partners.
- CSO provided a one-hour Cultural Resources module at the Caltrans Environmental Academy which is mandatory training for all newly hired environmental planners.
- CSO Staff facilitated two workshops for PQS staff and management regarding Native Americans consultation, which included training on Section 106 and Caltrans consultation practices.
- CSO delivered two sessions of a class entitled Comparative Osteology, focusing on the identification of human remains; the class also provides relevant discussion on Section 106 policies.
- 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,
- In May 2016, CSO introduced the Cultural Call Bulletin, which discusses implementation and interpretation of policy and dissemination of information relevant to all of Caltrans staff. CSO released the latest edition in July 2016.

- CSO staff presented a Poster Session at the March 2016 Annual Meeting of the Society of California Archaeology regarding Caltrans guidance to address potential effects to archaeological sites, specifically addressing evaluations and treatments in relation to SHPO policy prescriptions and consultation required under the 2014 PA.
- CSO staff attended the California THPO/SHPO 2015 Summit and presented guidance on Caltrans Emergency procedures.
- 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.
- 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 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 2015-2016 CSO staff visited Districts 3, 7, 8, and 12 to perform field reviews, review project files and provide training of Staff.
- Staff from the Advisory Council on Historic Preservation and the Office of Historic Preservation are routinely invited to attend District site visits, and other meetings to provide early coordination regarding issues that occur during survey and document preparation. ACHP and/or SHPO staff attended two such Field Reviews for projects in Districts 7 and 8 in March and April 2016.

Stipulation XX.C

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

While there was no formal request from any signatory to the PA to invoke any type of exclusion related to this Stipulation XX.C, the SHPO has raised concerns and identified several inconsistencies in the quality of documents originating from one district. While not required to do so, the Caltrans Chief of Environmental Analysis, the CSO Chief, and District Management have begun developing a Plan of Corrective Action to be provided to the SHPO to ensure the adequate level of Quality Control at the District level. Results of this plan will be shared in the next 2016-2017 Annual Report.

CONCLUSION

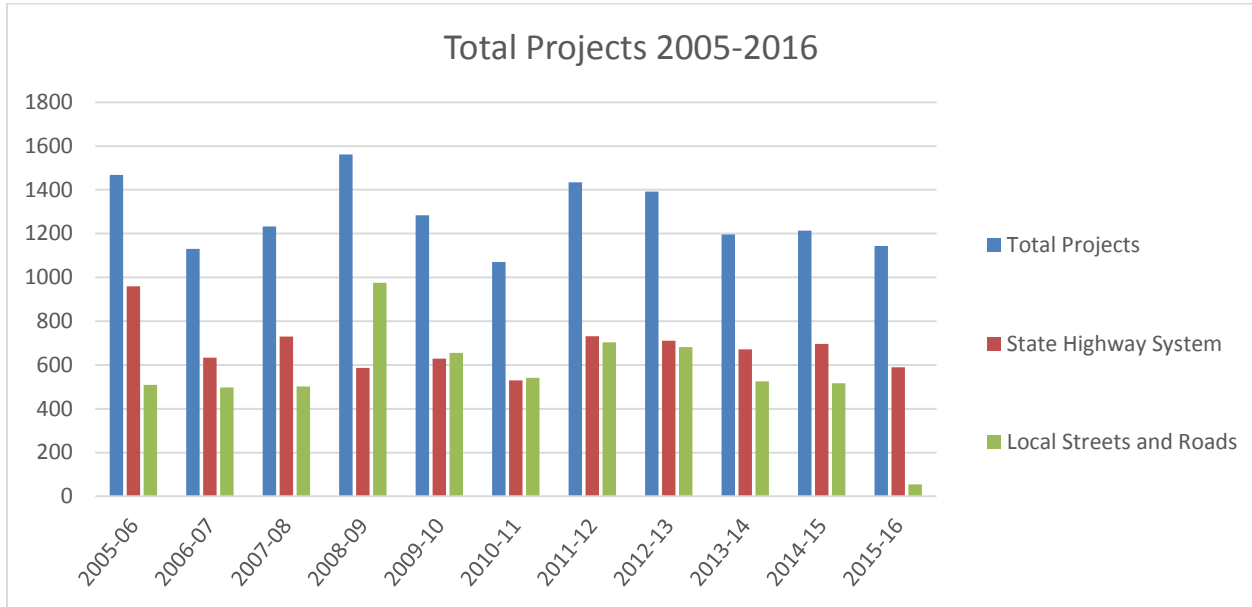
The information contained in this report demonstrates a steady and consistent program of compliance with the terms of the PA. During fiscal year 2015-2016, Caltrans District and CSO PQS processed 1144 Federal-Aid Highway projects. Eight hundred fifty-eight projects qualified as Screened Undertakings and were exempted from further Section 106 review. One hundred forty 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. Forty-three projects were reviewed by CSO in accordance with Stipulation X.B.1. Sixty projects were submitted to SHPO for review. Four projects resulted in a Finding of Adverse Effect, which will require additional consultation 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.

Caltrans current mission is to provide a Safe, Sustainable, Integrated and Efficient Transportation System to enhance California's Economy and Livability. The Caltrans Mission, Vision, and Goals are defined in the 2015 the Caltrans Strategic Management Plan (SMP). The 2014 Section 106 PA meets or exceeds the standards provided in the SMP by providing efficient and innovative 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 2014 PA continues to save Caltrans and its partners' limited valuable taxpayer 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 2016

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 14,126 projects. Of the 14,126 projects, 7465 projects were on the State Highway System, (Caltrans) and the remaining projects were on local streets and roads (Local Assistance) throughout the state.



The majority of the projects, 11,720, completed between fiscal years 2005-06 to 2015-2016 were classed as Screened Undertakings and only 796 of the projects (5.63%) were submitted to SHPO for review. The remaining 1495 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 since 2005 averages 82.71%, The use of the Screen Undertaking process continues to be a primary and important time saving tool. The table below represents these totals.

