

**SECTION 106
PROGRAMMATIC AGREEMENT
ANNUAL REPORT**

JULY 1, 2016 - JUNE 30, 2017



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

September 2017

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, 2016, through June 30, 2017, and is provided in accordance with stipulation XX.G.2 and XX.G.4 of the 2014 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 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 their 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 renewed the MOU with FHWA in 2017, 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 and have assumed a greater role as previously assigned to Caltrans under NEPA Assignment.

The results of this Annual Report reveal that Caltrans processed 1267 federal-aid highway projects during the reporting period. Of these, 35 projects required external review by the State Historic Preservation Officer (SHPO). Ten 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 one violation of established Environmental Sensitive Areas (ESA). There was one new instance of Inadvertent Effects and two projects were treated as Emergency Undertakings. Caltrans Professionally Qualified Staff (PQS) took the appropriate actions to assess the situations, 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 2017 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 11-12.

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 PQS 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.

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PA ACTIVITIES 2005-2017

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, 2016, and June 30, 2017. 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 U.S. 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 1267 Federal-Aid Highway projects during the state fiscal year 2016-17. The majority of these projects, 1023 (80 percent), were exempted from further Section 106 review after appropriate review, or “screening,” by PQS.¹ An additional 176 projects (14 percent) that did not qualify as screened undertakings were kept on file at Caltrans, as no consultation with the SHPO or CSO was required under the terms of the 2014 PA.² CSO reviewed 33 Historic Property Survey Reports (HPSR), that included a No Adverse Effect with Standard Conditions (2.6 percent), requiring no consultation with SHPO. Caltrans Districts and CSO submitted 35 projects (2.7 percent) of the 1144 to SHPO for consultation on effects between July 1, 2016, and June 30, 2017. Of the 35 projects submitted to the SHPO, ten 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

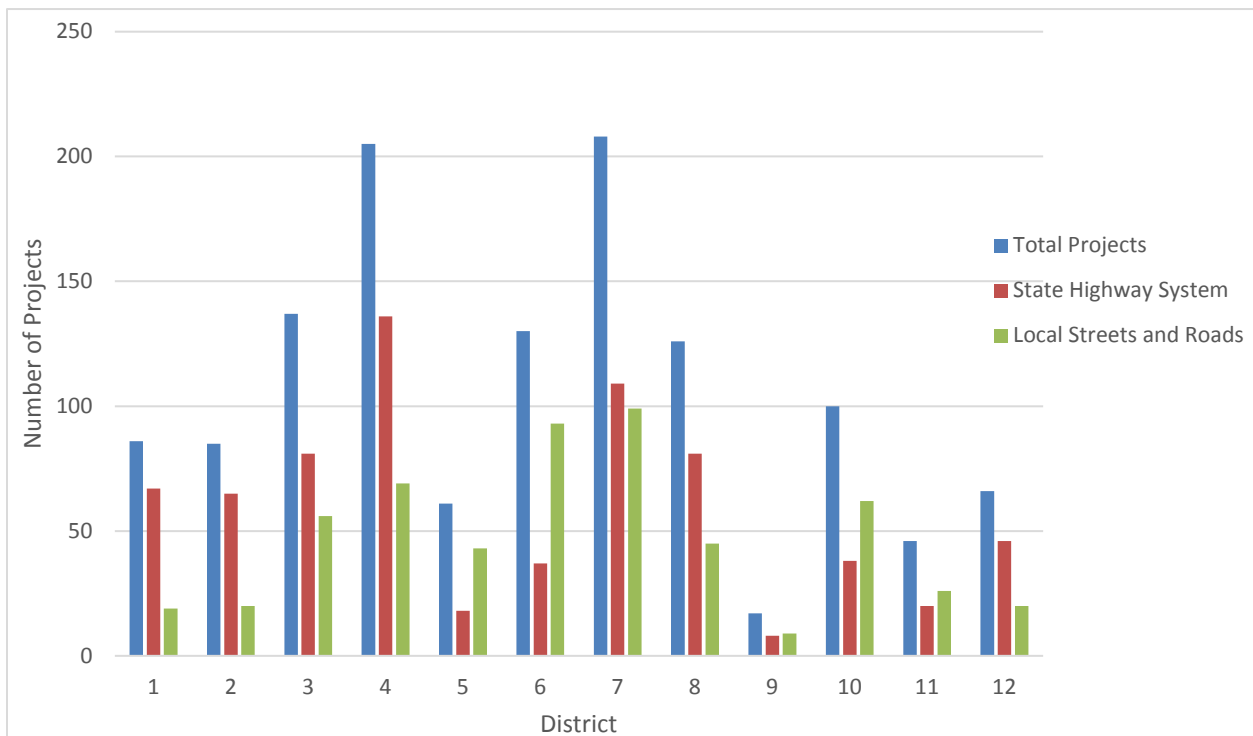
Projects Completed = 1267	
State Highway System Projects	706
Local Streets and Roads Projects	561
Number of Projects Screened = 1023 (80%)	
State Highway System Projects	601
Local Streets and Roads Projects	422
Number of Projects to File = 176 (14%)	
State Highway System Projects	60
Local Streets and Roads Projects	116
HPSRs to CSO = 33 (2.6%)	
State Highway System Projects	25
Local Streets and Roads Projects	8
Number of Projects to SHPO = 35 (2.7%)	
State Highway System Projects	20
Local Streets and Roads Projects	15

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 generally processed more Federal-Aid Highway projects than did their local agency partners (with Districts 5, 6, 9, 10, and 11 as the exceptions); likewise SHPO reviewed more State Highway System projects than Local Assistance projects.

Figure 1: Federal-Aid Highway Projects - Fiscal Year 2016-17



PROJECT COMPLIANCE ACTIVITIES

Projects Exempt from SHPO Review

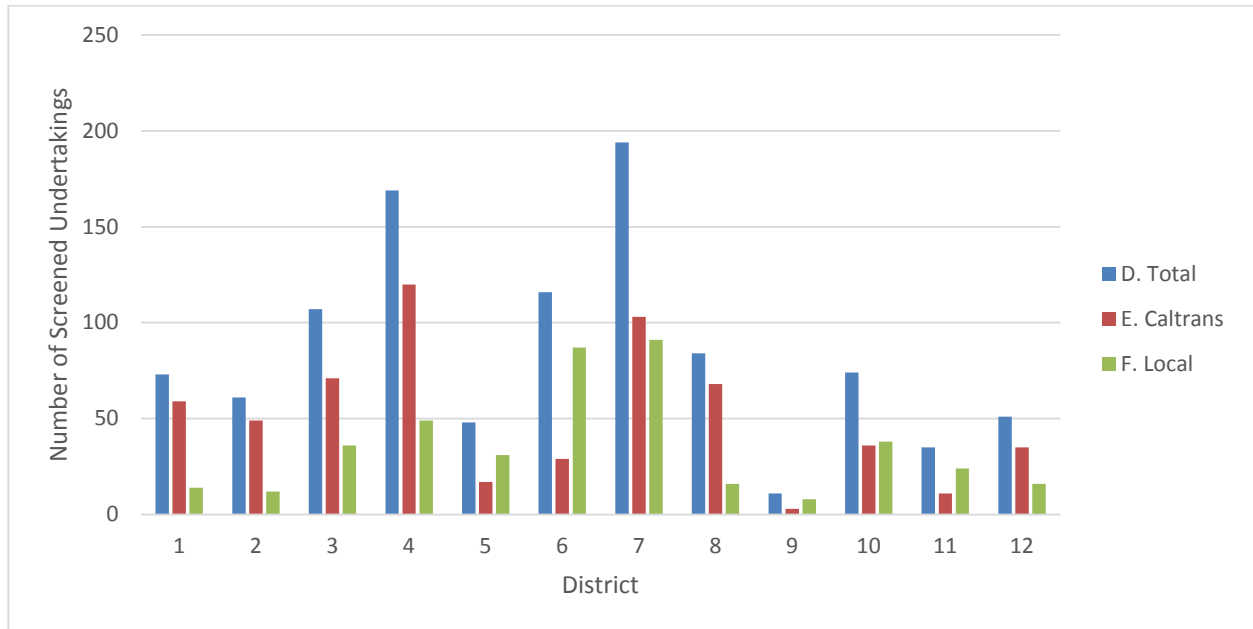
The primary streamlining tool provided by the 2014 PA is the application of Stipulation VII - Screened Undertakings. Screened Undertakings, defined in Attachment 2 of the 2014 PA, are projects that have no potential to affect properties listed on or eligible for inclusion in the National Register of 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, 1023 projects (80 percent) qualified as “screened undertakings” and were exempt from further review. The projects that were screened moved through the Section

106 compliance process promptly; 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 2016-2017



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, and therefore the total number of properties formally evaluated is not tracked by CSO for purposes of this report. Likewise, the total number of properties for which a determination of eligibility is assumed for the purposes of the project per Stipulation VIII.C.4 is also not tracked by CSO for purposes of this report.

Effect Findings - Fiscal Year 2016-17

Of the 1267 projects, 240 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 (176 projects) as well as 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 (64 projects). 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.

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 33 NAE-SC findings. During the reporting period, CSO objected to none of the Findings of NAE-SC once comments had been addressed through revisions.

Twenty-five projects resulted in Findings of No Adverse Effect *without* Standard Conditions and ten 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, the 68 projects that resulted in effect findings requiring consultation with CSO and the SHPO represent only 5.3 percent of the 1267 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*	240
No Adverse Effect with Standard Conditions	33
No Adverse Effect	25
Adverse Effect	10

*Combined total for findings made by District to file and those sent to SHPO as notification as part of a Determination of Eligibility.

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 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 1267 federal-aid highway projects Caltrans processed, only 35 were submitted to the SHPO. **Of the 35 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. 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 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 10 AMA-49 AC Overlay CAPM – ESA Violation

The AMA-49 AC Overlay CAPM Project included ESAs for four archaeological sites. CA-AMA-491, a prehistoric site, was delineated on project plans to restrict access and monitored during construction. Despite the formal depiction on the RE Pending File and monitoring, one electrical box was installed within the western edge of the site CA-AMA-491 site boundary.

On July 19, 2016, Caltrans’ Electrical Inspector-Howard Hill, project archaeologist Raymond Benson, and Debra Grimes, Tribal Cultural Resources Specialist of the Calaveras Band of Mi-

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.

Wuk Indians, met on-site to review and discuss resolution of the ESA violation. Ms. Grimes determined that the electrical box was to be relocated outside of the site boundary, and that she or someone designated from her Tribe as monitor will be on-site during this removal activity. It was also expressed that soils from this activity are to remain on-site and if soils are needed to backfill, only soils from the earlier construction spoils of the archaeological site boundary will be used. This information and exchange was documented in the project file on August 3, 2016.

District 2 PLU-70 Feather River Highway Historic District Emergency Repair

On February 6, 2017, heavy rainfall and snow melt in Plumas County caused damage along State Route 70, resulting in a Director's Order for emergency work to repair the highway. This work included embankment reconstruction with Grouted Rock Slope Protection (RSP), slide removal, reconstruction of the shoulder and embankments, and reconstruction of undermined pavements and asphalt paving. Some of the locations identified in the Director's Order were within the Feather River Highway Historic District.

Pursuant to Stipulation XVI.B of the PA, Caltrans District 2 contacted CSO and SHPO on February 28, 2016, notifying them that while the majority of the work was screenable, three historic properties may be affected. Staff surveyed the area on February 22, 2017, and initiated consultation with the Plumas National Forest archaeologist. SHPO agreed to the use of emergency procedures on March 3, 2017.

As repair needs were refined, it was determined that only one historic resource, a masonry retaining wall with parapet railing at PM 35.4, was damaged by the storm and required stabilization. The District has been working with geotechnical specialists to devise a plan for wall stabilization. The original project scope called for removal of the historic wall and replacement with a new soldier pile wall. Since that time, a revised plan has accommodated retention of the historic wall with a new soldier pile wall reinforcing it from behind. However, the scope will still adversely affect the contributing feature, and District 2 is proposing mitigation in the form of re-evaluation of the historic district. District 2 and CSO have remained in contact with SHPO throughout the project and requested an extension per Stipulation XVI.B.

District 2 TRI-299 Big French Creek Slide Emergency Repair

In December 2016, an already unstable slide location on State Route 299 in Trinity County experienced further destabilization due to heavy rains that closed the road. An emergency declaration was made on December 20, 2016, to remove debris from the roadway, maintenance repair to the road, and disposal of earthen material. In order to reopen State Route 299 and ease the slide, Caltrans needed to construct a road to the top of the slide to remove material and lessen the load.

Pursuant to Stipulation XVI.B of the PA, Caltrans District 2 contacted CSO on December 15, 2016 notifying them of the situation. At the same time, the District began consultation with local Native American tribes, Shasta-Trinity National Forest, and Trinity County Historical Society regarding potential cultural resources within the area. SHPO agreed to the use of emergency procedures on December 20, 2016.

The District anticipated a finding of No Adverse Effect with Standard Conditions – ESA to

protect a historic-era bridge and historic-era mule trail, both assumed eligible for the purposes of the project. Long-term rainstorms and negotiations for disposal sites have delayed finalization of the project, so the District has been providing weekly update reports to SHPO and CSO. As such, the District received 60-day extensions on January 23, 2017 and March 21, 2017, and a 90-day extension on July 18, 2017.

District 3 ED-50 Kyburz Culvert Inadvertent Effect

An emergency project was initiated on March 17, 2017, when a historic culvert failed on State Route 50 in El Dorado County. The failing system created a situation whereby the water run-off bypassed a clogged drainage system (an old culvert) and was undercutting the SR 50 and flooding an adjacent property. The drainage system is a part of the unevaluated historic Kyburz Lodge. On March 20, 2017, a District 3 PQS historical archaeologist reviewed the project location to assess the work proposed for construction within the boundaries of the Kyburz Lodge. As a result of the field review, which included conversations with the Construction crew regarding construction method options, Caltrans PQS established that, during construction, the wall and culvert associated with the Kyburz Lodge could be protected by the use of a PQS monitor. The PQS determined that there was no potential to affect historic properties as long as a monitor was present during any construction activities taking place nearby the culvert and wall.

The intent of the emergency project was to build a new culvert system bypassing the old culvert. By redirecting the water from the old culvert, Caltrans District 3 found out during construction they were redirecting water from a property that owned the rights to that water. Therefore, redirecting a portion of that water back to the property became an action under the original emergency project – an expansion of the original scope. Caltrans District 3 notified SHPO on May 4, 2017, under Stipulation XVI of the PA.

A trench was excavated on May 11, 2017, to install a pipe to take a portion of the water that was originally redirected from the culvert back under the road running it into a newer portion of the historic culvert so that it will follow its old flow across the property. A District 3 Architectural Historian monitored the work.

Ultimately the work did have an effect on portions of a historic-era culvert, as Caltrans had to remove pieces of the historic granite culvert that may date as early as the 1860s, destroyed a portion of the culvert extension likely built in the 1930s, and because the culvert was bypassed, removed the culvert’s historical function and reason for existence. District 3 is currently researching both the Kyburz Lodge and the historic-era features in the town of Kyburz that may make up a historic district centered around a theme of transportation along the Placerville Wagon Road/Highway 50, believed to be eligible for the National Register under Criteria A and D. Once evaluation is complete, they will pursue mitigation in the form of interpretive panels or signs that discusses the history of Kyburz and Highway 50. Consultation with SHPO is ongoing.

STATUS OF AGREEMENT DOCUMENTS AND ONGOING CONSULTATION

During fiscal year 2016-17, Caltrans and its partners executed or amended the following 14 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.

- D8 SR-395 Median Buffers 09/02/2016

• D3 Colusa Pavement Rehabilitation	09/13/2016
• D2 Klamath River Bridges	11/08/2016
• D5 San Lorenzo Bridge Replacement	12/23/2016
• D5 Marsh Street Bridge Replacement	12/23/2016
• D9 Towne Pass Curve Correction	12/23/2016
• D10 Pitt Street Bridge Replacement	12/23/2016
• D3 Echo Summit Viaduct	12/23/2016
• D8 City Creek Bridge Rails	04/13/2017
• D9 Aspen Fales Shoulder Widening	04/21/2017
• D4 Niles Canyon Safety Improvements	06/05/2017
• D3 Timbuctoo Shoulder Widening	06/23/2017
• D7 SR-138 Northwest	06/23/2017
• D7 Arroyo Seco Parkway	06/26/2017

The above listed agreement documents are available upon request. During fiscal year 2016-17, Caltrans terminated no agreement documents from previous years. However, PQS reported 20 additional projects with existing executed agreement documents were in place for projects in various stages of the project development process. 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, 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 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 2016. 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 Capital Project Skill Development (CPSD) program and University of California, Davis Extension, CSO developed a one-day Section 106 course for Local Assistance staff and consultants. One session of the course was delivered for external partners in D7 in January 2017.
- CSO provided a one-hour Cultural Resources module at the Caltrans Environmental

Academy which is mandatory training for all newly hired environmental planners.

- CSO delivered two sessions of a class entitled Lithics Analysis Workshop in September and October 2016, focusing on identification and analysis of lithics during archaeological survey and excavation.
- CSO delivered one session of a class entitled Decision to Monitor in April 2017, focusing on the rationale, decision thresholds, planning, and methods for incorporating monitoring into the activities associated with construction of transportation projects; 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,
- CSO maintains the Cultural Call Bulletin, which discusses implementation and interpretation of policy and dissemination of information relevant to all of Caltrans staff.
- 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. CSO staff visited District 7 the 16-17 fiscal year to perform field reviews, review project files and provide training of Staff, and continues to visit the remaining districts during the current 17-18 fiscal year.
- 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.

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.

Last fiscal year the SHPO 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 developed a Plan of Corrective Action to the SHPO to ensure the adequate level of Quality Control at the District level. To date, all elements of the plan have been enacted, including: hiring of one archaeologist with approval to hire four more, monitoring contracted work and utilizing CSO to provide input on Historical Archaeology service contracts, delivering a Section 106 PA training aimed at consultants and local agency staff, and building in additional review time for OHP staff for large projects. The inconsistencies have been addressed and the district is currently in good standing.

CONCLUSION

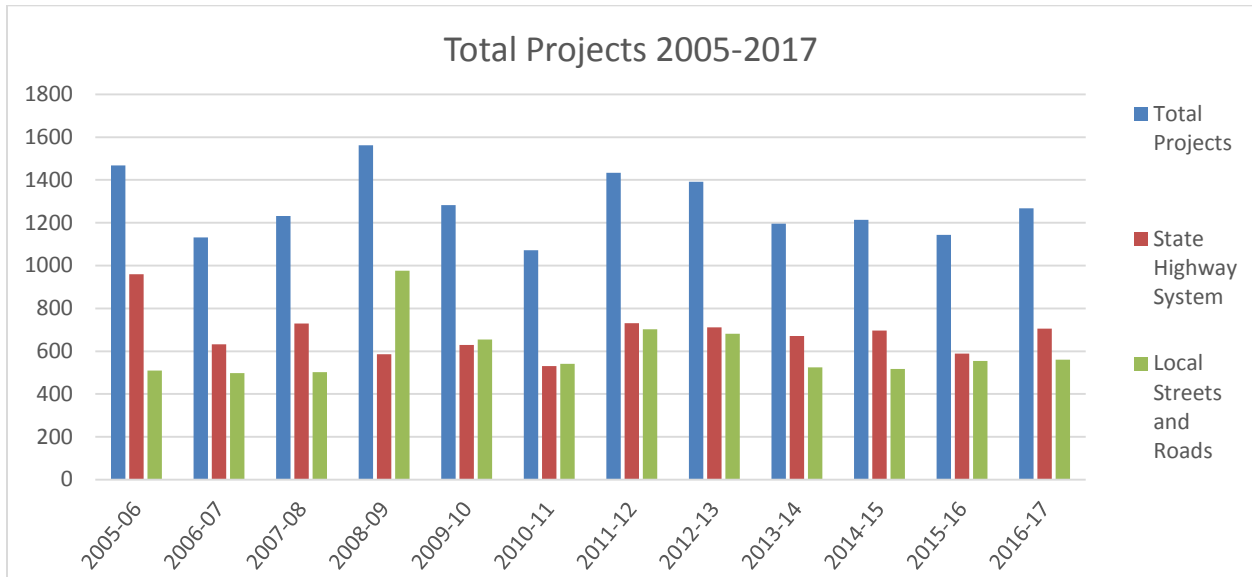
The information contained in this report demonstrates a steady and consistent program of compliance with the terms of the PA. During fiscal year 2016-2017, Caltrans District and CSO PQS processed 1267 Federal-Aid Highway projects. Of those, 1023 projects qualified as Screened Undertakings and were exempted from further Section 106 review. There were 176 projects that did not qualify as screened undertakings and were kept on file at Caltrans, as no consultation with the SHPO was required under the terms of the Section 106 PA. Thirty-three projects were reviewed by CSO in accordance with Stipulation X.B.1. Thirty-five were submitted to SHPO for review, and 10 of these 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 cooperatively to develop policy procedures that adequately address concerns that occur during project development.

Caltrans' mission is to "Provide a Safe, Sustainable, Integrated and Efficient Transposition 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 2014 PA, and the best practices in the field of historic preservation.

Attachment 1 – PA ACTIVITIES Fiscal Years 2005-06 to 2017

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 15,393 projects. Of the 15,393 projects, 8,171 projects were on the State Highway System, (Caltrans) and the remaining 7,223 projects were on local streets and roads (Local Assistance) throughout the state.



The majority of the projects, 12,740 (or 83.88%), completed between fiscal years 2005-06 to 2016-2017 were classed as Screened Undertakings and only 831 of the projects (5.40%) were submitted to SHPO for review. The remaining 2,132 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 represents these totals.

